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# **“An appropriate space”: chief officers and police accountability**

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## **Abstract**

The views of ninety-four English and Welsh chief police officers were recorded in interviews between 2008 and 2010, covering oversight, accountability and operational independence, and the impact this may have on policing. They discuss Police Authorities, the proposed police crime commissioner, HM Inspectorate of Constabulary and the Home Office both in terms of their own democratic accountability and the role of these bodies in the monitoring the roles and actions of chief officers. Their views, representing both the current and future leadership of the police, offer an important insight into understanding contemporary policing and the relationship between police and oversight bodies in the United Kingdom.

Keywords: Chief; police, officers; accountability; oversight; independence; interviews

## **Introduction**

Debates around international police co-operation soon centre on differences in the relationship between that state and the police. Whilst acknowledging some evidence of convergence of police practice in Europe, there are still substantial differences across the world in terms of the relationship between the police and the state, the variety of systems in place to hold police

services to account and the mechanisms intended to provide oversight and transparency in policing. Police services often share information across borders, look with interest at policing in other jurisdictions and acknowledge the insights that can be achieved through looking at alternatives. This paper explores the views of chief police officers in England & Wales regarding the mechanisms for accountability and oversight that influence the way in which they lead their police services.

Sir Paul Stephenson, then Commissioner of the Metropolitan Police, spoke at the Annual Conference of the Police Superintendents' Association on 15 September 2009, arguing that;

*...there must be an appropriate space between policing and politics to protect the principle of police operational independence [...] Just as the politician has no role in operational policing — I stress, 'operational' — so the police have no role in politics. The Police Service is not part of nor the arm of any administration, of any government. We are a servant for the whole community.*

(O'Neill, 2009);

The reference to 'appropriate space' is not to the politicisation of the police *per se*, but rather to the relationships between operational policing, the level of political influence exerted upon forces and the need to exercise operational independence on the basis of professional judgements of local community needs by senior officers and their teams. However, the police have had a history of inquiries (Macpherson 1999, IPCC 2007), which have called for ever-greater accountability reflecting concerns around police practice. This has entailed an increasing role for police authorities.

The debate around police accountability centres on the proposition that accountability needs to be more effective but how that is effectively achieved is open to debate (Mawby and Wright, 2005). One view is that accountability to local communities is the key (Home Office, 2008), another view promotes political accountability along political party lines as the way forward (Freeman and Webster, 2006). A third view proffers an amalgam of local and national oversight

(embodied in the proposal for a “police crime commissioner”, Gove, 2005). The police are currently held to account through a triangle comprising of police authorities, the Home Office and the Chief Constable of the service, and this paper aims to explore the chief police officer perspective on these three related forms of oversight (also known as the ‘Tripartite Arrangement’).

### **Empirical Research**

From 2008-2010, Bryn Caless interviewed 85 chief officers of police in England and Wales, and obtaining completed questionnaires from another nine. This total of ninety-four participants represents forty-three percent of all chief officers (there are 218 in total), and is the first major research study of chief officers in England and Wales since Robert Reiner’s *Chief Constables* (1991). Representatives of *all* ranks of chief officer were interviewed (unlike Reiner who, a generation ago, focused only upon Chief Constables), because all these participants have substantial experience in policing, have held senior positions and strategically influence policing and its direction whatever the political landscape may be. A semi-structured interview was adopted to encourage an unrestrained narrative from participants. Owing to their busy schedules, it was often difficult to arrange time to meet chief officers. Where participants were willing but unable to facilitate a face-to-face appointment, questionnaires were used as a substitute. All chief officers were given anonymity, both in the face-to-face interviews and in the questionnaires, and each was allocated an arbitrary number which bears no relation to the order in which the individual was interviewed.

Sampling was largely dictated by availability and preparedness to be interviewed. Four chief officers of those approached, refused to be interviewed. A further seven made arrangements to meet the researcher but had to decline and could not manage a second attempt. Although

there are limitations in the use of interviewing as a primary method of research, it is important to acknowledge that observation methods are not practical in the context of this research and questionnaires can result in low completion rates. In the context of research on senior police officers, it is our experience that an interview strategy is the only viable method in which to collect meaningful data from a limited sample.

