




# A Fair Cop?

Elected Police Commissioners, Democracy and Local Accountability

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New Local Government Network (NLGN) is an independent think tank that seeks to transform public services, revitalise local political leadership and empower local communities. NLGN is publishing this report as part of its programme of research and innovative policy projects, which we hope will be of use to policy makers and practitioners. The views expressed are however those of the authors and not necessarily those of NLGN.

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## *Executive Summary*

**The Coalition’s White Paper entitled “21<sup>st</sup> Century Policing” argues for structural changes within the police service, in order to improve local accountability and to foster citizen engagement. The current tripartite arrangement would be replaced by directly elected Police and Crime Commissioners, who would be supported in their duties by newly created Police and Crime Panels.**

This research paper will analyse some of the issues and tensions that this proposal creates, and will attempt to issue a set of recommendations and principles designed to maximise the benefits that can be derived from its implementation.

As a complex and multi-layered issue, policing requires cross-sectoral cooperation and collaboration. Police and Crime Commissioners will therefore have to work in partnership with local authorities and other public bodies, with citizens and communities, and with the newly created National Crime Agency in order to deliver positive policing outcomes. Police and Crime Commissioners should not be able to circumvent these partnership workings, and *should therefore be required to consult and work with these entities on a regular basis*. This engagement should provide further opportunities for neighbourhoods and citizens to participate in the improvement of crime outcomes.

While directly elected Police and Crime Commissioners should improve police visibility and give citizens a channel through which they can address their concerns, there is a risk that electoral considerations could influence the actions and focus of Police and Crime Commissioners, and that these will become too politicised. As a repository of local democracy, Police and Crime Panels should play an important part in this process, and have their functions commensurately increased. *A two-thirds majority in Police and Crime Panels should allow them to veto specific key decisions from Police and Crime Commissioners.*

Reducing bureaucracy is a key part of the Coalition’s White Paper, which NLGN fully supports. The use of technology, and a standardisation in

processes, could go a long way towards both reducing bureaucracy and collecting comparable data relating to policing outcomes. These should form the basis on which citizens would judge the work that has been done by their Police and Crime Commissioners, and allow them to focus their crime-reducing initiatives on specific problems in delimited areas.

Finally, special attention will have to be paid to the costs involved in these reforms. Studies have shown that elections and new structures can be expensive to finance, and mechanisms designed to keep the costs as low as possible will be needed, for example by holding Police and Crime Commissioners elections at the same time as local ones.

**NLGN recommends that:**

- *Police and Crime Commissioners should have a duty to consult and engage regularly with citizens, communities, and partners on the CSPs, CDRPs, and LCJBs, in order to jointly deliver improved crime outcomes*
- *Police and Crime Panels should have a power of veto, dependent on a two-thirds majority, in three crucial areas: the budget proposed by the Police Commissioner, in order to ensure financial sustainability; the strategic policing plan, in order to promote strategic long-term thinking; the appointment, and removal, of the Chief Constable, in order to prevent an over-politicisation of the police*
- *Representatives of all local authorities with a BCU border should be present in the PCPs, either as leaders of the relevant council, or as holder of the Community Safety portfolio*
- *Elections should be held at the same time as local elections wherever possible*
- *Where Mayoral and BCU borders are concomitant, Mayors should perform the role of de facto Police and Crime Commissioners, as is currently the case in London*

## *Introduction*

**The policing White Paper, “Policing in the 21<sup>st</sup> Century”, is an attempt to transform policing into a more democratic, locally accountable, and efficient service. It argues for the introduction of directly elected Police and Crime Commissioners (PCCs), who would in effect replace the current tripartite arrangement. These elected Commissioners would take over most of the powers of the Police Authorities, and would have responsibility for budgets and appointing the Chief Constable.**

NLGN has previously expressed its views regarding improving local accountability and democracy in the police<sup>1</sup>. However, since the government seems determined to implement the proposals in the consultation document, this Paper will set-out how NLGN thinks these proposals could be implemented in practice in order to maximise their benefits: how they can increase accountability, facilitate long-term strategic objectives and joined-up working, and ensure that local councils can still fulfil their role as principal democratic leader of an area.

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<sup>1</sup> Anthony Brand, *Your Police or Mine*, (NLGN, 2008)

# 1 *The current arrangement*

## **In Theory**

*“The police are the public, and the public are the police.”* **Robert Peel**

Policing in England and Wales has traditionally been referred to as “policing by consent”, meaning that the police must “*secure the willing co-operation of the public in voluntary observation of the law to be able to secure and maintain the respect of the public*”<sup>2</sup>. In today’s parlance, this means that the police must be seen as being legitimate, accountable and impartial.

Policing across the forty-three regional forces of England and Wales is overseen by a tripartite structure: responsibility for policing has been shared between the local Police Authority, the Chief Constable and the Home Secretary.

It is the Police Authority that oversees priority-setting and budgeting. Members are elected from amongst the local council on four year terms. Authorities can also elect independent members. Most police authorities have seventeen members, nine of which are local councillors appointed by the local council, and eight which are independent members, selected following local advertisements, at least one of whom must be a magistrate.

Their responsibilities are to:

- follow the Home Secretary’s strategic policing priorities, and any objectives and performance targets determined by the authority itself;
- appoint (and, if necessary, dismiss – with the Home Secretary’s permission) Chief Constables and senior police officers;
- consult with local communities to find out what they want the local police to do;
- set the budget for their police force, and decide how much local people should pay for policing in the local council tax;

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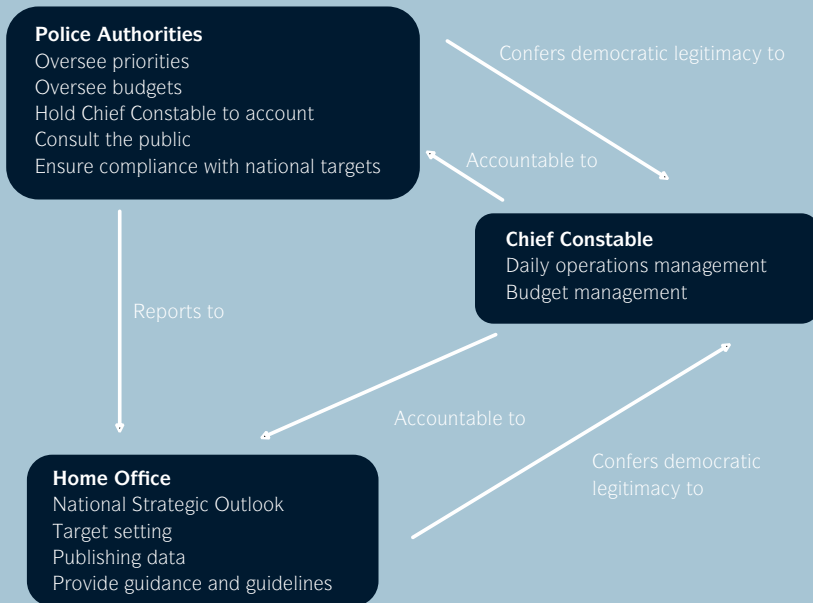
<sup>2</sup> Lentz, Susan A., Chaires, Robert H., *The invention of Peel’s principles: A study of policing ‘textbook’ history*. (*Journal of Criminal Justice* 35: 69-79, 2007).

