This book makes a significant contribution to the literature on accountability for policing in three particular ways. First, it adopts much broader conceptions of both accountability and 'policing' than have been evident in almost all the previous literature on this topic. Second, it is historically grounded, which enhances understanding of where things stand today. Third, it is thoroughly up to date, exploring new conceptual frames, the most recent developments, and the most recent critiques. For all these reasons, it is a book that should be read by anyone who is interested, for whatever reasons, in its central subject.

Philip C. Stenning, Professor of Criminology and Criminal Justice, Griffith University, Queensland, Australia

Accountability of Policing is a sorely needed text in the policing research cannon. Lister and Rowe, along with a long list of well-respected scholars in this field, have compiled an informative and insightful text on a topic of great interest in policing. It will be a valuable resource for students, researchers and practitioners.

Megan O’Neill, Lecturer in Human Geography, University of Dundee and the Scottish Institute of Policing Research, UK

Focusing on such diverse subjects as corruption, complaints, and stop and search, and bringing together the leading authors in their respective fields, this impressive volume offers the most up-to-date analysis of the contemporary state of accountability in policing and private security. This will be essential reading for teachers and students of policing.

Tim Newburn, Professor of Criminology and Social Policy, London School of Economics, UK
Accountability of Policing

Accountability of Policing provides a contemporary and wide-ranging examination of the accountability and governance of 'police' and 'policing'. Debates about 'who guards the guards' are among the oldest and most protracted in the history of democracy, but over the last decade we have witnessed important changes in how policing and security agencies are governed, regulated and held to account. Against a backdrop of increasing complexity in the local, national and transnational landscapes of 'policing', political, legal, administrative and technological developments have served to alter regimes of accountability. The extent and pace of these changes raises a pressing need for ongoing academic research, analysis and debate.

Bringing together contributions from a range of leading scholars, this book offers an authoritative and comprehensive analysis of the shifting themes of accountability within policing. The contributions explore questions of accountability across a range of dimensions, including those 'individuals' and 'institutions' responsible for its delivery, within and between the 'public' and 'private' sectors, and at 'local', 'national' and 'transnational' scales of jurisdiction. They also engage with the concept of 'accountability' in a broad sense, bringing to the surface the various meanings that have become associated with it and demonstrating how it is invoked and interpreted in different contexts.

Accountability of Policing is essential reading for academics and students involved in the study of policing, criminal justice and criminology and will also be of great interest to practitioners and policymakers.

Stuart Lister is Senior Lecturer in Criminal Justice at the University of Leeds. His research interests focus on exploring the changes and continuities in the arrangement, provision, accountability and effectiveness of contemporary policing and security endeavours. He has worked previously at the universities of Durham and Keele.

Michael Rowe is Professor of Criminology at Northumbria University. His research interests focus on the ethics and governance of policing, diversity in criminal justice, and offender desistance. He has taught at Victoria University, Wellington, and at the University of Leicester.
<table>
<thead>
<tr>
<th>Book Title</th>
<th>Editors</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Sex Offenders: Punish, Help, Change or Control?</td>
<td>Edited by Jo Brayford, Francis Cowe and John Deering</td>
<td>Theory, policy and practice explored</td>
</tr>
<tr>
<td>2 Building Justice in Post-Transition Europe</td>
<td>Edited by Kay Goodall, Margaret Malloch and Bill Munro</td>
<td>Processes of criminalisation within Central and Eastern European societies</td>
</tr>
<tr>
<td>3 Technocrim, Policing and Surveillance</td>
<td>Edited by Stéphane Leman-Langlois</td>
<td></td>
</tr>
<tr>
<td>4 Youth Justice in Context</td>
<td>Edited by Candace Krutschnitt and Catrien Bijleveld</td>
<td>Community, compliance and young people</td>
</tr>
<tr>
<td>5 Women, Punishment and Social Justice</td>
<td>Edited by Randy K. Lippert and Kevin Walby</td>
<td>Human rights and penal practices</td>
</tr>
<tr>
<td>6 Handbook of Policing, Ethics and Professional Standards</td>
<td>Edited by Allyson MacVean, Peter Spindler and Charlotte Solf</td>
<td></td>
</tr>
<tr>
<td>7 Contrasts in Punishment</td>
<td>John Pratt and Anna Eriksson</td>
<td>An explanation of Anglophone excess and Nordic exceptionalism</td>
</tr>
<tr>
<td>8 Victims of Environmental Harm</td>
<td>Liqun Cao, Lanying Huang and Ivan Y. Sun</td>
<td>Rights, recognition and redress under National and International</td>
</tr>
<tr>
<td>9 Doing Probation Work</td>
<td>Rob C. Mawby and Anne Worrall</td>
<td>Identity in a criminal justice occupation</td>
</tr>
<tr>
<td>10 Justice Reinvestment</td>
<td>Chris Fox, Kevin Albertson and Kevin Wong</td>
<td>Can the criminal justice system deliver more for less?</td>
</tr>
<tr>
<td>11 Epidemiological Criminology</td>
<td>Timneke Van Camp</td>
<td>Theory to practice</td>
</tr>
<tr>
<td>12 Policing Cities</td>
<td>Frieder Dünkel</td>
<td>Urban securitization and regulation in a 21st century world</td>
</tr>
<tr>
<td>13 Restorative Justice in Transition</td>
<td>Kerry Clamp</td>
<td></td>
</tr>
<tr>
<td>14 International Perspectives on Police Education and Training</td>
<td>Edited by Perry Stanislas</td>
<td>Cross-discipline approaches for policy and practice</td>
</tr>
<tr>
<td>15 Understanding Penal Practice</td>
<td>Edited by Rosemary Sheehan and James Ogloff</td>
<td></td>
</tr>
<tr>
<td>16 Perceptions of Criminal Justice</td>
<td>Vicky De Mesmaecker</td>
<td></td>
</tr>
<tr>
<td>17 Transforming Criminal Justice?</td>
<td>Jane Donoghue</td>
<td>Problem-solving and court specialization</td>
</tr>
<tr>
<td>18 Policing in Taiwan</td>
<td>Edited by Ivo Aertsven, Inge Vanfraechem and Daniela Bolivar</td>
<td>From authoritarianism to democracy</td>
</tr>
<tr>
<td>19 Reparation for Victims of Crimes against Humanity</td>
<td>Edited by Jo-Anne M. Wemmers</td>
<td>The healing role of reparation</td>
</tr>
<tr>
<td>20 Victims of Violence and Restorative Practices</td>
<td>Timneke Van Camp</td>
<td>Finding a voice</td>
</tr>
<tr>
<td>21 Long-Term Imprisonment and Human Rights</td>
<td>Edited by Kirstin Drenkhahn, Mamuela Dudeck and Frieder Dünkel</td>
<td></td>
</tr>
<tr>
<td>22 Working within the Forensic Paradigm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Positive Criminology</td>
<td>Jennifer A. Schlosser</td>
<td></td>
</tr>
<tr>
<td>24 Inmates’ Narratives and Discursive Discipline in Prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Municipal Corporate Security in International Context</td>
<td>Kevin Walby and Randy K. Lippert</td>
<td></td>
</tr>
<tr>
<td>26 Victims and Restorative Justice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 The Role of Community in Restorative Justice</td>
<td>Fernanda Fonseca Ronseblatt</td>
<td></td>
</tr>
<tr>
<td>28 Lives of Incarcerated Women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29 Accountability of Policing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Accountability of Policing

Edited by Stuart Lister and Michael Rowe
Contents

List of illustrations  xi
List of contributors  xii
Acknowledgements  xvi

1 Accountability of policing
STUART LISTER AND MICHAEL ROWE  1

2 The rise and fall of 'stop and account': lessons for police accountability
RICHARD YOUNG  18

3 Improving police behaviour and police–community relations through innovative responses to complaints
TIM PRENZLER AND LOUISE PORTER  49

4 Getting behind the blue curtain: managing police integrity
MICHAEL ROWE, LOUISE WESTMARLAND AND COURTNEY HOUGHAM  69

5 Integrity, accountability and public trust: issues raised by the unauthorised use of confidential police information
CINDY DAVIDS AND GORDON BOYCE  86

6 Electocracy with accountabilities? The novel governance model of Police and Crime Commissioners
JOHN W. RAINE  111

7 Power to the people? A social democratic critique of the Coalition Government’s police reforms
ROBERT REINER  132

First published 2016
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN
and by Routledge
711 Third Avenue, New York, NY 10017
Routledge is an imprint of the Taylor & Francis Group, an informa business
© 2016 selection and editorial matter, Stuart Lister and Michael Rowe; individual chapters, the contributors.
The right of the editor to be identified as the author of the editorial matter, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.
All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.
Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.
British Library Cataloguing-in-Publication Data
A catalogue record for this book is available from the British Library
Library of Congress Cataloging-in-Publication Data
ISBN: 978-0-415-71533-1 (hbk)
ISBN: 978-1-3-1588189-8 (ebk)
Typeset in Times New Roman
by Wearset Ltd, Boldon, Tyne and Wear
Printed and bound in Great Britain by TJ International Ltd, Padstow, Cornwall
x  Contents

8 Accountability, policing and the Police Service of Northern Ireland: local practice, global standards? 150
  JOHN TOPPING

9 Private security and the politics of accountability 172
  ADAM WHITE

10 Plural policing and the challenge of democratic accountability 192
  STUART LISTER AND TREVOR JONES

11 Reflections on legal and political accountability for global policing 214
  BEN BOWLING AND JAMES SHEPTYCKI

Index 231

Illustrations

Figures
5.1 Social accountability framework for police integrity in the context of private interests 106
6.1 PCC relationships and accountabilities 116

Tables
3.1 Per cent complainant and police satisfaction levels, Police Ombudsman for Northern Ireland 60
4.1 Officer perceptions of gravity of behaviour 74
4.2 Personal and colleagues' propensity to report problematic behaviour 75
Contributors

Ben Bowling is Professor of Criminology and Criminal Justice, and Associate Dean of the School of Law, King's College London. He worked previously at John Jay College of Criminal Justice (New York), the Home Office Research Unit and the University of Cambridge. He has been a visiting professor at the University of the West Indies, Monash University (Melbourne) and the East China University of Political Science and Law (Shanghai). His books include Violent Racism (OUP 1998), Racism, Crime and Justice (with Coretta Phillips, Longman 2002), Policing the Caribbean (OUP 2010), Global Policing (with James Sheptycki, Sage 2012) and Stop and Search: Police Power in Global Context (edited with Leanne Weber, Routledge 2012).

Gordon Boyce is an interdisciplinary accounting scholar who works in the Department of Accounting at La Trobe University, Melbourne, Australia. Gordon’s research agenda is concerned with critical and interpretive perspectives on accounting, with a particular focus on the social functioning of accounting. His published work encompasses social accounting and accountability; sustainability and environmental issues in accounting; public administration and accountability; professionalism and the public interest; and various dimensions of accounting education in its sociopolitical context. He serves on several journal Editorial Boards.

Cindy Davids is Associate Professor in the School of Law at Deakin University, Melbourne, Australia. Cindy has interdisciplinary research interests and publications across policing, legal regulation, professional and public sector accountability, conflict of interest, corruption and bribery. She has worked collaboratively with a number of police and oversight agencies including Victoria Police, Australian Federal Police, and the Victorian Ombudsman, and has advised various other agencies in Australia and the UK. She has taught across an array of areas in criminology and law and her current teaching is in the area of criminal procedure.

Courtney Houghtam is Principal Planning Analyst with Hennepin County’s Department of Community Corrections and Rehabilitation in Minneapolis, Minnesota. She graduated in 2011 from the City University of New York Graduate Center with a PhD in Criminal Justice focusing on jury decision-making.

Trevor Jones is Professor of Criminology at the School of Social Sciences in Cardiff University. He has researched and published extensively in a range of the fields including policing and crime prevention, private security, comparative criminal justice policymaking, and workplace bullying and harassment. He is author/co-author of six research monographs, co-editor of two major edited collections, and author of large number of journal papers, research reports and book chapters.

Stuart Lister is Senior Lecturer in Criminal Justice at the Centre for Criminal Justice Studies in the School of Law, University of Leeds. His research interests come together around exploring the changes and continuities in the arrangement, provision, accountability and effectiveness of contemporary policing and security endeavours. He is co-author of Bouncers: Violence and Governance in the Night-time Economy (with Hobbs, Hadfield and Winlow, OUP 2003), Plural Policing: The Mixed Economy of Visible Security Patrols (with Crawford, Blackburn and Burnett, Policy Press 2005) and Street Policing of Problem Drug Users (with Seddon, Wincup, Barrett and Traynor, Joseph Rowntree Foundation 2008).

Louise Porter is Lecturer in the School of Criminology and Criminal Justice, Griffith University, Brisbane, Australia. Louise is a British Psychological Society Chartered Psychologist, holding previous appointments at the University of Liverpool, University of Birmingham and, more recently, the ARC Centre of Excellence in Policing and Security at Griffith University. Her research applies social psychology to forensic contexts, including co-offending as well as police corruption and misconduct. Her work on police misconduct has focused on types of misconduct behaviour, its causes and the systems in place to address such behaviour.