### **Police Accountability: the role of the ‘Top Cop’**

British chief officers of police can appear to be remote figures even to those who work in the same police force. There has been little empirical research on what they do, consequently those at the top are not well understood inside or outside policing. Individual chief officers occasionally appear on television to comment on or explain a particular course of action, some act as spokespeople for the Association of Chief Police Officers (ACPO) and have a ‘national remit’ for some aspects of policing, such as drugs or roads safety. One or two have had brief media fame for clashing with the Home Secretary of the day, such as Paul Whitehouse of Sussex or Sir Ian Blair of the Metropolitan Police. Latterly, Sir Paul Stephenson, Commissioner, and Assistant Commissioner John Yates, both of the Met, have featured in the headlines because they resigned amidst recriminations about employing a former *News of the World* editor as a media adviser and there was considerable contemporary comment on their actions, but most of the 218 chief officers in England and Wales are unknown outside policing circles (Savage et al, 2000). Yet we should try to understand them, because they make daily command decisions which can affect the public, they authorise armed interventions and approve covert police operations. What are their views on the mechanisms and structures of accountability and how they work in practice? How do they feel about oversight? What tensions may exist beneath the bland surface of cooperation and apparently seamless

agreement? How confident can we be that such powerful people are themselves subject to the rules of law and that they can be called to account for what they do?

Some public figures, like the Chair of the Metropolitan Police Authority and Deputy Mayor of London, Kit Malthouse, believe that chief police officers are not sufficiently kept in check by the prevailing system of police authorities and that as a consequence, their power has grown out of control:

...[t]hey are incredibly powerful individuals. Each one controls a standing army, they have extreme powers to incarcerate you and me and to use force against us when they see fit. Yet none of their beliefs, prejudices or views that may affect their policing style are *[sic]* ever examined in a public arena.

(Malthouse, K., quoted in O'Neill, 2010).

Malthouse' somewhat intemperate comments should not be taken in isolation. The political significance of his statement can be located firmly in his support for the appointment of a "police crime commissioner" (PCC), which will fundamentally reform police accountability. Police authorities will be replaced in 2012 or thereabouts, by elected PCCs who would similarly hold chief officers to account, and, like police authorities, appoint and dismiss Chief Constables. Malthouse expresses a common belief (see Williams, 2003 and Mawby and Wright, 2005) that Chief Constables, and by extension chief officers in general, operate unaccountably. Our research challenges this view:

**Interviewee 21:** *Sometimes they [police authority members] do not take a sufficiently corporate view of the problem, working in a narrower sector than the police could do – over diversity for example – and they take pleasure in constantly challenging everything I do. I don't object to the challenge but to having to defend my actions and decisions repeatedly, often weeks apart on the same things. I find it particularly disappointing to be challenged on the Force budget when I am doing more with less than they could ever manage. Some of them who are ex-business have confided to me privately that their businesses would not have survived on what I have to play with.*

The unease expressed by chief police officers, of which this opinion is an example, appears not to be about the challenge itself so much as the extent of the knowledge and understanding which informs such challenges. The police premise is that police authorities have an important and necessary local role in influencing chief officers (APA, 2007), but when the demands made of chief officers are often unrelated either to the will of the people or to police effectiveness; they may concern some private political agenda, or be unrealistic in terms of what the police can actually do. This can make the action of holding chief officers to account particularly problematic:

**Interviewee 72:** *I've no problem at all with oversight: it's a necessary and healthy part of democracy at work, but the P[olice] A[uthority] has long exceeded its democratic remit and now sees itself as some sort of 'OffCop', a watchdog investigating the corruptly incompetent. The police may not always get it right but we are by no means the power-mad, repressive and sinister organisation which some PAs are making us out to be.*

The creation of police authorities was by Schedule 4.1 of the **1994 Police and Magistrates' Court Act**, to ensure on behalf of the public that their police forces are "efficient and effective". This assurance entails formal evaluation of the work of the force and requires the Chief Constable to account for his or her spending, planning and actions (APA, 2006). The police authority is formally responsible for asking local people about what they can expect the police to do, through an Annual Plan, and determines the "precept" - an amount by which local council tax rises to contribute to the costs of policing. Consequently the police authority can influence how police budgets are spent and on what (Audit Commission, 2009). There are other responsibilities such as oversight of the recruitment of minority ethnic officers and females to ensure 'appropriate race and gender mixes' in the police force, overseeing learning and development and monitoring 'comprehensive performance improvement' (Loveday and Reid, 2003).

The police authority has other powers too, such as being the formal employer of all police staff (that is, members of the force aside from warranted police officers), and since 2009, the police authority annually appraises the Chief Constable and contributes to the Performance Development Reviews (PDRs) of the subordinate chief officers in the top team. This combination of ‘scrutineer of spend’, employer and appraiser, makes a police authority powerful, the upshot of all of which is that they can be accused of interfering with the operational independence of the police. One chief officer noted:

**Interviewee 54:** *Sadly, my relations with my Police Authority have become frosty and correct rather than warm and informal, and that’s down to them. They flexed their muscles after the Boris Johnson / Ian Blair business and encroached significantly on my command boundaries. So I had to drive them off and that has set back relations somewhat.*

Another noted that the police operated at a disadvantage because there was inequity between the police /authority relationship and the tendency of the latter to be simply critical:

