Changing
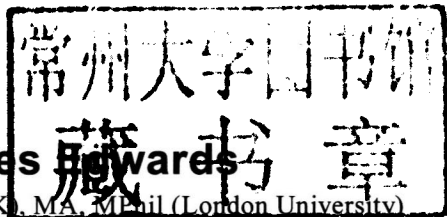# Policing
Theories

for 21st Century
Societies

Charles Edwards

CHANGING
POLICING THEORIES

for 21st Century Societies

Third Edition

Charles Edwards
BA (Open University, UK), MA, MPhil (London University)

CHANGING POLICING THEORIES

for 21st Century Societies

Acknowledgments

During the preparation of the third edition of this book, I realised that I had spent as long teaching, analysing, thinking and writing about policing as I had spent as a serving police officer. As I referred back to the first and second editions, I had constant reminders of all those who had commented on, advised and helped with my work on them. The essence of this book, though, is 20 years on the streets of London in uniform and 20 years in Australia, distilling experience, research and teaching onto the page.

The first edition would have been much less worthy without the help and advice of Paul Omaji, perhaps my most important advisor on academic research and writing, and the late Alex Marnoch, whose contribution to change in policing in a number of nations is inestimable. The American research was made much easier by Mike Gilbert and Bob Owens in Texas, and Vince Henry in New York. Vicki Marr and Sue King assisted admirably in Britain, and Andrew Stewart throughout provided both challenging discussion and erudite assistance at all stages. Neither the second edition nor this edition would have been possible without their assistance in the early stages.

Later editions have been helped immeasurably by those, both students and practitioners, who have read and commented on my work. Of particular help this year have been Bill Boaks, who long ago made the transition from student to colleague and friend, and Vincent Hughes, formerly a student of the most rewarding type, now a friend and source of information on modern Australian policing, who read and commented on the draft of this edition. While various people have had parts to play in my police career and my academic attainment, for example Alain Lee, who both suggested and assisted me into police education, most thanks must inevitably go to the one who has shared the vicissitudes of 40 years of policing and academic endeavour, has read, scrutinised and corrected every paragraph I have written in this book and other works, has found and suggested new material, and challenged my thinking at every stage with her own inimitable original contributions – my beloved wife, Margaret. My thoughts also go frequently to Barrie Young, my friend and mentor in all things policing, whose lucid arguments, often diametrically opposed to my own, on police, politics and society were always valued, and are deeply missed.

Despite the help, advice and information I have received, flaws remain, which cannot be attributed to anyone else – they are mine alone.

Charles Edwards
June 2011

For Totty,
without whom I would have done nothing

In Memoriam Barrie Young,
an honourable man and steadfast friend

Contents

Part 2
Society and Crime in the 21st Century

Part 3
Accountability

Part 4
Policing in the 21st Century

Introduction

This book investigates the social context of policing, in particular the ways in which philosophies of policing have changed to accommodate evolving societies since 1829, and the varying requirements and expectations that different societies have had of their police. The focus is on the problems of policing a modern, democratic, multicultural society which is both aware of and oriented towards individual rights; that is, very broadly, an examination of the art of policing by consent rather than policing by the imposition and enforcement of regulations using superior force alone. The book analyses policing philosophies and the relationship between societies and their police, and contrasts the way that these philosophies are put into practice in three different English-speaking countries: Australia, Great Britain and the United States.

This book is thus a comparison of policing methods and accountability, a critical analysis of changes in the philosophy of policing as a response to changing societies and a discussion of the future of policing. As such, the book will be of interest to police officers whose intention it is to provide the optimum police service to the communities they police, students of university courses in police and justice studies, and others, such as magistrates, community workers or leaders, criminal lawyers and members of government, local or otherwise, who work within the criminal justice system and have an interest in, or bear responsibility for, efficient and effective policing.

It is worth at this stage remarking on perhaps the most obvious change in policing, that from "force" to "service". This is not merely a semantic change but a crucial change in outlook within police organisations, as Avery makes clear (Avery, 1981).[1] Within this work, I will refer to a police agency as a force or a service in such a way as to ensure historical and contextual accuracy, or by using the neutral term "police organisation". For example, the Metropolitan Police was established in London in 1829 as a force, despite the service orientation of Mayne's primary objects,[2] and will be referred to as such in discussions of at least the first 150 years or so of its history. However, when discussing modern, service-oriented policing organisations, these will be referred to as services whether or not they have formally changed their nomenclature. Many policing agencies in the United States have always

---

1   This is a seminal work by the first great Australian figure in the reform of policing.
2   Mayne, with Rowan, was appointed joint commissioner of the new Metropolitan Police in 1829. He set out the "primary objects of an efficient police" on taking office: these are quoted and discussed in Chapter 2.

called themselves police departments, and references to these will use force, service or department according to context.