- set the strategic direction for policing locally and decide what the police should focus attention on locally based on their consultations with local communities;
- to hold senior officers accountable for ensuring that the police pursue a best practice approach.

Daily operational management is the responsibility of the Chief Constable or Commissioner. The Home Office, meanwhile, would here act at ‘arm’s length’ in that it would retain ultimate responsibility, but refrain from overruling local Police Authorities in most matters.

This arrangement was designed to prevent political interference in the police, to develop accountability, to introduce additional elements of democratic oversight, and to bring policing closer to the communities they serve.

**Figure 1** Current tripartite structure





## In practice

In reality however, police authorities have consistently been “the poor relation in this arrangement”.<sup>3</sup> They have rarely held Chief Constables accountable for their actions, and have remained subservient to the perceived greater understanding of both officers and the Home Office.<sup>4</sup> Furthermore, police authorities are almost invisible to the public eye, with the vast majority of the public unaware of what they do, or even that they exist at all. A review by the Government in 2008 found that only 7% of people had heard of them.<sup>5</sup> Suffering from this near-total anonymity effectively robs Police Authorities of the democratic mandate necessary for ensuring effective accountability and oversight.

Therefore, the local element of the oversight triangle could be said to have failed to fulfil its duties in any more than a notional sense. Consequently, the influence of central government has taken its place. For example, the Home Secretary now has the power to retain, or force the retirement of, the Chief Constable against the wishes of the Police Authority.<sup>6</sup> Under the Police Reform Act 2002 and the Police and Justice Act 2006 the Home Secretary’s powers to intervene in ‘failing police forces’ were greatly increased and they now no longer require the objective assessment of the HM Inspectorate of Constabulary.<sup>7</sup>

Furthermore, since 2000, police authorities were charged with ensuring that the “Best Value” system of rolling audit and inspection was applied and correctly adhered to by police forces. The Police Reform Act 2002 provided the Home Office with the powers to ensure that all forces used “effective” policing practices, as defined by the Home Office. Chief Constables were no longer ‘operationally independent’, but ‘operationally responsible’ instead. The Home Office also set out strategic priorities through an annual National Policing Plan, while Police Authorities would be required to produce a three-year strategy consistent with this plan.

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**3** Murji, K. ‘*Knowledge, Politics and the Police*’ (Policing, Volume 4, Number 2, pp. 163–168, 2010).

**4** Murji, K. ‘*Knowledge, Politics and the Police*’ (Policing, Volume 4, Number 2, pp. 163–168, 2010).

**5** Chamber, ‘*Partners in Crime*’, (2009)

**6** Murji, K. ‘*Knowledge, Politics and the Police*’ (Policing, Volume 4, Number 2, pp. 163–168, 2010).

**7** Chakrabarti, S. ‘*A Thinning Blue Line? Police Independence and the Rule of Law*’ (Policing, Volume 2, Number 3, pp. 367–374, 2008)

A confusing landscape of oversight and accountability has, therefore, built up. The London Metropolitan Police Service (MPS), and its Commissioner (currently Sir Paul Stephenson) described their own situation as follows:

*'We now find accountability exists in several, confusing layers. At the community level the CDRPs [Crime and Disorder Reduction Partnerships] assume accountability through the CDA [Crime and Disorder Act], 1998. At a different level the MPA [Metropolitan Police Authority] assumes a degree of accountability through the Greater London Authority Act 1999 and the Police Reform Act 2002. The latter also introduced in 2004 the Independent Police Complaints Commission, providing independent investigation and judgment, for example, of deaths in police custody. The National Audit Office (NAO) and Her Majesty's Inspectorate of Constabulary impose a level of accountability as a result of their inspectorate roles under the Greater London Authority Act 1999 (GLAA). The Commissioner meanwhile is subject to the Police and Magistrates Courts Act 1994 and the Police Reform Act 2002, through which sanctions can be imposed on him if he fails to achieve government targets. The local, city-wide and national criminal justice boards and their independent advisory groups add further levels of complexity.'*<sup>8</sup>

### Problems with the tripartite structure

- Lack of genuine balance of power: over time, power has shifted to the Home Secretary,<sup>9</sup> for example the Home Secretary may suspend a Chief Constable against the will of the Police Authority.<sup>10</sup>
- Lack of localised priorities: a central shift in power has led to a disconnect between citizens and officers,<sup>11</sup> and it arguably "does not recognise the role of partners and the fact that some forces have some accountability to these and other forces."<sup>12</sup>

<sup>8</sup> Fletcher, R. and Stenson, K. 'Governance and the London Metropolitan Police Service' (Policing, Volume 3, Number 1, pp12-21, 2009)

<sup>9</sup> Sir Ronnie Flanagan, *Review of Policing*, (Final Report, 2008)

<sup>10</sup> Lloyd, Kate, 'Police Accountability in the New Labour era', (Criminal Justice Matters 67 1, 30-31, 2007)

<sup>11</sup> [http://www.ntu.ac.uk/nbs/document\\_uploads/98890.pdf](http://www.ntu.ac.uk/nbs/document_uploads/98890.pdf) pg 16

<sup>12</sup> Sir Ronnie Flanagan, *Review of Policing*, (Final Report, 2008)

- Lack of visibility: police authorities are invisible and unaccountable to their local communities, with the Flanagan review identifying a need for police authorities to have a “higher profile”.<sup>13</sup>
- Lack of political support: All parties have proposed reform of the Police Authority system through green papers or manifestos.<sup>14 15 16</sup>

This arrangement has come under fire from many different parties. The previous Labour government had already introduced plans to scrap the Police Authorities and replace them with directly elected Commissioners, although they retreated on those plans in the face of opposition from ACPO,<sup>17</sup> the APA,<sup>18</sup> and the Police Federation<sup>19</sup> amongst others. From the point of view of citizens, the tripartite arrangement feels remote: almost 70% of citizens do not know who to go to with a complaint if they are unhappy about the way their local area is being policed.<sup>20</sup> This is despite the fact that crime is rated by over half of the population as the most important issue in Britain today.

The current coalition government has re-introduced proposals similar to the previous government in *“Policing in the 21st Century: Re-connecting the police and the people”*.

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**13** Sir Ronnie Flanagan, *Review of Policing*, (Final Report, 2008)

**14** [http://files.homeoffice.gov.uk/police/policing\\_green\\_paper.pdf](http://files.homeoffice.gov.uk/police/policing_green_paper.pdf) pg 32/35pdf

**15** Conservative party manifesto (2010).

**16** Liberal Democrat manifesto (2010)

**17** ACPO, Police Reform Green paper, (2008)

**18** APA, From Neighbourhood to the National: The Policing Green Paper, (2008)

**19** Police Federation, Response to Green Paper on Policing, (2008)

**20** Casey, L, Engaging Communities in Fighting Crime, (Cabinet Office, 2008)

## 2 *What the Government is proposing*

**The Coalition proposals have three basic purposes:**

1. to transfer power “back to the people” - that is to say, increasing local democracy, accountability and civic engagement through the direct election of ‘Police and Crime Commissioners’;
2. to reduce targets and central government interference;
3. to create the National Crime Agency, dedicated to policing issues of national strategic importance.

The first of these proposals will be the main subject matter of this section, but it cannot be separated entirely from the other two purposes, especially regarding the creation of the National Crime Agency.