Tim Prenzler is Chief Investigator in the Australian Research Council Centre of Excellence in Policing and Security (CEPS) and a Professor in the School of Criminology and Criminal Justice, Griffith University, Brisbane, Australia. In CEPS, he manages the Integrity Systems Project and works in the Frontline Policing Project. He teaches courses in situational crime prevention and security management, and criminal justice ethics and corruption prevention. He is the author of Police Corruption: Preventing Misconduct and Maintaining Integrity (CRC Press – Taylor & Francis 2009) and co-author, with Adam Graycar, of Understanding and Preventing Corruption (Palgrave Macmillan 2013).

John W. Raine is Professor of Management in Criminal Justice at the University of Birmingham, UK. His research interests centre on governance structures and processes within criminal justice, and over a 30-year period he has undertaken various projects on local police accountability and systems of governance before developing an interest in the new role of Police and Crime
Commissioners. He has worked in the Institute of Local Government Studies (INLOGOV) at Birmingham since 1979 (including eight years as Director) and his interests in local governance have led him into practice as both a county and district councillor for his home area in Worcestershire. He is also a member of the Criminal Justice Council for England and Wales.


Michael Rowe is Professor of Criminology at Northumbria University. His research and teaching interests focus on policing, race and crime. He has published widely on these and related topics, including Race and Crime (Sage 2013), Introduction to Policing (Sage 2014), Race, Racism and Policing (Willan 2004), and in many journal articles. He founded the Policing Network of the British Society of Criminology, is on the editorial board of Policing and Society and was previously Vice President of the Australian and New Zealand Society of Criminology.

James Shepptycki is Professor of Criminology at York University, Toronto, Canada. His research interests centre on policing and crime under conditions of transnationalisation. He has written on a variety of substantive criminological topics including domestic violence, serial killers, money laundering, drugs, public order policing, organised crime, police accountability, intelligence-led policing, witness protection, risk and insecurity.

John Topping is Lecturer in Criminology at the University of Ulster, specialising in community and public order policing, officer training and security governance. He sits on the board of directors of Community Restorative Justice Ireland (CRJI), as the leading restorative practices organisation across Ireland. John is also an independent member of the Belfast Policing and Community Safety Partnership, with a statutory responsibility to hold the Police Service of Northern Ireland (PSNI) to account and work in conjunction with a range of community and statutory providers in the delivery of community safety. He has also acted in consultancy and advisory roles for the PSNI and Office of the Police Ombudsman for Northern Ireland (OPONI).

Louise Westmarland is Senior Lecturer in Criminology at the Open University. Her areas of expertise are policing, police culture and ethics, gender and violence, and homicide investigations. Her research on gender and policing has informed equal opportunities training in the UK police and she has conducted studies in the US which involved interviewing and shadowing homicide detectives on live investigations. As a Home Office Accredited Domestic Homicide Independent Reviewer, Dr Westmarland has investigated several murder inquiries and her work on police ethics and integrity has been widely cited in policy and academic arenas.

Adam White is Lecturer in Public Policy in the Department of Politics, University of York. His research focuses on three interconnected themes: (1) the rise of the private security and private military industries in the post-war era; (2) corresponding issues of governance, regulation and legitimacy in the contemporary security sector; and (3) the changing nature of state–market relations. These interests are multidisciplinary, lying at the intersection of politics, international relations, criminology and socio-legal studies. Recent publications include The Politics of Private Security (Palgrave Macmillan 2010) and The Everyday Life of the State (University of Washington Press 2013).

Richard Young is Professor of Law and Policy at the University of Birmingham. He has conducted empirical studies of neighbourhood mediation, restorative justice, the police complaints system and legal aid decision-making in England, Wales and Northern Ireland. He is co-author of Criminal Justice, now in its fourth edition (OUP 2010), and has co-edited four collections of essays, Access to Criminal Justice (1996), New Visions of Crime Victims (2002), Regulating Policing (2008) and The Futures of Legal Education and the Legal Profession (Hart 2015).
1 Accountability of policing

Stuart Lister and Michael Rowe

Accountability, understood as a characteristic of governance, is a central tenet in the study of policing. At root this is because the task of policing is intrinsically political, a normative enterprise concerned with the use of authority to maintain a particular construction of social order. Self-evidently those who wield institutional power ought to be held accountable for how it is exercised. Debates about policing are thus never far removed from debates about accountability. As a concept, however, accountability requires rigorous academic enquiry. At base, it concerns a social relationship in which someone is required to explain or justify their (non)conduct in a forum that may lead to sanction (Bovens 2005). It would be a grand irony should those whose core role entails enforcing rules and bringing others to account for their normative transgressions, be themselves found wanting for accountability (Stenning 1995). Yet accountability is a contested issue. It is, as Bovens (2005) reminds us, a ‘hurrah’ word, the fundamental purpose of which is difficult to oppose. As a consequence it can be rhetorically invoked to justify all manner of political or ideological reforms. It has also become something of a versatile and expansive concept, which has been pulled in various conceptual directions allowing it to be deployed in support of particular but often fleeting agendas (Mulgan 2000). This mutant characteristic, however, reaffirms the need for academic study. Its deployment raises a series of descriptive questions concerning the selective nature of accountability arrangements: who is accountable, to whom, for what, through what standards will be applied, and with what effects (Mashaw 2006)? These questions are important as they beget analytical or more sociological questions concerning the broader implications that arise from the pursuit of ‘accountability’. Accountability regimes therefore – like policing systems – involve political choices. The power to oblige others to account for their actions, decisions and omissions can be understood as a means of control. It is therefore crucial within the study of policing that we understand how accountability regimes function, the changes and continuities apparent within and between them, as well as their causes and effects.

Broadly stated, it is apparent that political, legal, economic and technological developments have served to alter the contexts, methods and processes by which those involved in organised forms of policing are governed and rendered...
accountable. Principles of accountability rooted in liberal democratic systems of
government have been tested by new demands emerging from a fast-changing
policing environment, new challenges of crime, security, and shifting patterns of
governance in society more broadly. Established mechanisms of accountability
(never wholly effective in early periods) have struggled to adapt to these new
landscapes. As a result, changes within accountability regimes are apparent
across different dimensions of policing, including those ‘individuals’ and ‘insti-
tutions’ responsible for its delivery, within and between the ‘public’ and
‘private’ sectors, and at ‘local’, ‘national’ and ‘transnational’ scales of jurisdic-
tion. The extent and pace of change raises a pressing need for ongoing academic
research, analysis and debate.

In the recent period we have seen the burgeoning growth of private sector
involvement in policing opening new fields for academic analysis, as well as a
barrage of neo-liberal inspired reforms of state-organised policing institutions
that demands descriptive and analytical enquiry. Such developments are at times
a cause, at other times an effect of accountability challenges. Indeed, we never
see far from the latest scandal or crisis to hit policing, the political and media
fallout from which almost invariably leads to concerns about perceived failures
of accountability. This is no coincidence. It is well-documented in the political
science literature how ‘accountability’ has become a container concept for public
anxieties about all multitudes of sins (Mashaw 2006). Poor behaviour, wrong
policy choices, ineffective performance, inefficient use of resources are com-
monly reduced to a lack of accountability. The risk is that reforms set in train
may not only primarily serve a political function, but may also pull policing
institutions in different, potentially competing directions. For instance, policing
has been a key public policy arena in which the tensions of ‘localism’ and ‘cen-
tralism’ have been played out. In England and Wales, as in other Western
countries, we have seen principles of ‘community policing’ advanced to enhance
centralised performance to local publics, simultaneous to the institutionalisation
of centrally determined performance targets intended to drive greater organis-
tational efficiency and effectiveness. Contemporary policing institutions are
subject to diverse and multifaceted accountability techniques, generating empiri-
cal, conceptual and normative questions concerning the nature, effect and
implications of the accountability relationships to which they give rise.

This book contributes to scholarly debates by analysing emergent and exist-
ent accountability regimes of ‘police’ and ‘policing’. It explores the key con-
cepts of ‘policing’ and ‘accountability’ in broad terms. Hence, for example, its
analytical gaze stretches beyond state-funded policing institutions, to include
private providers of policing and plural policing networks. Emerging forms of
constitutional and legal governance of ‘high’ policing are considered alongside
internal and external procedures designed to regulate the activities of policing
actors, such as public complaints systems, occupational licensing regimes and
ethical codes and protocols. Equally, it engages with the concept of ‘account-
ability’ in a broad sense, bringing to the surface the various meanings that have
become associated with it and demonstrating how it is invoked and interpreted in
different contexts. Whilst the core focus of the book concerns developments in
England and Wales, it includes original perspectives on developments in Europe,
North America and Australasia. Emerging from the contributions it is clear that
changes in the organisation of the social, economic, and political worlds have
given rise to new approaches to rendering policing accountable. At the core of
this collection of essays, then, is a related series of emerging concerns which
explore how the focus, mechanisms and challenges of policing accountability
have been rapidly transformed. Against this background, this collection of essays
aims to undertake some of the necessary theoretical and empirical work to
enhance the prospect of the effective accountability of policing. Before provid-
ing a summary of each of the contributions we contextualise some of the book’s
key themes. By definition many of these themes are not new in conceptual terms.
While revisiting them, however, we seek to identify how certain features of
policing in the twenty-first century pose new challenges that require innovative
responses.

Guarding the guards: why does accountability matter to
policing?

Police officers have a paradoxical relationship with their fellow citizens. On the
one hand, in common law liberal democratic societies, police have tended to be
rhetorically regarded as ‘citizens in uniform’. Describing the British model,
Robillard and McEwan (1986: 2) summarised this conceptualisation in the fol-
lowing terms:

The police of this country have never been recognized, either by the law or
by tradition, as a force distinct from the general body of citizens. Despite
the imposition of many extraneous duties on the police by legislation or
administrative action, the principle remains that the policeman, in the view
of the common law, is only a person paid to perform, as a matter of duty,
acts which if he were so minded he might have done voluntarily…. Indeed
a policeman possesses few powers not enjoyed by the ordinary citizen, and
public opinion, expressed in Parliament and elsewhere, has shown great
jealousy of any attempts to give increased authority to the police.

In the three decades since this account was written police powers and respons-
bilities – the ‘extraneous duties’ mentioned by Robillard and McEwan – have
changed, but the underlying principle remains: in de jure terms, the police con-
tinue to have few legal powers unavailable to citizens and continue to be person-
ally accountable for their actions. The paradox is, of course, that in de facto
terms, the police do have considerable powers that are unavailable to civilians.
Police officers have far-reaching powers to stop, detain and question citizens,
famously characterised by former Metropolitan Police Commissioner Sir Robert
Mark as the ‘power to inconvenience’ (Judge 1986: 175). Policing actors per se
also have considerable tacit and symbolic power that frequently ensures citizens
comply with requests and directives, either through recognition that negative consequences might otherwise ensue or, more positively, because of respect for authority figures. For public police officers this symbolic authority extends from the frontline officer on the street to more senior leaders who collectively and individually have considerable power to identify, articulate and define social problems. Loader and Mulcahy (2001a and 2001b) have described this as the ‘power of legitimate naming’ whereby elite police voices shape and define political and social agendas. The power of the police (and other elites) to act as ‘primary definers’ of deviance, and social problems more broadly, has been noted across a range of policy domains, including juvenile delinquency, urban unrest, drug use and prostitution, and is a capacity not readily available to private citizens (Hall et al. 1978).

Equally, the institutional power and resources of the police also constitute forms of power unavailable to the general public. While any member of the public might have the legal power to carry out a citizen’s arrest, the police are one of the few institutions that have the resources and capacity to make this proposition viable. That capacity is contained and regulated through internal police management and oversight as well as external, more public-facing mechanisms. While most of the contributions in this collection are focused on political and regulatory practices it must be noted that the legal system also provides a forum for scrutinising policing activity and an avenue of redress. As Prenzler (2009) has noted, a fundamental cornerstone of democratic accountability is that police are subject to the rule of law such that operational decisions can be tested in court. Hence individuals can seek judicial review of discretionary police policy decisions and practice can be amended as a result of legal judgement. Moreover, citizens are able to bring civil law claims against police in circumstances where negligence or malpractice is alleged. Whether private law remedy actually serves as a mechanism of accountability is debateable as Chief Constables hold vicarious liability for the (non)actions of their officers when on duty (Smith 2003). Individual officers can though be subject to criminal prosecution, albeit they are not subject to the same criminal process as citizens (Smith 2001). In practice, however, the ability of private citizens to bring legal action against the police might be curtailed. The resources, and cultural and social capital, required are not equally available to all and many of those who might be most gravely exposed to police malfeasance might be among those sections of the public least able to access justice (Smith 2003). Prenzler (2009) also reminds us that citizens must have access to information if they are to be able to scrutinise effectively policing institutions: reliable information, transparent decision-making and access to senior managers and policymakers are some of the necessary preconditions of democratic oversight.