**Interviewee 89:** *Well, their role is not just to challenge, but to be supportive and helpful. They’d soon bleat if we weren’t here, yet nearly everything we try is challenged, criticised, dismissed or patronized. It should not be an Adult-Child relationship, but a serious partnership between equals. Sometimes I think my team and I are the only ones playing by the rules.*

The police have had minor problems from inception with the bodies which assess if the force’s expenditure is appropriate and whether or not the force delivers policing which is ‘efficient and effective’ (Emsley, 1996; Brain, 2010). HMIC and the Home Office also make qualitative judgments about an individual force or through ‘thematic’ inspections and nationally by comparison of data returns (Audit Commission, 2009). These oversight mechanisms are formally enforced at both local and national levels (Cockcroft and Beattie, 2009). Some chief officers argue that the police authority oversight by Police Authorities has become an excuse to impinge on or influence the ‘operational independence’ of the police, and that therefore, the “appropriate space” is encroached upon:

**Interviewee 8:** *They are very slow to decide things and there is ‘role creep’ as well.*  
[Interviewer: Role creep?]



*It means that slowly the Authority tries to take over the police operational and command structure and starts giving orders, telling us how to do policing. They are deliberately letting their role as an Authority develop into something it was never designed to be.*

Some chief officers have even decided to play a risky game of “stand-off” to deter police authorities from interference with operational policing. Chief officers say, in effect, ‘thus far and no further’ to their authorities:

**Interviewee 60:** *I have a hands-off relationship at the moment. They tried to interfere with my operational decision-making, so I froze them out for a while. Now they’re really keen to look helpful and supportive. [Interviewer: Isn’t that a bit dangerous as a tactic?] No, not dangerous. A calculated risk I’d say. They have to know that there are limits beyond which I will not tolerate their interference, however supportive and well-meaning they try to be.*

This kind of stubborn defensiveness (often a ‘default’ position for beleaguered chief officers) is not an invariable response. Some chief officers enjoy positive relationships with their police authorities (for the most part):

**Interviewee 27:** *A healthy blend of support and challenge built on mutual respect. We have a shared ambition to provide an effective local policing service which by and large keeps us pointing in the same direction. There are occasional tussles over control and accountability but they are [usually] resolved amicably.*

Another chief officer thought that it was a matter of properly ‘channelling’ the police authority’s energy in a constructive way:

**Interviewee 81:** *Intrinsically, the PA members are good people who you can get on really well with if you are prepared to meet them halfway. They are key stakeholders and we are daft to try to control them. What we must do is channel them. I’ve heard of spiteful agendas and character assassination in other Authorities, but [those] I’ve had have been excellent, and hugely, hugely supportive of the hard bits of the job.*

One chief officer commented that the Police Authority had its own responsibilities, increased by engagement in local partnerships with agencies and bodies other than the police, corporately to deliver community safety. This meant that the police authority rather than the Chief Constable had to accept responsibility for what it did:

**Interviewee 95:** *I enjoy a cracking relationship with my PA, but I have had to point out to them that they too have vulnerabilities: if they are engaged in things like Crime Reduction*

*Partnerships at a local level and things go wrong, they can't then hold me to account for their failings. One or two members understood what I was saying. Fortunately, we have not yet had to put it to the test. IT systems espoused by them look to be going off the rails – the line of accountability will stop with them, not me.*

The preponderance of chief officers' views of their police authorities, suggests that there has been a marked deterioration in relationships and that this is directly attributable to the police authorities' greater powers. The strains are already showing and may become even more visible if the successor police crime commissioners exacerbate police suspicions of encroachment on the latter's "appropriate space".

### **Her Majesty's Inspectorate of Constabulary (HMIC)**

Turning to the second partner in oversight of the police, HMIC is a veteran mechanism for ensuring the "effectiveness and efficiency" of police forces. Tensions have probably persisted between the five HM Inspectors of Constabulary and the chief police officer ranks since the creation of HMIC in the Police Act of 1856. All HM Inspectors (other than for Human Resources and Learning) have come up through the single-entry (Constable) promotion system to chief officer ranks and are now responsible for assessing their former colleagues:

**Interviewee 12:** *People who struggled with their own resources a few months ago are now telling you that you should use yours more wisely. It's hypocrisy in some respects, gratuitously insulting in others.*

Those who sit in judgment on others are seldom loved. Sir Ronnie Flanagan, the Chief HMIC, observed in his Report in 2005 that:

HMIC works alongside the Home Office. I report directly to the Home Secretary. Therefore, what is in the minds of Home Office Ministers has a strong influence on the work of HMIC. The present Home Secretary [iii] made it quite clear when he assumed his responsibilities that he saw HMIC at the heart of improvements in policing  
[Flanagan, 2005 *Annual Report*, Chapter 2]