The White Paper identifies a number of challenges that these proposals aim to address: the rise of anti-social behaviour and the failure to substantially reduce it,<sup>21</sup> fear of crime,<sup>22</sup> the perceived inefficiencies in fighting crime,<sup>23</sup> and the perceived disconnect between the police force and the citizens they protect. These issues are compounded by the tightening financial resources affecting all of the “unprotected” departments, as outlined in the June Emergency Budget and the Comprehensive Spending Review, including the Home Office.

Reforming the tripartite relationship is seen by the Home Office as the key to overcoming these challenges. The proposals include the abolition of Police Authorities and their replacement with a “directly elected Police Commissioner”. This would “empower the public” and increase local accountability. These aims would be further supported by “providing information to help the public know what is happening in their area and hold the police to account”, and by reforming Her Majesty’s Inspectorate of Constabulary.<sup>24</sup>

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**21** Casey, L, *Engaging Communities in Fighting Crime*, (Cabinet Office, 2008)

**22** 53% of people in the UK find ‘crime and violence’ one of the three most worrying things, compared to 40% in Italy, 33% in France and 20% in Spain, Ipsos-MORI, May 2009

**23** *Criminal Victimisation in International Perspective*, [http://rechten.uvt.nl/icvs/pdf/files/ICVS2004\\_05.pdf](http://rechten.uvt.nl/icvs/pdf/files/ICVS2004_05.pdf)

**24** “Policing in the 21<sup>st</sup> Century”, (Home Office, 2010)

The role of these newly elected Police Commissioners would include:

- **Representing and engaging** with all those who live and work in the communities in their force area and identifying their policing needs;
- **Setting priorities** that meet those needs by agreeing a local strategic plan for the force;
- **Holding the Chief Constable to account** for achieving these priorities as efficiently and effectively as possible, and playing a role in wider questions of community safety;
- **Setting the force budget and setting the precept** (by making precept raising subject to referendum)
- **Appointing and removing the Chief Constable** when necessary.

Commissioners would be directly elected at the level of existing forces in England and Wales, with the exception of the Metropolitan Police (where this role would effectively rest with the Elected Mayor) and the City of London Police. They would be free to appoint their own team to support their work. Elections would be held every four years, possibly under a preferential voting system, and terms would be limited to two. The proposal is explicit in its desire to refrain from being overly prescriptive; instead insisting that the government does not “want to shackle Commissioners with reams of guidance and prescription on their role”.<sup>25</sup> Nonetheless, Elected Police Commissioners would be expected to work closely with the Chief Constable, and hold him or her to account for the delivery of policing priorities that citizens expect. Because policing issues often do not respect administrative boundaries, Commissioners will be expected to engage in cross-border collaboration in order to coordinate responses to threats such as terrorism and organised crime. This would be done through the setting up of the National Crime Agency, which will be responsible for tasking and coordinating police assets, and fighting organised crime.

The proposals also envisage a new role for “Police and Crime Panels” (PCPs) within this structure. They would be made up of locally elected councillors from constituent wards and independent and lay members. The latter will bring additional skills, experience and diversity to the discussions.

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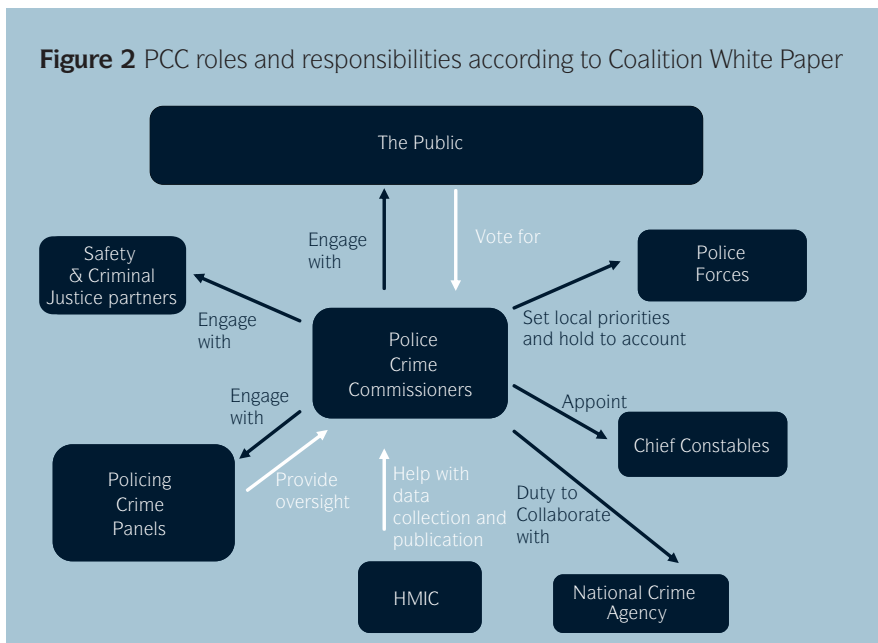
<sup>25</sup> “Policing in the 21<sup>st</sup> Century”, (Home Office, 2010)

The role of PCPs would comprise of:

- providing an overview at force level,
- ensuring that the actions of the elected Police Commissioners accurately reflect the views of the public.
- holding confirmation hearings for Commissioners?
- having the power to trigger a referendum on the policing precept recommended by the Police Commissioners.

Finally, the proposals also address the role and structure of Community Safety Partnerships, by repealing some of the regulations imposed upon them by HMIC, through encouraging them to provide the public with accurate and objective information on policing outcomes and value-for-money in their area; and by the Independent Police Complaints Commission, in investigating complaints against Police Commissioners. Taken together, these reforms would substantially alter the current structure of policing in England and Wales. Below, this paper explores their impact on local accountability, democracy, and outcomes.

**Figure 2** PCC roles and responsibilities according to Coalition White Paper



### 3 *Designing a new model of local policing*

**These proposals, like similar ones introduced by the previous Government in 2008, have been met with some resistance. The main areas of concern can be summarised thus:**

- Joined-up working and tensions: how can we ensure that Police Commissioners work in partnership with other agencies, and how can we manage the tensions inherent to this process?
- Reducing bureaucracy: how can we reduce bureaucracy despite adding a new layer of accountability?
- Increasing coherent local accountability and democracy: how can we make Police Commissioners accountable to the whole community, increase civic engagement, and local democracy?
- Politicisation of the police: how can we reduce the risk of an over-politicisation of the police force?
- Financial costs: how can we ensure that the costs of the elections and of the new Police Commissioners and their teams are affordable?

#### **Joined-up working and tensions**

##### *National and Local priorities*

Crime is rarely concomitant with, or considerate of, Basic Command Units (BCU) borders. Localised problems such as anti-social behaviour, knife crime, or drug-dealing, are often symptoms of nationwide phenomena such as gangs, the drug-trade, terrorism or organised crime. While specific local problems often require specific local solutions, coherent national strategies must also exist to deal with the root or overarching nature of the problem.

The creation of the National Crime Agency should facilitate the coordination of national strategic policing plans. However, the priorities of elected Commissioners may not always be compatible with the national imperative of monitoring or focusing resources on less visible threats. As noted by

the Police Foundation, “*elected Commissioners will have little incentive to prioritise resources for cross-border, organised crime and serious incidents that require resources beyond the capacity of an individual force.*”<sup>26</sup>

It remains to be seen whether the directly democratic nature of elected Commissioners and their high public profile will weaken the authority of the NCA when local and national priorities conflict. Coordinating national strategies might be more complex with forty-three elected individuals who each possess different and conflicting local mandates. This tension could be even more acute in times of diminishing resources and potential civic unrest. Recent examples of the effectiveness of national crime-fighting agencies have not always been demonstrative of their effectiveness and efficiency.

