

How Effective are the Political and Legal Structures in Britain for Ensuring Police Accountability?: An Examination from Historical Perspectives*

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1. Introduction

The accountability and governance of the police force in Britain has been a debated concept for a long time. This topic of “who monitors the guards” has been a controversial issue over many years in the country. The debate centres on an issue of the balance between accountability and control. The police force is essentially a non-partisan independent body that is responsible for enforcing the law in an impartial manner. This makes

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difficult to hold the responsibility in terms of any political influence—need clarification. However, the question of whether or not the police are held accountable for their actions at a sufficient degree has surfaced since the 1960's due to the controversies and the complaints generated from their malpractice. The tradition of the British policing represents the principle of “policing by consent” which conjures up an image of the citizens in uniform and armed with public support rather than a group of individuals with special legal power (Reiner, 2000; 2002).

In order to maintain the public's view on the police as a legitimate organization that deserves support, effective mechanisms of governance need to be established (Kinsella and McGarry, 2011). The police could influence the freedom of citizens so there is potential for its abuse (Stone, 2007). Thus the police must to be held accountable when they abuse their power and be able to explain their actions at all times to retain their rights. The public must also be able to voice their opinions on the police's use of power and file complaints in cases of its misuse through a non-bias complaints procedure. Moreover, the police need to take responsibility for the public funds they receive as well as for their allocation; and the public should be allowed a certain amount of influence over how these funds are spent (Newborn and Jones, 1996). This paper attempts to assess the effectiveness of the political and legal systems in Britain in ensuring police accountability. Also, the author analyses the legislation created to manage police accountability and documents its effectiveness. Finally, the power relations between the parties who claim control over the police and its implications for an independent and impartial enforcement of the law are examined.

2. The Police Act 1964

The foundations of police governance and accountability in Britain in contemporary society were established by The Police Act 1964 that was created following the recommendations by the Royal Commission (Punch, 2010). The Royal Commission on the Police was set up in 1962 to address the police-related issues, including corruption and the complaints about its efficiency in managing general administration. Specifically, the chief constables that were becoming less responsive in communicating with local authorities were the subject of criticism (Smith, 2009). The Royal Commission announced that the chief constables should not be held responsible by anyone over enforcement of policies, but should be subject to a more effective supervision (Baldwin and Kinsey, 1982). Since the act was passed, significant reforms have taken place but the main framework for police accountability is still missing (Walker, 2005). The Act laid down the tripartite structure which mandated distributing the duties related to police accountability, policy formation, monitoring and financial arrangements among the Home Secretary, chief constables and local police authorities (Newburn and Jones, 1996; Lersch et al., 2006). This was the case for all forces except for the Metropolitan police force for whom the local police authority was the Home Secretary. This remained so until the Greater London Authority Act 1999 replaced the Home Secretary with a local authority committee (Jones, 2003).

The police authority was comprised of elected councillors who constituted two-thirds of the group with the other third being filled by justices of the peace (Punch, 2010). The goal of the police authority according to the Police Act 1964 was to, "secure the maintenance of an adequate and an efficient police force for the area" (Police Act 1964, section 4(1)) (Neyroud, 2006). Though the distribution of power within

the tripartite structure was intended to be equal, it was indicated clearly in the 1964 Act that the Home Secretary had increased their control beyond that of the local authorities and the chief constables. The chief constables retained some of their autonomy, but the local authority's power waned (Punch, 2010). The police authority was given the responsibility to appoint chief constables, "in the interests on efficiency" and could suggest a chief constable retire in conjunction with the Home Secretary's agreement (section 5 (4)) (Bowling and Coretta, 2007). When obtaining an annual report from chief constables, the police authorities could request further information from them but the chief constables were allowed to refuse it. In this case, the matter was passed to and settled by the Home Secretary.

Most evidently, the passing of the Act allowed little autonomy for local police authorities (Lersch et al., 2006). To illustrate, their requests could be refused, their appointment and dismissal of chief constables had to be approved by the Home Secretary. Moreover, the policing costs were shared with the central government, and it was the chief constables who had the responsibility for the areas of discipline, appointments, and promotion (Reiner, 2002). The Home Secretary's authority expanded as he or she could call for the resignation of a chief constable, set up inquiries into policing matters and request a report about any aspects when deemed necessary (Smith, 2009). Appointments of the police authorities could also be made subject to review by the Home Secretary and could only be materialized after his or her approval. Furthermore, the 1964 Act led to significant influence exercised by the central government over each force's funding. The law stipulated that the British Home Office would provide at least fifty-one percent of the police budget and have complete control over police staffing levels and capital spending (Jones, 2003). The low level of control permitted to the local authorities became even more problematic as they exercised their power; some never asked their chief

constable for reports and did little to exert any control over him or her (Myhill, 2007). Though some chief constables consulted well with their local authorities, others did not and there were no repercussions for it (Baldwin and Kinsey, 1982). This resulted in a structure that did not function properly. Again, the tripartite system suggested a three-way split of power, but the main bulk of the authority rested upon the Home Secretary and the chief constables.

