

Police, Lawyers and Public Service Reform
Sir Ian Blair
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On Friday, the Metropolitan Police Service delivered its response to the recent Home Office consultation paper, 'Building Safer Communities'. I have to say that the document is pretty radical. What I thought I would do this evening is to run through the ways in which the police service have recently responded - and now intend again to respond to the reform of public services. I hope thereby to disprove George Bernard Shaw's comment that, "in the end all professions are conspiracies against the laity." I will also gently suggest that the legal profession might care to join us on that journey. This will not be an attack on lawyers but an invitation.

The history of both professions, as a whole, has been largely conservative. While there have been many reforming and, indeed, radical lawyers, law develops slowly. For almost all of its history, the police service has been silent, an institution which, until the 1980s at the earliest, was an institution little affected by politics and largely separate from the impulses of reform in other parts of the public service.

During the 1990s, however, and with increasing speed ever since, law enforcement, community safety, policing, call it what you will, has become a central component in the infrastructure of a modern or post modern society and thus a critical factor both in politics and in media debate. In the last round of local elections in England and Wales, this broad area of public concern was the most important issue to the focus groups of the various political parties: it is starting off as the most important issue in the London mayoral election.

The principal reason is that, at a time when public concerns are increasing and individual expectations of public services are also growing, the policing mission is expanding, expanding more sharply than it has ever done before. I believe that policing can be divided up into three component parts, for which I recently suggested the analogy of an altarpiece, an analogy which I may just deepen a little this evening. In the centre are the traditional staples of policing, dealing with allegations of assault, robbery, burglary, auto crime: answering calls for service: dealing with football matches and marches, traffic accidents and pub fights. This is the area on which successive governments have lavished the attention of a performance regime and, in general, the police service is delivering. For instance, we have the lowest burglary rate for twenty-five years, while auto crime and robbery have also been falling recently. In 1996-7, the Metropolitan Police responded to 1.5 million 999 calls, by 2003, that number had become 2.5 million 999 calls. In general, we have learned some of the bitter lessons of the McPherson report and our service is more amenable to the different experiences and expectations of different communities. A mark perhaps of seven out of ten: satisfactory progress.

I will return to the middle part of the triptych in a minute because I actually want to use the analogy of a painting further: there is a new depth and

perspective in this area that needs some unpacking. However, while the police have successfully delivered on a number of targets set by government there is a clear 'success gap', noted by Civitas commentators not least of all. The public are far from satisfied and the explanation for that lies in the other two parts of the altarpiece. The sides are irrelevant but, for the purposes of argument, on the right hand side, the police mission is being stretched towards seriousness. The public is concerned about danger: the danger of a rising rate of homicide, an increased number of kidnappings, an increased propensity to the use of firearms: it is aware of the random nature and increased threat of international terrorism and the increased threats of stranger violence, including rape and the consequence of the failure of care in the community. Over two and a half thousand – and rising - of the Metropolitan Police Service's officers work on serious crime, homicide, child protection, organised crime. A similar but slightly larger number of officers are now concerned exclusively with counter terrorism and security, a huge increase since 9/11. The mission expands: some of this work stretches towards the roles of the security service and even the military.

However, while this is all true, it is not on this side of the altarpiece that concern is currently focused by the public. In our meetings with local communities, they are aware and accepting of police efforts to combat burglary and street crime, assault and traffic: they are aware of but weigh up the risks in their own lives from terrorism and homicide and rape, which by and large are still perceived as happening to other people. What concerns local residents, the members of local police community groups, the focus groups with which we are concerned, is something quite else: the left hand side of the triptych, the smashed bus stop, the group of kids smoking and drinking in the toddlers' playground, the neighbours from hell, the open drugs markets, the abandoned vehicles, those aspects of modern life that make people feel insecure. In part, this concern is the consequences of the withdrawal of previous agents of social cohesion, whether they be caretakers, park keepers or bus conductors: in part, it is the increasing dysfunctionality of some families, increased disposable income for alcohol use and the breakdown of some social care arrangements. Whatever it is, it is these aspects of local community safety with which the public wish the police to engage.

It is, famously, this area of work which Bill Bratton and other police chiefs in the United States entered with the zero tolerance approach [a not quite accurate description but it will do for the purposes of argument]. But Bill was policing a city with the same population but half the geographic area as London, with only one political lead and only one objective, with a budget of £1 billion (or 13,000 cops) more and with the FBI, the DEA and the US Secret Service to assist in those parts of the mission which are represented by Scotland Yard's national and international responsibilities.