**NLGN recommends** *a negotiation process between the NCA and the Police Commissioner to establish agreed priorities and the funding that should be devoted to this. Police and Crime Commissioners would then be held to account by the new NCA for how those funds are spent. A duty to prioritise national strategic matters over local ones should also be implemented, in cases where national security is at stake, in order to ensure that the security of the country is prioritised over local electoral considerations.*

### *Working in Partnership*

In addition to national structures, elected Police Commissioners will also have to deal with local ones. **As the Government’s consultation admitted, ‘Policing cannot be effective if it is working in isolation.’** Improving outcomes can only be achieved through partnership working. The correlation of crime to social factors and local circumstances is indicative of the need for different agencies to tackle the problems together.<sup>27</sup> Communities must be involved in identifying local priorities, which must then be tackled by targeted, joined-up and coordinated action by all the relevant agencies. As Sir Ronnie Flanagan said in his seminal review of policing: “*Partnership working is essential to the successful delivery and sustaining of Neighbourhood Policing.*”<sup>28</sup>

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<sup>26</sup> Police Foundation, Response to Policing Green Paper, (2010)

<sup>27</sup> Your Police or Mine, (NLGN, 2007) and Gangs at the Grassroots, (NLGN, 2008)

<sup>28</sup> Sir Ronnie Flanagan, Review of Policing, (Final Report, 2008)



Working closely with CDRPs, Crime and Safety Partnerships (CSPs) and local community groups, elected Commissioners will have to recognise the importance of enacting and acting upon coordinated local strategies and partnerships.

In her *Review on Policing*, Louise Casey noted that “*local councils also need to be fully involved in this engagement, not least because of the contribution their services make to community safety and their role in preventing crime and anti-social behaviour*”.<sup>29</sup> The view that partnership working is crucial to ensure an improvement in outcomes was outlined in the Coalition’s consultation document on Health reforms, as partnership working “*has the potential to meet people’s needs more effectively and promote the best use of public resources*”.<sup>30</sup> The risks posed by the election of PCPs with regards to partnerships were highlighted by the Home Affairs Committee, who stated that “*We are also concerned about the potential for this additional layer of representation to undermine partnership working between the police and local authorities*.”<sup>31</sup>

Therefore, PCPs will need to engage deeply with other local agencies in order to enact an effective local and neighbourhood policing strategy, and to tackle deep-seated causes of crime. The key question is what this engagement and shared commitment should look like. As Louise Casey noted, “*The police need local government working alongside them to tackle crime just as much as local government need the police to work with them to ensure that they are creating safe, strong communities*”<sup>32</sup>

The challenges are threefold: to ensure effective prioritisation across geography; to ensure that councils and elected Police Commissioners can tackle crime and its underlying determinants jointly; and to ensure that strategic and long-term prevention of crime is not sacrificed in favour of shorter-term, higher profile interventions.

The lack of similarity between BCU and local authority borders will require innovative mechanisms to facilitate future place-based budgeting schemes, economies of scale, and common procurement ventures. As these represent

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**29** Casey, L, *Engaging Communities in Fighting Crime*, (Cabinet Office, 2008)

**30** *Liberating the NHS, Local Democratic Legitimacy in Health* (2010)

**31** House of Commons Home Affairs Committee *Policing in the 21st Century: Seventh Report of Session 2007-2008 (HC 364-I)* (10 November 2008) (London: TSO);

**32** Casey, L, *Engaging Communities in Fighting Crime*, (Cabinet Office, 2008)

potential efficiency savings without endangering frontline staff, special incentives will have to be created to encourage elected Police Commissioners to work together to deliver those savings. The problem of non-concomitant borders is also problematic for CDRPs, as most BCUs are party to several different CDRPs.

To facilitate area-based approaches, it is fundamentally important that elected Police Commissioners demonstrate the sustainability and long-term effect of the budget they set. The temptation to focus resources and policies on short-term and attention-seeking measures may be strong, especially before an election. Funding the present by mortgaging the future could have devastating consequences for policing in England and Wales, and Police and Crime Panels should have powers to approve or reject budgets. In terms of savings and efficiencies, special attention will have to be paid to the need for sustainability, place-based budgeting, and long-term strategic thinking. Recent pilots in Croydon have demonstrated the effectiveness of early intervention and successful partnership working, not only in terms of efficiencies but also of outcomes, in involving agencies such as the Police, Health Services, education, and social security to work together towards a common goal, with a common budget.<sup>33</sup>

### Case Study

*The London Borough of Croydon focused on early intervention and joined-up working as a way to tackle deeply ingrained social problems such as social violence, teenage pregnancy, and teenage delinquency. Using the Local Strategic Partnership networks, and driven by the impetus provided by Total Place, they piloted new solutions using place-based budgeting and involving all relevant partners, such as the police, voluntary sector, and health services. They “mapped” individual journeys through the system of public services, and identified the gaps and failings faced by ordinary families and individuals.*

*A number of holistic and cross-service early intervention programmes were established, designed to address the needs of families with young children: Preparation for Parenthood, Find me Early, and Family*

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**33** <http://www.croydon.gov.uk/contents/departments/democracy/pdf/617342/child-family-place.pdf>

*Partnership Teams being just a few examples.*

*Using this approach, they realised that there was a disconnect between the money being invested in services and the individuals using them. They focused on Early Intervention (from conception to 7 years), and redesigned services around the needs of the individual using them. This approach has enabled them to save over £8.3m during the spending period 2011/12 - 2013/14, £25m by the end of the next spending period (ending 2016/17) and more than £62m by the time the current four year olds turn 18 in 2023/24.*

Introducing elections in policing could also shape the strategic plans into short-term strategies designed to fit electoral cycles. It could discourage long-term thinking and policies. Early intervention mechanisms, for example, often produce their solutions less visibly in terms of policing (since the desired outcome is a *lack* of measurable criminal activity) and the outcomes may take longer periods of time to generate and so fall outside of electoral patterns. Early intervention can start as early as nursery (i.e. Sure Start) while the offending behaviour it is meant to prevent usually starts around the mid teenage years. This ten to fifteen year timeframe is far longer than any electoral cycle. Even when these schemes are financially viable in the medium-term, they might suffer from the need to demonstrate results quickly and simply.

Some schemes have been successful in demonstrating that early intervention and joined-up working can produce tangible results relatively quickly.<sup>34</sup> Operation Python, a specialist mobile multi-agency project that operated on Friday and Saturday evenings in areas experiencing high levels of police calls for youth-related anti-social behavior, crime and disorder, delivered an average reduction in youth-related ASB of 62% in the areas where it had been deployed.<sup>35</sup>

There is unfortunately no research evidence suggesting a direct link between the process for choosing Police Commissioners and a reduction or increase in crime. This is due to the difficulty in attribution. However, each mechanism, instead, brings its own sets of challenges and advantages. It

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**34** <http://www.homeoffice.gov.uk/crime/tilley-awards/finalists/>

**35** <http://www.acpo.police.uk/asp/policies/data/NPIA%20Practitioner%206th.pdf>

is the management of these challenges which will, in part, influence crime outcomes.

