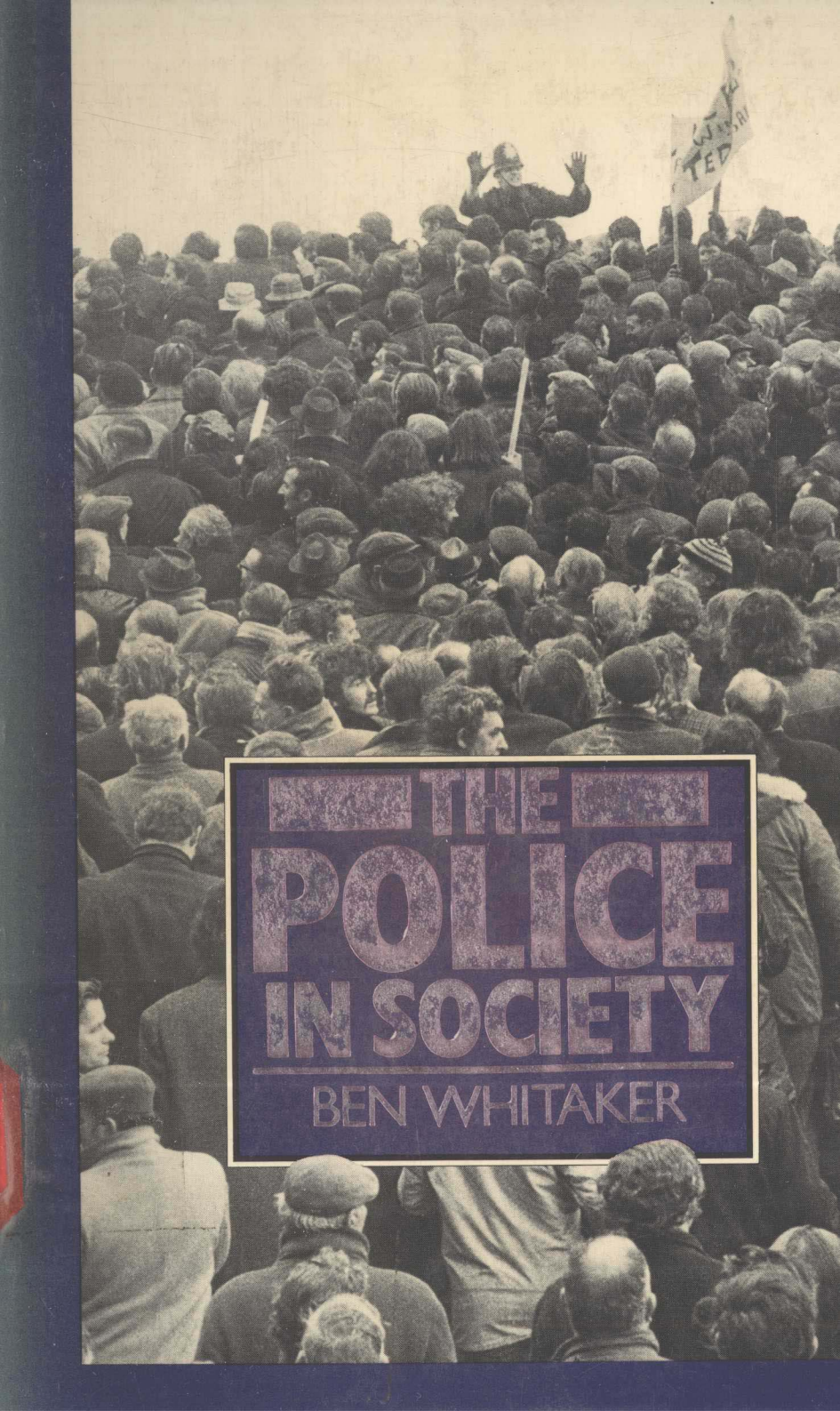
THE
POLICE
IN SOCIETY
BEN WHITAKER

The Police in Society

Ben Whitaker

Eyre Methuen · London

First published 1979 by
Eyre Methuen Ltd
11 New Fetter Lane, London EC4P 4EE

Printed in Great Britain by
Cox & Wyman Ltd, Fakenham, Norfolk
ISBN 0 413 34200 X

Acknowledgement

I am grateful to all those police officers, and others at the Home Office, NCCL, and elsewhere, who have 'assisted me in my inquiries'. As when I wrote my earlier book on the police fifteen years ago, so many people are not allowed to be, or have asked not to be, named that it is invidious to mention any individually; nevertheless I thank them all sincerely for their patience and help which made this book possible. I am also grateful to Marie Healey for typing the Bibliography, to Graham Marsden, Richard Wells, my wife Janet and to her father Alan Stewart for kindly commenting on the draft, and to the patience of my children during all the evenings this book prevented my being with them.

Dedicated to Frank Williamson
and all others like him.