The complex and institutionally embedded nature of police power means that external accountability mechanisms that extend beyond legal regulations are required for effective oversight consistent with broader principles of liberal democracy. Public accountability structures, widely seen as a hallmark of ‘good governance’, ensure the governance of public policing institutions is linked through a series of principal-agent relationships to political forums within the democratic polity (Bovens 2005). This transfer of citizen sovereignty to political representatives tasked with holding state-funded policing bodies to account signifies democratic control, a core function of public accountability. Yet as Reiner argues in his contribution to this volume, for policing to be considered ‘democratic’ it requires more than simply ensuring those who hold police to account have an electoral mandate. Whilst descriptively such a model might entail a legal framework, a democratic governance structure, systems to investigate complaints, codes of conduct to promote professional integrity, more broadly it also requires a normative commitment to advance human rights, civil liberties and notions of social justice. As Lister and Jones argue in their contribution, the concept of ‘democracy’ may imply certain structures and processes but ultimately these are underpinned by a range of democratic values that instil a normative foundation for critical assessment (see also Jones et al. 1996).

Robust accountability also functions to improve performance (Bovens 2005). In order to be effective in combating crime and disorder organised modes of policing require public assistance and cooperation in a host of ways. Research evidence confirms the public police enjoy greater levels of public trust and confidence in circumstances where they are perceived to act on the basis of procedural justice (Hough et al. 2010). In this context, procedural justice needs to be done, and to be seen to be done, in order to deliver core aspects of the police mandate. Public reassurance and community safety depend in part on the ‘communicative action’ of policing, in which audiences interpret actions in various ways (e.g. as ‘legitimate’ or ‘illegitimate’). That policing institutions are charged with delivering security and reassurance to citizens requires engagement with subjective perceptions of well-being and safety, and so accountability to the public needs to be demonstrated. In this way, accountability mechanisms that promote transparency and compliance with norms of democratic governance can serve to enhance public confidence in policing institutions.

As citizens are more likely to cooperate with requests for information and assistance if they perceive those delivering policing to have integrity and legitimacy, then accountability has an important role in delivering core policing functions of law enforcement, security and order maintenance. As Jones (2008) suggests, ‘accountable’ policing is not just morally and ethically desirable, but instrumentally superior to ‘unaccountable policing’.

A key element of promoting effective policing in diverse communities has been to ensure meaningful ‘community engagement’ with groups that often might have had relations of tension and conflict with police. Although community engagement is often considered to be a direct form of public accountability, it is perhaps better considered as a form of ‘answerability’, particularly as there is no direct sanction for perceived failings. Further, it is often imperfectly conducted on terms established by the police rather than the community, following an established police agenda, and might not easily engage with ‘difficult to hear’ communities (Jones and Newburn 2001). When done effectively, though, police engagement with local communities can enable consultation and
demonstrate transparency that encourages the public to report crimes and work to co-produce solutions to community problems. As Keith (1993) noted of police and public consultation committees set up in local areas within the Metropolitan Police in the 1980s, liaison of this kind can provide a useful conduit to promote communication and dialogue that can diffuse tensions and enhance relations with the public. Nonetheless, as we suggest conceptually, consultation is distinct from accountability, not least because the former does not disturb established power relations (Keith 1993).

Other more administrative forms of accountability offer the potential to improve performance through target setting, monitoring and evaluation. Moves to promote evidence-based policing seek to apply scientific methods to identify outcomes and the inputs and mechanisms that characterise effective interventions. Communication and dissemination, through, for example, in the UK, Her Majesty’s Inspectorate of Constabulary or the College of Policing, seek to embed good practice throughout the public police. Scientific policing, however, remains contested terrain in terms of the blend of methodologies that can provide reliable data, the extent to which practice can be transplanted from one context to another, and the degree to which ‘outcomes’ can be appropriately identified and measured. While often not expressed in terms of governance and oversight these practices nonetheless feed into accountability regimes. Since the development of New Public Management and its extension into state-funded policing and criminal justice institutions much criticism has been made of the distorting impacts that can arise from managers chasing arbitrary targets rather than achieving more appropriate outcomes (McLaughlin 2007). Clearly there have been many examples of policing practice being skewed by a ‘target management’ culture. The core problem, however, has stemmed from the politicisation of policing rather than the fundamental analysis of effective performance on the basis of professional and scientific judgements (Hope 2009; Tilley 2009). Peer review, professional practice and scientific evaluation offer the possibility of developing greater efficiency and effectiveness in the delivery of policing. But the challenge of ensuring that this is done in an independent and objective manner is a real one.

The effectiveness of much policing practice has remained unquestioned and unexamined, with little having been subject to rigorous scientific analysis. Partly this may be due to the lack of expenditure on research. Weisburd and Neyroud (2011) noted that law enforcement contrasts very poorly with other public policy sectors such as agriculture and medicine when it comes to investment in technological innovation and evaluation. In the UK, they argued, government investment in medical research amounts to £600 million per year, whereas the annual Home Office budget for crime research amounted to just £2 million. Further, these authors argued that it is the political, institutional and cultural contexts of policing that make the development of a new paradigm of ‘police science’ challenging. It might also be that the contested and ambivalent mandate of policing makes a scientific evidence-based model difficult. If the role and function of the police, for instance, cannot easily be identified then it is difficult to imagine how it can be scientifically evaluated in overall terms. Clearly scientific innovations can contribute to the investigation of crime, enhance communications and provide for better health and safety of officers, but not all aspects of policing can easily be subjected to scientific evaluation or the rigours of the randomised control trial. Not only are there significant methodological challenges to be overcome in the development of scientific evaluation of policing interventions (Hope 2009) but many key functions of policing are inherently subjective, open to interpretation and fundamentally contested. This illustrates that an overarching challenge for accountability of policing concerns the mechanisms by which it is delivered and the standards against which it is judged. Alongside these very broad questions – that are reviewed through the chapters that follow – are some more specific challenges, and it is to those that the chapter now turns.

The challenges for accountability

Inevitably, securing effective accountability within policing institutions presents enduring and complex governance challenges. The chapters in this collection explore overlapping dimensions of the challenges faced. These are considered in terms of trying to deal effectively with public complaints (see chapter by Prenzler and Porter), ensuring that policing which exists beyond the nation state, whether transnationally (see chapter by Bowling and Sheptycki) or in the private sector (see White’s chapter), or the broader question of ensuring effective governance (see Reiner’s chapter, and Lister and Jones’s chapter). This broad catalogue of challenges – and this book does not claim to examine all possibilities – can be considered in terms of those intrinsic to policing functions and those that are external and relate instead to the broader operational environment. In the former category the paragraphs below consider challenges to accountability that relate to police operational independence (see Raine’s chapter), the inevitability of police discretion and police operational subculture (Young’s chapter), and exposure to ‘invitational’ opportunities for corruption or malpractice (see Rowe et al.’s chapter). External challenges relate to debates about the declining capacity of the state to provide for regulation in the light of market provisions of policing services, the political context of policing and public services, and advances in communication technology (see the chapter by Davids and Boyce) that transform the collection, transmission and analysis of data both by policing agencies, actors and citizens.

Operational independence

The powers of the police are complex and extend beyond the ‘black letter’ of the law. To be effective, mechanisms of accountability need to be sufficiently robust to respond to the multifaceted exercise of police power in various forms and at various organisational levels. Several contributions to this collection reflect on problems of avoiding organisational capture such that those tasked with critical oversight become overly dependent on the police and therefore unable to exercise
independent scrutiny. Another concern is that the long-established principle that police have ‘operational independence’ in discharging their duties and enforcing the law becomes very difficult to apply in practice. The boundary between appropriate oversight and inappropriate interference in operational policing tends to be very blurred (Lustgarten 1986). Well-rehearsed debates about the provision of equipment such as rubber bullets and water cannons illustrate these tensions. For some the debate is an operational one and so the decision ought to be made on the basis of the efficacy of these provisions for containing disorder. Others focus on the ethical and political questions of the right of the state to use ‘less-than-lethal’ weapons against the public and the balance between protecting the right to life, free assembly and the right to private property. Such debates raise questions of where responsibility ought to rest for deciding whether to deploy. If the argument is primarily about tactics and efficacy then this might be an operational matter for senior officers; if it is primarily a political or ethical one then it is more likely to be a matter of governance to be decided by political leaders or the courts. As several authors note in the chapters that follow, the principle of operational independence has been tested in the recent British context since the creation of Police and Crime Commissioners, but these are recent manifestations of an inherent challenge for police accountability.

The peculiar nature of police discretion

A fundamental cornerstone of five decades of police research is that officers operate with considerable autonomy and discretion. Early studies of the police demonstrated that the law provided only a limited guide for how officers approached enforcement and that a host of cultural, political and sociological factors shaped the operational discharge of their duties (Banton 1964; Skolnick 1966; Wilson 1968). Among the many implications of the ‘discovery’ of police discretion is that officers might overturn or misapply laws that are authored through constitutional democratic means. The discretion available to officers risks the possibility that they effectively create law on their own terms as they attend to their routine operational duties (Neyroud and Beckley 2001). The challenges that discretion poses for accountability are exacerbated because it is a particular feature of the operational activity of the lower ranks, who tend to operate in conditions of relative invisibility. James Wilson’s (1968: 7) famous observation that police ‘discretion increases as one moves down the hierarchy’ has clear implications for the capacity to monitor, control and hold officers to account for their (non)conduct. New technologies can help to make discretionary decisions more visible – officers’ actions can be captured on ‘head cam’ technology or ‘Body-Worn Video’ devices, for example – but there has been little research or debate on the effects of such developments. Administrative procedures requiring officers to complete forms to record details and circumstances in which powers are exercised is another bureaucratic attempt to monitor how officers discharge their duties, albeit research findings have recurrently queried the efficacy of such regulatory endeavours (see Young, this collection). Even if such managerial techniques of internal accountability were highly effective, however, the nature of police discretion is routinely about officers deciding not to intervene. Monitoring these ‘non-reviewable decisions’ presents substantial challenges for designing effective accountability arrangements.

Opportunities for unethical behaviour and cultural challenges

Not only do police officers often exercise considerable discretion in circumstances of low visibility, they often do so when interacting with ‘service users’ who are engaged in criminal activity – and who might wish to influence that discretion in corrupt ways. Although effective police governance is about much more than preventing corruption and promoting integrity, there are recurring problems of malfeasance and misconduct that arise from officers’ exposure to crime and wrongdoing (Punch 2003). Many historical cases of corruption have arisen when officers have had close, long-term relations with ‘professional criminals’. Moreover the exposure to such circumstances also shores up the internal solidarity, loyalty and sense of mission that are integral to police occupational culture (Reiner 1978). It is these experiences that define officers’ sense that they are the ‘thin blue line’ protecting society from lawlessness. In part, these features of police subculture are derived from institutional and functional activities. In some ways they are desirable elements and in many respects they seem inevitable responses to the routine experiences that officers face (Chan 1997). Nonetheless, they have the potential to pose problems for governance and accountability in a number of ways. Not only can they foster circumstances in which officer misconduct can develop unchecked in an insular occupational subculture, they also pose challenges to efforts to investigate allegations of misconduct and hold officers to account through complaint processes. As a number of contributions to this collection consider, the challenge of developing effective mechanisms to respond to complaints about misconduct often relates to the difficulty of getting behind the ‘blue curtain of silence’: the strong cultural norm for officers not to report concerns about the problematic behaviour of their colleagues and not to cooperate with internal or external related enquiries (see Rowe et al.’s contribution).

The above discussion has explored three related sets of challenges to police accountability, each of which is presented as an internal feature of the policing role and environment. The following sections discuss a number of challenges that are related instead to the external social, economic and political context in which policing is delivered.

The decreasing capacity of the regulatory state

Analysis of police governance and accountability tends to begin (and usually to end) with those mechanisms and regulations authored and delivered by the nation state. An important emphasis in this collection concerns ‘policing beyond the state’ and how this might be more effectively governed and brought into a
framework of democratic accountability. Just as modern policing expanded as the nation state itself developed in a form that we still recognise, in the British context at least, so too the need to regulate and govern policing has largely been focused on the activities of the state. Offices, laws, regulations, inspectors, complaint investigations, codes of practice, targets, audits and a host of other techniques have been introduced either directly by the state, or have been delivered by agencies closely under its auspices. The capacity of the nation state to continue to deliver these functions has been subject to considerable scrutiny and swathes of public administration literature have reviewed the extent to which liberal democratic states have developed a role of 'steering' rather than 'rowing' in the delivery of public services (Osborne and Gaebler 1992; Milward and Provan 2000).

The growth of a state that focused on regulation of public services rather than direct delivery has been discussed in the context of the pluralisation of policing (Loader 2000; Wood and Shearing 2007; Crawford 2008). Collectively, the chapters contained here suggest that there are also significant challenges in terms of state systems for regulation. If the state is 'hollowed out' then the extent to which it is able to provide effective governance might be seriously reduced (Milward and Provan 2000). Although research has suggested that the extent to which the state has lost capacity might have been overemphasised (Pollitt and Bouckaert 2011; Ongaro 2009), the chapters below often suggest that regulatory capacity has been redistributed within state systems rather than abrogated. Nonetheless there are important concerns that a period in which policing has become pluralised and privatised (see White's chapter, and Lister and Jones's chapter) and increasingly occurs within transnational networks (see Bowling and Sheptycki's contribution) has made the need for effective accountability ever more pressing. At the same time, the very factors that have driven the reorganisation of policing threaten to render the democratic state less able, and perhaps less willing, to deliver that accountability.