Directly elected PCPs should, in theory, assist the engagement of citizens or community groups, at the neighbourhood level, in improving crime outcomes. This could be achieved through a renewed sense of local empowerment, but also through encouraging schemes such as Neighbourhood Watch, or facilitating online crime prevention mechanisms such as “MindYourStreet”.<sup>36</sup>

*The level of engagement of each Police Commissioner must be genuine in every direction: upwards, with the NCA and the Home Office; sideways, with partners, local authorities, other forces, PCPs, and areas; and downwards, with citizens, community groups and voters.*

**NLGN recommends** *imposing a duty on Police Commissioners to regularly engage with partners, especially those within CDRPs and CSPs, to attend community meetings and to actively engage with all sections of the community, and to participate in place-based budgeting.*

*Elected councillors, through PCPs, should be allowed to influence the budget-setting process. This could be facilitated through a package of reforms. In the first place, the Police Commissioners budget timetable should be designed to coincide with that of local authorities. Second, Police Commissioners should be expected to engage with Public Service Boards or LSPs at the local level. Third, the activities of Police Commissioners should be subject to scrutiny from local authorities.*

**With regard to the composition of PCPs, NLGN would recommend that** *members should be the leaders of the different local authorities within the BCU boundary, or the Community Safety Portfolio holder, and that these form a majority within PCPs. This would ensure that all the relevant localities within a BCU border would be represented at force level, and that they had a strong democratic legitimacy.*

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<sup>36</sup> <http://www.mindyourstreet.com/>

## Local democratic accountability

Through the elected Police Commissioners, accountability towards central government is to be replaced by accountability towards citizens and communities. In theory this is a welcome shift, since around 60% of citizens currently find it “difficult” or “very difficult” to challenge local police on the way they police their area.<sup>37</sup> Enabling voters to choose an individual responsible for ensuring that the local police force focuses its efforts and resources on specific priorities and giving them the right to replace that individual should he or she fail in this task, will certainly strengthen the effectiveness of the tools provided to voters to hold their police force to account.

As noted earlier in the report, there is no doubt that the current structure is too remote from citizens. Part of the remoteness of Police Authorities is due to the complexity of the tripartite structure. This did bring its own advantages, which should be preserved if possible: independent members on police authorities represented political independence and technical expertise, while councillors gave a voice to local voters. The Home Office, meanwhile, represented the voters and their priorities on a national level. This ensured a certain political independence, long-term strategic thinking, and cross-sectoral representation.

The replacement of this system by a single direct accountability will ultimately focus its responsiveness to one specific group, namely the voters at each particular election.

The consequences of this shift mainly depend on voter participation at these elections. If policing is to be done “by consent”, it has to serve every member of a particular community: it must be for the public as a whole, not simply for engaged and politically active citizens. For the Police Commissioner to have real and widespread legitimacy, for that person to “police by consent”, the voter turn-out will have to be relatively representative of the local population as a whole. Should turn-out be low, the individual would have to find alternative ways to effectively engage with and represent the community as a whole.

Oversight can be provided by the newly created Police and Crime Panels (PCPs), but their powers are currently too limited to effectively represent local citizens as a whole. The effectiveness and legitimacy of this new post

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<sup>37</sup> Casey, L, *Engaging Communities in Fighting Crime*, (Cabinet Office, 2008)

will be partly determined by its effectiveness in engaging with local citizens. If safeguards are to be created to prevent short-termism from dominating the policing agenda, PCPs should be given more powers to ensure long-term thinking and to sustain less visible but more effective policies.

Finally, it is worth noting that size will matter. Commissioners in a large BCU, some of which comprise over two million people, will not be much “closer” to citizens than the current police authorities. Requirements for consultation and public engagement will be rather limited.

If the Mayor of London is to act as the *de facto* Police Commissioner for the London area, it would seem logical for the government to consider introducing similar provisions for other directly elected mayors in large cities, especially in those where BCU boundaries are relatively concomitant with Mayoral boundaries, such as in Liverpool or Manchester. This would simplify the process, avoid duplication and election fatigue, and would fulfil the local accountability and democratic aims laid out in the consultation document. <sup>38</sup>

**NLGN recommends that Police and Crime Panels should have power of veto, requiring a two-third majority, over certain key decisions, such as setting the budget, appointing the Chief Constable and the strategic policing plans. This would ensure some financial sustainability, long-term strategic thinking, and would safeguard the community’s interest as a whole.**

**NLGN would also recommend that attention be paid to the election of Commissioners in the twelve cities where Mayors are being introduced. NLGN sees no reason why, in those cities, the Mayors could not perform the role that the Mayor of London will play, especially if Mayoral borders are concomitant with BCU borders.**

### *Voter engagement*

Increasing accountability rests on ensuring an active and engaged electorate and community. Voter engagement could prove problematic as certain sections of the community, such as the young, deprived communities, or the unemployed, are notoriously unlikely, or unable, to directly engage

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<sup>38</sup> Nick Hope and Nirmalee Wanduragala, *New Model Mayors: Democracy, Devolution and Direction*, (NLGN, 2010)

with political processes. This is despite the fact that they are often disproportionately likely to come into contact with the criminal justice system as victims or perpetrators of crime. There is scant evidence to suggest that election turnout for Police Commissioners would be higher than those for councillors. Elections for Mayors have similarly patchy turn-out rates. As noted by the Home Affairs Committee, *“The relatively low turn-outs at local elections are unlikely to rise for independent authority members”*.<sup>39</sup>

In the US, voter turn-out at Sheriff’s elections and other primary elections has typically been low, with just 10 to 20% of registered voters attending primary elections.<sup>40</sup> Turn-out is higher when voters gather to elect a number of officials, but in this situation usually follows partisan voting patterns.

Holding elections for local authorities and for Police Commissioners separately could result in low turn-outs in certain areas, thereby leading to divisive, single-issue, or extremist candidates being elected. Sir Hugh Orde, head of ACPO, has warned in recent months that low turn-outs would risk returning BNP candidates and even “lunatics” as Police Commissioners.<sup>41</sup> Other, possibly less harmful but similarly publicity-hungry individuals might also declare their interest. Examples in the US have shown that some of the individuals elected to the Office of Sheriff have been controversial, to the point of being sued by the US Department of Justice.<sup>42</sup>

Even if such risks do not materialise, there will be little incentive for elected Police Commissioners to represent the community as a whole: *“Commissioners, particularly in areas with low voter turn-outs, will inevitably be tempted to gear their decisions towards improving their chances of re-election, especially towards the end of their term, which may not reflect the interests of the communities they serve”*.<sup>43</sup>

Despite the apparent straightforward nature of direct elections for Police

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**39** House of Commons *Home Affairs Committee: Policing in the 21st Century: Seventh Report of Session 2007-2008* (HC 364-I) (10 November 2008) (London: TSO);

**40** Jackson, J. ‘Hot race for Sheriff could mean bigger turn-out’ in *Owattona People’s Press*, August 6<sup>th</sup>. (2010)

**41** <http://www.independent.co.uk/news/uk/politics/acpo-boss-lunatics-will-win-with-tory-police-plan-1782916.html>

**42** <http://www.azcentral.com/arizonarepublic/news/articles/2010/09/03/20100903fedssuearpaio0903.html>

**43** Police Foundation, *Response to Green Paper on Policing*, (2010)

Commissioners, their role, powers and duties will have to be clearly explained and widely publicised. The new system will be further complicated by the non-concomitant nature of BCU and local authority borders.