Sir Ronnie then added the comment that "HMIC inhabits an odd place"; in other words

... the essential conundrum that is HMIC: working alongside the Service; drawing many of its staff directly from that Service; yet adopting the position of critical friend of that Service  
[ibid]

The current Chief HMI, Sir Denis O'Connor, is altogether more prepared to be confrontational:

*I would not expect chief officers to be happy with the public inspector who holds them to account: I am moving HMIC from the old comfortable position of 'critical friend' to 'public interest regulator' and we are more willing as a result to tell it how it is. Of course that brings tensions into the relationship. HMIC's mission is to acknowledge the difficulties which chief officers face, but also to shine a light into dark corners on behalf of the public*  
(Sir Dennis O'Connor, personal communication, 4<sup>th</sup> December 2009).

Acting "in the public interest" is the basis of this determination, and is part of the government's intention to make policing generally more accountable (O'Neill, 2010b; Gove, 2005). That said, it remains ambiguous that a powerful group (HMIC), formed at the invitation of the government (in the person of the Home Secretary), assesses a police service that the government wants to control.

A chief officer commented that

**Interviewee 78:** *Opposing HMIC has nothing to do with reluctance to be held to account. I am ready and willing to be held accountable at any time, as are my colleagues. We are police officers, not dictators. What is utterly reprehensible is that HM Chief Inspector should suppose that his bullying aggressiveness in any way enhances that accountability.*

Some chief officers (17 in number, or 18%) admitted to a guarded acceptance of what HMIC does, though even that tolerance seems to be modified by the frequency of contact, and may be changed altogether by HMIC's "new" public interest approach:

**Interviewee 27:** *HMIC is helpful and supportive, [...] there on the end of a telephone if I need to speak, but the relationship is generally a remote one. [...] It remains to be seen how the [...] announcement of a change to a more adversarial approach will affect that relationship.*

Another chief officer suggested that HMIC's remit both to assess the police force and develop the chief officer team in that force, is inherently contradictory, even constituting a conflict of interests:

**Interviewee 30:** *HMIC is supposed to inspect your force to see if it is doing what the Home Office wants, but at the same time HMIC is supposed to act as your 'guide, philosopher and friend' in counselling you for your own career in ACPO and looking to offer you opportunities for advancement. I really don't like the idea of them doing both things.*

Another officer agreed:

**Interviewee 48:** *The HMIC should give up all involvement in the selection of police chief officers. It's wrong that they should play such a big part in selection and endorsement of candidates, and it puts chief officers under an obligation which can't be healthy.*

One chief officer believed that those who are critical of HMIC might themselves be deficient as leaders or have something that they wanted to hide:

**Interviewee 82:** *I actually get on with the HMIs and C/HMI rather well and enjoy the challenge they pose. It's not easy being the upholders of standards and of course they will incur the dislike of poorly-performing forces and weak or back-sliding chief officers.*

However, this suggestion that only the 'weak or back-sliding' chief officers criticise HMIC is not supported by our research data:

**Table 1: Chief Officer views of HMIC**

Preponderantly negative comments about HMIC	71	80%
Preponderantly positive comments about HMIC	17	19%
Neutral (no opinion expressed about HMIC)	1	1%
Totals	89	100%

These data indicate that a considerable range of senior police officers had worries about HMIC and that includes the able and the effective as much as it includes those who perform less well. There is here a four to one ratio of criticism of the Inspectorate that does not support Interviewee 82's proposition that negativity about the Inspectorate derives from those whose 'weak' performance might lead them to expect harsh judgment. Rather, their concerns derive in part from HMIC's partisanship as 'public champions', as well as its dual role in

assessing police forces whilst developing individual chief officers. This unease surfaced in October 2010, when HMIC was publicly accused of influencing a Police Authority not to appoint a candidate as chief constable.<sup>iv</sup> The episode brought into the public arena concerns about HMIC's 'hidden' role in influencing senior appointments.

## **Home Office**

The creation of the Metropolitan Police by Sir Robert Peel, the Home Secretary, in 1829 (Hurd, 2007), demonstrated from the beginning that the police were to be controlled by a Department of State and that the Home Secretary would answer to Parliament on all matters concerning the police. A Civil Service notion that there should be some sort of central political control of policing was first raised in a Home Office Memorandum sent to the Home Secretary, Richard Cross, on 27<sup>th</sup> April 1874, noting that he

*... has no power whatever beyond that of withholding a certificate of efficiency; and it is therefore clear that the supervision exercised by him, in counties as well as in boroughs, is very limited both in character and amount. ... The conferring of additional powers of supervision upon the Secretary of State would be ... entirely warranted, if not absolutely called for, by the appropriation of so large a sum of public money towards its maintenance*  
(Cowley and Todd 2007, pp 32-33).

