

BARRY LOVEDAY

Reader in Criminal Justice Administration, Portsmouth University

POLICE REFORM IN ENGLAND AND WALES: PRODUCER-DRIVEN OR CONSUMER-LED? AN EVALUATION OF THE CURRENT POLICE REFORM PROGRAMME*

This article considers the current status of police reform and the many problems associated with it. It argues that the current proposals are very largely producer-driven rather than consumer-led and if implemented would serve to undermine the Prime Minister's policy commitment to both public service reform and the encouragement of greater consumer choice. Recent public opinion polls indicate that consumer perceptions of police amalgamations are almost wholly negative. It is also argued that the criteria for determination of 'stand-alone' forces set by the Home Office has proven to be highly arbitrary. It argues for the need for more effective collaboration between forces and for much closer local authority involvement in the delivery of local police services. It highlights possible local government reform proposals within the forthcoming White Paper and the need to link reform of local government structures with those of police forces. It concludes with an evaluation of neighbourhood policing strategy and the need for joint responsibility and oversight between police and local authority to both anchor and sustain this important initiative.

Introduction

In his speech to the Police Federation at Bournemouth the new Home Secretary was to indicate that the commitment to speedy implementation of police reform would itself be reviewed with an expectation that plans for mergers of police forces could be delayed by at least a year (Cowan & Dodd, 2006). John Reid's Bournemouth statement was to be followed in June 2006 by a further statement to the House of Commons that forced mergers of police forces would not be set in motion before the summer recess, effectively delaying any implementation until the autumn of that year (Jones, 2006). These decisions cannot be interpreted as suggesting the effective end of the amalgamation programme. They do serve, however, to provide an opportunity for further

reflection on what future structure might improve police efficiency and effectiveness. This opportunity has in effect been denied to police forces and police authorities over the last six months.

This has indeed been to date a 'planning process' whose timescale dictated by the Home Secretary has been utterly unreasonable and one also within which all meaningful 'options' to amalgamation identified within the 2005 HMIC Report, *Closing the Gap* (i.e. collaboration, federation and identification of 'crime markets') have been closed down by the Home Secretary before any real debate or discussion could be undertaken concerning them. The fact that police authorities and forces have been largely confronted with a 'no option' agenda has also meant that alternatives that may be more effective than police force mergers have not been explored even though, in the original 2005 Report, HMIC considered it right and appropriate to raise these options (HMIC, 2005: 15–16).

This article seeks to initiate the exploration of alternatives to police force amalgamation and to also explore further a number of issues raised within the Policy Exchange Report on Restructuring Policing in England and Wales (Policy Exchange, 2006). It is argued that the speed of the amalgamation planning process to date has meant that both public and professional opinion have been largely ignored or not consulted as the then Home Secretary's conclusions were in effect predetermined and subsequently not amenable to rational debate and discussion.

This might be considered unfortunate as the HMIC 2005 Report upon which the Home Secretary was to buttress his plans for mergers was also to highlight matters concerning the need to:

- (a) Identify the significance of criminal markets in determining police force boundaries;
- (b) Be aware of geography where the scale and demography might require a measure of pragmatism in proposals for change;
- (c) Recognise that coterminosity would make it essential to consider established political and partner boundaries;
- (d) Accept that (local) Identity and natural boundaries should be maximised where possible. (HMIC, 2005: 13–14)

Although each of these issues were to be factored in to the HMIC 2005 Report, it is fair to say that none of them was reflected in the plans outlined by the Home Secretary in identifying what was seen as merely stage 1 of the process of police force mergers.

Public and Professional Opinion

Public opinion data will not be considered in detail here. It is sufficient to note that recent opinion poll survey evidence conducted by Policy Exchange (May 2006) has demonstrated that the majority of the public remain opposed to police mergers and that this opposition grows when members of the public learn that their local police force forms part of the merger plan (Policy Exchange, 2006). To this must be added the evident difference of opinion held by professional police officers as to the advantages (or not) of further police mergers. Just prior to being appointed to the Presidency of ACPO, Ken Jones was to argue that he could see a future where:

Services will be provided at the level where they are best organised and delivered. Therefore most forces and police authorities in this suggested model (of federation) remain the best structures to continue to develop local policing along with the current governance and accountability mechanisms. (Jones, 2005)

It was this chief officers' view that the implementation of 'unwise amalgamations' would put at risk much of what had been achieved in relation to local policing. He was to state that he strongly argued for the retention of most forces and their identities 'as they now are' (Jones, 2005: 25).

