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Elected Police and Crime Commissioners: An Experiment in Democratic Policing

DPhil Criminology

Abstract

In this thesis, I explore the ways in which Police and Crime Commissioners (PCCs) have met a declared policy intention to create greater democratic accountability around policing and crime. I conceptualise PCCs as a piece of a broader democratic puzzle and explore both how they have been positioned and shaped within the broader policing and crime nexus across England and Wales. In considering the positioning of PCCs, I use data from case studies and interviews with 32 (out of 41) PCCs to identify how they have begun to develop relationships with the public and local, regional and national partners. The findings suggest that with the exception of their abilities to join up local crime reduction services, PCCs occupy an awkward space – not local enough to be meaningfully representative of the public they serve, but not outwardly-facing enough to manage wider co-ordination of policing. Subsequently, I investigate the shape of the PCC model to deliver greater accountability by focusing on the ways in which PCCs have begun to envisage the role and develop relationships with other key stakeholders. Varied responses from PCCs across the country reflected the broad-ranging nature of the role, which in some cases appeared to undermine their ability to fully perform all aspects of the job. I argue that this became particularly accentuated in emerging relationships with chief constables and Police and Crime Panels, where the single PCC model exposes accountability to dangers of personalities and politics. I conclude by arguing that while many PCCs have facilitated various components of democratic accountability within the management of policing and crime-reduction services, the PCC model appears to be misplaced and misshaped to effectively complete the puzzle of democratic policing.

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Table of abbreviations

ACPO	Association of Chief Police Officers
APA	Association of Police Authorities
APCC	Association of Police and Crime Commissioners
ASB	Anti-social Behaviour
BCU	Basic Command Unit
CC	Chief Constable
CDRP	Crime and Disorder Reduction Partnership
CRC	Crime Reduction Co-ordinator
CSP	Community Safety Partnership
HASC	Home Affairs Select Committee
HMIC	Her Majesty's Inspectorate of Constabulary
NCA	National Crime Agency
NPIA	National Police Improvement Agency
NPT	Neighbourhood Police Team
OPCC	Office of Police and Crime Commissioner
PCC	Police and Crime Commissioner
PMCA	Police and Magistrates Courts Act 1994
PRSRA	Police Reform and Social Responsibility Act 2011
SOCA	Serious Organised Crime Agency

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Acknowledgements

I would like to acknowledge the generosity of the Police Foundation and Green Templeton College for collaboratively funding this PhD, without which this work would not have been possible.

My most sincere gratitude goes to my supervisor, Professor Ian Loader, who has provided authoritative and insightful guidance throughout the course of the thesis. I am hugely fortunate to have benefited from his wisdom, vast subject knowledge and overall ability to see the bigger picture. I have learnt a great deal from his approach and I am honoured to have had his encouragement throughout.

I also owe special thanks to Dr. Jacqui Karn, formerly of the Police Foundation. Jacqui offered invaluable supervision in the early stages of the research, from its inception through to the completion of the fieldwork. I am grateful in particular for the methodological expertise she offered, alongside her contributions to the overall content. Her input and 'over-commenting' was greatly missed in the latter stages of the thesis. I would also like to thank others at the Police Foundation who gave their support at various stages of the work: Jon Collins, John Graham, Abie Longstaff and Gavin Hales.

I am grateful to all those who took the time to participate in my research, particularly all the Police and Crime Commissioners and the other stakeholders, without whom this work would not have happened. I would like to say a special thank you to former West Midlands PCC, Bob Jones, who sadly passed away during the course of the research. My interview with Bob was one of the most open, engaging and insightful conversations I had and contributed a great deal to the work.

Comments from Dr. Ben Bradford, Professor Lucia Zedner, and Dr. Alpa Parmar at the Centre for Criminology also proved to be highly valuable in the (re)formulation of key ideas and methodologies. There are a number of other people affiliated with the Centre who not only contributed to the development of the thesis, but also made this experience so much more than just the words written below. To name just a few in no particular order, these include Dr. Harry Annison, Dr. Chris Giacomantonio, Dr. Andrew Faull, Yael Litmanovitz, as well as all the other great minds who participated in fruitful discussions in the Police and Policing Discussion Group and the Criminology Discussion Group. The conversations I had with all these people provided countless moments of inspiration, motivation and ideas which undoubtedly found their way into this thesis in one form or another.

Lastly, but very definitely not least, I must thank those around me who had their own unique part to play in the formation of this thesis, including my family and those nearest to me. Marie-Eve, you have listened to me talk about this enough to have a PhD of your own. Your patience, understanding and constant encouragement have made this a truly rewarding and worthwhile experience which I would not have been able to share with anyone else.

Introduction

Under the Police Reform and Social Responsibility Act (PRSRA) 2011, the Coalition government introduced directly elected Police and Crime Commissioners (PCCs), alongside new Police and Crime Panels in England and Wales. This was intended to represent a major shift in the governance of the police, from central to local accountability and from bureaucratic remoteness to democratic responsiveness. In November 2012, 41 PCCs outside of London were elected by citizens in their local police force areas. PCCs are mandated with powers to hold Chief Constables to account, including the power to set police priorities, dismiss chief constables (with and without cause) and direct police and crime reduction budgets, which has significant implications for policing in England and Wales.

Since the formulation of the modern tripartite structure of policing under the Police Act 1964, the issue of democratic accountability has been a hotly contested subject. It is typically claimed that local police authorities (representative of the democratic arm of the police) were subordinate to Chief Constables and the Home Office (for example, Jefferson & Grimshaw 1984; Reiner 2010; Walker 2000). This became especially evident through the 1980s, when large scale public disorder highlighted the incapacity of local police authorities to engage local communities (Cousin, Fine & Millar 1985; Scarman 1981). Central control of the police was strengthened with the proliferation of managerialist techniques of governance under the Conservative government in the 1980s and 1990s, followed by further business-like strategies under New Labour in the 2000s. This resulted in a 'democratic deficit' (Bowling and Foster 2002) in policing, where many local citizens were unaware of their local police authorities (Flanagan 2008). Where

they did know of their existence, the public often felt they had little voice in their local policing strategies (Bowling & Foster 2002; Docking 2003; Myhill et al. 2003). Consequently, all three main political parties advocated for change from the status quo by the time of the 2010 general elections. For the Conservatives (and the Coalition government after the 2010 elections), PCCs were seen as *the* shift that was required to reinstate democratic accountability in policing. The election of a single figure to control a public service in this manner is constitutionally unique in England and Wales. What makes this policy even more remarkable is the fact that it symbolises a sharp contrast with the Conservative approach to democratic accountability in the 1980s, in which democratic reforms were fiercely resisted for fears of encroaching upon the operational independence of the police.

For these reasons, the policy might be regarded as an experiment in democratic policing (although this is not a view necessarily shared by the government). It is therefore of considerable importance to examine the introduction of this policy and this research represents a unique opportunity to follow its implementation. In this thesis, I explore how the role of PCCs and their associated new mechanisms of accountability have unfolded in practice since their introduction. In particular, through this research, I examine the ways in which the developments fulfil or fall short of a declared policy intention to create more democratic accountability around issues of crime reduction and policing. Through an investigation of some of the early trends in the PCC policy, I identify some of the intentions, expectations and initial impressions of those involved in both implementing and receiving the policy. This examination, situated within a wider theoretical reading of democratic policing, will help to provide a set of criteria by which one might judge the efficacy

of PCCs and in doing so, the research will provide substantial contribution to the field of police governance.

Methodology

Research questions

To assess the ways in which the developments fulfil or fall short of a declared policy intention to create more democratic accountability around issues of crime reduction and policing, I identified three underlying areas of investigation, centred on the formation of the policy, the electoral process and initial impact of PCCs. Each focus is driven by the following key questions:

1. Formation and meaning

- What problems has the policy set out to solve?
- Why has the policy taken the shape of PCCs?
- Where do PCCs sit within broader theory on democratic policing?

2. Electoral process

- If the elections were a means of institutionalising democratic accountability, to what extent did they meet this aim?

3. Initial impact

- How do PCCs perceive their role and how does this compare to the policy intentions?
- How have the mechanisms of police accountability unfolded?
- How do PCCs facilitate or inhibit democratic accountability – measured both by the standards set out by government and the principles of democratic theory?

Scope

These questions are normatively driven, concerned with how PCCs should be understood within a broader political and theoretical framework relating to democratic accountability. Given the novelty of the PCC policy, my enquiry is fundamentally explorative in nature, driven by a desire to understand how the policy was being interpreted by key stakeholders and how these views then compared to broader theoretical concepts of democracy and accountability. These interests suited a qualitative research design, since, as Bachman & Schutt (2011) caution: 'previously unstudied attitudes and actions cannot adequately be understood with a structured set of questions or within a highly controlled experiment' (p.254). As such, I deemed it essential to hear the views of those involved in the formation of the policy and those receiving it on the ground. I chose to do this by primarily using semi-structured interviews across a number of different sites. I did not attempt to evaluate the impact of PCCs on crime, but instead focused on the ways in which the new system of accountability was understood by PCCs, politicians and other voices interested in local policing and crime reduction.

Research location

I wanted to develop a rich empirical account of the PCC policy as it unfolded, from the time of the candidates' campaigns through to PCCs' first six months in office.¹ A case study approach was most appealing as it allowed me to build a detailed picture of how the policy was rolling out in a particular local context. The selection of the case study site was primarily a pragmatic one, since it was a force in close

¹ This was a practically driven choice, since I began the PhD in October 2011, which afforded me 10 months to develop a robust methodological and theoretical framework prior to the election of PCCs. The fieldwork phase lasted 12 months, between August 2012 and July 2013, which provided a clear window to viewing the introduction and implementation of the PCC policy.

proximity to my place of residence, which was important to be able to observe the development of the policy in close detail. But this site, a large and diverse non-metropolitan force, was also of particular interest because its size was likely to present a significant challenge to a 'local' commissioner, and might therefore provide some indications regarding the limits of the PCC model. Indeed, I later discovered that some of the policy architects had some concerns about the suitability of the PCC model for this particular force area – something I discuss further in Chapter 1. This site therefore appeared to be suitable for a case study for both empirical and practical reasons.

Before definitively selecting this site, I first wanted to ensure that I had buy-in from both the Chief Constable and the prospective PCC candidates. It was important to do this to avoid a situation after the election in which the Chief Constable or PCC decided to deny me access to the field (i.e. refusing to participate in follow-up interviews with themselves and/or access to other potential participants and information more generally). By familiarising myself with them beforehand and obtaining preliminary verbal consent, I was able to mitigate this risk. I had planned to interview both the Chief Constable and prospective candidates prior to the elections and then conduct follow-up interviews six to eight months after the elections in order to identify evolving perceptions of the role. The first set of interviews therefore provided a perfect opportunity to broach the subject of conducting further fieldwork in the force area. In my interview request letters to the chief constable and candidates, I introduced the idea that this interview would form part of a longer piece of research in the force area and stated that this was something we could discuss further in the interview. Then, at the end of each interview I described what the additional fieldwork might entail and asked if they

would be happy to engage in this process (in the case of the candidates, I caveated this with 'if you are elected'). All participants responded that they would be happy to support the research and therefore I deemed the force to be an ideal case study site.

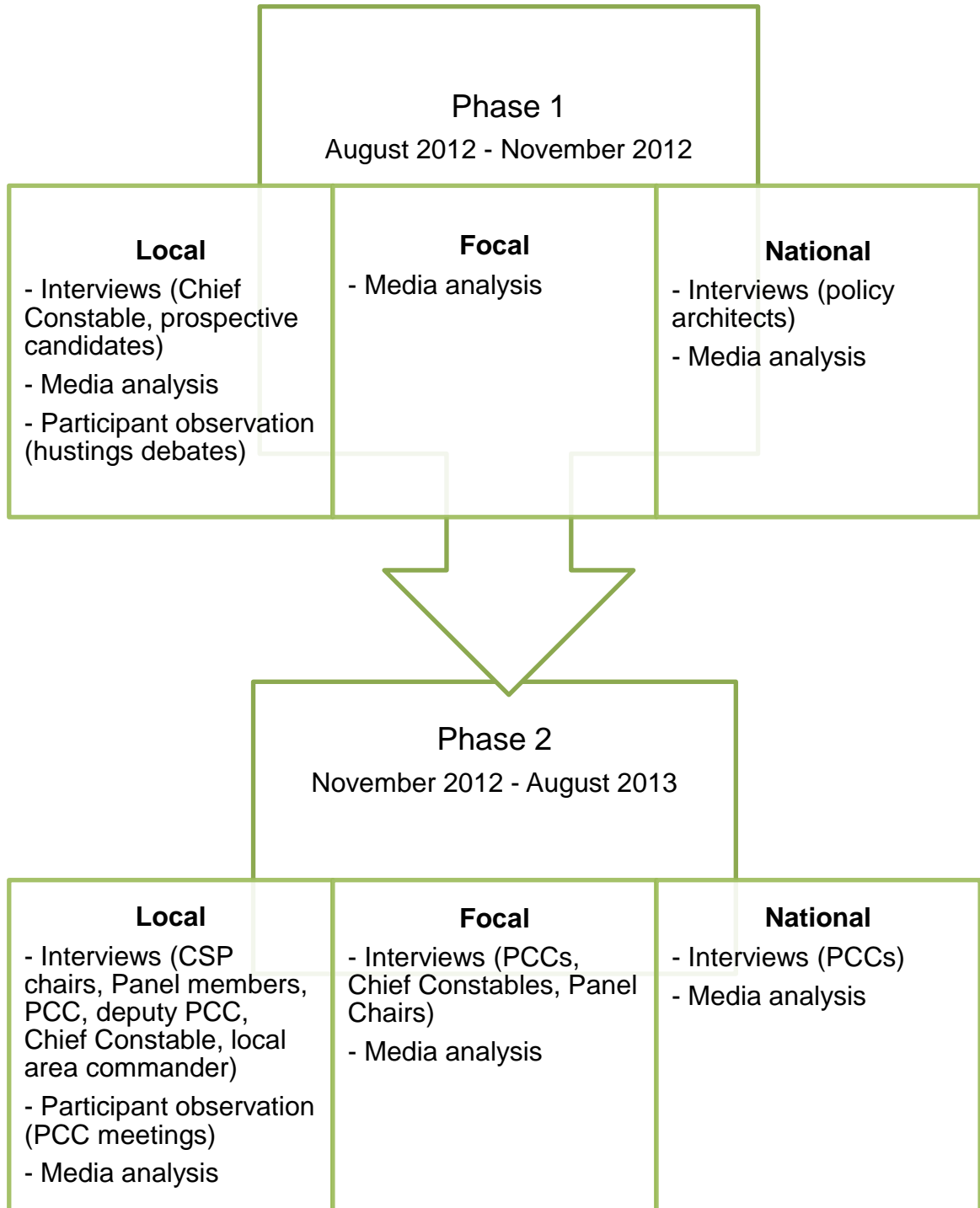
An inherent danger in case-study based research is that it lacks external validity. I was particularly interested in how other PCCs had envisaged and enacted the role once in office, and therefore I sought to generalise my findings by conducting semi-structured interviews with PCCs across England and Wales, four to eight months in office. This would help me to develop a national overview of the policy and to situate my findings in the case study within a broader narrative.

Lastly I selected two of these other forces to be what I termed 'focal sites'. In terms of fieldwork and analysis, these sat somewhere between the detailed approach of the case study and the contextualising national overview. The purpose here was to identify other forces which differed in size, population and political balance to the case study area to better situate some of my findings. In particular, I was conscious that I would receive a one-sided perspective from PCCs with regards to their relationships with other key parties and questions of accountability more generally. Therefore in these focal sites, I attempted to conduct face-to-face interviews with the PCCs, chief constables and chairs of the panels. Alongside this, I also kept updated with local news in both sites and was able to attend a public meeting that the PCC had in one of the focal sites.

Through this multi-site analysis I conducted fieldwork in two phases. Phase 1 (August 2012-November 2012) involved all the research up to and including the elections, which included interviews with policy architects and research in the case

study area. Phase 2 (December 2012-July 2013) examined the policy as it unfolded after the elections and entailed detailed work in the case study, focal sites and the national overview. Figure 1 outlines the key activities undertaken across the three levels of focus by each research phase.

Figure 1: Key Fieldwork Activities



Research approach and sample size

Prior to the elections, my first focus was on answering questions about the formation of the policy. This entailed conducting semi-structured interviews with some of the key architects behind the policy. Using a review of secondary data, I wrote a tentative policy history as the basis for Chapter 1. From this account, I was able to identify potential 'policy architects' who had played a pivotal role in the inception and formation of PCCs. With the help of my supervisor, I was able to secure an interview with one Conservative MP who had been instrumental in the development of the policy. In this interview, he was able to recommend two other important individuals who had been key advocates of the policy. This included another senior politician within the Conservative Party and a member of a think-tank. I sent these individuals a letter (via e-mail) inviting them to be interviewed, along with a summary of my research. This snowballing approach was effective and I was successful in securing interviews with these two individuals, which I conducted in person. The interviews all lasted approximately between 45 minutes to an hour and focused on the problems which they hoped would be ameliorated through the policy and the political determinants behind the PCC model, as well as their expectations of the policy.

In the case study, prior to the elections I sought to interview all candidates for the role. As soon as the candidates announced standing for the role, I sent them an invitation to be interviewed via e-mail. Five of the six eventual candidates accepted the invitation to be interviewed (the sixth one had accepted but failed to attend the interview and was unforthcoming in subsequent requests). I also interviewed a nominee for one of the political parties who was subsequently not selected by the party as their representative. I asked candidates about what they

expected from the role, their priorities and their campaigns in the force area. I also conducted an interview with the chief constable, in which I enquired about his expectations and thoughts on the policy more generally.

After the elections, I conducted follow up interviews with the chief constable and the PCC and asked them similar questions relating to their experiences in the first few months and some of the most significant changes since the last interview. These interviews were conducted towards the end of the fieldwork and were informed by emergent themes from the national interviews. Alongside the interviews with the Chief Constable and PCC, I sought to interview the deputy PCC, three members of the Police and Crime Panel (including the chair) and a local area commander in order to gain a better sense of how the governance arrangements were unfolding in practice. I specifically identified two Panel members who had formerly worked for the Police Authority who would therefore be able to comment more generally on the transition from being a Police Authority. I also thought it was important to examine how the PCC had begun working with local partners in the area, in particular with local government. I therefore sought to interview six Community Safety Partnership (CSP) chairs across the force, representing very different local authorities in terms of geography, political affiliation and population. I was successful in securing interviews with 19 out of the 20 stakeholders I had approached (a 95% response rate). This meant I conducted 21 interviews in total in the case study (including the follow-up interviews with the PCC and the Chief Constable). All but two of the interviews in the case study were conducted face-to-face as I found this to be the best means of building a rapport with individuals and getting them to talk more freely about the subject matter. One interview was conducted over Skype and the other over the telephone.

The other principal means of investigation at the case study level was through participant observation. This method allowed me to gain a greater insight into the implementation of the PCC policy. I adopted the role of a 'complete observer' (c.f. Bachmann and Schutt, 2011, p.58), which entailed spending time observing processes and recording unstructured notes. For example, during the campaigns, I attended five hustings events in which the candidates debated their manifestos in front of the public. I took detailed notes at each event – from details about the audience through to the topics they were focusing on and their understanding of the role. Observing these events allowed me to build up a picture of what the early interpretations of the role entailed and also provided me with opportunities to observe how the public were responding to the candidates. A further advantage of the complete observer approach was that I was able to introduce myself to candidates during events, which facilitated arranging interviews.

Once the successful candidate had been elected in the case study area, I negotiated access to three private meetings (two with local councillors and one with a voluntary organisation). I also attended five public meetings he had with his Police and Crime Panel and two public meetings with the Chief Constable. By attending these 10 meetings and taking detailed notes, I was able to develop a detailed picture of the PCCs' emerging relationships with a wide range of policing and crime stakeholders across the force.

Although I found participant observation to be valuable, there were times when my presence felt obtrusive, particularly in smaller meetings between the PCC and one or two other actors. Unlike in a public event where I could sit discretely at the back

and take notes,² I would be sat at the meeting table and appear to be a part of the meeting. In these situations I was very much an overt researcher, and sometimes I felt that my role shifted from observing to participating. For example, in two separate meetings, stakeholders and the PCC asked for my opinion on certain topics (knowing that my background was in criminology). At first, I felt uncomfortable in these situations and believed that I should be playing a more remote role as a researcher. One strategy I used to negate this in my first two observations was to take copious notes and avoid eye contact so as to effectively remove myself from the meeting. However, I quickly realised that this was an unhelpful approach which raised suspicion amongst the participants. For example, the PCC twice interrupted the meeting to ask what I was writing and whether I would be publishing it. It became clear that by trying to remove myself, I became an outsider to the group and made participants feel uncomfortable. Therefore I adapted my approach and acted as if I were member of the meeting. Although I did not actively attempt to make any contributions to the discussions, I listened attentively and provided honest answers to questions I was asked. I was also conscious to keep my answers succinct and allow the stakeholders to dictate the conversation to avoid any potential reactive effects which might have altered the dynamics I was observing. I found that by seeming to be part of the meeting, participants felt they were able to speak more freely and honestly.

At the national level after the elections, I sought to interview all PCCs to answer the research questions about the operational practice of PCCs. I wrote invitations to interviews with a letterhead from the University of Oxford and the Police

² Although in several public meetings where I was one of the only members of the audience present, it became difficult to be anonymous – particularly once some of the stakeholders began to recognise me.

Foundation,³ and also prepared a supporting letter from my supervisor and the chief executive of the Police Foundation to enhance my credibility. Knowing that these PCCs were likely to have particularly busy schedules, I emphasised in the letter that interviews would take no longer than an hour and that the interviews would be conducted over the phone or on skype (face-to-face interviews would have been too time consuming and resource-heavy). I e-mailed these invitations to all PCCs' offices (I was able to find e-mail addresses via their websites) in two batches, leaving a month in between both groups. I did this in order to phase the responses and ensure that I was not overwhelmed in dealing with responses all at once. I was pleasantly surprised at the positive responses I had received - within a week of sending the first batch, I had approximately five interviews scheduled, and within a month, I had scheduled to 14. In the six instances where I had not received a reply within two months of sending the interview letter, I sent another e-mail requesting an interview and three of these PCCs subsequently accepted the invitation (and two failed to respond). In the end, three PCCs did not respond, five declined to be interviewed (citing a lack of time) and one was unable to do the scheduled interview and instead allowed his deputy to give the interview. This meant that in total, I interviewed 32 PCCs (including those in the case study and focal site), which represented a 78% response rate.

Although I had provided the option of doing the interview via Skype, just one PCC opted for this method (several PCCs mentioned that they could not use the Skype facility on their computers which were on police operating systems). On average, interviews lasted approximately 45 minutes (the shortest was 25 minutes and longest an hour and a half). Interview topics covered PCCs' interpretation of the

³ An interview invitation template is provided in Appendix A

role, experiences of the campaigns and their first months in office, emerging relationships with the public, chief constables and Panels, and perceptions of success. A copy of the interview schedule is provided in Appendix B.

Finally, a similar method was applied to the focal sites. In Focal Site A, I was able to secure a phone-interview with the PCC (I had requested a face-to-face interview but he was unavailable for this), as well as hour long face-to-face interviews with both the Chief Constable and the chair of the Police and Crime Panel. I also attended one public engagement event which was hosted by the PCC and attended by approximately 40 individuals (including members of the public and representatives of local services, such as victims support and CSP members). In Focal Site B, I successfully conducted a face-to-face interview with the Chief Constable and a telephone interview with the chair of the Panel. However, I was unable to interview the PCC who had rescheduled the arranged interview three times before informing me that unfortunately he did not have time for the interview.

Throughout the research, I also paid close attention to how PCCs and the related debates were being portrayed in the media. Particularly during the election campaigns, I kept a close track of local (in the case study and focal areas) and national media press coverage, blogs and social media news about PCCs from September 1st 2012 to the elections on November 15th, predominantly accessed using Twitter and Google Alerts. Google Alerts were particularly useful as they provided daily e-mail updates for specific search terms (such as 'Police and Crime Commissioners' and then the specific force name) which had been used in the media. For analysis of the elections, where issues were raised concerning either candidate eligibility, voter turnout or public engagement, information (ranging from

news articles, Tweets, blog posts and Youtube videos), I was able to use Storify to organise the information.⁴ Through building 'stories' in such a way, it was possible to gain a sense of the main contours of online debates. This process was also supplemented by key documents and statements made by major stakeholders in the policy. After the elections, I continued to receive Google Alerts for the entire duration of the research to stay informed with any significant developments in the case study and focal sites, as well as the national debates.

In sum, across the three levels of analysis over the 12 months of fieldwork, I attended 16 public and private meetings, collected substantial media information and conducted interviews with 58 separate stakeholders. When including the two follow up interviews in the case study site, this amounted to 60 interviews. All but one of the interviews were recorded with an audio recorder with the consent of all participants.⁵ All of the recordings were then fully transcribed by myself directly into NVivo, where I was able to simultaneously code responses and arrange the data thematically. Not only did this approach make the transcription process more intellectually engaging, it also enabled a more efficient means of analysing the data.

Research challenges

Through the course of this thesis, I had to contend with three particular research challenges. The first of these problems pertained to the analysis of the data. Finding a set of themes within this research was difficult at times due to large variation in perceptions and practice of the PCC role across England and Wales. This presented a challenge from the outset because of the nature of the reforms

⁴ Storify is web application which enables users to store various information from the web and create stories out of them. See <https://storify.com/>

⁵ The one interview that was not recorded was because the PCC did not consent.

which emphasised local solutions to local problems. The wide range of PCC backgrounds and the diversity of political affiliations (with the unique inclusion of independent candidates) accentuated this variation. What is more, the novelty of the role meant that there were no clear guidelines instructing PCCs how to undertake the job and this allowed PCCs some flexibility to undertake the role in different ways. In a sense, the subject matter appeared to defy categorisation. In spite of this challenge, I was able to identify some recurring trends amongst PCCs which I explore throughout the thesis. The challenge was to learn to accept when there were no clearly identifiable patterns, since there was a (largely self-induced) expectation that there must be some unifying theme that connected the findings together. Using qualitative software such as NVivo was helpful in this regard, since it provides tools to visually sift through data and identify pre-defined themes which overlapped. But of course as with any qualitative research, interpretation is subjective and the material present here therefore needs to be considered with this caveat in mind.

Related to the concept of subjectivity, another challenge I encountered was a tension between on the one hand, striving towards a rigorous piece of objective empirical research, and on the other, commenting on a fundamentally politically charged set of debates. For the most part of the PhD (particularly in the early stages), I refused to take a stance on the issue for fear of being seen as partisan, and by implication, failing to conduct an empirically valid piece of research. But as I began to write, I was confronted with a series of normative questions which goaded me into taking a position. In order to explore whether PCCs were facilitating or obfuscating the concept of democratic accountability, I had to firstly decide what was meant by that – both politically and theoretically – and secondly,

I had to assess PCCs according to these standards. Were PCCs contributing to a more equitable form of police governance? Were they instating what might be considered good governance? Were they making policing more accountable? Tackling these questions head on meant that I began to adopt a position – a position which was considerably more sceptical of the PCC model than when I had embarked on this enquiry. Contrary to my earlier fears, I believe that this approach has enriched the research by providing a more reflective exploration of the PCC policy.

The final major difficulty I had to address was the fact that the PCC policy is a moving target which is constantly evolving. At times, this was difficult because I had to iteratively adjust according to these policy developments. For example, when I had applied for the PhD, the PCC elections were scheduled for May 2012 and therefore my initial research plan and timeline had to adapt considerably once they had been postponed into November 2012. In a similar vein, I had narrow windows of opportunity to observe certain processes, such as the candidate campaigns in October and early November of 2012 and had to follow a strict timeline so as not to miss such processes. But equally, I found the contemporary nature of the fieldwork to be full of opportunities for enhancing the research. For example, I was able to attend several conferences on PCCs, which enabled me to network with candidates, PCCs, practitioners and other researchers. This opened up prospects for interviews with potential participants, but perhaps of greater value were the small conversations I had with all these actors, which helped me to develop ideas, opinions and research questions. Constant media debate and news stories about PCCs also helped to challenge and/or validate some of my

findings. Perhaps most important of all, it kept the research process relevant, invigorating and worthwhile.

Ethical considerations

The research presented several ethical challenges, particularly around the politics that surrounded the PCC elections. For example, at one hustings event, a candidate whom I had previously interviewed handed me a stack of leaflets at the start of the event and asked me to distribute them across the room. Momentarily I was unsure how to respond, since on the one hand I felt indebted to him for having given his time for the interview, but on the other, I feared being seen as partisan in front of the other candidates (some of whom I had not yet had the opportunity to interview). Ultimately, I decided to politely decline in the interest of securing interviews with the other candidates and on this instance the candidate accepted my explanation.

However, at the same event, another candidate (who had previously verbally consented to an interview at a future date) approached me and asked if I could promote his campaign by distributing leaflets and publicising his campaign on Twitter. As with the previous candidate, I explained that I would not do this as I was conducting an objective piece of empirical work and that therefore I would not be promoting anyone's campaign, to which the candidate responded: "so you won't be voting for me then?" I reiterated that my role was to observe the election process in an impartial manner and that I would not be discussing my personal voting preferences. At this point, the candidate effectively retracted his consent to be interviewed and claimed that I had wasted his time. These incidents highlighted the politically charged nature of this study, particularly around the time of elections. These two candidates felt that they may be able to get something in

return for having agreed to be interviewed for the research. Ultimately, I explicitly refused to assist these candidates on the pragmatic grounds of not wanting to distance myself from other potential interviewees.

Another difficulty in this particular environment was preserving confidentiality. I assured all interviewees that the interviews would be kept confidential, and any quotes would be anonymised in my writing.⁶ I explained this in the written interview invitation and also reminded participants verbally at the beginning of each interview. In the politically charged environment, I found that many interviewees asked me what others had been saying to me in interviews (they were aware that I had interviewed others as part of the research since I made this explicit in order to enhance my credibility). For example, in the case study area, one candidate (who was aware that I'd spoken with other candidates already) was particularly keen to find out what his nearest rival had said to me. In these instances, I had to remind the interviewees that I had agreed that – like the current interview – it was important that I kept confidentiality. This was at times difficult as I wanted to maintain the flow of the conversation and this could be disruptive. Occasionally, when I feared that this would disrupt an important conversation topic, I referred the interviewee to generic statements made by the named individual in other publicly available information (for example, hustings debates, manifestos and media interviews), rather than referencing my specific interview with another individual.

Relatedly, one PCC replied to an interview request from myself, explaining that he was extremely busy, but that he would be happy to spare some time if I

⁶ All quotes in this thesis have been anonymised and I have attributed only role and where applicable, political affiliation. For example, 'Conservative PCC 1', 'Labour Candidate 1' etc. I have also anonymised the genders of a selection of participants to reduce the risk of identification.

considered giving a £100 donation to a charity of his choice. Not wanting to 'purchase' an interview, I replied by explaining that I was a student with limited resources and that the research I was conducting was for a charitable organisation (the Police Foundation), and that therefore I would not be able to make such a donation. Fortunately, the PCC responded positively and offered to provide a short interview (under 30 minutes). Underlying these examples is a question of providing something in exchange for interviews – whether it be political support, voting, information or charitable donations. From my perspective, naively I had not anticipated that potential interviewees would expect something in return for their time. However, given the politically charged nature of the policy, alongside the hectic schedules which candidates and PCCs were following, it was deemed necessary from their perspective that there was a mutual gain.

These issues underscored the importance of clearly stating my role as a researcher. The participants had agreed to the interviews even though I had not made any indication that they would receive political support in return. However, since perhaps I had not made this explicit in my invitation to interview, these candidates had made the assumption that they could get something out of it for themselves. This was a lesson in the importance of clearly stating the aims of the research and my role as a researcher, something which I had mistakenly assumed would be understood.

Overview of the thesis

In Part One, I set the conceptual groundwork by clarifying the political intentions of PCCs and locating the recurring themes within a theoretical framework. Chapter 1 focuses on how the policy architects intended PCCs to be conduits of democratic

accountability – a concept which became embodied in modern British policing in the 1962 Royal Commission. From here, I track the swaying political affiliations to the idea of strengthening local accountability in policing, highlighting some of the most influential factors in the conception and birth of PCCs. These political interpretations of democratic accountability in policing are then closely scrutinised under a theoretical light in Chapter 2, where I draw upon criminological literature to give thorough consideration to some of the most pertinent themes from the political discourse on PCCs. Using this literature, I argue that the government’s conception of democratic accountability is impoverished and I set out some alternative principles which can be used to make normative claims about PCCs.

In Part Two, I contemplate how well PCCs are positioned to steer the governance of the police into greater democratic accountability. Specifically, in Chapter 3 I discuss the elections of PCCs and subsequent attempts by PCCs to captivate their publics. I consider how the low turnout at the elections and struggles to engage with the public reflects a problem of PCCs being situated too remotely from their local communities to be meaningfully local. However, their positioning at force-area level means that they are well placed to deliver local crime reduction co-ordination.

I then explore how PCCs are positioned in the wider regional and national policing networks in Chapter 4. I use geological metaphors to situate PCCs against a ‘melting core’ of national-level organisations which have an ability to shape national policing. Within this context, I use interview material and evidence of inter-force collaboration to illustrate that a large number of PCCs are transfixed on the local because that it is where their electoral mandate lies. I therefore argue that

they are situated too locally to contribute to the wider police system, which has concerning implications within the context of an unstable national policing core.

Following on from this examination of the positioning of PCCs, I go on to investigate the institutional capacity – what I refer to as the ‘shape’ – of the model to deliver greater democratic accountability over the police. In Chapter 5, I consider how PCCs responded to questions about their purpose and notions of success to demonstrate the broad set of ways that PCCs have understood their role, ranging from police management through to crime reduction co-ordination. I argue that the single PCC construct is too small a mechanism to effectively carry out these tasks. As a result, some PCCs have responded by focusing on specific aspects of the role to the detriment of others. Others, however, have attempted to perform all their duties – either with the help of large offices (prompting criticisms about empire building) or by doing it alone and risk their own welfare.

In Chapters 6 and 7, I examine the capacity of the PCC model to affect accountability in the governance of the police. Chapter 6 describes how relationships have unfolded between PCCs and chief constables. I argue that the single point of accountability exposes the relationship to manipulation and tension, with little place for chief constables to hide when clashes emerge. What is more, the new one-on-one dynamic has meant that there are fewer opportunities to scrutinise key decision-making. With the related drive away from bureaucratic processes, this has meant that there is little in-built transparency surrounding police governance and much of it rests on the initiative of PCCs and chief constables.

Finally in Chapter 7, I explore PCCs as the receivers of accountability, principally through examining their relationships with Police and Crime Panels. I argue here that one of the underlying problems faced by panels has been a difficulty in being a 'critical friend' to a single PCC – particularly where Panels are made up of a majority of one political party. In many of these cases, the relationships between PCCs and Panels are either hostile or cosy, depending on the political allegiance of the PCC. In addition to the political obstacles, accountability is also obscured by a lack of legal and financial capacity of Panels to exert influence over PCCs.

I conclude by arguing that the PCC model is structurally inadequate to deliver greater democratic accountability because it has been misplaced and misshaped within the wider democratic policing puzzle. It has been misplaced because on the one hand, PCCs are too remote to be meaningfully local, and on the other, they are too locally focused to be nationally connected. While there are opportunities for greater co-ordination of local crime reduction services under this system, PCCs are restricted by the limited capacity they have. This is because the structure has been misshaped through the creation of a broad-ranging role for an under-capacity vessel, which struggles to deliver greater accountability over the police. Using these findings, I outline three possible policy outcomes of retention, revision and replacement of the PCC model, making specific recommendations for each option.

Part I

In this part of the thesis, I map out the underlying political and theoretical features of the PCC model. In Chapter 1, I provide a detailed policy history to elicit the key drivers of the PCC policy and document how the construct of democratic accountability has been used throughout. I explore the concept of democratic accountability only in the terms used by the political actors involved. I use Chapter 2 as an arena to observe these terms in greater detail and identify a set of definitions which can be used to assess the PCC structure in broader terms than those employed by the political advocates of PCCs. In particular, I pay attention to the concepts of democracy and accountability and illustrate how the puzzle of democratic policing is fundamentally complex with diverse interpretations of its scope and application to policing. Both these chapters will therefore clarify the PCC model and situate it as a piece of the larger democratic policing puzzle. This lays the groundwork for exploring the PCC model throughout the rest of the thesis.

Chapter 1: The Path to Police and Crime Commissioners⁷

1.1 Introduction

The introduction of directly elected Police and Crime Commissioners (PCCs) under the PRSRA represents a major shift in police accountability in England and Wales. Through the election of 41 different PCCs across every police force outside London, it is claimed that the policy will make the police more accountable to local communities and loosen the central grasp of the Home Office over policing (Home Office, 2010). In order to better understand what this policy represents and to examine how it came to exist in its current form, I use this first chapter to explore how democratic accountability in policing has been moulded by vacillating relationships between the main political parties and the police. This enquiry is predominantly based on secondary data, in particular criminological and policing scholarly literature, alongside policy documents and political statements. To inform this account, I also conducted hour-long face-to-face interviews with three prominent advocates of the PCC policy who contributed to its inception. This exercise enabled me to clarify the political intent behind PCCs and to identify and validate the main contours of the PCC story.

In this chapter, I chronologically outline the key ingredients in the inception of PCCs, starting in the 1960s, where the current structure of police accountability in England and Wales is rooted. However, I argue that some of the more instrumental elements in the formation of PCCs – namely the politicization of the police and managerialism – stem from significant developments in the late 1970s and 1980s, which ironically manifested a stark contrast to the contemporary

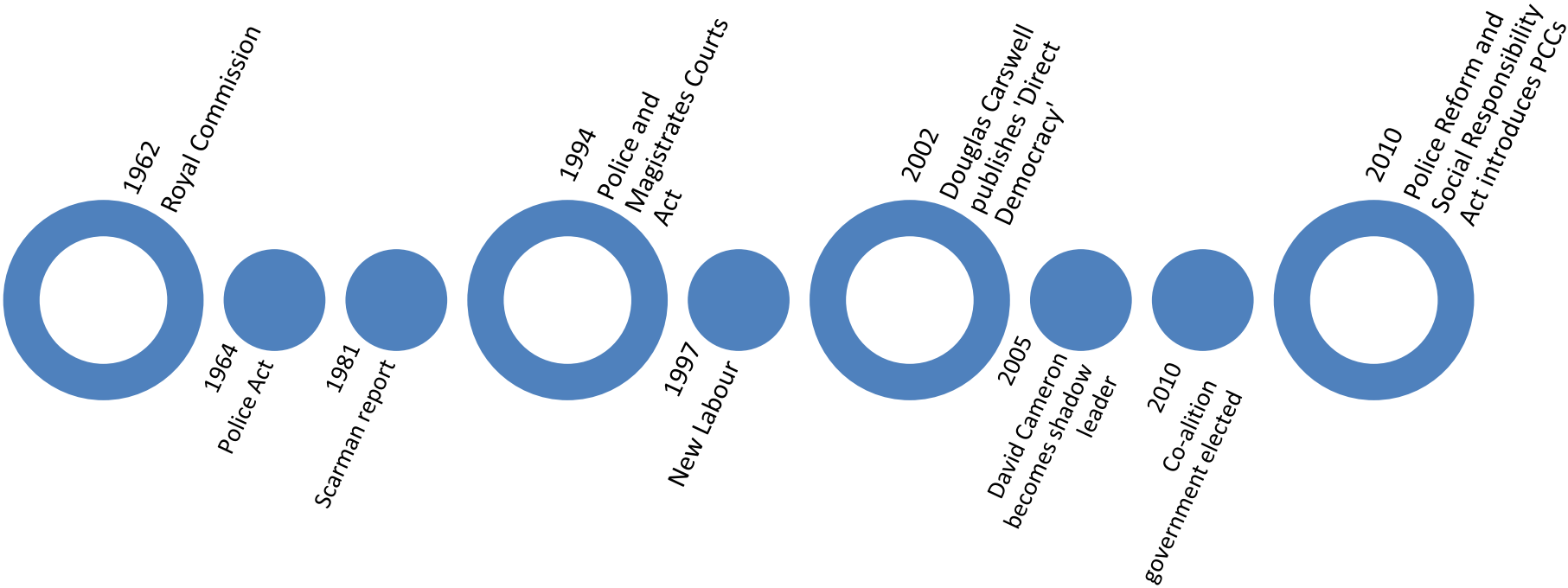
⁷ A version of this chapter has been published in *Safer Communities* (see Davies, 2014a)

political affiliations with democratic accountability in policing. I then outline the various ways in which both the Conservative and Labour parties have aligned themselves over the subsequent years to the police and ideas of democratic accountability, in order to elicit some of the key precipitating factors behind the introduction of PCCs. It will then be possible to detail some of the reasons why PCCs have taken their existing format, by scrutinising the political rationale behind the model over the last decade. Figure 2 below illustrates some of the key events which I believe to be essential to understanding the PCC story and in this chapter I will elaborate on how these landmarks in particular led to the introduction of PCCs.

Ultimately, this policy history will help to answer two key questions. Firstly, if PCCs are seen as an answer, what is the problem that they are perceived to solve? And secondly, why have PCCs been regarded as *the* solution to this problem?

Answering these questions will help to facilitate an understanding of the historical background to and development of PCCs.

Figure 2. Timeline of key events leading to PCCs



1.2 The birth of the tripartite structure in modern policing

Much policing literature on the accountability of the police in England and Wales marks the 1962 Royal Commission and Police Act 1964 as a watershed moment (Jefferson and Grimshaw 1984; Lustgarten 1986; Walker 2000). The Royal Commission of 1960 was established in response to a series of scandals involving the police, in addition to fears of antagonistic relationships with young people, and concerns regarding the force's inability to deal with an increasingly mobilised population. One of the aims of the Commission was therefore to adapt the localised system of policing to modern times, through the provision of a clearly defined constitutional arrangement. This new structure was to be governed by three key parties: chief constables, police authorities and the Home Office. This 'tripartite' system was subsequently enshrined in the Police Act 1964. Chief constables were to have 'direction and control' over the police, police authorities were to be responsible for the maintenance of an 'adequate and efficient' force, and the Home Office was given the role of 'promoting the efficiency of the police'.

A clear feature of the 1962 Royal Commission was a desire to centralise the force in order to deal more effectively with a population which had become more mobile with the commercialisation of cars. While arguments for a national force were rejected for fears of establishing a state-run police force, it was recommended that the bulk of the power should be channelled towards the Home Office and chief constables in order to achieve greater co-ordination in dealing with rising crime rates. Despite an imbalance of power weighing heavily against police authorities, there were no immediate signs of conflict amongst the tripartite body. Walker (2000) argues that this was a product of chief constables and the Home Office feeling satisfied with their expanded powers, coupled with a decline

in the authority and ambition of police authorities. Police authorities lacked a sense of democratic accountability and were devoid of a unifying sense of purpose, which was connected to their composition (with one third being magistrates and the remaining members attached to local authorities). This fed into an overriding pessimism amongst those working for police authorities, who saw futility in challenging chief constables who were regarded as the experts (Brogden 1977; Walker 2000).

The power of chief constables and the subordinate position of police authorities also became reinforced by a number of external factors. One of the key elements which buttressed this state of affairs was the legal support for the doctrine of constabulary independence. This was espoused in the case of *R v. Metropolitan Police Commissioner ex parte Blackburn* in 1968, where Lord Denning ruled that the police were 'answerable to the law and the law alone' and therefore could not be told what to do by politicians. This conclusion was extended to chief constables, who were to make operational decisions on policing without being subject to external interference (Lustgarten 1986). While the logic behind the concept of constabulary independence has been challenged (c.f. Lustgarten 1986 for critique), its endorsement in law reinforced the superior standing of chief constables in the tripartite system. This position was further cemented by a nationalising trend that emerged in the 1960s, which saw the amalgamation of forces and increased the responsibilities of chief constables (Walker 2000). As a result of these restricting forces over police authorities, the tripartite system established under the 1964 Act was able to operate with little friction in the ensuing 15 years.

1.3 The Politicization of policing

By the 1980s, the extant structure of accountability was becoming untenable. A number of incidents erupted and threw the tripartite system into a political storm which has shown few signs of calming since. The propelling force behind this was a politicization of policing from the late 1970s, in which the police and its representatives became increasingly political figures. For example, in 1979 the Police Federation lent its support to the law-and-order stance of the incoming Conservative party (Walker 2000). This politicization was especially pronounced for both police authorities and senior police officers. For police authorities, while there was an understanding that they had no powers over operations, there were subtle differences between Labour and Conservative authorities in the way in which they became involved in the political disputes (Spencer 1985). This was evident following County Council elections in 1981 which resulted in some Labour-led police authorities seeking to establish more authority over chief constables (for example, see disputes between police authorities and chief constables in Greater Manchester and Merseyside) (Spencer 1985). It was also apparent during the 1984 miners' strike, when some Labour authorities questioned the policies of their chief constables, such as in South and West Yorkshire and Merseyside (Spencer 1985). This was accentuated when the Labour-led Northumbria Police Authority brought a judicial review against the Home Secretary, arguing that the purchase of plastic bullets could not be enforced by the Home Secretary.⁸ Tellingly, those police authorities dominated by Conservative members continued to allow the chief constables almost undisputed control across all areas (Spencer 1985).

⁸ *R v Secretary of State for the Home Department, ex parte Northumbria Police Authority [1989]*

Other incidents also elucidated this political disparity with regards to democratically accountable policing. For example, the Royal Commission on Criminal Procedure (RCCP) was called to examine the growing issues relating to police powers and accountability. The report was criticized by the political left for not doing enough to protect against potential abuse of police powers. However, the police revealed a considerably warmer reception of the law and order policies being espoused (Reiner 2010), which highlighted a strong relationship between the police and the Conservatives in this era. In particular, the Conservative government was resistant to reform of the police for fear of infringing upon chief constables' operational independence (Cousin, Fine & Millar 1985). Conversely, Labour contended (unsuccessfully) for greater democratic accountability of the police through private member bills in 1979 and 1980 under the advocacy of Jack Straw (Walker 2000). For example the 1979 bill argued for fully elected police authorities which would have greater say over general policy (Reiner 2010).

This trend was also evident in official party policy. For example, a 'Ten Point Plan' for policing was voted for at the Labour Party conference of 1981, which argued for the abolishment of Magistrates' seats on police authorities and for greater police authority powers, such as approval of policy, appointment of senior officers and responsibility for training and discipline (Warren and Tredinnick 1982). Labour's support for greater local government control was also evident in a 'new wave of municipal socialism' at the beginning of the 1980s, which championed a break away from a distant and overwhelming central monopoly over policing (Walker 2000, p.84). However, Labour were unable to gain a strong foothold in the debates. One reason for this might be because the law and order policies of the Conservatives squared evenly with the police and their perspectives

on crime control. Labour's attempts at reform were regarded by the Conservatives as a 'euphemism for political control' which breached fundamental operational control of the police (Warren and Tredinnick 1982, p.9). However, the appeal of the Tories' law and order approach also partly stemmed from the lack of political cohesion amongst the Labour movement. Their inability to form an organised and democratic body to come up with constructive alternatives to the Tories' approach served to undermine their credibility and simultaneously enrich the political rigour of the law and order stance (Cousin et al. 1985). Therefore the Labour movement lacked the support of chief constables, which starved the calls for greater democratic accountability in policing.

Even when democratic accountability was brought under the microscope by the Conservatives, it was handled in such a way that enabled chief constables to retain their operational remit, rather than opening up democratic channels of accountability. For example, the Brixton riots of 1981 amplified the disparities between young black men and the police and highlighted the inadequate communication between these groups. Lord Scarman (1981) produced a report which encouraged the formation of local consultative committees to voice public opinion and build better relationships with the community. While the proposals were eventually enshrined as a statutory requirement for all forces in PACE 1984 s.106, they were originally met with some scepticism by the Conservative government and the police. The Conservatives questioned the ability of local communities to form political entities capable of engaging in coherent and informed debate and instead called for greater central control to insulate the police from partisan interests (Lea and Young 1993). However, Labour campaigns for democratic reforms were gaining momentum under the successful election of

Labour in the Greater London Council (GLC) in 1981. The Conservative's eventual support for community consultation might therefore be further seen as a means of short-circuiting this trend (Lea and Young 1993; Loveday 1998; Warren and Tredinnick 1982). The police were generally opposed to these consultation groups on the grounds that some communities would be unfairly represented by the attendees (Lea and Young 1993). Nevertheless, the police put effort into participating in these statutory police-community liaisons. One reason for this is that they had been disillusioned by a military style of policing dependent on technology and they recognized the value in consulting with local communities who could be a source of information (Lea and Young 1993). More importantly however, this form of policy enabled police commanders to listen to the community but ultimately maintain the right to make final decisions. In this way, the Conservatives and chief constables were able to pay lip service to democratic accountability, without having to impose restrictions on the operational independence of the police.

The Miners' strike in 1984-5 further accentuated these relationships between the political parties and the police and highlighted the power of the centre as opposed to the local. The strikes were policed using tactics of containment, dispersal of pickets where necessary and a range of preventative powers to restrict supporters from attending certain troublesome areas (Wallington 1985). The policing of the strikes was illustrative of a rise in authoritarian police powers, which had grown quietly without much democratic consent. Consent was depicted in narrow terms, understood as authoritarian, anti-Left, anti-union and anti-democracy (Cousin et al. 1985). There was also criticism regarding the way in which the governance of the police unfolded, which enabled the conscription of police resources for the

sake of winning an industrial dispute (McCabe and Wallington 1988). As a result, central government sided with chief constables and also had some financial grasp over the force (thereby eroding into police authorities' remit) (McCabe and Wallington 1988). This was reinforced by the dissatisfaction amongst some Labour-led authorities regarding the government's handling of reimbursements following the strikes, which placed these authorities at a greater distance away from the centre (and sometimes with their chief constables) (Spencer 1985). This further bolstered the strength of the Home Office and chief constables in dealing with the matters. In this way, it is evident that the Conservative's approach in this era distanced the local from the police and allowed Labour to set up clear opposition to this form of central accountability. Consequently Labour and Conservative policies in the 1980s lay in stark contrast to one another. What is more, this series of events was illustrative of a growing political involvement in policing matters and can be regarded as the first major step which engendered debates on the reformulation of police accountability.

1.4 Managerialism

This politicization process was also coupled with the emergence of managerialism at the start of the 1980s, which provided the second foundational stone in the path towards PCCs. Following the election of the Conservative government in 1979, a series of Value for Money (VFM) initiatives were introduced in order to increase efficiency within government and reduce costs. Heavily influenced by Reagan's economic strategy in the US, Thatcher implemented a system of governance which incorporated private market principles into the provision of public services for the purposes of cost effectiveness and efficiency. These developments did not

initially affect policing and Thatcher responded positively to increased police funding and better police pay (Jones et al. 1994). This initial protection of policing from managerial reform was based on the belief that the police could and should not be managed in the same way as other services in the public sector (Jones et al. 1994). However, a number of questions were beginning to be asked concerning their strategic and operational functions in the light of the government's Financial Management Initiative (FMI), which sought to bring greater efficiency within government departments (McLaughlin & Murji 2001). The first concrete signs of a managerial approach in the policing realm came in the form of the 1983 Home Office Circular 114, *Manpower, Effectiveness, and Efficiency in the Police Service*, which made police resources contingent upon efficiency, effectiveness and economy (the 'three Es') (Reiner 2010). The Home Office continued this centralizing and managerial thrust through other circulars, such as the 1988 Home Office Circular 106, *Applications for Increases in Police Force Establishments*, which made increases on resources contingent upon targets. Another Home Office Circular in 1988, *Civilians in the Police Service*, contended for greater privatisation within the police. Recommendations by the Sheehy Inquiry also buttressed this managerial climb, suggesting that all officers should be given short-term contracts on the basis of performance related pay (which were to be governed by the Home Office). Subsequently, a plethora of 'calculative and contractual' mechanisms of accountability surfaced (Reiner and Spencer 1993). By the Police and Magistrates Courts Act 1994 (PMCA) (consolidated by the Police Act 1996), Police Authorities were no longer mandated with maintaining an 'adequate and efficient force', rather they were responsible for maintaining an

'effective and efficient force' – highlighting the shift in focus of this managerial era (Reiner 2010).

These events provided the groundwork for a significant shift in the development of police accountability. The PMCA empowered the Home Office to occupy a central position in setting national standards to measure police performance and became a forceful driver of this new managerialist framework (Jones et al. 1994). Significantly, this was the first time that strategy for the police had been set externally by politicians. This influence over police policy was also visible under the proliferation of a wider performance culture, in which a number of external parties sought to introduce a range of performance indicators for the police. HMIC began using police indicators as a standardized measure to examine the performance of police forces in 1987. This has been perceived to result in a more centralized form of control over the police (Reiner 2010), although some research has indicated that HMIC played a more restricted role in terms of its ability to influence policy (Jones et al. 1994). Nevertheless, the attempt to increase a more regulated and evenly distributed force can be seen as an expression of centralisation. The reports published by HMIC have also been criticized on account of the fact that they were often shrouded in bureaucratic and technical terms, which limited the ability of the reports to stimulate local debate (Weatheritt 1993) – thereby allowing more space for central government and chief constables to dictate matters. The Audit Commission has also facilitated centralism in policing through the development of performance indicators (Jones et al. 1994). Independent of government, its remit is to monitor and promote economy, effectiveness and efficiency across local government. Beginning in 1988, the Audit Commission increasingly played a role in assessing the police across a number of

areas, ranging from back-office administration to more operationally sensitive areas, such as performance review and the allocation of resources (Weatheritt 1993). Their non-political nature also meant that it was harder for chief constables to ignore, compared to the left-wing attacks on the police in the 1980s, since reports focusing on improved management carry more weight than politically aligned claims (McLaughlin & Murji 2001). The Audit Commission reports also visibly appeared more professional and comprehensive compared to those published by HMIC, further enhancing the credibility of their mission (Weatheritt 1993).

Another body involved in the assessment and implementation of key targets was the Association of Chief Police Officers (ACPO), who expanded under the Conservative government and came to be regarded as a medium for central power over policing (Reiner 2010). ACPO further contributed to the centralising trend through the creation of the National Reporting Centre to organise responses to incidents of major public disorder in all police forces (Jones et al. 1994). The Home Affairs Select Committee was also responsible for exerting pressure on chief constables for greater financial accountability. Particularly at the start of the 1990s, they became critical of the inadequacy of the police system to efficiently and effectively operate in the context of expanding transnational boundaries and vociferously called for a more business-like approach (McLaughlin & Murji 2001). Police authorities, with their limited autonomy, were also swept under by this performance culture and similarly established a range of targets and performance indicators for the police (Loveday 1998). They were envisaged to be purchasers of police services in order to achieve value for money and respond to growing criticisms of police ineffectiveness (Loveday 1998). Collectively, this meant that

the police force faced a plethora of targets from a number of external bodies. Therefore the PMCA and the emergent wider performance culture was a central development in the formulation of PCCs. The shift towards allowing politicians and external bodies a say over police strategy awakened the possibility that setting police policy was not something that was necessarily confined to chief constables. Once this avenue had been opened, opportunities for greater democratic accountability in the police became conceivable.

However, the managerialist climate in the early 1990s ensured that discussions surrounding democratic accountability were constrained within business ideals. The *Citizen's Charter* 1991 was an embodiment of this, in which citizens were constructed as individual consumers and public services were to be more accountable and responsive to service users (Jochum, Pratten & Wilding 2005). This consumerist model penetrated ideas of democratic accountability. For example, when ACPO drew up a list of performance indicators to meet community expectations, the list was focused solely on public satisfaction with police services (Weatheritt 1993). Such an approach helped to make the police service more accountable, but in a way that was 'internal, managerial and increasingly centralised' (Reiner and Spencer 1993, p.172), rather than accountable to a wider democratic electorate. Therefore, while the politicization of the police and managerialism helped to establish the first stepping stones towards PCCs, these trends cannot explain the full story. By now turning to explore the changing relations between the police and the Conservative and Labour governments, I provide a further contextual layer to the PCC story.

1.5 The Police and the Conservatives: Crumbling Relations

The consequence of the managerialist reforms was that chief constables began to feel that their operational independence was coming under threat in the light of the overbearing nature of the performance indicators. These assessments were increasingly broad-ranging and eventually touched upon operational decisions, as previously underlined regarding the Audit Commission. This was an ironic transition, since the largest threat to the independence of the police in the 1980s had been the Labour-led police authorities calling for greater democratic accountability. However, by the 1990s, the centralised grasp over policing (which had partly been bolstered in favour of protecting against the apparent dangers associated with enhanced local accountability) appeared to be the largest challenge to the operational independence of chief constables through the guise of managerialism (Walker 2000). It is therefore arguable that chief constables began to resist some of the reforms introduced by central government, which provided a catalyst for the disintegration of relationships between chief constables and the Conservative government. Thus, chief constables were no longer in the position to be 'entirely willing partners in a process which remorselessly tested their professionalism against measureable levels of productivity' (Walker 2000, p.92).

However, this is not the complete picture. There is evidence that some chief constables actually had come to support and spearhead some of these managerial practices. The exclusion of police authorities within the tripartite arrangement meant that as the force expanded and developed more specialisms, internal bureaucracies proliferated. With an increasingly dispersed and fragmented

hierarchical structure, bureaucratic supervision of officers became more important, particularly in terms of accounting for the meeting of a growing number of targets (Loveday 1998). Further evidence of this police acceptance of managerial customs is manifest in policing annual plans which were internally developed primarily by chief constables, and became integrated into wider strategic corporate plans. As a result, many senior officers came to embrace a business-type model characteristic of managerialism (Loveday 1998). What is more, the PMCA in fact strengthened the powers of chief constables to control resources, thereby enabling them to be 'both purchaser and provider of police services' (Loveday 1998, p.12). Therefore it is not simply the case that increased centralisation and managerial practices ruptured the relationship with chief constables, since they appeared to enjoy a greater degree of freedom under this new arrangement. As such, I now examine some of the other sources of conflict between chief constables and the Conservative government, which can largely be found in rising crime numbers and perceived ineffective police performance.

There were significant increases in crime throughout the post-war period and these rates continued to rise throughout the 1980s despite central investments in the police (Jones et al. 1994). The Conservative government therefore felt that the police had let them down (Bayley 1994, cited in Loveday 1998). The increases in crime were amplified through the media (including those on the political right), which reproduced the notion of a failing police service. There were frequent reports of rising crime rates, declining clear-up rates, miscarriages of justice and general incivility between the police and the middle-class public (McLaughlin & Murji 2001). This was supplemented by opinion polls, which indicated a widening confidence gap between the public and the police and suggested to the

Conservative government that the police were failing their core constituency (McLaughlin & Murji 2001). These factors resulted in the introduction of a raft of legislative reforms in 1993. For example, the *Royal Commission on Criminal Justice* (1993) examined issues related to miscarriages of justice (many of which involved the police), such as the case of the 'Birmingham six'. The Sheehy Report (1993) focused more exclusively on the police and considered issues within the force, such as rank structure and pay. Finally, the White Paper *Police Reform: a Police Service for the Twenty-First Century* (Home Office 1993) investigated a number of police-related issues, in particular focusing on developing powers amongst the tripartite bodies. This wide ranging set of reforms was indicative of a government attempting to redirect the police to pick up the pieces that had begun to crumble under their watch. The police reaction to the reforms signalled one of the most heated conflicts between the police and the government since post-war British politics (McLaughlin & Murji 2001). These responses highlighted that chief constables no longer sided with the Conservative government and instead joined Labour's challenge to the reforms (Jones et al. 1994). These incidents resembled a sharp contrast with the previous decade in terms of police-Conservative relations.

One corollary of the rising crime rates was that the government had begun to imagine ways in which policing could be done using a wider set of actors beyond just the public police who were seen to be failing at this core task of reducing crime. Thus notions of 'active citizenship' were promoted by the Home Secretary, Douglas Hurd, in order to roll back the state (and the police) and 'responsibilize' citizens to take control of crime (Garland 1996). Indeed, situational crime prevention might be regarded as a product of this philosophy, which emerged in

the mid 1980s and promulgated crime prevention as an efficient way for citizens to take control of reducing crime (Clarke 2009). It is possible to see these trends as a response to what was seen as police failures in reducing crime. However, the notion that the police could only play a small part in crime reduction was challenged by Left Realism, which was a critical response to the law and order approach of the Conservative government (Kinsey, Lea and Young 1984). In particular, Left Realists challenged social policy and the criminal justice system for overlooking the disproportionate burdens of crime on those with the greatest relative deprivation i.e. the working classes. The claim that increases in police numbers were ineffective in reducing crime, was rejected for reducing police responsibility for community relations and underestimating the importance of trust in the local community (Kinsey, Lea and Young 1984). Such insights opened up new ideas about how policing might be done more democratically and arguably partially informed Tony Blair's quest for a political 'third way' under the New Labour administration in 1997 (Giddens 2000).