This consolidates the principle that whoever controls the purse-strings can influence what is done with the money and at first this was wholly monopolised by the Home Office, but latterly the budget for the police is split between the Home Office and the local Police Authority (and from 2012, we presume, the PCC).

The police dislike the notion that local police authorities overstep the boundaries of police operational independence, and deprecate the 'duality' of HMIC's roles as assessor and developer. Their reservations about political direction and influence by the Home Secretary and the Home Office are even more strongly expressed:

**Table 2: Chief Officer Attitudes to the Home Office**

Preponderance of negative attitudes	78	86%
Preponderance of positive attitudes	13	14%
Totals	91	100%

The following is characteristic of what many chief police officers think of the usefulness of senior Home Office officials' contributions to policing:

**Interviewee 64:** *They have to be taken gently by the hand, and some of them are really grateful when you explain why some bright notion won't actually work on the ground. But at the back of all of it is this notion that they know best and that, in policy and strategy, the police are pretty useless. We think that it's actually the other way around.*

Another chief officer went further, arguing that “the mandarins in Whitehall” did not appreciate the difference between an idea theoretically arrived at and the implementation of that idea in practice:

**Interviewee 49:** *They forget that policy isn't policing. They're all very well in their remote ivory tower, handing down writ to us but they don't have to get fucked trying to make it work. Too many of them wake up with an idea and fly down to us from the Planet Loony the same day, without testing it, thinking about it or knowing whether or not it'll work.*

Another chief officer, who has had extensive dealings with both Home Office Ministers and top Civil Servants over a number of years believed that there were too many occasions when the Home Office ignored considered police advice or dismissed their counter-arguments, because officials and Ministers had already made up their minds and would not be deflected, whatever the merits of the chief officers' observations:

**Interviewee 15:** *The Home Office knows nothing of policing and never listens. I've attended endless meetings with senior Home Office officials, where unanimously chief officers have pleaded with them not to take a particular route and explaining [sic] in detail why it was inadvisable. Next thing you know – sometimes before you'd even got back in Force – there'd be a splash on the TV News or in the papers saying exactly what you'd so strongly advised against.*

The attitude of chief officers to politicians, as this comment suggests, is coloured by a belief that all politicians will respond with instinctive nervousness to events by a “knee-jerk”:

**Interviewee 70:** *The Home Office arrogates to itself the pronouncement upon two things: what ‘the people’ want and what ‘policing’ needs. The sad thing is that they haven’t the first idea about either. And we, who think hard about policing and who talk to people on the street, have to give to the Home Office’s half-baked stupid bloody notions the seriousness we’d deny a drunk & disorderly on the street.*

Many chief officers (32 out of the 91 who spoke about the Home Office) noted that priorities for policing could depend, to a surprising degree, on political “colour” :

**Interviewee 49:** *... one week “X” is the predominant flavour; next week it will be “Y”, and “Z” is on the horizon, like this “Commissioner” business, and meanwhile we are trying to do policing – a serious and complex job – in a consistent and thoroughgoing way. Politicians often describe us as entrenched and resistant to change. We’re bloody not – only resistant to the latest fad until it has stood some kind of test of time. But none of these initiatives are [sic] there long enough to do that.*

One chief officer, wise in the ways of Whitehall, thought that the police disingenuously wanted to have it both ways:

**Interviewee 21:** *It’s this business about being politicized. Chief officers are the only Crown Servants I’ve ever come across who offer commentary on policies. You can’t whinge about being ‘politicised’ if you then comment publicly on policy, off the cuff often, and implicitly criticise the government. No other Crown Servants in the home ministries, or in the Foreign Office, would dream of such actions: policies are for ministers, actions for the agencies. The police have a lot to learn about dealing with central government.*

Against this, other chief officers strongly asserted that no other government departments have to be able to make policies work in hostile or uncooperative environments, where innocent people may very well be injured or killed. A paradigm of the Health Service is often used by chief officers to draw a distinction. This chief officer’s comment is representative of many:

**Interviewee 9:** *You tell me whether the Health Service would go ahead and prescribe a drug without first subjecting it to stringent testing and experimentation. That’s what NICE [National Institute for Health and Clinical Excellence] is for. Yet in policing, we are expected to implement the latest fad from the Home Office, the Policing Pledge or knife crime initiatives or whatever it might be, without exhaustive prior “clinical trials”.*

