

# THE STRUGGLE FOR DEMOCRATIC POLICING IN MERSEYSIDE

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## Introduction

The police in Britain, despite much historical distortion and myth (Brogden 1982), have never been subject to democratic process. This unique position of autonomy has been brought into dramatic relief in the last decade, culminating in particular local struggles for some measure of democratic accountability.

The continuing revelation (throughout the 1970's) of extensive corruption in the Metropolitan Police, a series of violent confrontations between the police and anti-fascist demonstrators (at one of which the New Zealander, Blair Peach was killed by officers of the Special Patrol Group), and emerging evidence of police incompetence in the face of a rising recorded crime rate<sup>1</sup> have dramatised the policing issue. To this brew was added police intervention in the political arena, as senior officers sought "to have (their) voice heard, attention paid to it.." (Association of Chief Police Officers Conference, 1979) in manipulating legal, judicial and penal policies.

In a brief account of events on Merseyside, over the last four years we document some local political developments and seek to draw appropriate lessons from them.

## Local Democratic Powers and the Police

On Merseyside, conflict between police and sections of the community was institutionalised long before the 1970's. But the recent history of attempts to restructure policing within the local state dates from 1979. A well-documented

series of allegations of serious assault by police officers in one Merseyside police division led to a verbal confrontation between the Chief Constable, Kenneth Oxford, and the Merseyside Police Committee which is the Police Authority for the area. Elected members of that Authority were denounced by Oxford for "...vituperative, misinformed comments..." (The Guardian, 24th November, 1979, p.28). The then Conservative Chairman of the Merseyside County Council attacked Oxford for his "arrogance", referring to the unacceptability of "...the distant authoritarianism of certain ego-inflated chief police officers." (Liverpool Echo 19th May, 1980, p.1). In the midst of this public row, the refusal of Oxford to provide the results of the internal investigation of the complaints of the Police Committee led many to believe that that body was indeed powerless.

But two other events, one political, one directly conflictual, provided the opportunity for a more thorough exploration of the political terrain of police accountability.

In the county elections of 1981, the Labour Party gained overall power on Merseyside. On the subject of Police Committee composition, it was faced with the traditional practice of allocating places according to proportionate party seats on the County Council. Such orthodoxy had ensured a built-in Tory majority as (by the Police Act, 1964) one-third of the Committee positions are reserved for non-elected Magistrates. Sixteen of the thirty seats were promptly filled by Labour Party councillors.

Second, the Liverpool (Toxteth) riots of that year produced one major benefit. They opened up the political terrain of police accountability both locally and nationally for public debate. The relationship of the police to the democratic process became, almost for the first time in Britain, a 'respectable' subject for debate. Into Merseyside in July, 1981 poured camera crews and journalists from all the Western Press. They dramatised in particular one aspect of local police incompetence - Kenneth Oxford's Community Relations programme. (In a P.R. gloss in the Annual Report published three months earlier, he had said that he did not foresee any serious difficulties in community relations in the future, with specific reference to police-black interaction in Liverpool.) The puncturing of the carefully-nurtured image of professional competence and impartiality created the 'space' into which a newly energetic Police Committee could move.

Two channels of influence were open to it, the informal and the formal.

Traditionally, influence on public officials in the United Kingdom in conservative quarters is directly through the watering holes of the establishment. (The membership of an important local Masonic Lodge of members of the previous Police committee, Labour as well as Conservative, was not without significance). But the new 'radical' (and relatively youthful) composition of the Committee precluded that undemocratic option. The formal channels were explored and exploited.

#### Exploiting the Legal Relation

The boundaries of the local police authority's power are set by the Police Act, 1964. While that Act merely provided constitutional form for changes that had a deeper

structural source, local politicians have always believed that the absence of controls over the police is due to the content of that Act<sup>2</sup>. However, a central characteristic of that Act (as, indeed, of much of English law in relation to police powers) is its ambiguity. What the Act 'meant' in practice could only be established through trials of strength between Police Committees and Chief Constables. Until political space had been won through the riots' controversy, all such contests (such as they were) had been won by the chiefs.

The institutional struggle centred around five powers embodied in the Act - the requirement to "maintain an adequate and efficient force"; to set the establishment and appoint the Chief and his deputies; to provide the police with material support; to oversee the complaints procedure; and to ask questions and to request reports.

The efficiency requirement epitomises the vagueness of the Act. Nowhere is that concept nor the notion of adequacy defined. Conventionally, the former was interpreted by the Chief, in his annual Report, by references to the crime 'clear-up' rate. The new more critical, police authority, recognising the fictitious quality of this measure, forced the Chief Constable onto the defensive in questioning the value of that index. But crucially, its line of attack moved from concern with efficiency to that of 'effectiveness'.

By raising the wider question - away from 'solving' crime to that of public reassurance and crime prevention - it could question the prioritisation of police work: why, for example, the C.I.D., establishment was at a certain figure in relation to other unit establishments.