The four chapters of Part 1 examine the social and historical context of police in a modern democracy. Tension always exists between the law, society and the police. In a rights-driven society, governments are ideologically and/ or constitutionally committed to the principle of maximising individual liberty for all members of society, yet the greatest restrictive agency affecting individual liberty is government itself. These restrictions are normally expressed as directives in the form of law enacted by a parliament democratically elected by the people themselves, and, therefore, ultimately created by society. The most obvious restriction of liberty is imprisonment imposed as a punishment by a court or, less acceptably, detentions imposed by the executive level of government.[3]

Police in society are both bound by the law and required to enforce the law, and are the main agency of direct control over society while being under its control (directly so, in a democracy). Police are required to stop, question and search individuals, and their legal authority so to do in itself diminishes the right of the individual to personal inviolability: likewise, any lawful arrest of a suspect involves a necessary diminution of that individual's right to liberty. Society itself is changing, and part of this is reflected in the changing nature of crime. If crime is symptomatic of change in society then it is, in essence, a social problem in the same way that unemployment is a social problem. It will be argued that, while police have an important role to play in counteracting crime, if the roots of crime are social then these cannot be addressed by police alone, nor should society hold police responsible for an increase in crime.

Part 2 examines the changing styles of policing. For the first hundred years or so after Peel, police officers on patrol were in very close contact with the community but largely out of contact with their base stations, supervisors or colleagues. Furthermore, they normally patrolled on foot in towns and cities. Policing changed with improved communications, both radio and telephone, and improved mobility through the use of motor vehicles, resulting in a change in emphasis from the patrolling officer being in close touch with the community and meeting its requests directly to vehicle patrols being directed by radio dispatch to incidents as a result of telephone calls from the public. Personal contact between police officers and the public deteriorated until the mid-1980s, since which time modern policing has sought to rebuild links by making police an integrated, recognised part of the community.

---

3   This last is particularly important given the response of many Western governments to terrorist threats since 2001. Detention without trial for an indefinite period and interrogation methods redolent of totalitarian regimes can be persuasively argued as a reversion to the form of government rejected by Americans in 1776.

The changing nature of crime has its effect on the role of police in the prevention of crime. The essence of community policing is to involve police with the community in a joint effort to reduce crime.[4] However, as communities become used to the instant communication and fast cars that characterise reactive policing, there is an expectation that police officers will appear virtually on demand whenever they are called. Chief officers of police throughout the world have had to come to terms with the fact that there is not a bottomless pit of money for policing, and the public likewise have to face the fact that police resources are finite and adjust their expectations accordingly. One of the aspects of policing that may need to be sacrificed in implementing a long-term, proactive policing strategy on crime is the automatic dispatch of police officers to all requests from the public. Policing is changing rapidly, and organisational, ethical and management issues arise in the transition from the reactive, thief-taking and order-restoring model of the past to an approach which seeks to work with the community to prevent crime and answer society's needs within financial constraints in a culturally sensitive and ethical manner.

Part 3 discusses questions of police accountability. There is a major paradox here concerning control and autonomy that arises from the nature of the police as a body. The police, even those police agencies that have changed focus and are now designated as police services, are an armed, trained force (while police in Britain and New Zealand are almost alone in the world in not carrying guns routinely,[5] batons and capsicum sprays are part of their equipment). Police agencies are the only civil force with both *de facto* and *de jure* power to enforce compliance with their instructions.

Three aspects of accountability are analysed in depth: financial accountability, which concerns whether the money allocated for policing is being used effectively; operational accountability – whether the policing strategies, tactics and aims are those that are required by and acceptable to the community;[6] and individual accountability – the provision of a mechanism by which individual police officers can be held accountable for their actions and behaviour. The widely differing approaches of Australian, British and American policing to these issues are examined.

---

4   This is not to assert that police must be involved in all crime prevention or that crime prevention is the sole aim of community policing. The "Concerned Men" group of Islamic African Americans in Washington DC started to work with disaffected youth in the late 1980s to help them find jobs and self-respect, and reduction of crime is almost a by-product of this.

5   All police services in Britain have armed response units immediately available for operations such as searches or to respond to firearms incidents. Members of such units carry out armed operations and nothing else, so they are much more highly trained and heavily armed than routinely armed officers in other countries.

6   "Community" as used here is a flexible term. What might suit the majority may have a serious impact on one small section of society. The whole question of what is the "community" to which police are accountable will be explored in detail in Part 2.

The final part of the book looks to the future of policing, both as an extrapolation of current trends and as a discussion of the limits to a police response to crime. As such, it is less academic in its reasoning but more an indication of warning signals of the effect that a changing society and changing government attitudes may have on the future of policing. In some ways, the modern police service is too sophisticated and expensive to allow officers to spend their time carrying out some of its traditional functions: a plethora of security patrols are now doing what the officer on the beat traditionally used to do, and they are doing it much more cheaply than any modern police service can. Technology has changed society and has also brought changes in the nature of crime: police must change to keep pace. No longer is fraud carried out with stolen cheque books but, rather, with cloned credit cards, and identities as well as tangible property can now be stolen. These are new crimes for police to deal with, while traditional police work remains. People will still fight, steal, crash cars and have emergencies where, however serious or trivial the matter might appear to an observer, the first resort for those involved is the police.