Conflict between those who make policy and those who apply or enact it is not, of course, restricted only to the police. What chief officers seem to argue is that there are very real and practical dangers which imperil public safety if the (nameless and unaccountable) officials in the Home Office get it wrong. All this appears to be part of a pervasive belief among chief officers that those who hold the police accountable do not themselves understand the nature of policing. Instead, policy-makers and politicians pursue a ‘social engineering’ aspect which the hapless police have to help to apply to society’s ills. Chief officers charge that the Home Office does this recklessly and in a way that no other department of state such as Defence or Health would ever attempt. The degree of experimentation with policing, crime and social problems extends to interfering with the formulation of the ‘fast track’ graduate programme (the High Potential Development Scheme, HPDS) or the reduction in the number of police forces (an abortive effort in 2006 to amalgamate contiguous forces into ‘self-actuating’ regional forces of larger size) or in recent times the replacement of police authorities with police crime commissioners (PCCs). A constant background to all of this, chief officers assert, is the Home Office’s desire to control the police, a political uneasiness that the police function would get out of hand which has its origins in the Napoleonic War (Pellew, 1982). The current government’s apparent intention to relinquish control of the police to PCCs (May, 2010; Kemp, 2011) is not likely to be sustained. We have seen few examples from history where politicians have *not* interfered with policing. The history of the British government’s relations with the police since 1829 is such that control has been progressively centralised. This probably remains the default model for police governance.

### **Summary and conclusions**

Police authorities act locally, on behalf of communities in specific areas, to hold ‘their’ police force to account. They have the remit, or at least the authority, to speak for the public. But no-



one seems certain where the independence of police operational activities ends and the proper democratic exercise of oversight by a police authority begins. Chief police officers can be stubborn and mulish when challenged and equally, some police authorities can seem overtly political or petty. The lack of definition can be catered for, at least in part, by protocols designed to clarify respective responsibilities (see Caless' extended discussion of this in *Policing at the Top*, 2011, Chapter 3), but ambiguities persist. At the base of some of the distaste expressed about police authorities is chief officers' distrust of well-meaning but amateur encroachments on their professional knowledge and judgement. It seems unlikely that the advent in 2012 of the PCCs will mitigate these reservations to any marked degree; indeed, some think that the PCC will encroach further on police preserves (Pointon, 2010).

Caution about and suspicion of HMIC is endemic in the tensions which exist between the assessor and the assessed, but this has clearly been exacerbated since HMIC took on the mantle of the 'fierce guardian of public interests', characterised by an altogether more confrontational approach with police forces. Relations, as chief officers have noted, are at a low ebb, added to which is a sort of perennial uneasiness about HMIC's double function of assessing a force and developing its chief officer cadre. Chief officers consistently return to the proposition that a separate professional organisation should assess, promote and develop individual chief officers. It is hard to dispute the logic of this position, provided that such an organisation is truly independent of those whom it assesses (a point repeatedly made to Bryn Caless by the Chief HMI in interview).

HMIC, for its part, registers an indifference to chief officers' views which borders on the dismissive and it is unwavering in its public mission, wherever that leaves the police. But it does not help if, simmering under the surface is largely impotent chief officer fury against HMIC on the one hand and HMIC's deliberate impassiveness about the fate of police forces

on the other. If HMIC is seen, in one chief officer's words as "The Home Office's rottweiler" and if it is actually inimical to the police service of which it was, until recently, a part; then it should not surprise us if chief police officers are angry and critical of the Inspectorate. These views are not held only by the inadequate chief officer or what Michael Gove called "the weakest chief constables" (Gove, 2005). Successful and respected chief officers made their concerns evident to us, whilst Sir Denis O'Connor's apparent indifference when these concerns were relayed to him (by Bryn Caless at an on-the-record meeting, 4<sup>th</sup> December 2009) was equally eloquent.

Chief officers themselves seem unaware of the impression they give: their caution and hostility about police authorities, HMIC and the Home Office could be construed as aversion to being accountable for what they do. Yet many chief officers noted continually that they had no problems whatever with being held accountable, provided that the 'holding' was fair process and part of a mechanism that could itself be challenged. Indeed, when commenting publicly on the proposals for PCCs to replace police authorities in overseeing the police, Sir Hugh Orde, President of ACPO, said:

Chief Officers understand the need to be accountable to local communities – policing's relationship with the public we serve is the source of its legitimacy and consequently its effectiveness (Caswell, 2010).

The Home Office is persistently seen negatively by most chief officers; indeed, of all opinions of oversight, the Home Office registered the very lowest in chief officer esteem. The undercurrents of tension between chief officers and their political masters probably existed from the outset (Pellew, 1982), but, possibly as the result of very large amounts of criminal legislation passed by successive Labour administrations from 1997 – 2010, (some 3,000 according to the Centre for Crime and Justice Studies at King's College, London, 2007), this has seemed to intensify. At the same time, while the Home Office (like HMIC) can appear indifferent and inert in the face of criticism – some at least of it, well-founded – it cannot be

conducive to harmonious working for one side to know that it is the object of detestation and for the other to know that its views are of no practical significance.