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BY THE SAME AUTHOR

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Participation and Poverty
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The Fourth World (ed.)
The Foundations

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ONE

Eye of the Storm: The Public's Police

'As force is always on the side of the governed, the governors have nothing to support them but opinion.'
Hume

'Certainly an equal distribution of property is just, but since we are unable to enforce justice, we have made it just to obey force; unable to strengthen justice, we have justified strength so that justice and strength go together and there is peace, which is the overriding good.'
Pascal

The public and the police enjoy an ambivalent relationship with each other. They reciprocate equivocal attitudes, mixed with fear and respect, like some echo of the wariness people feel towards their image in a mirror. The sight of an approaching uniformed man stirs unease inside almost everybody, awakening ambiguous intuitions of submission and disquiet, reassurance conflicting with guilt, deference coupled with hostility. Some people's temperaments naturally identify with authority and are ever ready to kiss the rod, as a release from the cares of personal responsibility. A Madrid crowd in 1823 greeted the fall of the Liberals with shouts of 'Death to Liberty; hurrah for despotism and chains'; in 1977 many Spanish policemen suffered a similar bewilderment at the return of the

burdens of democracy. Other people are disconcerted to discover the rebellious reactions that an encounter with a police officer triggers within them: many romanticize even violent crime, though almost all of us submit to being protected from ourselves by the police. None the less a crowd can be relied upon to cheer when authority's helmet blows off (a policeman seems disconcertingly disarmed without his headgear). Policemen are one of the subjects we most often like to joke about, in order to distance our nervousness. At the same time the job exercises a fascination for us: programmes featuring the law today take up ever more of television time.

The police provide a continual public welfare service, yet one that is instinctively suspect to the left; at the same time they form the only civilian bureaucracy that the average conservative supports emotionally and wishes to see expanded. But few people readily welcome authority – unless they themselves exercise it – for others' power diminishes one's own. Often the police are protecting people who are scarcely more honest than their criminal enemies: in one recent case a man reported he had had £3,000 stolen from his home, whereas the police knew that the true sum was £10,000, undeclared for tax reasons. A survey of 1,700 American citizens found that 91 per cent admitted they had committed at least one crime for which they might have received a prison sentence. The public's equivocal attitude towards law officers reflects contradictions inherent in the paternal task of policing itself. It attempts a superhuman role: part priest, part scapegoat. The actions of policemen and a policed society towards each other result not only from their perception of the other's behaviour and conduct; inextricably they are shaped by the fact that a police officer can never detach himself from being part of the community he is meant to be policing. 'The police force,' Sir Robert Mark suggests, 'is the best reflection of a society. If society is violent, so are the police; if society is corrupt, so are the police; but if the society is tolerant, literate and humane, police will act accordingly.' In July 1942 the Paris police rounded up thousands of Jews; yet by August 1944 the same force were defending their prefecture as a bastion of the Resistance against the Germans. 'Never show the public you're a human being,' counselled one London officer. But a

policeman's humanity is both his strength and weakness, since he often cannot help sharing the political or racial views of his flock, as well as feeling the same temptations which cause them to break laws. The officers who succumb are discussed later, in Chapter 7.

Society's and the police's attempts to understand each other are complicated by the fact that there is never one 'public', but many, and all with differing values and views about crime and the role of the police. A policeman said that he and his fellow officers were 'Rorschach in uniform'. In the same way, it is rash – as often riskily attempted in this book – to generalize about 'the police'. Each category is formed of disparate individual men and women. The police themselves divide into 'bosses' and 'other ranks' just as much as other sections of British society. Policemen appear differently to outsiders according to the context of their role; just as, internally, their view of themselves varies as to whether they see themselves as part of a force or a service; whether they regard the law as a means or an end; or which priorities in the final resort they hold uppermost. Outwardly the same officer can appear variously as a saviour to a victim of crime; an agent of retribution to a deviant (though the tie between them can be close, as Dostoevsky and others knew); and the cutting edge of malevolent bureaucracy, the personification of officious fate to the man in the street. The British police may be the least unpopular in the world, but anybody who wears a uniform thereby runs a particular risk of being physically attacked: more than 700 policemen in Britain are assaulted each month, and the number of Metropolitan officers injured on duty rose from 2,999 in 1975 to 4,030 in 1977. Superintendent Hunt points out that conflicts in an advanced society today are often between different interest-groups rather than between any clear-cut right and wrong, and therefore whatever action or inaction the police decide on is bound to alienate some section of the public. Such interest-groups are becoming increasingly well organized as well as proliferating, and not all of them believe in changing laws rather than breaking them. On top of this, the police are likely to be a prime target for those who wish to overthrow society as it is at present constituted, by weakening its defenders and trying to goad them in order to discredit them – as a strategy to

provoke public reaction. The police cannot escape being in the firing-line (sometimes literally so) of those who use violence against what they conceive to be the repressive violence of the state. How the Special Branch, the CIA or the FBI can be publicly accountable and at the same time effective in counter-intelligence work is an increasing dilemma for democracies.

