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Police Professional Article

'Set in Stone?'

Introduction

Peel's Principles are widely seen as the foundation of much successful policing in Western societies. They are believed to confer legitimacy on a service which exercises coercive powers such as arrest and detention on citizens, on behalf of the state. Legitimacy is important for many reasons, perhaps the most obvious and practical one being the relatively small number of officers in relation to the wider population. In the UK, Home Office figures suggest that there is approximately one police officer per 500 citizens, or more realistically one officer on duty per 2500 citizens. It follows that the service relies heavily upon self-policing by the vast majority of the population, most of the time. Where police intervention is necessary, legitimacy is also the key to the wider judicial system which relies upon the willingness of people to work with the police as witnesses.

In a fast-changing and sceptical world, Peel's Principles are still used to a remarkable extent, as a touchstone against which the quality of policing is judged. Individual principles such as 'prevention is better than detection' are widely cited by politicians, journalists and police officers themselves.

Yet - are they being realistic? Could Peel when founding a new organisation, have foreseen the complexity of its structure and remit almost two centuries later and therefore, what approach would be appropriate? Furthermore, are the Principles even authentic? Did Peel, as in the popular imagination, present his list of principles to the Metropolitan Police at the time of its inception? Or were they, as claimed by police historians, an invention of twentieth century policing textbooks?

This article examines the birth of the Principles, separating fact from myth and considers whether they are still useful in today's world.

The Birth of the Principles

The birth of the modern police service was deeply controversial. In 1829, Home Secretary Robert Peel finally received approval for a Police Bill for the new police against the recommendations of the Parliamentary Committee of 1822, and after six previous attempts had failed. There had been concerns from the public and politicians alike that the creation of a state police would have an impact on liberty. From this perspective it was important for Peel to ensure that fears of an over-bearing state police were reduced. The emphasis on the prevention rather than detection of crime was a key factor in persuading Parliament to finally accept the Police Bill.

The Commissioners of the Metropolitan Police, Rowan and Mayne, were in agreement with the Peel, that the main task of the new police would be the prevention of crime. It was to take another ten years before the new Metropolitan Police was able to take over the investigative role from the Bow Street Runners as the capacity to do so increased only slowly. The proportion of resources aimed at investigation and the number of detectives required today is in marked contrast to the early years of the New Police.

The emphasis on prevention was explicitly presented in the instructions for new constables, published by Rowan and Mayne in the Times on 25th September 1829:

It should be understood at the outset that the principal object to be attained is the prevention of crime. To this great end every effort of the police is to be directed. The security of person and property, the preservation of the public tranquillity and all other objects of a police establishment will thus be better effected than by detection and punishment of an offender after he has succeeded in committing the crime.

Whilst this widely publicised emphasis on crime prevention is likely to have had some public relations value, there was no list and it is unclear to what extent the expectation was reinforced to officers. Neither, as has been suggested, did constables march out of their stations in 1829 with 'a copy of Sir Robert Peel's Principles of Law Enforcement in their breast pocket'.

Studies by police historians such as Clive Emsley, Susan Lentz and Robert Chaires have done much to shed light on the birth of the Peelian principles. After the second World War, interest in police history grew and a number of works were published. A 1952 text written by Charles Reith, identified nine 'principles of policing' but did not attribute them to Peel. Instead, they were a summary of 'all that is of special value and unique in the modern British Police'. Reith ascribed the principles variously to Peel, Rowan and Mayne and others, but provided no specific citations or other evidence for his assertions.

Many texts of the time gave great emphasis to the influence of individual personalities. The notion of Peelian Principles took hold and texts by other authors until as late as the 1980s, provided alternative lists. Some retained nine principles, whilst others amounted to ten or twelve. Variants on Reith's version are perhaps the most influential and are in summary as follows.

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognize always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of the law.
4. To recognize always that the extent to which the cooperation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing; by ready exercise of courtesy and good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

8. To recognize always the need for strict adherence to police executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the state, and of authoritatively judging guilt and punishing the guilty.

9. To recognize always that the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them.

The Principles Today

The notion of the Peelian Principles as a statement of policing values has gained widespread acceptance in the English-speaking world. HMIC has stated that the Peelian Principles 'hold good and apply today' on many occasions and continues to refer to them in its reports. Endorsements from elsewhere, include those from police and politicians in the USA, Canada, Australia, the Caribbean, and Hong Kong. In the UK, the Principles have become embedded in policing consciousness to the extent that they are rarely challenged.