'Social media, direct democracy and policing'

Recent concern about unethical and corrupt behaviour within British policing has occurred against a background of scandal and controversy in respect of a number of other public agencies. Although the post-2010 Coalition Government couched its policies in terms of transforming a police service that was the 'last unreformed public-sector agency' it has been clear for several decades that the exalted political position that the police previously enjoyed has slipped away (Reiner 2010; Loader and Mulcahy 2003). Indeed, it is more than two decades since Waddington (1993) noted that the police service had 'fallen from grace' among political elites. The development of concern about the efficacy of accountability cannot be understood solely as a mechanistic response to identified problems. As such, the particular debates analysed in this book cannot be understood in isolation from broader critiques of police community relations, the quality of leadership, effectiveness in law enforcement, trends in crime and anti-social behaviour, and expenditure.

Against a context of neo-liberal ideological suspicion of public sector provision, institutions of civic society have been encouraged to take responsibility for their own welfare and well-being, an outcome of which has been a decline in the status of public provisions. In a society characterised by 'hyper-individualism' and self-reliance established relationships of collective provision, deference and trust are eroded in ways that affect a broad range of institutions, including but not limited to the police. Young (2011) argues that a growth in public demand for scrutiny of agencies represents a triumph for advocates of equality and social justice and as such is to be welcomed. What remains a challenge is to ensure that the capacity for citizens to exercise demands effectively is not limited only to those with the financial, social or political capital to articulate and press their case.

'Social media, direct democracy and policing'

The death of Ian Tomlinson during a protest at the London G20 summit in 2009 has been a significant case in recent controversies about policing and its accountability. Following Tomlinson's death, a cell-phone video recording showed an officer pushing Tomlinson to the ground in the moments prior to his death. The officer concerned was subsequently charged and acquitted of criminal offences arising from Tomlinson's death, but was subsequently sacked by the Metropolitan Police for gross misconduct. In many respects this tragic incident was similar to others that have occurred periodically for many decades. The Tomlinson case, however, was distinct from earlier incidents owing to the role of social media and the growth of low-level forms of citizen-surveillance enabled by new technologies. During the long-running fallout from the case, the Metropolitan Police admitted that one of its officers had 'probably' been responsible for striking (and killing) Blair Peach during a public demonstration against fascism in 1979. Yet whereas it took nearly four decades for the police to acknowledge a degree of culpability in the death of Blair Peach, the video showing police use of force against Ian Tomlinson was disseminated widely within hours of his death (see Greer and McLaughlin 2012).

It would though be simplistic to suggest that the only difference between the death of Ian Tomlinson and that of Blair Peach was that the former was filmed and disseminated on the World Wide Web in a very short time frame. But the two cases illustrate yet another consequence of technological change in contemporary society. The criminogenic potential of social media and cyberspace are much debated, but what is less widely noted is the capacity for 'citizen journalists', campaigners and ordinary members of the public to record policing activity in authoritative ways that have strong evidential value. Mobile apps are available that enable information to be recorded about encounters with those delivering policing, including details of the type of evidence to record and advice on how incidents can be reported. The potential for information and communication technology to develop the 'technologically enabled officer', equipped with data, maps and other resources to respond more effectively to crime and public
demands, is set to increase in future years (Innes 2013). Such technology will also bring to bear new challenges of governance and accountability, to ensure inter alia that it is employed in ways that serve not only the interests of those delivering, but also those receiving, policing.

The discussion above has identified a series of challenges for the governance and accountability of policing. The challenges faced were reviewed in terms of emerging internal changes within policing: these included operational independence, the significance of officer discretion, exposure to opportunities for officers to behave corruptly or unethically, and subcultures within policing that can encourage misconduct and inhibit internal and external procedures of oversight and investigation. These challenges develop in a wider context of concern about the capacity of the state to govern policing and other services, the broader politics of policing and criminal justice, and the transformations wrought more widely by communication technology and social media.

Overview of chapters

The debates identified above, alongside others, are addressed through the contributions contained in this collection. Offered below is a brief résumé of each.

Young explores the use of police powers to ‘stop and account’ citizens as a means for considering broader debates about the nature of accountability. The experience of efforts to scrutinise police use of stop and account powers in the aftermath of the Macpherson Inquiry is reviewed by Young. The potential to enhance accountability by requiring officers to record details of stops with the public was significantly undermined by poor record-keeping and a failure to extend the recording requirement to all public encounters. Problematically, the confused rationale for the operational practice of ‘stop and account’ undermined efforts to gather information that might enhance accountability. In some cases the public were unwilling to provide information necessary for effective scrutiny because they had assumed it was being used for purposes of intelligence-gathering and crime control. For such reasons, Young argues, it is ineffective to require police officers to gather the information required to hold their own behaviour to account. A radical approach is proposed using citizen-recordings as part of a pluralistic regulatory strategy for stop and account. While this strategy will be challenging and requires resources and a robust system to oversee the investigation of material gathered by citizens, Young argues that it provides a creative basis for more effective democratic oversight of police work.

Similarly innovative responses are developed in Prenzler and Porter’s analysis of systems to deal with complaints against police. Their chapter explores ways of addressing police behavioural issues through enhanced management of complaints and disciplinary systems. Complaints can be used as a key learning tool to inform improved policing practices by modifying training and managerial procedures in response to patterns of allegations in the context of a problem-solving and complaints reduction programme. Prenzler and Porter argue that accountability and fairness can also be improved by supplementing simple investigative and disciplinary approaches to complaints with more restorative responses, including informal resolution and mediation. The chapter includes consideration and analysis of a number of successful cases studies from a range of jurisdictions.

Rowe et al. explore emerging strategies designed to reduce police officer corruption and malfeasance. Codes of ethical conduct, disciplinary measures, cultural programmes, training, and professionalisation of policing have developed in response to various challenges to police integrity. Their chapter explores each of these – drawing on international examples – and considers how an array of initiatives operates in relation to dominant police subcultural values of loyalty and camaraderie. In so doing, they consider how policing institutions might seek to overcome the ‘blue wall of silence’ that is said to prevent officers reporting concerns about misconduct among their colleagues. The authors argue that responses to misconduct by police have been improved by recent developments but that significant problems still need to be addressed, particularly in a pluralised policing environment. Moreover, they argue the diverse cultural and institutional settings in which challenges to integrity emerge continue to be overlooked by analyses that continue to focus primarily on malfeasance in individualistic terms.

Davids and Boyce begin their analysis of police misuse of confidential information with a discussion of the UK’s Leveson Inquiry, which highlighted significant ethical concerns over police and media relations. The Inquiry revealed that unauthorised use of confidential police files included, for instance, information passed to journalists about alleged criminal activity and members of the public (suspects, victims and others). In the ordinary course of their police duties, officers invariably receive or have access to a wide variety of such information, both from official police databases and other sources. Police officers may also use their position to solicit information (unrelated to official duties) in which they have a private interest. Davids and Boyce identify and analyse the problem of unauthorised access and disclosure of confidential information by police. They consider several forms of domestic or private/personal use of information by police officers or their associates. Problems associated with the disclosure of information to outside parties are also analysed (including situations where payment may be involved). In considering the types, sources and uses of information, Davids and Boyce examine the harms that can arise for individual officers, the community and the legal system itself. A range of materials are drawn upon to inform the analysis, including both academic and empirical data sources that evidence the nature and extent of the problem. The private disclosure of confidential information strikes at the heart of public confidence in, and the integrity of, the police. Their chapter explores these issues in the context of police accountability and its relationship with integrity and public trust in policing.

Raine considers the implications of the introduction in 2012 of Police and Crime Commissioners (PCCs). It is widely accepted that PCCs – one for each police area of England and Wales outside London – embody the most significant reform of police governance for at least a generation. The new arrangements
were highly contested in Parliament during the legislative process and had an
inauspicious start with disastrously low electoral turnout at the polls. Several
chief constables left their posts prematurely in response to the reform and allega-
tions of 'cronyism' were rife over the appointment of deputies. Raine examines
the early impact of, and prospects for, the new police governance structure. He
focuses on the nature of relationships within the new governance framework,
between PCCs, chief constables, Police and Crime Panels, local communities,
the Home Office and other crime-related agencies. Underlying Raine's analysis
is the key question of whether in practice the introduction of PCCs has enhanced
accountability of policing, as proponents of the reform intended, or created
the conditions for more autocracy in police governance through concentrating too
much power and responsibility in a single pair of hands.

The recent restructuring of police governance in England and Wales is further
analysed in Reiner's chapter. He begins by noting that, unusually, a govern-
ment's claim of significant reform of policing is not exaggerated. The Coalition's
reforms of police governance are arguably the most radical since the
development of the modern British police in the early nineteenth century. Reiner
notes that although democratic policing has become a mantra to which lip
service is paid around the world, the notion is seldom analysed. His chapter
seeks to help rectify this lacuna through the application of T.H. Marshall's
seminal analysis of citizenship. On this basis he suggests that democracy in
general, and democratic policing in particular, has not one dimension (elections),
but three: civil, political and socio-economic. The Coalition's reforms involve
only one of these dimensions, the political, and in the narrowest sense. In the
absence of strong civil and socio-economic rights, Reiner argues critically,
voting alone does not achieve democracy in any meaningful interpretation.

Topping analyses how approaches to police accountability in Northern Ireland
have played a central role in the broader development of the state in the post-
conflict period. The Police Service of Northern Ireland (PSNI) has become gov-
erned by a host of statutory, governmental and other bodies, to the extent that it
is widely conceived as the global 'gold standard' of police oversight. However,
Topping identifies a number of 'mediating realities' that serve to undermine
the mechanisms of police accountability. Centrally, Topping's argument is that
accountability for both institutional and operational 'police action' in Northern
Ireland is itself a 'site' of contest and that official 'accounts' of policing are but
one version of reality. He further argues that the continuing need for robust anti-
terrorism policing sits uncomfortably with the 'post-conflict' reimagining of the
PSNI as a community neighbourhood police service. He suggests the promotion
of police accountability, as part of the country's transition, has been used in par-
tisan ways and weighted toward capturing the 'positive' realities of police activity.
Problematically, he argues, this means that the harsh realities of the country
as a post-conflict society have been conveniently 'ushered' to the side.

White examines debates about policing and accountability as they apply in
the context of the sizeable growth of the private security industry during the last
few decades. Accompanying this growth, both domestically and globally, has
been an increasingly prominent debate about the nature of the accountability
mechanisms to which they are subject, how these are implemented and to what
effect. White examines four ways in which private security (actors and institutions)
may be held to account: generic legal measures; specific legal measures applied
directly to private security, through contract compliance; and via ‘public ritual’.
White argues that private security actors and institutions are not the passive sub-
jects of accountability measures. Rather these four dimensions are spaces in which
accountability is negotiated. This is an important point because it implies that these
measures should not be regarded as the ‘solution’ to the pathologies of private
security provision. Instead, White argues, they represent institutional structures
through which public/private boundaries are made, unmade and remade.

Lister and Jones focus on the accountability of the mixed economy of public
and private policing in England and Wales. Their starting point is the recognition
that a variety of public, private and hybrid actors are engaged in the authorisation
and provision of policing. As a consequence, they do not restrict their ana-
lytical gaze to how state power, as deployed by police forces, is made accountable. Rather, they consider how, under market conditions, networks of
plural policing can be governed according to, and accommodated within, a set of
democratic principles. In so doing, they argue that ‘local security networks’
comprising state, civil society and market actors, and whose governance and
accountability mechanisms frequently stand outside of extant political structures,
raise specific challenges if they are to be governed not only effectively but also
democratically. They proceed to consider options for bringing democratically
accountable governance to plural policing networks.

Bowling and Sheptycki scrutinise the diffuse phenomenon of global policing.
This chapter explores the architecture of global policing and provides a sense of
the occupational subculture which has built it up around it. The chapter shows
how representations of global crime and disorder problems have been used to
justify global policing in political, legal and social terms. The credibility of this
account is sustained the pervasiveness of certain cultural tropes that have
their origins in the transnational subculture of policing, which are given a global
reach through the subculture of transnational policing. Bowling and Sheptycki
proceed to reflect upon how global policing is politically and legally account-
able, and try to advance thinking by considering how it ought to be. The task is
difficult, they argue, because our models for structuring police accountability are
ill-fitting in the global context. Policing, in the broad sense of regulation, is an
inherent feature of any community, Bowling and Sheptycki argue, and is an
inevitable feature of transnational global society. Ensuring that it is made
accountable is a necessity if global policing is to promote economic activity and
respect cultural traditions and safeguard the environment.