A not dissimilar viewpoint was to be expressed earlier by a former chief constable who was to note, in 2001, that one of the most remarkable features of current and previous arguments in favour of amalgamation of forces was based almost solely on police force size. As O'Byrne (2001) was to argue in relation to this, the determination of police efficiency on the basis of size has provided a regular 'upwardly moving target' as the establishment numbers deemed necessary have steadily risen over the years. O'Byrne notes that:

The usual approach is the simple one of determining a number below which forces are not felt to be sustainable. This is difficult to prove in empirical terms and is usually done as a matter of judgement (however that is defined) by some person or organisation on which the government places reliance ie HMIC. (O'Byrne, 2001: 127)

This former chief officer goes on to note, however, that in the early 1990s the figure fixed upon by HMIC was 3,500. HMIC

was to argue that this was the ideal size for a police force. But very little if any empirical work was conducted by HMIC to sustain this claim. Indeed what research was conducted used very crude measurements in relation to cost per officer per head of population, the overall crime rate and crime detection rates. He asserts these did not compare like with like and were not good indicators of overall efficiency or cost effectiveness either (O'Byrne, 2001: 127).

The highly simplistic indicators used by HMIC made no allowance for calls on police, for example, in high areas of social deprivation and high density housing 'which are always significantly higher' than in other areas (O'Byrne, 2001: 127). It is sufficient to note, on the basis of O'Byrne's evaluation, that previous analyses provided by HMIC to justify larger police forces through mergers have proved in the past to be as methodologically suspect and unsound as the current analysis is now considered to be by its many critics.

Arbitrary Determination of Police Force Stand-Alone Status

Prior to his departure the then Home Secretary, Charles Clarke, was to identify some police forces as being sufficiently 'fit for purpose' to stand alone as a 'strategic police force', One of these forces proved to be Kent Constabulary (the others being Hampshire and Greater Manchester). It would be invidious to challenge the strengths exhibited by this force particularly in providing 'protective services'. It is the case that the accident of events may well have provided a further defence for Kent constabulary's determination to fight against a merger with other southern forces.

Thus the incident arising from the Securitas robbery near Tonbridge in Kent was to prove propitious for the police force. This was clearly felt to be the case by the Chair of the Police Authority who, after a meeting with the Home Secretary, was to comment that the Securitas raid and the force's reaction to it had proved to be the 'icing on the cake' in helping to influence the 'Stand-Alone' status accorded to Kent Police (Boyes, 2006).

It was also noticeable, however, that in a letter from the Chief Constable of Kent to *Police Review* concerning the same Securitas robbery and his police force's response to it, this officer claimed to be very much aware of the collaborative nature of the police response to the incident which contributed to its successful resolution. This officer, later, expressed his:

Personal thanks to all those police forces and national police agencies who have assisted us in our investigation into the robbery and kidnapping at the Securitas Depot. I have been heartened by the offers of support and cooperation received and this has undoubtedly helped us make substantial progress in the investigation at an early stage. (Fuller, 2006: 15)

While the Home Secretary therefore was to comment, in relation to the Securitas robbery, that it was its ability to provide protective services that had persuaded the Home Office and HMIC that Kent was 'fit for purpose', the reality appeared to be that the incident in fact only provided additional evidence of the strength and utility of existing police collaborative arrangements (Fuller, 2006). There must also be some basis for concluding that should the Securitas raid have occurred in a neighbouring police force area, the collaborative arrangements set in train might well have been rewarded with a similar success.