1.6 Labour administration 1997 – 2010

In order to understand New Labour's relationship with the police and their conception of democratic accountability as they came into power in 1997, it is necessary to first explore some of the theoretical underpinnings of the movement. Tony Blair was pivotal in the formulation of the New Labour era in his role as Shadow Home Secretary (1992-1994) as he sought to realign Labour along a 'third way' approach to politics (Blair 1998). One element of this 'third way' politics that proved attractive to Blair was the conceptualisation of crime as a real problem for all citizens, which intersected with the ideals set forth by Left Realism. This lay

in contrast to earlier ideas of criminality espoused on the political left, which tended to overlook the reality of crime and attribute its causes to wider social problems (Giddens 2000). However, Blair's approach merely emulated law and order policy rather than offering an alternative to it. This was best encapsulated by the popular mantra 'tough on crime, tough on the causes of crime', which was the espoused policy of the Labour Party in opposition and was first enunciated by Tony Blair when shadow Home Secretary. One reason for this emphasis on law and order is that crime and families were political areas that Labour were seen as weak on, and by winning credibility in these fields, New Labour would begin to be able to build support for wider policies and make themselves more attractive to voters (Giddens 2000). Another reason for this might be that in searching for a model for a 'new way', Blair looked abroad to the United States, where Bill Clinton had attempted to instigate such a philosophy. One facet of the 'third way' approach in the United States was a tough stance on crime and punishment (Giddens 2000). Blair consequently saw crime and disorder as a key platform to orchestrate a new political movement which would re-invigorate the Labour party (Blair 1998). This philosophy placed greater emphasis on individual responsibility for crime than those on the right had done (Giddens 2000).

However, one core aspect of Left Realism which was not transmuted in Blair's conceptualisation of the 'third way', related to the idea of democratic policing. In particular, Left Realists argued that the largest driver of the poor clear-up rates by the police was a breakdown of the working class community which was distant from the police and therefore unable to provide information to the police, vital to clear-up rates (Lea and Young 1984). In terms of policing, this meant creating effective means for community members to express their frustrations with the

police, through providing better opportunities to participate in the political process from which they had been excluded from (Lea and Young 1984). Left Realists argued that a more democratic system would better deal with the crime problem because local communities were in the best position to know their local policing needs and it would better engender trust in the police (Lea and Young 1984).⁹ However, Blair failed to truly acknowledge these principles and it became clear that his interest was in usurping the law and order agenda from the Conservatives, which essentially meant ‘toughening up’ aspects of the criminal justice system, such as the police (Reiner 2007).

New Labour’s appeal to the law and order approach was initially enticing to the police, and they were given a range of powers to deal further with crime (McLaughlin & Murji 2001). However, it soon became apparent that the police would face intensified pressures to meet these ‘tough on crime’ demands, which would eventually fracture the relationship between New Labour and the police. Instead of repelling the pervasive style of managerial oversight introduced by the Conservatives, New Labour actually came to stimulate further managerial reform. This was an ironic state of affairs, as Jack Straw (Home Secretary between 1997 and 2001) – once a chief proponent of enhancing local accountability in the 1980s – was now fighting for a top-down managerialist form of control over the police. As part of its modernization project, New Labour saw the managerial performance culture as an essential mechanism to improve quality of service and to provide better value for money (McLaughlin & Murji 2001). The New Labour administration

⁹ This argument has been developed in light of research on police legitimacy. For example, research has illustrated that trust and confidence in the police can encourage active citizen participation in priority setting and the running of local services, make public bodies more locally accountable and responsive, as well as securing public cooperation with the police and compliance with the law (Jackson & Bradford, 2010).

hoped to ameliorate the uneven public sector reform initiated by the Conservatives, and the police were conceived to be no different to any other public service in this regard (McLaughlin & Murji 2001). For example, under the Local Government Act 1999, a 'Best Value' approach was promulgated, which ensured the effective, efficient and economic delivery of public services through a system of audit. The Best Value framework was prescribed to police authorities, and subsequently, HMIC were also charged with undertaking 'joined-up inspections' based upon Best Value indicators (McLaughlin 2005). This performance culture was further assimilated in the White Paper *Policing a New Century: A Blueprint for Reform* (Home Office 2001), which introduced a Police Standards Unit to regulate police performance across the country. Further indicators of performance were generated through an increased focus on 'what works in policing' strategy and through Crime and Disorder Reduction Partnerships (CDRPs) (McLaughlin 2005).

New Labour's increased auditing of performance indicators further reinforced the nationalisation of the force, in which the police organisation became more centrally regulated (Reiner 2010). This nationalisation process was also bolstered through other national bodies such as Centrex, which was primarily responsible for promoting national police training, and more generally attuned to stimulating scientific and intelligence-led policing (Reiner 2010). The Police Reform Act 2002 did much to buttress this state of affairs by strengthening the powers of the Home Secretary. For example, police authorities now had to pay regard to the Home Secretary's National Policing Plan when formulating local policing plans, while police authorities and chief constables also had to take account of guidance issued from the Home Secretary relating to the local strategy. The Home

Secretary was also granted greater authority to compel police authorities to suspend a chief police officer. This was not an inane legislative development and it became clear that the then Home Secretary, David Blunkett, was prepared to exercise such authority despite ACPO resistance (McLaughlin 2005). This was exemplified in 2001, when a failed police raid which resulted in an unarmed man being shot, led the Home Secretary to push Sussex Police Authority to dismiss the Chief Constable (who later resigned on the grounds that he had been stigmatised by the Home Secretary). This was echoed in 2004 when the then Home Secretary, Charles Clarke, attempted to use his authority to force Humberside Police Authority to dismiss the Chief Constable following the Soham murders. Although the Police Authority resisted, the case was taken to court and the High Court ruled in favour of the Home Secretary, underlining the potency of the centre. It was thus argued that the Home Office was now in the unprecedented position of being able to 'micro-manage operational policing' (McLaughlin 2005, p.477). This centrally controlled mechanism was illustrative of a significant turnaround from the surge for democratic accountability that had been driven in the 1980s by Labour.

However, these trends did not signal a simple continuation of Conservative policy and the newly elected Labour government did not fully endorse this centralising thrust (McLaughlin & Murji 2001). Rather, it displayed some signs of an affinity to democratic and local governance. For example, under the 1998 Crime and Disorder Act, police authorities were given roles in CDRPs. They were to evaluate programmes based on audits of local crime, disorder and drug problems, and were mandated to work with other local agencies in reducing crime and disorder. Labour also introduced Neighbourhood Policing to tackle the 'reassurance gap' and improve local accountability (Reiner 2010). Under the

Police and Crime Bill 2008, it also called for directly elected members of police authorities, but shied away following vocal opposition from local authorities and police organisations such as ACPO (Reiner 2010). These examples illustrate that while there was an overarching managerial presence driving towards central targets, there was also an undercurrent of local accountability. These two trends can be seen as intricately related, with localization being used as a vehicle to better audit, inspect and evaluate the police (McLaughlin & Murji 2001). This resonates strongly with the Conservative's attempts in the late 1980s and early 1990s to stimulate democratic policing through managerialist goals. However, these aims set out by New Labour appeared to be even more pervasive and intrusive than those previously laid out by the Conservatives.

It became increasingly evident that the performance culture was making policing less locally accountable, and instead generating a more managerial and central form of accountability (McLaughlin 2005). Additionally, there was mounting evidence that the public were losing confidence in the police and simultaneously were unaware or unable to participate in and influence local policing (Docking 2003; Myhill et al. 2003; Newburn and Jones 2001). This public frustration with the 'one size fits all' managerial approach and the upcoming elections of 2005, led Labour to contemplate ways in which it could mobilize a stronger local element in policing – referred to as 'new localism' (McLaughlin 2005). Thus in 2003, the Home Office published its Green Paper, *Policing: Building Safer Communities Together* (Home Office 2003), which looked to address some of these concerns. The proposals centred around increasing community cohesion and active citizenship, and strengthening local accountability mechanisms. It celebrated the values of reassurance policing, which would help to enhance visibility, accessibility

and the responsiveness of the police. It was hoped that in turn, this would stimulate greater active community engagement. With regards to local accountability, the paper contemplated possibilities such as the creation of 'Neighbourhood Panels' and 'Community Safety Boards'. The composition of police authorities was also assessed. The proposals suggested more diverse membership, as well as more extreme restructuring, which would replace police authorities with 'Police Boards' (composed of directly elected members). The remit of the proposals was broad and it was hoped to lead to more innovation and 'democratic experimentation' (Bleas, 2003). This also generated wide ranging debate amongst think tanks about what the 'new localism' might look like in practice (Corry and Stroker 2003; Jowell 2005; Loveday and Reid 2003). For example, the right-leaning think-tank Policy Exchange debated the case for an elected element in police authorities and suggested the possibility of a directly elected police authority or elected sheriff (Loveday & Reid 2003) – foreshadowing the PCC model. Loveday and Reid (2003) however raised concerns about the potential for unhealthy competition to emerge between the elected body and local council leaders, and therefore suggested that the police be directly accountable to council leaders.

When it came to the White Paper, *Building Communities: Beating Crime* (Home Office 2004), it was apparent that these ideas about localism had been refined. Still present was the need to democratise the police, which was hoped would be achieved through Neighbourhood Police Teams (NPTs). NPTs were to be comprised of various stakeholders in local communities, ranging from police officers, community support officers and local safety and security personnel. They were to be mixed in composition to effectively represent their local communities.

NPTs would thus help to instate a form of reassurance policing in local neighbourhoods and ultimately help to build cohesive communities. The reassurance style of policing, which espoused the values of responsiveness, visibility and accessibility, were clearly cherished principles in the paper. For example, the creation of a non-emergency telephone number and the publication of annual information about policing in the local area (ranging from service structure, resource allocation and crime reduction) were designed to encourage greater accessibility and responsiveness to the public. This also permeated the discussions surrounding police authorities, which were to focus upon raising their profile (i.e. their visibility) and increasing their accessibility to the public. Talk of wider reform to democratise the police authorities had disappeared, and focus was now simply on enhancing the quality of members.

The ideals of accessibility, visibility and responsiveness also seemed to go hand in hand with a renewed emphasis on constructing citizens as customers within a policing service. A 'service contract' was outlined, which was supposed to inform the public of minimum service standards they could expect from the police. If quality of service was reported to drop below the minimum standard, local councillors could trigger certain actions to encourage the police and local agencies to respond. A strong element of centrally-controlled managerialist oversight also remained in place, underlined by the sheer number of organisations mandated with national audit and inspection, including HMIC, the National Policing Plan, the Police Standards Unit the National Intelligence Model, and the National Policing Improvement Agency (NPIA). Thus, the pursuit of 'new localism' in the Green Paper became diluted in the subsequent White Paper. The result was an anaemic form of democratic accountability, refined by recycled ideas of new public

managerialism. This was related to several factors, such as fears of allowing partisan interests to infiltrate policing (particularly in ethnically segregated communities with heightened tensions following race riots in Bradford, Oldham and Burnley, and the terrorist attacks of 9/11 and 7/7); the dangers of populist politicians gaining power and threatening unpopular minorities; the risk of policy gridlock; and the impracticalities and expenses associated with running additional elections (McLaughlin 2005).

Nevertheless, concern about the ability of local police authorities to engage communities (see for example, Casey [2008]), provoked New Labour to continue to seek alternative ways in which it might strengthen the democratic arm of policing. In response, the then HM Chief Inspector of Constabulary, Sir Ronnie Flanagan, explored how local accountability could be improved along the lines of responsiveness, answerability and structural accountability. For Flanagan (2008), the first two could be achieved through a citizen focused policing, with an emphasis on customer service – highlighting a reluctance amongst Labour to relinquish some of its managerial grasp. With regards to structural accountability, Flanagan (2008) posited a number of options, ranging from directly elected elements in policing (including elected commissioners), through to strengthening local authorities and local police authorities. New Labour then published a Green Paper, *From the Neighbourhood to the National: Policing Our Communities Together* (Home Office 2008). The paper lent support to a directly elected component in policing in the form of elected ‘crime and policing representatives’, who would sit in on police authorities and chair local CDRPs.

New Labour faced strong criticism of these proposals for structural reform of police authorities. For example, police staff associations such as the (now defunct) Association of Chief Police Officers (ACPO) and the Police Federation, as well as the Association of Police Authorities (APA), were dismayed by the idea of directly elected representatives on police authorities, on the grounds that such a system would grossly infringe upon the operational independence of the police (APA 2008; Orde 2010; Police Federation 2008). This hostile reaction intensified in the context of the altercation between the mayor of London, Boris Johnson, with Sir Ian Blair, the Commissioner of the London Metropolitan Police. Ian Blair resigned shortly after a meeting with Boris Johnson, explaining that the latter was unable to provide his full support to Blair. This incident was perceived to be illustrative of the dangers of political interference in policing. The then Home Secretary, Jacqui Smith, subsequently removed the proposal for directly elected members of police authorities from the Policing and Crime Bill 2009 (Newburn 2012). Furthermore, she asked David Blunkett to conduct a report on new ways to reinstate democratic accountability in policing. The report similarly dismissed the prospect of directly elected officials in policing for fears of allowing extremist groups to usurp control over policing (Blunkett 2009). This was also a conclusion reached by the White Paper, *Protecting the Public: Supporting the Police to Succeed* (Home Office 2009). Thus, the idea of directly elected police commissioners came to be opposed by New Labour. Instead, it aimed to strengthen democratic accountability through a national crime-mapping service with up to date information; and gave power to police authorities to nominate a lead member for each Basic Command Unit (BCU) (Home Office 2009). Significantly, value for money and efficiency remained key principles within the White Paper (Home Office 2009). In their 2010

election manifesto, Labour claimed that they would protect the police from politicization. However, they explained that

Where a police force or local Basic Command Unit consistently fails local people, we will ensure either that the senior management team including the borough commander or chief constable is replaced, or it is taken over by a neighbouring force or BCU. (Labour Party 2010)

One can infer from this that the Home Office would be able to retain a certain degree of authority over the police, especially in terms of its ability to dismiss the upper ranks of the police. Therefore, it is evident that New Labour's approach to reforming democratic accountability in policing was particularly inconsistent, oscillating between different forms of local representation – often with the threat of greater central control through managerial practices. This lack of a coherent strategy provided room for the Conservatives to develop a clearer conceptualisation of what democratic governance of the police should look like.

1.7 The Conservative approach to democratically accountable policing

Within this context, some Conservative politicians began to sketch out a new model of democratic accountability which was argued would reconnect the police to the public. Douglas Carswell was one of the first to do so, arguing for a 'direct democracy', characterised by a more localised approach (Carswell 2002). While not initially popular with some of the Conservative 'old-guard', the notion of a directly elected individual to oversee the police gained traction amongst some right-leaning observers (see for example Loveday and Reid 2003; Letwin 2003). This model began to be incorporated into Conservative thinking in 2003 after Policy Exchange had mooted the idea (Loveday and Reid 2003). This was

illustrated in a speech by Oliver Letwin, the then Shadow Chancellor of the Exchequer:

...we will put each local police force under the direct, democratic control of local people. That means wherever you live, your chief constable will answer to someone you elected. If you don't like the way your neighbourhood is policed, with a Conservative Government, you will be able to vote for change. (Letwin 2003)

Further reference to the idea was briefly made in the Conservative election manifesto (Conservative Party 2005), but it was brought to life in David Cameron's speech to the Police Foundation in 2006:

For the first time, local communities will be truly empowered to insist on the local policing priorities they want. It will give them a real choice over the crime fighting strategy in their area. And it will be an important element in the process of re-energising local democracy. (Cameron 2006, p.11)

The Police Reform Taskforce (2007) subsequently made further arguments in favour of directly elected commissioners. It declared that the introduction of elected commissioners would tighten local accountability by creating direct and transparent funding mechanisms between voters and commissioners. This would further be achieved through restricting the role of the Home Office to focus on national priorities (Police Reform Taskforce 2007).

The right-of-centre think-tank, Policy Exchange, had a significant role in advocating and developing the policy. Loveday (2006) argued that mayors, council leaders and elected police boards or commissioners should have the power to hire and fire BCU commanders as part of the process of making the police more locally accountable. These ideas were further developed in the following year (Loveday and McClory 2007), and again in 2009, when directly elected commissioners were

discussed in more concrete terms (Chambers 2009). Chambers (2009) articulated how elected commissioners would fit into the policing landscape and work closely with local authorities and oversee local partnership working – features which were reflected in subsequent Coalition legislation on PCCs (Home Office 2010a). These voices therefore evidently proved influential, and the idea for police commissioners made it onto both the Conservative 2010 election manifesto and the Coalition agreement (The Coalition 2010) in the same format. The term ‘Police and Crime Commissioners’ was then introduced under the consultation document *Policing in the 21st Century: Reconnecting Police and the People* (Home Office 2010b). It was here that the formal framework for PCCs took shape, and without much regard for the wide array of responses to the document, the ideas appeared in the Police Reform and Social Responsibility Bill (Newburn 2012). Eventually after being stalled in the House of Lords, it went through as the Police Reform and Social Responsibility Act 2011 and PCCs were set in motion.

It is evident that the Conservatives have been far more dedicated to this model since it arose in 2003, providing a clearer shape for democratic accountability in policing than the New Labour administration had done. On the surface, this is surprising given the way in which the Conservatives had aligned themselves to operational independence in the 1980s. The deterioration of relationships between the Conservatives and the police, and the lack of coherent strategy on behalf of Labour help to account for this trend. But there are several other pertinent factors that may explain this volte face in the Conservatives’ approach to democratic policing.

The origin of PCCs might also partly be linked to a new generation of Conservatives who see operational control over policing as a negotiable term,

rather than sacrosanct. They have paid lip service to the doctrine of operational independence and have made promises to enshrine it in legislation (Cameron, 2006; Letwin 2003). Indeed, the Policing Protocol Order (Home Office, 2011a) dictated that PCCs and chief constables must work together to protect the principle of operational independence. However, there has been no attempt to define it in statute because of its purported 'fluid and context-driven' nature (Home Office, 2011a, Article 35). It could be argued that the PCC model actually tramples over the doctrine, by offering citizens a significant say in how policing should be done in local communities. This arguably loosened attachment to the idea of operational independence has been driven by the demise of the idea that the police are a different kind of public service which must be insulated from other types of public service reform. Historically, policing was marked as a distinguished occupation with multiple demands and expectations. In reaching such a conclusion, the Desborough Committee of 1919 increased police pay to meet these demands – a view that was not really challenged until the Sheehy report in 1993 (Neyroud 2011). The report did not regard police as occupying a unique profession – at least in Human Resources terms – and thus had adverse implications upon police pay (Neyroud 2011). While the report was largely opposed by members of the police, it signified a move away from the idea that policing was a specialist trade. This might partially be explained by the shifting nature of the public sector. If policing is a job that does not necessarily have to be controlled by an elite few, then this begs the question as to why the police should be given any special insulation from reforms. The idea that the police are not a unique profession might also be regarded as an extension of managerialism, as suggested previously. It can be argued that almost three decades of managerialist

target setting, as well as the looming threats of a recession in recent years, have further desensitised politicians to the suggestion that policing requires special protection from reform.

This environment has also been supplemented by broader changes in public sector governance over the last 40 years. Briefly, these changes are characterized by a shift from an elite style of governance, which saw criminal justice issues being managed by a select few experts, towards a more inclusive debate on crime in which the wider public has a stake in policy (Loader 2006; Reiner 2007). It is possible that this set of changes has instilled a mentality amongst contemporary politicians that policing can be done by a wide array of people rather than a select few 'experts'. This clearly has implications upon the idea of constabulary independence, which rests on the premise that chief constables should have insulated powers over operational matters because of their expertise. Thus, the notion that policing is something which can be dictated by a few chief constables, has been gradually eroded.

A further factor which might be implicated in the Conservative's volte face relates to the Conservative doctrine of 'responsibilizing' citizens. As discussed, this was a feature of the Thatcher government under the guidance of Douglas Hurd, who promulgated the idea of active citizenship. However, this concept has received renewed vigour under the contemporary generation of Conservatives.

In an interview I conducted with a politician closely involved in the inception of PCCs, he explained that there had been an 'old guard' in the Conservative party in the early 2000s who thought very differently about the approach that ought to be taken to governing the police. In particular, this 'old guard' believed that they ought

to be taking even greater central control over the police. This particular politician described being mortified by one proposition amongst the 'old guard' that the Home Secretary should take personal responsibility for crime rates and should face the possibility of being sacked if crime rates increased. The politician I interviewed explained how he and a number of other younger members of the party – including David Cameron – strongly opposed this approach on the grounds that the onus for the crime problem ought to be distributed more widely. This can be seen more widely as connected to David Cameron's 'Big Society' agenda in which local people and communities take greater ownership of local issues. Crime was portrayed as a local issue in this context, for which a broad set of actors had responsibility. For example, in a speech to the Police Foundation, David Cameron argued that

...we're all in this together, and neither government – nor indeed the police – can solve all the problems. Families, businesses, schools and communities all have a major part to play...we must not expect the police to do the job of others. We need to place far more trust in the people who are best at dealing with entrenched social problems... (Cameron 2006).

This philosophy delegates responsibility for dealing with crime to a far wider audience than just the police and this has cultivated an environment which enables the likes of PCCs to thrive. Indeed, PCCs are hoped to play a wider role in the criminal justice system to 'join up the delivery of justice at a local level' (Police Reform Taskforce 2007, p.204). Underlying this philosophy is the idea that the state and the police are unable to deal with the crime problem and therefore it is easier to delegate the responsibility for this on citizens. PCCs therefore shield government from problems of crime and policing and place the onus on PCCs and chief constables, as well as voters, who may be at fault if they elect the 'wrong'

PCC. In either case, the introduction of PCCs offers a means of distributing responsibility for policing and crime more widely, and by implication, away from central government. Under this mentality of rolling back the state, greater opportunities have arisen for the Conservatives to reform the governance of the police in the shape of PCCs.

In such a climate where operational independence has arguably lost some of its sacrosanct status under the pressures of managerialism, changes in the public sector and emphasis on rolling back the state, Conservative resistance to democratic reform along such lines have been gradually eroded. Furthermore, in propelling the idea of PCCs, the Conservatives have taken this as an opportunity to offer a coherent alternative to Labour's patchwork attempts at reforming democratic accountability. This helps to explain why there has been a greater shift towards a more democratic form of policing in England in Wales. However, this still begs the question, why PCCs?

1.8 The PCC Model

There are presently no such commissioner figures in other public services despite these broad contextual precipitating factors, and clearly there are other elements which have mobilised this policy. One source of inspiration for the PCC model appears to be from the United States – specifically New York and its legendary decrease in crime through the 1990s. Under the direction of Mayor Rudi Giuliani and his Commissioner of Police, Bill Bratton, New York was able to report significant decreases in various crimes over the space of a few years. While the reasons for the decreases remain unclear and might be challenged on empirical grounds (Bowling 1999), the story has been popularized as an effective form of

policing. In particular, the zero-tolerance style of policing enforced in this era has become deified by some British politicians, who regard it as *the* way to cut crime (Newburn 2012). In the early development of PCCs, many references were made to zero-tolerance policing being a central tenet of crime reduction in New York. For example, David Davis, Shadow Home Secretary for the Conservatives in 2004, stated that:

There's a simple reason why Rudi Giuliani made New York a safer City than London. Why Ray Mallon has cut crime time and again in Middlesbrough. It's because they decided not to tolerate crime any more. They were locally elected officials who listened to the people and gave them what they wanted. Zero tolerance of crime. Zero tolerance of failure to act on crime. We'll give people the right to choose who will run their local police force. And to determine the priorities they want their police to follow. But zero tolerance policing demands more police (cited in Newburn 2012, p.34).

This appeal to zero-tolerance policing appears to speak to a growing consensus amongst the Conservatives that policing was becoming too complicated under increased performance targets and bureaucracy, which 'diluted what should be a single-minded focus for the police': crime fighting (Cameron 2006). This was excitedly taken up by the Conservative government. In the words of Home Secretary Theresa May, policing should ultimately be about 'cutting crime, no more, no less' (Radio 4, 2012). And PCCs are seen as a means of achieving this single goal. For example, in Oliver Letwin's 2003 speech, he attributed reductions in crime in Brixton to:

real and sustained neighbourhood policing, bobbies on the beat. Call it what you like, but it works. It worked in New York. And it can work over here.

Although he spoke of neighbourhood policing, his reference to New York appears to draw on a very different style of policing i.e. zero-tolerance policing. This is

emblematic of an attempt to convey crime-fighting aims via community policing. It is also possible to see PCCs in this light – as a tool to fight crime amongst the rhetoric of democratic accountability. This was most plainly stated in Douglas Carswell’s ‘Direct Democracy’ paper – one of the first places in which the idea of an elected crime-fighting individual (labelled a ‘sheriff’) was described:

Making the police and prosecuting authorities more locally accountable might mean that the police and prosecutors adopt a ‘zero tolerance’ attitude to street crime, a more robust approach to burglary, yet a less aggressive stance towards motorists. (p.44)

This point underlined the fact that crime fighting was the *modi operandus* of the PCC idea, couched in terms of accountability. It is also worth noting the point about a less aggressive approach to motorists, which emphasises a key concern amongst Conservative thinkers that the police had become unresponsive to their core middle-class voters (c.f. McLaughlin & Murji 2001).

It was apparent that this notion of crime fighting through democratic terms also informed Conservative Party policy more broadly in their 2005 election manifesto:

Giving local people a say over police priorities will lead to genuine neighbourhood policing with officers based in the locality clearly focused on zero tolerance. (Conservative Party 2005, p.15).

This was also emphasised in an interview I conducted with a senior civil servant, who, when asked how PCCs should be judged after their first term in office, explained that

...if we see at the end of the day no difference, and crime patterns are exactly the same as before - ok the man's made a lot of speeches and people feel things are happening - but the *actual* conditions of life are no better, then [PCCs] will have been a failure (emphasis in original).

A further idea that the New York myth popularized was the effectiveness of an individual point of accountability. This was flagged by several Conservatives who admired the possibility of having elected figureheads who can take responsibility for crime. For example, the Police Reform Taskforce (2007), led by Policing Minister Nick Herbert, argued that ‘the experience of cities such as New York, Chicago, Los Angeles and Boston, where improvements to policing have been driven by elected mayors and their appointed chiefs, makes a single point of accountability an attractive solution’ (p198). And indeed, this model fits squarely with a responsabilization philosophy, in which clear responsibility for crime reduction can be taken (and consequently relinquished by the state). Above all, a single figurehead is seen as a simple way to set clear objectives about crime fighting. Lord Wasserman, the Conservative’s advisor on policing and crime (who spent several years working with various police departments in the United States, including New York, Philadelphia and L.A.), has been a particularly vociferous in this regard:

What changed with Rudy Giuliani, and what changed with Ed Rendell [former mayor of Philadelphia] was that mayors said, “We’re going to change this, we’re going to proactively reduce crime”, and once they said that, it happened. Why? Because cops are can-do people, and once it was said that fighting crime was their business, they decided to get down to doing it. Give people a clear objective, and they will react to it. (Wasserman, 2011)

While the PCC policy should not be seen as direct emulation of the American system of policing due to the unique features of British policing (Newburn 2012), some of the characteristics of British politics have helped to make the American (or more precisely, New York) system of policing an attractive model for PCCs.

1.9 Conclusion

Through this detailed policy history, several key precipitating factors in the development of PCCs have become apparent. The foundational structure of the PCC model can be traced back to the late 1970s and throughout the 1980s, in which a politicization of policing occurred and aroused debates relating to the democratic accountability of the police. Upon this platform, the next significant step towards the development of an elected commissioner overseeing the police, emerged under the wings of managerialism, which began to undermine the sacrosanct nature of operational independence and opened up possibilities for external interference in some aspects of police strategy. The pervasive pull of managerialism in the 1990s was partially responsible for fuelling deteriorating relationships between the police and the Conservatives, which grew increasingly hostile on the back of rising crime rates and greater attention to poor police performance. This opened up an opportunity for New Labour to establish itself as the party of law and order. However New Labour's pursuit of a 'third way' meant that it was unsuccessful with instating a clear form of democratically accountable policing, caught somewhere in between a tough on crime agenda, new localism and managerialism throughout the 2000s.

Simultaneously, the Conservatives were able to develop a more concise approach to democratic accountability in policing, under a philosophy which reduced policing to crime fighting. Through such a lens, the Conservatives have found particular traction with an American-inspired form of commissioners who are perceived as ample conduits for achieving such an aim. The PCC model also speaks to the Conservative philosophy of 'rolling back the state' and 'responsibilizing' citizens. Relentless incisions into operational independence by

managerialist practices under both the Conservatives and Labour, have further destabilised the idea that policing must not be directed by external influences. In such ways, the problem that PCCs are seen as an answer to, is more than simply an issue of poor democratic accountability (although of course it is a significant component). Elected commissioners are also a means of addressing what was seen (primarily by the Conservatives) as an over-complication of the police mandate, and PCCs have been regarded as a clear and politically attractive way in which these problems might be overcome.

Chapter 2: Questions of democratic accountability in policing

2.1 Introduction

In the preceding chapter, I placed PCCs within a historical-political context and illustrated how they were the product of long-standing debates about the accountability of the police. This provided a helpful starting point to understand the political rationale behind PCCs. However, absent from this account was a consideration of some of the theoretical concepts which underpinned these debates on democratic accountability over the police. By clarifying these terms here, I hope to further situate PCCs within a broader theoretical context. From this account, I illustrate how the terms of democratic accountability were employed by policy architects in a theoretically impoverished way. Drawing on the literature, I distil a set of key terms by which one can better understand the concept and assess PCCs.

Police accountability is a complex subject. Neil Walker (2000) neatly articulates this complexity when he distinguishes between the two paradoxes of police *function* and police *governance*. The former realises that the coercive powers of force bestowed upon the police has the potential to simultaneously protect and damage both the specific and the general order (Marenin, 1998). The latter paradox exposes the fact that the state is on the one hand an active participant in the governance of the police, and on the other, they are the author of those governance arrangements which they inhabit. These fundamental paradoxes present substantial challenges for holding the police to account. As Walker (2000) explains:

the state must develop a framework of governance which both serves to enable and constrain the police effectively and to constrain the state's own capacity to interfere unduly on its own behalf' (p.6).

My aim in this chapter is to deconstruct these inherent challenges into a series of questions which can be used to examine PCCs. Before proceeding, it is important to specify that my focus here and throughout the thesis is on police organisational accountability as opposed to individual officer accountability. The police have significant powers of force available to them at their discretion and there is a corresponding need for individual officers to be held to account for their own behaviour. But policing is also a social good, and the way in which limited resources are prioritised and deployed at the organisational level similarly require a form of accountability in a democratic society (Walker, 2000). Since PCCs are empowered to set police budgets and force priorities, my primary concern throughout is on this latter type of organisational accountability and references to 'police accountability' here therefore relate to the police organisation, unless otherwise stated.

'Democracy' was a frequently recurring term in the inception and introduction of PCCs, but the concept is broad-spanning and has many variants. Likewise, the term 'accountability' is ambiguous and often used interchangeably with other terms, such as answerability, responsibility, oversight, scrutiny, audit and transparency, amongst others. I will begin the chapter by exploring these concepts in the context of policing to help clarify the ensuing discussion.

My analysis in the previous chapter illustrated the complexity of police accountability in England and Wales alone. But the issues I highlighted there also raised a series of questions about the nature and the scope of accountability required over the police more generally. For example, the legal disputes between

chief constables and police authorities in the 1980s brought to light a tension between legal accountability versus political accountability. The courts deemed that the police were singularly answerable to the law. But, as the police became more politicised, they found themselves increasingly accountable to politicians. This brought to the fore a key question in the accountability of the police – to *whom* should they be accountable?

Another prominent debate elicited in the policy history pertained to *how* the police should be held to account. Until the 1980s, accountability was argued to adhere to an ‘explanatory and co-operative’ style in which police authorities reviewed police decision making retrospectively (Marshall, 1965). As I outlined in Chapter 1, challenges in the courts from the 1980s, alongside the introduction of Police Community Consultative Committees, highlighted a push towards more prospective accountability mechanisms. But it was not until the introduction of PCCs that a more proactive approach – one that might be regarded as closer to the ‘subordinate and obedient’ (Marshall, 1965) model – was introduced to hold the police to account. This ‘how’ question then also entails a ‘when’ question: at what stage should the accountability take place? Should it be a review process after the fact, assessing decisions that have already been taken by chief constables? Or should it be in the form of oversight, which takes place before the decision has been made and involves more proactive consultation with chief constables?

The debates surrounding operational independence also flagged another important question: *what* should be the scope of police accountability? The advocacy of operational independence was borne out of the belief that specific operational decisions should be protected from political interference. But as was

observed in the previously discussed legal cases in the 1980s, this claim to independence seeped through to other areas, such as resourcing (for example, the case of purchasing rubber bullets). To what extent, then, should police be held accountable for areas such as resourcing, organisational management and deployment decisions?

A related question is *where* should this accountability lie? Should it be at the national level, as was in effect following the Police Act 1964 and in particular, after the PMCA 1994? Alternatively, should the accountability be situated at a more local level, as is the case with PCCs? Or ought it sit at an even smaller scale, such as at the neighbourhood ward level?

The last question I am concerned with here is a more broad-spanning one which binds the above questions together: *what principles* should guide democratically accountable policing? Various scholars have attempted to define some of the characteristic features of democratic policing, and have argued for overarching principles such as equality (Jones et al., 1996, 2012), responsiveness (Aitchison and Blaustein, 2013) and social justice (Manning, 2010; Reiner, 2013). Here, I am concerned with the normative question of what principles ought to guide democratic policing.

In this chapter, I therefore explore these questions of who, how, what, where and why within the wider literature on democratic accountability, and attempt to situate PCCs within this context.

Thus, the chapter is structured on the following five questions:

1. Who should the police be accountable to?

2. How should the police be held to account?
3. What should be the scope of police accountability?
4. Where should the mechanisms of accountability lie?
5. What principles ought to guide democratically accountable policing?

2.2 Accountability and its application to democratic policing

What do we mean when we say that the police should be more 'democratic' or 'accountable', or more 'democratically accountable'? Both concepts of 'democracy' and 'accountability' can be traced back thousands of years to simple civilizations, but when applied to complex societies with varying degrees of hierarchy and specialization, they become particularly ambiguous (Day and Klein, 1987). Furthermore, extensive enquiry into the terms has expanded the concepts to the point of becoming almost devoid of meaning. For example, studies on democracy have spawned a series of subtypes of democracy – what Collier and Levitsky (1996) term 'democracy with adjectives'. In their research of 150 studies on democracy, they found as many as 550 subtypes. Given the breadth and complexity of the concepts of democracy and accountability, I therefore have neither the space nor capacity to extensively analyse these terms in the abstract. Instead, I focus my attention on clarifying these terms in relation to policing.

Accountability is closely related to the notion of democracy. Day and Klein (1987) argue that accountability is the defining feature of a democracy: 'it is precisely day by day accountability, in which the rulers explain and justify their actions directly to the ruled, which distinguishes a democratic society from an elective tyranny' (p.7). Thus, accountability can be a means of legitimising democratic processes. But democracy and its related structures also offers a means of holding institutions,

such as the police, to account. Democracy provides both formal institutional means (such as police authorities, PCCs, the Home Office or police-community forums) and informal means (social pressures, such as a free and open media) of influencing police policy and practice. The 'democratic structure', then, is 'concerned with some fundamental questions regarding public participation in policy formation' (Loader, 1996, p.10).

When placed together, the term 'democratic accountability' is a complex beast, particularly with regard to policing. The Patten Inquiry (1999) into policing in Northern Ireland defined democratic accountability as that:

by which the elected representatives of the community tell the police what sort of service they want from the police, and hold the police accountable for delivering it. (p.22)

The statement masks a series of more complicated questions that belie the nature of democratic accountability. For example, need it be an indirect form of accountability through representatives, or could it entail more direct forms of democratic involvement? If we accept that a representative form is necessary, should representation be done by an individual or a committee? And if so, is it necessary that they are elected? What kind of communities are being represented and how can we be sure that all in the bespoke communities are represented? What does 'telling the police' look like in practice? And how exactly are the police to be held to account? Answering these questions cannot be done in the abstract devoid of consideration for cultural, political and historical context and I therefore wish to explore these questions in greater detail in the following section with specific reference to police governance in England and Wales.

Before doing so, however, I would like to outline a number of other potential forms of accountability which are relevant to policing, which can either compete with or compliment democratic accountability. To date, the most comprehensive study of accountability is still Day and Klein's (1987) comparative analysis of five different public sector agencies, including the police, social services, health, the water authority and education. They distinguish between four types of accountability: financial, political, professional and legal.

Day and Klein elaborate three core features of financial (or 'managerial') accountability. Firstly, they discuss *fiscal* or *regulatory* accountability. This is concerned with whether appropriate inputs have gone into the policy/service delivery. This can include scrutiny of financial aspects (i.e. whether money has been spent as agreed) and legal elements (i.e. whether laws have been followed). Another type of managerial accountability they identify is *process* or *efficiency*. This is concerned with whether appropriate outputs have been produced and ensuring the action has been implemented and value for money has been achieved. Finally, *programme* or *effectiveness* accountability is about whether intended outcomes have been produced and ensuring that aims have been met.

Financial accountability is described as a 'neutral, technical exercise' which 'involves book-keeping and adding up' (p.8). By contrast, political accountability – which for them means accountability to the state – 'involves dialogue and debate about what should be included in the balance sheet' (p.8). However, Day and Klein concede that "implicit in [performance indicators] is a set of values or assumptions about what counts as good performance, and what therefore the language of evaluation should be" (p.242). This blurry line between political and

managerial accountability has been well made elsewhere (see, for example, Loader, 1996).

Professional accountability relates to standards set out by a profession (for example, the health profession) which can involve training, accreditation and regulations for members. Those in breach of the rules laid out by the profession can have their membership revoked and may effectively prevent the individual from practicing their profession. Professions, then, can exert a significant degree of accountability. The professionalization of the health service is well established, but until recently, has been less evident in policing. Day and Klein (1987) argue that professionalism adds another layer of complexity to the concept of accountability, since it is an internal form of accountability where members are accountable to themselves: 'It is the profession as a body which sets the objectives and rules which govern the performance of individual members' (p.19). From this perspective, it is at odds with the concept of democratic accountability. For Day and Klein (1987), professional accountability is

incompatible with the concept of accountability as a series of linkages leading from the people to those with delegated responsibilities via parliament and the managerial hierarchy since it brings on stage a set of actors who see themselves answerable to their peers, rather than to the demos. (p.19)

As such, if democratic accountability is about answering externally to the public, professional accountability is about answering to an internal set of specialised actors.

Lastly, legal accountability refers to the confines of the job set out by law which can guide behaviour. Day and Klein elicit two strands of legal accountability. At a basic level, in a similar vein to managerial accountability, it can be regarded as a

technical exercise in ensuring that democratic representatives act within the parameters of the law. But it can also be regarded in a broader sense as 'controlling whether or not the actions of government uphold or offend against certain basic human rights' (p.25). Legal accountability has particular relevance to the governance police in England and Wales and will be discussed in more depth below.

2.3 To whom should the police be accountable?

Stone and Ward's (2000) typology of accountability over the police provides a starting point for thinking about who the police ought to be accountable to. Their typology includes accountability to the state (executive, legislative and judicial) and internal forms of accountability, which refers to attempts taken by the police to police themselves, through training schemes, ethics codes and disciplinary boards, amongst others. They also list civil accountability, which encompasses a range of informal mechanisms of oversight which can be used to hold the police to account, such as community organisations, the media, civilian complaint committees and research organisations.

But even once the question of who the police should be accountable to is disaggregated to these sub-categories, significant complexities remain. In the previous chapter, I illustrated the dynamic nature of accountability to judicial and executive institutions in England and Wales. I described how the legal doctrine established by Lord Denning in which police were accountable 'to the law and law alone' effectively absolved the police from executive political accountability between the 1960s and 1970s. But this single line of accountability to the law (shielded by the construct of operational independence) received stern criticism

(for example, Lustgarten 1986). It was deemed problematic, not least because chief constables make inherently political decisions about policing styles, priorities and resource allocation – ‘a task for which the principal mechanism of control – the law – provides little guidance’ (Loader, 1996, p.9). Furthermore, given that the judiciary do not face the same democratic pressures as the executive in England and Wales (such as elections), accountability to the judiciary ‘establishes police independence through essentially non-democratic means’ (Wood, 2014, p.9). These issues were brought to the fore by Labour-led police authorities in the 1980s, who called for greater local (executive) powers through the strengthening of police authorities.

The 1980s also prompted a move towards greater civil forms of accountability, such as Police Community Consultative Committees in the wake of the Brixton riots of 1981. This echoes Aitchison and Blaustein’s (2013) notion of vertical accountability, characterised by responsiveness to citizens (as opposed to horizontal accountability to institutions). But processes of managerialism through the 1990s and 2000s came to hijack this form of civil accountability, whereby the public were pitched as customers to be consulted and responded to accordingly.

The proliferation of managerialism in policing also had implications for accountability to the law and to the executive. Stenning (2007) argues that trends towards new public management encroached upon the independence of the police internationally (such as Australia, New Zealand and Canada) but that this has not meant a simultaneous move away from legal accountability. Likewise, the trends towards managerialism in England and Wales simply added another layer of accountability over the police rather than replacing legal forms of accountability. Johnston (2000) argues that managerialist accountability in the 1980s and 1990s

was an attempt to depoliticize accountability of the police. However, managerialist accountability inadvertently opened up the space for local forms of accountability through consumerist methods to identify customer demand. In turn, this created a more contested – and thus more political – arena for debate. But this is not to say that it increased the *democratic* accountability of the police. In fact, since managerialism conceives policing as a technocratic exercise rather than a political one, it is arguably antithetical to the notion of democratic policing. As Loader (1996) comments, ‘managerialism is both a feature of, and contributor towards, a thinly democratic public sphere characterised by privatism, the mass-mediated construction of ‘public’ opinion and consent, and unaccountable expertise’ (p.34).

Instead, managerialism reinforced central executive accountability through the setting of performance indicators under the PMCA 1994. Thus, the police were now legally, politically (from central government) and managerially accountable. These competing strains meant growing concern amongst academic and political commentators that the police were unaccountable to local communities – a concern which became synonymous with a lack of *democratic* accountability (Loveday, 2006; Loveday & McClory, 2007; Police Reform Taskforce, 2007; Chambers, 2009). A growing body of evidence was illustrating the impotence of police authorities to provide this accountability (for example, Myhill et al. 2003) This perceived ‘democratic deficit’ (McLaughlin, 1992) awakened a demand for democratic accountability, predicated on notions of direct democracy (see for example, Carswell 2002), new localism, responsiveness and participation. PCCs were born out of this arrangement.

A further twist in this saga is that the fears associated with direct democracy (provoked by the introduction of PCCs), such as the tyranny of the majority and

the politicization of the police, fuelled the drive towards the professionalization of the police. The introduction of professional standards in policing, along with establishment of the College of Policing might be understood in part as a reaction to this democratization attempt. With the introduction of PCCs, alongside direct-entry into senior ranks of the police, advocates claim that the establishment of an independent professional police body 'is a well-timed contribution to managing the relationship between policing and liberal democracy' (Sherman, 2011). Professionalism offers a new means of insulating the police from the perils of democratization by ensuring that police experts retain a voice in policing. But of course, in doing so, this process has established another layer of accountability over the police, this time an internal one. From this perspective, it appears that the accountability of the police in England and Wales has shifted from managerial and centrally-controlled political accountability, towards both democratic and professional accountability.

The institutional intricacies of the accountability model depend on a further set of sub-questions: For example, should a local form of executive accountability be structured in the shape of committees or individuals? And should they be directly elected or indirectly appointed? The history of police governance in England and Wales illustrated a preference for a committee structure, composed of both indirectly elected and appointed members (elected councillors and magistrates respectively). Although the Labour-led police authorities in the 1980s argued that all members should be indirectly elected (thereby removing appointed magistrates), these calls were counterbalanced by managerialist inclinations amongst the police and Conservative members in the early 1990s, who argued that members of police authorities should be appointed to be representative of

interests with a stake in policing decisions, such as residents' and business associations (Reiner, 1993). While the PMCA introduced appointed members to police authorities, PCCs resemble a radical departure from the previous accountability structures.

A further question is whether these mechanisms should be police-specific (such as police authorities), or multi-service offices (for example, elected mayors)? As elicited in Chapter 1, PCCs were influenced by police governance arrangements emanating from large US cities such as New York, where a single figurehead was responsible for holding the police to account. However, elected mayors performed this function in these examples and there is currently no existing mayoral system across England and Wales.¹⁰ Since police force areas are not coterminous with parliamentary constituencies across England and Wales, a similar design was not viable and PCCs were introduced as replacements of police authorities.¹¹ While PCCs have a broader 'and crime' remit than police authorities, their focus remains specific compared to mayors or local authorities.

For these reasons, PCCs took the form of directly elected individuals with a specific police (and crime) remit. But of course, PCCs are just one possible answer out of many in the question of who the police should be accountable to. Whatever model is adopted, a subsequent question is how exactly does this body then exert accountability over the police?

¹⁰ Although the Conservative government have recently advocated the introduction of local mayors across large cities in England (BBC News, 2015)

¹¹ Jones et al. (2012) see this as a move which undercuts local government by creating a rival form of local democratic governance

2.4 How should the police be held to account?

The next debate to consider is a question about the means and extent of accountability. I have discussed how in England and Wales, the notion of operational independence has long dominated discussions about police accountability and has been used to insulate chief constables from accountability mechanisms. But operational independence is an unclear term. Stenning (2007) helpfully unpacks the concept and draws out two distinct sub-features of *control* and *answerability*. While accountability and answerability are often used synonymously, they carry slightly different implications. Answerability refers to answering to a particular authority in an explanatory manner (without necessarily involving the threat of sanctions), while the term accountability carries an implication of reprimand in a more hierarchical relationship between the accountable and the accountee (Day and Klein, 1987).¹² Stenning's distinction between control and answerability is helpful as it avoids some of the challenges associated with the term 'operational independence'. It allows the police freedom in terms of operational control of the organisation, but does not absolve them from being held to account (or more precisely, from being answerable), which the notion of operational independence risked doing.

The Patten Inquiry (1999) similarly overcame the issues associated with operational independence by using the term 'operational responsibility' instead. Patten noted that 'long consideration has led us to the view that the term "operational independence" is itself a large part of the problem' (p.33). The term 'operational responsibility' was helpful as – in Stenning's terms – it enabled chief

¹² This resonates with Marshall's (1965) distinction between 'cooperative and explanatory' and 'subordinate and control' forms of accountability, as discussed previously.

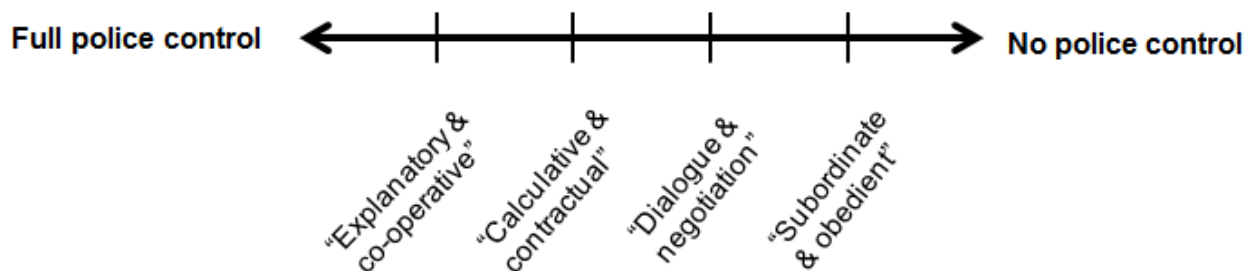
constables to remain in control, but simultaneously made them answerable. An important point to note, however, is that this is a retrospective form of accountability. As Patten notes, operational responsibility does not mean that chief constables are exempt 'from inquiry or review *after the event* by anyone' (p.33, my emphasis).

There is a debate as to whether answerability (as a retrospective form of accountability) is a sufficient means of governing the police. Would making chief constables more answerable to police authorities have addressed the criticisms of police authorities? I do not believe so. In fact, the processes of managerialism throughout the 1990s and 2000s made chief constables more answerable to the Home Office (and to some degree, police authorities) through audit trails and performance targets, but not necessarily more *accountable* as a result. One of the fundamental criticisms of police authorities was that they lacked the ability to exert any control in making chief constables more responsive to local communities. Therefore, to divide accountability into 'control' and 'answerability' risks allowing chief constables to claim accountability simply through being answerable and thereby further insulating their control.

To clarify these issues, police control over decision-making can be understood as a spectrum between 'full control' and 'no control'. While it is difficult to imagine a police force with either complete control over decision-making or an absence of control, chief police officers in different contexts experience varying degrees of power. For example, a chief officer may experience limited discretion over strategic policing decisions in a nationally-run police force which is managed by the government as a para-military force. Conversely, a chief officer in a decentralised, locally-managed organisation may feel relatively unconstrained in

key decision-making. Along this scale of police control, it is possible to envisage corresponding forms of accountability over the police. Marshall's (1965) distinction between 'explanatory and co-operative'¹³ and 'subordinate and obedient' suggests two opposing forms of accountability at each end of the police control spectrum. For example, the 'explanatory and co-operative' model can be thought as sitting closer to the 'full police control' end, since it assumes that chief constables are able to make independent decisions and only answer after the fact. On the other hand, the 'subordinate and obedient' model situates chief officers at the opposing end of the scale, both answerable and accountable to another body with decision-making powers. If the 'explanatory and co-operative' and the 'subordinate and control' models are opposing ends of a spectrum, then there are at least two intermediary approaches which sit between them: 'calculative and contractual' and 'dialogue and negotiation' (Figure 3).

Figure 3. Scale of police control over decision-making and corresponding forms of accountability



The Police Act 1964 espoused that chief constables – protected by the sacrosanct notion of operational independence – only faced a retrospective form of explanatory and co-operative accountability from police authorities. For the most

¹³ Day and Klein (1987) refer to this style of accountability as the 'Athenian tradition' because this is the form that rulers were held to account in ancient Greece.

part, police authorities would review decisions that had already been taken by chief constables, who were not bound to listen to their views (Reiner, 1993). But with the gradual erosion of the concept of operational independence through processes of centralisation and managerialism, a parallel growth in more proactive and community-driven form of accountability occurred. The suggested short-term contracts and performance related pay for chief constables in the Sheehy Report (1993) meant that chief constables would formally retain their operational independence, but in practice their decision-making would be curtailed by the performance targets set out by the Home Office (Reiner, 1993). The focus on regulation and output as espoused by managerialism provided greater scope for the Home Secretary to shape police decision-making, but within this constrained environment, chief constables still had a degree of freedom as to how they were to deliver policing, protected by the remnants of operational independence. As such, this 'calculative and contractual' (Reiner, 1993, p.19) style revealed a shift away from explanatory and co-operative accountability towards a more subordinate approach – although the remaining freedom chief constables had meant that this was not a subordinate and control system.

If managerialism prompted a shift from reactive towards more prospective accountability, then the introduction of PCCs can be seen as a continuation of this trajectory. PCCs are tasked with setting local police priorities (in the form of the Police and Crime Plan) on the basis of local consultation, which chief constables must have due regard for. This is made all the more poignant in practice by PCCs' powers to appoint and dismiss chief constables. This arrangement therefore brings the point of accountability back to an earlier and more integral stage of the police decision-making process. This model resembles a 'partner' approach

(Morgan 1985, cited in Walker, 2000) – or perhaps more accurately described as the ‘dialogue and negotiation’ model. This approach emphasises joint resolution of policy objectives through dialogue and negotiation. This model then is sat next to a subordinate and control approach, although it falls short of this because final decision-making rests with the police. The concept of PCCs, in part influenced by mayor-police commissioner relationships in some US cities, aspires to this model of accountability. However, as will be detailed in Chapter 6, this has not necessarily been borne out in practice.

Lastly, there remains a question about how to exert meaningful organisational accountability which is capable of genuinely shaping police behaviour. Reiner (1993) contemplates this by drawing upon findings from the Policy Studies Institute (Smith and Gray, 1983) which distinguish between three types of police rules: presentational, inhibitory and working rules. Presentational rules are those which are officially used by the organisation to legitimise actions, but in reality have little meaning for officers. Inhibitory rules are those that are enforced by the organisation and carry sanctions which act as a deterrent to behaviour, while working rules are the informal rules of the job which guide behaviour (Smith and Gray, 1983). Reiner (1993) argues that given the powers of discretion bestowed upon officers, presentational and inhibitory rules are not sufficient in themselves to shape behaviour. Instead, influencing working rules is the most viable option:

effective accountability means winning the hearts and minds of the police themselves for the values of democratic policing, not just securing token compliance and mute insubordination. (Reiner, 1993, p.21)

This approach closely resembles Sklansky's (2008) advocacy of 'workplace democracy', which argues that democratic policing must be built up from within the organisation itself if it is to be democratically accountable.

2.5 What should be the scope of police accountability?

One of the issues with the concept of operational independence was that it applied the same standards of accountability for all types of police decisions, when in fact police decisions are multifaceted (Lustgarten, 1986; Walker 2000). Reiner (1993) untangles some of this complexity by distinguishing between general and specific decisions, and organisational and law enforcement decisions. Using this typology, he forms a matrix which delineates the different types of police decision-making (Table 1), which helps to overcome the binary policy versus operational debate which the notion of operational independence hinges upon.

Table 1. Police decision-making matrix

	General Policy	Individual cases
Law Enforcement	Policing styles	Use of legal powers
Internal Organisation	House-keeping	Personnel management

Source: Reiner (1993, p.10)

Policing styles refer to general policies (for example, at force level) to implement a certain style of law enforcement, such as community policing or zero tolerance policing. Law enforcement at the individual level pertains to the use – and non-use – of legal powers. This is about the discretion that individual officers have in

decision-making, which may not be visible to the public (especially where officers chose not to use force). House-keeping refers to internal organisational policies, which may involve decisions such as resourcing, while personnel management refers to decisions about individual officers as employees of the police organisation, such as questions of recruitment, promotion, discipline and redeployment (Reiner, 1993). These categories of decisions, however, are not mutually exclusive and at times, they may be closely related. For example, policy decisions about how to respond to domestic violence will affect how individual officers enforce the law. By the same token, street-level police working practices may *de facto* become policy (Walker, 2000). This classification is also made more complex in practice as officers – particularly those in mid-management positions – may be routinely involved in both individual and general level decision-making. Nonetheless, this categorisation helpfully deconstructs the problematic notion of operational independence and provides a way of distinguishing PCCs from other police governance models, such as police authorities.

In principle, police authorities and PCCs shared similar authority with regard to these different decisions. But in practice, under the ‘dialogue and negotiation’ model that PCCs represent, there is greater scope for informal control of police decision-making. In particular, PCCs appear to have a more prominent role in affecting general policy matters compared to police authorities. In terms of their abilities to influence policing styles, for example, PCCs appear to have greater authority both in policy and practice. Under the PRSRA 2011, PCCs are to set priorities in the Police and Crime Plan which chief constables must have ‘due regard’ to. The Policing Protocol (Home Office, 2011a) also recognises that PCCs have control over priority setting and chief constables’ operational decision making

must be taken 'within the framework of priorities and objectives set by the PCC'. The electoral system which underpins the PCC model is a means of pushing this in practice, since re-election purportedly gives PCCs an incentive to actively engage with the public and incorporate their views into policing plans. This contrasts to the influence that police authorities had over such decision-making. As intimated in the preceding chapter, although police authorities formally published the policing plans for their forces, in practice chief constables wrote the plan and the police authorities rubber-stamped it (see for example, Jones, Newburn & Smith, 1994). Therefore in practice, they were limited to an explanatory and co-operative form of control over the police when it came to setting priorities. However, PCCs have been afforded a more central role in this regard.

As for house-keeping, PCCs have retained the same budgetary controls that police authorities had. But again in practice, events in the 1980s revealed the impotence of police authorities in this regard, whereby the judiciary sided with chief constables in relation to resourcing disputes. One such example involved James Anderton, the then-Chief Constable of Greater Manchester, who won a legal dispute against his police authority who had attempted to disband the mounted unit (Reiner, 1993).

With regard to personnel management, the Policing Protocol (Home Office, 2011a) states that chief constables have control over decisions to appoint and dismiss officers and staff, thereby excluding PCCs from influencing personnel management decisions. But PCCs' powers to appoint and dismiss chief constables can be viewed as a significant shift towards greater involvement in senior-level personnel management. Another area in which PCCs have greater

control over personnel management compared to police authorities relates to the employment of non-operational staff. Police authorities were the formal employers of non-operational staff, but in practice, the employment decisions were delegated to chief constables. With the introduction of PCCs, the employment was transferred back into PCCs' formal control.¹⁴

The only area which appears to be directly untouched by PCCs is individual enforcement decisions, which has been protected at least in policy terms in the form of the Policing Protocol (Home Office, 2011a). Section 33 states that chief constables retain: 'total discretion to investigate or require an investigation into crimes and individuals as he or she sees fit'; and 'the ability to issue a warrant to an attested officer with which that officer may exercise their police powers'. However, the electoral mandate which PCCs have may mean that in practice, PCCs may be tempted into influencing such decisions at the request of their potential voters. Indeed, since the introduction of PCCs, there have been some high profile instances of this. For example, Katie Bourne, Sussex PCC, was criticized when, in response to receiving complaints from members of the public and a local MP about a public disturbance, she asked her deputy chief constable and a chief inspector on Twitter to respond (Bourne, 2014). Although she denied directing the officers to respond to the incident (and instead had meant that the officer should merely respond to the MP), it is easy to see how under a PCC model, these sort of situations which may infringe upon individual enforcement decisions can arise.

¹⁴ A legal process referred to as 'Stage 1 Transfers' under the PRSRA. More on this subject will be explored in Chapter 6.

While this matrix is helpful in observing practical questions about the scope of police accountability and recognises the different decisions which may occur across different ranks, it largely assumes a police force which is oriented towards a singular goal of order maintenance. Brodeur's (2007) distinction between high and low policing provides an insightful means of further disaggregating police decision-making. Low policing is about day-to-day street policing which is primarily concerned with crime control, while high policing refers to police work oriented towards protection of political institutions (Brodeur, 2007). Much of the literature on democratic policing is focused on low policing. As Marx (2001) warns,

to judge current democratic societies only by traditional standards focusing on overt and direct police behaviour can result in a vision which is too narrow and an optimism which may be unwarranted. (p.5)

The growing surveillance state in the UK and abroad has particular implications for notions of liberty and privacy which are taken for granted in democratic societies. Marx cautions that these new technologies, which are often invisible and can be intrusive, can make police practice less democratic because of the way in which they may infringe upon democratic freedoms. The secretive nature of this form of policing is axiomatic to democratic notions of transparency, openness and responsiveness (Manning, 2010). Furthermore, these technologies also threaten democratic policing because they may physically distance the police from the policed (for example, remotely monitoring CCTV screens).

PCCs are structurally designed to focus on low policing. Although under the Strategic Policing Requirement (Home Office, 2012a) they are obliged to ensure sufficient provision for national policing (such as terrorism), they are fundamentally

a locally-oriented service designed to realign visible public policing with community wishes (which will be discussed in detail in Chapter 4).

Walker (2000) points to another vantage point which enables a clearer conceptual view of the scope of police accountability. In particular, he discusses the underlying purposes of a regulatory strategy and notes three layers of regulation. At the most concrete level, regulation may seek to directly influence the outcomes of what is being regulated. An example of this would be a PCC seeking to increase deployments of foot patrols to a particular location. An intermediate level of regulation seeks to influence at a more general level without directing specific outcomes, such as promulgating neighbourhood policing over zero-tolerance policing. Finally, at an abstract level, regulation may look to encourage certain overarching values which are believed to be goods in their own right, such as equity or responsiveness. From this perspective, PCCs are intended to affect policing at the intermediate level, rather than at the concrete level, shaping overall strategy rather than dictating police deployments. In reality, however, these differing spheres will be closely related. For example, a PCC might encourage neighbourhood policing because they wish to increase the number of foot patrols in a particular area, which might simultaneously speak to the value of responsiveness.