It is not solely a minority concern that we are examining, rather it is the collective view of a large body of very influential police officers. All organisations face accountability of some kind (to shareholders, to investors, trusts, boards, national bodies safeguarding standards and the like) but perhaps in policing, and particularly with the advent of the PCC, unease about the equity with which 'holding accountable' is exercised seems to be acute. There may be much controversy yet to come between forced changes to what David Cameron called "the last unreformed public service" (Freeman and Webster, 2006), and resistance to those 'untested changes' that may be led by chief officers of police.

## Notes

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- i Sir Paul resigned as Commissioner on 17 July 2011.
- ii Sir Ian Blair, Commissioner of the Metropolitan Police, was required to resign in 2008 by Boris Johnson, Mayor of London and then Chair of the Metropolitan Police Authority, because of a lack of political and civic confidence in the police officer. It was widely interpreted as the 'flexing of police authority muscles' to bring chief officers into line.
- iii Charles Clarke, succeeded David Blunkett and was Home Secretary from December 2004 until May 2006
- iv See Bebbington, S "HMIC accused of forcing hands over Welsh chief's appointment", *Police Review*, 8<sup>th</sup> October, 2010, p. 4. The accusation centred on "immense pressure" which HMIC allegedly exerted over the Dyfed-Powys Police Authority, and was apparently the subject of a complaint from a member of the Authority to the Home Secretary in April 2008.

## Reference

- ACPO. (2008). *Final Response to the Government's Green Paper: From the Neighbourhood to the National*. October, London: Association of Chief Police Officers.
- Association of Police Authorities. (2006). *Police Performance Management: Practical Guidance for Police Authorities*. London: Home Office/APA.
- Audit Commission. (2009). *The New Performance Landscape for Crime and Policing*, retrieved from:  
[www.auditcommission.gov.uk/communitysafety/audit/policeinspection/Pages/policeinspectionframework.aspx](http://www.auditcommission.gov.uk/communitysafety/audit/policeinspection/Pages/policeinspectionframework.aspx).
- Bebbington, S. (2009, July 3). Setting Standards. *Police Review*. pp. 18-21
- Bebbington, S. (2010, October 8). HMIC accused of forcing hands over Welsh chief's appointment. *Police Review*. p. 4.
- Brain, T. (2010). *A History of Policing in England and Wales from 1974: a Turbulent Journey*, Oxford: Oxford University Press.
- Caless, B., (2011), *Policing at the Top; the roles, values and attitudes of chief police officers*, Bristol: Policy Press
- Caswell, C. (2010, August 16). Police governance. *Police Oracle*. Retrieved from [http://www.policeoracle.com/news/In-Depth-Policing-In-The-21st-Century\\_25823.html](http://www.policeoracle.com/news/In-Depth-Policing-In-The-21st-Century_25823.html).
- Centre for Crime and Justice Studies. (2007). *Ten years of criminal justice under Labour: an independent audit*. London: King's College.
- Cockcroft, T & Beattie, J, (2009). Shifting cultures: managerialism and the rise of 'Performance'. *Policing: an International Journal of Police Strategies and Management*. Vol. 32, No. 3 pp. 526-540. doi: [10.1108/13639510910981644](https://doi.org/10.1108/13639510910981644)
- Cowley, R & Todd, P. (2007). *The history of HM Inspectorate of Constabulary: the first 150 years. 1856-2006*. London: HMIC
- Emsley, C. (1996). *The English Police: A Political and Social History*. 2<sup>nd</sup> edition. London: Longman.
- Flanagan, Sir R. (2005). *HMIC Annual Report, 2004-2005*. Retrieved from: [http://www.hmic.gov.uk/SiteCollectionDocuments/Annual%20Reports/ARP\\_20040401.pdf](http://www.hmic.gov.uk/SiteCollectionDocuments/Annual%20Reports/ARP_20040401.pdf).
- Freeman, S & Webster, P. (2006 January 16). Cameron pledges to root out failing police officers. *The Times*. Retrieved from <http://www.thetimes.co.uk/tto/news/politics/article2032031.ece>
- Fresco, A. (2010 June 30). Cuts signal end of 'gold-plated' policing. Sir Hugh Orde warns. *The Times*. Retrieved from: <http://www.thetimes.co.uk/tto/news/uk/article2579175.ece>.
- Goldsmith, A & Lewis, C (eds.). (2000). *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. Portland, Oregon, USA: Hart Publishing.