The focus of the debate on police accountability has been concerned with how much the organization should be responsible for the local representatives and how much the operational independence of chief constables should be remained intact and not be impacted by partisan political interference (Bowling and Coretta, 2007). The view that the policy decisions of chief constables must be made independently from political influence was produced from the notion that the role of a police officer is to enforce the law impartially (Jones et al, 1994; Corsianos, 2011). Interestingly, there was nothing to prevent political involvement in the work of chief constables until the 1920's. Prior to this time, urban police forces excluding London and the Metropolitan police were affected by the discretion of the watch committees and the Home Secretary when making policy decisions (Jones and Newburn, 1997; Punch, 2010). However, the fear of leaving police decisions in the hands of local control, which could be influenced by the working class with political aspirations served to establishing the system that promoted independence of the police.

The reform was evidenced most markedly in the case of *Fisher v. Oldham Corporation* in which Fisher attempted to file a suit against the Oldham Corporation and its watch committee after an arrest and the subsequent release resulting from mistaken identity (Jefferson and Grimshaw, 1984; Neyroud, 2006). Fisher failed to sue on the ground that

there could be no ‘master–servant relationship’ between the watch committee and the arresting officer (Walsh, 2011). The judge drew on the 1882 Municipal Corporations Act in which constables were under an obligation to obey the orders of justices but did not mention that the watch committees had the power or not to issue orders (Corsianos, 2011). The decision of a police officer could not be overruled by a watch committee as the officer executes the office of constable according to the law. For the watch committee to overrule a police officer’s decision, they would be obstructing the course of his duty. To the judge in this case, power of the watch committee over the constables would signify a threat to police independence (Smith, 2009).

The discretion of individual constables was extended to cover independence of chief constables in operational matters. This was laid out evidently in the case of *R v. Metropolitan Police commissioner, ex parte Blackburn*, where the Metropolitan Police Commissioner’s discretion was challenged over his non–enforcement of gaming laws (Walsh, 2011). The doctrine of constabulary independence was fully enshrined in the judgement of the Lord Denning on this case where he outlined that:

“I hold it to be the duty of the Commissioner of Police, as it is of every chief constable, to enforce the law of the land ... No Minister of the Crown can tell him that he must or must not keep observations of this place or that; or that he must or must not prosecute this is man or that one. Nor can any police authority tell him so. The responsibility for the law enforcement lies on him. He is answerable to the law and the law alone” (Jones and Newborn, 1997: 3).

This view has been consolidated under the 1964 Police Act which gives local police authorities little direct control over chief constables who wield

considerably more power, with the Home Secretary still being more powerful. The tripartite system works on an 'explanatory and co-operative' style for which consensus and agreement of all parties should be reached (Reiner, 1993). However, it was argued after the introduction of the Police Act 1964 that chief constables should be 'subordinate and obedient' to local police authorities who had the ultimate control in deciding policing policies, as was the case with the nineteenth century watch committees. The premise behind this assertion was that if policing was considered a local service, it should be managed by the locally elected representatives to determine the related policies (Corsianos, 2011). Though this would challenge the doctrine of constabulary independence, it would also present a better form of democratic accountability to the local community.

The issue of accountability was further debated during the 1980's in which the central government was seen to have impacts on police forces and chief constables (Neyroud, 2006). The 1970's saw an influx of British Home Office circulars that, whilst officially advisory, had become more policy-specific and been written in conjunction with the Association of Chief Police Officers (ACPO); therefore, it inclined the chief constables to follow them (Jones and Newborn, 1997). It was the 1984 miner's strike which raised most questions relating to the centralisation of police forces. Policing activities were being co-ordinated on a national scale, resulting in some complaining that a national police force was established under the control of the conservative government (Myhill, 2007). Police officers were moved from their own police forces with no consultation with the local authorities (Godfrey, 2007). The ACPO was working closely with the British Home Office whose decisions then impacted chief constables and subsequently, local authorities. Although the British Home Office was careful not to issue any direct orders, regular meetings were held between

the ACPO and the Home Secretary. Daily reports being submitted to the British Home Office was a process that assumed that the British Home Office was taking responsibility from the local authorities and embarking upon national policing:

“So whilst it perhaps goes too far to speak of the ‘ability of the Home Secretary to undermine the statutory responsibilities of police authorities, whilst at the same time distancing himself from the operational activities of police forces’, it is easy to see why the members of some police authorities might think that to be the truth of the matter” (Marshall and Loveday, 1994: 313).