In the absence of a billion pounds and the unlikelihood of a decomplicating of either its political or performance framework, then the only path for the police which will enable us to handle all parts of the triptych is reform, together with

strident notification that some additional money and some simplification of objectives is required.

Our response – available on the Met’s website - to “Building Safer Communities” makes clear that neither existing structures nor existing accountabilities, nor the existing workforce mix, nor the size of the workforce are adequate to the future task. First, our response challenges the tyranny of officer numbers as a measure of police effectiveness. We envisage a workforce which acknowledges that the days of the omni competent constable are over: the skills of mediation and community engagement which local officers will need are no less significant than the skills of intelligence development and armed intervention needed by anti terrorist officers. They are different and are unlikely to be possessed by the same person. We need a workforce which is made up of many streams, which is permeable to other parts of the public service, which people can join for short periods of time to carry out certain kinds of functions. The first visible sign of this is our development of police community support officers as a separate tier of patrol but we look to develop escort officers, detention officers and other forms of specialism in early course. We need full scale workforce reform, celebrating the very special nature of police officers but determining what proportion of the total workforce needs the warrant for the legitimate use of force, so as to free managers to use non sworn staff in new and imaginative ways. We have every intention of further experimenting soon in this direction.

The next stage is to understand the capacity needed to undertake this enhanced mission. We are engaged with government in discussions around a new structure around the combating of international organised crime and for the possible new structure around a border policing agency. We are in urgent consideration of our response to what we describe as level two crime, the semi organised networks beyond the capacity of a local police command. We are determined to articulate these different strands to avoid what is sometimes described as “the cycle of reinvention” of community policing, in which different agencies, of which Edmonton would be a particular example, move staff out of centralised units and on to patrol with much fanfare and then sees other forms of crime rising, withdraws the officers from the beat and thereby damages community confidence once again. In London, we have done that twice before with Neighbourhood and then Sector Policing. We have now put forward our Step Change Programme, to deliver a mixed team of police officers and police community support officers to every ward in London, promising that those officers will not be withdrawn from those duties except in the direst of emergencies and we have arranged for the first ninety-six of those teams to be created in the next financial year. This is the Met’s way, as Julia Magnet wrote in The Times last week, of putting cops on the right corner. However, we have also made clear that this is additional activity and, in the end, must come at an additional cost. In this year, that is £26 million: in years to come, many times that.

Further, we have engaged very specifically with government and with local authorities around what might be the future of engagement and accountability. We have to understand thoroughly exactly what is meant by localness. I like

to take the example of Lambeth, attendance at the Police Community Consultative Group of which is an interesting and educative experience in local democracy. Unfortunately, a Lambeth PCCG is only understood to be of interest by people in Brixton: we would have to go to Kennington, to Streatham and to Clapham to even begin to engage local people and I believe that the way forward will be for the police to provide information at a far more local level than this. At the same time, we have made clearer and clearer to government that the local police commander must have room to set priorities with those local people and that needs a reduction in national and pan London objectives and targets, together with the integration of the accountability and funding regimes concerned separately with community safety and criminal justice. This would see Crime Reduction and Disorder partnerships begin to merge with local Strategic Partnerships and local Criminal Justice Boards, with Drugs Action Teams and, perhaps, with Mental Health accountability mechanisms. Our proposal is to create Community Safety Boards locally to take in all of those aspects of accountability, to make them subordinate to strategic police authorities dealing with large numbers of police basic command units and to break down those Community Safety Board areas into a much larger number of Neighbourhood Panels, supported by a much greater openness and transparency about crime patterns. Two further points are of interest here. The first is that we have to make local crime statistics available much more easily and in a much more timely fashion. I would like to move to a position in which individual citizens can access data themselves to find crime patterns in their local area. The second is that this localness throws down a challenge not only to police but to courts and lawyers.

Lastly, this kind of approach has implications for the current structure of policing. The forty-three forces in England in Wales range in size from just over 1,000 to 40,000, have different capabilities and different overheads. The introduction of local Community Safety Boards, supported by neighbourhood panels but with real budgets and real powers, challenges the existing structure, which has been in place without challenge for over 30 years. What is so fascinating at the moment is that ACPO is prepared to articulate its need for the reconsideration of this structure rather than attempting continuously to defend its status quo.

I now want to return to the depth and perspective in the middle part of the triptych, which I would suggest is a good analogy for our engagement with other parts of the criminal justice system. After some initial doubts, the police service has enthusiastically embraced a combined performance regime for courts, CPS, police and probation and, in many parts of the country, are the lead agency within the local criminal justice boards. These boards are seriously beginning to increase the efficiency of the criminal justice system, to reduce the number of cracked and ineffective trials, to bring down the waiting times for young offenders and to deal with concerns of victims and witnesses.