Aside from the obvious threats posed by the election to Police Commissioner of an individual from an extremist party, there is still a threat that specific groups of individuals, such as immigrants, travelling communities, drug addicts, or the socially excluded, will be disproportionately targeted or disenfranchised in this process. Their inability to engage with the political process, or to engage in sufficient numbers, could see them as targets of specific policies, or simply ignored by a Commissioner focused on re-election.

In the US there have been numerous examples of elected sheriffs engaging in such behaviour: from sheriffs attending white supremacist gatherings,<sup>44</sup> to the self-proclaimed “America’s toughest sheriff”, who is currently being sued by the American Civil Liberties Union for civil rights violation, racial profiling<sup>45</sup> and jail conditions,<sup>46</sup> by the Department of Justice for refusing to release sensitive information and for illegal arrests and seizures,<sup>47</sup> and by the FBI.<sup>48</sup> He has starred in a TV reality show entitled “Smile! You’re under Arrest”, forced inmates to wear pink underwear, and installed CCTV cameras in prison cells broadcasting over the internet, in violation of the Constitutional Law. He has been criticised by organisations such as Amnesty, the American Civil Liberties Union, the Arizona Ecumenical Council, the American Jewish Committee, and the Arizona chapter of the Anti-Defamation league, and has been accused of misusing around \$80 million over his tenure in office.<sup>49</sup> Despite all this, he has been Maricopa County Sheriff for 18 years, having been elected or re-elected five times.

There have been other, less harmful but equally eccentric, elected individuals for the Office of Sheriff: Gerald Hege, Sheriff of Davidson Country, ordered all his prison cells to be painted pink, and brought back old-fashioned

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<sup>44</sup> <http://www.splcenter.org/blog/2009/01/29/controversial-sheriff-speaks-at-hate-group-function/>

<sup>45</sup> [http://www.alternet.org/immigration/142346/aclu\\_sues\\_controversial\\_arizona\\_sheriff/](http://www.alternet.org/immigration/142346/aclu_sues_controversial_arizona_sheriff/)

<sup>46</sup> <http://www.azcentral.com/news/articles/2008/10/23/20081023ruling1023.html>

<sup>47</sup> <http://edition.cnn.com/2010/CRIME/09/02/arizona.sheriff.justice.dept/index.html?hpt=T2>

<sup>48</sup> <http://www.azcentral.com/news/articles/2010/03/05/20100305fbi-expands-joe-arpai-probe-to-county-attorney.html>

<sup>49</sup> [http://en.wikipedia.org/wiki/Joe\\_Arpaio#Controversy\\_and\\_criticism](http://en.wikipedia.org/wiki/Joe_Arpaio#Controversy_and_criticism)



black-and-white striped uniform for prison work crews<sup>50</sup>. In many states, a convicted felon can run for the Office of Sheriff, even if he or she cannot legally carry a weapon.<sup>51</sup> Other sheriffs have tried to prevent federal police from entering their counties.<sup>52</sup>

Whilst financial and organisational necessities should prevent fringe individuals from successfully seeking election to the post of Police Commissioner, there remains a risk that a low-turn-out could lead to the election of candidates with nefarious policies.

**NLGN recommends holding Police Commissioner elections at the same time and location as local elections in order to increase voter turn-out. In order to avoid confusion, efforts should be made to widely promote the new system, to inform all sections of the community of the new arrangements, and incentivise them to engage with the process.**

*In order to avoid an extremely low turn-out leading to the election of an extremist or unrepresentative candidate, NLGN would also recommend establishing a minimum threshold of turn-out below which the Police and Crime Panels would be granted additional oversight over the Police Commissioners.*

### **Politicisation of the Police**

Much of the literature on Police Chiefs refers to the often inherent dangers of ‘politicisation.’ This, however, is not a clearly defined term. Those opposing the proposals for directly-elected Commissioners claim that such Commissioners could pursue policies likely to polarize opinion. A worst-case scenario could be ethnic divisions worsening as discriminatory priorities are pursued by a bigoted candidate. Proponents of electing Commissioners, on the other hand, refer to ‘democratisation’. Roughly, this means that the Constabulary should be refrained from direct or personal involvement in the political arena, but democratic accountability and transparency will be greatly improved, as the electorate is given the chance to elect and remove Commissioners based on their effective connection with local issues.<sup>53</sup>

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**50** [http://en.wikipedia.org/wiki/Gerald\\_Hege](http://en.wikipedia.org/wiki/Gerald_Hege)

**51** [http://www.wral.com/news/local/wral\\_investigates/story/7497525/](http://www.wral.com/news/local/wral_investigates/story/7497525/)

**52** <http://www.wyd.uscourts.gov/pdfforms/96cv99.pdf>

**53** Muir, R., ‘Policing needs to be democratised’ (IPPR, 2008)

Unfortunately it is politicisation in the former terminology that has occurred frequently in recent years. A great deal of controversy surrounded the previous Metropolitan Police Service (MPS) Commissioner, Sir Ian Blair, and his relationship with the then Labour government and later with the Conservative Mayor of London.

This is made even more relevant by the fact that the MPS is the only police force that will not have a directly-elected Commissioner under the proposals, as the Mayor will effectively be the ‘elected Commissioner’ of police who will solely hold to account the chief of police. In turn, the Mayor would be scrutinized by the London Assembly for his decisions.<sup>54</sup> The MPS Commissioner is effectively already accountable to London’s Mayor, as the departure of Sir Ian emphasised. Thus the convoluted oversight structures of the MPS provide an example of how Chief Constables and the proposed directly elected Commissioners may well interact in the future, albeit in a more streamlined and reputable process. Publicly holding senior officers to account is likely to be seen as the norm rather than the exception.

The real danger, however, might be what could be described as a “localised arms race”. Previous research has shown a correlation between media-fuelled alarm over the most prolific and violent cases involving offenders and the rhetoric from political leaders of both the left and right.<sup>55</sup> There are important consequences of this “arms race”, one of which has been the increasing rate of imprisonment despite the falling rate of crime, and the ever increasing demand for resources by the police.<sup>56</sup> In refining our accountability structures, thought must be given to whether this dynamic will be transplanted to the local level, with candidates trying to show they would be “tougher on crime” than their opponents. This trend, coupled with shifting responsibility for charging decisions from the CPS to the police for a range of summary offences, could lead to serious and inequitable discrepancies in the practices of different police forces. Liberty has highlighted the dangers that could arise from such political partisanship, noting that “*just as politically partisan national discourse around law and order has undermined trust and confidence in policing, so too will local rhetoric*

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**54** Murji, K. ‘Knowledge, Politics and the Police’ (*Policing*, Volume 4, Number 2, 2010)

**55** Bottoms, A. “*The Philosophy and Politics of Punishment and Sentencing*” (1995)

**56** Prime Minister Strategy Unit (2006) Strategic policing for the UK: The Policy Review, Home Office.

*from those who may have no experience or understanding of police work.”<sup>57</sup>*

While these problems would undoubtedly surface with the election of Police Commissioners, it is not certain that they would disappear should these proposals be shelved. Experience in the US has shown that the politicisation of the Police takes place even when they are appointed rather than elected (See below).