Several high profile examples also highlighted the Home Secretaries’ power over the local police authorities. One main example is *R. v. Secretary of State for the Home Department, ex parte Northumbria Police Authority* in 1988 (Punch, 2010). A British Home Office Circular had been published and gave chief constables the authority to purchase plastic bullets from the central supplies even if their local police authorities objected to it. The Northumbrian police authority called for a judicial review of this circular. They claimed that under the 1964 Police Act, the responsibility for ‘maintaining an adequate and efficient’ police force was the duty of the authority and thus was outside of the Home Secretary’s power (section 4(1)) (Godfrey, 2007). However, this argument was rejected by the Court of Appeal that argued that under the Royal Prerogative, the Home Secretary was to do anything necessary to preserve the Queens Peace, regardless of the Act. The Court also ruled that the Home Secretary could overrule the decisions made by the police authorities in regard to the expenditure and equipment provisions laid out in the Act (Reiner, 2002). This example showed the ineffectiveness of

local police authorities and a move to centralisation of the Home Secretary's power over police forces, which posed particular problems for local democratic accountability of the police force. If the decisions of local authority which were based on local public needs were being overruled, how would this affect 'policing by consent'?

Another feature of the control exerted by the central government over police forces in the 1980's was shown in the establishment of organisations to measure the effective performance of the police for the purpose of financial accountability (Kinsella and McGarry, 2011). This began under the conservative government's reform in the 1980's which stipulated that the management of public services were to be based on economy, efficiency and effectiveness (Bowling and Coretta, 2007). The 1983 British Home Office Circular Manpower, Efficiency and Effectiveness in the Police Service enlisted the chief officers and police authorities to join together to establish clear objectives and priorities for their force. These objectives and priorities reflected the wishes and needs of the public and recognized the experiences and the views of junior officers. Systems that would allow for effective measurement of the success of these objectives were to be put into place (Weatheritt, 1993) and subsequent resources would be conditional on the success of police forces.

Her Majesties Inspectors of Constabulary (HMIC) was given a key role in enhancing police effectiveness (Walsh, 2011). They were expected to assess the effectiveness of the chief officer and local authority's decisions, and objectives and deployment of resources. The HMIC's role can be seen as the attempt by the central government to establish a centralised set of standards and procedures throughout all police forces. This became more evident in 1987 when the HMIC launched the Matrix of Police Indicators, a computer-based system of management on which its annual inspections were based (Reiner, 2002). Fifty-one percent of the funding of police

forces from the central government was conditional upon receiving a certificate of efficiency from the HMIC, making it a huge incentive for each police force to conform to the HMIC's standards.

The Audit Commission was also a key player in assessing public services value for money publishing its first study in 1988. The Audit Commission has however, argued the case for less central government involvement in police forces and more local authority involvement. The organization argued that this would increase the effective performance of police officers and forces alike;

“... the way in which central government uses its powers to control major capital expenditure and the numbers of police officers has eroded not just the provisioning responsibilities of police authorities but also any incentives they might have had to promote better police performance; the more power that central government has accredited to itself, the less interested and effective have police authorities become in developing their own role” (Weatheritt, 1993: 35).

The police still need to account for their actions, but the government is being held more accountable rather than the local police authorities. If the local authorities are no longer able to hold their police force accountable, the police will become distanced from the citizens who they are supposed to protect, thus questioning their practice of “policing by consent”.

3. The Police and Magistrates Court Act (PMCA) 1994

The Police and Magistrates Court Act (PMCA) 1994, which was later

consolidated under the Police Act 1996, was created with an underlying philosophy of performance management and financial accountability (Affiliations, 2009). Local authorities were weakened by the Act under the guise of more efficient management and performance of police services (Loveday, 2000). The tripartite structure was reorganised to provide clearer roles for the three bodies involved (Punch, 2010). However, the increased power of the Home Secretary was evident whilst the power of local authorities decreased. Also, the issue of the doctrine of constabulary independence was sidestepped to make chief constables more accountable than the Home Secretary.