The Need for Increased Police Collaboration

The commitment to more effective policing of Level 2 crime which permeates the 2005 HMIC Report and serves as a major justification for merging police forces now sits uneasily with recent developments in the police criminal investigation field. These relate to the creation and recent activation of the Serious and Organised Crime Agency (SOCA) which the Government has established to deal more effectively with organised crime. The SOCA has also dramatically changed the policing landscape, not least by effectively bringing to an end the operations of both the National Crime Squad and the National Criminal Intelligence Service.

It is now estimated that the majority of police officers serving with these bodies, some 2,000 specialist CID officers, have voluntarily opted to join SOCA (Metropolitan Police, interview with OCU Commander, May 2006). These officers by joining SOCA have ceased to be police officers and are now employees of SOCA. It is significant that these officers are expected to deal overwhelmingly with Level 3 crime (international –organised) rather than Level 2 crime. The sudden departure of so many officers may therefore have helped in fact to 'widen the gap' in relation to level 2 crime (Metropolitan Police, interview with OCU Commander, May 2006).

The professional response to both this development and others has been to resurrect actively 'regional crime squads' to plug the growing gap in this area of policing. In Wales a regional

crime squad has recently been established; in the West Midlands a regional crime squad has been operational for some two years. These squads do not appear to have incapacitated member police forces in dealing effectively with Level 2 crime. With the significant loss of national crime services to SOCA they may also prove to be the most cost-efficient and professionally effective response to Level 2 crime. One chief officer has recently argued, in the absence of an Anti-Terrorist Agency, for the creation of regional special branch services that could work alongside newly re-established regional crime squads (Chief Constable of Hampshire, interview, May 2006).

These developments indicate that earlier arguments made by Policy Exchange in relation to the use of regional structures as an alternative to police mergers using evidence presented by former chief officers are entirely vindicated. They provide further evidence of effective collaboration which in fact continues to characterise contemporary policing in England and Wales.

The Case for Effective Local Authority Linkages

As evidenced within the 2005 Report, HMIC are aware of the need to sustain effective local authority relationships. This was most recently reinforced by the then Home Secretary's demand made at the Birmingham ACPO 2005 Conference that local police boundaries should be coterminous with those of the local authority. It is the case, however, that the subsequent pressure to regionalise police forces would serve to undermine this objective. This is because the enlarged regional force boundaries would cease to correspond with any existing local authority boundaries.

Yet the need for both coterminous boundaries and a local government input into policing has been identified as an essential component of effective policing. This was to be identified some years ago in the Morgan Report on Safer Communities that recommended partnerships between police and local authorities (Home Office, 1991). Elsewhere professional police associations have acknowledged the importance of coterminous boundaries with local authorities. The Police Superintendents' Association of England and Wales has argued that the single most significant determinant of effective policing is the creation of coterminous boundaries with the local authority (Police Superintendents' Association, 2004).

The crucial nature of the link between police unit and local authority has been noted by a former chief officer. He has argued in relation to the Basic Command Unit (BCU), for example, that:

In my experience policing works best where there is a clear link between the BCU and the local political unit. (O'Byrne, 2001: 136)

He also notes that:

The shape of local government is critical to the successful reorganisation of the police service. Unless there is to be a massive democratic deficit it is essential that the police are so structured that it has a clear relationship with local government. To establish a regional police force without a regional government that was underpinned by large unitary authorities would be to create a national force with little in the way of local accountability. (O'Byrne, 2001: 136)

The same chief officer adds that it is also essential if the accountability is to be real and not cosmetic 'that the local government unit has some ability to shape the style and content of local policing' (O'Byrne, 2001: 137).

Local Government Reform Plans

It was to be argued within HMIC's 2005 Report that no plans for local government reorganisation appeared to be on the horizon and that consequently there was a need for the police to act unilaterally in reforming their boundaries (HMIC, 2005). Yet, some time prior to its publication, press reports in early 2005 were to suggest that the Office of Deputy Prime Minister (ODPM) was actively considering local government reorganisation. Furthermore the reform plans were predicated on the probable abolition of two-tier county and district councils and the creation of unitary authorities to replace them (Loveday, 2005).