Walker concludes that the system of police governance at the start of the new millennium could be described as a 'stewardship' (or 'explanatory and co-operative') model, 'underpinned by a philosophy which seeks a pragmatic balance between democratic values and the more grounded virtues of effectiveness, efficiency and equity of treatment and service' (Walker, 2000, p.37). From the analysis so far, PCCs embody a shift towards a 'dialogue and negotiation' model,

underpinned by values of responsiveness and participation. Driving this fundamental rupture in police governance has been a shift towards localism – a debate I turn to next.

2.6 Where should the mechanisms of accountability lie?

Day and Klein (1987) ask a pertinent question about the location of accountability: ‘...if responsibility for setting objectives and defining rules is national, if the aim is to achieve a ‘uniform’ pattern of service delivery, while responsibility for providing services is local, where then does the accountability lie?’ (p.247).

This has been a pervasive question behind the long-standing debates in the governance of the police in England and Wales. The legislation set out in the Police Act 1964 put in place a framework for strong central control over policing, which expanded steadily from the 1980s through to the 21st century. As I described in Chapter 1, PCCs were part of a backlash against this trend and represented a change in the tide towards localism. This is therefore a debate about where the accountability should take place.

Johnston (2000) recognised the dilemma of positioning accountability mechanisms in the context of England and Wales, in which there appeared to be a disparate trend towards greater centralization (such as through Home Office circulars) and greater decentralization (such as the development of local consultative committees). He borrowed the analogy of rowing and steering provided by Osborne & Gaebler (1992) to help understand this trend. Johnston (2000) suggested that the Home Office were doing more steering of policing, but simultaneously they were doing less of the rowing in local policing. He warned that emerging new public management measures in policing risked ‘rocking the boat’.

As I illustrated in the previous chapter, pervasive managerialism and centralisation appeared to not only rock the boat, but also eventually changed the course of direction towards a more locally responsive model of governance. Stretching the analogy further, under this new model, the Home Office have seemingly jumped ship (an idea which I elaborate in Chapter 4)..

A centralised police system offers the possibility of establishing parity across different localities and enabling political balance to guard against partisanship and populist policies. But a localised model also has 'democratic advantages' in that it offers more opportunities for citizen involvement in the formation of local police priorities (Walker, 2000, p.29). Loader (1996) argues that the localism versus centralism debate is a zero sum game in which the benefits of each compensate for the drawbacks of the other. Consequently the debate is unlikely to be resolved in a single model. Instead, democratic accountability might be better thought of as diffused across varying levels of authority. In a similar vein, Day and Klein (1987) conclude that 'accountability must be seen in terms not of individual institutions but as a system which is woven into the fabric of political and social life as a whole' (p.249). This speaks to the notion of distribution of power, highlighted as one of the fundamental values underpinning democratic policing (Jones et al. 1996; 2012). Using this principle helps to see the issue as one broader than simply a question of centralisation. For example, a centralised system which has multiple tiers of police (such as France, which has a national gendarmerie alongside municipal police) may have a similar effect on diffusing power across a number of bodies (Walker, 2000). Likewise, a two-tier entry system into the police may have an effect of distributing power across two different sets of officers who are

distinguished by education, training, experience, responsibilities and career prospects (ibid.).

Indeed, this principle of the distribution of power has been used as the basis for policy recommendations aimed at making the police in England and Wales more democratically accountable. Loader's (1996) suggestion is that of police commissions (later to become 'policing commissions' to account of the plural network of policing [c.f. Loader, 2000]), which could operate at local, regional and national levels to accommodate for the varying aspects of democratic accountability. A variant of this approach is that proposed by the Stevens Report (2013). It recommends a series of legislative changes to enable lower tier authorities greater control over local area police budgets, appointments and priority-setting, alongside force-level Policing Boards with similar powers at the wider force area. Such suggestions provide a way to circumnavigate the challenges associated with the question of where police accountability mechanisms ought to lie.

These suggestions also indicate the ambiguous nature of 'local' accountability, which can be used in relation to units as large as police force areas, down to areas as small as neighbourhood wards. Neglected from all these accounts is also consideration as to accountability at the international level. In an increasingly globalised world, a pertinent question is to what extent should the police be accountable to super-national organisations such as the EU, UN and Interpol, amongst others (see for example Walker, 1993; Sheptycki and Bowling, 2012; Aitchison and Blaustein, 2013)? Finally, the level at which accountability takes place is also dependent on what the police are held to account for (for example, micro versus macro levels of policing; high versus low policing).

2.7 What principles should guide democratic policing?

Democratic policing is somewhat of a paradox. In order to achieve democratic ends, the police are imbued with undemocratic means, such as the ability to limit freedom and use (potentially lethal) force (Marx, 2001). These inherent contradictions in democratic policing make it particularly difficult to define. I wish to narrow down the scope of the task at hand by making a distinction between what Aitchison and Blaustein (2013) term 'policing for a democracy' and 'democratic policing'. Policing for democracy is about clearing the space for democratic processes to take place through policing practice, which entails restraint from intimidating the political rights of citizens (such as refraining from political campaigning) and positive obligations (such as protecting ballot boxes). Only within this context can democratic policing take place, characterized by a range of features which I will go on to discuss, such as the distribution of power, participation, redress and accessibility (Aitchison and Blaustein, 2013). Since I am predominantly concerned with the police in England and Wales – nations characterised by an established parliamentary democratic system of governance – here, I am interested in *democratic policing* rather than policing for a democracy. It follows that my focus here is on democratic systems, as opposed to 'quasi-democratic' and 'nondemocratic' societies (Manning, 2010).

The study of democratic policing by scholars in the Western world has been examined both bottom-up and top-down. The bottom-up perspective observes police organisations across Western democratic states and identifies the lowest common denominators as fundamental features of democratic policing. The top-down approach, by contrast, starts from a principled understanding of democracy which is then transposed to the police. I will synthesise the literature from both

perspectives to deduce some key principles which can be used to assess the PCC construct.

One example of the bottom-up approach is the work of David Bayley. Based on his extensive research on police forces around the world, he surmises that a democratic police force should: be accountable to the law rather than the government; prioritise serving individuals and private groups; protect human rights; and be transparent (Bayley, 2001). These ideals echo Marenin's (1998) examination of democratic policing, which is similarly built upon international police practice. He argues that a democratic police organisation is one which is guided by effectiveness, efficiency, accessibility, accountability, congruence (alignment with social and cultural values) and general order (to do with the minimum use of force).

Another example of this approach is Gary Marx's (2001) attempt to understand democratic policing. While his work is not based on empirical work, he deconstructs the concept with references to international (or more specifically, Western) police organisations. From this approach, he concludes that 'all democratic police systems share the ideal that police powers are to be used according to the rule of law and not according to the whims of the ruler or the police agent' (p.2). He also lists six cross-cutting elements of democratic police organisations:

1. a division of labour between those who investigate, arrest, try and punish;
2. a military-like bureaucratic structure which limits discretion and tries to create audit trails;

3. the separation of police from the military and the creation of competing police agencies rather than a monolith;
4. external agencies (or compartmentalised parts of the organisation) that monitor its behaviour and that must give permission for certain highly intrusive actions; police who can be readily identified as such (e.g., in uniforms with names or identification numbers and clearly marked cars) or in the case of undercover police whose identity is hidden,
5. a courtroom trial in which police actions are...publicly revealed and judged; and rotation of assignments.
6. Adequate compensation and working conditions at least at the average level of the society

(Marx, 2001 p.4)

These facets pertain to principles of distribution of power, accountability and visibility, thus reinforcing some of the findings of Bayley and Marenin. These findings are further supported by other research which adopts a similar methodology. For example, the Organization for Security and Co-operation in Europe (OSCE) produced a guidebook on democratic policing based on directives from the UN. It identifies democratic policing as synonymous with a 'service-oriented approach', which is interpreted as concentrating on proactive crime prevention as opposed to crime control (OSCE 2008, p.11). Additionally, it highlights some of the main indicators of democratic policing as responsiveness, equity, effective service delivery and legitimacy.

But the bottom-up approach is limited in so far as it can only identify existing police practice and is therefore unable to offer alternatives beyond what already exists.

This perspective offers a helpful mapping exercise, but it is essentially a commentary on what democratic accountability in policing currently looks like (with some deduced principles), rather than a normative consideration of what it *should* look like.

The top-down perspective offers a means of overcoming this limitation by beginning with a conceptual exploration of the terms as ideal types and then applying these to the police. Perhaps one of the most well-known examples of this approach has been that of Jones, Newburn and Smith (1994; 1996; 2012). Their work is informed by empirical research, but their starting point is to examine what democratic policing should look like in abstract. Their claim is that ‘discussions about democracy are ultimately concerned with values’ (p.185) – even the bottom-up approach results in a set of criteria by which to judge democratic policing. From their perspective, it is better to begin with a comprehensive consideration of the underlying values of democratic policing based on democratic theory. From this detailed exploration, they deduce seven core values of democratic policing in order of importance: equity; delivery of service; responsiveness; distribution of power; redress; information; and participation.

Other value-based accounts of democracy include the works of Peter Manning (2010), Robert Reiner (2010; 2013) and Ian Loader (1996). Manning (2010) presents a nine-dimensional matrix of democratic policing to sketch the political, historical and socio-cultural contexts which are enablers of democratic policing. He argues that democratic policing can only proliferate under democratic political conditions (rather than non-democratic or quasi-democratic regimes). His inclusion of ‘varying degrees of centralization’ (p.61) further emphasizes the value of considering the influence of the geo-political context in which the police

organisation operates. He alludes to the importance of the historical context, in particular the way in which the relationship between the state and the police force emerged (which he terms 'the emergence of a state-based police authority', p.46). The corollary is that the public police are the only possible form of democratic policing, given the unique relationship it has with the state compared to private forms of policing, as well as its orientation to the collective good rather than market forces. Relatedly, the public police are the holders of a powerful symbolic role like no other ('sacred and profane attributes' and 'various imagery', pp.55-61). Beyond these contextualising features, the remainder of his matrix is concerned with the concept of legitimacy. This is only discussed implicitly rather than explicitly (using labels such as 'perceived fairness and trustworthiness' and 'mandate' pp.54-62), but the extent to which a public police organisation is able to make claims about its authority is a clear indicator of a democratic police organisation according to this account.

Manning (2010), inspired by a Rawlsian reading of distributive justice, claims that democratic police organisations are:

1. Procedurally fair and constrained in dealing with citizens
2. Reactive to citizens' complaints
3. Equal in applying coercion
4. Fair employers (in hiring, firing, promotion and demotion, disciplinary procedures, transfers and evaluation)
5. Competitive in an environment of policing (competing and co-operating with private police, vigilante groups and the military)
6. Accountable and responsible for its actions individually and organisationally

These principles speak to values of responsiveness, equity, legitimacy, accountability, justice and competition.

Reiner is similarly concerned with the notion of social justice. He is concerned with majoritarianism in the context of policing, pointing towards tyrannies of the majority and unequal access to resources and knowledge to affect policing practice (Reiner, 2013). To this end, the most palatable form of policing is one guided by social justice which accounts for all minority groups. His argument is that policing should strive to uphold democratic ideals combined by an emphasis both on liberal and social democratic citizenship. However, his pessimistic outlook is that this is unlikely amongst a 'neo-liberal hegemony' which fuels social inequalities (Reiner, 2013, p. 175).

Building upon the political theory of Habermas, Loader argues that democratic policing should be rooted in a deliberative form of democracy (what he terms as 'discursive policing'). The concept of justice is also essential to this account, 'for if democracy is about the expression of difference, justice is about its protection' (Loader, 1996, p.167). In particular, the principle of public justice is fundamental to the task of democratic policing. He outlines the necessity of a procedural element to maximise public involvement in decision-making through a 'politics of recognition', in addition to a substantive element which recognises the rights of minorities and other interests through a 'politics of human rights' (Loader, 2000, pp.337-8). Alongside these principles should also rest a 'politics of allocation', concerned with equalizing the distribution of policing resources (ibid). For Loader, the state is the only agency which is capable of delivering accountability according to these principles given its financial capacity and institutional authority (Loader, 2000; Loader & Walker, 2007).

Walker (2000) pitches democratic accountability against the backdrop of constitutional order. His detailed analysis of police governance across the U.K. (and within Europe) meticulously charts the complexity of holding the police to account, drawing upon legal theory. Implicit within his account is a reverence for the rule of law, but simultaneously he is acutely aware of the limitations of law as a regulating framework over the police. Thus he places emphasis on the value of distribution of power across constitutional and 'metaconstitutional' sites (p.292). In particular, in managing some of the inherent paradoxes within the governance of the police (as I earlier alluded to), he stresses the role of modern tripartism in balancing out power, steering away from simply focusing on the three institutions of Home Secretary, police authorities and chief constables, and instead bringing attention more generally to national, local and professional relationships.

From this analysis, it appears that these accounts of democratic policing tend to blur police governance and police practice. Although of course necessarily interconnected, there is some merit in teasing out the practice and governance of democratic policing. For example, principles of distribution of power or redress are more applicable to questions of how a police force should be democratically governed, while concepts such as restraint may be of more relevance to democratic police practice. Ultimately, it is clear from the overview of the literature that a democratically accountable form of policing needs to work from a set of values, and operate within a set of democratic structures which allow the values to thrive. This builds upon Aitchison and Blaustein's distinction between policing for democracy and democratically responsive policing. The most frequently recurring values from the above discussion appear to be equity (provision and enforcement of policing equitably through society, manifested through terms such as 'equity',

‘distributive justice’, ‘social justice’), and some form of inclusion of the ‘demos’ (which would incorporate ideas of ‘responsiveness’, ‘participation’, and ‘accessibility’). A respect for civil liberties also would need to be built into this set of values (embracing concepts such as ‘restraint’, ‘human rights’ and the ‘rule of law’). Institutional structures then need to be present to inculcate these values. From the above discussion, it is apparent that this structure needs to operate according to principles of good governance (such as ‘transparency’, ‘redress’ and ‘distribution of power’). It also requires institutional capacity to deliver policing (which takes into consideration ideas of ‘effectiveness’, ‘efficiency’ and ‘competition’).

This interpretation of democratically accountable policing suggests that there are essentially five base concepts which embrace the various ideals discussed. These include: (i) equity; (ii) civil liberties; (iii) demos; (iv) good governance and (v) service-delivery. These can be grouped under the two pillars of democratic policing *values*, and democratic policing *processes*. I elaborate on each of the five base concepts below.

2.7.1 Democratic policing values

(i) Equity

In accordance with Aitchison and Blaustein (2013), and in line with much of the literature on democratic policing, I posit that equity is an essential element. Jones et al. (1996; 2012) place equity at the top of their list of democratic policing on the basis that all other elements of democracy stem from it. They provide the example of universal suffrage, which is based on the claim that it is fair for every adult to have an equal vote (Jones et al. 1996, p.190). The application of equity in policing

can be separated twofold. Equity can be used to guide instances where the police are providers of a service, such as the provision of neighbourhood policing to different communities. Where they are the providers of a service, principles of distributive justice are applicable (see, for example, Manning, 2010). Indeed, this approach aligns with Reiner's advocacy of a social justice model of policing which pays due regard to minority groups. Simultaneously, the principle of equity can be applied to instances where the police carry out law enforcement activities which may infringe upon civil liberties (such as stop and search) (Jones et al. 1996). As such, in pursuing democratic policing, the notion of equity must also be informed by a regard for civil liberties.

(ii) *Civil liberties*

The term 'liberal democracy' strives to balance out competing pressures of democracy and protection of civil liberties, and as such has a fundamental tension at its heart (Stenson & Silverstone, 2013). It is a paradoxical term since both concepts pull in opposing directions: 'the logic of liberalism is to preserve space beyond the reach of publicly elected officials; the logic of democracy on the other hand is to bring more aspects of social life into the public realm.' (Wood, 2014, p.5). However, when applied together they are thought to harmonize each other, balancing out potential ills of both. For example, democracy acts as a check on liberal elitism, while liberalism strives against tyranny of the majority (Wood, 2014).

In line with this argument, some of the literature on democratic policing therefore embraces measures to protect civil liberties. When the concepts of 'human rights' and 'restraint' are used in this context, they are seen as means of counterbalancing some of the potential harmful elements of policing which may infringe civil liberties. In some accounts, the rule of law is also regarded as an

important means of equitably protecting individuals from these potential harms (see for example, Walker, 2000; Manning, 2010). Thus, a democratically accountable model of policing should emerge out of principles of equity and the protection of civil liberties.

2.7.2 Democratic policing processes

In order to deliver democratic policing built on these values, police organisations need to have processes in place which allows them to thrive. One concept which may be helpful in binding this structure together is that of ‘responsiveness’. Aitchison and Blaustein (2013) build on Andrew Kuper’s work on democracy, which posits that responsiveness is the conceptual adhesive which holds together the concept of democracy (Kuper, 2004). They argue that a number of features of democratic policing are subsumed by headline concept of responsiveness. For example, they argue that ‘distribution of power’ (c.f. Jones et al 1996; 2012) can be understood as horizontal responsiveness to other actors with a stake in policing, none of whom can claim complete knowledge of policing. From this account, ‘competition’ (c.f. Manning, 2010) can be read as responsiveness to consumers; ‘information’ (c.f. Jones et al 1996; 2012) as a response to the public in itself and simultaneously a means of informing public response; ‘redress’ as a means of allowing public to express discontent; while ‘calls for service’ (Manning, 2010) and ‘accessibility’ (Marenin, 1998) both require police response to the public.

While the notion of responsiveness provides a helpful means of thinking about the organisation of democratic policing processes, this account blurs two important

concepts which merit delineating. These include what I term 'demos' and 'good governance'.

(iii) Demos

Somewhat unsurprisingly, many of the enquiries into democratic policing stress the importance of engaging with the public. As textbooks on the theme of democracy typically begin, the term democracy emanates from the Greek 'demos', meaning 'the people'. Thus the basic element of democratic governance must involve in some shape or form 'the people'. Although there is little consensus as to how and to what extent the public ought to be involved in police decision-making, the frequently recurring terms of 'responsiveness' (or more precisely, 'vertical responsiveness' [c.f. Aitchison & Blaustein, 2013]), 'participation', 'accessibility', 'transparency' and 'information' are all terms which at the very least support the idea that a democratically governed police force needs to find a means of incorporating the public.

(iv) Good governance

Aitchison and Blaustein (2013) refer to relationships with other institutions as 'horizontal responsiveness'. However, relationships are not necessarily borne out of a concern for responsiveness, but rather accountability or good governance. For example, Police and Crime Panels who oversee Police and Crime Commissioners (as will be explored in Chapter 7), were established as a counterweight against potential abuses of powers of PCCs; while demands for the power of recall over PCCs similarly were about instating a healthy form of governance (Lister, 2014). Since my concern here is not only on democratic policing, but democratically *accountable* policing, I advocate that governance should be another key element in its own right. Indeed, the literature on the

democratic accountability of the police implicitly wrestles with the question of what is good governance. Frequent reference to the distribution of power, redress, and accountability are all indicators of this. But so too are concerns with transparency and information-sharing, which allow for these governance arrangements to be scrutinised. Legitimacy might also be considered relevant for good governance, since a government (or governing body) is more likely to govern effectively when they are perceived as legitimate (see for example, Beetham, 1991).

Beyond the realm of policing, the concept of good governance (or what has been termed 'good enough governance') has typically been used in the context of international development (Grindle, 2004). One of the most recognised models for good governance for public office holders in the U.K. is the *Seven Principles of Public Life*, otherwise referred to as the 'Nolan Principles'. The Nolan Principles emanated from a report by the Committee for Standards in Public Life, which set out a series of ethical standards expected by public office holders. These principles include selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Nolan report advocated that these principles could be channelled through codes of conduct, independent scrutiny and guidance and education. The seven principles apply to any public office holders, including the police, and have formally been adopted as part of the UK ministerial code. While these are not the only standards by which 'good governance' might be conceived (see for example, Graham et al. 2003), the Nolan principles illustrate one way in which the notion of good governance can be implemented and embedded within political discourse.

(v) Service delivery

The final cornerstone of a democratic policing process is that of service delivery. As Jones et al (1996) argue, all citizens benefit from a well delivered service which is run effectively and efficiently. Service delivery is intimately tied to the value of equity, since it is in the interest of all to have an efficient service capable of providing support and/or coercive force (even those with hostile attitudes towards the police). An ineffective police organisation which is incapable of delivering core services would sit uncomfortably with the value of equity because it would increase the likelihood that the service is not being delivered equally to all citizens. Further, since policing is a public good (c.f. Loader and Walker, 2007), an inefficient police force which is incapable of responding to demand equitably would undermine the principle of the *demos*.

Table 2 below organises the themes from the literature on democratic policing into the five base concepts I have sketched out. The terms used in the literature on democratic policing are interchangeable across the five parent headings.

Table 2. Base concepts of democratically accountable policing by author

Scholar	Values			Structures	
	<i>Equity</i>	<i>Civil liberties</i>	<i>Demos</i>	<i>Good governance</i>	<i>Service-delivery</i>
Bayley (2001)		Human Rights; Rule of Law	Responsiveness		
Marenin (1998)		Rule of law; Restraint	Accessibility; Congruence	Transparency	Effectiveness & efficiency
Marx (2001)		Rule of law; Restraint; Human rights		Transparency; Distribution of power; Accountability	
OSCE (2008)	Equality		Responsiveness	Legitimacy	Effectiveness & efficiency; service-oriented

Jones et al. (1996; 2012)	Equity		Responsiveness; Participation	Information; Redress; Distribution of power	Effectiveness; Efficiency
Manning (2010)	Distributive justice	Accountability; Restraint	Responsiveness	Legitimacy	Competition
Reiner (2010; 2013)	Social justice	Restraint	Local representation	Distribution of power	Service-oriented
Loader (1996)	Justice		Responsiveness; Participation	Legitimacy; Distribution of power	
Walker (2000)	Equity	Rule of law; Restraint; Human Rights		Distribution of power	

2.8 Situating democratically accountable policing within the history of police governance in England and Wales

What is to be made of the history of police governance against the five base values of democratically accountable policing?

Attempts by the Royal Commission to modernise the force included a push towards greater centralisation of the police through reducing the number of forces across the country, as well as strengthening the powers of the Home Office to affect policing. This might be read as an expression of the value of equity. By providing a more centrally controlled police force, the government would be able to standardize police practice and encourage more equal provision of policing services across the country.

However, as the centre gained more power over the police throughout the 1980s and 1990s, the notion of equity was increasingly subsumed by that of service provision – most starkly realised in the shape of managerialism. Although there was significant central control, the driving force behind the changes appeared to be about effectiveness, efficiency and economy. This public management approach in policing through the 1990s and into the 2000s therefore manifested a prioritisation of effective service provision.

Although the introduction of community consultative committees were designed to incorporate the demos into police governance, the pervasive pull of managerialism and centralism ensured that this was to remain a peripheral concern until the turn of the century. The perceived democratic deficit and the growing tide of localism meant that the demos became a more central focus in policy throughout the 2000s. On one hand, this push towards localism could be interpreted as a move

towards greater equity, by redistributing the control of policing away from central government and towards local institutions. But on the other hand, if centralisation in the 1960s can be read as a move towards greater equity in policing through standardisation, it is possible to see the move towards localism – with PCCs at the heart – as a shift away from the principle of equity. In particular, it may represent more disjointed provision of policing across different police forces with different priorities. For example, the ‘Direct Democracy’ paper which first introduced the concept of PCCs in the form of local sheriffs, argued that these sheriffs should represent BCUs and that they should be responsible for setting priorities for both local policing and prosecutions. It was argued that this would ensure greater local accountability over policing and crime, but such an approach would have clearly created an extremely uneven landscape across the criminal justice system and undermine notions of equitable service provision. Although PCCs cover wider geographical units and are singularly responsible for policing and crime, the essence of local provision which underpins them does little to recognise the principle of equity.

However, the principles associated with service provision also lie nearby in the tight fiscal climate in which PCCs were born. Their ‘commissioner’ title is telling in this sense, indicating an expectation that they will be commissioners of crime reduction services (see for example, Police Reform Taskforce, 2007). PCCs also offer the prospect of improving delivery of service by applying new pressure on the police to deliver change, although their more public facing role means that they may be tempted to pander to the masses with a focus on visible indicators of success, such as crime rates – and potentially less focus on less visible issues (Jones et al. 2012).

In pursuit of the value of 'demos', the government in particular focused on notions of responsiveness and participation. However, as alluded to in Chapter 1, it appears that the language of local accountability has been used as code for refining the police mission to crime-fighting. The expectation is that by allowing local communities a greater say in their police and crime agendas, the police will become more responsive to demands for zero-tolerance policing. Simultaneously, as previously discussed in Chapter 1, the rhetoric of local accountability in the context of a 'Big Society' allows a shift in culpabilities for the problem of crime. In this light, democracy is regarded by the policy advocates in narrow instrumental terms, used to refine the police mission and redistribute responsibility for the problem of crime.

The concepts of responsiveness and participation were arguably most acutely realised in the shape of elections of PCCs. Elections are a means of institutionalising democracy through allowing the public a participatory role in who governs them. They are therefore an important element of democracy; yet, they are not by themselves sufficient in sustaining democracy (Reiner, 2013). Jones et al. (2012) question whether an election every four years is enough to claim greater participation in the governance of the police – particularly against the backdrop of a decline of local government (and active public involvement in it) in Britain in the last hundred years. Elections can also come at a cost. They create a form of majoritarianism, which has the potential to undermine the rights of individuals and minority groups (Reiner, 2013; Wood, 2014). This is a particular danger with a single point of accountability in the shape of PCCs, since PCCs may champion certain voices, policing priorities and policing styles, which may undermine the principle of equity (Jones et al. 2012). Elections can therefore threaten civil

liberties on utilitarian grounds and the introduction of PCCs lacks appreciation of the values of equity and civil liberties.

Another danger associated with elections is that they can inculcate a false sense of accountability, otherwise known as the 'electoral fallacy' (Karl, 1986). In their research, Day and Klein (1987) found that both non-elected members of authorities (such as health and police authorities) and elected members (such as in education and social services) shared similar concerns about their ability to control their respective service deliverers. However, they found that elected members were more likely to feel that they were accountable:

[f]rom their perspective, the fact of election, the constitutional myth that election ipso facto makes members accountable, washes away contradictions involved in the role. Accountability is taken for granted. (p.228)

The authors posit that this is because the presence of elections may "have the paradoxical effect of weakening the pressure on members to justify their actions in terms of the service performance...rather than strengthening it" (p.245-6). Elections can therefore create a false sense of accountability which may not actually mean very much in practice. Thus, the government's anticipation that elections would bring greater democratic accountability is questionable.

The introduction of PCCs on the surface appears to be concerned with principles of good governance. For example, their introduction plainly redistributes power away from the centre and chief constables and into the local (although whether this has redistributed power too far onto the local will be discussed in Chapter 4). PCCs also offer positive prospects for redress, given that they have powers to hire and fire chief constables (Jones et al. 2012). However, the fact that PCCs do not

themselves face such opportunities for dismissal somewhat undermines this principle. Lastly, they may also offer positive outcomes for information or transparency, since their presence alongside chief constables provides a further torchlight onto police practice (Jones et al. 2012). But, as I will identify in Chapter 6, the single point of accountability means that information may be confined to chief constables and PCCs.

Based on the above account, the government's current rendition of 'democratic accountability' is a narrow one, concerned with crime-fighting through principles of responsiveness and participation. The value ascribed to elections in securing democratic accountability has been somewhat overstated and lacks due regard for values of equity and protection of civil liberties.

2.9 Conclusion

In this chapter, I have outlined some of the core features of democratically accountable policing. By examining broader questions about the accountability of the police, I was able to situate PCCs within a theoretical context. I determined that PCCs are part of a shift away from managerial and political accountability and towards what might be regarded as a 'democratic' form of accountability with caveats. On this trajectory, PCCs were moulded as directly elected individuals with a specific police and crime focus. When thinking about how the police ought to be held to account, it is apparent that the policy illustrates an attempt to spread police decision-making more evenly away from chief constables and towards PCCs under a 'dialogue and negotiation' model. PCCs also have a broader scope over policy making in policing than police authorities. They have more authority over personnel management and – at least informally – have greater muscle to

affect general policy, house-keeping and potentially individual enforcement decisions. However, like police authorities, they appear to be primarily pitched to deal with issues of low policing. Finally, in response to pervasive centralism throughout the history of police governance, PCCs embody a belief that accountability should be orchestrated at the local level, with little consideration as to how it might be distributed across other platforms.

Following consideration of some of the dominant literature on democratic policing, I elicited equity, respect for civil liberties, inclusion of the 'demos', good governance and service delivery as key principles of a democratically accountable police organisation. PCCs predominantly speak to the value of 'demos', championing notions of responsiveness and participation most clearly through the principle of elections. However, there is considerable scepticism as to whether the electoral process is sufficient to inculcate democracy more generally. What is more, the rhetoric of democratic accountability appears to be a means of institutionalising a crime-fighting agenda amongst the police, meanwhile devolving responsibility for the problem of policing and crime. Although there are elements of good governance and effective service delivery built into the model, there are a number of vulnerabilities in the system which could undermine some of the democratic principles, such as concerns about majoritarianism. In sum, PCCs encapsulate a narrowly informed definition of democratically accountable policing, starved of wider consideration for how policing might be delivered more equitably or with respect for civil liberties.

With a clearer conceptual view of PCCs and the wider theory of democratically accountable policing, I now proceed to examine the introduction of PCCs in more concrete terms.

Part II : The Positioning of Police and Crime Commissioners

In this section, I examine the positioning of PCCs within the democratic policing puzzle. I do this firstly by looking at PCCs' unfolding relationships with their local publics and considering the ways in which they have responded to the challenges of working at the force area level. Once I have painted this picture, in the subsequent chapter I consider how they have balanced their commitments to local, regional and national policing. Through this site-testing of the PCC model, I hope to shed some light on its ability to create a space for democratically accountable policing.

Chapter 3: Locating the local¹⁵

As I inferred in Chapter 2, any discussion about democracy cannot be untied from the notion of ‘the public’. Indeed, under the reform, the shift towards greater public participation was made synonymous with the concept of democratic accountability. The public were a central focus of the policy – a perceived lack of public awareness surrounding the work of police authorities was cited by ministers and think tanks as a fundamental reason for the introduction of elected PCCs (for example, Policy Exchange 2003). The public were to be the principal beneficiaries of this new system of accountability in which they could go to their visible PCCs with their policing and crime concerns and have their voice heard. PCCs, as the ‘voice of the people’ (Turner, 2014), would then be able to channel this through to chief constables who would be able to ensure that policing was being delivered more responsively to public need.

Given the centrality of the public to the policy and notions of democracy more generally, a fundamental first task in this thesis is to address how the policy (and PCCs themselves) has begun to engage the ‘local’. In this chapter, I explore how well-placed PCCs are to drive forward some of the forms of democratic accountability I identified in Chapter 2. I make the argument that their positioning at force-wide level has posed a significant obstacle to notions of responsiveness, particularly for PCCs in large force areas with multiple political constituencies. Based on my observations from the case study area, alongside interview material with PCCs nationally and policy architects, I claim that PCCs have been used to

¹⁵ Parts of this Chapter have been used as a basis for a report for the Police Foundation (Davies, 2014b).

address a governance gap which existed at a more local level than police force areas.

I evidence this in three ways. Firstly, I consider the difficulties which candidates in the case study area encountered when trying to establish locally-relevant campaigns in the run up to the elections. I then go on to argue that the first ever elections of PCCs – which drew the lowest ever turnouts in a UK political election – was also symptomatic of this lack of local relevance. I do this in recognition of some of the other implementation failures and in light of the fact that elections are a crude measure of public participation (which in itself is an insufficient indicator of democracy). Nonetheless, specific analysis on local turnouts offers at least a glimpse into how the policy was received by the public. Lastly, I consider public opinion polls which have been commissioned since PCCs came into office, which further illustrate low levels of public interest.

I then scrutinise how PCCs have responded to the challenges of being positioned remotely from their electorate since they have been in office. I outline how for the most part, PCCs have settled on an aggregative form of democracy and have used a number of structures to do so. But given the diversity of communities within forces, individual PCCs have struggled to be meaningfully representative of their whole areas and have tended to focus on being the voice of some groups over others. Although some PCCs have attempted to instil a direct relationship with the public in which they have begun to manifest elements of deliberative democracy, they have appeared to be frustrated by working across so many different local communities.

Finally, I contemplate the potential advantages of PCCs being located at the force area level. From interviews with CSP chairs across the case study area, I illustrate how the PCC model is able to bring parties together from different boundaries, which can be cost-effective and reduce duplication. But by the same token, the act of aggregating partners together risks losing some of the local variation and potentially overlooks local problems. Therefore I challenge whether the PCC model is able to stand for the local when PCCs appear to be situated at a far broader level. I conclude that PCCs – particularly those in larger force areas – are positioned too remotely from their local publics to drive forward notions of democratic accountability.

3.1 Locating the ‘governance gap’

Amongst the various stakeholders I interviewed both in the case study and nationally, there was a sense that PCCs were not local enough to be meaningfully representative of communities they served in their police force areas.

One key problem with a public-facing figure at a force area level was that they appeared to be too distant from local communities. This was an issue which was addressed by one of the CSP chairs in the case study:

a criticism of the police authority was that people didn't know what they did and who they were....I don't think people really cared, they cared about who their local police bobby was in their local community - can I call the police, can I get hold of them and do I know how to? ...who's my neighbourhood copper? If I don't see him enough I'm going to whinge, and if I do see him then great. And the community engagement happened by uniformed officer or a partner officer door-knocking and going to community groups, and that engendered a greater connection with the police service that a PCC will ever do.

CSP Chair 3

In other words, the public are more interested in what is happening at a smaller local level as opposed to at a force area level, and therefore for this CSP chair, the PCC was positioned in a way which made it very difficult to actively engage with the public. For this reason, he argued that the only way for the PCC to engage with local residents was through continued investment into neighbourhood policing, which was where the most important public engagement lay. In the words of CSP Chair 3, 'community engagement by the service that he runs, rather than him himself'.

All chief constables who I had interviewed were very aware of the discrepancies between public interest at the force area level and at much smaller geographical units. For example, Chief Constable 2 stated:

There does need to be an accountability to local people, but I've often argued that is the force level the most appropriate level? Is accountability best done in much more local scenarios?

This was a point that was accentuated by Chief Constable 3, who noted that the 'governance gap was more at the local level rather than the [force area] level'. Here, he implied that PCCs were essentially trying to fix a problem which could only really be addressed at a much more localised level. He went on to explain more about this 'governance gap':

... I think most people are really bothered about what is happening in the local area and therefore it is the ability to influence what government nationally and locally does at their local area that I think people...feel as the gap. That's what I see in the various communications I have that most people are not bothered about what goes on at a [force area] level. I think they want to feel that there is some form of governance and oversight if they need it, but overall their frustration is "why can't I get the police or the hospital or the council to do what I think is the right thing in my community.

Chief Constable 3

In essence, this Chief Constable echoed the thoughts of CSP Chair 3, arguing that in order to make policing publicly accountable in a way which engages local communities, it needs to be done at a far smaller scale than PCCs are currently operating in. This idea that the public principally have an interest at the very local level was further underlined by Chief Constable 1:

There is a massive interest in policing, but it's not a massive interest in kind of the generality of policing and specifically the governance of policing. So although the police authorities were relatively invisible, I'm not sure that the solution has resolved that issue. I think the public are still not interested. If it goes wrong they are interested, but as long as it's ticking along and you're doing a good job and all of that, they can't be that worried.

He went on to make an analogy between healthcare and rail networks, arguing that the vast majority of the public have very little interest in *how* these services are run and instead only care whether they are 'delivering the *outcome* that I would expect from a good service'. Like the remarks made by the other chiefs, Chief Constable 1 alluded to the placement of PCCs over a force area level as addressing an issue which could only really be resolved at a more local level.

Chief Constable 3 identified that one of the issues with the PCC model was that 'in general people don't play in democracy', suggesting that very few people were actually engaged by the whole process of introducing PCCs (as evidenced by the poor election turnouts, which I discuss later). He went on to explain that one result of this is that 'people feel disempowered because there are too many decisions made at a different place'. From this perspective, the introduction of PCCs at a seemingly remote level away from local communities could further widen the governance gap in which the public

feel distant from decision-making processes. This may be exacerbated in large force areas which contain many different parliamentary constituencies and therefore lack a sense of force-level identity.

One PCC called it a 'leap of faith' to call his force area a 'community' because it was so diverse. In the case study, Panel Member 2 explained that there was a lack of force-wide identity:

... nobody lives in the [force area]. I would never say to somebody 'I live in the [force area]. Nor does anybody else living in [any of the counties].

These were sentiments shared by a number of other stakeholders in the case study site. CSP Chair 6 described the force area as a 'non-entity', while several others discussed the huge diversity within just the counties, let alone the much larger force area. CSP Chair 5 underlined the challenge not just for the public, but also for the wider agencies involved in crime reduction:

[The force area] is not a unit that's familiar to anybody other than probation which operated at a [that] level. But health doesn't, local authorities don't, the fire service doesn't. So it's an artificial area. It means everything to the police, but it doesn't actually mean anything to anyone else. So we're all having to think differently. And aggregating this massive geographic area into the [force area], it doesn't work for some of the deliveries that we have to do

CSP Chair 5

It seemed then that the stakeholders believed that neither they nor the rest of the public would be able to identify with the PCC. Panel Member 2 explained the implications of this:

[For the public] to believe that a [force area] PCC is holding their interests at heart is not really going to convince the customers that they're working on their behalf quite frankly. Whereas if you live in Dorset or whatever and you know it's the Dorset PCC, you feel a certain

affinity to that person actually representing your interests. Even so, it's an almost impossible task.

This point underlined the challenges for PCCs working in expansive force areas which few appeared to identify with. This was a theme which had been raised PCCs themselves in other large force areas:

[We are in an area] in which there isn't real identification with the artificial construct of the [force area]. There's much more interest in what's happening in neighbourhoods, in cities and boroughs...[one of the] only electoral areas that's bigger than us is London and Boris has this big advantage... that everyone thinks they're Londoners.

Labour PCC 6

This quote encapsulated some of the fundamental problems that PCCs faced. The lack of identification with the seemingly inane force boundaries meant that there was a struggle to get members of the public engaged with the PCC. The previous remark about London also highlighted the way in which identification with an area is not necessarily contingent upon population or geographical size and instead may be more intimately related to political constituency boundaries. This was a point that was articulated to me by Policy Architect 1, who explained why he believed the elected police chief system was successful in somewhere as large as New York:

New York City is a big force, but it's a homogenous force because it serves a single community with a single mayor. And people therefore say, I understand that my little patch may be neglected a bit or won't need the same level of policing as say in Harlem, in Manhattan and so on.

Although it is contestable whether New York serves 'a single community', the underlying point is that a clearly defined and widely-recognised geographical unit can foster a greater sense of identification within that space compared to

more heterogeneous areas. This was a sentiment felt by PCCs working in forces which were coterminous with a local county. For example, Conservative PCC 13 highlighted how his force

is a county that has a lot of benefits to it in terms of it has everything within its borders, whereas [the PCC in the case study] has got quite a challenge of having quite a lot of bodies...

Some PCCs who had multiple political constituencies within their force area identified this as a significant problem to overcome. Conservative PCC 4 remonstrated that a particular difficulty he faced was that he had two counties under his remit who had an adversarial relationship, both historically and politically:

We also have a struggle with geo-politics in this area, because [the force area] is an artificial creation. It only exists in fire and police now. The county was abolished, it's half of County X and half of County Y, which is a bit like having half of Yorkshire and half of Lancashire - don't mix...I've got two halves of my area that without exaggerating, at times they're at war! Not easy.

Force-wide identification is unlikely in areas which are so clearly divided. In this particular instance, this PCC faced a further challenge in engaging with his public since both he and his deputy were from the same county. This raises questions about how representative he was of his force area – a point I return to later in this chapter.

In the case study site, there was an underlying current of cynicism amongst stakeholders about the suitability of the policy for their needs. CSP Chair 5 concluded that:

it's not ideal to have one PCC and [multiple] local authorities. It just isn't. We are doing our damndest to make it work [here], but it certainly wasn't designed for [this force area].

Through my interviews, it became apparent that some in government were also concerned about how the policy was going to work across such an expansive force area as the case study site. For example, Panel Member 2 described having spoken with the Home Secretary and the previous policing minister on separate occasions, who

... acknowledged that we were an exception in [this force], but nevertheless they were going to go ahead and do it. And that's been the issue really.

Indeed, in my interview with Policy Architect 1 prior to the elections, he conceded that this policy was not necessarily right for this case study area:

Now in a place like [that], where it's so large, where it's so far removed...people from places like Town A won't understand the needs of people in places like Town B or Town C and there's a problem...and therefore with smaller forces I think it might work better.

He explained that in order for a PCC to do the job of voicing the public concerns to the chief constable, they have to 'really identify with all aspects of the community'. Since the case study site was so large, he admitted that he had 'concerns about that particular location'. He speculated that the policy might be

a great success and works best in places like Warwickshire where the police force is coterminous with the county, for example Kent, Sussex and so on. But...places like [the force area], the police authority is not coterminous with the city. And that would be better, no question about it.

Policy Architect 1

These observations suggested a degree of concern from one of the creators of the policy about the ability of PCCs to be successful in large force areas which were not coterminous with local political boundaries. These admissions were surprising to hear from one of the chief policy architects just before PCCs were to be

introduced. It seemed as if this politician was somewhat dissatisfied by the way in which the policy (some of which was structured on police governance models from the US) had been diluted by some of the political characteristics within England and Wales.¹⁶

Such comments from a range of actors both locally and nationally revealed the difficulties inherent for PCCs in managing force areas which traverse so many different geographical, political and cultural identities.

3.2 Campaigns, elections and the aftermath: insufficiently local?

Based on these observations, I hypothesised that PCCs – particularly those in larger force areas – would struggle to engage local communities. Below, I assess this chronologically, based on my observations at the election campaigns in the case study site, the election turnout nationally, and public opinion surveys since PCCs have been in office.

3.2.1 The candidate campaigns in the case study

It was apparent from my observations in the case study that the candidates struggled to engage the public throughout their campaigns. I believe that this was partly a result of the size of the force area.

I began my fieldwork in the case study in August 2012, approximately three months before the elections. This entailed conducting interviews with one nominee for the Labour party (who stepped out of the running when he was not nominated by the party as their preferred candidate), as well as five of the six candidates in

¹⁶ The implications for US based models of police governance in the British context are drawn out well in Newburn (2012)

the force area.¹⁷ Additionally, I attended five hustings debates between all the candidates and also systematically collected information from local and social media to get a better sense of how the campaigns were unfolding.¹⁸

Although a number of names were linked to running for the role, eventually six candidates stood in the elections. They included an even spread from each of the major political parties (Conservative, Labour, Liberal Democrat and UKIP), as well as two independent candidates. Most of the candidates had come from different backgrounds, including education, law, sales, project management and work on local councils. The candidates varied in age from mid-thirties to late sixties, and five out of the six candidates were white males.

One of the principal means by which the candidates could engage with the electorate was through a series of hustings debates across the force area. In total, there were 6 of these events in the two months before the elections. With the exception of one hustings event which had an attendance of roughly 100 people, the average turnout at the other debates I attended was about 30 people. However, the actual number of members of the public present was often lower than this, as this figure included all the journalists, event organisers and support staff at these events. In a force area with over two million residents, these numbers were perhaps indicators of an 'apathetic and uninformed electorate', as one local journalist described in reference to these low turnouts at hustings.

Nonetheless, the candidates did attempt to engage with their electorate through a series of other means. While not all of the political party candidates had financial

¹⁷ I was unable to interview the final independent candidate despite several attempts to do so.

¹⁸ This entailed setting up a Google Alerts notification system, which provided a daily email summary of news articles relevant to the candidates in the force area. I then collated this information into Storify, as described under my methodology.

support from their parties, some were able to at least rely upon the party network to facilitate their campaigning. For example, the Labour candidate explained that:

it's quite easy to link thematically the campaigning I'm doing with the campaigning local councillors do as well. So very much it's been all the way through really linking my campaign...to local council campaigns as well.

This candidate was able to therefore produce a large quantity of Labour party leaflets which contained information about himself, alongside information about other Labour councillors who were intending to stand in local elections in the forthcoming year. Through mobilising existing political networks, he found that he was able to get a faster and cost-effective reach across the force area.

Without this support, independent candidates struggled to get their campaigns running. Initially, there were four independent candidates for the PCC role, but two eventually withdrew from the race, partially in response to the challenges of standing without the support of a political party in such a large force area. One of these candidates expressed frustration in a local newspaper at the 'flawed piece of legislation' which made it 'impossible for an independent candidate to effectively campaign in an area [with over 2 million residents and multiple counties]'. One of the remaining independent candidates described to me some of the challenges he faced by running without a party machine to support him, namely issues around financing the distribution of leaflets (he had printed and sent out 15,000 leaflets out of his own pocket). He also described how he had attempted to set up meetings with the public to try and establish better links with local communities. However, he dejectedly commented that very few people ever attended these meetings. In one area, he described how he had personally delivered 600 leaflets in the town where the meeting was to be held and just two people had turned up.

In another instance, he had managed to summon 12 local residents, but unfortunately on this occasion, no one was available to open the venue. Such stories highlighted not only some of the challenges facing independent candidates, but also provided further indications of the difficulties in attempting to enthuse the local public in such an area.

One response to the very large and densely populated force area was to use the internet to raise the public consciousness about the elections. For example, the UKIP candidate explained:

Due to the massive geographical area...I've been...trying to establish as prominent an online presence as I can. With two million residents and [multiple] parliamentary constituencies, traditional electioneering and campaigning is very difficult.

Five out of the six candidates had their own websites or dedicated blogs, and all but two had Twitter and Facebook accounts (although only two appeared to frequently 'tweet' and no candidate had more than 500 'followers'). One candidate explained that although this was a very small proportion of the total number of people in the force area, it was important because the 'media pick up on what you put on your website or Twitter, which takes you to a far wider audience' – intimating the importance of local media to his campaign. One of the independent candidates believed it was too much work to organise a virtual campaign and therefore chose not to establish any online presence (such as a website or social media), relying upon local press to spread his message. The Liberal Democrat candidate similarly believed that print media was an important avenue for campaigning because in his eyes, 'the print media has a high penetration of people who are likely to vote, particularly...with the broadsheets'.

The candidates were acutely aware of the challenges they had in connecting to the public in this force area and were consequently attempting to use a range of platforms to reach out to as wide an audience as possible. The Labour candidate expressed that the region was 'not a particularly synchronised area in terms of how people identify [with it, it's not]...anything people identify with'. This was the essence of the problem for the candidates in many ways. There was a real challenge in trying to engage with the electorate at a force area level which people could not identify with.

One of the results of this was that it became very difficult for the candidates to decide on a set of priorities that chimed with the whole population of the force area. Consequently, most of the candidates settled on some particularly vague and uncontentious policies in their manifestos, focusing on priorities such as cutting crime, protecting victims and 'keeping politics out of policing'. These priorities were voiced by most of the candidates at the hustings debates, which often meant that there was widespread consensus amongst themselves. This in turn resulted in some particularly dry husting sessions which seemingly did little to engage the audience – myself included.

This was an issue which had not gone unnoticed by others. Following one of the hustings which had taken place just three weeks before the elections, a local journalist tweeted 'candidates seemed largely to agree except on relevance of political independence', while a journalist from another newspaper summed up the event the next day and similarly despondently remarked about the 'flat' nature of the event where 'consensus prevailed' amongst the candidates throughout the evening. A political blogger described the event as 'an exercise in orchestrated tedium' in reference to the limited amount of interaction between the candidates

and the audience, since all but two of the questions had been submitted in advance of the event. He went on to tweet that 'on the basis of this panel...as PCCs they will bore [the force area] into low crime lethargy'.

While not all of the hustings were of this bland nature, there seemed to be ongoing concern about a lack of clear policy distinction between the candidates. Another political blogger in the area attended a debate just two weeks before the elections and one of his most serious concerns was that the candidates were 'big on vague statements and lacking on real ideas'. The generic nature of the debates was in part related to uncertainty about the new role and unwillingness amongst candidates to alienate any potential voters by saying anything controversial. But it was also a product of working across an expansive force area which contained a great variety of diverse communities, where it was challenging to settle on a particular set of cross-cutting priorities. Comprehensive research by the International Institute for Democracy and Electoral Assistance (IDEA) on 805 elections across the world has indicated that political competitiveness can have a significant effect on voter turnout (Pintor & Gratschew, 2002). This research found that turnout was 10% higher where the largest party had won less than half of the votes. It is therefore possible that the limited competitiveness in the case study area had a dampening effect on the voter turnout, which was one of the lowest in the country.

3.2.2 The Elections of Police and Crime Commissioners

The introduction of elections into the governance of the police was one strand by which the creators of the PCC policy hoped would kindle public interest in the governance of the police. As I described in Chapter 1, this was to replace a

system of police authorities who were regarded as remote from the public they served. The elections were believed to offer a more dynamic system in which an individual figurehead would have to stir up local interest in order to win over potential voters. Here, I explore the turnout at the first ever PCC elections and illustrate how PCCs have been placed too distantly from the communities they represent. I begin by presenting an overview of the low turnouts and then turn to consider the impact of force size, amongst other factors.

In his concluding thoughts on ‘direct democracy’ – one of the first times the idea of a directly elected police commissioner was mooted – MP Douglas Carswell emphasised the importance of elections to democratic governance:

Popular elections are the means of aggregating the popular will, and popular will expressed via the ballot box, not an elite’s interpretation of what is in the popular interest, is the basis on which we should be governed. (Carswell, 2002)

The irony of the PCC elections is that the low turnout and relatively higher number of spoilt ballot papers was regarded by the media as an expression of a *lack* of popular will (see, for example Chorely, 2014). The average turnout at the elections was 15.1%,¹⁹ with a low of 11.6% in Staffordshire and high of 19.8% in Northamptonshire.

The critical mass needed for a ‘good’ voter turnout in an election is subject to debate – what percentage of the population would have to vote in order for an election turnout to be deemed sufficient? Using other UK political (general and local) elections as a yardstick, the average turnout for PCCs was poor compared to an average of 42.3% for local elections and 73.3% for national elections (The

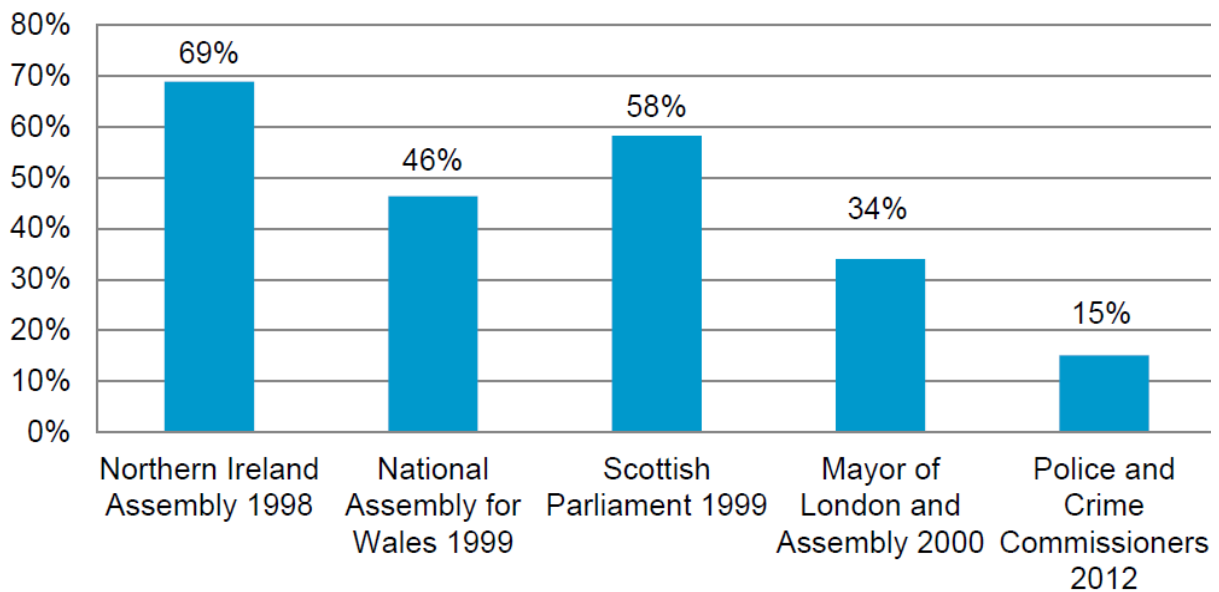
¹⁹ This figure includes votes that were rejected. When rejected votes are excluded from the analysis, the average turnout falls to 14.7% (Electoral Commission, 2012).

Guardian, 2012). Turnout for PCCs was the lowest turnout for a national election in UK history.

However, turnout in general and local elections has historically fallen, so comparing PCC elections to other elections with high average turnouts presents a skewed image. A fairer comparison is to therefore examine first time elections for novel institutions in more recent history. As illustrated by Figure 4, even with this type of comparison, the PCC election turnout remains the lowest when compared to other such elections.

Nevertheless, there are other units of measurement which have been used to judge the election turnout. For example, if greater public participation in policing is taken to be one of the major goals of the reform, another way to assess turnout is to compare the number of people who participated in selecting a police authority chair (a handful) to the number who voted for a PCC. This argument was advocated by the likes of Grant Shapps, then Minister for Housing and Local Government, putting a more positive spin on turnout (Huffington Post, 2012). By this reasoning, a turnout of 0.1% would be considered successful. Whatever interpretation is taken of the turnout, there is widespread consensus that a higher turnout is preferable (BBC News, 2012).

Figure 4. Turnout in novel U.K. political elections since 1998



Source: Electoral Commission (2013) 'Police and Crime Commissioner Elections in England and Wales'

A series of reports were published in the aftermath of the elections which examined some of the reasons for these low turnouts (see for example, Electoral Reform Society, 2012; Electoral Commission, 2013; Home Affairs Committee, 2014; Davies 2014b). The most prominent criticism was a lack of centrally-provided information to the electorate on the back of a decision not to send a mailshot to voters about the policy or the candidates standing for the election. Indeed, research on elections more generally has shown that providing voters with more information can significantly increase voter turnout compared to areas which have received less information (Lassen, 2005). Therefore it seems likely that the limited information provided by the government concerning the elections is likely to have had a significant detrimental effect on the electoral turnout for PCCs. But other factors have also been attributed to the poor turnout, such as public dissatisfaction with the policy following high profile criticisms about politicising the

police, as well as the timing of the elections, which were held in November. However, none of this research considered the impact of force size on voter turnout. Given the comments made by a number of participants who I had interviewed, I sought to examine whether there was a relationship between force size and voter turnout.

Based on the comments made by various actors I interviewed, I hypothesised that larger force areas would have a lower turnout than smaller ones which were coterminous with local authorities because the public would be less likely to identify with a PCC representing an unfamiliar geographical unit.

In order to test this, I first examined whether the geographical size of the area accounted for any of the variation in turnout between forces. The results in Figure 5 illustrate that there was a very slight increase in voter turnout with larger force areas, which was contrary to the hypothesis.

Looking at population sizes, however, revealed a slightly larger trend in the expected direction, with a negative relationship between voter turnout and population size (Figure 6). While this supports the hypothesis and suggests that areas with larger populations may experience lower turnout, other research has found population size to have no effect on electoral turnout (Pintor & Gratschew, 2002). In either case, as with geographical size, population size may not be an ideal proxy for identification with a local area. Instead, it may be more closely related to the historical and political boundaries in place.

Figure 5. Turnout versus geographical size

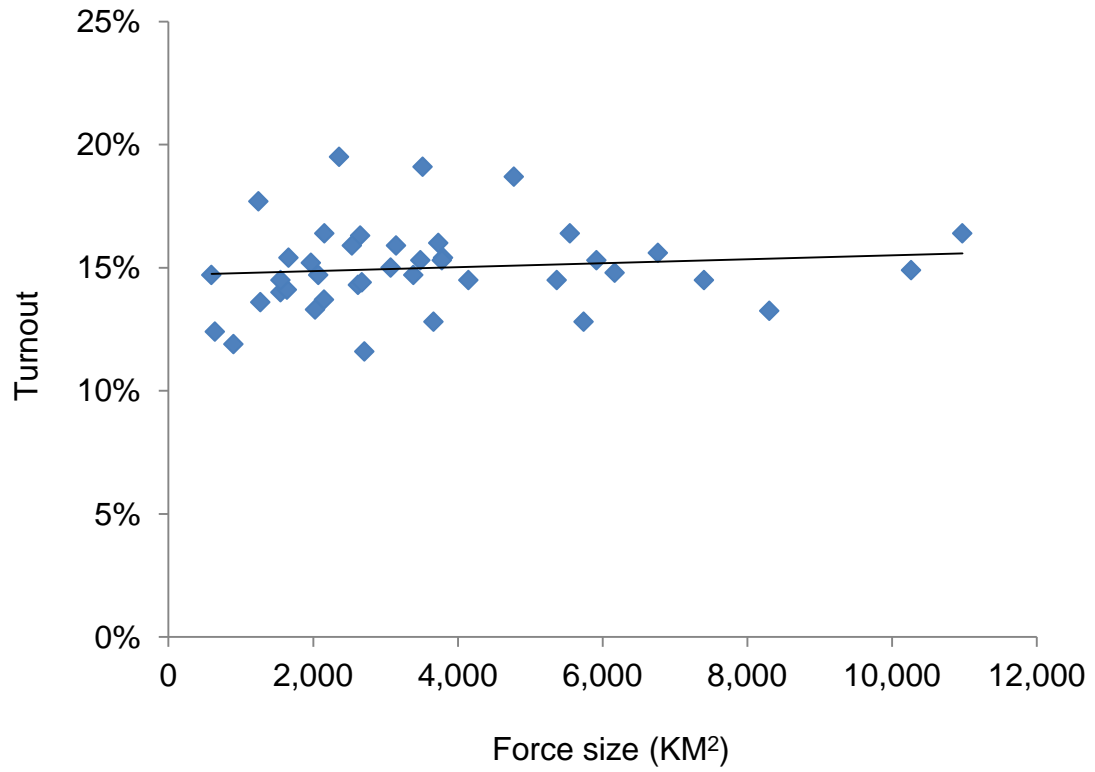
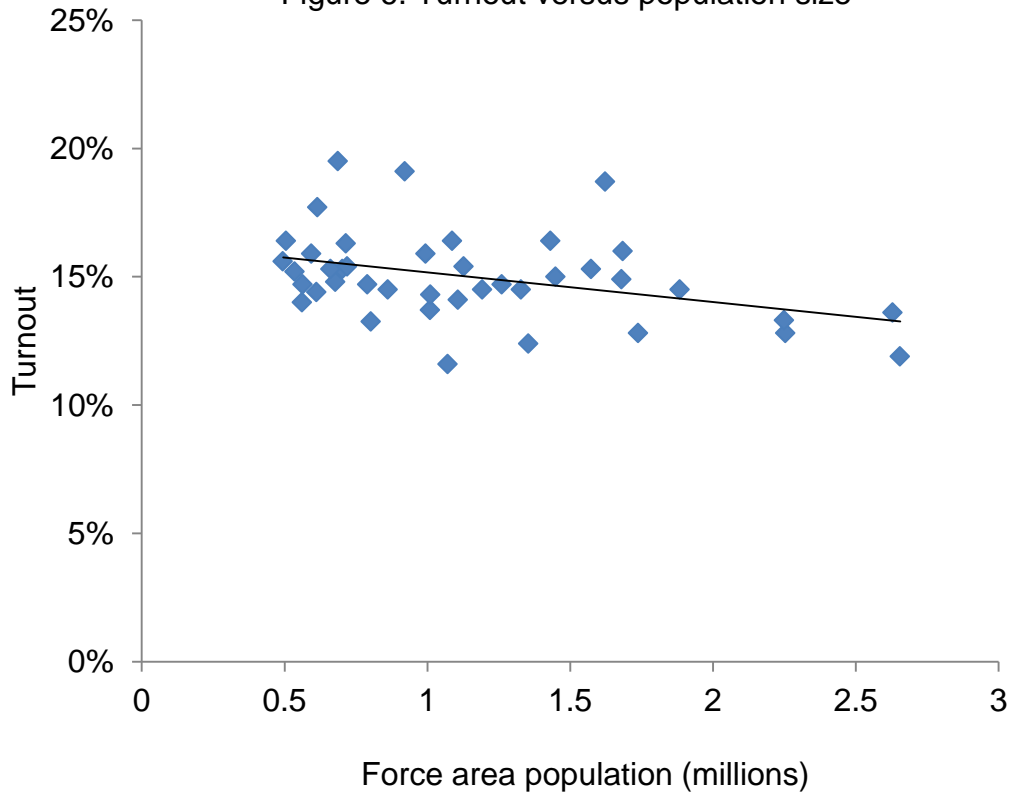
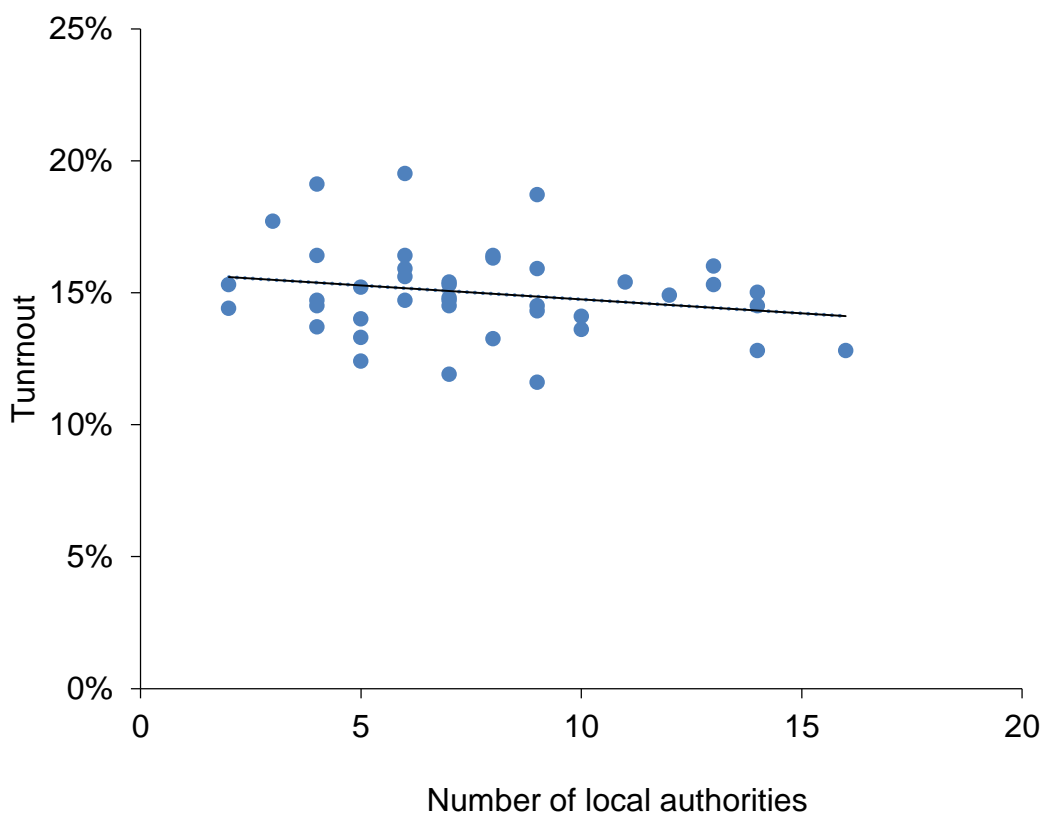


Figure 6. Turnout versus population size



To explore the idea that coterminous areas were more likely to achieve greater local identification, I examined the relationship between the number of local authorities per force and voter turnout (Figure 7). The results illustrate a decline in voter turnout as the number of local authorities per force increases, again in the same direction as the hypothesis.