Secondly, the Police Committee made some marginal progress over the size of the main police establishment itself, and over the appointment of command level officers. Its Chairperson instituted as a public credo for the first time that expansion of personnel need have no necessary effect on 'crime-fighting'. What has been established criminological wisdom since the Kansas Preventive Patrol experiments, remarkably, has had little public or political acceptance (Clarke and Hough, 1980). In the Merseyside force, the largest (per head of population) in the United Kingdom and one that had doubled in size over the previous three decades, fixing a finite limit to force strength was a significant achievement.

There was also some minor movement on the question of police command. Dismissals of chief officers are effectively in the hands of the Home Office. In the few relevant cases, chief officers have been not-very-subtly kicked upstairs to the post of Inspector of Constabulary. This was not an option in Oxford's case because patently the Inspectorate did not want him and secondly, a Conservative Home Secretary would have been savaged by his own back-benchers for appearing to surrender to a Left campaign. The Police Committee, while hoping to achieve that result, simultaneously argued that the personalisation of the attack obfuscated the real issue of the accountability of the office and directed attention wrongly to the idiosyncracies of the person, rather than to the flaws in the structure.

In reward for the tacit withdrawal from the dismissal campaign, the Committee, since the riots, has met much more pliant command level officers, who have been readier to take account of the Committee's views than were either their superior or their predecessors. Noteworthy since those events have been the appointment of

a new Deputy Chief Officer (with more apparent affinity with the Committee's conception of the 'problem') and of the first woman Assistant Chief Constable in the United Kingdom. The gains here have been minor and command-Committee relationships are more constructive only as long as the chief officer and his subordinates are forced to remain on the defensive by a wider public critique.

Thirdly, some progress has been made in obtaining democratic influence over training and material support for the Merseyside Police. In response to the Scarman Report's (1981) wider critique of police training, and the subsequent Police Training Council Working Party reports (1983) modifications have been made in local probationer training. The police, however, remain in control of these changes and most of them appear to be cosmetic rather than of substance. The Chairperson has herself made a national critique of the training proposals and the issue remains on the critical agenda (The Guardian 9th May, 1983, p.4).

The 'material support' area has however seen some significant progress. Apart from requiring unique detailed justifications of police requirements across a wide range of items, the police authority successfully denied the full implementation of a demand for replacement vehicles, pending a report on the implementation of the new command and control system. With the aid of outside experts instead of relying solely on police advice, this case demonstrated the potential for using power over resource allocation to determine the parameters of policing priorities.

Progress has also been made on the control of information. Having obtained the command and control computer system, the police requested the

computerisation of criminal records (the first step towards, possibly, a criminal information system - with all the implications of such potentially pervasive intelligence gathering and storage - see Baldwin and Kinsey 1982, ch.3). This request was agreed to, subject to major restrictive conditions - that there be subject access to records, that an independent inspector would have access to the entire system, and that an open log would be kept of all transactions with non-police agencies. This agreement (and similar conditions on the code of practice and on operating procedures) followed a day's teach-in for police authority members by National Council of Civil Liberties staff and by critical monitors of police computer systems.

As elsewhere, action on police armaments and riot equipment has been mixed. The authority obtained from the Chief Constable what the Home Office (with respect to the Metropolitan Police) had said was not in the 'public' interest to divulge - a list of all that material, from guns to C.S. gas. It failed to order the disposal of the latter (which had been the subject of intense anger on Merseyside, after serious injury to a civilian from an armoured C.S. projectile during the riots). Its only justification for failing to follow the lead of other Police Committees (South, and West Yorkshire, and Derbyshire) was that disposal by one force would not affect its national provision to the local context, if and when deemed necessary by the force commanders under a mutual aid scheme.

The fourth area, that of overseeing the working of the complaints procedure has, in the words of one member of the authority "...been a failure". After the initial complaints controversy in 1979, the Chief Constable had agreed to co-operate with a new Complaints Sub-Committee, and to provide information to

members on a confidential basis as to the state of the investigations into particular complaints (information which he had hitherto kept within the police service). However, old practices have continued. The Sub-Committee has been used by the police to reassure and co-opt members through granting access to confidential information which has castrated external overview. Further problems were caused (until recently) by the national Police Complaints Board ruling that if the Director of Public Prosecutions decided not to proceed against an officer, then disciplinary action should not be brought either. (Police Complaints Board Report, 1983 paras. 3.23 - 3.27).

Finally, the fifth form of accountability demonstrates both the strengths and weaknesses of relying on the Police Act. The Chief Constable is obliged to furnish an Annual Report and such other reports on policy as the Committee may request. But he need provide no reports on operations. He in practice decides what constitutes operations and what constitutes policy, and even the provision of a policy report can be denied subject to the Home Secretary's agreement with the chief. Even the format and parameters of the report are in practice largely dictated by the chief officer (Brogden 1982) unless (as has now become the case) the Police Committee specifies its request in detail.

