

What should be the nature of the accountability of England's Police? by Edward Goodman

The present position is governed by the *Police Act 1964*.

The police force for Greater London is the Metropolitan Police who are accountable to the Home Secretary who is himself accountable to Parliament. For the rest of England there are regional police forces, each accountable to a Police Committee whose members are County Councillors for the area and local Magistrates. The City of London has its own police force accountable to the Police Committee of its Corporation.

England therefore has a hybrid system of accountability for the Police. In Greater London they are under the exclusive control of the central government, whereas elsewhere they are under the partial control of the County Councillors. The justification which the government makes for refusing to allow local accountability in Greater London is that it is the duty of the Metropolitan Police to provide protection for Parliament and the Ministries there. However, this function could easily be transferred to a new special police force constituted solely for that purpose. The Labour Party advocates the transfer of accountability of the Metropolitan Police from the Home Secretary to the Greater London Council. The Conservative Party is against this. The Social Democratic Party must make a decision as to its policy on the question.

Outside Greater London a third of the places on Police Committees are held by Magistrates, all of who have been appointed to that office by the Lord Chancellor. Therefore, only two thirds of the members of the police authorities outside London are elected persons. If one were to have a logical uniform system of accountability throughout England, the first question that would have to be decided is whether one would have a national police force accountable to the Home Secretary, who is in turn accountable to Parliament (as in the case with the Metropolitan Police) or whether one would have regional police forces, including the Metropolitan Police, all of whom were accountable to County Councillors. One would also have to decide whether to retain the role of Magistrates. If so, a uniform system would mean that instead of transferring accountability for the Metropolitan Police to the Greater London Council one would have to transfer it to a new authority consisting of Greater London Councillors and Magistrates. Alternatively, the accountability of the police could be increased by having a uniform system whereby they were all accountable to elected representatives only. This would mean changing the system outside Greater London as well as in Greater London by removing Magistrates from Police Committees, thereby ensuring that such bodies consisted solely of County Councillors.

However, quite apart from the question of which are the appropriate authorities to which the police should be accountable, there is the question of how accountable the police should be. The present position is most unsatisfactory and vague. It is contained in Section 4 of the *Police Act 1964* which merely gives the police the authority for each police force the right to appoint, subject to the approval of the Home Secretary, the Chief Constable and to determine the number of persons of each rank in that force. The authority also has to maintain such buildings, vehicles and equipment as may be required for police purposes in the area.

The Act contains a glaring omission in not defining the degree of control which the police authorities have. This has given rise to much controversy and difficulty. The fact that County Councillorships and lay Magistracies are unpaid spare-time appointments and that the persons who serve on police committees have to carry out that function in addition to performing the other duties of their offices, mean that in practice the committees exercise very little real control over police forces. Thus Chief Constables can and in practice do almost exactly as they like.

Similarly, in Greater London the Home Secretary has to exercise supervision over the Metropolitan Police in addition to his other duties. Also, although he is theoretically responsible to Parliament, most Members of Parliament are returned for constituencies outside Greater London and therefore take little interest in its policing and those who do represent Greater London constituencies have other preoccupations than those of policing. This means that there is very little real accountability of the police in England. As a former Lord Chancellor, Lord Gardiner, has pointed out, the Police in this country have more power than in any other Western state.

The present situation is giving rise to much concern. There are over seven thousand separate criminal offences in England and it is therefore physically impossible and indeed undesirable for the police to prosecute every single known offender. Therefore they have to be selective.. This selectivity is governed by the policy of each police force. Since the police authorities exercise very little control, this means that the head of each police force is autonomous. As these persons (Chief Constables outside Greater London, the Commissioner of Police for the Metropolis in Greater London, and the Commissioner of the City of London Police in the City) are appointed and not elected, this effectively means that there is no real democratic control over police policy.

It means also that widely different policies are purposed by different police forces. Thus, several Chief Constables such as that of Greater Manchester, have made public speeches clearly pointing out that they will purposely make the maximum number of police raids possible and the maximum number of

prosecutions regarding certain types of offence. They make these decisions completely individually without consulting the police authority.

It is necessary, in order to ensure democratic control of the police and to ensure that their policies are those desired by the electorate, that the degree of accountability is increased and defined, Police policy should be formulated by the police authority. The Chief Constable should then carry it out. He should not be allowed to make policy. In no other sphere of government activity are the persons who administer it allowed to make their own policies free from community direction.

It is a basic precept of democracy and of the Social Democratic Party that government policy is decided by the elected representatives of the people: "Government of the People by the People for the People."

The present position whereby the non-elected head of each police force decides its policy without any effective accountability to elected representatives is intolerable and has led to a breakdown of confidence in the Police. The electorate feel they have no control over how the country is police and therefore lose confidence in the system which they neither understand nor support. It is essential that reform is carried out. The Labour Party is committed to do this. The Social Democratic Party must decide its position.