Furthermore, they are beginning to engage with a new area of criminal justice reform, increasing the effectiveness of enforcement. A number of studies, in which the police are heavily involved, are underway, into fine enforcement, into the enforcement of community penalties and into non appearance. On

this last, I can only state my delight at the recent practice directive from the Lord Chief Justice about the handling of bail by courts, which will ensure that those who are arrested for non appearance at court will normally be dealt with for that non appearance at the first possible instance thereafter, separately from the main offence. If someone is aware that, by absconding, they risk the possibility of being placed in custody as a sentenced prisoner for that absence well before the trial of their original offence, rather than having a week added to a six month sentence at the end of the whole process, then I think that people's absconding behaviour will alter. I can state that that practice directive was a direct result of police pressure for reform.

Putting it bluntly, the police are getting a taste for reform. They have been engaged heavily in many of the legal reforms of the last few years, pressing for issues around the inclusivity of evidence which led to the bad character provisions of the last criminal justice act: pressing for the advances of science to be made available to the courts through the immediate finger printing and DNA sampling at the point of arrest, developing new models of Anti Social Behaviour Order enforcement and Acceptable Behaviour Contracts. We now look forward in the run up to the reorganisation of efforts against organised crime to engaging in discussions around conspiracy, drawing lessons from other jurisdictions about racketeering legislation, witness protection, Queen's evidence and other ways of breaking into crime syndicates. We have been heavily engaged with government about asset recovery and are seeking to be legally audacious in so much that we do.

Of course, the police service has many faults. It remains instinctively bureaucratic. It has very little understanding of continuous professional development. Not all police officers are either energetic or interested enough to think about change. However, at many levels, what is new is an energy and willingness for reform, a willingness to see themselves as agents of social change, a willingness to experiment, to think outside the box.

And here I ask whether the lawyers will join in. There are many brilliant men and women within the legal profession, far more brilliant men and women in it than are likely to be found in my service. But my experience of engaging with representatives of both the Bar and the Law Society over the last few years over the topic of legal reform has been disappointing, particularly with those concerned with the defence.

During the first Labour term, the Lord Chancellor, the Attorney General and the Home Secretary signed "Criminal Justice: The Way Ahead", a document which led straight on to the report by Lord Justice Auld, which had two aims, first, to reduce crime and the fear of crime and their social and economic costs and only secondly, to dispense justice fairly and efficiently to promote confidence in the rule of law.

In all the reforms in which my service is engaged, it is very difficult to convince lawyers that that first aim is relevant to them. The Home Secretary said in 2001, speaking here to the Institute for the Study of Civil Society that we must seek

“justice, not just the primacy of jurisprudence. Due process is important. But not only process. Values must inform our actions, from tackling anti social behaviour in our communities to facing global threats. I am appealing to lawyers to work with us in finding justice, not just procedural Pyrrhic victories. Lawyers are paid to represent clients but, if that is all they are required to do, then I think we should say so. If it is a trade, let’s say so. If it is a profession, then let’s have a debate on the relationship between criminal justice system representatives and accountability and democratic process.”

By putting the CPS at the point of charge inside police stations, legal processes in the United Kingdom enter a new phase in which prosecutors will inherently be concerned in the protection of communities at a local level. I have taken part in many comparisons with New York and was present, of course, when Bill Bratton gave a recent lecture to Civitas. Among the many issues which he described, one may have been missed, which was the way in which the judiciary and the district attorneys in New York – and elsewhere in the United States – see their role as, in part, getting the bad guys off the street.

As a new prosecutorial role develops here, we need the judiciary and the defence further to engage with reform. Senior judges are already working with local criminal justice boards but if those boards are, as we suggest, subsumed into overarching community safety boards, then that engagement will and should become closer. But just as full reform of the way in which community safety is organised and made transparent must include issues of criminal justice and public perceptions of criminal justice, so reform of local criminal justice must include defendants and defence lawyers. If Lord Justice Auld’s objectives were for real, then lawyers need to engage – in a proper way – in the reduction of crime, fear of crime and their social and economic costs.

Of course, lawyers must represent their clients but there is nothing to stop defence organisations becoming involved in the better management of cases, nothing to stop them understanding crime patterns within their local area and the concerns of communities, nothing to stop them engaging with reform in a way which is welcoming, rather than refusing and yet I see no sign of it.

This is a great pity because my service is reinventing itself: the prison and probation services are reinventing themselves, we now have a unified court service, we have dozens of initiatives which are putting victims and witnesses at the centre of courts and we need, we desperately need the lawyers to engage with us. That may be the subject of another Civitas talk.