References
5 Integrity, accountability and public trust

Issues raised by the unauthorised use of confidential police information

Cindy Davids and Gordon Boyce

In announcing the establishment of An Inquiry into the Culture, Practices and Ethics of the Press in July 2011 the UK Prime Minister David Cameron stated:

the whole country has been shocked by the revelations of the phone hacking scandal ... an episode that is, frankly, disgraceful: accusations of widespread law breaking by parts of our press: alleged corruption by some police officers; and ... the failure of our political system over many, many years to tackle a problem that has been getting worse ... let me turn to the issue of ethics in the police, and in particular their relationship with the press. Of course it is important that there is a good relationship between the media and the police. Police often use newspapers and other media to hunt down wanted criminals and to appeal for information. However, allegations have been made that some corrupt police officers may have taken payments from newspapers. And there are wider concerns that the relationship between the police and the press can also be too close.

(HC Deb 13 July 2011, vol. 531, cols 311, 313)

In conducting the Inquiry, Lord Justice Leveson was, in part, tasked with the responsibility of exploring the relationship between the media and police, reflecting widespread concerns in the UK that this relationship was ‘inappropriately close and if not actually corrupt, very close to it’ (Jay, quoted in Leveson 2012b: 743). Particular attention was drawn to this issue when it became known that police had failed to investigate properly allegations of illegal and improper phone hacking in 2006, 2009 and 2010. There were associated concerns about the unauthorised transmission of confidential information by police in the context of what Leveson found to be an ‘arguably over-cosy relationship between the police and the press’ (Leveson 2012b: 744). The Inquiry ‘examined many facets of the way in which press and police interact ... looking at the overlapping issues of “tip offs”, “taking media on operations”, “off-the-record” briefings, leaks, whistleblowing, gifts and hospitality, entertainment etc.’ (Leveson 2012b: 980). Leveson found that ‘the best present analysis would suggest that although corruption is not widespread in the Police Service, where it does exist it has a corrosive effect on public confidence in the service as a whole’ (ibid.: 943).

Concerns about misuse of police information are both long-standing and well founded. In one sense, the matters before the Leveson Inquiry highlighted the increased potential for inappropriate access to and use of information in an environment where significant amounts of information are stored in digital forms. On the other hand, the increased use of information and communication technologies (ICTs) within policing provides the potential for greater information security and tracking of use. In these circumstances, a sound understanding of the nature and dimensions of the problem of unauthorised use of police information is important to developing suitable systems for the collection, storage and use of information, detection of breaches and developing systems of accountability to deal with misuse.

Drawing on the academic literature and a number of data sources (complaints against police, prosecutions and a range of public reports including the Leveson Inquiry itself), this chapter examines what happens when police information gets into the wrong hands. Distinguishing inappropriate private/personal use of information from inappropriate disclosure, we consider types, sources and uses of information. Through an accountability lens, we seek to expound harms that can arise for individual officers, the community and the system of public administration. Our analysis suggests that viewing the problem of misuse of police information as part of the broader problem of conflict of interest facilitates a clearer perspective on the relationship between these concerns and issues of public trust, police integrity and accountability.

Following an outline of the nature of the problem and its relationship to the broader context of police accountability, we draw on empirical data and official reports from Australia and the UK in order to elaborate key dimensions of the problem providing an outline of a variety of types and sources of information. We subsequently analyse the range of circumstances involved in the unofficial uses to which that information can be put — in the context of both private or so-called domestic use of information and disclosure (or leaks) to outside parties. The range of scenarios canvassed is elucidated with original case data and a range of reports from Australia and the UK. We consider how this may be addressed as a part of the broader problem of conflict of interest and argue for a social accountability lens that attends to both accountability mechanisms and the need to develop accountability as virtue.

Method and data sources

The analysis in the chapter draws on real case examples drawn from several key sources. First an original in-depth study that examined 377 internal investigations case files dealing with conflict of interest over a ten-year period in the Australian state of Victoria (Davids 2005, 2008; Cases from this data set are referred to throughout the chapter by their case number in the original study). The data
set included all complaints against police for the ten-year period where conflict of interest was the primary element of complaint, as identified by the Victorian Ombudsman's office, which had oversight responsibility for complaints against police. The files were initiated by complaints from diverse sources including aggrieved members of the public, solicitors acting on behalf of members of the public, public sector agencies, private businesses, and by Victoria Police members who lodged against other police officers (Davids 2005: 12–16). Of the total sample examined, 58 matters (15 per cent) involved misuse of confidential police information.1 We also utilise Victorian court cases involving prosecutions for matters related to misuse of police information.

The second key source is reports from public sector oversight and similar agencies in Australia and the UK, including:

- a British Home Office study that drew on interviews with staff in the professional standards units (PSUs) of eight UK police forces and the National Crime Squad (Miller 2003);2
- reports from police oversight and similar agencies including, in Australia, the Victorian Office of Police Integrity and the New South Wales Police Integrity Commission, and in the UK, Her Majesty’s Inspectorate of Constabulary;
- reports from the Leveson Inquiry in the UK (especially Leveson 2012a, 2012b).

**When police information gets into the wrong hands …**

*A perennial problem*

The problem of inappropriate access and/or use of police information for private purposes is common to police forces across the world. It has long been recognised that "[i]nformation and intelligence is the lifeblood of policing", representing "the most valuable commodity the Police Service needs to protect" (HMIC 1999: 39; Office of Police Integrity 2010a; Commissioner for Law Enforcement Data Security 2009; KPMG 2009). Police officers necessarily have access to a range of official information sources in the course of their usual duties, including formal records such as paper and digital files and documents, and various forms of verbal and similar 'intelligence'. The increased focus in contemporary policing on intelligence-led methods (Miller 2003: 13) and on the use of information technology (Chan *et al.* 2001) enhances both the amount of information available to police officers and the means to gain access to such data.

A 2003 British Home Office study of police corruption in England and Wales (Miller 2003) found that the compromise of police information was "the single most common type of corrupt activity" in UK policing (ibid.: 10, iii). It was suggested that "the picture of corruption [in England and Wales] is dominated by the leaking of information to those outside the organisation" (Miller 2003: 8, emphasis added). Misuse of information represents a major risk in contemporary policing, given that "[i]nformation, or law enforcement data, held by police can … be extremely valuable to individuals or groups outside law enforcement agencies" (Office of Police Integrity 2010a: 8). Confidential police information may be ‘what criminals most want to obtain, and is the currency corrupt officers have used when betraying their colleagues and their profession’ (HMIC 1999: 39).

When police information gets into the wrong hands investigations may be compromised, criminals may evade justice and the policing function may be undermined in a number of ways:

The consequences … of information security and integrity failures can lead to catastrophic operational failures – complex investigations can be compromised, criminals can evade apprehension and conviction and the lives of law enforcement officers and others can be put at risk. Information security failures also lead to reputation damage. Other law enforcement agencies are less likely to share their sensitive information with an insecure and unreliable partner. Individuals and organisations are understandably reluctant to fully and frankly disclose information to a law enforcement agency that has a reputation for leaking. A law enforcement culture that is disrespectful of the security and integrity of law enforcement data is one that will fail to attract and retain the right law enforcement officers.

(Commissioner for Law Enforcement Data Security 2009: 7; see also People 2008)

In a 2010 review of ‘recurring themes’ in the management of high-profile police investigations, the Victorian Office of Police Integrity noted how the ‘possibility unforeseen and unintended consequences’ of information disclosure can strike at the very heart of the policing function:

In addition to compromising the privacy of individuals, the success of an operation or the integrity of an investigation or prosecution, other consequences of unauthorised disclosures may be even more serious. There are two high profile cases since 2004 where publication of leaked information immediately preceded the murder of key police witnesses in police corruption cases. There are other instances where leaked information has also:

- put at risk the safety of operational police
- created opportunities for suspects to collude, flee or destroy evidence
- compelled a premature response by police requiring a covert operation to become overt
- re-traumatised victims
- caused witnesses to withdraw cooperation.

(Office of Police Integrity 2012: 16; see also Office of Police Integrity 2010b)
It also stated that ['a]lthough many of our investigations indicate a reckless disregard for the consequences of "leaking", only a few indicate a deliberate self-interest or malicious motivation behind the leak' (Office of Police Integrity 2012: 15; see also People 2008). Nevertheless, it was suggested that '[t]he prevalence of "leaking" from within Victoria Police ... indicates that Victoria Police has a cultural problem' that manifests in 'a disturbing pattern of long-standing behaviour whereby police routinely leak confidential and sensitive information' (Office of Police Integrity 2010b: 16, 9).

Davids (2005, 2008) analysed the problem of inappropriate access and use of police information as part of a wider study of conflict of interest, noting that the problem of information misuse extends beyond mere curiosity or interestedness, with many cases involving active attempts to advance personal interests. Around many parts of the world, public awareness of the playing-out of conflicts of interest in public roles has contributed to a general decline in trust in public officials (Boyce and Davids 2009). Unauthorised access and disclosure of police information presents an archetypal conflict of interest because it unambiguously involves the placement of private interests ahead of the public interest. It also generally breaches police information access protocols and ipso facto may itself be classified as police misconduct or corruption as well as being a possible precursor to more serious breaches of duty (Davids 2008).

Unauthorised disclosure of information from a police database is a criminal offence in some jurisdictions. In addition to statutory regimes, the behaviour may also be caught through a broad common law offence of 'misconduct in public office' or statutory codifications of the same offence. The majority of misconduct in public office offences prosecuted at common law appear to involve public officials (but not necessarily police officers) who make improper use of information (Crime and Misconduct Commission 2008: 29). For the police, however, such matters are more commonly dealt with through internal discipline systems and recourse to criminal prosecution and sanctions is unusual (Director-Police Integrity 2005b: 23).4

Social accountability and public trust in policing

Cultural problems that are manifested in an apparent normative acceptance of the misuse of police information represent a particular challenge for developing appropriate systems of accountability. In many respects, accountability is an elusive concept - 'one of those evocative political words that can be used to patch up a rambling argument, to evoke an image of trustworthiness, fidelity, and justice, or to hold critics at bay' (Bovens 2005: 182). Bovens notes that it therefore has rhetorical and iconic dimensions that evoke notions of 'good governance'. 'Public' accountability relates both to the status of both account-giving and account-giver - relating to the public sector, where the account-giving is done in some public way, to (or on behalf of) the public, and relating to public managers, spending public money, exercising public authority and/or managing under public law.

It may generally be agreed that public accountability includes both administrative forms manifest in the structures and organisational arrangements, and a moral or ethical sense that revolves around the need for public officials and public institutions to consistently demonstrate integrity and trustworthiness. Accountability has an inherent social dimension to the extent that an actor (individual or organisation) is obligated to explain and to justify their conduct to some forum, and to take responsibility for that conduct and its effects on others (Day and Klein 1987; Sinclair 1995; Bovens 1998). In this chapter we utilise the social accountability perspective enunciated by Boyce and Davids (2009, 2010). This is a broad-scope approach that incorporates multiple dimensions of answerability (to formal systems of accountability) and responsibility (in the sense of virtue – see Bovens 2010, 1998). Recognising that public officials who possess and exercise legal power and authority are accountable to the wider public for the exercise of that power, the social aspect adds a focus on the bottom-up dimension of responsibility that complements traditional top-down hierarchical perspectives (Roberts 1991).

A social accountability perspective can help to transcend the limitations of formal accountability mechanisms that 'may bypass central questions of moral responsibility that lie at the heart of corruption' (Boyce and Davids 2009: 632). It addresses both the need for appropriate accountability mechanisms, including regulation and enforcement, and the imperative to address ethical, organisational and cultural dimensions through a focus on accountability as virtue (Bovens 2010). Thus, social accountability seeks:

to nurture proactive accountability through the development of responsibility as a personal and subjective sense of rightness and good conscience ... [as well as] accountab[ility] for the exercise of ... power. Accountability operates through organisational structures and hierarchies, but public officers must also be accountable to the broader community.

(Boyce and Davids 2010: 283-4)

The pervasive, persistent and recurring nature of problems surrounding unauthorised access to or use of police information suggests that 'progress, over the long term, has been unacceptably slow' (Commissioner for Law Enforcement Data Security 2012: 4). The more recent revelations from the Leveson Inquiry suggest that both operational police and police management may have insufficient practical understanding of the nature and dimensions of the problem of inappropriate access to and use of information, and of the accountability issues involved. These matters are examined in the remainder of the chapter.

Inappropriate access and use of information: the nature of the problem

Miller (2003) reported that abuse of the UK Police National Computer (PNC) database was said to be the subject of approximately 5 per cent of UK police
disciplinary cases (ibid.: 13, fn 7). The Leveson Inquiry provided more recent evidence on this issue, with the Independent Police Complaints Commission reporting to the Inquiry that between 2006/7 and 2010/11 there were 5,179 recorded allegations relating to the improper disclosure of information, constituting around 2 per cent of all allegations recorded for the period (Furniss, quoted in Leveson 2012a: 810).