Subsequently it was to be discovered that ODPM, and latterly the Department of Communities and Local Government, was actively involved in assessing potential local government reform and that its proposals would be outlined within a White Paper in the summer of 2006. While it is as yet uncertain as to what precise form its recommendations will take, there is some expectation that the two-tier divide between county and district might be replaced by a unitary system. If so, this will only complete the programme of local reform based on unitary bodies initiated in the early 1990s by the Conservative Government that was to lead to the creation of 48 unitary councils in England and Wales. It was to involve the abolition of four counties - those of Avon, Cleveland, Humberside and Berkshire and the creation

within them of a number of unitary authorities (Wilson & Game, 1998: 59).

Although there is an expectation that reform will embrace unitary structures, there is a clear need for alternative structures. Among these and highlighted within HMIC's 2005 Report is the concept of the 'city-region'. This is by no means new and can be traced back to the Royal Commission of 1969 within which, in a Memorandum of Dissent, Derek Senior was to advocate a multi-tier system of provincial councils, city regions, district and local councils (Wilson & Game, 1998: 50).

The reappearance of the city-region concept is of some importance if only because in terms of policing reform this structure could easily encompass the concept of the local crime market, initially highlighted but subsequently ignored within HMIC's 2005 Report *Closing the Gap*. The importance of the criminal market concept is that it requires those who aim to restructure police forces to look closely at areas of demand and to link crime markets to local hinterlands.

It is arguably the case that one of the greatest weaknesses of the local government reforms of 1974 (other than the creation of two-tier authorities) was, in policing terms, to remove criminal markets from their hinterlands by the creation of artificial divisions that separated these. A clear example was to be provided in the West Midlands where the crime market of Coventry was removed from its hinterland as Coventry became a police division of the West Midlands police force while the hinterland remained in Warwickshire. A similar artificial divide was to occur with the removal of Wolverhampton from its hinterland by its location within the West Midlands police force area rather than Staffordshire.

Similar problems of the removal of the crime market from its hinterland could be discovered within each of the metropolitan areas. It is sufficient to note that the city-region concept would allow planners to re-address this issue in the interests of improving police efficiency and effectiveness. This would involve the disaggregation of some police forces rather than their further expansion but might actually improve their overall effectiveness if police boundaries are more closely tied to local demands on police services.

Local crime markets provide a police management rationale for restructuring. It is also the case that the city-region and crime market would also encourage the creation of police forces that are much closer to local communities than currently obtains and that could be expected to cease altogether within the planned

'regionalisation' now pursued by the Home Office. Interestingly, in Scotland it has been recently been revealed that the need to improve local community links is currently encouraging the break-up of Strathclyde Police Force, which is now seen as being too big to sustain such links (Booker, 2006). There may indeed be a similar case for challenging the traditional Home Office shibboleth by arguing not that there are too many police forces within England and Wales but that there are in fact too few.

The concept of the city-region within, for example, Cleveland could have a number of attractions. The existence of unitary authorities would provide the platform for more effective service delivery and greater local accountability through the BCU structure. It is clear that ODPM *et al.* are currently interested in improving accountability and governance structures at this level along with establishing mechanisms that would encourage more effective crime reduction partnerships.

At one level above that of unitary authorities the police authority would exercise a more strategic role as highlighted in a 2004 Report produced jointly by the Home Office and Strategy Unit. In assessing a future role of the police authority this Report was to argue that:

Greater emphasis should be placed on their strategic and challenge role, their role in consultation on force wide themes and on championing collaboration between forces. (Home Office/PM Strategy Unit Report, 2004: para 46)

Identifying the Basis for Effective Police Reform

The evidence presented here provides a basis for a degree of reorganisation of policing to respond to local government reform. It also acknowledges the professional judgement of HMIC in relation to the significance of crime markets *et al.* outlined within its 2005 Report. Much can be accomplished to improve police effectiveness without a move to regional structures. Regionalisation as currently propounded within the Home Office is likely to prove to be an expensive irrelevance. Additionally, with costs of £500–£600 million predicted by ACPO, this can also be expected to undermine fatally the roll-out of Neighbourhood Policing (Policy Exchange, 2006: 20). Yet the neighbourhood policing strategy will itself involve high manpower costs and resource investment if it is to come anywhere near to fulfilling its planned role. Ironically an under-funded,

neighbourhood policing strategy would nevertheless continue to provide the basis and ultimate defence for merging police forces (Loveday, 2005).