Figure 7. Turnout versus number of local authorities

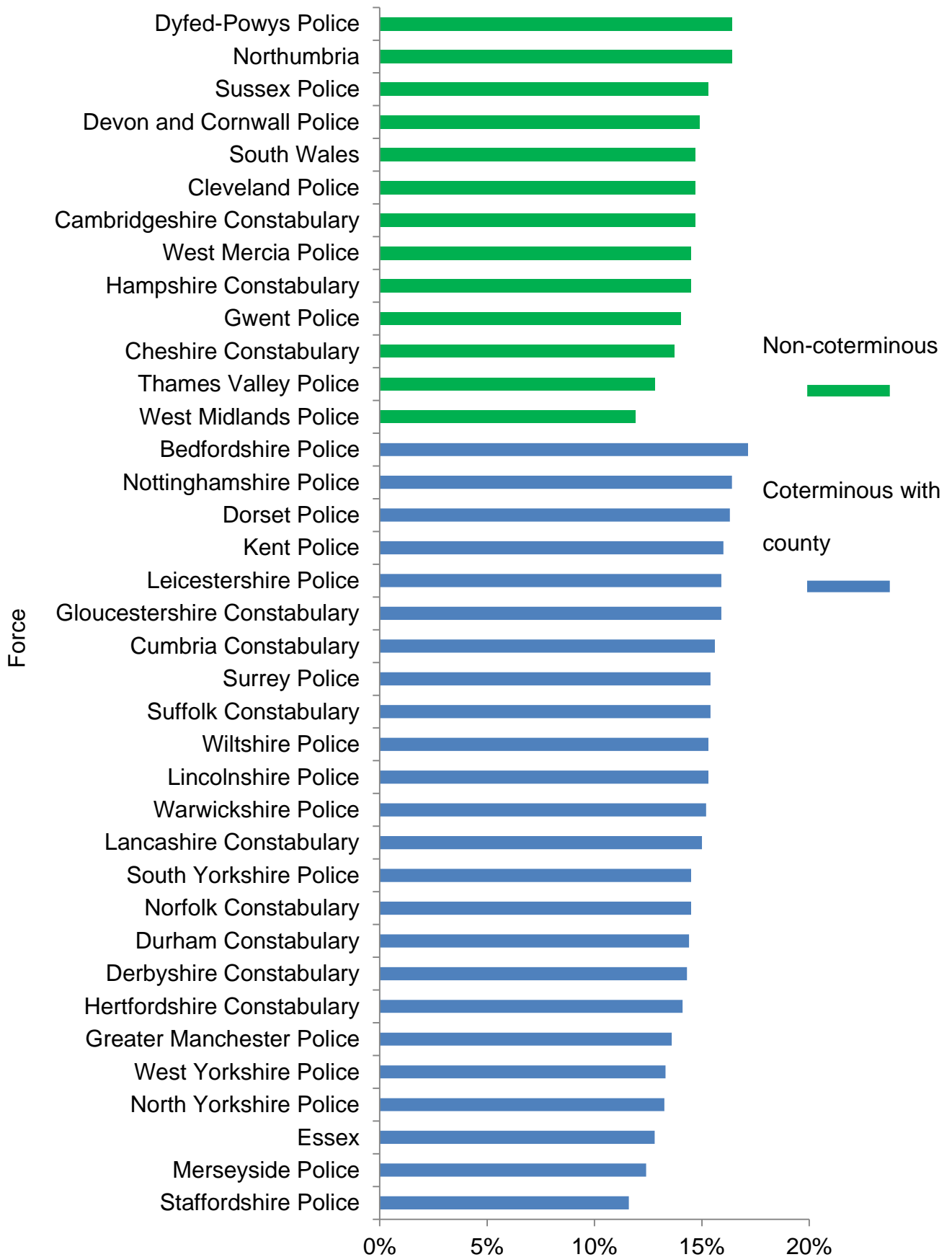


To further test the idea of force identity and examine whether it had any implications for turnout at the elections, I grouped the forces into those that were coterminous with county structures and those which covered multiple jurisdictions ('non-coterminous'). I hypothesised that turnout in coterminous forces would be higher than in non-coterminous forces because people would be more likely to identify with a PCC standing in familiar county territory.

Initial analysis indicated that there was little distinction between both groups and that in fact, on average, non-coterminous forces had a higher turnout (15.09%) compared to coterminous areas (14.93%). However, it was clear that there were some outliers which skewed these results. The two non-coterminous areas with the highest turnouts were Avon and Somerset (which had a simultaneous mayoral election in Bristol) and Humberside (where there was a particularly high profile local campaign involving John Prescott). Because of these confounding factors which likely boosted turnout in these areas, I excluded them from the subsequent analysis. I also excluded Northamptonshire (a coterminous force) which had also had a simultaneous by-election which affected turnout.

When these outliers were removed, the average turnout for non-coterminous areas fell to 14.5%, while coterminous forces had a slightly higher turnout of 14.75% (Figure 8). Again, however, although this trend was in the hypothesised direction, there did not appear to be a large difference between coterminous and non-coterminous areas. Looking at Figure 8, it was clear that both the Thames Valley and West Midlands had the lowest turnouts amongst amongst the non-coterminous group. These are the two largest forces outside of London and it is possible that the combination of large force size (geographically and in terms of population) and having multiple constituencies may have had an impact on turnout. However, it is important to note that there may be a number of other confounding variables which affected turnout, and therefore it is not possible to determine with confidence the impact of force-level identification on voter turnout. Nonetheless, from the above indications and the stakeholder interviews, it is difficult to imagine that large force sizes had anything other than a detrimental effect on voter turnout.

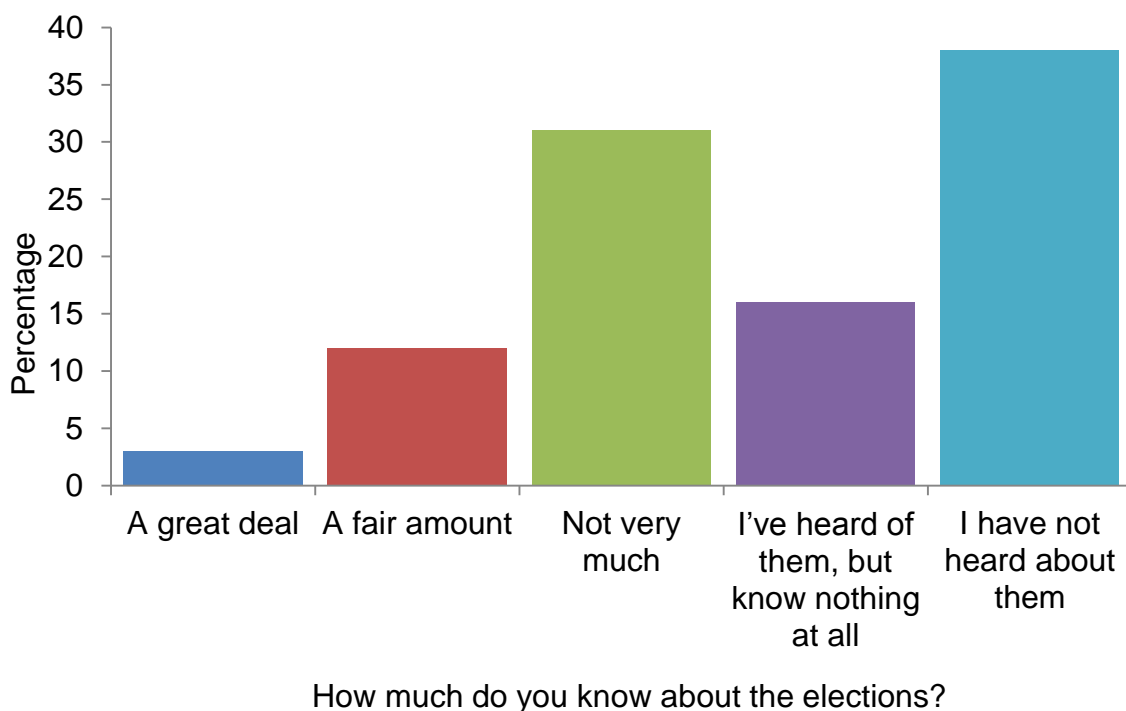
Figure 8. Turnout by non-coterminous and coterminous forces



3.2.3 Public opinion surveys

A month before the elections, one poll revealed that 54% of respondents had either not heard about the elections at all, or had heard of them but knew nothing at all about them. A further 31% knew 'not very much' (Ipsos Mori, 2012) (Figure 9).

Figure 9. Awareness of PCC elections, October 2012



Source: Ipsos MORI

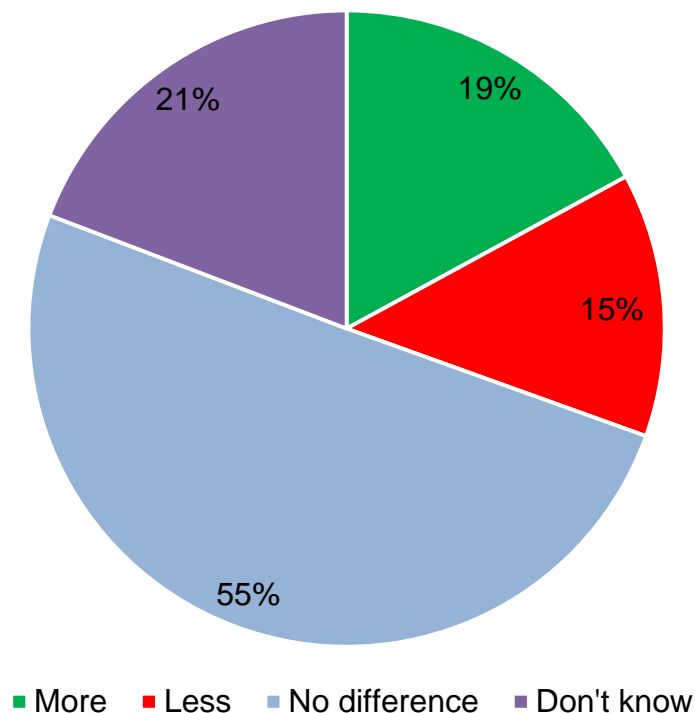
To date, three public opinion surveys have been commissioned since the elections, all of which were published a year after PCCs had been in post.²⁰ The results from the polls highlighted that public recognition of PCCs remained particularly low a year after the elections. For example, the subsequent Ipsos Mori (2013) poll indicated that 60% knew 'nothing at all' about PCCs, while over a quarter (26%) had 'never heard of them'.

²⁰ They included Ipsos Mori (2013) (no sample sizes reported); YouGov (2013) (n=1516); and ComRes (2013) (n=1551)

In a similar vein, all three polls a year after the elections asked whether people knew the name of their PCC. The results across the polls revealed that very few could name their PCC (ComRes = 7%; Ipsos Mori = 8%; YouGov = 11%). These results indicated very little difference to public opinion polls on police authorities, which suggested that 7% of the public were aware of their police authorities (Myhill et al., 2003).

All the polls also asked whether the introduction of PCCs in local areas had made the police more or less accountable. The results are presented in Figure 10 below and are based on an average of results from the three polls (since the results were again very similar). They reveal that just over half of respondents believed that PCCs had made no difference in this regard. Only a third of participants expressed an opinion either way, with slightly more agreeing that PCCs had made the police more accountable (19%) compared to 15% who thought that PCCs had not.

Figure 10. Has the introduction of the PCC made the police more or less accountable?



On the whole, based on summary data from these polls, it appears that PCCs were unable to generate public awareness of the role or alter public perceptions about the accountability of the police a year after they had been elected. The fact that 63% of people could name their local MP according to a YouGov poll the year before (Kellner, 2012) underscores the lack of public awareness about PCCs. As I have emphasised in this chapter, this may be linked to a lack of public identification with a force-level PCC.

3.3 Relationships with the public in office

In the final section of this chapter, I wish to examine how PCCs have contended with the challenges of working at the force area level and how they have developed their relationships with their publics.

3.3.1 Representation: The Voice of the People

The majority of PCCs I interviewed made allusions to a representative form of democracy in which they stood for the needs of their electorate. Those PCCs who emphasised representing the public were listening to local communities and reflecting key messages back to their chief constables, in effect acting as a funnel where local voices could be channelled to the police. Consider for example the following quotes:

I see myself as the voice of the people of [the force area] to the Chief Constable. It's my role to listen to as many people, groups, businesses, communities and so on and try to integrate that into a view of what the people of [area] want from their police force and to then convey that clearly and succinctly to the CC and agree a Plan with him as to how we're going to achieve that.

Independent PCC 4

...

The public through me are actually impacting on the way policing is done, which is what it's all about.... So I'm saying to our chief constable, because remember I'm the public voice, I'm saying to him the public are not happy about this low level of detection and I've asked him to go away and look at ways we might improve that detection rate

Conservative PCC 7

These ideas rest upon an aggregative form of democracy in which the perceived needs of the community are calculated and fed back into decision making. There were many examples like this where PCCs described being 'the voice of the people' and they provided illustrations of how they were using various structures to listen to the cacophony of voices in their force areas.

For example, Labour PCC 9 explained how he had established a number of advisory groups (such as BME and LGBT groups) in order to better represent those voices in his locality. Other PCCs had set up a number of forums by which they could hear the voices of certain groups. For instance, Conservative PCC 3 had set up a business crime forum, a rural crime forum, a road safety forum and a victims forum to stay up to date with the needs of these particular groups (perhaps reflecting Conservative party priorities more generally).

Some PCCs established novel systems to better connect them into local needs. One PCC, for example had created a series of 'community safety ambassadors' to achieve this aim:

...we've got 30 community forum areas in [the force area], and for each area I'm appointing a person whose role will be to go to the community forums, to liaise with the safer neighbourhood teams, to know their patch basically. I'm describing it as being my eyes and ears in the county...with half a million residents... it's just not possible for me to meaningfully engage with them on a meaningful basis.

Independent PCC 4

The comment about being able to 'meaningfully engage' underscores the point that PCCs are positioned in a way which means that they are constrained to indirect representation. In the case study area, the PCC was all too aware of the difficulties of engaging such a large population and responded by using both pre-existing and new systems to create a devolved system of engagement.

The PCC articulated that he would like to establish 'co-ordinating committees' across the force area, which would be composed of one local councillor and an officer representing the local police areas. These committees would then report to the PCC on a regular basis to keep him informed of local problems and developments – thereby further allowing him to listen to public priorities.

But this was to be supplementary to the connections he had with local authorities in the area, who provided an arterial route into understanding the needs of local communities:

The idea that 'are you listening to the public?' - well heavens, we've got nearly 2000 district and county councillors, who all of whom can report through the Panel. You've got 21 MPs, we've got several thousand parish councillors and if people don't know what's going on, something is badly wrong. And I think people know perfectly well what's going on, so I'm pretty well informed.

Here, he emphasised how local issues could be raised via these avenues as opposed to direct engagement with the public, because these bodies were better positioned than himself to do so. This type of approach ensured that he was able to listen to the needs of local communities and feed this back to the chief constable. This sentiment speaks to the proposition by Jones et al. (2012) that PCCs symbolise a separate form of democratic legitimacy from local government. However, instead of seeing themselves as a rival democratic institution, many

PCCs were starkly aware that they had to work in collaboration with local government in order to work across large constituencies.

Other means of ensuring better representation of the disparate local communities across the forces included appointing staff with specific representative functions.

For example, two PCCs I interviewed expressed that they had appointed youth representatives in order to capture the needs of young people in their force areas.

When asked why they felt the need to make such appointments, they explained that:

23% of my population are youngsters and it would be silly not to be able to articulate the issues that they've got.

Conservative PCC 7

...

[Young people] don't get out and vote, and it was actually talking to young people in the street that made me come up with this idea. One of my success criteria was actually going to be if I could get more young people to vote in the next election or any election, and get them connected again....but I'm going to do it.

Independent PCC 9

The reference by Independent PCC 9 to the fact that young people were excluded from the democratic process encouraged this PCC to represent their voice, which provided a contrast to some PCCs who appeared to emphasise the voices of the electorate in generic terms.

Several other PCCs highlighted other examples of how they had made appointments within their offices in order to better represent various other groups.

For example, one PCC described his rationale for appointing part-time deputies:

[I hired the first deputy] specifically because he's of Pakistani heritage. Pakistanis are the largest ethnic minority group in my county. He's also a politician from...a completely different party from the one I would've

been with, to bring some balance politically and bring in a sense of partnership working across the parties if you like. He's doing reaching out to hard-to-reach groups, visible ethnic minorities, marginalised groups... I've also brought in a victims champion whose role is to simply work with members of CJS, partners and third sector to argue the case of "don't forget the victim in your plans please judge, CPS etc." She's been picked for being stroppy, vociferous and feisty and intelligent, and she will say "what about the victims?"

Independent PCC 6

Because this PCC believed he had an important role to play in terms of representing the public, he recognised that he had to build a team that would enable him to not only appear more representative (i.e. someone from another political party of Pakistani heritage and a female), but also which would be able to listen to certain minorities who may not have as loud of a voice (such as BME groups and victims) and represent their needs to other actors in the criminal justices system.

Labour PCC 6, working in a large and diverse force area, responded to these challenges by setting up a devolved system of engagement:

I moved to a devolved structure of setting up a devolved policing plan, starting at neighbourhoods having a local policing plan. I set up a community-led policing board, which is the CSP evolving into a community-led organisation and of course as well as being representative of the local community, we'll obviously be one that's sufficiently diverse and doesn't have a party political or any other majority on it. So hopefully both more relevance in an area which can be identified with, one which the communities hopefully have got greater reassurance is following their priorities and agenda and one which clearly represents the whole of the community.

This was one means by which PCCs could engage smaller communities with their local police in the representative sense. From these observations, it was clear that there were a number of PCCs who had bought into the idea that their relationship with the public was one in which they were to be their representatives on their

policing and crime issues, which the PCC would be able to aggregate and refer to the chief constable. There was some irony in the idea that PCCs were the 'voices of the people', since the aforementioned low voter turnout meant that they were not in a position to claim being fully representative of their local populations. In the same way that Day and Klein (1987) observed the effect of the 'electoral fallacy' on perceptions of accountability (as I referred to in Chapter 2), my interviews with PCCs suggested that the fact of having been elected was sufficient to cultivate claims of representativeness – even where mandates were particularly low.

3.3.2 Over and under representation

It was clear that being the 'voice of the people' was an ambiguous term which in practice meant being the voice of some people more than others. For example, in one focal site, rural communities were given the greatest precedence by the PCC. The PCC frequently acknowledged the problem of trying to represent such a large force area, and was aware of the criticisms he had encountered as a result of placing emphasis on one particular 'voice' (i.e. rural communities). In an interview with him, he justified this focus by explaining that although there was a higher volume of crime in urban areas, there was a higher percentage of people living in smaller towns and villages who were being affected by rural crime, and therefore resources should be redistributed according to population. However, it is noteworthy that he was also someone who resided in a rural area (and it is likely that a large proportion of those had voted for him also lived in these Conservative-dominated areas). This highlighted how certain voices may be prioritised over others, especially in the context of electoral politics.

Two other voices that were over-represented in interviews with PCCs nationally were victims and the police. Nationally, the voice of victims featured most

prominently on PCCs' agendas. Out of 33 interviews,²¹ 23 PCCs made reference to victims at least once (on average there were almost 4 references to victims in each of these interviews). The voice of the people and the voice of the victims were often mentioned within the same sentence:

You [as the PCC] are the voice of the public and you will be the voice of the victims once that comes into being.

Independent PCC 2

In such rhetoric, a law-abiding latent majority ('the public') were talked about as the victims – distinct from law-breaking offenders (see for example, Crawford and Goodey, 2000). One PCC believed that his presence had already made an impact on victims:

Victims Support have told me...that since November the amount of crimes that have been referred to Victims Support rose from 40% to 80%, so it clearly is a sign that whole engagement process and presence of the PCC is starting to get some sort of movement.

Labour PCC 7

However, this PCC could not provide any evidence to illustrate how he had personally affected that change and it appeared that he was being somewhat optimistic about his impact on the local community. Nonetheless, this focus on victims highlighted how they were an essential voice for many PCCs' to represent.

Although there was widespread consensus amongst PCCs with regards to listening to the voices of victims, there was still variation with regards to which victims' voices were championed. For example, at least eight PCCs specifically mentioned victims of domestic violence and/or sexual abuse, but others focused on young people as victims too. These disparities with regards to one specific 'voice' underscore the challenge of being a representative voice of the people

²¹ Including the interview with a deputy who participated on behalf of his PCC

when there are so many different voices, even within one particular category. The common thread for victims, however, was that women and young people were regarded as the typical victim, while no references were made to other sorts of victims – supporting wider claims in victimology literature about ‘deserving victims’ receiving greater prioritisation in the criminal justice system (see for example, Richardson and May 1999).

Another voice that some PCCs also appeared to represent was the voice of the police. From this perspective of standing alongside the police, some PCCs believed their public facing responsibilities involved managing public perceptions of the police. This was partially about defending the reputation of the organisation:

a serious objective for me actually is to get the police to be better appreciated, because right now, there are so many negative stories

Independent PCC 4

...

there is a big role around making sure the policing remains accountable at the moment and protecting against the reputation. I don't mean protecting them against criticism but making sure that they are reputable.

Independent PCC 3

These PCCs were concerned about the raft of adverse media coverage about the police which in their eyes was threatening the reputation of their force, which they believed they had a role in defending.

At times, it seemed that some PCCs approached the public as if the PCC was a member of the force who was doing a consultation exercise on *behalf of* the police. For example, meetings with the public were often conducted alongside a representative of the police. One PCC described a fortnightly public meeting he would do around the force area:

[in these meetings] we are giving presentations with the police about what's going on in that area, hearing about crime and policing, hearing public concerns. We have an agenda which I have a member of staff who works with local journalists, local councils, working out what the issues locally are. We look at the crime trends and everything.

Conservative PCC 3

In such instances, there was little separation between the PCC and the force and it became difficult to see how they could act as the 'voice of the people' when seeming to be closely aligned to the police. For some of these PCCs, there was a danger that they began to see themselves as a police complaints system working for the organisation. As I will elaborate in Chapter 5, these PCCs represented a subgroup who perceived the role in police management terms. For the present purposes, these examples illustrate how some voices became over-represented to the detriment of others. Because of this, it was unclear how individual PCCs could meaningfully represent all interests in the community, as one CSP chair identified:

But [the PCC] is sitting up there in [his office] with the Chief Constable looking at [the force], and can only have that rather high level view. There's no way he's going to understand what is a particular issue to a rural community or black and white minority ethnic communities or what the real issues are around domestic abuse etc.

CSP Chair 3

This was realised by a number of people who I interviewed, including PCCs. I asked Labour PCC 2 about whether his consultation process for the Police and Crime Plan had engaged minority groups at all. He replied:

We worked quite hard with the black and Asian community, so we got some feedback from them. Was it representative? Probably not and we need to do some more work around that...Did we touch young people enough? Probably not. Do we talk to black African youngsters enough? Certainly not. Are we in touch with enough Asian women, well a few, but have we got a broader understanding of what's been said? No I don't think so.

This PCC highlighted the difficulties of attempting to engage with so many different voices within the community. Labour PCC 6 similarly made the point that:

...a single person cannot be diverse, they can't represent cross-party consensus. [They] can't represent all the different geographical communities, all the ethnic and faith communities like the old Police Authority could.

Labour PCC 9 stated that being a white middle class male over 60 meant that a very large proportion of people in his force area would not be able to identify with him. Aggregating all the diverse voices into a single unrepresentative 'voice of the people' to funnel into the chief constable therefore seemed to be an impossible task. While they had better opportunities to listen to all the voices in their communities through establishing various representative networks and using pre-existing local systems, it was less clear how their own voices were to be heard and accepted with any credibility amongst the public. Therefore it appeared that opportunities for a more deliberative two-way communication between the PCC and the public were constrained by the fact that PCCs were so far removed from these local communities.

3.3.3 Facilitating deliberative democracy?

Despite such challenges, there were some PCCs who were explicitly concerned about initiating dialogue between the public and the police. For example, Independent PCC 7 emphasised that one of his targets was to engage in constructive conversation with the public to try and 'change the public perception of what is good policing'. Here, the PCC believed that he had a responsibility to encourage dialogue which would in turn help to manage public expectations of the police and thereby improve the relationship between both.

In a similar vein, communicating the 'voice of the people' to the police was

recognised by some as complex and not a simple case of presenting a summary of public interests to the chief constable. As one PCC explained, effort is required to get the police service to actually listen to these voices:

...[It will] be quite important to have more visibility and debate about the police and make sure that they listen and respond to people's priorities and complaints. I think that will be quite important too. It's no good me listening to them, I've got to get the force itself listening and engaged...

Labour PCC 2

Here, importance was placed on acting as a facilitator of conversation between both parties. Another PCC identified that part of this was about raising police awareness about the role of the public in setting police priorities:

There is a significant gap between what the public perceive as their role in shaping policing and what the Chief Officer team here see in terms of the public role. And in that regard I've got to say I think that there should be ...greater awareness of what the public want as opposed to what the police think they want.

Independent PCC 7

This PCC illuminated the disparity between the police and the public in terms of their perceptions about setting policing priorities, and he saw it as his job to bridge these differences in opinion and get the police to listen to some of these views.

Another difference amongst PCCs was that some recognised that being the voice of the people meant improving relationships with other agencies beyond the police. For example, when asked what the role involved, Independent PCC 1 replied:

it's being the effective voice that's being heard throughout the police, community safety, local authorities and the criminal justice services, so it's making sure that the voice of the public and also the victims particular perspective is heard in all areas.

This PCC then had a concern for brokering dialogue at a much broader level.

Another PCC was aware that he was not the only 'voice of the people' when it came to policing and crime in the area and was cautious about stepping on the toes of other local stakeholders who performed a similar function:

Now the dilemma that we've had is that the role of the IAG [Independent Advisory Group] was to be the public voice into policing, while the Police and Crime Commissioner now is that role, being the public voice into policing. So ostensibly there's a conflict between those.

Independent PCC 3

Here, the PCC recognised the complexity of being the voice of the people and therefore emphasised the importance of strong communication with these other agencies and bringing them into conversations with others. Thus, a handful of PCCs embodied what might be considered a more deliberative form of democratic accountability in which they saw their role as strengthening the communication between the police and the public. These cases offer some hope for Loader & Muir's (2011) ambition that PCCs would be a 'showcase for a better politics of policing and crime', for example by running 'an office for public engagement that listens to the experiences and concerns of ordinary people'.

But several PCCs expressed to me that this approach was unsustainable. As important as they viewed direct engagement with members of the public, many viewed this approach as time intensive in areas with populations ranging from 500,000 to almost three million and therefore questioned its worth in light of their other broader responsibilities. Conservative PCC 1 encapsulated the issue:

...there is a conundrum, there is a challenge to set the balance between the strategic nature of this role - writing plans, holding budgets, holding performance boards - and actually being there for the individuals. And I mean really being there for individuals. And I've spent a lot of time talking to individuals. It's easier if I go and speak at events or meetings or whatever and do them in 50s or 60s... I've tried open surgeries where I say I'm going to be in a particular town for 4 hours or 6 hours where

people drop in - that hasn't worked very well. I've tried the booking scheme and that worked very well. I had 20 minutes each. But when I'm sitting there giving people my time, I've found in truth that the issues although highly important to them and therefore important to me, are usually deeply in the weeds...it's very difficult because I don't want to turn away from being approachable and accessible to people but when you sit there for 4 hours and talk about how somebody cut my tree down without permission or something, you know it's desperately in the weeds sometimes.

It was evidently a difficult balance to strike between doing the strategy associated with the large force area, and then simultaneously trying to represent local views. However, in order to get the job done, most PCCs found that they could only spend a minimal amount of time engaging with individuals on a direct one-to-one basis and therefore used a wide number of networks to facilitate their representative role.

But this was not necessarily an inhibitor to deliberative forms of engagement and one PCC (Independent PCC 3) appeared to negotiate this difficulty through using local structures as platforms for dialogue between themselves and particular groups. He described how he was tapping into a number of networks he previously knew from his role on the council to engage with a number of communities, and at the same time bring various partners together:

We're going to...the Neighbourhood Watch organisations for example who have quite a good structure in the communities. Again not completely comprehensive across [force area] but we're going to use that as the... initial process to have a two way dialogue with individuals, so I can put out an email or message or questionnaire or comments or whatever to the neighbourhood watch structure, and then they can reply to me. And we've done this in a small way already and it seems to work quite well. And then there's the business structure so we're going to start with the federation of small businesses and the CBI to do a similar thing... So we're going to use them and of course although they're business people, they are the public if you like as well and they have links to other arrangements. And then finally, initially faith-based groups. So what I've done is to get in touch with the [local] Bishop... and he's going to facilitate contact between me and other faith-based leaders across the diocese and maybe slightly beyond because he has a book

with contact details in basically, so we're going to use that to get in touch with faith based groups.

This PCC was aware of the wealth of knowledge that these organisations had about local communities – something which he did not have by virtue of being removed from them at the force level. Thus he found that he was able to rely upon these networks as a means of aggregating local need to develop an overall picture without draining time or resources. What was particularly unique was this PCC's emphasis on enabling a two-way dialogue through this devolved structure in the form of various communications from the PCC (through emails and questionnaires). In this fashion, he had blended both representative and deliberative modes of working to enable him to listen to local voices but also to respond to them as well. For the most part, however, other PCCs appeared to have a one-directional conversation with certain members of the public by virtue of the fact that they were representing a diverse set of communities from a remote and unidentifiable position.

3.4 The view from the top

But sitting at the force area level also had some advantages. From the perspective of internal force collaborations, PCCs have been well-positioned. They are able to sit at the force area level – sometimes across several parliamentary constituencies and have a wide-spanning view of the entire area. This can facilitate the joining up of services, and some PCCs may be able to make significant savings and efficiencies by bringing various partners together. This was one of the hopes behind the introduction of PCCs at the force area level (see for example Police Reform Taskforce, 2007).

Indeed, the PCC in the case study site appeared to mobilise such collective working across multiple local authorities and there seemed to be some benefits from it. CSP Chair 3 believed that the PCC could offer real value in terms of commissioning across boundaries because he was positioned across multiple constituencies – something that CSPs were unable to achieve:

one of the benefits of having the PCC holding that pot of money is where there have been barriers to working across border to commission some services. The PCC could commission those across [the force area] or across [county areas] or maybe the major towns

The PCC was therefore able to bring these CSPs together and facilitated greater communication between partners which would not have previously happened to the same degree:

in terms of my dialogue with CSP managers across the rest of the [force area], I have a lot more conversation with people now. I mean that's been a really positive outcome...our emphasis [is] a bit more about what might we do better together than it has been previously

CSP Chair 5

...

I think the...[unitary authorities] need to start working together and say look we've all got ASB and domestic abuse, isn't there a smarter way that we can deliver some of those more specialist services across [the county] in a collaborative way that must be more efficient? And then we can go to the PCC and say look we can deliver some domestic abuse or ASB work across [the county] at a cheaper rate than you have at the moment.

CSP Chair 6

This had actually begun to occur prior to the PCC coming into office as partners were worried about potential changes to funding and therefore worked together to

prepare for the incoming PCC. However, once the PCC came into office, he further encouraged this dialogue as a way to manage the large network of community safety actors in the force area. One CSP chair described the PCCs approach in the following terms:

“let's develop a partnership approach, rather than one where I just commission you to do work. Let's get round the table, have a partnership, you're a partner of mine I trust you, off you go and do it.”

CSP Chair 4

But CSP chairs were also able to point to some of the dangers of such an approach. One concern related to a potential for greater competition between CSPs under the new funding mechanisms through the PCC. One CSP chair explained:

before the Home Office had this nice formula that said here's your level of crime, this is how much we're allowed to give you and we all understood that. Now we've got [a number of] CSPs across [the force] all bidding for a tiny pot of money against each other to try and maintain our own level of resources. So there might be some conflicts that weren't there before around funding issues

CSP Chair 1

This chair was consequently concerned about a potential for conflict between CSPs because they now all had to bid for the same money from the PCC. But another CSP chair explained that there was in fact very little competition between the CSPs because there was a mutual agreement amongst them that they all needed the money and that there was little worth in lobbying against each other:

The amount of time you spend creating a case, creating a lobbying process, getting politicians involved and just trying to influence, it'd be like living in Washington. Things work well here and there are

constructive relationships and an element of competition isn't necessarily healthy in this environment

CSP Chair 3

A potentially more significant problem was the threat to losing individual autonomy as a result of being aggregated into one large area with other communities. One issue was that some were particularly concerned that the PCC's background (i.e. residing in a rural area) meant that he was not representative of their urban areas:

...my struggle with a PCC from a rural part is...[that] their perception of [this urban area] is potentially very different from the reality

CSP Chair 2

In line with these comments, one CSP in particular was resistant to partnership with other CSPs in the area because they saw themselves as very different to neighbouring areas:

...the issues and attitudes and communities of our near neighbours are so different that I suspect that neither they or we would wish to have a broader partnership. [We have] typically suffered when we've sat in broader partnerships

CSP Chair 1

This CSP chair went on to explain that this was because the adjacent areas (which were predominantly rural) overall had a larger population than the city and consequently they were often outvoted when it came to settling on prioritisation of need and allocation of resources.

One CSP described the challenge and suggested that CSPs were better placed as local mechanisms:

When in his Plan...he talks about rural crime, clearly [our city] doesn't have very much sheep rustling or tractor theft. So there is a little bit about the difference between what local means and I think from my point of view CSPs are still the only structure in place that can deliver very local change and deliver very local initiatives.

CSP Chair 3

From this quote, it was clear that the PCC was not perceived to be sufficiently 'local' compared to CSPs who operated within a much smaller geographical unit. Because of this proximity to the local (compared to the PCC), co-ordinating partnership working was perceived by one CSP chair as a CSP job rather than a PCC responsibility:

he talks about the need to join up....the only way to tackle some crimes is around looking at some joined up working on the local authority and health, and that's really what he's talking about is what the CSPs were set up to do, they were set up to make those bodies work together and there is a structure in place to do it

CSP Chair 2

This suggests a slight tension between the role of PCCs and that of other local institutions such as CSPs. Again, this point is aligned with the concern raised by Jones et al. (2012) that PCCs form an alternative site of democratic legitimacy which is at odds with local government arrangements.

Because of the differences between the CSP areas, Panel Member 2 was critical of the PCC's idea to force the unitary authorities to come together:

...to take all those [differences] and put them into one pot...it doesn't work, you're destroying the partnerships, you're saying we're going to have a large partnership that covers the whole of [the county]. And that doesn't fit anyway, because [one area] has got little in common with some in terms of what they want to do...how are they going to come to a consensus that they can agree on from a [county-wide] point of view?

By pushing to get partners working together, there was a perceived risk of breaking partnerships rather than building them. This raised a point about the importance of the local level and how very specific local interests could be lost when amalgamated into the force area level. Given the centrality of the 'demos' to these reforms and notions of democracy more generally (as discussed in Chapter 2), it seems that PCCs are too far removed from their local areas to be meaningfully representative.

3.5 Conclusion

In this chapter, I have examined how PCCs have begun to engage with the public – a necessary (albeit not sufficient) condition of democracy. I began by identifying how a number of actors – ranging from PCCs through to policy creators – questioned the ability of the new model to affect local interest in policing and crime. In particular, I elicited some of the challenges of enthusing members of the public about issues beyond the confines of their parochial areas – a challenge exacerbated for PCCs sitting over large force areas with a lack of identity.

Although this did not appear to play a significant part in shaping election turnouts, my experiences in the case study suggested that the span of the force area made it particularly difficult for candidates to not only run a campaign (especially for those without the support of a political party), but also to settle on cross-cutting priorities, which in turn appeared to stifle some of the debates and did little to engage the public. There was also evidence from public opinion polls to suggest that since PCCs have been in power, public awareness has remained relatively low.

Once in office, most PCCs attempted to interact with the public through a representative approach. Trying to instil this level of representation across police force areas, however, was a particular challenge. To respond, many relied upon both existing networks such as CSPs, as well as building their offices to meet some of the diverse needs of their communities. However, as PCCs sat at the top of these organisational structures, they found that they had little time to personally interact with the public. This made it difficult for PCCs who were keen to push forward more than just a representative approach. For example, those who believed in delivering a more deliberative style of engagement where they could facilitate constructive conversation between the police and public, found it difficult to do so whilst simultaneously focusing on their wider strategic priorities.

For those PCCs who placed greater emphasis on representing using devolved networks, they did not commit as much time to interacting with individual members of the public. This appeared to be a reasonable response, particularly for those working in large force areas. However, the result is that public recognition of the PCC is likely to remain low if engagement is happening via alternative democratic institutions in the form of local government. While chief constables may now have better ears for listening to local communities through PCCs who are drawing upon these local networks, it is less clear how PCCs have become publicly recognisable figures in the way that the policy creators had hoped. Despite these glaring challenges, most PCCs perceived themselves to be representative of their local force areas, which I suggested was an extension of the 'electoral fallacy', whereby the elections had appeared to generate a false sense of representativeness amongst PCCs.

One of the advantages of being located at the force-wide level was that PCCs were able to get various partners working together who may not have done so before. But this approach threatened the autonomy of these local areas and thereby undermined the idea of being a local champion. Therefore, it seems that PCCs are positioned in a way which has made it difficult to deliver deliberative and representative forms of democracy. In the next chapter, I consider how the sanctity of the local has meant that PCCs are simultaneously faced with a set of challenges in contributing to regional and national policing.

Chapter 4: Navigating the national

In the last chapter, I showed how PCCs struggled to engage in the value of ‘demos’ because they were removed from local communities. Here, I argue that if we take equity and service delivery to be other cornerstones of democratically accountable policing, then PCCs are simultaneously *too* local. This is because they are structurally built to be champions of the local, which has the potential to undermine regional and national capabilities.

I use a geological metaphor to help guide this discussion on some of the structural changes that have taken place as part of the government’s stride towards greater localism, of which PCCs are one component.²² I start by focusing on the core which holds the national policing landscape together. Specifically, I examine how – from the perspective of PCCs and chief constables – the Home Office and other national bodies are playing a less prominent role in the direction of policing. This I refer to as the ‘melting core’, which had in the past held a firm grip on the direction of travel for policing.

To extend the analogy, I imagine police forces as tectonic plates in which PCCs are in control, sometimes moving towards each other in the form of collaboration (i.e. ‘convergence’) and others appearing to retreat from collaboration attempts (i.e. ‘divergence’).²³ I argue here that the introduction of PCCs has catalysed the

²² This figurative approach is similarly used by Devroe et al. (2014), who use the metaphor of ‘tides and currents’ to conceptually outline key theories in policing

²³ In geology, plate tectonics help to explain the formation of land features through movement of plate boundaries under the earth’s surface. There are essentially three types of plate boundaries that form depending on the motion of the plates. Plates which push against each other are referred to as *convergent* and usually create earthquakes, volcanoes and mountains. Conversely, *divergent*

movement of these plates in both directions, with the result being more dynamic formation and disintegration of collaborative agreements between forces. In some instances, the PCC model has facilitated convergence with other forces through creating a high profile set of local champions who are unified by having come through the same process together. But by the same token, some PCCs have begun to diverge away from the regional and the national precisely because they are advocates of the local. This has come about because the PCC electoral model binds PCCs to their local force area, which in turn fosters a force area identity which becomes hard to square against regional or national needs.

I suggest that ultimately, while the PCCs may be able to stimulate democratic principles of efficiency and effectiveness in their own jurisdictions, their inherent egocentricity means that broader questions of national co-ordination lie beyond their remit and are left to others at the fading national level to deal with. Thus, they are too locally focused, yet not local enough.

4.1 The shifting landscape of national policing – a melting core?

Policing in England and Wales is currently going through a significant set of changes. Alongside the introduction of PCCs have emerged bodies such as the College of Policing and the National Crime Agency, as well as the fundamental changes that have been proposed to reconfigure established national policing bodies such as ACPO and the Police Federation. In a recent review of ACPO, concern was raised about how this raft of reform was being managed:

plates are those moving away from each other and consequently form valleys. Lastly, *transform* boundaries refer to plates which are moving alongside each other.

At the national level it is less clear who, below the Home Office, has the collective responsibility to lead the totality of the transformation. (Parker, 2014, p.7)

In interviews with chief constables and those PCCs who had formerly worked under police authorities, there was a consensus that some of the national players in the governance of the police were becoming increasingly remote.

4.1.1 The Home Office

With the inception of PCCs, much had been made about the overbearing role which the Home Office had played in the past, and PCCs were designed to safeguard against this concern (see for example, May 2010). Therefore (as I describe in Chapter 1), claims were made by the policy architects that PCCs would have a clearer and more prominent voice in local policing, in which the Home Office would retreat from its formerly dominant position within the pre-existing tripartite model.

But this was not necessarily an easy transition for the Home Office. One Chief Constable I had interviewed felt that they were somewhat lost, trying to acclimatize in this new world of local accountability:

There's just a bit of an issue within the policing and crime group at the Home Office and what is their role. They've lost an empire, they've not found a role, you know that kind of idea. And they've been scratching around about what is the Home Office contribution in a localised structure, and so they're beginning to think about whether it's around procurement or technology or infrastructure, that kind of stuff. You know having said they're going to back off, there's a bit of discomfort, but what are they meant to be doing?... And also I think the Home Secretary at the end of the day, she's still got responsibility for the safety of the public and security, and she can't devolve it locally and walk away.

Chief Constable 1

This Chief Constable therefore raised concerns about whether the Home Office would actually be able to fully relinquish oversight of local policing. Jones et al. (2012) use the example of police funding to suggest that the scaling back by the

Home Office may be somewhat of a fiction. The Home Office formally contributes 51% of police funding, while PCCs account for 49%. However, in practice, most of the 49% comes from a block grant from the Home Office, what Jones et al. (2012) refer to as 'the reality of central power' (p.18). This means that the Home Office still has a significant say over policing locally.

Not only do they still have a say over policing, they also appear to still have an active interest, as was illustrated in the recent case of South Yorkshire PCC, Shawn Wright, who initially refused to resign despite a number of calls to do so in light of his previous role as head of children's services in Rotherham Council. One of those people to weigh in was the Home Secretary herself, who suggested that he 'should heed those calls' to resign (Krol, 2014). Such comments signify that the Home Secretary still has a part to play in local policing in certain circumstances.

Relatedly, some PCCs regarded the Home Office retreat cynically, believing that the Home Office still had a significant role to play where it suited them:

[The government] are quite happy to say, that's a local matter, where it's fairly difficult. So there is a model where we've now got some scapegoat locally we can pass the blame onto. And we've made various cuts and cut down particular services. Somebody there who can pick up the blame rather than it translating to us. But they still want to engage in various things where they would like things to actually happen - things like the new National Crime agency (NCA) has got powers to pre-empt our resources. So if the NCA comes in they can take over our squads in the national interest etc. At the same time they've mandated a whole series of national procurements like cars, uniforms, air support etc.

Labour PCC 6

Thus it was felt that the Home Office could still play a very influential role across a number of areas, but that they could also delegate responsibility to PCCs where it was not in their interests. Other PCCs raised similar concerns. For example,

Conservative PCC 11 was frustrated because he felt that PCCs were being left out of other decisions that may impact upon policing:

...there are major decisions that I don't think we are consulted on. I mean to give you a typical example, has anybody really thought through the implications to policing of unrestricted immigration from Romania and Bulgaria?

He felt that the lack of government consultation on such issues was a problem and argued that PCCs, as experts of policing and crime, should have a more prominent voice in broader political matters.

Despite these initial signs that the Home Office was still involved in the governance of the police, most PCCs and chief constables I interviewed believed that the Home Secretary was playing a less prominent role in directing the police service. As one chief constable pointed out, this was actually a trend that had been set in motion since the introduction of the coalition government in 2010, before the introduction of PCCs:

[The government] had been so less controlling ever since they got elected. Compared with all the priorities and plans and initiatives we used to get from the Home Office, really have dropped off over the last 3 years, massively, which is good. So I wouldn't necessarily say that it's dropped off more, but that's certainly been an issue over many years.

Chief Constable 1

As I identified in Chapter 1, the Home Office's increasingly remote role was part of a wider package of localism advocated by the government. Another Chief Constable elaborated on the implications of this trend:

...I think the massive redistribution of power is from the national to the local. The old police authority on the whole looked upwards, yeah it had meetings and the rest of it, but...the aim of our police authority was to keep the Home Office happy and to keep HMIC happy and all the rest of it...on the whole, that's one of the big changes. You know the PCC is very different, it is very local it is very down here, not a great deal of

interest in what the Home Office thinks, and the Home Office are not interested.

Chief Constable 3

This Chief Constable therefore believed that the feeling was mutual between PCCs and the Home Office, with neither having much regard for the other any longer. From his own perspective, he believed that he was very much answerable to the PCC now and not the Home Secretary, as was revealed when he discussed targets:

...the Home Secretary didn't want targets anyway, but even if she'd said she did, and [the PCC] said he didn't, then he would've won

Chief Constable 3

Now that the Home Office were not so closely involved, PCCs who had formerly worked on police authorities felt that they had a lot more flexibility at the local level. For example, Labour PCC 2 commented that he was surprised at 'how little [contact] there's been, quite refreshing to be honest', while Conservative PCC 8 remarked positively on having 'greater room for manoeuvre'. These comments seemed to suggest that the Home Office had largely refrained from steering policing matters. This less pervasive role is part of a melting core of institutions at the national level which are able to shape policing.

4.1.2 Her Majesty's Inspectorate of Constabulary (HMIC)

Another body which has played an increasingly remote role in the national guidance of policing is HMIC. HMIC was shaken up by the Coalition government to ensure it played a more independent regulatory role in overseeing the police (Hussain, 2012). As part of this change, Tom Winsor, a former rail regulator, was appointed the Chief Inspector, the first time in its history that someone without a policing background had been appointed to the role (Johnson, 2012).

Several respondents in my interviews, including chief constables and PCCs who had formerly worked for police authorities, observed that they were seeing less of HMIC as they adapted to their new role. Labour PCC 2 believed that HMIC were adapting to a new environment where they had less direct influence over policing given that PCCs were now clearly powerful figures in the governance of the police:

I think they're adjusting to their new role and that to some extent PCCs are commissioners of their services. I think they've found the fact that they're not involved and can't influence the appointment of senior police officers a bit hard to take.

Having less influence at the ground level such as the appointment of chief officers was a loss recognised by some PCCs. For example, Independent PCC 3 had appointed a policing adviser to his interview panel when searching for a new chief constable:

[this was in order] to give me some advice and policing perspective because you might remember in the old days the HMIC used to do that.

Labour PCC 6, a former police authority member, also recognised that HMIC were having a fading influence, not only in terms of appointments, but also with regard to being able to provide professional and credible guidance to hold chief constables to account:

[HMIC has] got no relationship with me whatsoever now. Before, it was a key element in terms of advising about appointments. If there was issues where you wanted to hold a chief constable to account with a view to questioning their performance, the HMIC was able to come in and offer some assurance to all concerned that there was legitimate concern

He went on to elaborate on the way that HMIC was formerly able to play a role in dispute resolution through its professional expertise – something which he felt had now been lost:

HMI would've been involved to take a viewpoint and clearly where there have been issues in the past...it's been really useful for the HMI to come in and often say yes our professional judgement is that you aint performing, and people have gone , admittedly quietly but very expensively, but they've gone and moved on

Labour PCC 6

In this manner, it was felt that a strand of accountability had been lost with the recoiling of HMIC. Chief Constable 3 similarly saw the changing role of the HMIC as part of a concerning concentration of power into the local with little safeguards in place:

it's a massive transfer of power from the national to the local. And some of that is things like the HMIC does not really have a position anymore. So some of the safeguards that are there to say to a police authority "no look you really can't do that" - are no longer there. And I think that's the dangerous concentration of power.

These questions of accountability will be considered in greater detail in Chapter 6, but the pertinent point here is that HMIC were perceived to have less of an influence over local policing. Instead, authority seemed to be rooted within the local force areas.

4.1.3 Other national mechanisms of police governance

Furthermore, ACPO, who formerly had a significant role in setting direction for police forces nationally, have similarly faced a declining role. Part of this emanated from a conscious drive amongst some Conservative ministers to dismantle ACPO, which was regarded as having taken on too much influence in the direction of national policing (Carswell, 2014). In light of these calls, PCCs made the decision to cease ACPO funding (ACPO were previously funded by police authorities). In this regard then, ACPO can also be seen as part of a melting core.

However, the introduction of the College of Policing and the National Crime Agency are bodies which could potentially fill this void to provide national guidance on policing. The College of Policing was introduced in 2012 to replace the National Police Improvement Agency (NPIA). It is hoped that the college will provide 'dynamic leadership' and be visible not only to the police, but to the general public (May, 2013). It was also established to help 'end ACPO's monopoly on deciding the future of policing' (May, 2013). Alongside this, the National Crime Agency (NCA) was introduced to replace the Serious and Organised Crime Agency (SOCA) in 2013. It is an operational crime-fighting agency designed to tackle serious and organised crime nationally. With these strands then, the government had put in place what it believed to be sufficient cover for the co-ordination of national policing. However, these bodies are still in the process of finding their feet and it is not clear yet just how they will adapt to the challenge.

To further protect national provision of policing, the Police Reform and Social Responsibility Act legislated that PCCs were to have due regard to the Strategic Policing Requirement. This requirement was introduced to help PCCs and chief constables 'ensure they fulfil the forces' national responsibilities' (Strategic Policing Requirement, 2012a, p.4). It provides strategic focus on what the police need to achieve nationally and was put in place to facilitate joint working across forces. However, it is not difficult to imagine how PCCs could bypass the low threshold of 'having due regard' to the Strategic Policing Requirement – particularly in a context whereby PCCs are so locally oriented, as I examine below.

In summary, it is apparent that some of the policing institutions which previously occupied a dominant role in the direction and governance of the police, are no

longer in the influential position that they once were. This ‘melting core’ is perhaps unsurprising given the emphasis placed on localism in the rhetoric leading up to PCCs, which as I described in Chapter 1 was a response to the perceived problems of managerial accountability prescribed from the centre. However, with this shift there is a danger that national capabilities could be undermined, particularly within a model of locally elected PCCs. Below, I explore PCCs’ inclinations towards other PCCs and national institutions in order to more clearly understand how PCCs have been positioned within the wider transformation to policing which I have hitherto described.

4.2 The plate tectonics of inter-force collaboration

I now turn to examine the unfolding relationships between PCCs to identify how they have begun to fit into the wider policing architecture. HMIC defines collaboration broadly as ‘all activity where two or more parties work together to achieve a common goal’, which includes both collaboration within force areas (i.e. intra collaboration) and collaboration with other forces (i.e. inter collaboration) (HMIC, 2013, p.69). I predominantly focus upon inter-collaboration as a proxy measure of PCCs’ relationships beyond their force areas. I use PCCs’ interview responses to questions on collaboration alongside reports from HMIC and the Home Affairs Select Committee (HASC) to develop a picture of emerging practice across England and Wales.

Since PCCs were elected, there have been two HMIC reports which have examined collaboration between and within forces.²⁴ The first report noted that many collaboration efforts had either stalled or been reversed with the introduction

²⁴ These reports form an annual inspection of police forces in England and Wales in response to the 20% cut to the central Government funding grant in October 2010 (HMIC, 2013).

of PCCs and detailed a pessimistic account of inter-force collaboration attempts (HMIC, 2013). It concluded that:

The picture on collaboration is deeply disappointing. Despite HMIC highlighting the untapped potential that exists in collaboration, the pace of change over the last year has been too slow and only a minority of forces (18) are delivering more than 10% of their savings through collaboration. (HMIC, 2013, p. 81)

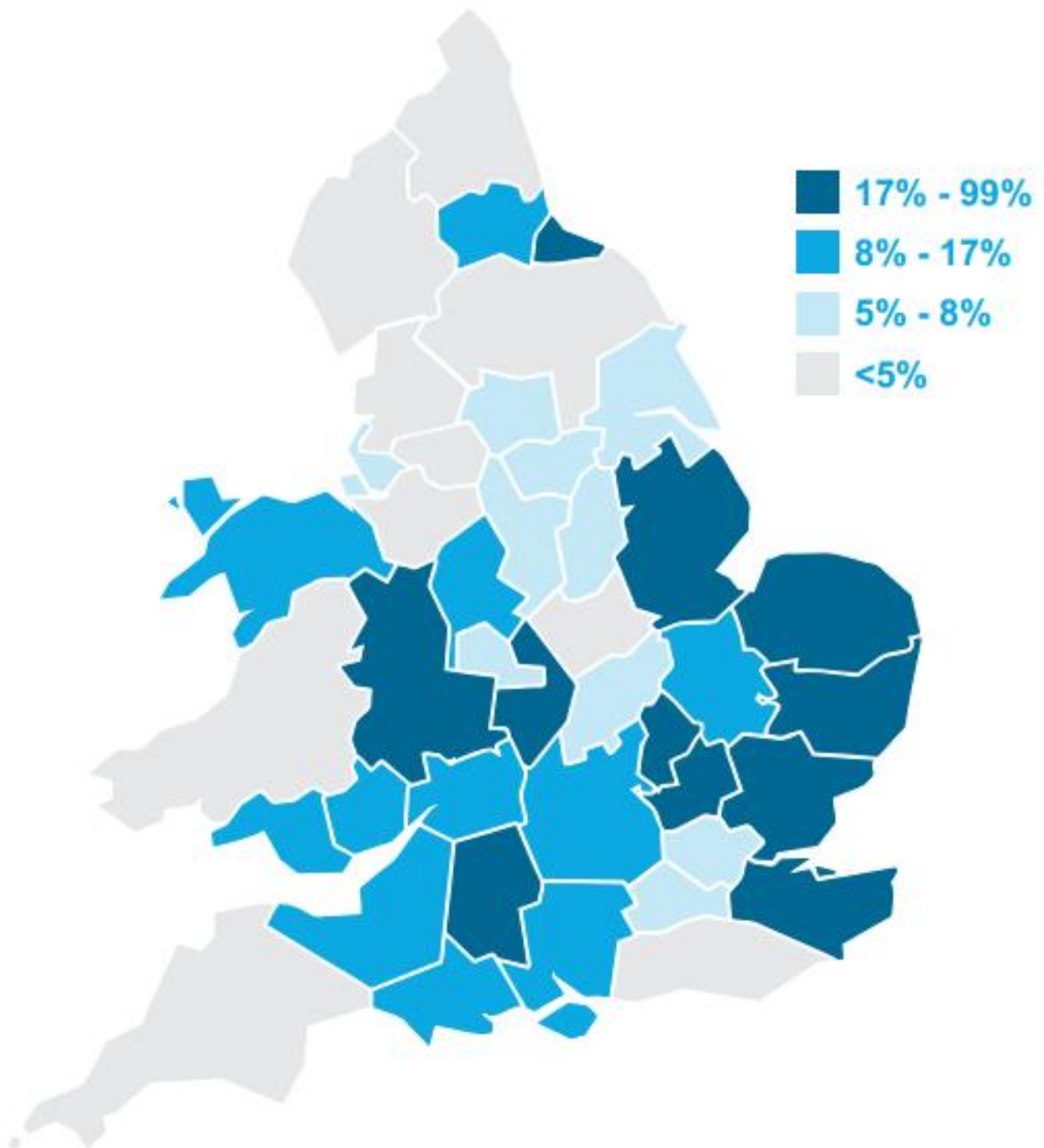
However, this was likely related to the introduction of the PCC policy which may have put collaboration efforts on hold until PCCs became acquainted with all pre-existing arrangements. A year later, the Home Affairs Select Committee (HASC, 2014) found a more positive picture and highlighted that a number of PCCs were driving forward a series of inter-force and internal collaborations. The second HMIC report also found encouragement in light of increased intra and inter collaboration. But it was concerned that ‘the national picture is becoming increasingly fragmented and complex with extremes in variation to approaches to the collaboration agenda’ and therefore concluded that ‘the position on collaboration continues to be disappointing’ (p.94). Figure 11 illustrates the disparity across England and Wales in terms of the proportion of force budgets spent on collaborative programmes.²⁵

The report found disparities across forces in terms of how much of their savings had been achieved through collaboration, ranging from one percent or less of their savings coming through collaboration (including North Yorkshire, Derbyshire, and Devon and Cornwall), up to 75% in Warwickshire and West Mercia (owing to their strategic alliance) (HMIC, 2014). The interview responses made clear the reasons

²⁵ Over two thirds of forces spent less than 17% of their budget on collaborative work. The HMIC map in Figure 11 is grouped unevenly to demonstrate this variation amongst these forces. The 17%-99% grouping illustrates that there were 10 forces which varied significantly from others, although no force spent 99% of its budget on collaborative work.

for such variation between forces, where some PCCs had appeared to facilitate collaboration (i.e. 'converge') whilst others seemed to retreat from it (i.e. 'diverge').

Figure 11. Map showing the differences between forces in the proportion of budget spent on collaborative work in 2014/15



Source: HMIC (2014), p. 91

4.2.1 Convergence

Amongst many PCCs I interviewed, there was a clear appetite for collaboration with other forces. One PCC discussed a positive example of this in the particular region in which he worked:

You know we had a fascinating day and a half of the four chief constables and the four PCCs in [the region] getting together, and then the four PCCs coming together, it was quite interesting some of the things that are starting to converge in terms of the way that people are doing things.