A notable exception was provided by the 2013 report of the Independent Police Commission as part of its review of policing in England and Wales. The Commission took the view that widespread acceptance was in part, a consequence of the Principles' very broad nature, which meant that they placed little by way of specific requirements upon forces. According to its Chairman Lord Stevens, they were 'too vague' and alternatives for the modern era were proposed. However, the report failed to make a visible impact upon government policy.

The Commission's report has been reinforced by academic studies. Historian David Taylor has suggested that the Principles amount to a convenient 'yet misleading oversimplification of police work'. Susan Lentz and Robert Chaires make the point that they are potentially misleading, by imposing the values of the past, upon the future. Elsewhere, Professor Ian Loader has argued that their lack of clarity and less than comprehensive content, obstructs the formulation of better policies.

The imprecise nature of the Peelian Principles has also enabled commentators to extend them beyond their original meaning, to lend weight to simplistic assertions made in the absence of supporting evidence. For example, a representative of the Policy Exchange think-tank at the 2015 Police Federation conference, stated that 'The first principle of Policing, as outlined by Robert Peel, the father of British Policing, is that the Police are there to prevent crime and disorder..... Prevention is less expensive than the cure'.

Prevention less Expensive than Cure?

HMIC has also ventured into this territory, stating in its 2012-13 assessment of policing, that 'Crime prevention is enormously cheaper than its investigation and the imposition of sanctions'. It went on to explain that 'Virtually all of the costs in the criminal justice system, and in dealing with the consequences of crime, are incurred downstream of the offence. It is therefore essential that every effort is made to get upstream and stop crime wherever and whenever that can be achieved. The police must always remember that its first obligation is to prevent crime and keep the peace.'

There are several closely-related difficulties with this view. Most fundamentally, it assumes that policing has the ability if properly resourced and directed, to prevent a significant proportion of all crime. This is not necessarily the case. Indeed, the relative numbers of police and public identified at the start of this article, make the assumption highly questionable. The sheer number of ways, times and locations at which crimes might be committed means that the ability of the police to intercept them is marginal. It is highly unlikely that the resources exist to 'get upstream' of most crime, even with the benefit of 'partnership' activity.

Moreover, HMIC appears to be comparing of the cost of police detection activity, with the benefit of preventing cost to the entire criminal justice system and the public. This might be a reasonable exercise if prevention activity was markedly effective within the bounds of realistic resources, but there is no evidence that this is the case. The cost of comprehensive crime prevention is essentially open-ended. A more realistic measure of efficiency would be to compare the cost to police of detecting one crime, with the cost to police of preventing one crime within existing patterns of activity. Although prevention of crime and disorder is undoubtedly better than cure, investigation and detection are likely to be the more realistic option, most of the time. Moreover, prevention and detection are treated by the Peelian Principles as separate activities, even though detection of one crime may be a potent deterrent to the commission of others.

In Conclusion

The detail of the Peelian Principles does not stand up particularly well to scrutiny. The composition of the list, rooted in the values of the 1950s, have always been the subject of selective interpretations in support of existing academic and political ideologies. They have little to say about social change or demand patterns on the police.

The Principles underestimate the costs of crime prevention activity and overestimate its effectiveness. The strong probability is that given resource constraints, is that such activity will be limited to that minority of incidents which are reasonably predictable and prevention efforts are most likely to succeed. Moreover, they underrepresent the quantity and complexity of non-crime related activity undertaken by police, who have an irredeemable priority of dealing with emergency calls. A 2015 College of Policing report estimated that control rooms deal with approximately ten million '999' calls annually, together with an unspecified number from the '101' system. Non-crime incidents accounted for 83 per cent of all calls. Taken together, these considerations amount to a considerable challenge to the Peelian notion that police effectiveness is related to the absence of crime.

Overall there is a strong case for replacing the Peelian Principles with expectations which are more suited to modern policing. However, nineteenth century values should not be entirely discarded. Although Sir Robert Peel's association with the Principles was at best tenuous, it remains heavily symbolic. The circumstances of the 1820s made Peel give great and due weight to the importance of police legitimacy through its relationship with the public. Policing rests on potentially fragile foundations of public support and in this respect, the Peelian Principles remain a valuable asset.