For example, Oxford's Annual Report for 1981 (pp. 81-82) gave a brief account of arrests and detentions made by the Special Branch (the Prevention of Terrorism Act is used in a sweeping manner against incomers on the Irish ferry with the wrong profile or the wrong affiliations). At the subsequent police authority meeting the chief officer was asked for information on the number of officers in the Branch and for a more detailed outline of their

activities. Nearly a year later in May 1983 a five paragraph reply was submitted.

The authority described this as inadequate and raised further questions - on investigation of trade unionists, for example. A reply is awaited!

### An Overview

This survey of developments at the institutional level of police accountability on Merseyside over the last few years has demonstrated that within the United Kingdom legal framework some minor advances are possible. Given the particular conjuncture of the arrival of a radical Socialist council with the political space created by the inner city riots, certain progress was made. Additional organisational changes would facilitate further movement. But those institutional developments must occur within a wider context of political struggle and education.

One administrative development is essential. The Greater London Council Police Support Group provides the expert advice to the lay committee members that would otherwise come from within the police institution. A critical police authority requires its own independent research and advisory staff. Second, the committee is formally confined to relationships with command level officers. It has no power to monitor policing on the streets. It can only develop such a system within the present legislation by working actively with community groups, outside the ambience of senior police officers. The network of liaison forums established by the Merseyside Police Authority since 1982 were a move in that direction but have degenerated into little more than "Come and meet your local police and hear the way things really are!" There is little reason for involvement in such contacts when their primary aim has

been to sell the police image, not to change the police.

However, the area that the Police committee, and its Labour Party mentor has failed to develop is that political movement which gave the issue of police accountability its first impetus. The network of committees and groups - from the Community Relations Council to the various action committees that sprang up in the wake of the 1979 and 1981 events - is no longer focussed directly into the political arena. The grass roots contact of the Labour caucus on the Committee has been largely sundered. Despite the early political education work on the police by the Labour Party after the riots - from Day Schools to political journal articles - the contact on the ground has not been maintained. It is vital that elected representatives seeking to democratise police institutions appreciate that it is the wider political consciousness and pressure that keeps open the negotiating space within the present restrictive legal structure.

Finally, all the institutional advances are of course dependent upon the balance of political power in both the local and central state. Locally, there is little prospect of the Labour Council being defeated before 1985. However, nationally, the return of a new Thatcher administration threatens to remove even the vestige of local controls over policing, and to replace the Police Committees with a 'non-political' set of state functionaries.

### NOTES

1. See in particular Clarke and Hough's excellent critique and the paper in the same volume by Bottomley and Colman. (Clarke and Hough, 1980)

2. See Margaret Simey (1976) As the present Labour Chairperson of the Police Committee she has acquired a national reputation for institutional critiques of police accountability and community relationships. She has been the elected representative of the immediate area of the riots since 1969.

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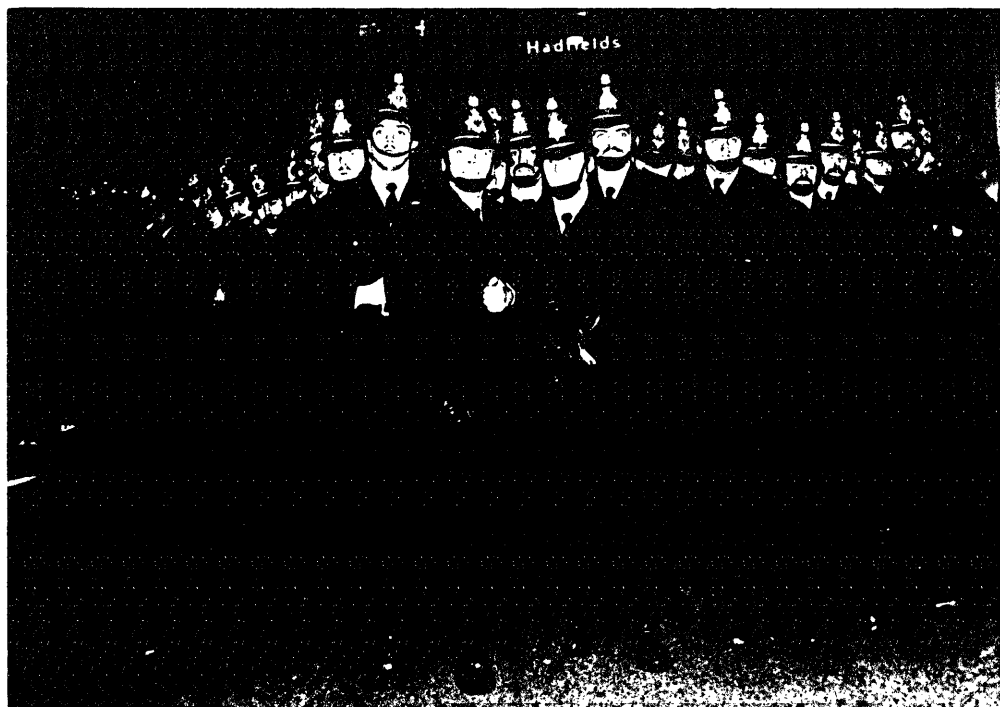
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