Labour PCC 8

When this PCC spoke of converging, he referred to the manner in which PCCs were agreeing over certain directions of working and considering possibilities for collaboration. Partnership working with other PCCs was recognised as a key way to generate large savings and to increase efficiency. For example:

It's a major part of what we should be doing in order to be more efficient in the way policing happens, in order to be more cost effective.

Independent PCC 3

...

...the PCC in [the neighbouring force] and I sat down and said no we want [the pre-existing collaboration] to go much further, we believe that the two forces should collaborate a lot more because a) it makes more sense and b) the savings will be more significant and we can use that money to put back into policing, which is what we want to do.

Conservative PCC 6

These PCCs therefore regarded collaboration in instrumental terms. They were clear that by working with other forces more collaboratively, they would reduce overlap of services and make financial savings. Consequently, some PCCs described how they had made a substantial commitment to increasing regional collaboration.

In one region, there had been some positive developments amongst the PCCs in terms of establishing governance mechanisms and setting a clear direction for all four forces:

we've agreed some principles of our partnership working around our governance...We now have a meeting of equals in our governance both at the constabulary level and the PCC level. And in those two boards with a rotating chair. So we've laid the foundations for constructive partnership working going forward and now we're talking about actually doing the work as opposed to governing it.

Conservative PCC 12

Another PCC outlined how they had similarly set up a regular series of meetings in order to facilitate a more collaborative approach within the region:

...most of my work at the moment has been on the regional PCCs of which, there are 3 independents, and 2 politicals because we're looking at collaboration, because that's where we've got to make some savings...Well it's so important we've actually made a decision that we're going to meet one day a month and if you looked at my diary, you'd say that's a massive commitment. But it's a massive commitment from all of us, saying this is a major thing that we want to drive forward, and we've only got 3 years, and if we're going to make some changes and some real differences, we need to start doing that very soon

Independent PCC 1

Here, the PCC felt that they all wanted to make their mark on local policing and that collaboration was a means of doing so. The concrete deadline of the next elections acted as an incentive to work quickly on these attempts, with the implication being that a new set of PCCs could hinder this progress.

There were some clear positive attempts to converge with other PCCs regionally. Some PCCs looked even further afield and questioned why they should stop at artificial regional boundaries:

I think the regional government boundaries have dictated in the past rather falsely how forces will work together, but we don't see the need to stick to that at all, so we'll go for [forces which are further away] and try and work with them.

Independent PCC 3

...

...I'm going to totally ignore the regions. If we can do something better with [forces elsewhere], then we will go wherever the best fit is for [the] people [in this force]...In the past there's been a very clear steer from HMIC to actually stick within the region. Well I'm afraid I don't subscribe to that point of view. We'll go wherever it's right to go.

Conservative PCC 5

Therefore, some PCCs were redrawing the boundaries and seeking to collaborate beyond formerly prescribed regional areas. The HASC (2014) report similarly identified examples of PCCs forming partnerships along non-geographical lines. This illustrated how the introduction of PCCs had meant that in some forces, some previously unquestioned practices were being challenged in innovative ways. In a sense, they were a 'disruptive technology' who were unsettling orthodoxies (c.f. Loader, 2013), which was one of the hopes of the policy architects.

This was in part facilitated by the increased opportunities for communication amongst individual PCCs compared to police authorities. There was a sense that the single point of accountability reduced the bureaucracy surrounding collaborative agreements, as was highlighted in evidence submitted to the Home Affairs Select Committee (2014) by the Thames Valley PCC, who stated:

When we put together Serious Organised Crime across the south-east of England, imagine getting five committees of 17 to 19 members agreeing to do that. We sat down with the five commissioners, the five chief constables and their staff and we put it together over the course of three or four months. The savings and efficiency improvements were

absolutely massive. I don't believe that the police authorities could have done that. (Q 219, p.89)

Having a single individual at the head of each force alongside a chief constable was regarded as a catalyst of these collaboration attempts and therefore several PCCs felt that they could collaborate more freely across regional and national boundaries. Additionally, as single recognisable figures, PCCs had become quickly acquainted with one another and communicating amongst themselves appeared to be easy:

Can I tell you that whenever I need to speak to one of [the other PCCs], wherever it is whenever I've got a need, I don't see what colour they are, I just see the PCC as such and such. And I think quite honestly most of them are like that.

Independent PCC 5

The ease of communication was also explained by having a shared experience with all the other PCCs in the form of the elections, which appeared to bring them closer together than members of police authorities had been with members from other forces:

I think I work far better with other PCCs than I did with other members of the Association of Police Authorities, and the reason for that is that we've all had the same process to get where we are no matter what our politics, even if they are independent politics, and we've all had to go through an election process, and therefore we all have exactly the same value in getting there if you like. And I think that's quite helpful.

Conservative PCC 8

This was a key element of the convergence amongst many PCCs, who had gone through the same experience and therefore had a mutual respect for each other, which in turn facilitated communication amongst themselves.

Their relationship may have also been strengthened through their involvement on their representative body, the Association of Police and Crime Commissioners (APCC). This gave PCCs an opportunity to meet with some frequency (usually bi-monthly in the first year) and develop lines of communication amongst themselves, which was seen as helpful in guiding collaboration attempts. But beyond the regional, it was also recognised by many PCCs as a platform to influence national policing and crime-reduction matters.

The majority of PCCs spoke in positive terms about the APCC in its ability to come together and provide a powerful voice on policing at the national level. One facilitator of this was that it was not perceived to be as politically divided as the Association of Police Authorities (APA) had been.²⁶ As Conservative PCC 10 articulated,

I do think there is a general sense of common cause amongst PCCs that is not necessarily a party political call

In explaining this common cause, one identified that there was a helpful absence of competition at the APCC level:

[The absence of political disputes is] mainly because they don't have another PCC in their area. So if you've got a leader of a county council, you will also have a leader of a district council in that area...And so you take lines very easily because you have to be on either one side or the other. But with me, I'm the only PCC, I'm the only one absorbing this space. So I can just stick to the issues.

Conservative PCC 13

Although this was also the case under the APA, the point made by this PCC was that there was clear sovereignty over their local areas and because of this, there

²⁶ The APA was the representative body for police authorities, but according to several PCCs I interviewed who had previously had a role on the APA, it struggled to achieve consensus amongst its members due to political in-fighting

was no competition between members. In fact, one PCC felt that they were unified because they were very clear representatives of the local:

...the party politics isn't that important and actually what's more important is the fact that that local versus Whitehall dynamic where we all find ourselves in the same position whether we are Labour, Tory or independent

Independent PCC 3

This last point highlighted that the PCCs were unified by a collective ambition to stand in support of 'the local' against the imposing giant of Whitehall. As I illustrate in the next section when I discuss examples of divergence, this identification with being champions of the local could simultaneously impinge on their ability to contribute to regional and national policing.

Although there was less overt politics between members, it was evident that there were many disparities amongst individual PCCs and getting them to work together was not straightforward. One PCC commented on the divisions he saw even within the political groupings:

The Conservative party have a really wide range of views and ideas and experience and the independents clearly are independent so that's going to be really tricky for them. So you've got one very coherent [Labour] group, you've got the Conservatives whose instinct is to try and work together but all who want to do different things, and the independents who are independent, so it's not a happy recipe

Conservative PCC 3

Rather than politics, it was the array of different personalities which appeared to be problematic:

...if you were to say let's have 41 people and see how different we can make them, yep, they've done that.

Independent PCC 7

Another PCC noted how there were certain strong-minded individuals who could at times be divisive. For example,

I have to say so far, most people have done what they thought best for policing rather than political, but we are seeing some super-egos about 'how important I've suddenly become and I'm going to tell the world'. And you've got quite a few of those.

Independent PCC 2

Because of these differences amongst PCCs, some questioned whether it was possible to settle on a collective voice:

I can see that we're never going to speak with one voice, and I don't know how you can corral us to do so.

Labour PCC 5

...

I don't think we've found our voice yet, I don't know how that's going to work, you know the APCC is struggling along and not really very clear about how we're doing that

Conservative PCC 3

...

I do wonder though whether any organisation can speak for all PCCs, because we are so different...Unlike ACPO which speaks with one voice for all officers, I don't think the APCC could ever do that really. And I do see that as a difficulty.

Independent PCC 10

It seemed that there was some trouble in squaring the idea of being the voice of the people in a force area on the one hand, and then coming together from different places, combined with a mix of politics and personalities, and then forming another single voice. Consequently, Labour PCC 6 concluded that

it's almost impossible to get a consensus on anything at the moment, so the voice of local policing nationally is infinitely weaker than it's almost ever been.

Therefore there was a clear concern about the way in which PCCs would be able to affect national policing. In many ways, this was about practical difficulties in trying to get 41 clearly defined individuals to form a collective. But as I explore next, the difficulties in forming a national voice also stemmed from an inherent local focus of the PCC model, which restricted PCCs' time and motivation to work with others at a regional and national level.

4.2.2 Divergence

In light of recent pushes to encourage collaboration (e.g. HMIC 2013; 2014), many PCCs have expressed ambition to collaborate. While the HASC (2014) report claimed that the main form of collaboration had been between police forces, it did not provide evidence to support this. By contrast, the HMIC (2013) report found that many forces were entering several small-scale collaborations within their own forces (with public and private sector agencies). The HMIC report was critical of this piecemeal approach because of the costs and inefficiencies involved in operating a fragmented system of smaller collaborations.

Part of the reason for these smaller scale collaborations may be related to geographical size. Conservative PCC 11 felt that PCCs in smaller forces were more likely to collaborate internally because they were closely tied into services within their local areas (often with only one county to deal with):

...the small [forces], because they have cooperated very much at a local level, tend to do it with councils and other organisations, and that is going to make it more difficult to co-operate with the bigger police forces.

But this was contradicted by the HMIC (2014) report which suggested that smaller and medium sized forces were more likely to collaborate with other forces than

larger ones. The report claimed that this was because larger forces could find economies of scale within their own force areas first before considering partnerships beyond their force area. However, HMIC did not provide any evidence to support these claims and from a superficial visual analysis of the map of police force collaborations (Figure 11), it is unclear what the impact of force size on collaboration is. What is clear, however, is that there have been a number of PCCs who have refrained from collaborating with other forces. I argue here that this has happened not necessarily because of force size, but because PCCs are structurally inward-facing.

In my interviews, it appeared that some PCCs were reluctant to engage with other PCCs and instead opted to remain focused on their force areas – thus *diverging* from other forces. For example, in discussing regional meetings he had had with others, Conservative PCC 11 mentioned a neighbouring PCC who ‘never turns up to anything...she doesn't want to co-operate with [this] region’. Some of this was simply a case of not having the time to deal with other forces in the first few months in office, especially for those with no prior experience in working with the police:

All of us are less than 6 months into a very large new role that no one has done before and we've got a lot that we need to pay attention to - back of the ranch so to speak. And certainly from my point of view that's the most important thing at this stage and I think others at this stage from the independent group feel that as well. Some of them have had no experience in working in the police environment before and therefore it's taking a little longer to work things out.

Independent PCC 3

The implication was that more collaborative work would be done in the future, but for the time being, getting to grips with the role necessitated focusing within the

force boundaries. Conservative PCC 3 likewise commented that 'we're all just heads down getting on with our own jobs I think you'll find at the moment', referring to the fact that they were temporarily focusing on local issues and not getting too caught up in the national policing landscape.

But some of this hesitation around collaboration was also related to having a new set of individuals who were beginning to raise questions about collaborations they had inherited. One PCC described how all the neighbouring forces in his region had in the past undertaken a substantial amount of collaborative work and that this was being maintained by the current PCCs in the short-term. However, there was an indication that this was being called into question by the PCCs:

There's a discussion going on at the moment to see if we're getting best value for money out of that [level of collaboration]. And that's proved a bit difficult to work through.

Labour PCC 2

These PCCs were beginning to query the adequacy of certain pre-existing arrangements which had not been previously questioned. This was connected to the novelty of the role which enabled PCCs to see things from a new perspective.

But there also appeared to be a deeper problem which helped to explain why several PCCs had not yet found the time to meet with each other. This was to do with the fact that 'the new accountability is local accountability', as Labour PCC 6 described to me. He recognised some of this divergence as a symptom of a structure which introverted the gaze of PCCs into their own force areas:

...intrinsicly the model puts your focus on the local area and clearly it's sensible that if you're motivated by wanting to get a re-election, which most politicians are, you need to be portraying yourself as interested in the locality. So your focus is very much local, not necessarily looking at the national interest or even the regional interest...there's no incentive

whatsoever to co-operate...because you know helping out the adjacent county, nobody there can vote for you. And nobody there is going to be lobbying you either.

Labour PCC 6

This quote summed up the key issue in many ways. While PCCs may have greater opportunities to communicate with each other and have brought about a fresh perspective on collaborative arrangements, their ultimate interest is in their force area. This is because PCCs are elected by people in that particular locality, which creates an in-built responsiveness to that location – both because of a need to deliver promised priorities and for some, a desire to be re-elected. For this reason, the PCC model breeds a degree of egocentricity. In some cases, this has meant that there has been a lack of interest in contributing to policing arrangements at the regional or national level. For example, Labour PCC 6 went on to highlight issues in getting PCCs to sit on the Police Negotiating Board :

...there's a whole series of vacancies for national jobs that need doing, which is a combination of not having enough hours in the day and secondly of course those national issues aint got a lot of votes in them. Your votes are locally, that's where you need to be seen, to be out and about.

These comments underlined his concerns about a model of governance that was predicated on the local. Ultimately, these fears reveal uncertainties about the national co-ordination of the police. As I have suggested, one of the underlying drivers of collaboration amongst PCCs is an instrumental reason to save money. But because of the nature of the model, the primary question becomes 'how will this save money for this force?' rather than any more objective decision making which takes into consideration broader questions of regional and national capacity.

Chief Constable 2 provided an example to suggest how this introversion could endanger the national policing capability:

...there are issues where it could damage the overall national co-ordination. There is no question that if we had the riots again, some PCCs might say 'well you're not having my officers'.

Another pertinent example of the potentially damaging effect to national co-ordination has been decisions by some PCCs to disband mounted units on account of making financial savings.²⁷ In one case, Matthew Gove, PCC for Humberside, publicly explained that cutting the mounted unit would allow the force to have more foot patrol officers available. He stated that:

"We need our police officers out on the streets, where they can be preventing crime and protecting the public. At a time when policing resources are increasingly valuable, we need to make sure we are getting the most out of every penny the taxpayer provides." (Thompson, 2013).

The clear concern for the PCC here was ensuring a more visible police force for the local community and saving *local* taxpayers' money, rather than any broader considerations for reduced national capabilities. The danger is that PCCs who are strictly focused on their own force areas may inadvertently weaken the national policing capacity by removing such resources on the grounds that it is financially beneficial for that particular force.²⁸ In the context of mounted policing, this concern is exacerbated in light of the fact that mounted units have been reduced from 17 to 12 since 2012 (Giacomantonio et al. 2015), but it is not difficult to see how this could be problematic for other policing resources against the backdrop of continued cuts to policing budgets (Shaw, 2015).

²⁷ PCCs in Cleveland, Nottingham and Humberside have all taken decisions to disband their mounted units, citing budget cuts as the primary reason for doing so.

²⁸ Although research has highlighted the non-monetary value of mounted policing in the UK (see Giacomantonio et al. 2015)

Some PCCs made prioritisation of their local forces very clear in our interviews. For example, one PCC was reluctant to engage with others at the national level which he viewed as a distraction:

I have to say I don't hugely value most of the national things that are going on. Most of my work is here, local, and that's how it should be. I don't see many of the problems for my residents being solved down in London. All I see them is giving us new problems.

Conservative PCC 4

In this case, the PCC had clearly prioritised his locality and saw anything outside of that as irrelevant. He had not developed any new collaborations with other forces and thus in a sense began to diverge away from both the regional and national in order to take care of his force area.

Independent PCC 9 highlighted the importance of the national and suggested that other PCCs had come into the job on the assumption that it was all about local policing:

It's not just in local policing, it's in national policing as well, because you can't forget the national. And I think a lot of PCCs came into this thinking it's just the local, and it's not.

But he then began to talk about what he was doing to keep his local voters happy – perhaps revealing that his real interests lay more firmly in the local:

I mean our power base is locally, so you have to address your power base and you have to do the things that your power base want you to do...

Independent PCC 9

Some PCCs felt that they each had their own sovereignty which they had to protect, and collaboration with other forces was potentially a threat to their authority over their own areas:

I think there's a strong will amongst most commissioners where they can collaborate. I think that comes through loud and clear. But obviously most people don't want to give up sovereignty - like the EU really

Independent PCC 5

...

...up and down the country you've seen the falling apart of various arrangements and obviously there is also an element of if you want to get re-elected, you want to feel you are in control of the particular position. So there's some risks about pooling your sovereignty in that particular way.

Labour PCC 6

In this light, collaboration may be hindered by individual PCCs who are inward-looking and who prioritise their forces' needs ahead of broader regional or national interests.

It is possible that Labour PCC 6's scepticism emerged on the back of his own failed collaboration with a neighbouring PCC, Conservative PCC 5. In this instance, both forces were already collaborating over various functions, but after several months in office, Conservative PCC 5 decided to end one of the major agreements between the forces. I was able to interview both PCCs, and their comments provided insights into some of the challenges to collaboration within the PCC model.

The Conservative PCC explained that he chose to end the collaboration plans because:

...it was being done simply so that individuals could show that they'd collaborated between police services. There was no meaningful business case behind the plans that had been ongoing for two years at all. They didn't take account of the fact that it might've saved £1.5 million here, but it actually cost 1.7 million over there, and also I'm afraid that from a cultural point of view, I think [they have a force] which is a

generally speaking a metropolitan service, have a very different way of doing things and are very different in their mind-set to a rural force like [here]. So I thought the cultural fit wasn't as I wanted it to be...Totally different, and the fit was just wrong. From a collaboration point of view, I don't care where we collaborate, as long as it's the right fit, as long as it's the right outcomes, and above all it's as long as it's not collaborating just to be able to say that you've collaborated, which is where this original thing came from.

Conservative PCC 5

This PCC was clear then that this was simply a rational business decision which did not financially make sense. However, Labour PCC 6 judged that the decision was based on political grounds:

...I suspect one of the reasons collaboration has broken down ...is that during Conservative PCC 5's selection and election campaign, [he] very much said 'I am the type of person that is going to stop us being taken over by the [neighbouring force area]', suddenly came into the collaboration arrangements and clearly felt that they had to show they were carrying out some of that pledge and basically withdrew from a series of collaborative arrangements, that frankly helped their force more than it did [ours], which makes no sense frankly whatsoever, other than that political sense.

Labour PCC 6

Despite the fact that this did not necessarily appear to overtly guide the decision to cut short collaboration from Conservative PCC 5, the point made by Labour PCC 6 was that the electoral system that underpins the PCC model fundamentally binds PCCs to their local force areas. The result is that some decisions that may make sense for one force may not be considerate of the potential costs for others.

While in this case the political dimension was cited as a possible inhibitor of collaboration, it is not difficult to imagine how other differences, such as personality clashes between PCCs (and chief constables), could also offset collaboration attempts. For example, although the Conservative PCC 12 observed

how the personality-driven system under the PCC model could facilitate collaboration, he also alluded to the vulnerability of such a system:

[the PCC model has facilitated collaboration] because [in our region] it's four new personalities on the block and really these things are personality based, especially when you've got....well we are four people that have agreed to be doing something together. And in [this region] you've got four chief constables who are different as well, who are new, and they've all agreed to work together. So I suppose if any one of the eight withdrew to barracks and said I don't want to play or you know, it wouldn't happen.

Here, collaboration is contingent upon several personalities coming together. If there were to be any personality clashes, it is not difficult to see how these arrangements could quickly become undone. This highlights an inherent frailty within the system which means that significant decisions are exposed to personal and political biases – a vulnerability which I return to when exploring emerging relationships between PCCs and chief constables in Chapter 6.

This becomes all the more problematic in considering the subjective nature of collaboration between forces, particularly in the context of PCCs. In discussing some of the barriers to collaboration, the HMIC (2014) report conceded that

In some instances, the change may not achieve considerable savings for both parties, or may favour one local model over another; but sometimes acceding to this will be in the interests of the collaboration overall and in the wider public interest. (HMIC, 2014, p.94)

The trouble with this, however, is that PCCs are intimately tied to *their* local public interest rather than wider public interest, which limits prospects for collaboration. Section 10 of the Police Reform and Social Responsibility Act (2011) placed greater responsibilities on chief officers to review opportunities for collaboration. Additionally, it has stated that where collaboration would provide the best outcome for another force, it should be pursued by chief officers and PCCs even where

they do not expect their force to directly benefit from doing so.²⁹ This legislation came into effect in order to steer PCCs into considering more collaboration for greater financial savings. This has also been incentivised with the introduction of a Police Innovation Fund which financially supports PCCs to invest in innovative approaches to improve policing, which includes collaboration. Despite these provisions, the most recent HMIC (2014) report concluded that ‘the current national position on collaboration is unsatisfactory’ (p.95), based on the substantial variation across England and Wales. There is therefore a clear need for an overarching body to objectively facilitate such decisions. In the past, national bodies such as HMIC, the Home Office and ACPO have all had a role in guiding such decision-making, but as I have intimated, the national core has appeared to melt away in this context where the new accountability is local accountability.

4.3 Conclusion

The push towards localism has appeared to melt away some of the core which held national policing together in the past – namely the Home Office, HMIC and ACPO. It is not yet clear what the impact of new national bodies such as the College of Policing and the National Crime Agency will have in this context. The establishment of the Strategic Policing Requirement is also another means by which the government has attempted to fill the void left by some of the other national-facing agencies. But the efficacy of these provisions seems to be obstructed by the inherent localism of the PCC model.

It was true that the majority of PCCs I spoke to had ambitions to work with other forces and some had already established clear lines of working together. This in

²⁹ Statutory Guidance for Police Collaboration, Home Office, October 2012, [32].

part was to do with greater steer from bodies such as the HMIC and the Home Office to do so, particularly in light of the austere financial climate they were working in. This was also related to a strong level of communication that was facilitated by forming a group of recognisable figureheads who had come through the same process together and were united in a fight against centrally imposing powers.

Yet, there were a handful of PCCs who seemed to refrain from regional and national commitments. Some of this was related to not finding the time to have done so after a few months in office, while for others, the size of the force may have accounted for preferring internal collaborations as opposed to inter-force collaborations. But there was a sense that some of this emanated from an inherent attachment to their local areas by virtue of having been voted in in that area and a desire to be re-elected. Regional and national work was therefore viewed as a distraction from their priorities of responding to the local, which in some cases appeared to obstruct collaboration attempts between forces. In geological terms, divergent plates moving away from each other in this manner result in the formation of valleys. For those PCCs who refrained from regional and national work, it appeared as if they were forming valleys around their force borders, segregating themselves from other forces.

The variation in collaboration efforts revealed the local nature of the reform and in particular that PCCs had approached the job in very different ways (a point which I elaborate in Chapter 5). From this analysis, it appears that individual police forces – spearheaded by locally-oriented PCCs – are moving quickly in different directions and at different speeds. Built upon an already unstable terrain of a melting core, significant questions arise about the abilities to hold onto some of

the democratic principles I established in Chapter 2. For example, declining numbers of mounted units illustrates how with this locally-oriented focus, broader thinking about implications for national level service delivery and equity might be submerged.

In discussions about local, regional and national, perhaps one obvious term that has been missing from the above analysis is *international*. The reason for this is that it was not a word that was referred to by any PCCs I interviewed. Partnerships at the international level can be extremely valuable – not necessarily just in the form of collaboration, but also via knowledge exchange processes. As was highlighted in the Stevens Report (2014), neglecting the international is likely to be a ‘serious mistake’ in today’s inter-connected world (p.86). I believe this absence of discussion regarding the international level to be a further extension of the problem of the introverted gaze of PCCs. If local is the priority, and regional and national work are secondary, then international – as a level beyond the national – remains out of the purview of PCCs altogether.

Thus, in this section, I have argued that the PCC model is too remote to be meaningful at a localised level; yet too locally-centred to generate sufficient care for regional and national needs. This points to an awkward positioning in the policing and crime landscape, where they struggle to be democratically representative at the local level and face difficulties in delivering other markers of democratic policing at a broader level, such as concepts of equity and service delivery.

The implications for the democratic governance of the police will be further discussed in the conclusion to the thesis. For now, it is sufficient to say that the

positioning of PCCs appears to frustrate some of these markers of democratic policing. In the next section, I wish to inspect the *capacity* of PCCs and surrounding mechanisms to deliver democratic ideals to the governance of policing and crime.

Part III: The capacity of PCCs to deliver democratically accountable policing

Having examined the positioning of PCCs in Part II, I now consider how they have been shaped to fit into the missing parts of the democratic policing puzzle that I identified in Part I. This entails an exploration of the internal machinations of the PCC construct, taking into account the perceived remit of the role and emerging relationships between other central bodies, in particular, chief constables and Police and Crime Panels. Through doing so, I will be better able to comment on the shape of the institutional framework to stimulate democratic accountable policing.

Chapter 5: The Role of Police and Crime Commissioners³⁰

5.1 Introduction

I use this chapter to delve into how the PCC role has been interpreted by PCCs as this will help to provide clues about the capacity that PCCs believe they have to channel some of the policy intentions. In Chapter 1, I described how politicians and think tanks formulated a wish-list of roles and responsibilities that they thought PCCs ought to have as the policy came into fruition. They argued that they should be crime fighters (Wasserman, 2011), police scrutinisers (Police Reform Taskforce, 2007), voices of the people (or more specifically, voices of the victims) (Home Office, 2012b), local criminal justice figureheads (Carswell, 2002) and commissioners of services (Police Reform Taskforce, 2007), amongst others. These arguments provided a series of images about the role which PCCs could model themselves on.

While all of these characteristics featured in various PCC interpretations of their role, in this chapter I illustrate that there were essentially two perspectives which came to dominate. These were what I term *Police Managers* and *Crime Reduction Co-ordinators*. I demonstrate how these interpretations of the role informed PCCs' responses to questions about their purpose, capabilities and visions of success.

Having painted this picture of the ways in which PCCs have interpreted their roles, I go on to make the case that this range of responses presents a serious challenge for individual PCCs to effectively carry them out. Using the case study as an example, I argue that some PCCs – facing a number of responsibilities – have responded by focusing heavily on certain aspects of the job. For others who

³⁰ A version of this chapter has been published in the British Society of Criminology Conference Papers (see Davies, 2014c)

have attempted to enact a number of their various responsibilities, I indicate that some have seemingly had to create large offices in order to undertake their role. On the flip side, I suggest that there are also a number of PCCs who have tried to take on as much as possible, but who have simultaneously chosen not to appoint deputies and have consequently faced significant strain on their jobs. I therefore begin to raise questions about whether PCCs as single figureheads have the capacity to embody all the characteristics that were wished for by policy makers who were hoping to engender greater democratic accountability over the police.

5.2 Who are Police and Crime Commissioners?

The way in which PCCs understood and operationalised the role cannot be untied from the wider social context from which they have emerged – their previous personal and professional experiences undoubtedly guide the way in which they see the job. I therefore begin by briefly detailing the backgrounds of PCCs.

The first round of PCCs have been labelled a ‘monoculture’ (Home Affairs Select Committee [HASC], 2013), with just 6 women (18%) and no ethnic minorities represented. The majority (56%) were between 60-69 years old, with the youngest being 35 and the oldest 75 (Figure 12). There was equally little diversity in terms of the former careers of PCCs, with almost half of all PCCs having worked in local politics (Figure 13). Other common former professions included work in the police, the military, national politics and as magistrates. However, this is only a partial reflection of PCCs’ backgrounds, since most PCCs I interviewed explained that they had spent significant periods in their careers in more than one profession (albeit often in related fields).³¹ There was a clear overlap between those who had

³¹ This is why the total number of PCCs in Figure 13 equates to more than 41

worked on police authorities and those who had been local politicians, since police authorities were predominantly comprised of locally elected politicians. By comparison, most former police officers did not identify having any other backgrounds outside of policing. Throughout the chapter I will illustrate how these backgrounds had a significant bearing on what aspects of the job PCCs chose to concentrate on.

Figure 12. PCCs' Ages

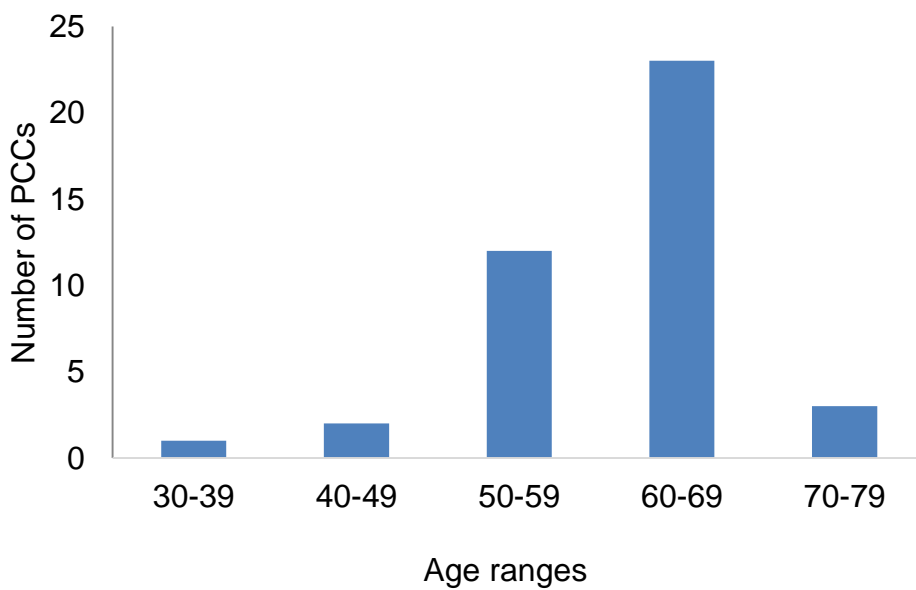
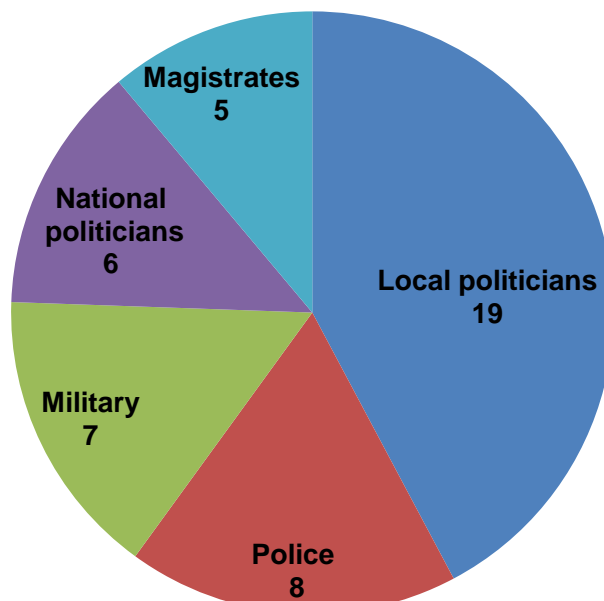


Figure 13. PCCs' former professions



5.3 The Scope of the Police and Crime Commissioner role: From Police Management to Crime Reduction Co-ordination

When the concept of PCCs was introduced, the Home Secretary made clear that PCCs would bring 'real local scrutiny of how chief constables and their forces perform' (May 2013), predominantly through their powers to hire and fire chief constables. But with crime reduction also at the heart of their role (May 2010), PCCs were called to engage with the criminal justice system and 'provide a holistic approach to crime reduction' by becoming powerful local figureheads (Police Reform Taskforce 2007). Thus, both police management and crime reduction co-ordination were presented as two fundamental pillars of the PCC role. While these two aspects of the role are interlinked (i.e. the police are one of the key actors in crime-reduction), they are also distinct. Holding the police to account requires the PCC to focus on the police organisation, while crime reduction – although it may be done through solely the police – implicates working with broader set of actors in and beyond the criminal justice system.

Faced with a heavy workload, PCCs had to decide what their operational remit was. When I asked PCCs about their role, responses varied on a spectrum between police management and crime reduction co-ordination.

In my interviews with PCCs, there was a tendency for some to see the job as a police management role. I therefore referred to these PCCs as *Police Managers*. I defined Police Managers as those PCCs who were primarily concerned with the running of the police organisation and focused on the internal force mechanics. Conversely, other PCCs emphasised the significance of what they often termed the 'and crime' part of the job. This alluded to a wider responsibility for crime and

justice management beyond the police service. They typically saw the role as an opportunity to fuse various aspects of the criminal justice system together into a more integrated and efficient system. I have used the label *Crime Reduction Co-ordinator* (CRC) to refer to the PCCs who tended to prioritise these aspects of the role.

PCCs differed in the extent to which they identified with police management and crime reduction co-ordination and almost all highlighted the importance of playing both roles. In total, I identified slightly more Police Managers (18) than CRCs (14). These categories emerged following analysis of transcripts using a qualitative data software package (Nvivo 10). This facilitated analysis of both the content and the language employed by PCCs in their responses to interview questions, which were subsequently coded into overarching themes and sub-themes.

Midway through my interviews with PCCs nationally, one PCC mentioned that he had spent 80% of his time on policing and 20% on crime, which prompted me to then ask the remaining 12 interviewees how much time they had spent on the police side of the job (i.e. holding the force to account) and how much time they had devoted to the 'and crime' (i.e. working with organisations beyond the police). In hindsight this was a problematic question – 'and crime' was interpreted in different ways and it was not clear that it measured the same thing across different PCCs. Also the 'police' / 'and crime' division is a false one because they are inevitably linked, and it may be that it forced the PCCs to focus on one aspect of the job and focus less on other aspects they found important. For example, one PCC interrupted at one point and asked:

Are you going to touch on commissioning, because we haven't actually talked about that yet? We've done policing and we've done 'and crime', but the word commissioner is quite important as well.

Independent PCC 4

Upon reflection, a more open-ended question would have been appropriate (for example, 'how much time have you spent on the different roles you have?'). Nevertheless, forcing the PCCs to focus on two aspects of the role was informative since it often prompted detailed discussions about PCCs' perceptions of the role.

In the 12 interviews where I asked PCCs to quantify their time spent on the two facets of the role, two respondents were unable to answer the question because they struggled to detach the police aspects of the job from the 'and crime' side. However, 10 of these respondents provided estimates (in percentages) regarding how much time they had devoted to both roles. The results illustrated that on average these PCCs divided their time equally between policing and crime reduction activities, but there was some variation. For example, one PCC estimated that he was spending approximately 80% of his time on police management, and 20% on crime reduction activities, while another PCC claimed to spend only a third of his time on police management, and two thirds on crime reduction. While these responses are not reflective of actual time spent on these functions, they provide some clues as to what these PCCs felt was an important part of the role.

The amount of time dedicated to police aspects of the role was skewed by the nature of the first few months in office, in which PCCs had to set the force budget, write the Police and Crime Plan, and in some cases, hire – and remove – chief

constables. For this reason, at least three of these commissioners I spoke to explained that they intended their attention to eventually shift towards the 'and crime' responsibilities.

It was also apparent that the nature of the role itself precluded the possibility of being able to spend time away from the policing aspects. Labour PCC 6 felt that he was less in touch with the wider 'and crime' network compared to when he was a local councillor on the police authority:

I'm in a policing bubble. I'm getting, living, breathing policing and community safety - I'm not really able to put it in context as much as I used to.

The amount of time that PCCs had committed to working on the police organisation was also partially explained by their backgrounds. Those with no policing experience felt that they had to spend more time working with the police as they had a lot to learn about the organisation:

I think by the nature of getting to know this place, how everything works, what the budget is like, what the problems are, I need to sort the police out before I start wagging my finger at other agencies and saying you need to do better, I need to get the police into that position first

Conservative PCC 13

This was echoed by a former officer who felt that he did not have to spend as much time focusing on the organisation because of his experience:

[having a policing background] helps considerably. Of course policing is such a complex subject. You look at any police organisation now, it's got many departments and disciplines. If you're an outsider walking in, you'd probably wonder what they were talking about half the time.

Independent PCC 5

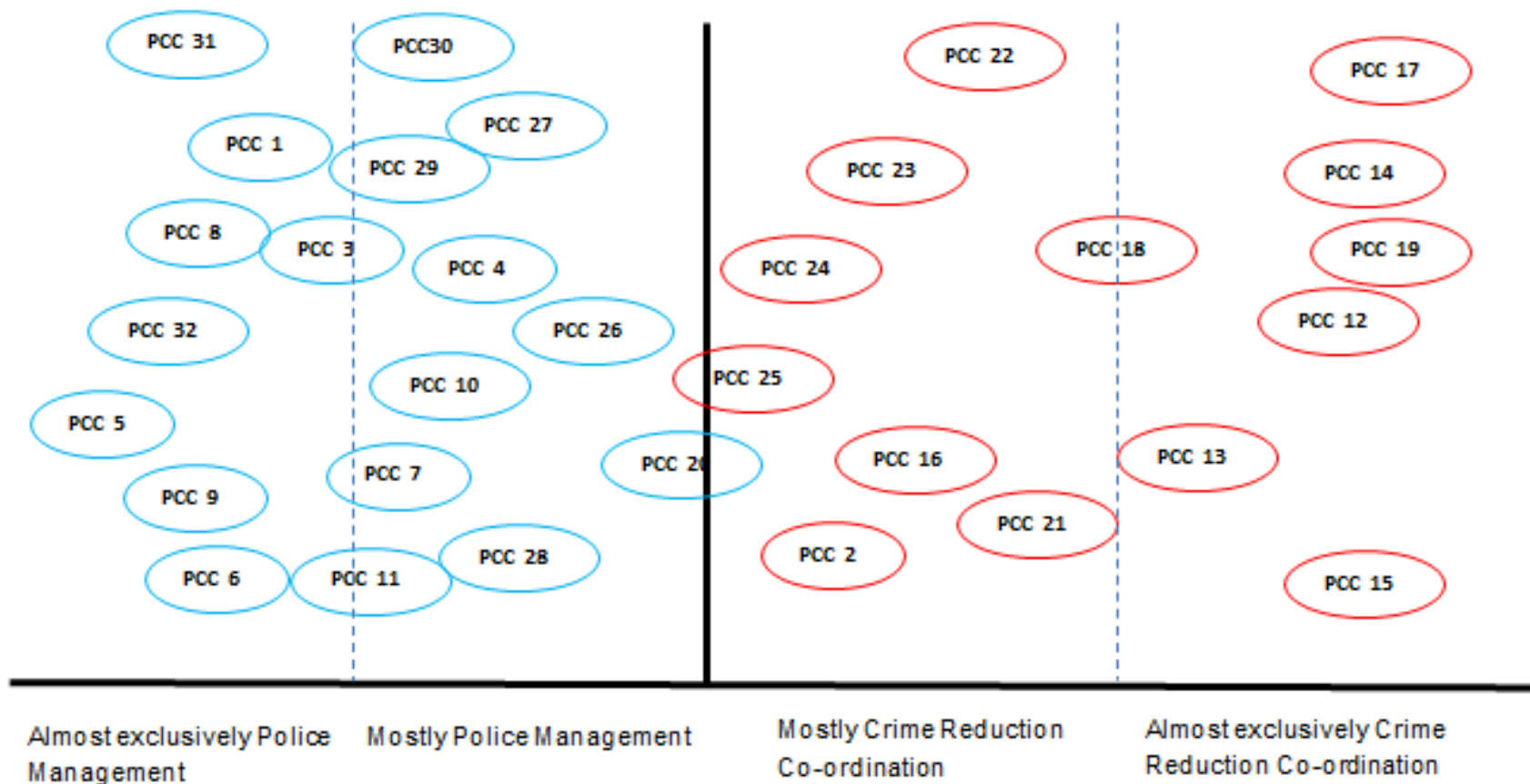
Because of some of the confounding factors which may have skewed some of the interviews to focusing more on the police aspects of the role, I also conducted a word frequency analysis for each interview where only references to the role had been coded. Figures 14 and 15 below illustrate some of the differences between a Police Manager and CRC from both ends of the spectrum. This analysis was conducted using Nvivo, based on the 100 most frequently used words by PCCs in interviews.³² The results indicate that CRCs frequently referred to terms such as 'services' and 'collaboration', while Police Managers tended to use words such as 'accountability', 'chiefs' and 'force'.³³

³² The analysis excluded words with three letters or less. I also subsequently excluded a number of other longer redundant words which frequently occurred, such as 'then', 'there' and 'have, for example. By excluding these terms, it was possible to identify some of the most prominent verbs and nouns used by the PCCs.

³³ Both Police Managers and CRCs used the terms 'public' and 'police' most frequently. The 'public' was a re-occurring term because the interview questions focused on notions of democratic accountability, which frequently elicited responses about relationships with the public; while 'police' was commonly cited due to the nature of the first few months in office which required PCCs to focus on the police organisation

While it is recognised that in reality most PCCs expressed elements from both perspectives, using this analysis it was possible to place PCCs into Police Manager and CRC groups on a scale. A scale was appropriate since I believe that the Police Manager / Crime-reduction co-ordinator distinction represents a continuum rather than a dichotomy, since PCCs illustrated varying degrees of empathy to both dispositions which were malleable (as I discuss later). I plotted these PCCs on a spectrum according to their slant towards police management and crime-reduction co-ordination. Those PCCs who dedicated their answers to discussing police management were placed further along the end of the spectrum towards 'almost exclusively police management', and vice versa for CRCs. While it is recognised that this was a subjective exercise and required qualitative judgements to be made about the nature of the interview responses, plotting PCCs on such a scale provided a helpful means of visually disaggregating the different perspectives I had encountered. The results are presented in Figure 16.

Looking across the PCC mission scale, it is clear that some PCCs at the ends of the spectrum perceived the role in relatively narrow terms (i.e. predominantly as police management or crime reduction co-ordination). However, the majority of PCCs were placed towards the centre of the scale, revealing that many had at least understood the need to deliver both aspects of the role. The implications of this will be considered more closely after further exploring some of the prevalent characteristics of Police Managers and CRCs.



"It is a role that is *in charge* of the *efficiency* and *effectiveness* of policing, the totality of policing if you like"

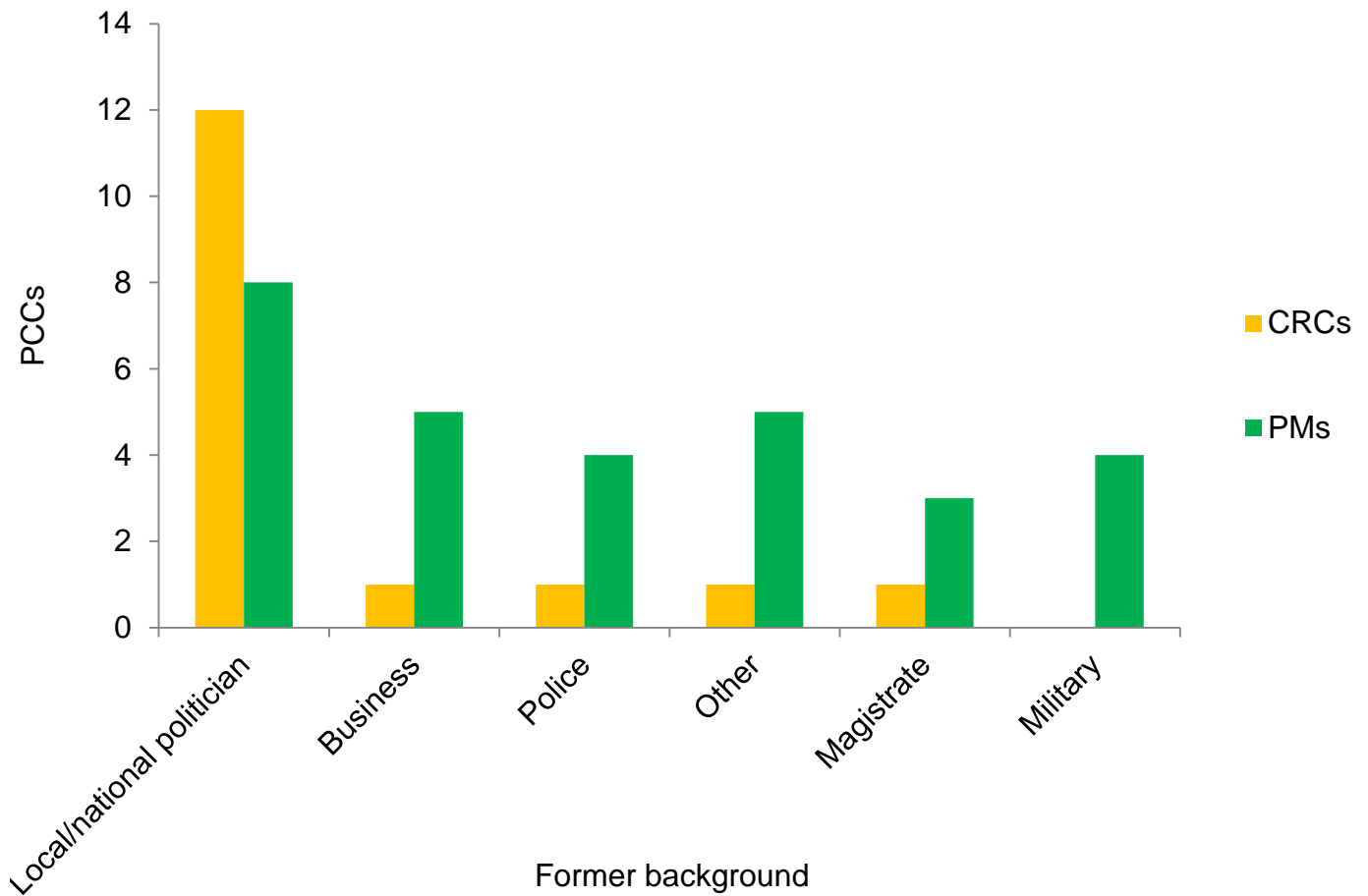
Figure 16. PCCs' perceived mission

"It's about joining the criminal justice system better together with the policing"

Some of this variation in perceptions of the role may be explained by the wide range of backgrounds. For example, most CRCs previously had a career in politics, either as a local or national politician, while Police Managers came from a more diverse set of backgrounds, including local politics, the police, the military and business, amongst others (Figure 17). Those coming from political backgrounds may have been more acquainted to working across sectors, which might explain why some CRCs perceived the job in broad terms. By contrast, four Police Managers were former police officers and a further four had previously worked in the military. It is possible that coming from a hierarchical organisation, such as the army or the police, may have shaped these PCCs' ideas about what the role entailed and how it ought to be delivered (for example, through leadership and target-setting). Five Police Managers had also previous experience in running businesses, which may further explain why several PCCs equated their role to being the head of a large organisation.

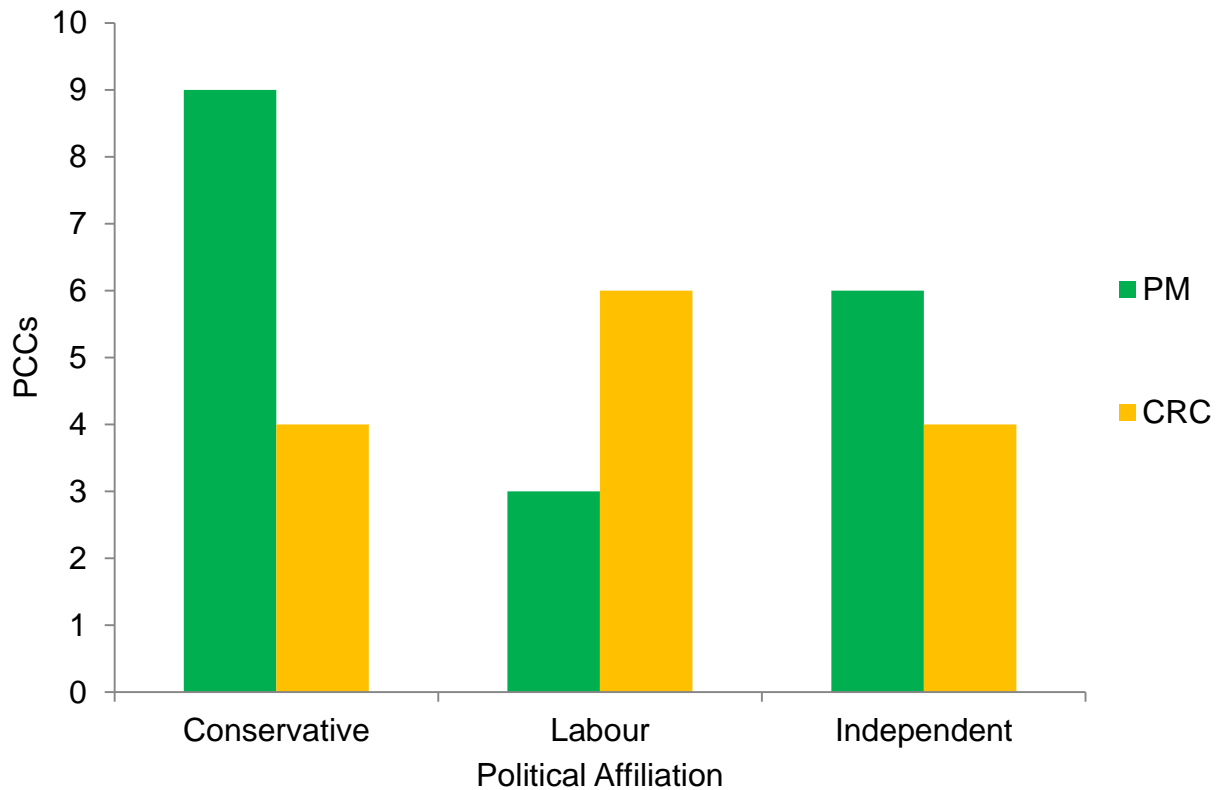
PCCs will have also developed specific networks from these backgrounds, which may further define their role. Those from a local councillor background, for example, might be expected to bring partners together more readily under the PCC role than those who had spent their lives in the military, because they may have had pre-existing relationships in particular local networks. Conversely, PCCs from the police may have had strong ties with others in the organisation and feel more comfortable managing within the confines of the police organisation.

Figure 17. Police Manager (PM) and CRC Backgrounds



Political affiliation may also account for some of the different perceptions of the role. Half of all Police Managers were Conservatives, while CRCs were more evenly split by political affiliation, with the majority coming from the Labour party (Figure 18). From this perspective, one could speculate that Conservative PCCs may be reluctant to deviate from the Home Secretary’s assertion that policing is about cutting crime, with the corollary being that they perceive their own job as releasing the ‘inner-crime fighter’ of the police (Loader, 2013). In comparison, Labour PCCs may be more inclined to think of the job more broadly in crime reduction terms, in line with Labour-led initiatives, such as Community Safety Partnerships.

Figure 18. Police Manager (PM) and CRC Political Affiliations



5.4 What dilemmas did Police and Crime Commissioners face and how did they resolve them?

In interviews with PCCs, in order to tap into how they perceived the role, I enquired about the problems they believed they were to address, how they were responding to these issues, and what success looked like for them after their first term in office. Police Managers and CRCs tended to respond differently to these questions. Table 3 summarises the main distinctions, which will be discussed in detail below.

Table 3. Key distinctions between Police Managers and CRCs

	Police Managers	CRCs
Operational remit	The Police	Criminal Justice System and beyond
The problem	Impotent and invisible police authorities; poor police performance	Lack of joint working in crime reduction – too much overlap in service provision
The answer	Leadership; business approach; performance indicators	Leadership; commissioning of services; partnership working
Success	Reduced crime; improved police performance; public awareness of role	Better partnership working; community safety; public awareness of role

5.4.1 What problems am I here to address and how am I able answer them?

Police Managers

Police Managers typically identified failures with the police authority system, particularly with regards to its ability to hold chief constables accountable:

[I]n the 6 months before the election I went to every open meeting of the Police Authority and I realised just how bad it was...it was awful. And I realised at the point however mediocre I might be, I'm not going to be as bad as the Police Authority in terms of holding the police to account.

Conservative PCC 3

They recognised one of the key problems that they were there to address was an imbalance of power between police authorities and chief constables, where police authorities were a subordinate partner. As an example of this dynamic, Conservative PCC 5 described the process of forming a Plan under the police authority system:

what would happen is the police would have an idea, would produce a paper and take it to the police authority and say 'this is what we'd like to do, can you give us the support, can we have the funding?' The police authority...would never ever generate its own ideas.

Another PCC commented:

the police in many aspects had led the way with the police authority. I was determined to reset the balance...

Conservative PCC 9

A further issue typically identified by Police Managers was the bureaucracy that enshrouded police governance under the police authority model:

the whole mechanics were geared towards producing lengthy papers which got circulated to everybody which nobody read, took a huge amount of police effort to produce, a lot of staff effort to circulate them all, led to completely sterile discussions. Nobody was really taking responsibility for getting under the skin of the problem.

Conservative PCC 3

To overcome some of the frustrations surrounding the perceived impotent committee-based system of the police authority, Police Managers emphasised the importance of being a tough-talking leader, free of some of the political correctness that had hindered police authorities in the past:

When there are things that are controversial, people will have different opinions and you have to encapsulate that in what you say and put out

to people. And because debate is required, you don't want all this emotional 'you can't talk about that because you might offend somebody' - well that's nonsense, these things need to be out and they need to be aired and people need to talk about it, so that is what I think is a big difference of the job [compared to the police authority].

Independent PCC 2

Indeed, in the case study, I attended a private meeting where one councillor asked the PCC how much he would be able to actually change in practice. He responded that it was about a change of attitude within the police organisation and overcoming political correctness to do things that needed to be done. As examples, he referenced other PCCs who were not afraid to say things and, in his words, were 'able to bang heads together'. Police Managers who spoke in this language were mostly Conservatives, reflecting the influence of political affiliation on perceptions of the role. It is noteworthy, for example, that Conservative advocates of the policy regarded bureaucracy as one of the main obstacles to fighting crime. In a Home Office (2011) publication prior to the introduction of PCCs (tellingly named *A New Approach to Fighting Crime*), it was claimed that increasing bureaucracy in policing in England and Wales had 'turned the police into form-writers instead of crime-fighters' (p.3). Under this agenda, as I elicited in Chapter 2, bureaucratic accountability was demoted in favour of a narrowly defined concept of democratic accountability in which police governance was to become less remote and more participatory than had been the case under police authorities. From the accounts provided by some of these Police Managers, it was apparent that these ideas had successfully permeated into perceptions of their role.

Police Managers tended to believe that the issues of too much bureaucracy and weak scrutiny could be ameliorated through a more business-like approach. This was not surprising given that five of the 18 Police Managers had previous experience in running businesses. These PCCs frequently used terms such as 'management', 'effectiveness' and 'efficiency' with respect to their role. For example:

I think [the PCC] is a concept that transfers the *management* of policing to local people... It is a role that is *in charge* of the *efficiency* and *effectiveness* of policing, the totality of policing if you like [emphasis added]

Conservative PCC 9

Some viewed the job as being the head of a large business and were especially focused on managing budgets. For example, one PCC expected that the role would entail the following aspects:

You'll be setting all the performance targets, you'll begin to be looking into all the governance and all the audit systems, you're going to be looking at all the complaints, you're going to be looking at all the very large housing budgets and all the building budgets, all the equipment budgets. From the public's perspective, most of those are hidden. What isn't hidden is the performance. So you're going to be going to all the performance committees and saying 'why the hell is the burglary detection rate down below 10%, when it's meant to be over 20%. What are you up to chief superintendent or Chief Constable? Why haven't you got a grip of this?

Conservative PCC 11

Other Police Managers, such as Independent PCC 4, similarly focused on accountability using business-like terminology:

I think were you to put it in the private sector, I think the PCC is the chairman...to the Chief Exec, who is the Chief Constable. ...It is a very

different role, it's a role where if the PCC and the Chief Constable have a difference of opinion, if the difference of opinion occurs during that time the person that has to go is the Chief Constable, and if it happens around about the time of the election, it might be that the person that goes is the PCC. In the same way as the chairman goes at the AGM if the shareholders have no confidence in him or her, and the Chief Exec goes if the chair has no confidence in the Chief Exec. It's the same sort of relationship.

Conservative PCC 9 used similar language:

Q: How do you hold your Chief Constable to account?

Primarily through our new performance and accountability board. This is a board where on the basis of the measures set out in the Police and Crime Plan, but broadened to change management issues and HR personnel issues, we convene a board and we go through reports against the Plan and reports against changed management. And we've got....I'm talking about crime recording programmes and applications and such like, some pretty weighty multi-million programmes, so we need to be keeping an eye on those in terms of delivery and benefit mapping and all of that.

Some of this language used by Police Managers strayed very close to what might be considered chief constables' operational remit, illustrating a difficulty for some PCCs to distinguish between the operational and strategic aspects of the job.

Another way to improve accountability for Police Managers appeared to be through target-setting:

We put three clear aims at the start: Cut crime, catch the criminals that are committing it, and cut the costs. Keep it simple and a clear direction, and you will get the results.

Conservative PCC 11

...

One of the areas where myself and the Home Secretary disagree with fundamentally is that of targets...the targets I've set aren't targets that came out of my head...the police here themselves right from the Chief Officer's team and downwards, felt [the targets] were appropriate and

which would stretch them and give them a hard time, but which they felt were deliverable...

Independent PCC 6

Thus, in response to some of the perceived issues around police authorities, Police Managers believed that they could generate greater scrutiny and management of the force by being a strong leader, using performance indicators to measure progress. In some respects, this approach reflected a reinforcement of a performance-management regime. Ironically, this was one of the facets of police governance which the authors of the policy had hoped would be tackled by PCCs.

Crime Reduction Co-Ordinators

Alongside the emphasis given to crime fighting amongst the political rhetoric behind PCCs, there was also some indication that PCCs would be able to exert themselves as influential figures across the criminal justice landscape. As I alluded to in Chapter 1, one of the intentions behind this was related to the notion of responsabilization, embodied by David Cameron's 'Big Society' agenda. This agenda emphasised the role of a wide array of actors in fighting crime beyond simply the police, and perhaps more importantly, beyond central government. My interviews with CRCs suggested that some PCCs had embraced this aspect of the role, ahead of crime fighting via police management. CRCs emphasised the multi-faceted nature of crime that required more than just the police to tackle it. For example, Labour PCC 8 stated that:

...most of the levers that affect the levels of crime in the area have very little to do with policing or the wider criminal justice system, and a great deal to do with the sort of issues that are devolved, you know health, education, mental health in particular, alcohol abuse, drugs, whether people have got a job, whether you have the right skills... and they've

got a roof over their heads...all of those sorts of things are relevant to the likelihood of people offending or the possibility of re-offending.

As part of this philosophy, CRCs believed that the fundamental problem that they were there to address was a lack of co-ordinated service provision. Therefore, strong leadership of the wider criminal justice system and beyond was seen as essential to the role. For example:

I think a really huge role which is what I'm focusing on, is trying to make sense of what is a very fragmented and dislocated system...I think it's about joining the criminal justice system better together with the policing, it's about perhaps making some of those shifts towards collaborative services and integrated services even which have been a long way from the table in previous years. So it's public sector reform to a great degree, getting the system to work better, and that's what sits at the heart of my Plan.

Conservative PCC 5

Independent PCC 3 recalled an incident which involved a local domestic abuse support group which had been under threat of losing its funding for the upcoming year. The PCC explained that he was able to quickly pull together stakeholders in domestic abuse prevention across the force area and generate enough funding for the group to be maintained in the short-term. This PCC was therefore clear about the power of the role to mobilise such collective action:

Now the police authority couldn't have done that, it wouldn't have happened. But the very fact that I'm here, and the power of the office that I've got, has managed to pull people together and say "let's sort this problem out."

Independent PCC 3

In another example, Conservative PCC 4 highlighted his perceived influence over local partners when describing a case of a serial offender who had been terrorising a local community:

[R]esidents complained to the police, nothing happened, they complained to probation, nothing happened. But when they complain to me and I contact those organisations, things happen. And that's because I have the power of a political mandate...

Conservative PCC 4

Another PCC had particularly high aspirations about the partnerships and initiatives he would be able to achieve which extended beyond the criminal justice system:

We're about to launch [a] police, crime and justice institute at the [local] university, the place that will be unique in the country and the place to have academics and others, there will be an innovation and problem solving unit, police training, a place where we can start using an evidence base for making decisions about the police force about why we do what we do here and there's evidence to say it works. So it'll be unique in the country. So that's partnership with a university. We're also thinking of opening a free school from September 2016 dedicated to public service values. So we're in the process of working that out with the government and also our local education authority... I'm also merging the fire service and police service here...so that's again another partnership, another innovation.