- 
- Gove, M. (2005 March 15). If crime's on the up, your chief constable must explain why or be sacked. *The Times*. Retrieved from <http://www.thetimes.co.uk/tto/law/columnists/article2042724.ece>.
- HMIC/Audit Commission. (2010). *Learning Lessons An overview of the first ten joint inspections of police authorities by HMIC and the Audit Commission*. London: HMIC. Retrieved from [http://www.hmic.gov.uk/SiteCollectionDocuments/Individually%20Referenced/PAI\\_NF\\_S\\_20100315.pdf](http://www.hmic.gov.uk/SiteCollectionDocuments/Individually%20Referenced/PAI_NF_S_20100315.pdf)
- HMIC. (2010). *Valuing the Police; Policing in an age of austerity*. July. London: HMIC
- Home Affairs Committee of the House of Commons. (2010). *The Work of the Home Office*, Oral Evidence given by Rt. Hon. Alan Johnson MP, Secretary of State, Sir David Normington, Permanent Secretary Home Office, and Constable Adrian Parsons, Kent Police, evidence taken on 15 December 2009, Retrieved from <http://www.publications.parliament.uk/pa/cm/cmhaff.htm>.
- Home Office. (2008). *From the Neighbourhood to the National: Policing our Communities Together*. London: Home Office.
- Hurd, D. (2007), *Robert Peel: A Biography*. London: Weidenfeld & Nicolson.
- Jones, T & Newburn, T. (1997). *Policing after the Act: Police Governance after the Police and Magistrates' Courts Act 1994*. London: Grantham Books [Policy Studies Institute].
- Kemp, R. (2011 March 15). Elected Commissioners 'Will Be Like A Pimple' *Police Oracle*. Retrieved from: [http://www.policeoracle.com/news/Elected-Commissioners-Will-Be-Like-A-Pimple\\_31774.html](http://www.policeoracle.com/news/Elected-Commissioners-Will-Be-Like-A-Pimple_31774.html).
- Loveday, B & Reid, A. (2003). *Going Local: who should run Britain's Police?* London: Policy Exchange.
- Macpherson, W. (1999). *Report of an Inquiry into the death of Stephen Lawrence*, Cmd. 4262, London: Stationery Office.
- Mawby, R & Wright, A. (2005). *Police Accountability in the United Kingdom*, Paper for the Commonwealth Human Rights Initiative, Retrieved from [http://www.humanrightsinitiative.org/programs/aj/police/res\\_mat/police\\_accountability\\_in\\_uk.pdf](http://www.humanrightsinitiative.org/programs/aj/police/res_mat/police_accountability_in_uk.pdf).
- May, T. (2010 July 26). Speech to House of Commons. reported in *Police Oracle*. Retrieved from [http://www.policeoracle.com/news/NPIA-Faces-Axe-Under-Government-Plans\\_25358.html](http://www.policeoracle.com/news/NPIA-Faces-Axe-Under-Government-Plans_25358.html).
- National Archive. (1856). *HO 242: HM Inspectorate of Constabulary: Reports, Papers and Minutes*. 1856. Retrieved from [http://yourarchives.nationalarchives.gov.uk/index.php?title=Home\\_Office\\_Inspectorates;](http://yourarchives.nationalarchives.gov.uk/index.php?title=Home_Office_Inspectorates;)
- O'Connor, D. (2005). *Closing the Gap*. HMIC report on Policing. London: TSO.
- O'Neill, S. (2009 September 16). Met chief Sir Paul Stephenson warns politicians to keep out of policing. *The Times*. Retrieved from <http://www.thetimes.co.uk/tto/news/politics/article2029475.ece>
- O'Neill, S. (2010a June 21). Cameron to tell police chiefs they must do more with less. *The Times*. Retrieved from: <http://www.thetimes.co.uk/tto/news/politics/article2565017.ece>
- O'Neill, S. (2010b August 5). Chief constables 'extreme power' should be curbed, says Tory. *The Times*. Retrieved from <http://www.thetimes.co.uk/tto/news/politics/article2674183.ece>
- Pellew, J. (1982). *The Home Office 1848–1914: from Clerks to Bureaucrats*. London: Heinemann Educational Books. pp. 122-144. Retrieved from [http://yourarchives.nationalarchives.gov.uk/index.php?title=Home\\_Office\\_Inspectorates;accessed](http://yourarchives.nationalarchives.gov.uk/index.php?title=Home_Office_Inspectorates;accessed).

- 
- Pointon, I. (2010 July 23) Commission Impossible. Letter to *Police Review*. pp.18-19
- Reiner, R. (1991). *Chief Constables, Bobbies, Bosses or Bureaucrats?* Oxford: Oxford University Press.
- Savage, S, Chapman, S & Cope, S. (2000). *Policing and the Power of Persuasion: the changing role of the Association of Chief Police Officers*. London: Blackstone Press.
- Wall, D. (1994). The Ideology of Internal Recruitment: The Chief Constables of England and Wales and the Tripartite Arrangement. *British Journal of Criminology*, Vol. 34, No.3, Summer 1994. pp322-338
- Williams, C. (2003). Britain's police forces: forever removed from democratic control?. *History and Policy*, Retrieved from <http://www.historyandpolicy.org/papers/authors.html>.