**NLGN would therefore recommend allowing chief constables to appeal to PCPs should they feel their operational independence is threatened.**

### **Politicisation & America’s appointed Commissioners**

*In some American cities, such as San Francisco and Kansas, the head of police must be a career officer appointed by his peers, and is not a political appointment. Unlike Sheriffs, who are elected, the Commissioners of cities are not. There is no single model of appointment or governance structure.*

*In the New York City Police (NYPD) a Civilian Complaint Review Board (which has thirteen members: five nominated by the New York City Council, three by the Police Commissioner, and five by the Mayor) oversees the force. However, only the Mayor has the power to actually appoint them to the board. The CCRB sets policy priorities and investigates complaints. The Department is also administered and governed by the Police Commissioner, who is solely appointed by the Mayor. Technically, the Commissioner serves a five-year term, but in reality the Commissioner serves at the Mayor’s pleasure. The Commissioner and his subordinate deputies are civilians under an oath of office and are not uniformed members of the force. A similar process takes place in Chicago.*

*Commissioners can often be high-profile figures. William Bratton of the NYPD, for example, pursued a ‘broken windows’ policy. His belief was that the zero tolerance of minor offences would lead to an overall*

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**57** Liberty, *Response to 21<sup>st</sup> Century Policing*, (2010)

*reduction in crime and the perception of it. It is credited, along with such programmes as the Chicago Alternative Policing System, with greatly reducing crime rates, and it also garnered international publicity. Unfortunately, in the case of Commissioners appointed solely by a Mayor, questions are often raised over the level of effective democratic oversight, and the accountability of the police forces to their citizens' concerns.*

### **Reducing bureaucracy**

Bureaucracy is often a by-product of formal organisational structures, regulating the interactions of members of that organisation, both with other members and with external entities. As Sir Ronnie Flanagan noted, there are “*both necessary and unnecessary elements [of bureaucracy], much like good and bad cholesterol*”.<sup>58</sup> The challenge is therefore to reduce bureaucracy within the Police Force, without reducing audit trails or accountability mechanisms.

Police accountability refers to both organisational and individual entities: the police as an organisation are to be held accountable for the quality of community safety, justice, and the security services they provide. Individual officers, meanwhile, are responsible for the way they conduct themselves with the public, especially in relation to human rights and civil liberties. These two levels of accountability are in practice closely inter-linked; the effective delivery of policing services depends on the collective actions of individual police officers and the way they exercise their powers. Similarly, officer interactions with the public will depend, in part, on the training they receive from their police departments.

This accountability is ensured through both internal and external mechanisms: the internal ones include corporate governance mechanisms (such as the Policing Pledge, inspections from HMIC, targets from central government, and codes of ethical standards), and the external ones include the Independent Police Complaints Commission, the Courts system, and the pressure applied by the media and pressure groups. All of these mechanisms bring their own bureaucratic elements in the form of inspections, targets, performance management, audit trails, and records of interventions such as stop and search. The abolition of some of these mechanisms, such as the

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**58** Sir Ronnie Flanagan, *Review of Policing*, (Final Report, 2008)

requirements to record every “stop and account” or “stop and search”, should bring a commensurate reduction in bureaucracy.

While accountability towards central government is set to be reduced through the abolition of government targets, of the Policing Pledge, and through the reduction of inspections from HMIC, alternative accountability mechanisms should therefore take their place, ideally putting assessment power in the hands of local residents, and using their views and experiences to steer policies accordingly. Accountability mechanisms would thereby still exist, albeit in a different form, but without imposing a bureaucratic burden on police forces.

The requirement for performance data is to be replaced by a requirement to publish data relating to “what is happening on their streets and neighbourhoods” in a clear and intelligible manner, thereby providing citizens with the tools necessary to hold the police to account.

Online forces data are already available today and there is nothing which prevents citizens and armchair auditors from creating crime maps and statistical analysis of crime in their area; indeed, examples of this already exist today (<http://maps.police.uk/> or [www.mypolice.org](http://www.mypolice.org)). These could be improved by making them more detailed for example, or updating them on a more regular basis, but this would require a commensurate data management and gathering procedure. PCCs should also ensure that they use engagement and transparency mechanisms to support and encourage user-generated schemes, at the neighbourhood level, which contribute to improving crime outcomes.

*To supplement this, NLGN believes that area assessments should be carried out at the local level to feed into these accountability structures to ensure that there is appropriate focus and response to local challenges.<sup>59</sup> This self-assessment would facilitate regular and localised updates of data publication from police forces, allowing for responsive and up-to-date crime mapping.*

### **Financial costs**

These elections will not be cheap to finance. Kent has estimated that its elections could cost two million pounds, the equivalent of fifty police

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<sup>59</sup> Olivier Roth, *Through The Looking Glass* (NLGN, 2010)

officers.<sup>60</sup> The LGA has estimated nationwide costs to stand at around fifty million pounds. An APA commissioned study found that while Police Authorities elections cost around three-hundred and fifty million pounds over five years, these new elections could cost up to four-hundred and fifty million pounds.<sup>61</sup> It is questionable whether this can provide value-for-money when it is estimated that this amount could fund over a thousand additional police officers, although it must be noted that costs would presumably go down should PCC election be held at the same time as local ones.

Remuneration for the Police Commissioner will have to be commensurate to its responsibilities and functions and is therefore likely to be substantial. In addition to this, his or her support team will also have to be funded by the taxpayer. Studies in the United States have shown that the remunerations enjoyed by elected Police Commissioners depend on certain specific environmental factors: high unemployment and high levels of crime usually entailed a higher remuneration, whilst largely impoverished populations and widespread support for the Republican Party usually resulted in the opposite.<sup>62</sup> It seems as though financial remuneration is therefore a factor of both *expected* results and performance and politically-inspired views on public sector pay.

Consideration will also have to be given to political campaign financing. The cost involved in running a campaign would encourage candidates supported by established political parties, although wealthy individuals and those supported by specific donations would potentially participate too. The proposed document is light on detail on this subject, but it seems as though some criteria will have to be established, especially when considering the re-election campaign of a sitting Commissioner.

It must be noted that these costs will have to be made public and available online, thereby enabling the public to judge the value-for-money provided by the Commissioner and his team.

**NLGN believes that the costs of setting these elections are high, especially**

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<sup>60</sup> [http://www.kentnews.co.uk/kent-news/Police-Commissioner-elections\\_to-cost-%C2%A32-million\\_newsinkent39951.aspx?news=local](http://www.kentnews.co.uk/kent-news/Police-Commissioner-elections_to-cost-%C2%A32-million_newsinkent39951.aspx?news=local)

<sup>61</sup> APA, *Response to 21<sup>st</sup> Century Policing* (2010)

<sup>62</sup> Ronald Helms, *Locally Elected Sheriffs and Money Compensation: A Quantitative Analysis of Organizational and Environmental Contingency Explanations*, (Western Washington University 2008)

*in times of budgetary reductions. For such an investment to prove proportional, it is imperative that it improves outcomes and provides value-for-money. A review of the effectiveness of these proposals after four years, using resources from the police budget, would seem necessary in order to establish whether they provide value-for-money. If not, serious consideration would have to be given to reversing this process.*

## **4** *Conclusions: How we could improve the present proposals*

**While policing in England and Wales has seen considerable improvements in the last decade, accompanied by a general fall in crime, there is still a public perception that forces are too distant from the public and not sufficiently accountable. The Coalition's efforts to address those perceptions and to make the Police more accountable, should be applauded.**

Directly elected Police Commissioners would almost certainly improve the public visibility of the local police force, would render it more accountable to voters and would foster a greater sense of democracy and local civic engagement.