There is a clear case for further and deeper evaluation of policing needs in the twenty-first century than that attempted to date by either HMIC or the Home Office. This would need to encompass the concept of tiered policing within which functional specialisation is given greater weight. It would also recognise the obvious black holes in the current structure that have not been addressed by the creation of SOCA.

This would relate most immediately to the evident need for an Anti-Terrorist Agency to be established on a national basis. Given events in July 2005, it might be thought remarkable that a huge investment has been made in SOCA but no corresponding investment has been directed to what many might consider a more immediate threat. Given the disappearance off the police radar screen of over 2,000 trained detectives to SOCA, there is now also a need to resuscitate Regional Crime Squads to fill the evident vacuum created by SOCA. This form of collaboration could prove to be much more welcome to the public, police forces and police authorities than the expensive alternative of amalgamations along with the uncertainty of outcomes associated with that development.

Limited police reorganisation linked to local government reform would allow for the roll-out of both neighbourhood policing and workforce modernisation. The latter represents a far more important trajectory in terms of police reform than simplistic and ultimately highly costly police force mergers. Based on unitary authorities and city–regions, local government reform would also provide a much sounder and more long-term basis for the restructuring of policing than any unilateral reform embarked upon through enlarging police force boundaries.

Where unitary authority boundaries are linked to BCU boundaries there is a strong likelihood of improving partnership arrangements within local Crime Reduction Partnerships. Local community involvement and more effective accountability mechanisms can be expected to improve local police effectiveness. Force-wide responsibilities would fall to the local police authority and these would embrace collaborative arrangements in terms of service delivery I/T and purchasing systems to improve cost-effectiveness. To date this structure has been barely subject to any evaluation by the Home Office. Yet it continues to offer potentially the most effective and attractive alternative to the

creation of distant and expensive police bureaucracies that regional police mergers would inevitably generate.

Drivers for Change: A Need for Local Oversight of Police Service Delivery

To date it could be argued that the parameters and framework of police reform have been very largely 'producer'- rather than 'consumer'-driven. It is the case that along with HMIC a number of senior members of ACPO have pushed very strongly for the amalgamation programme. Their arguments (if not the evidence) have proved to be highly influential. It is the case, however, that 'producer' interest in the creation of ever larger police forces also flies in the face of current government commitment to public service reform within which consumer interests are given a much greater salience.

The evidence to date suggests that if police reform takes shape as identified within the HMIC blueprint, then producer rather than consumer interests will have proved to have been once more overwhelming in determining the shape and nature of public service delivery. This would appear to be the very opposite of what is intended within the Prime Minister's public service modernisation programme.

There are, however, other factors that clearly question the utility of future police service delivery strategies. One of these relates to the question of police governance, particularly in relation to the delivery and oversight of Neighbourhood Policing Strategy. The absence of any detailed consideration of police governance within the original HMIC Report *Closing the Gap* (2005) was, of course, to be the subject of immediate comment at the time (Loveday, 2005).

It remains the case, however, that at its most local level the reform programme also appears to exhibit significant limitations in relation to the matter of governance. This problem has been most recently highlighted by the ACPO lead officer on neighbourhood policing. He has argued that while the government is committed to increasing democratic involvement in policing, this aim cannot impinge on the ability of police to make 'independent operational judgements' and that the police national intelligence model would be expected to provide major guidance in the delivery of neighbourhood policing strategy (Baggot, 22: 2006).

The same ACPO lead officer has also raised doubts as to the utility of local authority scrutiny committee powers. These are expected, as identified within the Police and Justice Bill 2006, to

oversee the roll-out and implementation of neighbourhood policing strategy. He has argued for example that:

Over time we hope that the new powers given to local committees will effectively become redundant. Once neighbourhood policing is implemented in all areas and if local authorities and the police work well together we hope that the public will not need recourse to the proposed scrutiny committees. (Baggott, 17: 2005).