Conservative PCC 13

From these accounts, CRCs were indeed joining up various services, but contrary to intentions of some of the PCC advocates (e.g. Police Reform Taskforce, 2007), it was not necessarily a case of always doing so for direct crime-fighting gains. Part of the CRC vision of the role was about bringing together disengaged actors in the criminal justice network. One PCC provided an example in relation to out-of-court disposals. She explained that these disposals had had a knock on effect in terms of local magistrates seeing fewer cases in the courts. The PCC was aware of her ability to better engage actors within the criminal justice system by virtue of her role:

...the force monitors the out of court settlements, the criminal justice board monitors the out of court decisions, and the magistrates were

seeking to be involved in that process. So the Chief and I discussed that this morning and one thing that has come out of that is that both he and I are going to look at ways of engaging magistrates in the oversight of those decisions.

Labour PCC 5

In contrast to the police management perspective, CRCs tended to perceive themselves as having little influence over the police and instead believed they were more likely to leave their mark through crime reduction in a more holistic sense:

The police, even if they had no one there, would get on and do policing. Frankly it would be for the most part, you wouldn't even notice the difference, it'd be done as well. It's the crime reduction bit where we can really make the difference.

Conservative PCC 13

This in part may have been because 12 out of the 14 CRCs I had identified had previously worked as local councillors and therefore they would have had pre-existing relationships with a number of local services. Therefore, they may have been more inclined to focus on this aspect of the role.

However, there was evidence of some resistance from local crime and justice stakeholders who did not all appreciate the new PCC. For example, Independent PCC 2 recounted an incident in which all the magistrates at a board meeting threatened to walk out after realising that the PCC's deputy would be chairing the proceedings because they were not prepared to work with the PCC or his office. The same PCC also explained that he had been declined permission to join the local criminal justice board by the CPS for similar reasons.

Consequently, some CRCs believed that they needed greater authority to lead the local criminal justice system:

...I think that [co-ordinating the criminal justice system] is the most valuable part of the job, if the government can legislate more around that, to be the head of the CJS in a given area, with some real powers to bang heads together, that'd be quite an improvement.

Conservative PCC 13

In this way, CRCs also spoke about the importance of leadership, but in a much broader sense than envisaged by Police Managers. This leadership approach was given greater prominence in the light of the austere financial climate that all organisations were facing. Many PCCs recognised that co-ordinating crime reduction services was essential to achieve huge savings through more efficient working practices and reducing duplication. For example, one CRC explained that one of his measures of success was to:

...find that we have money to invest in things that we want to invest in rather than not having the money, and this is about spending every pound better. So getting these services joined up, improving the business side of policing

Conservative PCC 6

Such examples highlight the financial concerns that many PCCs shared which provided motivation for co-ordinating the criminal justice system and beyond. Related to this concern, some CRCs explicitly identified commissioning as the most powerful tool at their disposal. Often driven by a desire for more efficient and cost-effective service provision, these PCCs spoke about commissioning as one of the cornerstones of their power:

One of the great opportunities for PCCs is not the police bit...it is the 'and crime commissioning'. i.e. as we're required by law to commission... So that's a great opportunity to use money wisely to help the Plan be delivered.

Conservative PCC 3

...

...We have put in very accountable [commissioning mechanisms]... to old people's homes, to youth clubs, all these kind of areas...we would be getting bids from 2 or 3 different groups for the same thing who didn't know that the other existed. Actually I could say 'well you're not all having the money unless you go for a joint bid and start to work together'. And that was a very powerful tool.

Conservative PCC 1

One CRC felt that commissioning was at the heart of his work. When asked what the role entailed, he responded:

Well it's commissioning, pure and simple. It's about understanding the needs of the community, it's about matching the services to those needs of the police and other agencies, because it is police and crime commissioner. It's about sourcing the service, commissioning the service and monitoring the service and going back round a pure commissioning cycle.

Independent PCC 4

However, not all CRCs recognised the value in commissioning and one in particular was concerned that in some circumstances it could have the reverse effect of fragmenting local services (contrary to the aims of CRCs) because of the potential to create competition between local services:

[I]nstead of having some key money that oils the wheels of partnership effectively, you suddenly get partners bidding against one another and potentially undermining that partnership.

Labour PCC 6

This echoed some of the concerns raised by CSP chairs in the case study which I detailed in Chapter 3. Nevertheless, those who were keen on the commissioning role believed that it would be a growing feature of the job which would enable greater accountability:

...the commissioning is going to develop more and more about the services which I think is very underdeveloped at the moment. But it will

give an awful lot more accountability...to commissioners with falling budgets - what are they actually going to commission, what are they going to outsource, what are they going to keep together? So I think that's probably one of the most underdeveloped parts of the Police and Crime Commission...

Conservative PCC 13

Thus, PCCs seemed to offer different interpretations as to why they believed they were there and what they would be able to do to address these problems. These differences also transpired in their perceptions of success.

5.4.2 Visions of Success

Police Managers

The most commonly cited measure of success for Police Managers was less crime. This was unsurprising in light of the comments made by the likes of the Home Secretary that the sole purpose of the police was to cut crime (May, 2010). In interviews with PCCs, it was clear that this target meant different things for Police Managers. Some settled on simply 'less crime, fewer victims' as a sufficient indicator, while others focused on very specific crimes measured by police performance indicators.

However, some Police Managers (including former police officers) were sceptical about their ability to impact crime levels and were therefore conscious not to rely on these figures as a measure of success. Instead, they pointed towards gauges such as public confidence in the police:

I haven't staked my reputation on cutting crime figures, although obviously I'd like for that to happen. Our challenge here is that it's not a volume crime area, so we are providing if you like a public service, a large part of which is reassurance and access and confidence. And so if I can improve that...then I think that will be success

Independent PCC 7

Another PCC (again formerly a police officer) also rejected crime reduction as a measure of success because he fundamentally disagreed with the assumption that the only function of the police was to cut crime, and instead viewed success as greater public ownership of local policing. This was about getting local people to identify with their police force and understand that it was a part of their community.

Another PCC identified success in similar terms:

greater [public] ownership [of the force], and so my concept of success is I will measure it by how many people start talking about 'our' police force rather than 'the' police force.

Labour PCC 6

For some of the former police officers who pinpointed this as a mark of success, this was to do with the Peelian notion³⁴ where:

the police were of society and were from society, and I think we need to get back to that and the public need to feel that they actually have a police service that work for them

Independent PCC 5

But only a handful of Police Managers spoke of success in these wider terms of public confidence and ownership. For the most part, success was firmly about improvements *within* the police organisation and often sounded as if they were measures borrowed directly from the chief constable. For instance, Conservative PCC 2 explained that:

Success for me would be for [the force area] to have maintained its frontline resilience, the number of frontline officers...And that the police

³⁴ Sir Robert Peel, founder of the Metropolitan police, is often quoted for nine principles in policing, which are unified by the theme of 'policing by consent'. This pertains to the belief that policing by consent is more likely to garner public acceptance of law enforcement, thereby foreshadowing the concept of legitimacy (Stevens Report, 2013).

are again able to say that they do police one of the safest counties in which to live

Likewise, Conservative PCC 3 recognised success in these terms:

[measures of success will include] significantly transformed investment in IT, a much more professional policing staff and a much more confident and slightly more professional police body

This came through even where other measures of success were highlighted.

Concepts such as partnership were seen as a means towards better police performance (which ultimately meant crime reduction). For example:

[Success will be] measurable in terms of crime reduction, in terms of numbers of police officers, in terms therefore of the enablers of that, of better collaboration, a really effective engagement strategy and public satisfaction rates that match that

Conservative PCC 9

Another example was public satisfaction, which for Conservative PCC 5 was actually about better scrutiny of force practices (i.e. better measurement practices rather than public satisfaction per se). In a similar vein, some PCCs regarded greater transparency as a key indicator of success:

[Success will be when] the people of [the force area] are more satisfied and confident in their policing service because they see more of them and because it's more of an open service. Because the police service is very insular and I want to open it up. I mean there are some things you can't talk about, but not many. It's openness and transparency.

Independent PCC 9

Crime Reduction Co-ordinators

While several CRCs underlined crime reduction as an important feature of success, they were usually able to provide a wide range of other markers which

related to public engagement, public confidence and partnerships with other services. For example:

I would say success primarily will be about reduced level of crime and disorder, and increase in victim satisfaction and communications with the public generally, more effective partnership working producing tangible results and progress on those development priorities which were defined in the first Police and Crime Plan.

Labour PCC 8

Better partnership working was a common theme. For Conservative PCC 13, success was about 'getting all the partners to move in the same direction and talk to one another' and for Conservative PCC 5, it was likewise 'being able to look at the whole [of] policing and [the criminal justice system] and say yep, this now works better'. Still another PCC elaborated:

I want to be innovative and be seen to galvanise and bring true joint working together for the benefit of the public, because things like safeguarding and child sex exploitation, there are some huge issues out there that frankly if we don't truly work together on those things, there's some pretty awful consequences of them not doing that, so I think I'd like to be seen as someone that can lead and be very innovative in providing new ways of collective service provision.

Labour PCC 4

Notions of public confidence and community safety were also at the heart of some of their agendas. For example, Conservative PCC 8 explained that:

Actually there is some academic research that says the feeling of safety is completely inversed to the levels of crime. ...So more peace, more peaceful communities, more cohesive communities - that to me is a measure. It's what you want for your parents, what you want for your grandparents, what you want for your children, you want to grow up in a nice happy society where you feel safe. Any amount of academic research that says that is a key element of a very successful society or city or town.

Independent PCC 5 elaborated on his perspective on community safety:

I think community safety is an absolutely crucial part of the PCCs function. It's not just about the police. If you're talking about the 'and crime' bit, it's the community safety aspect of policing. And if you see my Plan, if you want it in a sentence, it's less crime, because that's what the Home Secretary has said she will mark me on. That's one target for the police so I couldn't really dip out on that one. But to me it's more peace and good order.

Some PCCs also spoke about success in terms of empowering local communities through the new powers of commissioning:

What we're looking for here is to empower local communities over innovative ideas, so crime prevention, ASB, that sort of thing, to bid into that. I want to be making a difference to those communities by helping them to help themselves. So where people are actually taking more responsibility for where they live, we can assist with small amounts of money, that'd be great.

Conservative PCC 12

However, the majority of these PCCs were less clear about how exactly this kind of success would or could be measured and few were able to elaborate on how this might be achieved. Three PCCs made specific references to encouraging evidence-based policing and were able to cite academic research. For example, Labour PCC 8 explained how he was an advocate of action based research to form partnerships between universities and practitioners. He went on to explain how he was 'using people that combine the skills of criminology and policing with those who've got more specific skills' to develop specific goals with measurable outcomes. Another PCC used similar rhetoric with regards to the long-term success he had in mind:

I'm very keen on evidence based policing...Larry Sherman and so forth and restorative justice, Heather Strang - all that stuff coming out of Cambridge. I'm very committed to that and I think that what works

principle is good because we can then sustain stuff through the future instead of having things come in and out of fashion.

Independent PCC 3

This language revealed how these PCCs had been able to engage with other partners – including academia – to enhance their reach across the force area and thereby strengthen their co-ordinating function.

5.4.3 Electoral success

One message that was consistently voiced by the likes of the Home Secretary was that if a PCC fails to do their job, their ultimate sanction will come in the form of not being re-elected. By implication, one measure of success might be the re-election of a PCC. Upon analysis, it was clear that electoral success (both in terms of greater turnout at the next elections and re-election) was one of the most common features of PCCs' definitions of success. For example, Labour PCC 3 (a CRC) could not envisage any other possible gauges of success:

Q: In 3 years from now what does success look like for you?

I think having some public appreciation for the role that I have and for what I have been able to achieve, such that more people take part in the next election.

Q: Are there any other indicators of success that you might look at?

Well getting re-elected obviously.

Conservative PCC 1, a Police Manager, also spoke in similarly narrow terms:

Success will be when people have a measurably better understanding of the role of PCC...primarily it comes down to people understanding that there is a value in this role. I'm committed to it and very committed working very hard and I want people to feel that the role is a success

But not all PCCs regarded turnout at elections as simply a measure of their popularity. Improved engagement with the public in itself was viewed as success, and turnout was thought to offer an indicator of how well they had been able to engage certain sections of the community. For example, Independent PCC 9 who made reference to encouraging young people to vote (see Chapter 3) saw increasing the number of young voters as an essential indicator that her public engagement strategy was a success.

To this end, notions of success varied significantly across all PCCs. One of the clear distinctions was the attention given to success as measured by policing terms (for example, crime rates, performance and public confidence) and success in terms of broader concepts such as community safety and partnership working. These differences were again likely to be heavily informed by the backgrounds of PCCs, with those from police/military backgrounds having different foci and approaches compared to those coming from local councillor backgrounds. One unifying feature of success amongst the majority of PCCs, however, appeared to be based on electoral success, which boiled down to a greater public appreciation of the role, and perhaps more importantly, *their* re-election.

These differing interpretations of the role underscored the wide scope of the task at hand for PCCs. In the next section, I explore the implications of this breadth for the single PCC model.

5.5 Responses to the Broad Nature of the Role

5.5.1 Narrowing

So far in this chapter, I have explored the ways in which different perceptions of the role have informed PCCs responses to cross-cutting dilemmas around the meaning of the job and notions of success. However, in my time in the case study site, I observed how a PCC working in a large force area was fundamentally unable to undertake all aspects of his role and came to side-line some of his public facing responsibilities in favour of managing the police and to an extent, working with local partners.

In my time in the case study area, I came to believe that the PCC was a Police Manager. This was particularly evident even before the elections. During my first interview with him, I asked what problems the introduction of PCCs would help to address. He responded in party-political terms and focused solely on the police:

I think the police were very politicised during 11 years of socialism - far more than in the past. I think to get up to a very senior rank, you had to be very left of centre in your views. And I think it became apparent that if you wanted to be promoted in the police at the top, you had to be very left of centre, and you know I think it has not been good.

This response highlighted the entrenched political lines (particularly his reference to the Labour government as 'socialism'). But this quote also revealed his police management focus – recognising that one of the key problems to be addressed was *within* the police organisation. In hustings debates, concentrated on his achievements in improving police performance whilst working for the police authority. The problems he wanted to address were police-related, such as issues

around burglary detection rates, poorly recorded crimes and the policing of rural areas.

When asked what the ultimate role of the PCC was, he narrowly replied:

You set the Plan and the priorities. What the police have got to do. And they are going to alter and some of your priorities if they achieve them, you won't need to have them as priorities in the future....obviously aside from the police Plan, I control the budget...

In both public and private meetings in his first four months in office, he gave similar responses to those who asked him what his role entailed. In my first interview with the Chief Constable before the elections, he was concerned about how the PCC (then a candidate) appeared to perceive the job as essentially a police management role and feared that he would neglect his 'and crime' responsibilities.

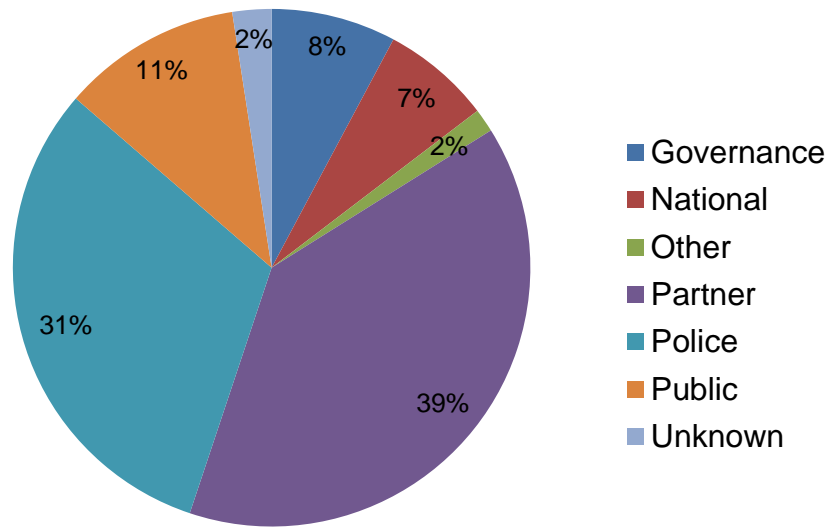
However, in our follow-up interview after the PCC had been in office for eight months, he observed that the PCC had begun to look beyond the narrow confines of police management – although much of this appeared to be initiated by others wanting to engage with him:

He has been quite engaged in the 'and crime' for the very practical reason that there are so many partnerships and so many people who want to kind of build a relationship or get engaged, he's just had to get on with it. So he's got most leverage over the police, but he's probably done in time wise, if you did a time and motion study, he probably spends quite a bit of time on the 'and crime' bit.

This comment prompted me to conduct a time and motion analysis based on data I had collected on a weekly basis from November 2012 to the end of June 2013, using the PCC's website which had listed his weekly diary commitments (Figure 19). It is probable that the PCC spent considerably

more time with senior police managers than the diary data reveals due to the fact that informal meetings with the Chief Constable and his staff were not recorded. However, the data was useful in identifying the way in which the PCC had balanced his commitments.

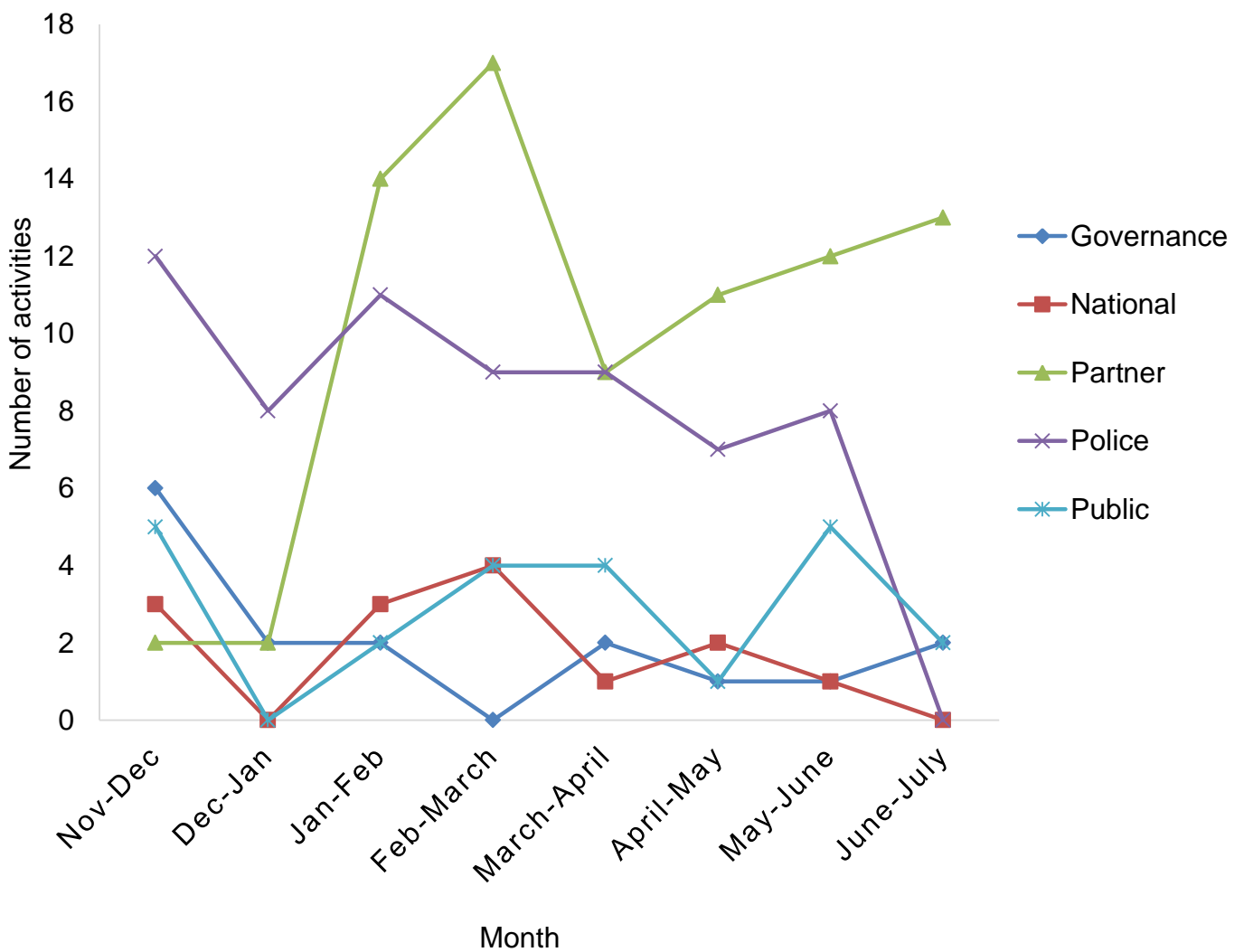
Figure 19. Case study PCC diary meetings



The comments made by the Chief Constable were supported by the number of activities the PCC had conducted in his first eight months in office. While the PCC had spent almost a third of his time meeting the police (31%), the majority of his recorded time was actually spent meeting local partners (for example, local councils and Community Safety Partnerships). This was an unexpected finding given his early inclinations towards police management. However, further analysis into the distribution of activity over time helped to explain these trends. As Figure 20 demonstrates, the PCC spent the majority of his first three months in office on meetings with the police. However, at the start of 2013, his meetings with partners dramatically increased and remained his most prominent activity in all but one of the following months. Simultaneously, the numbers of meetings he had with members of the police

declined at a steady rate. These trends are partially explained by the fact that he had to write his Police and Crime Plan for March 2013, which entailed a large amount of consultation with local partners. While the number of such meetings fell significantly after this, they continued to take up the majority of his time and increased at a steady rate after April.

Figure 20. Case study PCC's first eight months: Monthly activities



From the PCCs' perspective, he came to believe that he did not need to focus on the police as much as he had anticipated because he had taken

over a competent police force which was already well run. Consequently, he felt that he did not need to spend as much time on the organisation compared to other PCCs.

He also believed that he did not need to focus as much on the police aspect of the role because he developed a sense that the police had only a small part to play in the larger picture of crime reduction. In the foreword for the Plan, he stated:

...the requirement to reduce crime is only in part within the police's remit. Parenting, schooling, local councils, community safety partnerships (CSPs), the Crown Prosecution Service (CPS), voluntary and community organisations, and the overall criminal justice system (CJS) all have a major role in the reduction of crime. Without their support crime cannot be reduced by the police alone.

This was a sentiment that he had expressed elsewhere to me. In my follow-up interview, I asked whether he believed he had a role in co-ordinating these other agencies:

I think you're nudging the systems, yeah. It's all very well saying 'Police and Crime Commissioner', but [the police]...have responsibility without the power very often instead of the other way round.

This revealed that he had gone through a learning process since he had come into office. On the police authority, he dealt with force performance figures, but as a PCC, he had to consult with a wide range of actors within the criminal justice system. This shift in activities meant that he had gradually started to appreciate some of his additional 'and crime' responsibilities.

In this way, the PCC displayed more and more CRC tendencies compared to when he ran as a candidate and when he was elected. This development revealed that the perceptions of the role are not static and the way in which they can evolve over a relatively short period of time.

Nevertheless, I believed that he still leaned more towards his police management functions. I had access to three private meetings he had with local councils (considered as 'partners' in this analysis), and the content of these meetings resembled a police-oriented focus. They were usually led by the PCC, who took the council members through his major priorities in his Plan. He tended to focus on what the police were doing in each of these areas and these conversations took up the majority of the meeting time, before usually a brief discussion of some other more specific local issues raised by the councillors. Issues such as detection rates, police budgets and his (largely positive) relationship with the Chief Constable were also recurring conversation topics. At times, it felt as if a police representative was leading the meetings. Based on these experiences, the PCC appeared to remain closer to the police management perspective.

This was given greater credence in our final interview, in which he spoke in police management terms and focused predominantly on issues such as handling budgets. I concluded that this persistence on this aspect of the role was partially a product of his previous career experience.³⁵ I was also led to believe that this focus had something to do with being caught up in the 'police bubble' (a danger highlighted earlier by Labour PCC 6). This was not necessarily captured in the diary data, which was based on formal documented meetings. Indeed, both the PCC and the Chief Constable revealed in our interviews that they saw each other regularly at informal meetings, made all the more easier by the fact that his office was located in an adjacent building to the Chief Constable. Consequently, despite the growing emphasis on meetings with partners, I concluded that the PCC was a Police Manager.

³⁵ To preserve anonymity, I have not specified this previous experience here.

This focus on police management and his growing awareness of his CRC responsibilities meant that he had a reduced capacity to take on other tasks. Looking once again at the time and motion analysis (Figure 20), he appeared to do relatively little work on aspects such as public engagement, national work (for example, meetings with national groups such as HMIC) and governance arrangements. The limited national work is perhaps unsurprising given the local nature of the reform, as I evidenced in Chapter 4. But the fact that he seemingly refrained from his public engagement responsibilities is of more interest given the government expectations for PCCs to be the voice of the people (illustrated in Chapters 1 and 3). As I discussed in Chapter 3, the case study PCC saw little value in engaging with the public because he believed that it was a futile task attempting to connect with so many people given the size of the area. However, his focus on police management (and to some extent, his growing work on crime reduction co-ordination), alongside the expansive force area, meant that he spent very little time on public engagement.

While he had a deputy (who I had interviewed) who could feasibly assist with this task, the deputy – a political colleague of the PCC – appeared to deal with the same types of matters as the PCC did, such as meeting police and partners. His Office of Police and Crime Commissioner (OPCC) was relatively small (under 20 staff) and built as if it were a business as opposed to an office for public engagement (for example several senior staff held roles which were equivalent to roles in a business setting). Thus the OPCC appeared to be built in line with a police management vision, focused on the business side of policing.

In this way, it seemed that the PCC had positioned himself and the majority of his staff away from his public facing responsibilities. This PCC appeared to represent

other PCCs who were set on pursuing certain elements of their job, such as police management or crime-reduction co-ordination. However, as was illustrated in the PCC perceived mission scale in Figure 16, there were also a number of PCCs who sat closer to the middle of spectrum and who believed in a need to undertake both functions (albeit with differing degrees of emphasis). In the next section, I describe some of the challenges for these PCCs who were more likely to attempt to deliver all aspects of their broad-reaching mission.

5.5.2 Attempts to do it all

PCCs could deal with the scope of the role by appointing staff to their OPCC and through appointing deputies. In this section, I illustrate that although many PCCs have done so, there have been several examples of PCCs creating large offices as a result of the perceived size of the job. However, I argue that the more significant issue lies where PCCs have chosen *not* to appoint deputies, as this places huge strain on an already stretched individual with a very broad mandate. I then go on to highlight the welfare implications for PCCs who have attempted to take on all of their perceived tasks.

The Office of Police and Crime Commissioner

Because of the scope of the role, the PRSRA instructed that PCCs must appoint a Chief Executive and a Chief Finance Officer. However, the government expressed that they did 'not intend to prescribe what support PCCs should have, other than the appointment of a head of paid staff and chief finance officer' (Home Office, 2010).

Therefore, PCCs had a lot of flexibility with regards to how they could build their OPCCs. With some PCCs recognising the need to undertake all aspects of the

role, some appeared to place significant resources into establishing large OPCCs. One such PCC from a relatively small force explained how constructing his OPCC in this way would provide him with the capacity to take on his multiple tasks:

The PCC role is big. No one quite knows yet how big, because we're still defining it and pushing the tent out. But I think because it is a single executive decision maker requires support and advice around them more than a councillor or committee did because you can't rely on other people. I'm going to have to commission activity - do I do that on my own? While I'm here at my desk thinking about that, who's writing the budget. While I'm writing the budget, who's commissioning? While I'm commissioning, who's writing policy? So I've got to set up a group of people - relatively small - who can help me do my job. And I basically just split apart the various functions of the PCC - the governance aspect, policy, communications and the finance, rather than call people 'head of', I call them assistant commissioners, because in an organisation that title means everything here, to have my authority I thought assistant commissioner gave them authority to operate. And then each of them have within their own departments have a group of people. In the governance one, it's going to be four people. On the policy side, there's five, finance just two. So relatively small, but I think the commission will rise to about 25 people maximum. And I think that's pretty good considering the task I've got to deliver to give me some capacity to do it.

Conservative PCC 13

But this PCC had come under heavy media criticism for having directed so much of his resources into his own office. Indeed, the HASC (2013) report on OPCCs found that 15 PCCs were now running offices which were more expensive than their pre-existing police authorities. Although police authorities had a smaller remit than PCCs, the size of some of these offices (the largest had 45 staff) and the amount of resources put into them raises questions about PCCs 'empire building' (for example, see concerns raised in Northamptonshire [Northampton Chronicle, 2014] and Devon and Cornwall [The Cornishman 2014]).

In responding to this claim, Conservative PCC 9 believed that in order to do his job, he had to put resources into his OPCC:

I'm the first to admit that I did want it to cost less than the PA, but I'm also the first to say that had I used that as the sole arbiter, I would not be able to do what I'm required by law to do i.e. ensure an efficient and effective police force and so on

In this way, some PCCs who saw their job as a mix between police management and crime reduction co-ordination found that they had to invest a significant amount of resources in order to carry out the job effectively.

Deputies

PCCs were also given the option to appoint a deputy, but according to data provided by HASC (2013), only 10 had done so by May 2013 (six months into the role). However, several PCCs did not provide information for the report and therefore the actual number of those who appointed deputies was higher (confirmed by some of my interviews). In interviews with some of the PCCs who had appointed deputies, they explained how essential it was to have a deputy given the workload:

[W]e have a little joke that [my deputy's] contract says 37 hours a week, and he thinks I got the numbers the wrong way round...I've told [other PCCs thinking about appointing a deputy] quite frankly I don't think this job is do-able by one person and you desperately need a deputy.

Independent PCC 7

The rules around the appointment of deputies were less stringent than appointing OPCC staff and PCCs were permitted to appoint personal and political contacts without advertising for the position. Indeed, a number of PCCs have taken this route, which has prompted calls of cronyism from the media and Police and Crime Panels (for example, Furness, 2012). The following quote from a PCC was an example of this kind of appointment:

I picked the former councillor colleague of mine who was on my campaign team and who came from the same part of the county who has no direct police experience

Conservative PCC 4

This was concerning where PCCs had handed over significant responsibilities to their deputies, who had not been voted in by the public and who had not been through a formal interview process. One PCC, for example, was so impressed by his deputy (who he had appointed without interview) that he was effectively sharing the PCC job with him:

I know there's been an issue and I know on paper it would look better to have an open competition and run interviews etcetera, [but] I have absolutely no concerns whatsoever, no regrets about appointing him as my deputy...We're doing this very much as a joint enterprise. And the way I described his role is as that of the PCC, apart from where it can't be. So there are a couple of areas where statute insists that I do things. Apart from that, he is a very capable man, I had two weeks holiday a couple weeks ago, and a major thing blew up when I was away and I can honestly say, I can be away, he kept me informed, he would've handled that issue every bit as well as I would. So the risk I run actually is sounding as though as I'm royal or pretentious in that wherever I go, I talk about 'we' and what we are doing, but actually what I'm talking about is exactly we, it's not me doing a Margaret Thatcher.

Conservative PCC 12

This PCC therefore essentially delegated his role to an unelected individual. This deputy is solely accountable to the PCC as an employee and is not answerable to the public nor the Police and Crime Panel, which undoubtedly raises serious concerns about how democratic this model is, even in the government's own narrow terms. In light of some of these problems, some PCC's chose not to appoint deputies. Some were put off from the experiences of other forces. For example:

when you appoint your close chums and pay them £65-70k each, it looks like nepotism and it is interesting that if you look at the offices that did that and then they said oh don't worry, we'll go out to a proper

competition but we wanted to get the ball running early - yeah but when they went out to competition, when they were competing for the jobs, guess who subsequently got the jobs? It's the same people. Why? Because by that stage two or three months later, they had become de facto the best people for the job because they'd had two or three months experience. What a surprise. So I disliked what it looked like

Conservative PCC 9

This PCC evidently regarded the appointment of deputies with great scepticism. These comments also revealed a concern about his public image, fearing what such an appointment might look like to the public. Others who had declined the option of a deputy cited concerns about wasting scarce money on paying for such a position:

We were on a limited budget and I felt that I'm very much aware that whenever we take anybody, it's one pot, therefore if I take on a deputy that's fewer officers and PCSOs.

Conservative PCC 2

Thus, there was a very pragmatic reason to not appoint deputies in the context of tight budgetary constraints. Another reason why PCCs chose not to appoint deputies was because they had a public responsibility to be the single visible figurehead for policing in their areas and believed that delegating authority to a deputy would detract from that in some ways. For example:

[P]eople in the streets said "we didn't vote for a deputy...we voted for you." And I think it's important that that is so. I mean it is difficult being on your own, and I've got staff here saying you really should think about it. But I'm not going to. Whilst I can do it, and I am keeping on top of what's going on. I will stick to that.

Independent PCC 9

This belief that the PCC institution should be a single figurehead stems back to the desire amongst the creators of the policy that PCCs were to be a singularly recognisable spearhead for local policing and crime control (as I described in

Chapter 1). Some others (notably Police Managers) chose to go it alone as part of an attempt to keep their hands on every aspect of the job and maintain close control:

When you think about using a deputy, what would I use him or her for? Would it be to chair meetings with the chief officers team here or to attend meetings with performance delivery groups because I'm critically interested in how well the cops are doing and talking with them? No I wouldn't send them to that, I'd want to do that. Would it be to go out to parish council meetings or other such interest groups who I go to two or three times a week. I say, you know what, if I sent the deputy I'd rather feel that they think they'd got the monkey and not the organ grinder. Would it be to appear in front of the media? No, would it be to do what I'm doing with you today? No. So in all possible ways I decided that I did not want a formal deputy.

Conservative PCC 9

This reflected a further embodiment of political desire that PCCs act as the single point of accountability over the police. In some respects, this resembles a positive change in that it provides a more recognisable individual for the public to engage with about their policing and crime concerns, compared to an amorphous police authority. But there is an inherent danger with this model. PCCs who had decided to largely take on the workload themselves and where they had perceived the job in broad terms faced significant pressures. This was especially true for the majority of PCCs who placed emphasis on their public engagement functions (as was discussed in Chapter 3). PCCs either had to focus on certain aspects of the role to the detriment of others, or attempt to undertake all aspects of the role at the risk of spreading themselves too thin. It was evident that almost half of all PCCs I interviewed (16) had attempted the latter option. Those who did so faced a seemingly overwhelming workload. The following selection of quotes is illustrative:

[L]ast week I spent three 14 hour daysjust about every day is a 12 hour day anyway, which I've got used to.

Independent PCC 10

...

I've taken a lot of time to make sure I do get out and about, I'm working very long days. Most days I probably have a breakfast meeting of some form, by that I mean I have a pre-9am meeting....but I will meet with people early morning, I rarely get home before 11pm

Labour PCC 9

...

...[D]uring the campaign when it was first announced we were going to get PCCs, [Tim Collins] said this job I could do a couple of days a week. And I think he's been made to look an absolute arsehole! If I tell you that I'm out on average three to four nights a week, in addition to doing my usual 8-5 here, and I've got a significant public engagement programme and I'm only in a relatively small county

Independent PCC 7

...

And it's such a huge job, people want me all over the place. I can't be everywhere all the time... I do 60-70 hours a week, and [my deputy] is doing 50 hours a week.

Labour PCC 7

...

I work at least a 60 - 70 and even an 80 hour week. I don't have a deputy, so I tend to travel the length and the depth of the county trying to attend as many meetings as possible and getting very tired

Independent PCC 9

These PCCs described working extremely long hours and there are clear welfare concerns related to such an approach, particularly given the age profile of many of the PCCs – at the time of interviews, 38 out of 41 PCCs were over the age of 50, while nearly two thirds (26) were over 60 (see Figure 12). Indeed, one PCC sadly suffered a critical heart attack whilst at work (Swindon Advertiser, 2014).

Independent PCC 6 described how the nature of the job could also be emotionally exhausting:

It's a lot of hours, it's a lot of emotional engagement in that people are always at you, criticising, complaining, other political parties, newspapers wanting to pick holes in you and so on. You get personal abuse on twitter and so on as a politician. I don't need it, I don't want it, and the money's not enough.

Others explained how this hectic lifestyle was impacting upon their ability to do the job:

...I don't think the fact that I start about 7am and finish about 10pm, I'm a) out of touch with the real world to some degree, not being able to put things in context, and b) I'm getting very tired and ratty and irritable and I'm pretty ratty and irritable at the best of times. So not always the best way to go into decisions. And thirdly, I'm really not preparing properly for meetings with anyone. And I've got a policing and crime board, I've got more support in terms of that compared to anybody else in the country... but I don't personally think I'm doing as good a job as I should be by comparison with what I was doing before [in the police authority]

Labour PCC 6

The implications of these pressures on decisions for PCCs to run again will be further explored in Chapter 7 in the context of PCC accountability. For the present, these instances serve as examples of the problems associated with the broad nature of the role bestowed upon single PCCs.

5.6 Conclusion

Proponents of the PCC policy provided a number of different identities that PCCs could model themselves on, ranging from crime-fighters through to victims champions. It should be noted that PCCs claimed to have a wide interest in a number of other areas, such as public engagement, victim satisfaction and innovation (for example, see Policy Exchange, 2013). However, in this Chapter I have focused on two of the most dominant perceptions of the role as expressed by the majority of PCCs interviewed, which included police management and crime reduction co-ordination.

PCCs concerned with police management recognised significant problems with the governance of the police, particularly with regard to the impotence of police authorities and poor accountability over chief constables. For Police Managers, leadership – particularly in a business-type manner – was their solution to some of these issues. When these PCCs looked ahead to the end of their first term in office, success was usually rooted within the police organisation, based on reduced crime figures, stronger accountability mechanisms and improved policing. Arguably, these were the type of PCCs envisaged by the authors of the policy – tough-talking, financially shrewd and visible leaders with a sharp focus on crime fighting. However, one point of departure from the initial vision behind PCCs appeared to be related to that of targets. I illustrated that business management was regarded as an essential element of this perspective, which entailed a target-based approach to measure performance. From this angle, it appeared that bureaucratic accountability had not fully disappeared as a result of the introduction of PCCs – rather it had shifted from central to the local.

The CRC perspective revealed a set of contrasting perceptions about the role. CRCs generally identified similar problems to Police Managers, but they were also able to point to a broader set of issues relating to the wider criminal justice system. Like Police Managers, CRCs placed great value on leadership, but for them it was about managing a cacophony of voices from within local criminal justice networks. Finally, with regards to success, CRCs highlighted a broader set of success indicators, such as partnership working, public engagement and community safety – although electoral success was a recurring theme for all PCCs.

To a degree, the CRC perspective matched some of the expectations of the policy authors. Specifically, the emphasis on joining services resonates with the idea that responsibility for crime should not be concentrated solely amongst the police and instead should be shared by a range of actors. The other intention was that as Police and Crime *Commissioners*, PCCs would use commissioning as a means to find financial savings across their forces. CRCs provided clear leadership in these respects, using commissioning as a tool for a more collective response to tackling crime. But their focus was not necessarily on crime fighting as was envisaged by the policy creators. Instead, their interest sometimes lay in communicating with disengaged actors and agencies in discussions about policing and crime, improving community safety and reducing the fear of crime.

Through the case study I also illustrated the manner in which some PCCs have attempted to focus somewhat narrowly on certain elements of the job to the detriment of others. This is a problem associated with the broad-ranging nature of the role, in the context of large force areas which traverse multiple political constituencies, meaning that some PCCs inevitably narrow the job to make it manageable. Whether they decide to focus on police management or crime

reduction co-ordination is in part determined by PCCs' previous backgrounds and their pre-existing relationships with other key actors in the force area.

Many of those coming from political backgrounds assumed a broader understanding of the role, whilst PCCs typically from the police or military came into the job with more refined expectations about the job. This previous experience also provided the conduits for PCCs to enact these perceptions. Those from a local councillor background, for example, could more easily bring partners together under the PCC role than those who had spent their lives in the military, because they may have had pre-existing relationships and status in particular local networks. Conversely, PCCs from the force may have had strong ties with others in the organisation and feel more comfortable managing within the confines of the police organisation. Likewise, perceptions of the role should not be divorced from other contextualising factors, such as force size, politics, and personality, amongst others. These varying influences meant that PCCs were rarely fixed into one perspective and swayed between both ends of the spectrum – as my experiences in the case study area suggested.

As debate continues over the future of PCCs, the nature of the role will evolve. Since the inception of PCCs, one particular debate has revolved around whether PCCs ought to have greater powers in the criminal justice system (see for example, Police Reform Taskforce, 2007; Independent Police Commission 2013). Indeed, this was a sentiment expressed to me by several CRCs who wished to have greater powers beyond the confines of the police organisation, which they felt would provide them with more ability to affect crime reduction more broadly. However, expanding the role of PCCs may come at the price of stretching their capacity to deliver the job.

I demonstrated that there were a number of PCCs who instead of narrowing the job down, attempted to undertake all aspects of it – either through building large offices and employing deputies or by doing it alone. I argued that in the former case, there were several examples of PCCs investing significant resources into their OPCCs in order to ensure they had the capacity to deliver all the demands of the job. I then identified that the potentially greater issue lay amongst PCCs who had chosen to undertake the role almost alone with no deputies and a limited staff and who were simultaneously attempting to engage with the public as much as possible. Alongside concerns about the ability to deliver the job, expanding the role may therefore also have welfare implications, particularly given the age profile of many of the PCCs. I also indicated how this may also have implications for decisions to stand again for election. Given that the re-election of PCCs was supposed to be one of the central planks of accountability over PCCs (see for example, May 2010), this raises some questions about the ability to hold PCCs to account who have already decided that they will not be standing again. Broadening the role any further in legislation may therefore have impacts on the accountability of PCCs, which has been a key area of concern discussed elsewhere (see for example, Chambers, 2014; Lister, 2014), and will be discussed in greater detail in Chapters 6 and 7.

In thinking about how these perceptions of the role square with some of the parameters of democratically accountable policing as outlined in Chapter 2, it is evident that both CRCs and Police Managers were to an extent sympathetic to the value of service delivery. Police Managers did this by ensuring that the police organisation that they were running was financially sustainable and effectively delivering agreed upon outcomes. CRCs did this with a broader focus,

incorporating more the notion of the 'demos' into the delivery of crime-reduction services by seeking a wide range of views across the force area to help reduce crime. But when the breadth of these roles is considered in the context of potential burnout amongst PCCs, questions arise about how effectively PCCs can continue to ensure effective service delivery.

In conclusion, the PCC role – infused with various ideas about managing the police and co-ordinating crime reduction services – appeared to be extremely broad-ranging for an individual PCC to undertake. The breadth of interpretations of the role is indicative of the novelty of the policy in which PCCs are testing the limits of the role. As Conservative PCC 13 explained to me,

the PCC role is big. No one quite knows yet how big, because we're still defining it and pushing the tent out.

But it also encapsulates the spirit of the reform, which provides flexibility to PCCs to deliver local solutions to policing and crime reduction in the name of localism. Some PCCs responded by honing in on certain aspects of the job, while others attempted to do it all, either by themselves or with the help of large teams. In either case, the expansive nature of the role posed significant burdens on single PCCs with some potentially serious implications. In the remaining chapters, I seek to further explore the capacity of individual PCCs to drive forward notions of greater democratic accountability in the context of relationships with chief constables and Police and Crime Panels.

Chapter 6: Holding to account? PCCs and Chief Constables

Having outlined the capacity of PCCs to enact the role, I now turn to investigate more specifically the capacity of the PCC model to deliver greater accountability over the police. I do this through an exploration of some of the unfolding relationships between PCCs and chief constables. This is a critical relationship to analyse as it sits at the heart of the policy, as I demonstrated in Chapter 1. There, I illustrated that one of the key drivers of the PCC concept was an attempt by those on the political right to rattle a police service which – steered by a group of liberal minded, remote and overly influential chief constables – had lost its way in a mist of bureaucratic accountability. These concerns were adjoined to long-running arguments about a lack of local responsiveness in policing, ultimately leading to the birth of PCCs – figures who would unequivocally reset the balance of power in favour of the local.

In this chapter, I seek to explore two of the key aims of the introduction of PCCs – namely the aim of resetting the balance of power from chief constables and the aim of removing bureaucratic accountability from police governance. Using interviews with PCCs and chief constables, I will assess the unfolding relationships according to these standards. Thus the two questions which will guide this chapter are:

- 1) To what extent has the introduction of PCCs reset the balance of power with chief constables?
- 2) To what extent has bureaucratic accountability been ousted under the new model of PCCs?

To answer the first question, I examine how the transition of power from chief constables to PCCs has worked in practice given the capacities of the single point of accountability under the PCC model. I begin by examining the emerging relationships between PCCs and chief constables, considering some of the broader contextualising factors. I suggest that there are some challenges for certain PCCs to effectively uphold their scrutiny functions because of the personalised environment between PCCs and chief constables. This is especially true for those who have had a pre-existing relationship with their chief constable and where PCCs have recently appointed a chief constable. Conversely, I describe 'outsider' PCCs who are working with pre-existing chief constables who they had not previously known and I suggest that these relationships are more prone to tension. In all three scenarios, I argue that the one-on-one dynamic limits opportunities for greater accountability over the police.

Having explored this question, I move on to examine how bureaucratic accountability has shifted under the new structures of police governance. Specifically, I seek to explore the transparency of the new systems. I suggest that while there have been some positive attempts by both PCCs and chief constables to make the new governance arrangements more transparent, the one-on-one dynamic makes it easier for such meetings to take place behind closed doors and out of the public eye. I then go on to identify attempts by PCCs to become the public face of the organisation (through usurping corporate communications departments), which have pushed chief constables into the background and have thereby further removed police decision making away from the public eye.

I will also consider these relationships against the broader measures of democratically accountable policing as I outlined in Chapter 2. I regard the PCC-

chief constable relationship as one of a series of possible mechanisms by which democratically accountable policing might be structured. Given that PCCs and chief constables sit at the top of the police organisation, the principle of good governance is essential to building a strong democratically accountable organisation. At the heart of good governance lie opportunities for redress, distribution of power and transparency. I use these elements alongside the measures identified by the government in order to assess the unfolding relationships between PCCs and chief constables. Through this analysis of unfolding relationships and the transparency surrounding them, I raise questions about the capacity of PCCs as a single vessel to deliver the goods of democratic accountability to the police.

6.1 To what extent has the introduction of Police and Crime Commissioners reset the balance of power with chief constables?

The power shift from chief constables to PCCs was most clearly enacted through the powers of appointment and significantly, dismissal of chief constables under Section 38 of the PRSRA 2011. But this shift was also subtly revealed elsewhere. For example, the language of the Policing Protocol (Home Office, 2011a) made clear that chief constables would play a subordinate role to the PCC in all areas that extend beyond operational matters. Article 23 (C-E) of the protocol states that chief constables are responsible for 'supporting the PCC in the delivery of the strategy and objectives set out in the Plan'; 'assisting the PCC in planning the force's budget'; and 'providing the PCC with access to information, officers and staff as required'. Such statements emphasised the transition of power away from chief constables and towards PCCs.

Aside from new powers to hire and fire chief constables, another significant mechanism for transporting power away from chief constables and towards PCCs was through the transfer of staff. The PRSRA transferred the employment of non-operational police staff (for example, legal services and HR) from police authorities to PCCs (referred to as a 'stage one transfer'). However, across most forces, ownership of staff had previously been delegated to chief constables. Thus, those support staff working under the control of chief constables were transferred back to the PCC. This meant that PCCs would begin their reign with the staff under their remit.³⁶ In the words of Labour PCC 7,

We started off with all the decks on the PCC's side of the house, and not on the chief constablesI think that that was definitely set out to allow the PCC to demonstrate to the chief constable that the PCC was in charge.

Once PCCs were in office, they had the option to transfer some of these support staff back to the chief constables – known as a 'stage two transfer'. This shift of employment from PCC to chief constable caused much debate amongst PCCs. Some recognised value in holding on to as many staff as possible for leverage over their chief constables, while others believed that this unnecessarily complicated matters and therefore opted to transfer as many staff as possible back to their chief constables. For this reason, stage two transfers provide a valuable window to examine power dynamics between PCCs and chief constables and I will therefore make various references to 'stage twos' throughout the chapter.

³⁶ Although stage two transfers offered a means of transferring staff back to chief constables, this was not widely taken up by PCCs, as discussed later in the chapter.

A series of high profile clashes between PCCs and chief constables were reported in the media in the first few months after PCCs were elected.³⁷ Interviews with chief constables also revealed that there were lower profile clashes which resulted in some chief constables leaving their posts. In total, 16 chief constables had moved on within the first 8 months of PCCs in place. But not all of this churn was attributable to tension between PCCs and chief constables (for example, some left due to retirement). There were also many examples of constructive working relationships between PCCs and chief constables. Here, I explore the contextualising factors that help to explain some of these relationships.

Undoubtedly, personalities shaped the relationships but this was not a factor that I was able to identify through the research. What the research was able to uncover, however, was differences between PCCs who had recently appointed their chief constables versus those who were working with pre-existing chief constables. I also observed variation according to whether PCCs had previously worked within a policing environment (either on the police authority or as a police officer) and where they were new to the policing environment (who I labelled 'PCC insiders' and 'PCC outsiders' respectively). Table 4 below breaks down the number of PCC insiders and outsiders (that I had interviewed) by whether they were working with a pre-existing or newly appointed chief constable. Below, I discuss how the one-on-one dynamic meant that those PCCs who had recently appointed their chief constables and those working with a pre-existing chief constable who they had previously known ('insider PCCs') appeared to work very closely with their chief constables.

³⁷ Most notably in Avon and Somerset (Hough, 2012), Lincolnshire (Laville, 2013) and Gwent (The Guardian, 2013)

Table 4. Number of PCC insiders and outsiders by pre-existing and newly appointed chief constables

	PCC insiders	PCC outsiders
Newly appointed chief constable	5	4
Pre-existing chief constable	13	10

6.1.1 Proximity between Police and Crime Commissioners and chief constables

I interviewed nine PCCs who had recently appointed chief constables. There appeared to be little difference between the 5 insiders and 4 outsiders and therefore I discuss them together here. While not all divulged information about the quality of the relationship, those who did tended to discuss it in positive terms and PCCs appeared to have more authority over their chief constables in these relationships. Where chief constables had been newly appointed by PCCs, relationships appeared to be less adversarial. For example:

I think [our relationship is] very good. I think we have a common understanding of policing, particularly policing as a vocation. [The Chief Constable is] comfortable and I think understands my agenda... we are in contact one way or another pretty much every day. So we will talk on the phone, we will text each other, and then we will have regularly at least one to one meetings a fortnight, but we actually meet at other meetings quite regularly.

Independent PCC 4

...

Bear in mind I appointed the permanent Chief Constable about a month or so ago ... The relationship with her is a constructive one obviously and understanding where our roles and responsibilities are but equally working together where we can. Yeah she's been very supportive and she's contributed to the Plan.

Labour PCC 3

At least three PCCs had appointed chief constables who had been standing in as temporary chiefs in the force area, so in these cases the relationship may have already been positive. This initial optimism may in part also be a product of going through a honeymoon phase, in which the relationship naturally begins on a positive note by virtue of the fact that the chief constable has just been appointed and is looking to please their new employer. For some PCCs, when asked what criteria they were looking for in their ideal chief constable candidate, one common response was 'the person best equipped to deliver my plan'. One PCC elaborated:

[B]earing in mind they [chief constables] are under an obligation to deliver it [the Plan], you really do want somebody who at least understands the relevance of it and is prepared to direct their resources in support of it. If they didn't agree with it, it would be difficult, that's just the reality of the way we're structured now.

Labour PCC 9

The same PCC went on to warn that this was potentially hazardous if the Plan was weak:

PCCs do have quite a lot of power in that respect to get people who hopefully will accept their Plan. You hope it's a good plan then really don't you - they're not all good are they?

Some PCCs highlighted appointing younger and more modern chief constables who were accepting of change. For example, one PCC described his new chief constable compared to the former one who had retired:

I selected a new Chief Constable, who is younger, female, and she's very much not an authoritarian leader. She commands respect by intellect, not shouting!

Conservative PCC 4

These type of appointments meant that agreement was implicitly built into the new relationship and chief constables were naturally inclined to defer to their new employers. One chief constable explained that:

there is a view that some of the newer chiefs are in a weaker position, and that is borne out by fact. There are definitely chiefs who I've heard talk about stage two transfers who feel that they've had to agree things because they're newbies or worse than that, they were acting, so they were relying on somebody to give them a job.

Chief Constable 2

As such, PCCs who were able to appoint chief constables appeared to have a power advantage over their chief constables. In some of these instances, the relationship between the PCC and chief constable appeared to be very close:

...there is deep mutual respect there, and we do socialize. I mean the chief and his wife have been to my house for dinner because I want to know him in the broadest possible sense in the same way as I would a commander in the royal air force, and you socialize in order to know somebody in their totality.

Conservative PCC 9

In this scenario, the PCC and chief constable had seen eye-to-eye and clearly got on very well, to the point of socializing outside of work. However, this kind of proximity raises questions as to whether adequate scrutiny can take place in such a close relationship – an issue which I will elucidate further in discussing PCC insiders' relationships with their pre-existing chief constables.

While newly appointed chief constables appeared to be subordinate to their PCCs, 'insider' PCCs came across as deferential to their chief constables. In either scenario, both PCCs and chief constables appeared to sit very close to one

another, which seemed to preclude opportunities for impartial scrutiny of chief constables.

PCC insiders working with pre-existing chief constables were the most common type of PCC. These relationships where both PCC and chief constable had previously known each other were generally described by PCCs in positive terms and very little friction was detailed. In several of these relationships where the PCC had known the chief constable by virtue of having been on the police authority, it appeared that the dynamic between PCC and chief constable was business-as-usual, essentially meaning that the chief constable continued to occupy a strong foothold in the relationship as they did when the police authority existed. To draw out some of the key features of these relationships, I will use examples from the case study where the PCC was an 'insider' working with a pre-existing chief constable who he had previously known through his time on the police authority.

Prior to the elections, the PCC was cautious about the Chief Constable's ability to – in his words – 'manipulate' the police authority, comparing the relationship to that of the Permanent Secretary and his minister in the television series, *Yes Minister*. He warned that this was not a unique problem to the force area and envisaged many PCCs 'going native straight away... just getting involved in the system and being run by the chief constable'. However, he was confident that this was not going to be an issue for him because he was well acquainted with the force and was 'not going to have the wool pulled over [his] eyes'. Thus, to begin with, he used adversarial language to depict the relationship he expected to have with the Chief Constable:

I hope that the Chief Constable is fairly frightened of [the PCC]. Because I know how it works and I'm tough enough to stand up.

Ten months on, he described the relationship as 'very good... much easier funnily enough now than when I was on the police authority'. In other settings, such as private meetings with councillors, he painted a similar picture of optimism, explaining that the Chief Constable was very supportive of him.

In fact, the Chief Constable initially regarded the PCC with more caution. This was largely to do with scepticism regarding the concept of PCCs and the potential for abuses of power within the new system. But he was also anxious because of the way in which the PCC (as a candidate) had originally perceived the job in police management terms. Despite these early concerns, the Chief Constable similarly came to believe that the relationship was unfolding positively. In his words, this was facilitated by the fact that 'there's not been the personality issues that there's been elsewhere' and that they had 'worked hard to put a bit of structure around the relationship'.

As detailed in the previous chapter, this was also helped by the fact that the PCC believed he was dealing with a competent police force, which meant that he felt that he had relatively little to change in the organisation. This meant that he had less interest in the force than he had anticipated and this reduced the number of opportunities to disagree with the Chief Constable. But the fact that the PCC was working with a Chief Constable who he was well acquainted with was arguably one of the most significant factors which appeared to shape the positive relationship.

This was echoed in other forces where the PCC and chief constable had a pre-existing relationship, usually courtesy of the PCC having worked on the former

police authority. For example, one PCC (formerly a police authority member) who explained that he got on 'exceptionally well' with his Chief Constable, noted that:

We've known each other for some time, he knew where my thinking was, I know what his thinking was...

Conservative PCC 8

Another PCC emphasised the mutual respect that he and the Chief Constable had for each other:

...the thing is the respect that I've got for [the Chief Constable] - I've known him for a number of years - is reciprocal. I mean he's not political but I know that he was pleased that I came into office because you know, he felt as I did that we could do business ... It might be different if there was a different individual.

Labour PCC 8

There was a difference between relationships where the PCC was well acquainted with the force structures (such as former police authority members) – and therefore less likely to make significant changes to the organisation – and those PCCs who had come from outside the organisation. The former police authority members for example, tended to be more accepting of force practices and more likely to accept existing procedures. As one former police authority PCC explained in relation to the formation of his Plan,

The Chief Constable and myself worked very closely on the formation of the Plan...the force have a very good tried and tested engagement program in place and because of that we knew we were going to be able to dovetail the actual policing and the ambitions of the people of [force area]. There were no points of conflict whatsoever.

Conservative PCC 6

Indeed, in the case study site, even before the elections, the PCC expressed his intent on maintaining the status quo because under his previous role on the police authority, he had been able to influence positive change over force performance. Furthermore, he had been involved in the formation of the last Police and Crime Plan of the police authority and consequently, he saw little point in changing the existing state of affairs.³⁸ This meant that there was relatively little friction between himself and the Chief Constable with regards to key decision making, such as writing the Police and Crime Plan, since much of it was already in place before the PCC had come into power.

This all had implications for the power dynamics between the PCC and Chief Constable. Through the PCCs' stance on maintaining the status quo and the language used by both the PCC and Chief Constable, it was evident that the power sat more heavily in favour of the Chief Constable. However, this was not necessarily recognised by the PCC. At times, there was a hint that he believed he occupied a hold over the Chief Constable. Speaking to one council member at a meeting, he suggested that it was in the interests of the Chief Constable to support him given that the Chief Constable had been in post during a recent high profile case in which the police received some criticism for their response. But such comments appeared to be more a boastful show of strength in front of fellow councillors as opposed to any real dominance over the Chief Constable. In meetings where both were present, the PCC clearly deferred to the Chief Constable, often turning to the Chief Constable to look for support in answering questions or verifying information. The PCC regarded the Chief Constable as a 'safe pair of hands' and confided that he would not be sacking him. Here, power

³⁸ The only thing that the PCC publicly sought to change with regard to policing was a shift in priorities towards giving those in rural communities greater attention

had plainly not been rebalanced away from the Chief Constable any more than it had been under the police authority system.

Another central factor that explained the PCC's deference to the Chief Constable was borne out of the fact that they worked in close proximity to each other (in adjacent buildings) and saw each other with some regularity (at least once a week, but often more). The Chief Constable explained to me that this was one of the challenges with the one-on-one dynamic:

...if you're seeing somebody on a one-to-one, and then you're doing stuff...you know going to meetings together, you're different, but the risk is that it becomes more supportive than challenging...It's much easier to have that kind of scrutiny-committee relationship with a group of people you don't see very often..... So what you're saying is we don't want to fall out because we can't afford to fall out because I lose my job...[but] we shouldn't be too close. But to get that mid-way, it's very tricky.

There were indications from interviews that other PCCs had similarly become very closely aligned with the force. Chief Constable 2 made reference to a PCC from another force who:

...kept talking about how *his* force was good at this and how *his* officers etc...and that's the difficult thing for a PCC...you need to position yourself so that you identify with the force, but it doesn't then end up being this kind of scrutiny relationship.

The one-on-one dynamic seemed to create a more personal experience compared to working with a committee. As Conservative PCC 4 explained,

I'm not a bureaucracy, I'm a person, I have a name, I am approachable and I have feelings and emotions and I used those as part of my job.

Consequently, many insider PCCs I interviewed seemed to fall into a very supportive sort of relationship with their chief constable because of this more personal dynamic. In one of the focal sites, there appeared to be a strong working

relationship between the PCC and the Chief Constable, who had known each other previously whilst the PCC had been the chair of the local political network in the area. The positive relationship was facilitated by the fact that the Chief Constable understood (without necessarily agreeing with) the need for political oversight in the governance of the police:

On the whole I think I'm quite comfortable with change at the end of the day. I'm not massively hung up...on this issue of operational independence. I think there's a real world out there that if something's going on, a politician's interested in it, then I've got to listen to that and see if I can respond to that.

Having formerly known each other meant that it was easier to recognise mutual interests which would result in positive outcomes for both:

I know what he wants, what can we come up with which will meet that need. We knew that he wanted to do things around the community, he's got to do some things that he wants to show, so we've come up with the idea of expanding our cadets scheme, about expanding the apprentice scheme, so you just say hang on, yep I know what you're trying to achieve, we can get a win-win out of this, we can do some things, you can give us some money, and we're helping to reduce what you say is your priority.