Peter Evans of *The Times* points out that public support for the police is at its lowest when the gap between public and government is widest. But at any one time, different areas, classes and age-groups have varying expectations of police officers, and consequent varying relationships with them. Research shows that the younger and the lower down the social scale people are, the less likely they are in general to like or help the police. Whites in the US have been found to be more than twice as likely to have positive feelings towards the police as blacks are. About half the British constabulary is currently under thirty-two years old – whereas the average age of cops in New York is climbing towards thirty-eight – but the majority of people arrested in both Britain and the United States are under twenty-one, and include more young people of fifteen and sixteen years old than any other age group. (This is not proof that young people commit that proportion of crime, for the police believe that the inexperience of junior criminals leads to a much higher rate of arrest.) But even though the police's task is to maintain order rather than blindly to enforce all laws, the degree of support the police receive also hinges to a marked extent upon which law they are enforcing. One man's moral duty to protest may be another's riot by a hoodlum: views about poaching, undergraduates' high spirits, squatting or knocking-off goods at work generally depend on the onlooker's place in society. By contrast, the damage caused by major economic crimes, by huge frauds, massive pollution or unsafe work practices frequently goes unrecorded though it amounts to a far greater total than the petty larcenies which fill the bulk of the criminal statistics. The average prison sentence for a six- or seven-figure fraud is generally less than for many minor burglaries. Recently it was found that tax evasion was annually costing France at least 29,000 million francs, whereas hold-ups and armed attacks netted only 37 million francs a

year. Although the police themselves cannot be agents of social change, the public's attitude to crime is nevertheless greatly affected by the extent to which the society in which it occurs is felt to be equitable or just. The police perform a thankless and painful social function in showing where laws pinch. The official view of crime changes too: for example, swearing was technically a criminal offence in England up to 1966. One study calculated that 76 per cent of the prisoners in the United States in 1931 had been convicted of offences which had not been illegal sixteen years earlier.

A trusted policeman can be the chief human regulator of our adult conduct: no public agency daily affects the life of more people. He plays the part of a permanent father figure, but without the personal ties which sometimes can endear our parents to us. But he can also share much of society's bewilderment as the yardsticks of acceptable conduct shift away from traditional frameworks of right and wrong. Together with the community losing many of its certainties, authority has forfeited much of its self-confidence. Is a police officer's function to be a passive buffer between state and public? Or is he to be viewed as an activator of that most constant but unwelcome of human traits: the instinct to interfere with, and to try to improve, others' behaviour? The role of the police is discussed in detail in the next chapter. Its dilemma stems from the paradox that today, on the one hand, we prize efficiency and demand results, while at the same time we are suspicious of strong authority and champion the human rights of individuals more than ever before. We ask the police, as the agents of the coercion which in the last resort may be necessary even in a peacetime democratic society, to fulfil for us many responsibilities that we acknowledge are essential even though unpleasant. But we also use officers' uniforms as the most readily identifiable targets for our resentment at this – or at our own failure to carry out such work ourselves. The uneasy and illogical result is that the police can only attempt to perform the duties society gives them by a mixture of stratagems and bluff to supplement the strictly circumscribed powers they are legally permitted. Reciprocally, the police understandably rankle at the fickle public's failure to cooperate with them, and at times cannot restrain their angry frustration

at the morality of silver-tongued lawyers, legalistic judges or gullible juries who contrive to free guilty criminals whom the police have caught with so much trouble. Habitually treated shabbily in the Honours List, many police officers feel they are the continual victims of unfair demands and carping – blamed when criminals are not brought to justice, and frequently criticized for the way they handle a defendant when they do make an arrest. In addition, they cannot escape having to bear the brunt of resentment against acts of government from which they can never dissociate themselves. As one London officer said, 'These days we're always in the wrong. Too many members of the public regard us as the symbol of government, and hold us responsible for everything that's wrong with society. We can't cope with that.'

Who is policed?

The subject of this book is the police's exposed position in the crossfire between the needs of the community and the rights of the individual. One view of this interprets society as divided between those policed for, and those policed against. A new radical school of criminology has recently challenged previous positivist ideas of morality and the view of criminals as a distinct species (whether born or made), and has instead described crimes in terms of power and the socio-political boundaries between society and the individual. 'Our job has become much more complicated since crime has been explained away,' one English inspector observed, only half ironically. Others comment on the continual modern tendency to minimize personal responsibility and always to blame someone else: parents, society, shops for displaying goods so accessibly and temptingly. Was Sir William Erle right to hold that law is for the protection of the weak more than the strong? Or was Anatole France nearer the mark with his thrust that 'the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread'? Certainly a number of policemen are critical of the system of which they form a keystone. Inspector Reg Gale, a recent chairman of the Police Federation for England and Wales, believes that the present operation of the law favours the rich: it was part of Britain's 'feudal social system', he said,