The police expectation that there will be no need for an ongoing scrutiny role for neighbourhood policing would appear to challenge the government's own plans to encourage much greater public involvement in the determination of priorities for local policing (and other) services. In doing so it may also once again serve to highlight the 'producer'-led nature of the police reform programme as envisaged by those chief police officers who remain most overtly committed to it.

Yet experience suggests that there is always likely to be a need to provide a platform for local participation and that local authority involvement encouraged by a local scrutiny committee will go some way to achieving this. There may also be a further justification for such local authority involvement. This relates to the long-term pressure of future police abstractions (where operational officers are removed to deal with more immediate demands or major incidents) to which neighbourhood policing, a high manpower investment, can expect inevitably to be subject.

Some evidence of just how great those demands can prove to be has ironically been provided by the same ACPO lead officer on neighbourhood policing. In his assessment of the introduction of neighbourhood policing within his own force area he commented that it was to take over a year to get the police abstraction rate in the area piloting neighbourhood policing strategy down from 40% to 10%. This reduction had moreover only been achieved in the pilot area as a result of significant intervention from senior management within his force (Baggott, 2006: 21). This suggests that the likely impact of demands arising from police abstractions could deal a fatal blow at any time to neighbourhood policing strategy in the absence of local authority intervention (or protection).

Arguably one central role of a scrutiny committee (or any other oversight body) could be therefore to act as an important anchor for this police strategy and to provide a counterweight to the inevitable police abstraction pressures to which this strategy

(and local neighbourhood policing teams) is likely, on past experience, to be subject. One further case for local authority participation and joint determination of neighbourhood policing strategy relates to the recent history of numerous fresh policing initiatives and strategies that have been launched over recent years by police forces (Policing by Objectives; Problem-Orientated Policing; Total Geographic Policing, etc.).

The graveyard of earlier police strategies might suggest that, in the absence of strong local authority involvement, neighbourhood policing strategy could within a relatively short time-scale go the same way as the rest. This is made more likely within a police organisational culture that has traditionally accorded new policing initiatives a very short shelf-life (Loveday, 2005). All of this might suggest the need for greater rather than less local authority participation in local neighbourhood policing. This strategy would in effect cease to be the monopoly of the police force and become one that would be made a joint responsibility of both police and local government.

Conclusion

The Home Secretary's most recent statement to the House of Commons (and letter to Chief Police Officers) suggests the need for further discussion on police reform prior to implementation. This now provides an opportunity to assess properly all the alternative forms that such reform might take. These could, in the long term, provide much more imaginative platforms for police service modernisation than a producer-led and highly bureaucratic amalgamation process. This, when assessed by the yardstick of earlier experience of police reorganisation in the 1970s, is unlikely, in the long term, to improve very much at all.

Alternative strategies would encompass a possible disaggregation of police forces to ensure that police forces were clearly aligned to local crime markets and hinterland. They would also recognise the proven value and success of police collaboration in the past and the potentially extremely high costs associated with police amalgamations. This would only divert police resources away from front-line service provision at the very time that Neighbourhood Policing Strategy can be expected to make considerable demands on increasingly limited police resources. Alternative strategies would also explore current partnership arrangements and the need to establish more effective delivery mechanisms in terms of both local policing and crime reduction strategy.

As the government's recent National Community Safety Strategy has highlighted, there is much that requires to be accomplished before effective delivery of community safety becomes a reality at local authority level. The hiatus accorded to the police reform programme by the new Home Secretary will at least allow for a more complete evaluation of alternatives in matching police service with current need than was ever proposed by his predecessor, Charles Clarke. As a result of a more rational and thorough exploration of alternatives, the potential disaster which regional police force amalgamation continues to represent, might yet be avoided.

Notes

* This article is based upon an earlier paper prepared for Cleveland Police Authority, May 2006.

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