Without proper safeguards in place however, there is a risk that this fragmentation of democracy could have adverse consequences.

### **Police Crime Commissioners**

Policing is a complex subject. Improving crime outcomes requires the collaboration of many different agencies, partners, and communities within an area. It is vital for the Police Commissioner to engage at the local level with both partners and communities. In these difficult financial times, it is imperative for police forces to explore place-based budgeting, and joint commissioning, in order to minimise the effects of budget cuts on the front line.

In order to ensure the continuing success of neighbourhood policing, and to encourage cross-sector partnerships, **NLGN would recommend setting out duties for Police Commissioners to consult and engage regularly with citizens, communities, and partners on the CSPs, CDRPs, and LCJBs. This would provide some assurance that policing priorities remained focused on communities as a whole.**

The use of technology should also be maximised in order to reduce as much as possible the bureaucracy and time-consuming procedures which prevent police officers from spending more time on the street. Technology can



also be a useful tool in disseminating data to the public at large about the performance of their police force, and the police should strive to establish a stronger online presence and engagement.

**While NLGN fully supports the aims of reducing bureaucracy through ending the collection of performance management data and centrally imposed targets, special attention will have to be paid to the collection and publication of data relating to policing outcomes. Since this will be the principal means for the public to assess the performance of the PCCs, standardisation of data collection and publication will be necessary in order to ensure comparability across forces and informed decisions from the public.**

### **Police and Crime Panels**

The creation of Police and Crime Panels as supervisory bodies is also to be welcomed. Being constituted of councillors and independent lay members, they represent the community as a whole, as well as ensuring expertise and experience. It is crucial for the Police Commissioner to be subjected to appropriate scrutiny, especially with regard to certain key decisions which could affect operations. This should go beyond simply insuring against improper behaviour and also include consideration as to local priorities, interplay across criminal justice, policing, social services, health and education.

**NLGN would therefore recommend giving the PCP a power of veto, dependent on a two-thirds majority, in three crucial areas:**

- *the budget proposed by the Police Commissioner, in order to ensure financial sustainability;*
- *the strategic policing plan, in order to promote strategic long-term thinking;*
- *the appointment, and removal, of the Chief Constable, in order to prevent an over-politicisation of the police*

While the politicisation of the police is unavoidable when policing issues are so high up the agenda of citizens and the media and when politicians run campaigns on law and order issues, there is little doubt that the introduction

of elections within the police sector would exacerbate this phenomenon. The question therefore shifts from “How can we avoid a politicisation of the police?”, which seems impossible, to “How can we minimise the impact of this politicisation on operational matters?”.

**NLGN would therefore recommend** *a strengthening of the powers of PCPs, so that any decisions which concern operational aspects of policing should be agreed upon by both the PCP and the Police Commissioner.*

**NLGN would also recommend** *ensuring that representatives of all local authorities within a BCU border should be present in the PCPs, either as leaders of the relevant council, or as holder of the Community Safety portfolio. This would ensure that a stronger democratic and geographical accountability from PCPs.*

## **Elections**

**NLGN would also recommend** *that attention be paid to the election of Commissioners in the twelve cities where Mayors are being introduced. NLGN sees no reason why, in those cities, the Mayors could not perform the role that the Mayor of London will play, especially for those which have borders concomitant with BCU borders.*

There is a real risk that low turn-out at these elections could lead to unrepresentative, extremist, or opportunist candidates. In order to avoid the election of such a candidate, **NLGN would recommend** *establishing a minimum threshold of turn-out, below which Police and Crime Panels, as legitimate democratic entities, would be granted additional oversight over Police Commissioners.*

**NLGN also believes** *that the APA’s guidance on recruitment of independent members is a valuable basis for considering how to encourage candidates from diverse backgrounds to put themselves forward for the post of Police Commissioner.*

Studies have shown that these elections would entail a substantial cost. The real test would be to see whether they provide value-for-money and whether they achieve most of the objectives they aim for. A review of the effectiveness

of these proposals after four years would seem necessary in order to establish whether they provide value-for-money. If not, serious consideration would have to be given to reversing this process.

*Furthermore, the costs of such elections could be decreased by holding them at the same time as local elections wherever possible. Transparency should be used to publicise and normalise the salaries, and associated costs, of Police Commissioners and their support teams.*

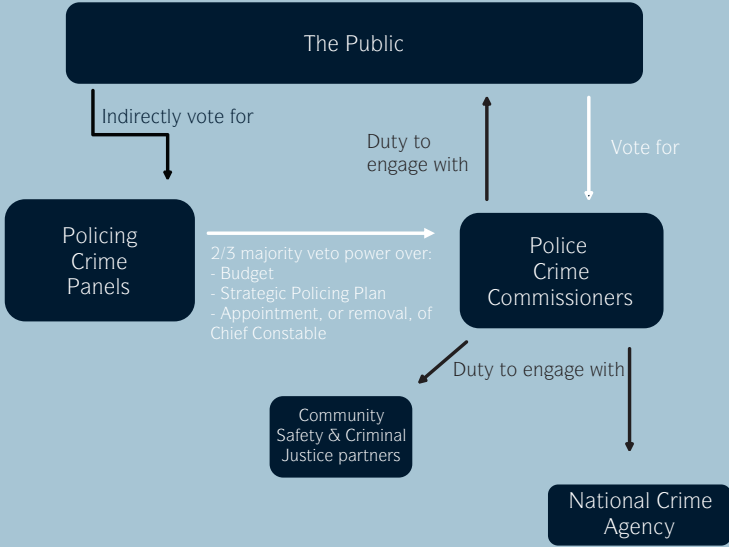
## **The NCA**

*Finally, the creation of the NCA will require rigorous and consistent cooperation by PCCs, in order to ensure that national priorities and strategic plans, such as counter-terrorism or fighting against organised crime, are acted upon by Police Commissioners. There is a risk that, especially in election years, Police Commissioners will focus their efforts on visible, high-impact measures which address the concerns of their voters. Such inward-looking fragmentation would do great damage to the effectiveness of policing and to its public perception.*

## **HMIC**

*NLGN recommends annual self-assessment from Police Forces, transparency in data collection and publication, and some form of process standardisation in order to reduce gaming or distortion. These measures would facilitate regular and localised updates of data publication from police forces, allowing for responsive and up-to-date crime mapping, and neighbourhood engagement in improving crime outcomes.*

**Figure 3** NLGN recommendations







**The Coalition’s White Paper entitled “21<sup>st</sup> Century Policing” argues for structural changes within the police service, in order to improve local accountability and to foster citizen engagement. The current tripartite arrangement would be replaced by directly elected Police and Crime Commissioners, who would be supported in their duties by newly created Police and Crime Panels.**

This research paper will analyse some of the issues and tensions that this proposal creates, and will attempt to issue a set of recommendations and principles designed to maximise the benefits that can be derived from its implementation.