In Davids’ Australian study, 15 per cent of all conflict of interest cases involved the misuse of confidential police information, with two-thirds of these cases involving disclosure of information to outside parties (see Davids 2008: 153). Contemporary concerns in Australia regarding unauthorised disclosure of police information are reflected in reports from various independent oversight agencies, which have identified the issue as a particular problem that often presents as a crucial dimension or common denominator in many flow-on issues for policing (e.g. Director-Police Integrity 2005c: 23; Crime and Misconduct Commission 2011). In addition, a number of high-profile official investigations examining the circulation of highly protected Police Information Reports or parts thereof to media, criminals and others underscores the need to protect confidential police information (Director-Police Integrity 2005d).

Information and communication technologies

ICTs and official computer databases are increasingly important to policing. In Australia, which has separate police jurisdictions in each state, each police force holds its own computerised database; however, as in the UK, there is a National Police Reference System, which can link information for Australia’s state-based police agencies (known as ‘CrimTrac’ – www.crimintrace.gov.au). Databases provide police officers with online access to information relating to crime reports and associated dealings between police and victims, offenders and members of the public. For example, the Victoria Police ‘LEAP’ (Law Enforcement Assistance Program) computer database is:

- used to record crime incidents and personal particulars and captures a range of information including details of lost and stolen property and vehicles of interest to law enforcement. LEAP provides an online interface to internal and external systems to facilitate name, vehicle and place searches. It is also used in relation to fingerprint classifications, case management and intelligence collation. Access to LEAP peaks at around 350,000 transactions daily and the system is lined to over 5,000 terminals 24 hours per day. The system is extensively used in support of operational policing and as a resource to provide management data.

Information stored on LEAP is, in large part, sensitive and personal.

(Director-Police Integrity 2005b: 9–10)

The ease with which access can be gained often means that it is a relatively simple matter for a police officer or member of police staff to obtain information in which he or she has no official interest. Increasing use of ICTs has made the perpetration of ethical breaches easier because formerly bureaucratic processes have been replaced by technology accessible to all those working inside police institutions. Although ICTs also provide the possibility of tracking and monitoring police access to such information, recent history suggests that attempts at ‘technological fixes’ have been less than successful. Although access codes and audit trails provide a good source of evidence of database use, such evidence is not always conclusive or definitive and is generally only useful ex post – as a source of evidence after misconduct has occurred. Reliance on access codes has notable weaknesses; for example, police officers invariably know, or can guess, the access codes of colleagues (Independent Commission Against Corruption 1992: 13, 108–9) or steal them from other police officers (R v. Bunning [2007] VSCA 205). Further, allegations of inappropriate access to police databases commonly lead to a range of stock responses from officers, such as:

- They are unable to recall why they performed the transaction and their duty book, which might have assisted them to remember, cannot be located;
- There is a common practice to leave computer terminals open and it must have been someone else who used their ID; and
- They could have been using the computer and someone else requested them to perform a transaction on their behalf but they have no recollection as to who that person might have been.

(Kennedy Royal Commission, quoted by Director-Police Integrity 2005b: 23)

Similarly, a Victorian Ombudsman’s Report made the point that, when interviewed:

members have commonly justified their access by reference to some police duty – for example, to avoid forming a possible undesirable personal association; to ascertain from car registration details seen in the vicinity of a person’s home if the member or his family were under possible surveillance or to ascertain whether there were outstanding warrants against a family member.

(The Ombudsman 2001: 20)

Evidence to the Leveson Inquiry from various UK Constabularies did not paint a clear picture of computer database misuse, however some important evidence emerged relating to Britain’s PNC database. The PNC (established in 1974) links a number of separate databases and holds a range of records including the details of individuals who are convicted, cautioned, arrested, wanted or missing; the registered keeper of vehicles; individuals with a driving licence entitlement or who are disqualified; certain types of stolen and recovered property including animals, firearms, trailers, plant machinery and engines; it supports enquiries against the national phone register and contains the details of individuals on the national Firearms Certificate Holders Register. The PNC is used by all UK
police forces and other authorised agencies, including those with a brief to examine serious organised crime. Evidence to the Inquiry indicated that it has ‘in excess of 250,000 users and handles in excess of 169 million transactions per annum, giving a daily average of just under 463,000 transactions’ all of which were subjected to user activity and logging protocols (National Policing Improvement Agency Head of PNC Services, Karl Wissgott, quoted in Leveson 2012a: 812).

It is perhaps surprising, given the huge transaction rate of the system, that it was claimed that the PNC was only ‘misused occasionally’ for unlawful disclosure, with the associated belief expressed that the current security measures are ‘effective and proportionate’ and that there was no ‘widespread systemic problem, nor that any particular and specific additional security measure would be effective’ (Wissgott, quoted in Leveson 2012a: 813). By contrast, the Commissioner of the Metropolitan Police Service confirmed that over 200 officers and support staff had been disciplined for unlawful PNC access in the previous ten years, with 106 of these matters relating to the last three years; it suggested additional safeguards were required (Hogan-Howe, cited in Leveson 2012a: 813). These figures and the implicit trend represented therein provide an indication of the persistence of this problem – which is likely to be even more significant given the likelihood of additional undetected and unknown breaches.

There is some evidence to suggest that there is a tolerance for accessing database information, which is often regarded as a relatively minor offence. This seems particularly the case if access is motivated by professional curiosity rather than malicious intent or nefarious motives and if the information is not passed on, or disclosed, to third parties (Davids 2005). The idea that police members are entitled to access information may be culturally ingrained within police forces (see Director-Police Integrity 2005b: 15).

It is clear that the increasing use of technologically mediated systems has brought a new series of challenges for systems of accountability in terms of their effectiveness and reach. In circumstances where information is ever more important to policing, it is vital to recognise that ‘[i]nformation security and integrity … are the preconditions for effective information systems that empower police to do their jobs effectively and safely’ (Commissioner for Law Enforcement Data Security 2009: 7). The technological tightening of audit trails may assist in identifying system users and provide proof of access, but debate about the legitimacy of individual actions often centres on the justification offered for accessing information. This emphasises the importance of ensuring that the design and implementation of information systems is intertwined with systems of accountability, such that all users of ICTs are cognisant of their responsibilities and accountabilities for the use of official information.

Other sources

Whilst police databases provide a ready and convenient source of information, police officers may also make private use of information gleaned in the ordinary course of their duties – for example, during an investigation – or may actively use a police position to obtain information for private purposes. In the latter instance, information may be sought and obtained solely for private purposes that would not otherwise be obtained by the police officer either in an official or non-official capacity. Davids (2008: Ch. 6) identified two sources of police information that were significant in this regard: (1) information gleaned in the ordinary course of police duties and not necessarily entered into computerised databases; and (2) the active use of a police position and police channels to obtain information which would not otherwise be available to the police officer (either in an official or non-official capacity) (see also Miller 2003: iii).

Dimensions of the problem: domestic use

Miller (2003: 13) characterised the typical ‘domestic’ use of information as involving inappropriate use of police databases for ‘personal interest purposes’ such as the conduct of checks on friends and neighbours or on motor vehicles that a police officer is considering purchasing. This type of abuse was said to be ‘a common feature of misconduct cases’. Davids (2008) expanded Miller’s categorisation to distinguish several other domestic uses of information: private commercial dealings; private business and secondary employment; to assist friends or family members in private commercial dealings; personal advantage in private, non-commercial matters; private family matters; intimate personal relationships; and professional curiosity.

Analysis of cases by Davids found that many problems arise in the context of private business, commercial and employment dealings and arrangements, where information itself is often an important ‘currency’. Police information may be obtained from databases previously outlined, or the position of police officer may be used to obtain information (in relation to a private matter) that would not be available to an ordinary citizen.

The use of police information in such contexts may also be combined with injudicious behaviour towards those engaged in business with the officer. For example, a case where a police officer obtained personal details (home address, licence details) of a debt collector with a major finance company, who had contacted the officer in relation to monies owed on a vehicle (Case 69). In another case, a police officer used his position to obtain prior ownership and sale details of a motor vehicle he had purchased in a private sale, then used this information in an attempt to have the sale (to him) nullified and have his money returned (Case 121). Yet another matter involved a dispute over the parts used in repairs to a motor vehicle, where an officer pretended to be conducting an official investigation in order to obtain information that would assist him in this dispute (Case 64).

Police may also attempt to obtain a private benefit from the use of information in the context of their own private business or secondary employment arrangements. In this context, the use of police information may be associated with an apparent intention to derive a financial benefit that would not otherwise
be available to the individual. There is significant potential for such interests to interfere with a police officer's impartial enforcement of the law. Case examples include:

- Allegations that a police officer used unreported crime information (not entered onto the police database, contrary to regulations) relating to an alleged robbery in order to assist in soliciting or securing private security business (Case 310);
- Intended use of information obtained in the course of police duties to assist in setting up a private business in police recruitment, education and training services (Case 234);
- A police officer, whilst on his way to work (on duty), conducted an ostensibly 'random' licence check of a driver; he subsequently obtained database details about the driver and contacted the person in an effort to recruit him into a work-from-home networking business opportunity (Case 236); and
- Secondary employment in the surveillance or private investigations industry and the use of official motor vehicle registration information in this context (Case 345).8

The use of police information in the manner described above may also extend to attempts to assist family members or associates of police in the context of their own private business and commercial dealings, such as debt collection matters or business/commercial disputes (Case 256) or tenancy disputes (Case 176).

Police officers may also seek to gain a personal advantage in private, non-commercial matters, including what would normally be regarded as relating to 'family' and relationship matters. For example, the use of a police database to track an ex-spouse in relation to problems concerning maintenance payments or other family law disputes (Cases 120, 152, 375), including child custody disputes (Case 360). There is also evidence that police officers may seek to use police information in the context of attempts to further intimate personal relationships, such as obtaining personal particulars of a person in whom the individual officer may be 'interested' (Cases 113, 111, 19), or personal information about a former domestic partner (Case 223). Information use in some circumstances may be easily (mis)interpreted as constituting harassment or stalking (Case 268). The 'domestic' uses of police information extend to police officers accessing personal details of members of the public and other matters on the basis of an apparent or claimed 'professional curiosity'. Evidence suggests that police accountability systems tend to deal with such matters on an ad hoc or reactive basis. For instance, following a 2003 public scandal over several police officers’ access to the police files of a candidate standing in a state government election, the then Chief Commissioner of Victoria Police announced that much tougher rules and protocols over access to police information would be instituted. Under this approach, 'professional curiosity' would not be an acceptable reason for accessing any file, even where there was no malicious intent.9 While this could be regarded as representing an appropriate response in relation to the formal rules for information use, such rule changes alone are insufficient to challenge the apparent cultural acceptance of domestic use of police information.

In 2005 in Western Australia, 580 police officers were censured and sanctioned for sending emails carrying confidential images of two young men who died in the Great Sandy Desert. Multiple graphic photographs of the men's bodies were circulated, with some ending up on a United States-based website featuring macabre events. Such was the public outrage that police management convened a 'restorative justice event that involved relatives of the dead men being invited to a forum in which they could tell 50 of the offending police officers of the pain and suffering they had experienced upon learning of the unauthorised circulation of the images.10 Again, such a restorative justice event may be regarded as an appropriate response in the individual circumstances, perhaps producing some individual acceptance of personal responsibility, but the ad hoc nature of such an approach is likely to be insufficient to produce the kind of cultural change that is central to the acceptance of the broader responsibilities that attend to a police position and accompanying accountability for actions.

Dimensions of the problem: disclosure

The release of confidential police information to outside parties has been an official concern for many years. As far back as 1993, the Victorian Deputy Ombudsman (Police Complaints) expressed concern over both the frequency of this type of complaint and the high substantiation rate (The Ombudsman 1993: 11).11 The disclosures identified by the Deputy Ombudsman included 'purposeful, mischievous "leaks"' of several kinds of information:

- the names of people charged, criminal histories, police intelligence, police photographs and vehicle registration details. The types of information most commonly released have been criminal histories and registration details. The release has usually been to friends and relatives of the police involved and, more generally, to representatives of the media.

(The Ombudsman 1993: 11)

As noted by the Victorian Commissioner for Law Enforcement Data Security, leaking of police information is particularly problematic on a number of fronts:

As has been demonstrated in an international context, the actions of a single individual who releases sensitive information without authorisation can have a disproportionately large effect on organisational security and public trust and confidence in the institutions tasked with protecting community safety and security.

(Commissioner for Law Enforcement Data Security 2012: 4)

Miller found that the 'leaking of information plays a central role' in the 'more common form' of 'individual corruption' in England and Wales, whereby
'members of police staff engaged in corrupt activities in isolation from colleagues' (2003: 10, iii). He outlined several types of leaks of police information to outside parties: “low-level” leaks to friends or associates, such as carrying out police data checks for friends running businesses, which was described as ‘common’; leaks of information, including ‘sensitive operational police information’ in relation to ‘high profile cases’, to journalists in the media – an activity that ‘tended to involve payment of police staff by journalists’ (clearly identifying this problem long before the Leveson Inquiry); and the deliberate leaking of police information to criminals, whether directly or through an intermediary – either as a favour or for payment (Miller 2003: 13). Davids (2008) empirical study found several significant categories of leaks to outside parties: low-level leaks; leaks in the context of a business or commercial matter; leaks in the context of criminal investigations, legal or associated matters; and leaks to the media.12

Low-level leaks

Many low-level leaks may be conceptualised as an extension of the ‘domestic’ use of information, where the personal or professional interests or curiosity of the police officer is replaced or supplemented by the curiosity or interest of another party to whom information is disclosed. Thus, a police officer may pass on police information in order to assist members or associates of police in the context of their own private business and commercial dealings, such as tenancy disputes (Case 365), personal relationships (Case 237) and other family-related matters (Case 242). Davids’ analysis showed that the conflict of interest involved in low-level leaks is often evident on the facts, yet not acknowledged either by the police officers concerned or management both often see the problem as relatively innocuous. As with the apparent acceptance of domestic use of information (above), a police culture that accepts or marginalises the importance of ‘low-level’ breaches does not recognise how even seemingly minor breaches in such matters may impinge on police integrity and damage public trust.