The other important element in this relationship appeared to be a long-standing mutual respect for each other's professional judgement. This meant that the Chief Constable could trust the PCC to access any information he required in the force, without fear of the PCC encroaching upon his operational independence:

The key thing is...[the PCC] is totally involved in things, he gets total briefings, he gets access to everything, he can speak to the detectives involved, so you know the first thing is he is quite up to speed with what's going on, we've involved his office in all the planning around all the press stuff, we're very clear about who is going to say what...I am lucky, he's a very mature experienced politician... there's no way he's going to get involved in things he shouldn't get involved in

Allowing the PCC to speak to detectives involved in particular incidents flies against the strictures of operational independence typically espoused by the police (see Chapter 1). These kinds of comments illustrated the level of mutual trust between the Chief Constable and the PCC, and both appeared to perform the job with a shared vision. But it was pertinent to note that the Chief Constable commented that 'at times, it feels like [the PCC] is a bit of [force] groupie', because he had a very close working relationship with the force and at times gave the impression that he was working as a representative of the police organisation. While in this area the balance of power sat somewhat evenly between both Chief Constable and PCC, questions might be asked about the ability of PCCs to exert any real scrutiny over their chief constables when they seem so closely aligned to them and the rest of the force (as a result of their pre-existing strong relationships). This is a danger that is seemingly easily awakened by the single point of accountability.

But some recognised the benefits of this one-on-one relationship. One PCC believed that his relationship with the Chief Constable was now better than it had been when he was on the police authority:

I think because he knows how I work and I know how he works. And he knows what I'm likely to be upset about and we try to sort things out at a much quicker stage and I'm better informed probably when I was then.

Labour PCC 9

This was similarly perceived by Chief Constable 2 in the case study area, with one important clause:

as long as the relationship is working well, it's easier to have a relationship with one person than 19 people.

The one-on-one dynamic can be effective if both parties are willing to work together, but the relationship rests on the condition that both work professionally together – something not always possible because it depends on just two individuals with potentially very different personalities, experience and political persuasions. Next, I describe the relationships between outsider PCCs and their chief constables and highlight how the one-on-one dynamic can expose the relationship to tension.

6.1.2 Tension between Police and Crime Commissioners and chief constables

I interviewed 14 PCCs who were working with a pre-existing chief constable and who had come into the job with no previous relationship with the chief constable or with no experience of having worked with the police organisation. These types of relationships varied in tone and power dynamics.

In one of the focal areas, having recently embarked on a large scale restructuring of the force, the Chief Constable was clearly concerned about the introduction of PCCs. As the PCC explained to me:

[The Chief Constable] had the PCC election as one of the risks on the risk register because it was a leap into the unknown and they were afraid there would be a PCC elected who would march around the football pitch and changing all the goalposts and probably all the lines as well.

Therefore the Chief Constable described how he had begun to goad the potential PCC into a specific direction even before the elections through aligning PCC candidates with his strategic vision through briefings prior to the elections:

The things that I told all the candidates during the process was that 1) We're not doing as well on victim satisfaction; 2) we need to get better at dealing with ASB... So it was interesting how quite a lot of the manifestos said... 'what I want the force to get to grips with is satisfaction and ASB', and I was thinking 'yeah, well we like that!' So when [the PCC] came in - you'll see it in the Plan, he talks about hate crime, victims satisfaction, ASB, and he would describe these as the 'new' areas I want the police force to focus on.

In reality, these 'new areas' were carefully crafted pre-existing force priorities which were sold by the Chief Constable early on in the process to encourage buy-in from the PCC. Once the PCC had won the election based on these manifesto priorities, it would be difficult to turn away from them because they had formed the basis of his election pledges. In this fashion, the Chief Constable was able to dictate the terms of the relationship when the PCC assumed office.

The Chief Constable in this force area had further attempted to entrench his dominance through steering the Plan, explaining that he had 'offered right at the beginning to actually put people alongside to help write it'. However, the Chief Constable commented that on this occasion, the PCC declined in favour of retaining a more independent process. The resistance from the PCC from allowing the Chief Constable to guide the Plan resulted in some subtle tensions between them. The PCC suggested that there was a 'need for the force to re-calibrate in terms of meeting the needs of the victims and reporting underreported categories', rather than simply focusing on performance figures. There was some opposition to this by the Chief Constable on the grounds that it would inflate public expectation about what the force was able and willing to do:

...some of the things in the Plan, such as tackling fly tipping, wildlife crimes, lots of stuff that actually probably not what we would focus on, but it's in the Plan. And my only concern is that people read the Plan and think that police are going to tackle those things, when actually

we're not because we've got things that the public consider are actually more important than that.

The final point highlighted a fundamental tension between what the Chief Constable and the PCC believed were the priorities of the public. Despite the fact that one of the reasons PCCs were introduced was to channel the 'voice of the public' into policing, there was a clear difference in understanding between PCC and Chief Constable about what the public want (and possibly who they were in the first place). In this instance, it appears as if the Chief Constable did not trust the PCC's interpretation of public interest and thereby devalued the PCC's Plan. This may have been related to the fact that the PCC did not formerly have any experience with the police organisation and consequently the Chief Constable may have viewed the PCCs' conclusions with scepticism. In areas where the chief constable welcomed in the new PCC with no prior experience in policing, it may have been the case that the chief constable felt that he or she was more knowledgeable than the PCC. The PCC, coming in with no previous relationship to the chief constable and backed with an electoral mandate, may have found such resistance difficult to swallow. In such instances, a combustible environment was formed.

In another force area for example, one PCC explained the situation immediately after he was elected:

When I took office I found myself with a very traditional, very macho Chief Constable. Ex para-trooper, who didn't agree with PCCs...Put it this way, when I arrived in the force, the force was locked down. I had no access...basically, I wasn't allowed anywhere...I had a couple of near misses with him where he went absolutely berserk, he has manufactured a few problems for me.

Conservative PCC 4

In this instance, the Chief Constable soon left on early retirement. But such resistance did not only emanate from chief constables. Some Police Managers who had come in from different backgrounds were keen to exert their influence over the chief constable. One such PCC explained his experience of forming the Plan:

We went through... a period of adjustment...even pain....in this area. The police were used to producing the Plan, and then really getting police authority buy-in. Whereas we took a very firm line that this was a very new process, that this was the PCC's plan, and that we need their assistance in drafting it. That was a rocky experience to begin with and we went through a number of iterations... I was determined to reset the balance between Chief Constable and PCC. I was not going to have Chief Constables dominating the PCCs role.

Conservative PCC 1

This PCC clearly used the Plan as an opportunity to exert his dominance over the Chief Constable. Thus, PCCs who had a background outside of the organisation – and who were simultaneously intent on managing the organisation – tended to enter relationships with their chief constables in more of a robust and adversarial manner.

This was also evident in other arenas, such as stage two transfers. Labour PCC 2 observed that some of his colleagues saw stage two transfers ‘as an opportunity for a whole redrawing of the whole resource base’. Indeed, Conservative PCC 1 was particularly vociferous in using stage twos as a means to protect his powers as a PCC:

It is implicit that we need to protect the independence of the Chief Constable in policing terms. But it's also to me more strategically important to protect the levers of power of the PCCs. To protect the concept, my Chief Constable and I have found that the existing relationship works for us perfectly well. I find that I enjoy the levers of power of PCC we've had to hire lawyers to support us and must've

spent £15-20,000 on independent legal advice to guide us...to ensure in law that the levers of power of the PCC are not eroded inadvertently in...giving employment over to the Chief Constable.

Conservative PCC 1 believed that retaining ownership of the staff was integral to his job and went on to explain that if he was legally not entitled to keep hold of the employment, the 'concept [of PCCs] would be hugely eroded, I might even feel like I'd been let down by the government over that'. In this way, some PCCs intent on resetting the balance between PCC and chief constable recognised stage two transfers as pivotal.

There was also an indication by some PCCs that having responsibility for financial aspects of the force was a powerful tool over the chief constable:

Keeping control of the capital enables me to make sure the chief broadly stays in the direction that I'm comfortable with.

Independent PCC 2

Most PCCs who used the rhetoric of power domination were Police Managers, suggesting that some recognised stage twos as an opportunity to assert their managerial authority over the force. As one such PCC commented, 'I must own some people. I'm trying to build an OPCC [Office of Police and Crime Commissioner]' (Conservative PCC 9).

But this type of mentality was only displayed by a handful of outsider PCCs. The remaining PCCs tended to be cynical about retaining many staff through stage twos:

The danger is that this is one of those things where people get in the shower and say mine is bigger than yours sort of thing, and there's an element of wanting to try to think big because you've got a bigger staff really and you're holding onto more people.

Labour PCC 6

...

I think it shows an element of insecurity and control-freakery by those PCCs who want to do that. They don't understand their role.

Independent PCC 6

In light of this, there were examples of outsider PCCs who had come into the job pragmatically with a desire to make the relationship with the chief constable work well:

The Chief Constable and I sat down on day one and were absolutely determined - I said to him...we're going to make this work, and he agreed. And I said regardless of what either of us think of this or each other, we are going to make this work because this matters too much for people [in the force area]. And I think we have that in mind all the time and we've actually formed quite a healthy, professional mature relationship.

Conservative PCC 6

Thus, there appeared to be a real variability in the quality of relationships between PCC outsiders and their chief constables, which was shaped by some of the personalities and underlying motives that both parties had. In instances where chief constables had been resistant to the PCC idea, some acted defensively by barricading the PCC from the force, while others reacted more manipulatively, carefully leading PCC candidates and ultimately the PCC into certain lines of thinking. In either scenario, opportunities for scrutiny over the force were limited. It is also possible that where PCCs went into the relationship aggressively trying to assert their dominance, chief constables may have found themselves in a very hostile relationship which again could inhibit opportunities for scrutiny to take

place. In such relationships, there is little place for manoeuvre and disagreement can very easily spark dismissal.

This was illustrated in the case of the Lincolnshire PCC (an 'outsider') who had suspended his chief constable just three months in office over the chief constables' involvement in allegations of racial discrimination in another force. The matter was taken to court, where the judge quashed the suspension on the basis that the PCC's decision was 'irrational' and 'perverse' (Fish, 2013). This case illustrated how combustible a one-on-one relationship can be. Although the chief constable has now be reinstated, it is difficult to imagine how the relationship can recover after such an incident and raises questions about how effectively scrutiny can take place under such dynamics.

In these ways, while many PCCs went into the job with positive intentions to make their relationships with chief constables work, opportunities for holding chief constables to account were restricted by the individual model of accountability. This was because of the intimate nature of this relationship, which meant that PCCs were either stationed in supportive or hostile positions depending on whether they had recently appointed their chief constables or whether they had pre-existing relationships with the chief constable and the force. As such, the system of accountability is poised very finely on a single relationship.

6.2 To what extent has bureaucratic accountability been ousted under the new model of PCCs?

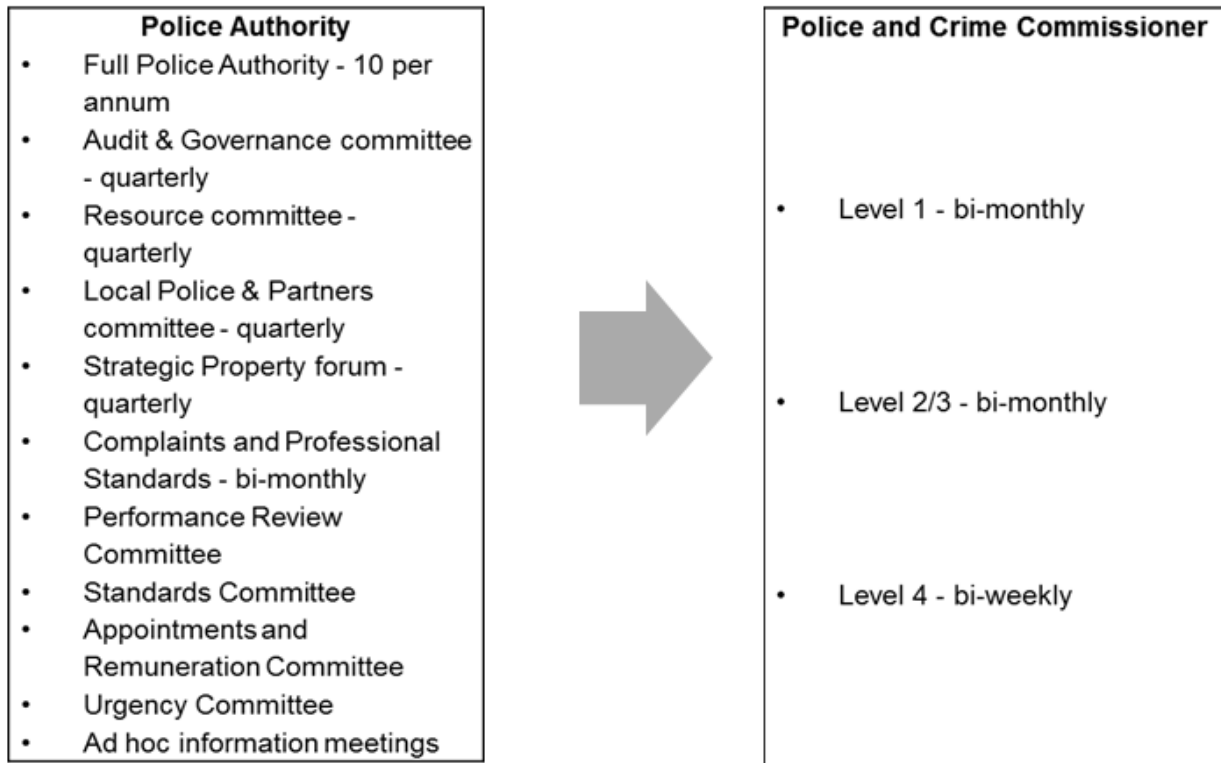
The argument for a single point of accountability in the PCC model was about instilling a slicker and more accountable governance arrangement over the police. As one of the architects behind the policy explained to me in an interview,

Sometimes in policing there are very tricky decisions to be made you know, taking resources away from one place, putting it somewhere else, these are highly emotive decisions... And I don't think a committee is capable of making those decisions, so I don't think you can keep a committee accountable in quite the same way... I think it's a clearer way of holding people accountable - having a single point of accountability.

Policy Architect 1

So far in this chapter, I have paid particular attention to some of the demerits of the single point of accountability model. However, one clear perceived benefit of the one-on-one dynamic amongst PCCs and chief constables was that there was now a reduction in bureaucracy in the new setup. In the case study area, this was a change that was particularly welcomed by both the Chief Constable and the PCC. Figure 21 illustrates the difference between the police authority and PCC models in terms of formal governance architecture. Under the new structure, Level 1 meetings would usually be open to the public, Level 2 and 3 meetings are restricted to certain members of the force and OPCC staff, while Level 4 meetings would usually be exclusively meetings between the PCC and Chief Constable (and possibly one or two other senior staff). The Chief Constable explained that the new system, although it was lighter in terms of meetings, it was also more consistent than the former model which was ad hoc.

Figure 21. Difference in governance arrangements before and after introduction of the PCC in case study



The PCC in the case study area frequently cited the difficulty of making decisions and getting consensus on the police authority and found the single point of accountability to be a far more efficient system. The Chief Constable was similarly complimentary of the speed of decision making under the new model:

Can you imagine things which are not particularly controversial, it's much easier to do a paper and get one person to agree or brief one person than 19 people... And particularly things like off the back of that meeting we might put papers together on sale of premises you know, some of the transactional things which any organisation has to do, rather than 4/5 people asking questions which don't really add to the value of the decision making. So that's a lot quicker, and part of that is a function of it being one to one.

Not all PCCs agreed that it was necessarily any faster than it could have been under the police authority system when it came to making urgent decisions:

...we always accepted that the chair of the authority would have such delegation where you needed to have an urgent decision. So I'm not

sure that I've done anything that needed to be done more quickly than the previous chair of the authority needed to.

Labour PCC 6

However, Labour PCC 6 stated that the single point of accountability had 'shorten[ed] the line of communication', meaning that decisions could be made following a single meeting between the PCC and chief constable. As another PCC commented:

...It is a lot faster, a lot quicker, a lot slicker [than the police authority system]. Yesterday afternoon my treasurer and Chief Exec came in about 5pm and said we need you to sign off these contracts. Now under the Police Authority that would've required a full report to the Police Authority, probably through a committee first, lots of preparation work, and then going to a full committee of 17 members. With this, they can bring it in, I take the decision, I sign on the bottom line...we can do that very quickly, very informally, and it speeds the whole process up.

Conservative PCC 7

While it has been critically suggested that almost half of PCCs are using targets in their Police and Crime Plans to hold their PCCs to account (BBC News, 2013), interviews with PCCs who had previously worked on police authorities expressed that this was actually less than was the case under police authorities.

However, the removal of bureaucratic processes has been accompanied by concerns amongst chief constables and some PCCs about a resultant erosion of accountability – specifically with regards to the transparency under the new system. As a police commander in the case study explained to me during an interview,

With efficiency perhaps comes a degeneration of accountability within that relationship, but actually it comes to a point when you just have to trust people to do the right thing because they are empowered to.

One PCC was more sceptical about the result of this more refined system:

this is a post that brings out the inner-megalomaniac, and somebody said one of the big advantages of PCCs is they can think of a bright idea in the shower on Friday and implement it on Monday. Well, I know I have lots of bright ideas myself, but actually would like to think them through and get the benefit of other people's judgement before I implement it within a matter of hours.

Labour PCC 6

Some chief constables and PCCs lamented that the new system was a solitary experience in terms of making decisions:

Decision-making is lonely. At least the police authority had the collegiate decision-making around them, I don't have that.

Independent PCC 9

As a result, one PCC who had worked for the police authority felt that he was less able to hold his Chief Constable to account:

I still don't feel that I'm holding [the Chief Constable] to account as well as the police authority used to hold the chief officer team to account. I don't think there are as many reports. One of the things I'm looking to change.... is to bring in someone... just to really head up the scrutiny, audit and resources role, because I think that's the area we've probably lost most through not having quite so many eyes looking at things.

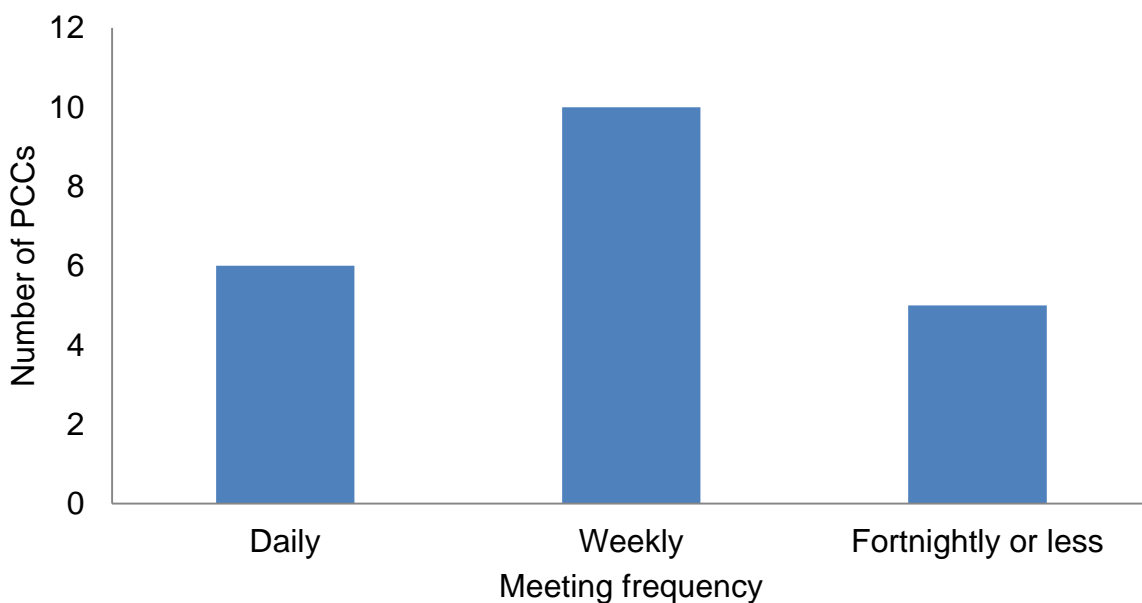
Conservative PCC 8

This was echoed by Chief Constable 1:

I'm not sure [the policy has] made decision-making more transparent, which was kind of one of the key themes. And I'm not sure, because the [executive board] meetings are just six of us, that it's made it any more accessible to the public. It's different, but I'm not sure it's done what the PCC was introduced to do. So I think the governance mechanism hasn't altered public awareness of police governance.

Like the case study area, PCCs explained to me that they were meeting with their chief constables with some regularity. I asked PCCs to specify on average how often they met with their chief constables, and the responses are presented in Figure 22 below. Although most (10) PCCs claimed to meet their chief constables on a weekly basis, these meetings often varied in style and content. The majority were formal meetings closed to the public. There were several examples of PCCs innovatively trying to engage members of the public, from webcasting their meetings through to rotating them in different locations to capture local interest. But this was limited and centred on engaging with the public about their local crime concerns as opposed to making decision-making any more transparent.

Figure 22. Frequency of PCC meetings



Several PCCs chose not to hold public scrutiny meetings with their chief constables at all for fear of creating a public circus:

I very much believe that friendly or hostile criticism should all be behind closed doors, not necessarily played out in public. I don't think that

increases confidence in policing if it's felt the Chief Constable and the PCC do not see eye to eye.

Labour PCC 3

In the case study, even where meetings between the PCC and Chief Constable were made public (which took place roughly every two months), there were two occasions when I was the only member of the public present. While the Chief Constable attempted to balance this out through publishing reports from meetings, the PCC did not appear to be concerned about the lack of public involvement in these meetings.

This lack of transparency was also manifested in other aspects of PCCs work, such as the appointment of chief constables. Nine of the PCCs I interviewed had already appointed new chief constables. There was a great deal of variety in the appointment procedures, some opting for straightforward interviews, while others had developed elaborate processes with a number of different tests to rate applicants. Six of these PCCs had used local stakeholders, such as local authority leaders, to sit on the selection panel (which usually consisted of between 3-4 people). However, just two of these PCCs mentioned having conducted consultation with the public to help them make the decision. This variability in appointment procedures and the amount of public involvement is indicative of the inconsistent level of transparency that has accompanied the solitary decision-making under the new single point of accountability. What is more, just one of these PCCs mentioned using HMIC to assist the process, reinforcing the argument of the 'melting core' I developed in Chapter 4, in which formal structures such as HMIC have become an optional consultant rather than part of the

mandatory architecture previously in place to uphold proper scrutiny over key decisions.

The declining opportunities for transparency were also demonstrated through a failure of many PCCs to disclose mandatory information on their websites. The Home Affairs Select Committee (HASC, 2014) expressed that it was 'deeply concerned' that PCCs were still failing to meet their statutory reporting requirements even a year and a half after being elected. In an independent assessment of PCCs' transparency, just one PCC was found to have disclosed all 25 statutory disclosures on their website, while only 64% of PCCs fulfilled 80% or more of their required disclosures (CoPaCC 2013).

But this loss of transparency was not to say that there was necessarily a loss of accountability per se. Instead, it represented a shift in accountabilities. As Chief Constable 3 described:

We've moved from a bureaucratic accountability to more of a political accountability...[the PCC] comes at things from a very different stance which is about politics and political acceptability, so in a strange way I think in some ways it is more accountable because it's very much about how is the public going to see this more generally and how are the newspapers going to interpret it and how's it going to appear to other political opponents.

For some PCCs, the public-facing nature of the role meant that there was greater transparency:

...being a public representative just brings incredible transparency and challenge to the chief and his team in a positive way.

Conservative PCC 13

Thus, as another Chief Constable observed, PCCs were ‘developing their role as a political leader for the force’. In this sense, some PCCs were publicly and politically self-conscious and regarded the public-facing side of the force as incompetent. For example, one PCC commented:

I think the police media team are naive and I just don't think they think politically at all, and they need to. They are a public service and they need to give more thought.

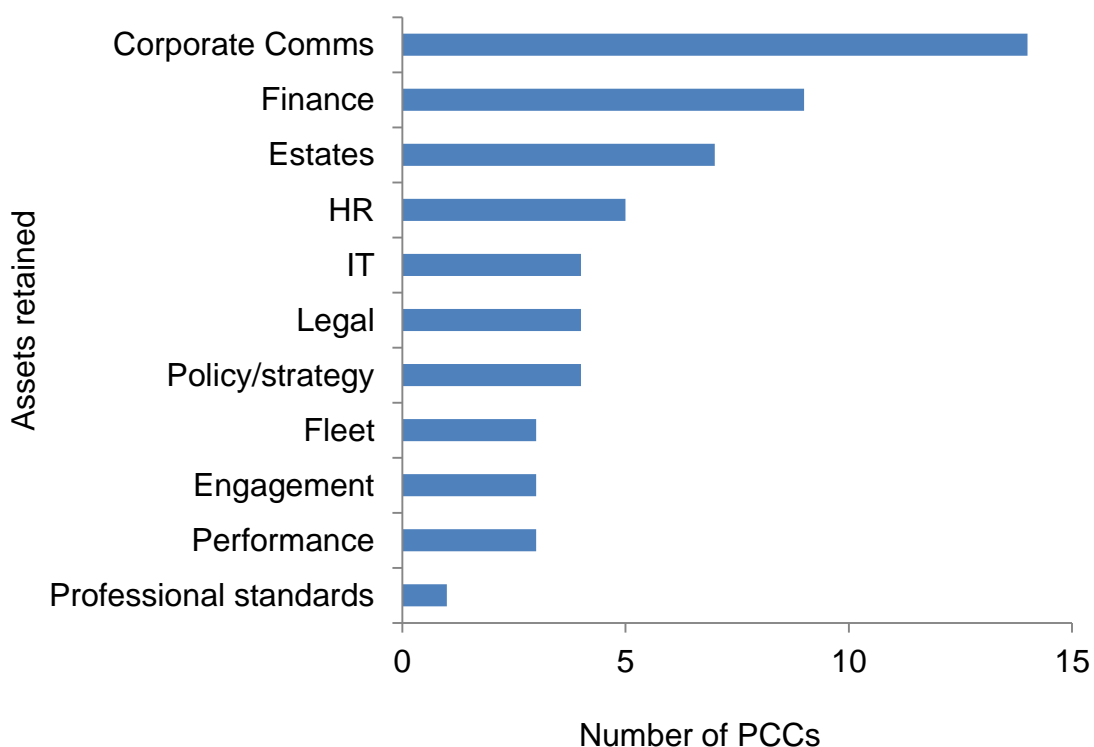
Independent PCC 10

Analysis of stage two transfers supports some of these findings. In total, 26 PCCs I interviewed discussed their stage two transfer plans. Based on what PCCs had disclosed at the time of interview, I tallied the assets that PCCs had intended to retain under their control. Analysis only provides a rough estimate of PCCs’ thought processes at the time of interview as opposed to finalised transfers.

In terms of the contents of stage two transfers, one of the most highly sought-after assets by PCCs was corporate communications, supporting the idea that PCCs are now more consciously aware of their public image (Figure 23).

In the case study, corporate communications was the only function that the PCC pushed to retain. He insisted that it was necessary to be publicly supported by the organisation and that owning the PR functions of the force would facilitate this. Other PCCs similarly explained that owning corporate communications was essential to their role of engaging with the public.

Figure 23. Stage two transfer contents



Chief Constable 1 saw this trend cynically:

...the reason [PCCs] are keeping the whole of corporate comms is to sell the message of what a great job the office of PCC is doing in terms of holding to account policing and delivering results, but that then becomes the conduit by which they sell the message for the next election...

Indeed, this concern was also flagged up by the Chief Constable in the case study area, who implied that this caused some debate between himself and the PCC:

I wasn't happy about [the PCC wanting to retain corporate communications] because...95% of what [corporate communications] do is supporting the force...there will be something where [the PCC's] position is categorically different from mine and it's very difficult for one department to support two different people, and I was worried about whether in a run up to an election, that could be tricky, because we cannot afford to be regarded as a Conservative force...

These concerns were borne out of the fact that the PCC was actively seeking to usurp the public face of the organisation. Another PCC explained that the new architecture means that:

[the Chief Constable's] public role is less. I mean he obviously appears when the queen arrives and things, but the accountability to the public is through me and that's very clear.

Independent PCC 2

The corollary of this is that some chief constables may be pushed further into the background away from the media limelight while the PCC becomes the face of the organisation. As the Chief Constable in the case study explained: 'I think probably in public, our role is to be half a step behind'. While this state of affairs might be regarded as a shift towards greater political accountability, the side-lining of chief constables in this process, coupled with some of the lonely decision making that has taken place out of sight from the public, means that questions remain about the transparency of the new system.

6.3 Conclusion

What is to be made from these observations in the context of democratically accountable policing? Firstly, I believe that, to an extent, the balance of power has been pushed in favour of PCCs, who are able to exert significant influence over policing, particularly where they have hired chief constables. In these instances, the chief constables appeared to exhibit what I described in Chapter 2 as 'subordinated control', in which their control is constrained by their PCCs. This may be further down the control spectrum than was envisaged by the PCC authors, who arguably had hoped for more of a 'dialogue and negotiation' approach (c.f. Chapter 2), based on mayor-police commissioner relationships in

some US cities (c.f. Chapter 1). However, this is context dependent and in situations where pre-existing chief constables have been in post, their ability to affect decision making appears to be more limited to an explanatory and co-operative model. Seeing as this was the model best embodied by police authorities, it is easy to see how this dynamic would frustrate the original aims of the policy.

In wider democratic terms, from this account, it appears that there has been a partial redistribution of power under this new model. Where PCCs and chief constables appeared to reach a 'dialogue and negotiation' model, power had plainly been spread more evenly. However, in either extreme where PCCs appeared to be in a dominant position or where they seemed to be subordinate to their chief constables, power appeared to be heavily concentrated in one individual which clearly undermines the principle of good governance.

With regards to the question of bureaucratic accountability versus democratic accountability, it seems that the PCC model has indeed facilitated a sleeker governance system, freer of some of the bureaucratic tools which had previously dominated police governance. From this observation alone, it would appear that the policy has been successful in the government's terms at deconstructing bureaucratic structures (with the exception of a handful of Police Managers who have continued to exert bureaucratic governance over the police in the form of target setting and performance regulation). But in consideration of a wider rendition of democratically accountable policing which necessitates principles of good governance, the PCC model seems to fall short. Specifically, transparency appears to be particularly neglected under the new system because the one-on-one model makes it easier for decision making to take place out of the public eye,

which is further undermined by an apparent distancing of chief constables from the media.

With regards to the concept of redress (another important element of good governance (c.f. Jones et al. 1994), the PCC model clearly offers greater opportunities with powers to dismiss chief constables. But again, the one-on-one relationship means that in some cases, this may not be exercised at all, whilst in others, it may be pursued without any due diligence. In the case study, for example, the proximity of the PCC's and Chief Constable's workspaces and the frequency of contact between them meant that they appeared to have a positive working relationship, which in turn raised questions about the extent to which the PCC was fulfilling his duties to scrutinise the Chief Constable. Interviews with insider PCCs and chief constables elsewhere indicated a similar difficulty with the one-on-one dynamic in which it seemed very easy to fall into a supportive role as a result of the more personalised nature of the relationship. This appeared to be a similar case for PCCs who had recently appointed a new chief constable, where agreement was implicitly built into the relationships from the start. By contrast, in some of the more hostile relationships between outsider PCCs and pre-existing chief constables, the one-on-one nature of the relationship meant that there were few places for either to hide. Where recourse was not an option, there appeared to be little alternative other than for the chief constable to leave because the greater powers now sat with PCCs. Thus it became very difficult for PCCs to simultaneously play out their dual support and scrutiny functions, as the PCC usually fell into one depending on the nature of relationship they had formed with the chief constable. As a result, opportunities for redress are inconsistent in practice. What is more, when thinking about redress with regards to an

incompetent or malign PCC, the opportunities for redress appear to be even more limited – an issue that will be further excavated in relation to Police and Crime Panels in the final chapter.

Chapter 7: Held to account? Formal and informal structures of accountability

In the previous chapter, I detailed how PCCs have attempted to hold their chief constables to account in multi-faceted ways. In particular, I concentrated on the weaknesses of the single point of accountability that has increased the chances for tension between PCCs and chief constables and simultaneously undermined the transparency of governance arrangements. In this chapter, I examine the extent to which the new system has held PCCs to account themselves.

I begin this analysis through an investigation of the formal structures that have been put in place to hold PCCs to account – namely Police and Crime Panels (hereafter ‘Panels’). According to the PRSRA 2011, their role is to both scrutinise and support the work of PCCs. They were to do this through considering the PCCs’ Police and Crime Plan and policing budget and through conducting hearings on the appointment of chief constables and senior staff, amongst other powers. Panels were introduced relatively late in the passing of the PRSRA in order to offset concerns raised by the Liberal Democrats about the unfettered powers of PCCs between elections (Lister, 2014). Panels are composed of between 10 to 20 members, including elected councillors from each local authority within the force area and at least two independent co-opted members.

References to PCC-Panel relationships nationally only provide an early indication of the unfolding relationships, since at the time of the interviews, most PCCs had only met their Panels on four or five occasions. Therefore some of the issues raised might be considered teething problems. This was indicated by other research on Panels which suggested that staff who support the running of Panels

identified their first few months as a learning phase which entailed heavy focus on setting up procedures (Centre for Public Scrutiny [CFPS], 2014). However, some of the issues raised in my interviews with PCCs appeared to be reflected in some of the more detailed and lengthier analysis I conducted in the case study and focal areas and this material provides a supplementary narrative to contextualise the findings.

In my research, I identified several examples of productive working relationships between PCCs and Panels, where PCCs felt that Panels were placing equal weight on their scrutiny and support functions. However, a number of both PCCs and Panel members pointed to some significant obstacles which indicate that Panels do not possess the capacity to hold PCCs to account. I make this case based on three interlinking observations. Firstly, I suggest that Panels are under-resourced to scrutinise PCCs. I note, secondly, that even within the relatively confined structures available to hold PCCs to account, several Panels have not taken the opportunity to do so because in many cases they have been comprised largely of former police authority members who have attempted to recreate the police authority, and therefore have misdirected their powers of scrutiny towards the chief constable. Lastly, I argue that accountability has been further hampered by political allegiances, which in some instances has undermined the credibility of the Panel in the eyes of their PCCs, or has resulted in a cosy set of relationships between PCCs and their Panels. For these reasons, I suggest that Panels are largely incapable of holding PCCs to account.

In spite of these findings, I elicit evidence to suggest that PCCs have found themselves accountable to a number of other sources of power, such as through local government and the media. I refer to these alternative structures as 'informal'

to distinguish them from the 'formal' structure of Panels. I discuss the positive checks on power that these informal sites offer, but warn that the inconsistency of some of these approaches means that accountability is by no means guaranteed within this new nexus because of the ad hoc nature of this accountability. Lastly, I argue that the related hope amongst policy architects that PCC's would be held to account through a fear of not being re-elected is fundamentally flawed, not least of all because it presupposes a desire amongst PCCs to run for a second term in office. In sum, I use this chapter to illustrate how the PCC model is systematically incapable of delivering greater democratic accountability to the governance of the police.

7.1 The Legal and Financial Capacities of Police and Crime Panels

The PRSRA 2011 and the Policing Protocol Order (Home Office, 2011a) gave Panels a number of responsibilities to both scrutinise and support PCCs. In terms of their scrutiny function, Panels were limited to suspending a PCC only where he or she had been charged with an imprisonable offence which carries a maximum term of two years or more. They also had powers of veto over the PCCs' decisions to change the precept and in the appointment a chief constable – although no powers to exercise a second veto in either case. Panels were given no powers to prevent a PCC dismissing a chief constable, with their only option being to ask HMIC for a professional view on the matter and to summon the PCC to a hearing. Other ways in which Panels may be able to execute their scrutiny function is through requiring a PCC to provide information and answer questions and making reports on the PCC's Police and Crime Plan and annual report, to which the PCC must take account of and respond to. To this extent, the Panel's ability to influence the PCC is 'contingent on its powers of persuasion and argument' (Lister, 2014).

These powers have been criticised elsewhere for being limited and preventing Panels from fulfilling their scrutiny functions (for example, HASC, 2014).

The incapacity of Panels to exert influence over the PCC was exhibited in one of the focal areas where the PCC announced his intention to appoint a deputy who was from the same political party and from the same town as the PCC. Although the PCC claimed that the Panel had approved his choice of deputy unanimously, my interview with the Panel chair presented a different account altogether. According to the chair, the Panel were opposed to this appointment on the grounds that the PCCs' office was not sufficiently representative of the local community he was serving. However, the chair of the Panel complained that they were limited in their ability to affect the decision. She explained that in this situation, the Panel 'couldn't do anything about it' other than to write him a letter saying that they disapproved of the choice and requested a job specification. Despite the objections, the PCC stood firm on his choice of deputy. The chair went on to explain how the PCC failed to reply to the letter and only received the job specification several months later. She despondently remarked 'it wasn't quite as we'd wanted it, but there it was at least somebody had tried'. Such instances highlighted the impotence of Panels and how some PCCs could dismiss their concerns with relative ease and few consequences.

In the same area, a similar pattern emerged with regards to the procedures on the appointment of a new Chief Constable. The chair of the Panel in the focal site explained what their input into the appointment process would look like:

[W]e're going to look at the person that the PCC has put forward, we may approve his appointment, we may approve it with some comments, or we may refuse it and tell him to go and think about it. But if he then

chooses somebody else, we have to accept them whether we like it or not!

She went on to state that she could understand why the legislation had been drafted that way, but admitted that 'it doesn't help us to feel that we're really being useful'. Another PCC agreed that the powers of Panels were very limited:

[The Panel's power of veto] isn't actually a complete veto, it's just a slight delaying veto, and if they didn't like my 3%, they could've asked for something else. But if I came back with 2.9%, there's not a lot they could do about it. And ditto with the Chief Constable appointment. So some real issues about what real powers they've got.

Labour PCC 6

Independent PCC 1 described an instance when her decision not to raise the precept was challenged by the Panel: 11 out of the 18 members had voted to veto the proposal, but the veto did not meet the two thirds majority needed. This was another example of how some of the powers of the Panel appeared to be diluted in a way that allowed a lot of flexibility to the PCC.

Several PCCs were explicit that their Panels were toothless committees which could be ignored. For example,

[the Panel] only have two powers, one is to veto the precept and the other is to have one veto over Chief Constables...the Panel has a verification meeting as to whether they agree over who I appoint or not [for the chief of staff], but they don't have any powers. And if they disagree, it's a case of me saying 'thanks for your views chaps, but ta-ra'.

Independent PCC 9

In the case study area, the PCC regarded his Panel dismissively:

They're there to comment if they think silly decisions have been made, because that is what they do. And they take a bit of interest in you

sacking a chief constable, but they can't overrule your decisions. They have to endorse the budget because it goes through the council tax. But they can only turn it down once

In one of the focal areas, the Panel chair queried whether the job was even worth doing because they felt so impotent:

[The government] haven't given [Panels] any allowances and any power or anything - a bulldog with no teeth quite frankly. And terribly limited in what we can do. And one really wonders whether our job is worthwhile at all

This was a consensus reached by several PCCs I interviewed who illustrated cases in which they dismissed decisions made by the Panel. Labour PCC 5 described how the Panel had rejected her appointment of a deputy for a reason which she had disagreed with: 'I said no and over-wrote their decision'. The preferred candidate was appointed and the Panel's judgement was seemingly overlooked. In other cases, PCCs were able to circumnavigate the law to avoid being challenged by their Panels. One case which caught significant media attention occurred in Gwent where the Chief Constable had been threatened with legal action by her PCC unless she voluntarily resigned. The Chief Constable in question gave evidence to the Home Affairs Committee (2014) and stated that she chose not to have the case processed under the formal procedures as 'no matter what process I went through with the Police and Crime Panel, the outcome could be the same because the PCC is the ultimate decision-maker' (Home Affairs Committee 2014, Oral Evidence, 2 July, Q. 85). Taking this option meant that the PCC could avoid the formal procedure of informing the Panel about his intentions and therefore prevented either the Panel or HMIC to provide recommendations on the matter (Lister, 2014). This course of action underlined the manner in which

some PCCs have found ways to avoid the limited powers of scrutiny available to Panels.

Two PCCs jokingly alluded to the freedom they had within their role as a result of the Panel's limited abilities:

I think they have a limited role, the Panels. Clearly if I wanted to go bezerk, I'm not quite sure what they would do about it!

Independent PCC 3

...

...ultimately, any sanction against the PCC, unless it's criminal behaviour, is through the ballot box. So people may not be happy with what I'm doing, but they can't do anything about it until that next election. I could run riot couldn't I? And nobody can do anything, create mayhem everywhere I go!

Labour PCC 2

These problems have also been identified elsewhere. For example, the HASC (2014) report highlighted examples where Panels were restricted to retrospectively scrutinising decisions already made by their PCCs. This was contingent upon the PCC providing information to the Panels, which did not consistently happen. Other issues also raised include uncertainty in dealing with complaints against PCCs and a lack of time to scrutinise important decisions such as precepts (CfPS, 2014; HASC, 2014).

Another factor which appeared to incapacitate Panels was that they were financially under-resourced. In 2013-14, each panel received £53,000 of funding from the Home Office (HASC, 2014). This was provided on the assumption that each would have one full-time scrutiny officer and that Panels would meet four

times a year. However, most Panels had already met this estimate within the first five months of their existence. Furthermore, those in larger force areas who had larger Panels to manage felt that this uniform funding was inappropriate, as one stakeholder in the case study area explained:

And you know the I suppose the naivety of the Home Office civil servants who think 'yeah so you're getting the same amount of scrutiny support for 18 elected members on the Panel as you get in one with 5 elected members'. I just think it's insulting to our intelligence really. It's not so much the body and the office here that's the issue, it's just the fact that they've shoe-horned us into their framework and are ignoring the fact that it doesn't work.

CSP Chair 5

For these reasons, many Panels felt that they were significantly under-resourced (HASC, 2014). This had implications on their ability to scrutinise their PCCs, as the chair of the Panel in the case study illustrated:

Because we've got limited resources, and you take [a look at the PCCs'] budget...now all we've got is [one full-time Panel officer]...looking at a [multi] million budget...and no accountant, no forensic looking at what's changing. That is a major challenge for us, which is why this year we've just picked on major changes. I think in future we will only be able to do a high level challenge on budget...We won't go into all the massive detail that the Police Authority did. We've got to look at headline issues...

One Panel member in the case study suggested that another obstacle for scrutiny was the fact that members were not paid for doing the job:

...of course [members] were paid as the Police Authority...each member got an allowance for being part of that. But there isn't any of that...I mean you get travelling expenses. The money is limited and just spent on the role of the scrutiny officer and just physically conducting the meetings. So how much scope you've got for doing other stuff and in those circumstances.

Panel Member 3

One PCC indicated that the only reason why his Panel were able to do anything was because they were receiving additional resources:

I think they wouldn't have been able to do anything of any meaningful nature without one of the local councils effectively subsidising their activities by allowing them more resources in terms of staff than they've actually got in their budget.

Conservative PCC 2

The findings from my own research and elsewhere have underlined the powerlessness of Panels in exerting scrutiny over PCCs. One response amongst Panels to this impotence may have been to take on more responsibilities than they were entitled to, which in several cases resulted in a misdirected form of scrutiny over chief constables – an issue I now turn to.

7.2 Failure to adapt?: The Scrutiny Role of the Police and Crime Panel

There was evidence to suggest that some Panels – comprised of a number of former police authority members – had mistaken their role under the Panel as a continuation of the police authority. The following selection of quotes from PCCs illustrates the issue:

the Panel I've got still has photos from the old Police Authority and I think possibly thinks it is the old Police Authority on occasion

Independent PCC 2

...

they don't seem to have quite got the fact they're a scrutiny body, they're not an alternative police authority.

Independent PCC 10

...

Well it didn't start off very well in all fairness, and I think that was a lack of understanding on the Panel's part on what their area was.

Conservative PCC 6

...

Some of [the Panel members] are from the former Police Authority so they're finding it hard to adjust the role. Some of them...are not clear what the relationship is.

Labour PCC 3

...

The Panel is made up in the main of people who used to be on the old Police Authority, and they failed most of them to understand that the role has changed. They still want to operate as a police authority.

Conservative PCC 2

This might partly be explained by the limited numbers of Panels who took steps to formally induct members into the new role as a result of financial and practical obstacles (CfPS, 2014). One challenge this presented was that some of those who had worked on the Police Authority were not acquainted with the PCC's new broader remit related to the wider criminal justice system. Panel Member 2 in the case study explained how this further reduced the ability of the Panel to act critically of the PCC:

I don't think the relationship is as good as it could be, but it's mainly to do with the fact that there's such a vast amount of information to take on board and understand, that [the former Police Authority members] are not really in the position to criticise effectively on what's going on and understand whether it's right or wrong.

But another serious issue raised by the CfPS (2014) and by several PCCs I had interviewed was a difficulty for some members of the Panel to relinquish the more direct form of holding to account that they were used to under the police authority. These 'police authority members in mourning', as Conservative PCC 2 described them, found themselves battling with their PCCs over the right to scrutinise the chief constable:

...there are occasions when [we] come into conflict because I'm refusing [the Panel] to run as a police authority, that's my job now to hold the Chief Constable to account. They can scrutinise me. They don't even have the authority to hold me to account - they have the authority to scrutinise my actions and to be critical, to be a critical friend.

Labour PCC 3

...

I had to stand against [the Panel questioning the Chief Constable] and say hang on a minute, I'm answerable to you [the Panel], he [the Chief Constable] is answerable to me, so you don't need him. So I was concerned that some members were trying to do a re-run of the police authority.

Conservative PCC 9

...

The Chief Constable or a senior officer tends to come to the Panel with me. I think they're more interested in talking to the Chief with the performance issues, whereas their real remit is to scrutinise the work that I'm doing.

Independent PCC 3

...

[The Panel] can't hold me to account, they can ask me questions on any decisions I make, and the last meeting they said to me, 'we want to talk

about performance', and I said 'well actually, I hold the Chief Constable to account for performance, you don't hold me'. And they haven't got to grips with that yet.

Conservative PCC 2

PCCs provided various examples of where they felt that their Panels were stepping too close to scrutinising the chief constable as opposed to them. Conservative PCC 8 explained how the Panel had decided it was necessary to send two members to every public meeting with the Chief Constable to 'be sure that [he] was asking the appropriate questions'.

This also caused friction in some areas because some police authority members had hoped to continue the work they were doing whilst under the police authority, and when PCCs appeared to go in a different direction, some members displayed resistance. For example:

I think with the best will in the world, a lot of them just thought it was going to be a similar continuation in the way we did business with the Police Authority. And of course that isn't the case...I think there were members on the Panel who just expected very much a similar continuation of what the Police Authority Plan used to be.

Labour PCC 6

...

The Panel - they're almost entirely Police Authority. So anything I was going to do different to the Police Authority, they were going to not be happy about. The big difference I made...[was that]...I scrapped arbitrary numerical targets, and they did *not* like that.

Conservative PCC 4

This PCC received strong criticism from his Panel regarding the appointment of his deputy. The PCC attributed this resistance to the fact that 'they all thought that

I should've picked a former Police Authority member'. Tellingly, his response to their objections was 'I ignored them, as I was empowered to do'.

I observed in the case study that the Panel had similarly appeared to mistake its role with that of the pre-existing Police Authority. In one meeting in particular which was supposed to focus on allegations about the PCCs' expenses, most of the meeting was actually dedicated to operational matters relevant to the local area. This entailed members of the Panel asking questions directly to the Chief Constable (who was usually present at these meetings) about certain policing issues, followed by a lengthy presentation by the deputy chief constable regarding police asset management. In this moment, the Panel became spectators to the Chief Constable and his officers, reminiscent of a police authority meeting. Scrutiny over the PCC was lost (if it had even been there in the first place) and the Panel took the form of an ally of the PCC, more interested in the work of the Chief Constable. They had confused their role with that of their pre-existing Police Authority and failed to adopt the scrutiny that was expected of them.

This was again evident in another meeting where the Panel questioned the Chief Constable at length regarding a serious case which had recently received significant media attention. At one point, the PCC visibly wanted to contribute, raising his hand twice, but had clearly not been seen by the Panel Chair. All eyes were on the Chief Constable. Shortly afterwards, a presentation was given from a CSP chair in the locally-focused segment of the meeting. Again, in this instance few questions were raised to the PCC and focus appeared to be directed to both the presenter and the local area commander. Although some questions were asked of the PCC, they were about his views on certain matters and none appeared to be inspired by a real desire to scrutinise his performance. Scrutiny of

the PCC thus appeared to be obstructed by a confusion of roles which meant that the Panel were more interested in re-enacting the Police Authority. Indeed, the chair of the Panel admitted to me that:

I think [by looking at locally specific issues and involving local partners, we are] probably going to stray into police performance, which although we're not supposed to look at that, I don't think we can ignore. I think we will have to consider that.

The members of the Panel who had formerly worked on the Police Authority thus struggled to contend with the idea they were no longer responsible for monitoring force performance and believed that they could do a lot more than simply focusing on an individual who was not responsible for operational delivery. The Chief Constable in the case study elaborated on the strange dynamics of this new system:

How can you scrutinise somebody who's not responsible for operations? He gets asked a lot to write reports, well he has to ask me to get the report written. And for the next meeting again [the Panel have] said they want reports of these three things, and he has to ask the force to do them for him. I don't mind doing them, but it's a bizarre system.

This was not unique to the case study area. For example, the chair of the Panel in the focal site (which was comprised of eight former Police Authority members) explained the difficulty:

it's quite difficult for us that were on the Police Authority to realise that you're not on the Police Authority anymore and you don't have the same sort of powers and same sort of involvement really. It is quite a step.

This misfiring of scrutiny therefore might not have been a simple case of role confusion. In realising their limited powers, Panel members may have actively sought to expand their remit and give themselves more purpose. Labour PCC 2

warned that because of this desire to take on more, another layer of bureaucracy might be formed:

I think if we're not careful we'll end up with another tier of bureaucracy. Because [the Panel are] looking for a life and a raison d'etre for themselves.

The PCC in the case study was similarly critical of the Panel for having begun to take on more than it needed to:

they're trying to do things that are well well beyond what they are required to do and that they are really trying to invent if not make up police authorities...I think they are getting into areas where they should not be getting into.

He went on to elaborate why he thought this was occurring:

You give people a new job and they don't say 'right now what am I actually required to do and how can I keep this simple', they say, 'crikey now we ought to be doing this and ought to be doing that', well in fact they shouldn't be doing it at all. So I think there is an issue with Panels. Not in any antagonizing words, almost through their own keenness to get involved more and more and they shouldn't

But this search for a wider mission did not always entail a misfiring of scrutiny per se and some PCC's recognised opportunities for Panels to play a more constructive role:

The members of the panel are keen to do more...they're saying they want more, and there isn't a mechanism to support them in articulating that. There are a number of things where I would prefer to see the Panel be a creative partner with us, and there may be some scope for that.

Conservative PCC 5

Indeed, one PCC was actively involved in expanding the role of the Panel to give them a more supportive capacity:

I'm keen for them to play a bigger role rather than just scrutinising the decisions I make and the things that I do...I've asked them if they will carry out a pro-active piece of work looking at how best the public want to liaise with police and make contact with police on a daily basis. So I want them to undertake a policy development role as well.

Labour PCC 8

However, this type of approach might be questioned in terms of its ability to foster effective scrutiny of the PCC. Therefore it was of little surprise to me when he remarked that 'I don't think they're challenging enough'. In this manner, accountability over PCCs was restricted because it was being directed towards other functions, such as towards chief constables and/or towards supportive roles. As I examine next, the capacity of Panels to exert accountability over PCCs was also constrained by issues such as political allegiances.

7.3 Political loyalties and accountability

Some research has highlighted the difficulty for scrutinisers to effectively hold to account a body or individual who shares the same political loyalties (Leach, 2009; Sandford, 2013) – a danger that has been flagged specifically in relation to Panels (Lister, 2014). I use material from my research here to illustrate how the political composition of Panels resembles another weakness in the formal structures of accountability over PCCs.

Several PCCs discussed the political nature of their Panels. For example:

If the public were worried about politics in policing by virtue of the post that I occupy, they need to look at the Panel, which is made up of politicians. Again people who have not been elected into that post, they have been appointed by local authorities...and it's quite clear that the panel is divided along political lines, no doubt about that at all.

Independent PCC 7

...

[The Panel] was used as an opportunity to do some political showboating, which I think denigrated its importance and it lost some of its credibility.

Labour PCC 9

...

I have to say that it's more party political because the fact that under the Police Authority we had councillors from each of the parties on the authority, the party politics was less overt, even though it was always there. Whereas now I think you've got some members of the Panel see it as an opportunity to political-point score, and that's certainly starting to manifest itself I think.

Labour PCC 5

This kind of point-scoring may be a reflection of a disgruntled set of councillors who have ceded power under the new structures of police accountability and who are consequently trying to win a political battle with their PCCs. These instances therefore engaged with the proposition that PCCs are a rival form of democratic legitimacy (c.f. Jones et al. 2012).

These acts of political point-scoring were not necessarily problematic in themselves, as one Conservative PCC found when he faced a Labour-led Panel:

My Tory friends said to me 'oh you're in trouble now because Labour's got a grip on it'. It's not been like that actually.

Conservative PCC 2

However, it became apparent in the course of my research that relationships between PCCs and their Panels were often forged on these political lines. Relationships appeared to be cosy where the PCC was of the same political party

as the majority of the Panel, while PCCs facing a majority of the Panel from an opposing political party tended to experience more hostile relationships. The terms of these relationships were also decided by the pre-existing relationships that PCCs had with their Panel members. These political relationships had implications for holding PCCs to account. Panel Member 3 explained to me that:

Although...scrutiny is not about being political, it's inevitably going to be because one of the things that I might be pushing for is not something that they're going to be pushing for in the leafy parts in another part

This was a particular challenge for this Panel member who was representing an urban area, unlike the majority of her fellow Panel members and the PCC who were from rural areas of the county. I discuss these issues below to identify the capacity of Panels in holding PCCs to account, paying particular attention to the emerging themes in the case study and focal areas.

7.3.1 Cosiness

Given the limited role and powers of Panels, there appear to be limited opportunities to hold PCCs to account. I believe that this weakness is exacerbated by the political allegiances held by PCCs and their Panels. The Home Affairs Select Committee (HASC, 2014) raised concerns about the ability of Panels to challenge their PCCs on account of evidence they heard which suggested that almost two thirds of Panels (26) were chaired by a member of the same political party as their PCC. Furthermore, 25 out of 41 Panels were comprised of a political majority – 17 of whom shared the same political allegiance as the PCC (Lister, 2014). This was an issue that became apparent in the course of my interviews with PCCs and particularly in my time in the case study area. Here, the relationship was shaped by the PCC's pre-existing relationship with several of the

Panel members who had formerly worked on the Police Authority with him. It was also facilitated by the fact that the PCC shared the same political affiliation as the majority of the Panel. The Panel met with the PCC on a bi-monthly basis and rotated their meetings around the county. The local area commander of the given area was usually invited to these meetings, as was the chief constable who frequently attended.

One inhibitor of accountability from the Panel was that it actively viewed itself as a supporting mechanism for the PCC. The chair of the Panel was explicit about their supportive role:

I'm very keen that the Panel is not just there to hold the PCC to account, it's actually to add value, it's actually to support the commissioner. That is in the legislation...we're there to assist and support the PCC.

He went on to acknowledge that:

The panel here made it very clear that they didn't want to go into confrontational mode with the PCC, they didn't see an advantage in that

Some of this came down to their pre-existing relationship with the PCC. One Panel member described how at the first meeting with the PCC,

it was clear that quite a few of these individuals knew each other very well, including the now commissioner and his deputy, because they were both on the authority.

As one Panel member mentioned to me, this meant that 'there are certain members of the Panel where the relationship is cosy'. One of the most illustrative moments of the Panel-PCC relationship occurred when the PCC faced media and political criticism regarding his expenses. The issue arose out of the fact that the PCC was using two offices – one next door to the chief constable, and the other in

a small police station next to his home. He declared that this was necessary in order to readily access information from a secured police computer located in close proximity to his place of residence. However, political opponents questioned whether this was simply an attempt to claim greater expenses than he was entitled to. This was because an ordinary commute from home to work are not covered by expenses, but by setting up an office in a nearby police station, the PCC could 'check in' at the nearby police station and subsequently drive to the other office – therefore entitling him to claim back the travel expenses on account of it being a business-related trip. A further concern was that the PCC had employed a driver at the taxpayers' expense, which was seen as an unnecessary luxury by some local political commentators.

A meeting with the Panel took place several days after the claims were made (the meeting had been pre-scheduled for this date co-incidentally and was not initiated by the Panel on account of the claims against the PCC). This was the first time that the PCC had the opportunity to discuss the allegations in public and an estimated 30 people attended (including members of the public and local press), which reflected the highest public turnout at any Panel meeting in the case study area. In the meeting, the Panel asked several questions to the PCC about these claims. The PCC acted defensively and argued that both the second office and the driver were essential for him to get the job done in such a large force area. He also suggested that this was a waste of time and that it was an unnecessary distraction from his work. The majority of the Panel came to accept this claim and sympathised that the PCC was the victim of politically-driven accusations. Several members (notably Conservatives) provided comments of support and encouragement and argued that the PCC was doing a good job. There were just

two councillors (both Labour representatives) who dissented and continued to challenge the PCC's explanations. However, they appeared to be drowned out by the rest of the panel members and aside from these occasional challenges, the matter was quickly dismissed within 30 minutes, with the only conclusion being that there ought to be some sort of independent investigation into the claims. As the meeting wore on, it became apparent that the Panel were not going to challenge the PCC any further.

The results of the independent investigation were reported at the next meeting of the Panel and were supportive of the PCC. Again, little time was dedicated to this matter and only one Labour member proceeded to question the PCC but to little avail, with other fellow members taking the side of the PCC. One Panel member even went on to suggest to the Labour councillor that his questions were inappropriate and that the Panel were there to provide support to the PCC and that it was up to the PCC to take their advice.

In my interview with the chair of the Panel, he believed that the PCC similarly recognised the Panel as a supportive team. However, speaking with the PCC, it was evident that he did not share this view. In fact, he believed that they were not supportive enough:

I personally do not feel I've been supported in some issues where I should've been by them.

This was because he held a misguided view that the Panel's role was to support the PCC rather than to hold him to account:

PCCs hold the Chief Constable to account, Police and Crime Panels do not hold the PCC to account. They are there to support it.

His disappointment in the Panel was surprising to me given the comments made by the Panel members regarding the generally friendly relationship most of them appeared to have with the PCC. I wondered whether the PCC's concerns were grounded in the fact that several of his former colleagues from the Police Authority who were on the Panel were now asking more critical questions of him, which in his eyes came across as being insufficiently supportive.

Nonetheless, the chair of the Panel indicated that they were not there to solely support the PCC and that they did have a scrutiny role to play:

Obviously we do need to put some pressure on as our scrutiny role, and then that's what you see at the meetings.

However, what I saw at some of these meetings was only a faint veneer of scrutiny. Some were staged in a way that gave the PCC several opportunities to prepare himself for the questions from the Panel. For example, the chair of the Panel described how they had meticulously prepared for their first meeting with the PCC:

[The Panel members] wanted us to brief the PCC on the sorts of questions [he was] going to get, because they wanted answers at the meeting. Now we'd given him a heads up on the questions, [the PCC's team] then took it upon themselves to give us written answers before the meeting. What we then do is we look at the written answers and see where we want more information and ask further questions. So we give a heads up to the PCC just before the meeting of those issues that we want more comment on...

Consequently, some of these meetings became very dry. What is more, on such occasions, it became particularly difficult to see where the scrutiny was taking place. Panel Member 3 highlighted her concerns about this approach:

[A]t the moment it's very prescribed...and this I thought was worrying...that members are given questions to ask. Now I've never had

that, I mean in scrutiny in the city council, I've never been fed questions...that's not challenge as far as I'm concerned.

She recognised that this was a response to the limited time that the Panel had together:

[The Panel has] nailed it down to you've got an hour, 20 people, however many minutes you've got, and you think so what are you going to achieve in three minutes?

Another example was when the Panel passed through the PCCs' Police and Crime Plan with relative ease. As Panel Member 2 described to me, 'we've hardly criticized it'. He went on to explain that this was because he – like several others on the Panel – had played a part in writing it:

I was one of the team that actually produced it while we were on the Police Authority, waiting for the PCC to take over. So I didn't really have any argument with the content of it itself because we'd done that. But even that was not really properly supervised by the Police Authority at that time. In fact at one meeting we had [where] we actually authorised the transition of information, I was the only person.