Two important matters that have called for large-scale police activity but in which police may well be virtually powerless have arisen already in the 21st century. The first is the need for a police response to terrorism, which transcends both police jurisdictional boundaries and national borders. The second is the increasing use of the Internet for criminal purposes. Every technological advance which benefits society can also have its benefits for the criminal: Internet communication brings advantages to business but also facilitates criminal transactions, and the same digital camera and Internet technology that allows families and friends to share weddings and births almost instantly across the world also allows pornographers access to a world-wide market. While most websites are innocuous, allowing stamp collectors and budgerigar breeders to get in touch with each other and share information, other websites allow paedophiles, cannibals[7] and bomb-makers the same ease of communication.

There are, of course, many other problems facing police in the 21st century. Some are old crimes in new guises, there being trends and fashions in crime as everything else, but there are some wholly new crimes that have been brought into being by new technology. This book does not try to examine them all but seeks to show how, by harking back to the fundamental principles and philosophy of the essential nature of policing, some at least may be addressed.

---

7   In a case in Germany in 2004, the person convicted of killing and eating another claimed to have found his victim on the Internet, and a number of other cannibal websites have since been identified.

PART 1

The Social and Historical Contexts of Policing

CHAPTER 1

THE TRIANGLE OF TENSION

Introduction

This chapter explores the tensions which exist within a modern democratic state between society, its law and its police: each in some way determines the other two, yet is, at the same time, dependent on them. The law may be viewed as a set of rules within which society operates, and to change the rules is to change society: the law determines society. However, the rules of society also contain a set of procedures, the rules for both creating and amending legislation and electing a legislature for changing these societal rules: hence society determines the law. The law may also include arbitrary rules, where regulation is needed, but there is no incontrovertibly correct procedure. For example, Australian traffic law directs traffic to drive on the left-hand side of the road, while American traffic law directs traffic to drive on the right: neither regulation has a distinct advantage over the other; the only requirement is that traffic be regulated so that vehicles in each direction keep to one particular side of the road. The co-determinacy of society and its law, which combine to provide the formal context of policing, is one of the major themes explored in this chapter.

Society needs not only law but also a means of enforcing the law – the police. Police in a modern society have not only lawful authority to enforce the law but also a virtual monopoly in enforcing the law. Three factors combine to render the police the most effective means of control in society: the lawful power of the police; the structured, organised nature of the police as a body; and the fact that no other entity in the state has anything like the same general powers. Other law enforcement agencies like Customs, the Tax Office and Public Health may have stronger powers than police in specific circumstances, but all lack the patrolling omnipresence and wide general powers of police. In some circumstances, specialist law enforcement agencies need the presence of police for their actions to be lawful: security agencies may find evidence of espionage but lack a power of arrest, and Public Health investigators may lack power of forcible entry. A free society needs, ultimately, to have its police acting for the benefit of all its members: the power of the police is too great for control to be entrusted to any single arm of government and likewise too great to allow the police themselves total autonomy.

The relationship between the law and police is complex. While police must enforce the law, they must enforce the law as it is and may use only those powers granted under the law so to do. However, police work is largely discretionary: although the law gives police powers, it does not make the exercise of these powers mandatory – the law customarily says "any officer may arrest" rather than "any officer must arrest". The judiciary has a role in the supervision of the exercise of police powers in those cases which result in a prosecution, but they cannot judge or assume a pattern of behaviour; rather, they must rule solely on the actual evidence given in the particular case before it. For example, a court considering the legality of a search procedure can hear evidence only of the particular search involved in the case being tried – suggestions that other persons should have been searched but were not, or that the officer involved habitually exhibits racist behaviour, are beyond the purview of the court.[1] The relationship between police and the law, where police must work within the law and under the law in order to uphold the law, is sometimes uneasy.

Society and the law

Perhaps the most widely known statement made by Aristotle is that "Man is a political animal". By this he meant that human beings, even in the 4th century BC, normally live in mutually supporting groups in one place and are not usually solitary wanderers. The pinnacle of civilised living was, to Aristotle, the polis – the Greek city or island state, a "political animal" being simply one who lives in a polis. An Aristotelian polis was organised, the very organisation presupposing the existence of a set of rules and a means of enforcing those rules and settling disputes. At the very minimum, members of a polis require government, law and courts.

Rules pervade the lives of every individual who has anything to do with others. Quite often these rules are no more than ossified convention, and most rules or conventions are hardly recognised as such because there is widespread agreement to obey them. The rule that traffic in Australia and Britain keeps to the left of the road and in the United States and continental Europe it keeps to the right is a matter of convention, as is using the right hand to shake hands.

Many of the rules of society go beyond this matter of convention or general agreement. The first problem for society is that whenever there are a number of individuals together disputes will arise, and even the least sophisticated society needs a means of resolving these. In very broad terms, disputes which cannot be settled by the disputing parties need to be settled

---

1   While a court cannot directly criticise or punish police for habitually racist behaviour, if an officer is shown to be racist the prosecution may be tainted to the extent that the jury acquits, as was seen in the OJ Simpson case.