Leaks in the context of a business or commercial matter, or secondary employment

At what might be regarded as the ‘high end’ of low-level leaks are leaks in the context of a business or commercial matter – ‘high’ because disclosure is motivated by a quite specific type of business or commercial interest, and there may be particular damage to both the reputation of the Force and trust in the integrity of policing.

Problematic contexts include outside or secondary employment in the surveillance, private investigations and process serving industries, where intelligence about police operations or motor vehicle and other similar data is particularly valuable (Case 345; Case 380). A recognised problem exists in relation to ‘ex-police officers working in the private investigation industry who requested information’ from former colleagues who are still serving officers (Miller 2003: 13). The opportunities for networks of police colleagues and former colleagues are significant, as illustrated by an organised illicit trade in police information that came to light in New South Wales in the early 1990s (Independent Commission Against Corruption 1992). The trade included the provision of licence records and criminal histories to outside parties – often private inquiry agents, many of whom were former police officers, with the ultimate recipients of information, including insurance companies and financial institutions. These external parties were found to be a significant part of the problem insofar as they ‘embraced’ the trade and provided a ready market that contributed to its development.

Such cases illustrate the importance of police accountability systems dealing not just with the actions and activities of officers, but also with their personal relationships and involvements. Individual officers and police organisations must recognise the need to separate clearly private from personal interests and associations. Although problems with some kinds of personal relationships, such as associations with criminals or suspects, are well recognised and generally dealt with systematically within police accountability systems (through regulation, registration or prohibition of interests), the more general problems that can flow from private relationships and involvements must also be attended to (Davids 2006). Recognition of the ‘shades of grey’ in professional integrity and operational decision-making must be accompanied by enhanced understanding of the form of ‘active accountability’ that requires development of a sense of personal and collective responsibility in complex ethical situations.

Leaks in the context of criminal investigations, legal or associated matters

Leaking of police information to criminals and others has been identified as a particular contemporary problem in Australia and the UK (Director-Police Integrity 2005a; Miller 2003; Davids 2008: 228–32). In Victoria, there has been much concern surrounding leaks of sensitive police information to criminals. Some of these leaks have compromised major drug-trafficking investigations, prosecutions and, in one instance, were believed to have resulted in the murders of a police informer and his wife (Director-Police Integrity 2005d; Taskforce Keel – see Victoria Police 2013).

Leaks of police information of this nature are much more serious than low-level leaks because of both the nature of the information and the context within
which it may be used, which includes police investigation, criminal matters or in civil or criminal proceedings. This kind of conflict of interest may compromise the administration of justice in the matters concerned, hinder police operations, assist criminals to evade detection and/or prevent them being brought before the law (Cases 192, 241, 289). The impartiality of police overall may be called into question. Significant cases brought before the Victorian courts have included matters involving the disclosure of police database information to a drug-dealing friend and his associates regarding an ongoing investigation into the associates, and the disclosure by a detective of confidential police information from various sources regarding police investigations, surveillance, telephone intercepts to a registered police informer and drug dealer.

Other cases examined in Davids’ study involved the supply of police evidence briefs, witness statements, criminal histories of individuals and other sensitive information. Most cases involved concerns about releases of information to alleged offenders but it can be equally problematic for the administration of justice to provide information to an alleged victim in a criminal matter (Case 212). The context of such leaks included pending or possible criminal charges (Cases 76, 15), civil proceedings (Cases 45, 115), employment law issues (Case 160), and family law and other family or relationship matters (Cases 255, 86, 18, 149, 247). In addition to concerns over conflict of interest, such matters could be regarded as attempts to pervert the course of justice and could impact on the viability of legal proceedings (Case 15). These cases also illustrate the potential for damage to be caused to individuals, which is present whether leaked information (e.g. about a criminal history) is accurate or not (e.g. about allegations or other unproven matters). This reiterates the importance of police officers being aware of their duty not to release confidential information, and the general injunction to not allow personal interests to interfere in official actions and decisions. Leaks of information may seem harmless from the perspective of the police officer involved, but the flow-on implications for public trust may be substantial.

Even more serious are deliberate leaks to criminals, which may be done as a favour to illicit associates of a police officer or in return for payment (Miller 2003: 13). Leaks to criminals may also be unintended, and may effectively result from what may be thought of as a low-level leak, as found in Miller’s study:

Leaked information can find its way to criminals even where this is not deliberately intended. In some cases, it is passed to associates, such as relatives, friends, social acquaintances or even ex-police colleagues, who, in turn, pass this information on to criminals. These types of arrangements apparently allow some criminals to network their way indirectly into police circles to obtain police information ... some criminals [appear] to have a number of links of this kind with different members of police staff.

(Miller 2003: 17)

Recent revelations in Victoria indicate a large volume of police records (including LEAP database records and sensitive information relating to police informers) have been provided to high-profile ‘outlaw motorcycle gangs’, resulting in criminal charges against one officer and investigations into other potentially corrupt police officers (Taskforce Keel – see Victoria Police 2013: 63). Allegations include the use of performance-enhancing drugs, leaked intelligence regarding crucial drug operations, and inappropriate social relations (police and organised crime figure friendships are particularly problematic) between serving police officers and senior motorcycle club members convicted of drug dealing.

Leaks to the media

The Leveson Inquiry in the UK reinforced the notion of policing by consent and drew attention to the important role of the media in shaping the relationship between police and citizens. It pointed out that public confidence in the police is axiomatic in the policing-by-consent model and noted the crucial role the media can play as a conduit for intelligence in relation to preventing and solving crime. Thus, effective and professional relationships between police and the media are important for successful policing. They can also prevent media stories from inadvertently scuppering investigations and in worse case scenarios jeopardising the safety of victims or highly sensitive case planning.

In its submissions to the Leveson Inquiry, the Commissioner of the Metropolitan Police Service (MPS) identified five areas in which ‘keeping the media properly informed about policing and criminal matters was critical to the functioning’ of the police (Leveson 2012b: 7465):

1. Police can communicate key messages associated with preventing and detecting crime;
2. A healthy relationship can increase public understanding of the work of policing;
3. Police can seek the assistance of the public, via the media;
4. Public confidence in the police may be enhanced, generating greater understanding of police policies and initiatives; and
5. The relationship provides a means whereby the public can scrutinise police actions and policies, and the police can ‘test the persuasiveness of their strategies, policies and tactics’.

(Hogan-Howe, cited in Leveson 2012b 746–7)

The key concern outlined by Miller (2003) for the release of police information to the media was that it often involves the making of payments to police officers for information provided to journalists. Concern was also expressed that the disclosure of sensitive operational police information could directly impact on police sources. It was also noted that there could be an association between leaks to the media and to criminals: ‘Certainly, where information is leaked to journalists it is likely to end up in the public domain, which will inevitably include criminals’ (Miller 2003: 14).
In high-profile cases the release of confidential or sensitive police information to the media may directly impact on police sources by jeopardising the security of witnesses, informants and, on occasion, the operation itself (Miller 2003: 13; and see Director-Police Integrity 2005d). A 2013 prosecution in the Victorian Courts involved a senior detective in an antiterrorism operation who leaked advance information about the raid to a journalist. There was no suggestion that the officer gained as a result of the leak; he and the journalist appeared to have had a long-standing relationship and shared some mutual professional interests. In another Victorian matter that was prosecuted through the courts, the issue was not a release of information to the media, but the publication of very sensitive police material in a book written by a serving detective. The material relating to a high-profile investigation was regarded by police management as possibly leading to the identification of police informers.

Balanced against the general injunction against releasing information to the media is the notion that the release of police information to parties outside the organisation, including to the media, may form an important public accountability function, sometimes known as ‘whistle-blowing’. A 1990s case in Victoria involved a prominent whistle-blower who made unauthorised public comments about internal police operations, primarily relating to a major internal investigation. These whistle-blower’s comments were made to various media outlets, including mainstream and radical print media and radio (Case 318). An investigation of the underlying case by the State Ombudsman and Victoria Police internal investigations (1995–7) resulted in disciplinary charges against approximately 550 Victoria Police members (see The Ombudsman 2003: 72). The whistle-blower himself faced disciplinary proceedings for allegedly failing to comply with a lawful instruction from the Chief Commissioner to cease making public comments; it was argued that public comment could compromise a specific police operation.

Taking a different perspective, Sandra Laville, Crime Correspondent for the Guardian newspaper, identified to the Leveson Inquiry (2012b: 747) how journalism plays an important role in maintaining the media as the "people’s ‘eyes and ears’" in relation to the coercive powers afforded to the police. On this basis, a proper public interest and democratic function of the media is to challenge, interrogate and question police actions. The Inquiry noted the possibility of tension in the relationship between media and police, pointing to the differing needs of each party in relation to high-profile investigations (Leveson 2012b: 748–50). It is broadly recognised that:

[b]oth police and the media have an important role in serving the public interest. ... Media attention can assist police to solve crimes and convey important messages about emergency evacuations in natural disasters, road safety or alcohol-related violence. The media is also used to hold police accountable to the public they serve.

(Office of Police Integrity 2012: 25)

As the Leveson Inquiry demonstrated, however, police–media relations are fraught with difficulty and it is not only the public image of integrity and impartiality in policing that is at stake:

In addition to breaching the privacy of individuals, public airing of details from an investigation before it is finalised compromises the integrity of the investigation. When details of offences are publicly aired there is a real risk other evidence gathering processes will be tainted. For example, leaked details can trigger a witness to provide an account that is influenced by what he or she has read or heard in the media, rather than providing details from the person’s own knowledge. Furthermore, if only one version of an incident under investigation is publicly aired, public opinion about the case can be determined without access to a full set of accurate data. This can give rise to public expectations that police will act in a particular way, for example charge a person. This places pressure on police to meet those expectations.

(Office of Police Integrity 2012: 17)

**Buttressing integrity through accountability**

**Conflict of interest and police integrity**

The public impact of ethical breaches relating to disclosure and/or use of police information is high. The failure of honesty and impartiality on the part of individual public officials can have a particularly damaging effect on public trust in the integrity and impartiality of police. When integrity is not evident, public trust and confidence in the whole police organisation is affected. In part, public trust relates to the extent to which individuals expect others to be constrained by the duties and requirements attached to their roles, and to act to prevent abuses of official positions. It relies on a belief in the integrity of both individual police officers and police organisations as a whole. In addition to directly compromising investigations, unauthorised disclosure may negatively impact many practical aspects of policing. For instance, it may lead to reluctance on the part of those who supply information to police to do so in the future, which may undermine the continued supply of information essential to the policing function (see Billingsley et al. 2001).

In terms of conflict of interest, the leaking or use of official information for non-official purposes involves private interests (including the interests of family, friends and associates of a police officer) prevailing over public ethics and public duty. Notions of friendship and mateship, which may motivate leaks, are equally misguided in situations where a police officer is asked by a friend, relative, acquaintance, former colleague or private inquiry agent to make unofficial inquiries on their behalf. Even though low-level leaks may be regarded as minor, police officers can be caught in a conflict between loyalty to family or friends and their obligation to keep confidential those matters coming to their attention as a police member. It may also be that ‘officers do not appreciate the
seriousness of unauthorised disclosure at any time’ (HMIC 1999: 42). Effective management lies in the responses that police make to these requests and in recognising that this area presents a problem that police officers may reasonably expect to have to confront.

Accountability

Earlier in the chapter, it was suggested that public accountability includes both administrative dimensions (structural, organisational, regulatory) and a moral or ethical sense that relates to the demonstration of integrity and trustworthiness. Bovens (2005, 2010) highlights several key functions of public accountability:

1. Democratic control within institutional arrangements, which may be regarded as including hierarchical accountability within organisations and agencies, ultimately proceeding up to ministerial and governmental levels;
2. Enhancement of the integrity of public governance by preventing and detecting corruption, nepotism, abuse of power and other forms of unauthorised and inappropriate behaviour, particularly in the context of the application of delegated powers;
3. Maintaining and enhancing the legitimacy of public governance – a particular challenge in light of a general decline in public confidence in public institutions and an absence of automatic deference to public authority;
4. Ritual and purifying functions that may provide some form of public catharsis in response to tragedies, fiascos, scandals and failures;
5. Fostering individual and organisational learning in ways that discourage or prevent future misconduct and enhance future performance – often through the development and reinforcement of appropriate norms and organisational culture that induce reflexivity and openness.