The opportunities for challenge were therefore constrained by their previous involvement – which in itself appeared to have limited accountability given the latter comment on being the only person present at one of the meetings regarding the Plan.

Although the PCC was critical of his Panel, I believed that the minimal amount of scrutiny which I had observed was symptomatic of a pre-existing relationship between them which was reinforced by the political allegiances of the Panel. This situation – which appeared to be similar in some other areas – was exacerbated by the relatively few resources available to the Panel.

7.3.2 Hostility

This cosiness was not evident everywhere and in several areas animosity clearly existed between PCCs and their Panels. In some cases, this had resulted from party political divisions. The following quote from Independent PCC 9 exemplifies the issue:

[The relationship] couldn't have gotten much worse. Bit difficult...I am an independent PCC in a heavy Tory county, and the Tories absolutely expected to win this election...there's no doubt about it. Really rude awakening that somebody as inexperienced and as hopeless as me should even get a chance to beat them. So there was a lot of bad feeling I felt within the Tory party. My Panel represents local political makeup, so it's pretty much Tory. And it felt very political for the first few months...I didn't handle myself perfectly in all the meetings because I was a bit aggressive. I responded with 'well I'm the commissioner, I've got the votes, who the hell are you' - only in response to some of their awkwardness. I suppose they're fine, they're settling down, they're finding their feet like I'm finding my feet and I suppose you just have to accept it as something. You do need to be held accountable more than just once every four years by the ballot box, but...the bit that they should probably dwell on more is that they're meant to be scrutinising me in a constructive way. And they need to think carefully about how they might do that, rather than just scrutinise me and look for failure...It would be nice to be scrutinised by somebody that knows what they're talking about.

In one of the focal areas there also appeared to be a degree of tension between the Panel and the PCC. The chair of the Panel stated that 'there isn't a relationship between the PCC and the Panel' and used barbed language in reference to the PCC and some of his actions. For example, she highlighted occasions in which he had upset a few people by making politically-driven statements against Conservative Party policy, which she described as 'a great pity', 'unnecessary' and not 'frightfully clever'. She also claimed that there was 'a lack of judgement' on behalf of the PCC in his decision to appoint a deputy PCC from the same political party and from the same town as the PCC.

Some of this hostility had emanated from what appeared to be political differences between the Labour PCC and the Panel which was chaired by a Conservative councillor. The Panel chair admitted that politics had come between them despite attempts to avoid it.

I don't really think that he...is particularly wanting to listen to us. I mean I realise that he is a socialist and that there are slightly more Conservatives than any other one party, but is by no means the majority of Conservatives on the Panel, and so we're not his political enemies. But I have a sort of feeling to a certain extent that he's treating us like that, that he's not really willing to work with us.

This language (especially in reference to the Labour PCC being a socialist) was reminiscent of that used by the PCC in the case study area who believed that one of the problems with the police was that they had been too left of centre in the past. This language again underscored the hostile party political divisions which ran through these local sites of government. This type of political animosity resurfaced in the focal area in relation to the commitment made by the PCC not to privatise any aspects of the police service – an issue with a clear political divide (see for example, Wintour 2012). The chair argued that he ought to at least consider it given that a collaboration arrangement had recently broken down and that there was a very large gap in the budget now. She remarked that:

Yes, ok I can sympathise, but when you don't know what you're talking about, it's perhaps unwise to make such a categorical statement.

She was also frustrated by the PCC's seemingly dismissive attitude towards the Panel. For example, it was claimed that sometimes he failed to turn up to scheduled meetings, preferring to send an officer (rather than even a member of his own staff) as a replacement:

We had a meeting this week...and I thought [the PCC] was coming to it, but he didn't come. But he sent one of his officers. Well one of the comments that was made was that we feel he should've sent one of his either assistants or deputy, as well as an officer, because certainly as councillors, we're used to speaking member to member. Officers are there to give advice, but not to answer tricky questions. That's not right.

However, in my interview with the PCC, he was equally critical of the fact that the Panel had gone ahead with the meeting without him there:

They had one other meeting where they decided to proceed even after they were told I wouldn't be able to attend, that wasn't very good.

The PCC concurred that they were 'a bit distant at the moment', which he attributed to the fact that he had been so busy that he had not found the time to meet regularly with them. But he was also critical of what he described as a 'stale paper shuffling exercise' that the Panel appeared to be doing. He argued that they could play a far more constructive role if they supported him with tasks such as public engagement rather than the 'fairly dry scrutiny of written reports and so on and that's characterised the relationship so far'.

However, the chair of the Panel was clear that engagement was the function of the PCC rather than something to be done by the Panel:

But so far I know we haven't met the public, nor do we really have any intention of going out to meet them. I don't really know that that's part of our job is it?

Therefore, there was little indication that the Panel would actively play a more supportive role at this stage. What was evident, however, was that instances like this were shaped by the fact that party politics was so overt. While political differences were not an issue for many PCCs and their Panels, in areas where relationships were strained, coming from a different political party provided further

fuel for disagreement. In these ways, scrutiny of PCCs by Panels was detrimentally affected by not only a limited set of powers and resources held by Panels, but also by the challenges of adapting to a new role and the politics of these new arrangements.

But this is not to say that all Panels had failed to effectively hold their PCCs to account. In some areas where the PCC appeared to slot easily into the pre-existing political networks, a degree of accountability appeared to be present. In the other focal site I had observed, there was a unique structure in place which was aligned with the pre-existing local political network in place. The Panel was made up of Chief Executives of the network, which dealt with some of the broader strategic issues around budgets and PCC priorities. This Panel then formed a sub-panel of crime and community safety cabinet members in each of the local authorities in the area, who dealt with more day-to-day operational issues associated with holding the PCC to account. In this manner, there was essentially a two-tier system of accountability in action. The fact that the broader Panel only met infrequently was a positive sign for the Chief Constable:

I'd be pretty bereft if something meatier becomes a big issue to the Panel because there's lots of other avenues where that's sorted out.

Therefore the Chief Constable believed that any big issues were likely to be addressed early on by the sub-panel and the strategic Panel simply acted as a safety net to ensure that all procedures had been followed. Consequently, both the Chief Constable and chair of the Panel in this area reported a healthy form of accountability over the PCC. I questioned whether this might be simply a product of the fact that the PCC was of the same political party as the majority of the Panel members and the fact that many of them had a pre-existing relationship with the

PCC (who had formerly been the chair of this political network). However, the chair of the Panel highlighted that this was not simply a cosy political arrangement and that the PCC was a keen partner in this process because it was in his best interests to have a positive working relationship with the local leaders from the different local authorities:

the PCC knows if he's going to be effective, he needs to work in partnership with other local authorities, with other public agencies, and working through the [local] arrangements as he does, and that's his best opportunity to do that. So in a sense he's a willing partner and not a reluctant partner.

Therefore they were able to avert any issues associated with other areas where PCCs seemed to have a distant and somewhat dismissive relationship with their Panels.

7.4 Informal sites of accountability

Clearly not all Panels across the different forces could rely on such firmly established networks and some struggled to provide a suitable check on their PCCs. One response to some of the weaknesses associated with the Panels has been for other institutions to intervene and play a greater role in scrutinising PCCs. In the course of my research, I identified a number of agencies which were to some extent filling the accountability vacuum and exerting informal scrutiny over PCCs. Several PCCs highlighted these alternative sites of accountability, which included local authorities, the media and the possibility of re-election. By describing these 'informal' types of accountability (or 'civil' forms, as I described in Chapter 2, [c.f. Stone & Ward, 2000]), I indicate that PCCs are nested within a crowded regulatory space, locally and nationally, all of which place constraints upon the powers of PCCs. However, I argue that the regulation that is taking place

in these informal sites is not sufficient to make up for the inadequacies of the formal accountability structures which have been introduced.

7.4.1 Local authorities

I met one chair of a Panel at a conference who described to me how their PCC had completely dismissed the Panel because he felt that he was already held to account by the local councils in his area and regarded the Panel as a waste of time. In a similar vein, the chair of the Panel in the case study commented on a conversation he had had with a PCC in a neighbouring force area in which the PCC saw the Panel as a needless bureaucratic exercise:

...when I suggested that [the Panel has a supportive role to play] he said “no I'm not taking any advice from the Panel, you're just there to scrutinise me”. And he also said “I have in effect got a cabinet, I deal with the leaders of all the councils [the area] and the mayor...I deal with them on a monthly basis, and they discuss the priorities and what they're going to be doing...and these people on the Panel are just cabinet members who report to their leaders”. So he said “I've agreed things with the leaders already”. He was really side-lining the Panel.

For these PCCs then, they believed that they were being held to account by their informal relations with local councils. Meetings with the Panel – composed of people who reported to council leaders – were regarded as an inferior form of scrutiny compared to the meetings the PCC would have with council leaders.

In other instances, PCCs who reported a positive relationship with their Panel also described how they were held to account on a regular basis through all the local partners in the area. For example, Conservative PCC 5 explained:

I meet chief executives and leaders of each of the [several] local authorities on a regular basis, I meet councillors on a wider group on a regular basis, we're talking quarterly in both cases, so that there's a lot of very direct engagement with people who have that degree of public accountability and responsibility.

These PCCs found value in the relationships that they had formed with local councils and believed that they offered another source of accountability in the system. This suggests that although PCCs have in part been introduced to sever the relationship between chief constables and local authorities (c.f. Jones at al. 2012), a significant number of Panel members and PCCs have appeared to have resist this change. This has been evidenced both where Panels have attempted to exert more influence than has been granted to them, and where PCCs have looked to form relationships with local government, sometimes in lieu of Panels.

But this was contingent upon the PCC's relationship with local partners and not all PCCs recognised being held to account in the same way. When I asked Independent PCC 6 about how his priorities matched up with the priorities of his local CSP, he responded that it was 'irrelevant whether they fit in with them or not, they've got to change'. This illuminated the relationship he had with some of the local partners whom he viewed as below his chain of command. Consequently, he saw the Panel as only providing a minimal form of accountability over his actions. It is noteworthy that this PCC had formerly worked both in the military and the police, and perhaps unsurprisingly, I had labelled him a Police Manager. In other places where PCCs had similarly failed to develop strong relationships with local councils, only minimal scrutiny was provided from these alternative sites.

7.4.2 Media and social media

Chief Constable 3 identified a number of other forms of accountability that existed, focusing very much on a public form of accountability:

it is about using the full range of being on the press, being on the radio... going to public meetings, going on social media, doing blogs, going on patrol, meeting the public, so you know doing a lot of work with

other agencies, meeting other politicians, going to see MPs, it's a whole range of different forms of accountability.

This comment revealed a broad understanding of accountability, which hinged upon the public facing nature of the role. This Chief Constable – like several PCCs – believed that the day-to-day interactions with a range of actors across the community provided a check on the PCCs' behaviour who had a vested interest in maintaining a positive public image. This point harks back to political accountability which was highlighted in the previous chapter. While this political accountability carried some weight in terms of holding chief constables to account, it also appeared to have value in keeping watch over PCCs.

There was a sense amongst several PCCs I interviewed that their public image was of utmost importance and therefore the media acted as a strong check on their behaviour. Conservative PCC 8 commented that 'there's nowhere to hide [from the press] if you're a commissioner'. He went on to explain how this made him feel more accountable:

'I feel very accountable - not just to the electorate every 4 years, I feel accountable on a day to day basis to the people of [the force area] and to the media....it's like open day on PCCs right now isn't it?'

Independent PCC 10 similarly commented that he and other PCCs were 'accountable on a daily basis to the public through what the media do'. Conservative PCC 9 picked out a clash he had had with some local councillors regarding his commissioning approach. He explained how they had used the media as a tool to exert some pressure over the PCC:

They put my name into the media, they'd said that I didn't understand commissioning, they said that I didn't understand the complexity of the landscape and that I was being a bad partner.

However he described how this had backfired because ‘the media...took my side, so one-nil’. These types of instances revealed how the media could be used as a mechanism to bear light on PCCs’ practices. However, in the same way that accountability from local councils was contingent upon relationships with these councils, accountability via the media was moderated by the PCCs’ working relationship with local media and their communication skills. Independent PCC 6 highlighted how he usually had the media on his side because of his background:

Prior to running for this role I'd worked for 2 years as a media talking head for [various news programmes] and I was on TV and radio a lot and done a couple of articles for national newspapers. And I'm aware of the fact that I'm quite able in live interviews on either phone or radio and quite capable of coming out with an influential message.

But even where PCCs may not be media-trained, they may still receive favourable media coverage. Research on media reporting in relation to local government has long shown that local media tends to write positively about local government authority because local media relies upon these authorities as a source of news, and because professional standards in journalism reinforce a style of writing supportive of these institutions (Paletz et al. 1971). As such, the media may not be a reliable source of accountability over PCCs.

Nonetheless, some PCCs I interviewed found that the media reported unfairly. Some had particularly bad relationships with the press and chose to keep their distance. For example, Conservative PCC 2 complained about the way the media had targeted him recently as a result of claims about an expenses scandal. He explained that as a result, he was ‘refusing to have anything to do with them at the moment’ because ‘they keep messing me about’. In these cases, it was clear that the informal accountability provided by the media could only go so far in holding

PCCs to account. Consequently, both those who had positive links with local media and those who refused to engage with them were arguably somewhat removed from some of the media light which was holding some PCCs to account and should not be regarded as a consistent mechanism of accountability.

7.4.3 Re-election

The idea that PCCs would behave out of a concern for their public image sat underneath the argument espoused by the likes of the Home Secretary, who proposed that failing PCCs would face the 'ultimate sanction of rejection by the public at the ballot box' (May, 2011). Thus, another key strand of accountability over PCCs was the assumption that PCCs would conduct themselves professionally because they were hoping to be re-elected.

However, this form of accountability is particularly limited for two reasons. Firstly, given that PCC elections only occur on a four years basis, a failing PCC could in theory remain in power for the full duration of that time given that there are no powers of recall and the limited powers of Panels. Therefore, simply considering the frequency of the elections, it is clear that electoral success can only offer a limited and remote check on the behaviour of PCCs.

This logic also presupposes that PCCs have a desire to run for a second term in office. Although a handful of PCCs stated that they would run again, the vast majority informed me that they had not decided that early on (it had only been roughly six months into the job at that point). However, at least four PCCs were already explicit that they were not going to stand for a second term in office. Two made it clear from this early stage that they would not be

running again because of the fatiguing nature of the job, which I explored in Chapter 5. For example:

I'm not sure [if I'll stand again]. I think if you wanted the brutally honest answer, I think it's highly unlikely, I think it's just so knacker. It depends if we get a really good staff and we settle in with a good staff and become much more routine. I might because it's very rewarding, but very very time consuming. I've said to many people, I've never worked so hard for so little money, ever.

Conservative PCC 3

...

[T]he job is massive. I say first off the job is significantly underpaid for the amount of time I put into it. We're told it's a full time job. I'll be direct, I'm a top quality act, a very capable man. And [what I'm being paid] a year is chicken feed for what I could earn. I am not going to run for this role again because it's already cutting down on my financial standard of living from the money I was earning from before and my other aspirations. So I am going to leave this job at the earliest opportunity because it's not enough.

Independent PCC 6

The comments above provided further insight into the strains of the job on some PCCs. Both also intimated that the pay was disproportionate to the work that they were doing, which provided a further dis-incentive to continue into a second term.

One of these PCCs' continued:

How can it be right that I'm getting [paid less than other forces? It's based on the fact that [they are] bigger forces. Well does that mean ...that the person who does a full time job in [a larger force] is therefore a better person who does a full time job in [a smaller force area]? If it's a full time job you're either all paid the same or you're not. I mean yeah [that force] is a bigger police force, but when you're being interviewed by a media newspaper, it's the same amount of mental engagement.

Independent PCC 9

In this case, Independent PCC 9 was tapping into broader questions of fairness between the forces. This frustration at the system was a significant inhibitor for him in terms of standing again. But some PCCs had decided even prior to being elected that they were only going to stand for one term in office. For another PCC, this was simply a matter of old age and one term in office was regarded as 'one last battle' before retirement. The PCC in the case study area was also clear from the outset that he was only ever going to stand for one term in office. This was not necessarily about the strains of the job or his age, but more to do with the nature of the role. He believed that being a PCC was not something that one could make a career out of and suspected that there would be several others who would not stand again, or only stand for a maximum of two terms in office. He was therefore critical of the Home Secretary's insistence that the elections would be a check on PCCs, since in his words,

It presupposes that all PCCs are down to do the job for years and years and years, which may not be the case. So I don't think that has been thought through very well...I don't think PCCs [see the job as a long-term career]. And you've only got to look at the age profile of PCCs compared to MPs, and when you have three or four Labour ex-cabinet ministers who have become PCCs, they're only going to do it once or maybe twice, but they're not long term career PCCs. And I'm certainly not one.

He went on to estimate that as few as 25% to 35% of PCCs would stand again and commented cynically that 'the idea that every PCC is striving to be re-elected is a pretty stupid one and not true'. Given that the re-election of PCCs was purported to be one of the other key checks on the behaviour of PCCs beyond Panels, there are clearly some serious implications if a number of PCCs feel that they will not run again for the position. For this reason, the elections of PCCs could only offer the

faintest of checks over PCC behaviour, particularly for those who know that they will not be standing for the job again.

In these ways, although the informal processes of accountability can help to bring further scrutiny to PCCs, this is not consistent across force areas and very much rests upon PCCs' relationships with other key bodies such as local media and local partners, as well as their commitment to being held to account. What is more, the notion that PCCs' would be held to account by a desire to run again was proved to be a misguided assumption and could not be seen as a rigorous form of accountability over PCCs.

7.5 Conclusion

In this chapter, I have outlined the principal ways in which PCCs have been held to account. I paid particular attention to the formal architecture in place to deliver more frequent scrutiny over PCCs in the shape of Panels. However, my interviews with PCCs and Panel members revealed that they were limited in their capacity to do this. This primarily came down to a lack of legal and financial muscle to exert any real influence over PCCs. In some cases, it was precisely this lack of strength which led some Panels to broaden their remit and focus their scrutiny on the delivery of policing (i.e. via the chief constable). This role confusion was also facilitated by the composition of Panels, which in some areas consisted largely of former police authority members – many of whom were reportedly hoping to continue the work that they had been doing under their previous role. Further still, I pointed to how the ability of Panels to scrutinise PCCs was exacerbated by the political nature of Panels and PCCs' pre-existing relationships with Panel members. In all but few cases where PCCs seamlessly integrated themselves into

pre-existing networks, Panels appeared to offer a very weak form of accountability over PCCs.

In spite of these challenges, there was some evidence to suggest that PCCs were being held to account in a number of other formats. Some PCCs found that local partners such as council leaders and CSPs offered regular checks on their powers, while others still found that the media was a significant agency in terms of holding them to account. However, these informal checks and balances were not consistent and the efficacy of these mechanisms rested upon the relationships that PCCs were able (or not) to cultivate with these bodies. Furthermore, the electoral form of accountability that policy architects had hoped would act as a disincentive to misbehaviour only applied to PCCs who were concerned with standing for a second term in office. Thus, these informal alternative sites of accountability were not guarantors of holding PCCs accountable and could only offer a supplementary service to some of the work undertaken by Panels. For these reasons, it appears that PCCs are particularly constrained, both in their ability to hold chief constables to account and in being held to account by Panels.

From this analysis, there was a clear steer amongst both Panels and PCCs to maintain links between the police and local government, despite the supposed government intentions to drive a wedge between both institutions (c.f. Jones et al. 2012). For the most part, Panels, composed of former Police Authority members, struggled to keep their focus on PCCs and instead tended to trespass into areas which belonged to PCCs, such as scrutiny of chief constables. This in part may be related to a slow adaptation to the role, a difficulty in holding a single individual to account who is not operationally responsible for policing, and in some instances,

political and personal cosiness. But it also reveals a difficulty for local councillors to separate themselves from policing matters which had a clear impact on their own constituencies. Communicating solely with a PCC who was indirectly in control of the police was deemed insufficient for their own policing and crime concerns.

The value of the relationship between the police and local government was also underlined by some PCCs too. As I described, some of these PCCs side-lined their Panels and instead chose to work more frequently with local councils directly, as they regarded the Panel as a peripheral mechanism which had few powers and abilities. Local government, on the other hand, was regarded as a more direct means of connecting with local communities, in a way which seemed to offer clearer lines of accountability for these PCCs. In one of the focal areas where there appeared to be a positive working relationship between the PCC and the Panel, this was largely due to the fact that the Panel neatly mirrored existing local governance structures and accountability flowed clearly from these channels. These early lessons from both Panels and PCCs therefore went some way to illustrating the symbiotic relationship between policing and local government and the difficulty – and undesirability – of separating them in practice.

What are the implications for the capacity of the new wider structures to inculcate greater democratic accountability in policing? The slow and less encouraging start made by Panels is perhaps indicative that these institutions are structurally impaired to deliver some of the ideals discussed in Chapter 2. Placing Panels on the control scale I presented in Chapter 2 (Figure 3), they would sit at the ‘explanatory and co-operative’ end, with PCCs in full control. They have little ability to affect decision making other than retrospectively, and even here they have

limited flexibility since PCCs are able to override their decisions in key matters such as setting priorities on Police and Crime Plans and the appointment of chief constables.

Panels were designed as a last-minute attempt to build some accountability around the PCC structure. This in itself is telling, since PCCs were themselves introduced to enhance the accountability of police governance. That they need to also be held to account reveals that there is an inherent vulnerability within a single point of accountability model which necessitates further layers of accountability. In this light, Panels should therefore be considered a means of institutionalising the principle of good governance, underpinned by ideals such as redress, distribution of power and transparency.

Under the existing structures, there are clearly few opportunities for redress of PCCs. Where a Panel wishes to dismiss a PCC, they plainly do not have the capacity to enforce this. If a Panel is dissatisfied with a PCC, the evidence I have presented here illustrates that PCCs have the authority to dismiss their concerns and have indeed done so on various occasions. Outside the formal measures offered by Panels, there are few other ways in which PCCs can be removed. The case of the South Yorkshire PCC which I described in Chapter 4 illustrated that despite consistent pressure from several prominent political figures (including the Home Secretary) and widespread public discontent, the PCC was able to remain in post until he eventually decided to step down from office. Taken together, these instances reveal that there are few opportunities for redress under the existing model.

In the previous chapter, I made the case that the introduction of PCCs had redistributed power more evenly across the governance of policing, away from the Home Office and Chief Constables where it had traditionally been concentrated under the tripartite model, and towards local governance in the form of PCCs. It is possible to argue that the introduction of Panels to this mix has further distributed power in this arrangement and has introduced a 'quadripartite' form of governance (Lister, 2013). But the limited powers that Panels have been granted, alongside their dismissal in practice by PCCs, mean that they lack the capacity to distribute this power any further than PCCs.

The manner in which PCCs have seemed to side-line their Panels also has implications for the transparency of police governance. In Chapter 6, I illustrated that PCCs are able to achieve greater efficiencies by working one-on-one with chief constables. But I also challenged whether this was subverting decision-making and thereby obscuring governance procedures. In theory, Panels are supposed to provide a torchlight on such decisions. But since PCCs have been able to conduct their business with relatively little aversion from Panels, it is difficult to recognise Panels as effective bodies to usher in oversight for such decision-making.

Conclusion

The introduction of PCCs marked an experiment in democratic policing, a policy innovation which had not been tested in any other context. It is fitting, then, to conclude this thesis through consideration of some of the policy implications based on the research conducted as part of this thesis. I do this not only to present a set of possible policy outcomes, but also to frame a final discussion on the extent to which PCCs have met some of the criteria for success as stated by the policy's creators and also against wider democratic principles. I follow this with some overarching thoughts to identify some of the key lessons from this experiment.

There are three possible policy outcomes that can be grouped as follows:

- (i) *Retention* - maintaining the status quo;
- (ii) *Revision* - maintaining the institutional structure of PCCs albeit with some modifications;
- (iii) *Replacement* – scrapping the PCC policy and replacing it with an alternative model or models.

Below, I consider the case for each scenario in light of the findings from my research.

Retention

One of the early advocates of the policy, Policy Exchange, documented a positive case for PCCs a year on into office (Policy Exchange, 2013). Entitled *The Pioneers*, it tied together a collection of essays from ten PCCs (and Steven Greenhalgh, Deputy Mayor for Policing and Crime in London) to illustrate the

progress that PCCs had made since coming into power. The basic thread of the document was that PCCs were well placed as drivers of efficiency, crime reduction, and protecting victims. Below, I revisit each of these themes based on my findings to identify whether a case can be made for the retention of PCCs.

Taking efficiency first, a case could be made for retaining PCCs in the name of spearheading service delivery in a fiscally constrained environment. PCCs have seemed to largely perform well at co-ordinating services at force area level. As single figureheads overseeing sometimes multiple local authorities, and in some cases offering a fresh perspective (having not previously worked for the police authority), PCCs found themselves in a position where they were able to facilitate intra-force collaborations. PCCs (in particular CRCs) described how they were using their commissioning powers to summon stakeholders together to increase collaboration and reduce service overlap. For example, one PCC was able to engage with partners in local education to establish a police, crime and justice unit at a local university, while another PCC was able to generate funding for one domestic violence service by bringing together local stakeholders. These PCCs attributed such achievements to being a single recognisable figurehead in policing and crime with a wide purview across the force area, bolstered by commissioning powers. Not only did this have monetary benefits (i.e. economies of scale), but it also had wider implications for better service delivery, since PCCs could reduce service overlap and increase provision for those services believed to be effective (see for example, Simmonds, 2013). But some of this success was also related to the novelty of the policy which had prompted stakeholders to act in preparation for the introduction of the PCC. In the case study site, for example, the CSP chairs came together prior to the elections to identify areas of commonality so that they

would be able to inform the incoming PCC of their most pressing priorities. Arguably, this might have been the case under any other novel system of governance rather than the PCC model itself. Nonetheless, the single point of accountability appeared to facilitate a collaborative approach within forces since there was a single individual who took responsibility for collective service provision of policing and—for some—more holistic crime reduction across the force. It was this type of leadership that was envisaged by policy architects who had hoped to delegate policing and crime issues to the local (see Chapter 1).

For many PCCs who had experienced the cumbersome process of decision making under police authorities, leadership became easier and more efficient under the PCC model. As I illustrated in Chapter 6, PCCs and chief constables – particularly those who had experienced the police authority system – appeared to enjoy a greater degree of freedom around decision making. The one-on-one form of accountability with chief constables allowed decisions to be made quickly and therefore there was consensus amongst those PCCs and chief constables that the PCC model had effectively unburdened decision making at the top of the police organisation. This transition away from bureaucratic processes might be regarded as symbolic of a wider attack on bureaucracy within the police organisation – part of a drive towards creating a lean, crime-fighting police machine as I described in Chapter 1. By the government’s own standards then, this move towards ‘light touch’ decision making (as one chief constable described it to me) can be regarded as a positive outcome. And to an extent, by the standards espoused by theoretical accounts of democratic accountability in policing (see Chapter 2), PCCs could be seen as promoting service delivery, an important foundation of a democratically accountable police organisation.

It is possible that the principle of service delivery is prioritised ahead of the other aforementioned democratic criteria in the context of an increasingly constricted police budget. In a frail economic climate, a plausible argument could be made that a PCC model, characterised by strong leadership and equipped with powers (and by the same token, *unconstrained* by bureaucratic structures) is necessary to ensure greater efficiencies and economies of scale in policing and crime. By ascribing greater value to the notion of service delivery in this manner, it is possible to make the case that PCCs enable one of the key principles of democratically accountable policing. Through this reasoning, a case for retention might be made.

However, I believe that this account is fundamentally impoverished because it places too much weight on managerial accountability and by implication, insufficient attention to other facets of accountability which I outlined in Chapter 2, such as legal, political and democratic. Making a case for retention on the grounds of service delivery risks reverting to a managerial type of accountability, which was criticised for the shallow accountability it provided over police governance (see for example, Reiner and Spencer 1993). There is some irony here, since the introduction of PCCs was partly a response to the perceived problems associated with managerialism and formed part of an attack on bureaucratic processes within policing (i.e. “crime-fighters, not form writers” [Home Office, 2011b]). But the argument that PCCs should be retained because they help to improve service delivery surely undermines the ambition to move away from managerialist principles and towards other forms of accountability, such as democratic.

In fact, what the attack on bureaucracy has done is to limit other forms of accountability. As I described in Chapter 6, removal of bureaucratic procedures strips structures of accountability because it reduces possible audit trails, limits other perspectives from key decision making (and by implication removes opportunities for debate), all of which are healthy for a transparent democratic process. At least managerialism was able to use performance targets and audit trails to exert a level of accountability over the police, but with the removal of these elements under the existing model, it is difficult to see where exactly accountability will come from if service delivery becomes the primary vernacular of police governance. For this reason, it becomes difficult to make a case for retaining PCCs on the grounds of efficiency.

As indicated, other reasons for retaining PCCs may include crime reduction and victim protection. In the forward of *The Pioneers*, the Home Secretary states that 'crime has fallen by 10% since the last election' (Policy Exchange, p.5) – although it is not clear from this statement whether this refers to the general or PCC elections. In either case, it is difficult to see how reductions in crime can be directly attributed to the introduction of PCCs. The collection of essays under the heading of crime reduction illustrate how PCCs have been successful in mobilising collaborative action in tackling crime (which is not necessarily the same as cutting crime rates in the strict sense suggested by government). This approach closely mirrors the CRC perspective I had identified in Chapter 5 and as I argued in Chapter 3, PCCs were well positioned to deliver this. This was a positive development and a case for retention could be built out of this claim. However, since PCCs are currently tied to a range of roles across a large force area, it is difficult to see how they will be able to maximise their potential as CRCs should

they continue to also be 'voices of the people' and/or Police Managers. I therefore consider how best to retain this element within the context of wider structural reform under the heading of replacement.

Lastly, with regard to victim protection, *The Pioneers* report principally evokes stereotypical 'deserving victims' (c.f. Richardson & May, 1999), such as women and children. Little is said of other minority groups, in particular those who may also be typically subjects of police enforcement practices (i.e. young males, particularly from BME groups). This mirrors what I had found in Chapter 5 with regard to how PCCs had perceived their roles. Where victims were discussed (which was not as frequently as might have been expected in light of political rhetoric beforehand), it was very rarely in the terms of minority groups who evaded victim stereotypes. In part, this was a problem of the individual model of indirect democracy, in which it was particularly difficult for PCCs to speak on behalf of all citizens in their local communities.

In sum, the arguments that PCCs are drivers of efficiency, crime reduction and victims' rights are outweighed by concerns regarding their accountability (in particular transparency) and their abilities to affect crime and support a broad spread of victims. On this basis, then, it is not possible to claim that PCCs should be retained in their existing format and some thought should be given to altering the status quo either through revision or full replacement.

Revision

From the above account and the issues I have drawn out in this thesis, there appear to be at least two fundamental weaknesses which would need to be addressed through revising the PCC model. These pertain to a struggle with

engaging the public and vulnerable accountability mechanisms. These specific problems are symptomatic of the broader issue I have identified in this thesis related to the positioning and shaping of PCCs. To summarise, in Part II, I found that PCCs were misplaced because they were stationed remotely from their local communities at the force area level (Chapter 3), all the while being too locally-oriented to affect policing structures more broadly (Chapter 4). Simultaneously, I argued that PCCs were misshaped because the single model of accountability appeared to be too narrow an institutional mechanism to stimulate all of the elements of a democratically accountable governance arrangement over the police (Part III).

As I described in Chapter 1, PCCs were thought by policy architects to be a solution to the twofold problem of police authorities – namely a lack of public awareness and an inability to offer sufficient scrutiny over chief constables. The single point of accountability provided a direct means of exerting accountability over chief constables, whilst simultaneously providing a singularly recognisable figurehead who might stand a better chance of public recognition compared to a police authority. These values of direct and rigorous accountability and public awareness are valuable features which ought to be retained in a system of democratic policing, as I established in chapter 2.

The PCC model, however, places too much direct governance in the hands of a single elected individual, which weakens accountability by placing the heart of police governance in a vulnerable position. As I outlined in Chapter 6, this related to the problems of structuring accountability in a one-on-one relationship, which in some cases resulted in PCC and chief constables co-operating and in other cases, conflicting, depending on individual personalities and backgrounds.

Although this was not an inevitability, the dynamics of this relationship and the lack of external oversight (particularly from Police and Crime Panels, as I elicit in Chapter 7), meant that the PCC model undermines some of the principles of good governance I described in Chapter 2. One means of strengthening the governance arrangements around the police would be to therefore more formally inculcate the Seven Principles of Public Life (the 'Nolan Principles') into the PCC model, which provide a set of ethical standards expected by public office holders. As documented in Chapter 2, these principles include selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Nolan report advocated that these principles could be channelled through codes of conduct, independent scrutiny and guidance and education. While the Policing Protocol (Home Office, 2011a) states that all PCCs must abide by the Nolan principles, it is unclear how they are to do so under the one-on-one dynamic between PCC and chief constables. The Committee on Standards in Public Life is presently engaged in an inquiry into PCCs and aims specifically to examine PCCs against the Nolan principles, which may provide a basis for implementing these principles under a revised PCC model (Committee on Standards in Public Life, 2014).

Each of the three aforementioned strands (codes of conduct, independent scrutiny and guidance and education) could be explicitly integrated into a revised PCC model to help guide the relationships between PCCs and chief constables. For example, with regards to guidance and education, PCCs and chief constables may want to consider the opportunities that exist for them to learn from one another. PCCs may be able to learn a great deal about policing from chief constables, but vice versa, chief constables can learn from the PCC about public image and political legitimacy, as one chief constable I interviewed suggested.

Thus frequent sessions for learning could be implemented, initiated by PCCs and chief constables themselves, or from the APCC level.

Codes of conduct may offer a practical way for PCCs and chief constables to navigate the challenges associated with the unique one-on-one relationship which is not paralleled by any other public services in the UK. Unlike the Policing Protocol which plainly states the legislative responsibilities of PCCs and chief constables (Home Office, 2011a), a code of conduct would go further and set out a series of principles which would guide the relationship. These codes might themselves be built around the seven Nolan Principles and they might also provide substantive information on issues commonly faced by PCCs and chief constables, such as deciding on budgets, setting force priorities and agreeing communications strategy. Such a code could be co-written by the APCC and the National Police Chiefs Council³⁹ in order to enhance their perceived legitimacy amongst PCCs and chief constables. Although codes of conduct would not be a guarantor of healthy working relationships between PCCs and chief constables, at the very least they might be able to provide a set of expectations for each party so that both roles and responsibilities are understood and respected.

In terms of independent scrutiny, a substantive revision might entail legislating towards a stronger role for Police and Crime Panels, which may help to hold onto the valuable features of a single point of accountability whilst ensuring that powers are not abused by PCCs. As I articulated in Chapter 7, many Panels were in the process of discovering their identities, caught between a model of scrutiny and a model of support (particularly those composed predominantly of former police

³⁹ The National Police Chiefs Council was formed in April 2015 to replace ACPO and brings together the 43 chief constables across England and Wales to coordinate national operational policing.

authority members). More powers may help Panels to play a more substantial role in PCC decision-making. For example, powers of veto over decisions to appoint and dismiss chief constables may be sufficient to instate a greater degree of scrutiny. But there may also be scope for them to play a proactive role, in which Panels are actively involved in discussions with PCCs about future decisions (bringing the point of accountability from a retrospective to a prospective form) (see Chapter 2). While Panels did have a say in the formulation of Police and Crime Plans, there was little they could do if PCCs decided to ignore them. Therefore legislating for greater powers in priority setting would also ensure Panels have a stronger role in distributing decision making power. This would bring the model more closely aligned with principles of good governance.

A further advantage of strengthening the role of Panels would be to improve the ties PCCs have with their local communities. As I detailed in Chapter 1, one of the cornerstones of the introduction of PCCs was to (re)invigorate the relationship between the police and the public. In Chapter 3, I painted a sceptical picture of the ability of PCCs to engage with their publics, primarily because of the way in which PCCs' had been positioned at the force area level. I illustrated how a number of PCCs were using new and existing mechanisms to communicate with their local communities. These ranged from local councils, CSPs and neighbourhood watch groups. This meant that PCCs were developing inroads towards their local communities in an indirect manner. However this was variable from force to force, and one way to formally encourage PCCs remain in direct contact with their local areas would be to use the local expertise of Panel members (who represent the geographical spread of the force) to better inform decision making. In effect, strengthening the role of Police and Crime Panels would help to address two of

the most fundamental problems identified as part of this research, namely the ineffectiveness of accountability mechanisms and limitations in terms of public engagement. By sitting in a more powerful and proactive advisory role, Panels may be able to exert a more influential, and potentially a more useful role in governing the police. In this way, a revised model may be a sustainable way of developing this policy.

However, placing more power in the hands of Panels may simply result in an endless regress of accountability mechanisms – should there be a scrutiny mechanism to oversee the work of Panels, for example? This would create additional layers of bureaucracy, which may slow down systems unnecessarily. Stronger Panels may also simply recreate police authorities – particularly those who are composed of former police authority members. Another danger would be that a stronger role for Panels may cause conflict between directly elected commissioners and indirectly elected councillors. Such a dynamic may breed conflict between two democratic authorities with substantial powers but with potentially competing forms of democratic mandate. This could result in a substantial degree of political manoeuvring, even before any decisions are taken to a chief constable, which again would obfuscate some of the current benefits of efficiency that are associated with the PCC model.

Further, this revision assumes that an indirect form of democratic representation is the most desirable system and may place barriers between PCCs and communities through establishing an intermediary in the form of Police and Crime Panels. If a more direct form of democratic accountability is desired (as was suggested in the early political thought around PCCs – see Carswell 2002), this would implicate a full scale replacement of the PCC model to address the

structural challenges I have identified. For this reason, it is pertinent to contemplate what a full replacement of the PCC model might be able to offer.

Replacement

Another fundamental issue with the PCC model that I have identified in this thesis is that it attempts to build too many different strands of both democracy and accountability into one model. For example, PCCs were supposed to reinvigorate a sense of *direct* democracy - they were to be radically more visible, engaged and vocal characters who would bridge the gap between the police and the public. But their placement at force area level meant that they were poised towards an *indirect* form of democracy. Under this indirect dynamic, they were to be representative voices of the people. Part II drew out the tension that this created for some PCCs. Some attempted to engage with the public on a regular basis out of a sense of duty (direct democracy), but this felt 'desperately in the weeds' (as one PCC described it) in the context of undertaking the strategic nature of the role (Chapter 5).

Throughout the PCC campaigns, elections, and PCCs' first six months in office, there was a clear recurring problem of a lack of public participation whenever the public were given opportunities to engage. Few attended hustings meetings, few turned out to vote for their PCCs, and few appeared to want to engage with them once they were in office. Many PCCs made frequent reference to public engagement sessions or meetings open to the public which were poorly attended by the public. Many PCCs lamented that it would have been better had more people voted – some blaming the government for a lack of publicity, while others also placed the onus on the public. It appears that while both cases are plausible,

the deeper underlying issue is that the PCC policy strives towards direct democracy through a necessarily indirect manner.

Another conflation within the model appears to be between accountability and answerability. The political rhetoric behind PCCs emphasised a shift in power dynamics away from the answerability model encapsulated by police authorities, and towards a more stringent form of accountability in which PCCs were to reset the balance in favour of the local. However, as I detailed in Chapter 6, in practice, there was a great deal of variability in PCC-chief constable relationships. Some PCCs held their chief constables to account in a proactive manner, while others held them to a lower threshold of accountability (i.e. answerability). This varied a great deal depending on the background of the PCC and the surrounding context (for example, whether the PCC had appointed a new Chief Constable). A more consistent pattern emerged for relationships between PCCs and Panels. Although in theory Panels were supposed to exert accountability over PCCs, in practice, they were able to offer retrospective answerability (as I explained in Chapter 7). These two fundamental emerging relationships revealed that on the whole, accountability was patchy at best as a result of the introduction of PCCs. In this sense, it could be argued that there was a lack of clarity about what accountability ought to look like under this new model.

Conflating different strands of accountability into single institutions, such as PCCs, is problematic, since the key principles can become diluted. Relatedly, the PCC model appears to concentrate significant power in an individual, which undermines the principle of distribution of power – a key tenet of democratically accountable policing. These conflations have also confused the role of PCCs and consequently precluded PCCs from simply acting as voices of the people, and instead they

came to see themselves as undertaking a range of roles, from police management through to crime-reduction co-ordination (see chapter 5). One potential remedy would be to narrow the role of PCCs with a clearly defined purpose based on the values of democratically accountable policing. For example, if the value of demos is considered to be a key area of improvement in the governance of the police, then PCCs might be conceived as simply public engagement champions whose sole purpose is to mediate between the police and the public, soliciting feedback from all communities and relating this back to either the chief constable or local area commanders and vice versa.

Alternatively, if the government wanted to build upon the crime-reduction co-ordination function which PCCs appeared to be well positioned to do, then they might be reformulated as crime-reduction co-ordinators. This may entail stepping back from their specific policing focus (and their related functions of holding chief constables to account), and playing a more holistic role in bringing together crime reduction services across the criminal justice system, local government and the third sector. To make this shift explicit, they may shed the 'Police' element from their title and simply become 'Crime Reduction Commissioners'. This would address broader concerns about the way in which the government have framed the police as the protagonists in crime reduction (see for example critique by Reiner, 2013). Under such a revised Crime Reduction Commissioner position, a broader set of actors would be more explicitly involved in the reduction of crime. I have assumed here that this proposed new role would be undertaken by a directly elected individual similar to a PCC with a more refined mission. But the exact institutional model through which such mechanism could exist would need to be debated (i.e. whether they ought to be part of or separate from local government,

whether they ought to be individuals or committees, or directly or indirectly elected etc.). The fundamental point here is to suggest that there are ways of restructuring the current arrangements to alleviate some of the structural limitations of the PCC model.

Such a proposed refinement of the PCC role runs counter to what has been termed the 'PCC Plus' model (see Stevens Report, 2014, p.83), which argues that PCCs should be granted greater powers across the criminal justice system, including probation, prisons, youth offending and prosecution. This model has been advocated by think tanks (see for example Haldenby, 2012) and by some PCCs I had interviewed. However, as I suggested in Chapter 5, PCCs are overstretched in their present positions, which undermines their ability to undertake the role and also the underlying accountability of the model. This ultimately has implications for principles of service delivery and good governance, and therefore I believe that a downsized model may provide a more viable means of protecting these values.

Of course, by implication, a refined model would mean that certain other elements of police governance may be neglected and the corollary would be to create new or bolster existing mechanisms to ensure other elements of policing are protected. For example, if PCCs are taken out of the policing world as Crime Reduction Commissioners, then another institution would need to play a direct role in holding the police to account, such as HMIC. This would have the effect of counterbalancing the 'melting core' of national policing which I depicted in Chapter 4. As such, wide scale sweeping change across more than one organisation may be necessary if the role of PCCs is to be restructured.

If one solution to the over-stretched role is to narrow the role down, an alternative remedy is to increase the number of mechanisms which might share responsibility for the range of features which make up democratic policing. Such an approach would speak to the broader literature on accountability, which argues that it ought to be dispersed across a series of levels. As Day and Klein (1987) highlight, downward accountability (to the public) may be difficult to reconcile with upward accountability (to political institutions), since they have different perspectives and a different vernacular in terms of holding public services accountable. For example, the success of the police will be judged very differently by senior management compared to service users (both those who make requests to the police and those who are the targets of police enforcement).

Consequently, one solution is to distil accountability in recognition of the plethora of perspectives (upward and downward). Day and Klein suggest one way of doing this would be to place 'accountability for the performance of a service in a particular locality with the overall performance of the service in a wider geographical area' (p.248). Accountability of the police could be similarly aligned, based on different forms of accountability. For example, local neighbourhood police, such as local area commanders, could be considered answerable to the public in local forums (in an explanatory and co-operative manner). Conversely, more senior ranks (such as chief constables) could be thought of as accountable (with the possibility of reprimand) for overall force performance at a wider geographic level (e.g. force level) in a 'subordinate and control' manner. This would overcome some of the problematic connotations within the PCC model.

As aforementioned, a large proportion of PCCs recognised themselves as 'voices of the people' and saw value in engaging with the public (Chapter 3). Placing

PCCs into a smaller geographic unit coterminous with local authority areas under a revised model may also mean that PCCs would be better suited to building a relationship with the public. One form of doing this might entail aligning PCCs more closely to local authority areas, as suggested by Jones et al. (2012). If one of the problems is that PCCs are adjuncts to an overloaded set of accountability mechanisms (c.f. Day & Klein 1986), then a way of simplifying this would be to integrate PCCs more wholly within local government structures. Under such a revised model, PCCs might be relocated to a more recognisable unit, such as the neighbourhood ward level. This would enable the PCC to spend more time focused on public engagement activities, allowing them to build relationships with members of the local community and offer a more directly democratic model. Their role as the 'voice of the people' could be made more explicit and they might be able to dedicate a large proportion of their time consulting with the public about their policing and crime needs. Above this could be some form of committee or policing board which could hold senior officers (and those across the force) accountable at a broader level. Indeed, this form of disaggregated accountability has been similarly suggested by others, such as Jefferson and Grimshaw (1985), Loader (1996; 2001), and later by the Stevens Report.

The Stevens Report is particularly worthy of elaboration because it directly engages with the PCC concept and sketches out possible models to replace PCCs. Specifically, the report argues for the abolition of PCCs by separating accountability into two distinct arenas. The first of these venues aims to preserve the space for democratically accountable policing by aligning local governance of policing with lowest-tier local authorities. The recommendations include making internal force boundaries coterminous with local authorities, giving local councils a

say in the appointment of local area commanders and some powers over setting budgets and priorities with regard to low policing. The second element of reform is at the force area level, which would entail the creation of a Policing Board, composed of leaders of each of the constituent local authorities in the force. This Policing Board would have the same powers as PCCs currently have, such as powers to appoint and dismiss chief constables, set the overall budget for the force area and set policing priorities. The Commission made the case that this Board should be indirectly elected, on the basis that a system of direct elections (either the election of a Chair or of the whole board) would make little difference to the status quo. An elected chair may create additional conflicts between the chair, the board and the chief constable, while a directly elected board may be costly and difficult to garner sufficient civic action to make them work effectively. In either case, electoral turnout would be unlikely to improve as a result.

In effect, this two-tier model proposed by the Commission creates two interlinking sites of democratic accountability – one characterised by direct democracy and the other by indirect representation. The local model creates a space for those in a small geographic unit to become more closely involved in their local policing.

Whether or not this will actually improve public participation is another question (particularly given prior experiences in running consultative community groups), but at the very least this model allows more meaningful involvement of the public where they may be able to see more tangible differences. Through this distinction, the Commission circumnavigates the dual issue raised here of misplacement and mis-shapedness.

The report implicitly distinguishes accountability of high policing and low policing. Low policing activities, such as the policing of local antisocial behaviour, are given

more direct democratic involvement at the local level. Conversely, activities which may be considered in the high policing agenda, such as counter terrorism, may be driven from an indirect form of democratic accountability over a wider geographic area. This has the advantage of allowing the 'behind-the-scenes' issues to be effectively managed by those with an interest in them (but who at the same time hold a degree of democratic legitimacy through their role as an elected councillor). This separation therefore helps to overcome the issue that some PCCs had in balancing out competing strategic and public engagement demands. This is because the proposed model untangles the broader strategic issues from local priorities, albeit in an interlinked chain of accountability.

A wider advantage of the proposed model is that it fits more clearly within the core criteria for democratic accountably policing which I had identified in Chapter 2. For example, the lower tier of governance could be explicitly concentrated on championing values of responsiveness through public participation. At the upper tier of governance at the force are level, the key underlying principle might be that of service delivery and equity. One level that was not addressed by the Commission was a model of police accountability at the national level. This is one level which may also be developed, because of the abilities of a centrally-organised body to espouse principles of equity and efficiency. One could argue that the HMIC currently play such a role, but in a context of a 'melting core', this is a pertinent time to consider how their role might be strengthened whilst preserving the value of local responsiveness.

Such a revised form of accountability characterised by multi-tiered sites of accountability, tied into local government institutions, would therefore offer more comprehensive accountability over the police. Whether or not this would generate

greater public interest is another question. However, if policy architects are serious about reinvigorating the relationship between the police and the public, reform along these lines might be one step in the right direction.

Discussion

Because of these structural limitations which preclude the possibility of democratically accountable policing, I believe that the case for retention is not a viable one. The case for revision, however, is more palatable and the measures I have proposed here would go some way towards alleviating the difficulties I articulated above. In particular, this could be achieved through bolstering the role of Police and Crime Panels and establishing codes of conduct. As discussed, both would create a more stable environment for principles of good governance to operate, as well as opening up potential opportunities for greater democratic engagement in the case of Police and Crime Panels. In this manner, a revised model could open up further opportunities for democratically accountable policing.

But this revised system would still not be able to fully incorporate all the principles of a democratically accountable policing. For example, a greater role for Police and Crime Panels may not alter levels of democratic engagement (since it may only insert another barrier between the PCC and citizens). If one was to implement a comprehensive system of accountability, it is clear that a significant restructuring would be required in order to account for the complexity of a democratically accountable police organisation. This restructured design would need to either narrow the role of PCCs (and mandate other institutions to partake in holding the police to account), or be completely redesigned as multi-tiered sites of

accountability to accommodate principles of demos, equity, civil liberties, service delivery and good governance.

With regard to the former option, legislating a clearer and more refined role for PCCs would help to deliver on some of the democratic values more acutely. For example, there is a case to be made for PCCs to be reshaped as Crime Reduction Commissioners, who would build upon the success of PCCs in terms of co-ordinating crime reduction but without the shackles of police management.

However, it is uncertain whether this would be a politically attractive option, given the current emphasis on crime fighting, as well as the emphasis on locally defined solutions to reducing crime (rather than centrally prescribed initiatives). With

regard to the more substantive latter option, the proposals by the Stevens Report provide a suitable multi-site model for the principles of demos, good governance and service delivery to operate. However, in this push towards a local form of accountability, there should also be a clear drive towards ensuring equity remains at the heart of police governance and that central co-ordination is not undermined by local innovation.

As I described in Chapter 1, the government anticipated that PCCs would bring about two key outcomes: 1) greater local control over policing; and 2) a sharper police focus on crime reduction to replace the bureaucratic burdens associated with central control. Measuring the policy against these two (theoretically impoverished) outcomes, it is clear that PCCs have struggled to make progress. In considering the first of these (democratic engagement), there was a clear lack of public identification with PCCs, evidenced by poor voter turnout and limited public awareness of the role, even after a year in office (Chapter 3). In fact, it can be argued based on the findings from this research that electoral politics has the

potential to undermine democratically accountable policing. This was evidenced by variable inter-force collaboration (Chapter 4), which I attributed to the electoral process that focused PCCs too firmly on their local forces. This meant they were not in a position to shape national policing (which is in tension with principle of equity). The process of elections also sustained a false sense of representativeness (see Day & Klein 1987), in which PCCs believed that they were 'voices of the people' despite their very low electoral mandates (Chapter 3).

At a broader theoretical level, PCCs have also undermined the principle of the demos in being structured in a way which segregates them from local government (see also Jones et al. 2012 for an elaboration of this argument). As I found in interviews with PCCs and Panel chairs, the positioning of PCCs away from force area level does little to facilitate relationships between PCCs and local government, despite clear desire for many PCCs and local councillors to work together. This was evidenced in Chapter 6, where I described how several Panels had exceeded their brief in order to work more closely with the police. This was also demonstrated in the prevalence of a CRC perspective which dictated a more integrated approach to crime reduction [Chapter 5]).

Overall, the government had hoped that PCCs would strengthen local ownership of policing and crime issues. But there was little precision in the debates leading up to the inception of PCCs as to what exactly accountability at the local level actually was. If local accountability is taken to be accountability to the public, then it appears that PCCs are very loosely accountable at the local because of the difficulties in engaging the public at the force area level. Alternatively, if local accountability is accountability to local government, either through the Police and

Crime Panel or through relationships with local councillors and CSPs, it appears that there is next to no accountability to the local at all.

The combination of this move away from managerial accountability, alongside a shift from local accountability begs the question, is there any accountability left at all in the governance of the police? The short answer is yes, some accountability exists through PCCs who are keen to set up governance mechanisms of oversight. It is also present through the formal checks and balances already in place, such as the (fading) roles of HMIC and the Home Office, and the emerging role of the College of Policing and the National Crime Agency, as well as some of the informal sites of accountability, such as local government, the media and the prospect of re-election. But this is accountability is unevenly distributed and a clearer system is required to better deliver accountability over the police in a more consistent manner.

The second government-defined criterion of success – making the police less bureaucratically accountable and more overtly crime-oriented – was partially achieved. In Chapter 6, I detailed how greater efficiencies had been enabled as a result of the single point of accountability, which expedited decision-making and reduced the bureaucratic burden. But this was limited and some PCCs (particularly Police Managers and former police authority members) retained a performance management approach.

With regard to the aim of greater crime-fighting, Police Managers (see chapter 5) most clearly embraced the government's desire to focus the police on tackling low level crime and disorder. However, the obvious question is whether this approach actually made any difference to policing in practice rather than simply in political

rhetoric. This is a question which could not be addressed by my research and one which would require detailed analysis of police practice before and after the introduction of PCCs. In either case, Police Managers only accounted for approximately half of PCCs who I had interviewed, and it was clear that a number had perceived the role in far broader terms, such as crime reduction, commissioning and being the voice of the people. It is therefore difficult to make the claim that PCCs had been able to instigate a greater crime-fighting focus amongst the police.

But looking more broadly at the democratic values I have distilled in this thesis, the fact that there were fewer bureaucratic checks in the governance of the police is a cause for concern. While it could be argued that the principle of service delivery is enhanced through creating more efficient working practices at the top of the police organisation, in reality the quicker decision making between a fewer number of individuals reduces opportunities for oversight and transparency – fundamental building blocks for the concept of good governance. Good governance is further weakened under the existing model because of the limited opportunities for redress of PCCs (although of course greater opportunities for redress of chief constables have been installed). And while it is clear that the PCC model finally redistributes power in favour of the local (and away from the Home Office and chief constables), it is of concern that so much of this locally-oriented power is concentrated in a single individual. In this sense, the distribution of power – another marker of good governance – appears to be unevenly poised.

Other values which are central to democratically accountable policing (which failed to make it onto the government's criteria of success), included principles of equity and civil liberties. It can be argued that when PCCs are measured against these

broader terms, they face substantial challenges in facilitating democratically accountable policing. Their local focus means that they are ill-positioned to consider broader questions of equity at the national level. As I detailed in Chapter 4 through the analogy of divergence, several PCCs were less interested in inter-force collaboration than others – even where this may have had a detrimental effect on regional or national capacity (for example, the closing down of mounted units without much thought to implications for surrounding forces). The concept of PCCs as local solutions to local problems is arguably inimical to the principle of equity because it allows disparate practice and provision of resources nationally. But the concept of equity is also further destabilised by the single point of accountability, since it limits the ability of PCCs to listen to and represent the myriad voices in their force areas – thereby obstructing opportunities to encourage equally distributed policing within a force. Linked to this is the concept of civil liberties. I intimated in Chapter 2 that next to the principle of equity should lie that of civil liberties – protection of individual rights against a potential ‘tyranny of the majority’. Although the research presented here was not able to determine the extent to which PCCs were able to protect minority voices, discussions with PCCs regarding victims suggested that some voices were more likely to receive prioritisation ahead of others. The large force areas that individual PCCs were representing meant that it was difficult to see how they were to represent what might be regarded as a majority, let alone a minority.

The introduction of PCCs represented an innovative attempt to restructure police governance in England and Wales towards the local and away from the national and chief constables. As a result, there has been great variation in the way that PCCs have undertaken their roles. Because of this variation and the nature of this

research which focused on the introduction and implementation of PCCs, it is not possible to determine the overall success of the policy. However, by focusing on the concept of democratic policing, I measured the introduction of PCCs against the criteria set out by the government and principles that can be deduced from broader democratic theory. Through this enquiry, I have illustrated that while PCCs have appeared to progress various pieces associated with democratic policing, it appears that the PCC model has not yet completed the puzzle.

Appendices

Appendix A: Interview request letter

The interview request letter below was sent to all PCCs, alongside an overview of the research and a cover letter from the Police Foundation and Professor Ian Loader.



CENTRE FOR
CRIMINOLOGY

the
policefoundation
improving policing for the benefit of the public

7 March 2015

Interview Request

Elected Police and Crime Commissioners: An Experiment in Democratic Policing

Dear [],

The Police Foundation and the Centre for Criminology at the University of Oxford have jointly funded me to conduct doctoral research on the introduction and early implementation of Police and Crime Commissioners (PCCs). I have attached a brief summary of the project for further information. Part of the project involves a national overview of the policy and therefore your views and insights would be particularly valuable.

I am writing to ask if you would be willing to be interviewed for this research. I have already interviewed a number of PCCs across the country and I would like this interview to provide you with an opportunity to reflect on your campaign as a PCC candidate and your experiences as a PCC in your first few months in office. The interview would be held over the phone (or Skype if possible) and would last roughly an hour. It would of course be conducted in strict confidence.

If you would like any further information on the project in general I would be very happy to provide additional details.

I hope that you will seriously consider taking part in this important research and look forward to hearing from you soon.

Yours sincerely,

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Appendix B: PCC Interview protocol

The interview protocol below was used as a guide to interview PCCs. Questions were tailored depending on the PCC being interviewed and the time spent on each question varied for each PCC.

Elections (10 minutes)

- Can you tell me a bit about your background and what led you to run as a candidate?
 - Political party: selection process?
- In what ways did you campaign across the region?
 - What did you think was the most important aspect of your campaign?
- How did you decide on your manifesto priorities?
- What did you think of the low turnout?
- Has it had any impact on how you perform your job?
- *If former police*: How does your experience of being an officer shape your approach?

Role (15 minutes)

Policy

- What do you think the job of a PCC should be?
- How much time have you spent on the 'police' and how much on the 'and crime' part of the job?

Practice

- What have you spent your first few months in office doing?
- Have you done anything in the first few months that you consider to be innovative?
- What kind of things have you done to raise your profile and engage local communities? (E.g. public meetings, online activities, PB etc.)
- What kind of response have you received from the public? Have people turned up to public engagement events?

Staff

- How have you organised your staff?
 - How many do you employ and what sorts of roles have they been assigned?
 - Did you appoint a deputy? Did the Panel approve your choice of deputy?
 - What tasks have you assigned to your deputy?
- Have you begun to think about how you are going to deal with stage 2 transfers between you and the CC?

Plan (10 minutes)

- How far do you feel your plan reflects your manifesto?
- To what extent does it fit into existing CSP and police priorities in the area?
- Who is the intended audience in the Plan?
- What kind of public consultation did you do when completing the Plan?
- How much feedback did you receive from the public? Were you happy with the level of feedback?

- Were there any individuals or groups who did not participate in the consultation process? Does this matter?
- How did you evaluate and respond to the responses?
- How much of the Plan would you say you modified following consultation?
 - Were there any responses in particular that prompted change?
- What kind of feedback did you receive from the CC and the Panel?
- Were there any others who had a major influence on the direction of the Plan?

Relationships (10 minutes)

- Chief Constable
 - *If appointed CC*: Selection process for new CC?
 - How do you hold CC to account?
 - How often do you meet with the CC?
 - Are any of these meetings held in public?
 - How would you describe your relationship with the CC?
 - For former police: How does your policing background shape the relationship you have with the CC?
 - How do you decide what is strategic and what is operational?
- Police and Crime Panel
 - How frequently do you meet?
 - How would you describe the relationship?
 - Are they clear about their role?
 - What is the political make up?
- Other PCCs

- Have you developed any partnerships with other PCCs?
- What has been your experience of the APCC so far?
- Do you attend any specific meetings with PCCs from your specific party/other independents?
- What have been some of the most important issues that have come out of meetings with the APCC?

National (5 minutes)

- Do you think you have a role in shaping policing nationally?
- What kind of contact have you had with the Home Office?
- Have you had any contact with national bodies e.g. HMIC; College of Policing?

Expectations (5 minutes)

- In 3 years from now, what would success look like for you? What would failure be?
 - What should the indicators of success be? (e.g. crime levels? Confidence levels? Increased public engagement?)
- Are you planning for the next election yet?
- What do you expect some of the biggest challenges to success will be over the next few years?
- How will the public judge success?
- Does the introduction of PCCs mean greater democratic accountability?
- Do you expect public engagement to increase during your term in office?
 - How will you know you have achieved this?

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