Dealing with the multiple challenges of accountability that are reflected in these functions implicates ‘a whole series of flows, circuits, connections, disconnections, selections, favours, accounts, holding to account and attempts at analysis’ that means accountability in action involves a certain degree of ‘messiness’ (Neyland and Woolgar 2002: 272). As Bovens (2005) comments, ‘[p]ublic accountability may be the complement of public management – it certainly is the predicament of public managers’ (Bovens 2005: 202).

The traditional concept of accountability in the public sector involves answerability to the community for, and exercise of, legal power and authority by a public official. The broader concept of social accountability invoked in this chapter takes a bottom-up social, rather than a top-down organisational, perspective in order to address ethical, organisational and cultural dimensions of organisational management. Thus, it also encapsulates both an:

ex post answering for past decisions and actions and the need to have mechanisms in place that seek to deal with neglects of duty before they happen

... [including] some level of attention to political optics in terms of 'how things look' to reasonable members of the public.

(Boyce and Davids 2009: 604)

The inclusion of this latter element recognises the importance of public confidence in public institutions. There is an implicit recognition here that social accountability involves more than ‘internalizing the values, processes and practices of accountability’ that may produce rule-bound approaches that obviate the need to address how ‘performance ... establishes the moral order that can be seen to provide the reference point for the mess and flows of connections’ (Neyland and Woolgar 2002: 272).

Formal mechanisms of accountability embodied in organisational structures, rules, procedures and the like are vital to the first four functions of accountability outlined above and are instrumental to good governance. Just as important, and vital to the development of accountable organisational cultures that underpin the operation of accountability mechanisms, is the nurturing of accountability as individual and organisational virtue – an active sense of goodness and rightness that reflects a commitment to integrity and development of public trust.

Accountability as a mechanism and accountability as virtue are complementary and mutually reinforcing, but must be separately recognised and addressed (Bovens 2010). The social accountability framework for public sector conflict of interest developed by Boyce and Davids (2009, 2010) tackles the three core dimensions of the problem via three key elements of social accountability, with a ‘reasonable person’ standard (see Figure 5.1).

It is possible for an accountability system to deal with unauthorised use of confidential police information as an aspect of the broader problem of conflict of interest. Thus, problematic interests are attended to by limiting or prohibiting certain private interests that are inherently problematic. Such interests may be defined for this purpose as identifiable types of private interest that are deemed to be especially problematic, and therefore unacceptable, due to inherent incompatibility with police roles. The analysis in this chapter suggests that this is likely to include interests such as associations with criminals, commercial or off-the-record relations with journalists, and identifiable problematic forms of outside or secondary employment or business arrangements (including in the private inquiry industry).

Nevertheless, it is recognised that not all potentially conflicting interests can be effectively or reasonably regulated, such as those associated with familial and friendship relationships. These interests are recognised as giving rise to possible conflicts in certain circumstances only, and may be dealt with through the structuring of roles and functions so that officers are not involved in matters that may give rise to a conflict of interest. This requires both awareness of the potential problems and a preparedness to manage them in a situation-specific manner. These two elements – dealing with problematic interests and potential and actual conflicts – are buttressed and underpinned by ethical and accountable organisational cultures. Finally, appearances, or public perceptions, are an essential consideration in dealing with conflict of interest issues. The key aspect of
conflict of interest that undermines public trust and confidence in police relates to perceptions that a public position has been used for private advantage, challenging the ostensible commitment to serve the public rather than private interest. This is therefore destabilising for the policing function itself.

Understanding, managing and responding to conflicts of interest generated by unauthorised and inappropriate use of confidential information requires consideration of the intersection of subjective and objective elements. The subjective element relates to whether an individual has actually sought to gain a private advantage for themselves or others from the inappropriate use of a public position. The objective element revolves around application of a 'reasonable person' test that considers how things, in a particular circumstance, would appear to a reasonable member of the public. Because subjective concerns cannot be determined without ‘knowing’ the mind of the individual, effective management of conflicts of interest focuses on the objective element, which provides the standard or test against which judgements about conflict of interest may be made. This involves considering how things would look to a reasonable observer. Judgements about the appropriateness of particular classes of interests, and about the structuring of work duties to deal with conflicts, may also be made with reference to this standard.

Overall, a social accountability framework seeks to nurture proactive accountability through the development of responsibility as both a shared and personal and subjective sense of rightness and good conscience (see also Chapter 4), while accountability judgements can be made by applying an objective standard (Bovens 1998; Boyce and Davids 2009). As in any domain, public officials who hold power and authority must be accountable for their exercise of power. While accountability as a mechanism operates through organisational structures and hierarchies, broader social accountability and accountability to the community is a concept of accountability as virtue (Bovens 2010) that must consider both facts and appearances. Both forms of accountability are central to effective policing, because ‘[p]olicing is accountability, and without it the police have no legitimacy and hence cannot function effectively in a democratic society’ (Punch 2010: 315).

Conclusion

Changing the police culture of ‘leaking’ has proven to be difficult, it requires a two pronged attack – an education program to drive home an understanding of the risks and consequences of an unauthorised disclosure of information, with a highly visible sanctions program which will demonstrate that such disclosures will not be tolerated.

(Office of Police Integrity 2012: 17)

The issue of ‘leaks’ of police information demonstrates how the power and position of police officers may be used to obtain information that is not required for official purposes, but which may be used to further the private interests of the police officer and associates. The conflict with official police duties is clear and unambiguous. When such matters come to light, they have the potential to severely damage the reputation of a police and to diminish the propensity of members of the public to trust police officers who rely on them to support the policing function. Although a range of harms can result, in worst case scenarios they can jeopardise investigations and lead to the injury or death of witnesses and informers. Failure to respect the trust that is placed in police to protect confidential information is also likely to have serious consequences for operational policing and for the reputation of a police force and the public trust that is placed in it.

Effectively dealing with the issues canvassed in this chapter requires some reflection on the nature and purposes of the public sector and of policing within the public realm. A clear ‘commitment to integrity and ethics in the pursuit of the public interest is a bedrock of a socially accountable approach’ (Boyce and Davids 2009: 633), but effective accountability requires both the assurance provided by rigorous mechanisms and a commitment to embrace an active sense of responsibility and adherence to public values by individuals, managers and their organisations.
From 1991 to 1993, 78 complaints relating to disclosure of information were made. For the purposes of the present analysis, Davids’ category of ‘trading in police information’ or instances of conflict of interest. 

The Victorian Office of Police Integrity was absorbed into a new Independent Broad-based Anti-corruption Commission established in 2012. As this chapter identifies, there have, though, been several recent Victorian cases of police officers being prosecuted for offences involving disclosure of confidential information.

Cases 268 and 372.

In this case, the police officers also used police vehicles, radios and mobile telephones in the private surveillance work (see Davids 2008).


From 1991 to 1993, 78 complaints relating to disclosure of information were investigated, and 25 of these (32 per cent) were found to be substantiated. Davids’ study covered 1988-98; 39 cases files included an allegation of disclosure of police information to outside parties; 38.5 per cent of these matters were found to be substantiated.

For the purposes of the present analysis, Davids’ category of ‘trading in police information for financial or commercial benefit’ has been combined with ‘leaks in the context of criminal investigations, legal, or associated matters’; ‘inadvertent leaks’ have been omitted.


The election across England and Wales on 15 November 2012 of 41 Police and Crime Commissioners (PCCs) marked the launch of a novel governance model for policing, crime prevention and community safety at the local level. It was, however, a particularly inauspicious start. An embarrassingly low turnout at the polls – among the lowest in British electoral history, with an average of just 14.7 per cent – only seemed to fuel the wave of scepticism that had accompanied the parliamentary debate on the Government’s proposals and which had also been rife within professional policing and criminal justice circles, including the police authorities that the directly elected PCCs were to replace (Amman 2013).

Paradoxically, such an underwhelming show of enthusiasm and democratic support for PCCs in the elections seemed to have amplified media interest in the new model. In the ensuing months, a spate of media reports provided several of the new commissioners with much unexpected, albeit mostly negative, publicity. Initially at least, much of this focused on allegations of cronyism in the appointment of deputies and assistants to PCCs, and also on the higher-than-expected costs to the public purse of the new teams that the commissioners were establishing. In the West Midlands, for example, the PCC chose to make eight senior appointments – a Deputy Commissioner, three Assistant Commissioners and four Non-Executive Members – to form a Strategic Policing and Crime Board that appeared, to the critics at least, to recreate the former police authority in a new guise. Meanwhile, the Lincolnshire PCC made the national media headlines when his decision to suspend his acting chief constable for alleged misconduct ended up in the High Court with the quashing of the suspension (the allegation subsequently being withdrawn) and a bill for legal fees amounting to some £58,000 (Guardian 2013a). Similarly profiled was the saga of 17-year-old Paris Brown, appointed as Youth Commissioner to assist the Kent PCC, but then resigning just a few days later in response to revelations about inappropriate ‘tweets’ she had posted two years earlier (BBC News 9 April 2013). There was also wide reporting of the conflict between the Gwent PCC and his chief constable, Carmel Napier, who, it was reported, had been pressurised into resigning (Guardian 2013b).

Such reports may have made uncomfortable reading for the Home Secretary, since the proposals for the new governance model had so recently and narrowly...
private security 15; criminal and civil law 175–8; critical public discourse 181–5, 188; formal-legal aspects 173–4; growth 194; guards 194, 198, market self-regulation 178–81, 188; and politics of accountability 172–91; as private enterprise statutory regulation 173, 185–8; ‘tainted’ operations 172, 185, 188n2; as usurper of state functions 181–8

Private Security Industry Act 2001 186, 197–8
privatisation 142
probation services 117
Professional Standards units, police 37, 39, 88, 108n2
public opinion 32, 53
public order response units 51
Punch, M. 56–7
Queensland Police Service (QPS), Australia, complaints system 53, 55, 58, 63
Quinsey, M. 158

racism: institutional 27, 31; police complaints 56; stop and accounts 27, 31, 32, 33; see also Macpherson Inquiry
Ranson, S. 115–16
Rawls, J. 143, 145, 223, 228n2
recording of stop and accounts 18, 29–33, 36–7; citizen recordings 12, 40–3
redundancy model (stop and account) 21
regulation: vs. accountability 19; anchoring 35–43; anchoring by empowering stopped population 35–43; decreasing capacity of regulatory state 9–10; vs. democratic control 20; market self-regulation 178–81, 188; plural policing 197–9; statutory 173, 185–8; stop and account, rendering visible through 36–41
Reiner, R. 5, 19, 22, 76, 215
Report of the Royal Commission on Police (1962) 144
restorative justice 97, 125, 164; stop and accounts 42, 44n17
riots (2011) 35
Robillard, St. J. 3
Roebuck, J. 56
Rome Statute, 1998 227n1
Rowe, M. 81
Royal Ulster Constabulary (RUC) 151–2, 159–60
Sanders, A. 37, 39, 43n1
Sarre, R. 173
Savile, J. 70
Scarman Report (1972), Northern Ireland 152
Schwietzer, L. 224
Scott, C. 19, 21, 38
Secret Policeman (documentary) 69
security governance 174, 181, 196, 206–7, 209
security industry: Inspectorate of the Security Industry (SSI) 180; self-regulation 178–81, 188; statutory regulation of 173, 185–8
Security Council, UN 220
Security Industry Authority (SIA) 197–8
Shane, J.M. 58, 81
Shiner, M. 33
Silvester, J. 108n9
smart phones 38, 41
Smith, G. 56
Smyth, J. 152
social disciplining model (stop and account) 22–7, 30–1, 35, 38; recording of 18, 29–33, 36–7, 40–3; rendering visible through pluralistic regulation 36–41; stereotyping and police suspicion 23; stopped population, anchoring regulation by empowering 35–43; visibility 35–6; voluntary stops 22, 27
stop-searches 39
Stinchcombe, A. 141
Stone, C.E. 224–5

synopticon 133
Syrett, K. 19

Tawney, R.H. 145
technocratic police experts, new international 215
technological devices 38, 40–1
Thumala, A. 188n2
Tocqueville, A. de 140
Tomlinson, I. 11, 38–9, 133
Topping, J.R. 153, 162
trust: distrust trust in policing 90–1
tyranny of the majority concept 140
Ulster Unionist Party 151
undercover police, illicit use 70
unethical behaviour 9, 70; see also malpractice, police; misconduct by police
Universal Declaration of Human Rights 218

UNPOL (UN Police) 218–19
Vera Institute of Justice 224–5
Waddington, P.A.J. 10, 78
Wakefield, A. 179
Ward, H.H. 224–5
Warrender, C. 57
Weber, M. 216
Wednesbury unreasonableness 140
Wegrich, K. 178
Westmarland, L. 77
Wheeler, J. 179
whistle-blowing 72, 102
Whiteman, P. 120
Widgery Report (1972), Northern Ireland 152
Wesbdur, D. 6
Wissgott, K. 94
Young, R. 44n17, 62