Under the PMCA, the size of police authorities was reduced to a maximum of seventeen members (Affiliations, 2009). Nine local councillors, three magistrates, and five appointees constituted the body of authorities. The appointees were a controversial issue as they were not democratically elected members (Affiliations, 2009). They were also subject to a complicated selection procedure in which the initial selection board was made up of three people. One was nominated by the local authority, another by the British Home Office and the other by the two nominated members. They then devised a shortlist of twenty candidates, which was subsequently halved by the British Home Office. The selection board selected the five successful candidates from the remaining ten (Punch, 2010). The British Home Office thus had a great influence over the new local authorities, whilst simultaneously controlling their representation of the local community by restricting their size, regardless of the size of the force area. Moreover, they reduced the representation of the members of the authorities;

“the rationale running through the fourteen sections and numerous subsections of the complex selection process seems to be to allow the Home Secretary as much influence as

possible, without simply letting him or her choose the members directly” (Reiner, 2002: 39).

The Act allowed police authorities to become independent bodies and established financial management codes of practice under which financial management should be part of the responsibility of the chief constable, not the local authorities (Walker, 2005; Bowling and Coretta, 2007). The authorities retained a monitoring role but the decisions over capital investments in buildings and the employment of civilian staff became the duty of the chief constables (Jones, 2003). The local police authority became responsible under the Act to publish an annual local policing plan which included performance targets that were associated with specific national and local policing objectives. The plan was the property of the local authorities, but it was drafted by the chief constables in conjunction with the authorities (Myhill, 2007).

Under the PMCA, the Home Secretary was required to publish national policing plans and their objectives had to be incorporated in the local policing plans (Millen and Stephens, 2011). This national plan provided increased power for the Home Secretary and allowed him to put senior police officers on fixed term contracts and have them subject to performance-related pay. Additionally, the Act served to place the responsibility of the police service under the direct control of the Home Secretary as chief constables were likely to follow the national police priorities rather than the local ones due to the pressure of a fixed term contract (Loveday, 1995). One notable improvement for the local authorities and chief constables over the Home Secretary came from the changes under the PMCA over funding. Instead of the British Home Office paying fifty-one percent of each force’s budgets, they would now receive a limited grant in addition to the continued funding through non-domestic rates, council tax, and revenue support grants (Punch, 2010). The Home

Secretary no longer had a say over the allocation of funds, with the police authorities and chief constables having the responsibility to divide the funds for police officers, civilian staff, equipment, buildings, and vehicles (Walsh and Conway, 2011). However, although the Act gave the police authorities and chief constables greater power over budget, the Home Secretary retained control over the total spending of the budget. The Home Secretary could instruct them to spend above a certain amount and it could also specify the minimum budget in consequence of a poor report from the HMIC (Kinsella and McGarry, 2011).

Consequently, the power of local police authorities has been constrained by the Police and Magistrates Court Act 1994, as too has the power of constables whose discretion can be influenced by criteria of performance for pay and fixed term contracts (Affiliations, 2009). The constabulary independence doctrine has also been weakened by the Home Secretary's national policing plans as was demonstrated in the 1998 House of Lords judgement regarding a chief constable's decision:

"The chief constable has operational command of the force ... But he is now also required to have regard to the objectives and targets set out in an annual plan issued by the police authority pursuant to section 8 [of the 1996 Police Act] ... In preparing the plan, the authority will have regard to what it perceives to be the policing priorities of its area and also to any national objectives and performance targets set by the Home Secretary under sections 37 and 38" (Reiner, 2002: 41).

These reforms resulted in the police being funded and inspected by and answerable to the national government. Therefore, there was a possibility that the police was no longer an independent impartial upholder of the law but more influenced by political opinions. The implications of this regarding

accountability was that the police would become more accountable to the national government through stringent inspections, and less accountable to the local members of their community.

4. The Police Reform Act 2002

Further control was placed over police forces by subsequent reforms. In April 2000, the Best Value programme was introduced, placing a statutory duty on local authorities to report against a series of Best Value Performance Indicators (Punch, 2010). These local authorities had to perform their services to clear standards of effective, economic and efficient means (Gray and Jenkins, 2007). Also, the Police Reform Act 2002 established the Police Standards Units that were able to take over the role of a chief constable if a force was identified by inspectors as in need to improve its effectiveness (Walsh and Conway, 2011). In effect, these Police Standard Units were able to take over a police force (Mawby and Wright, 2005).

This Act also weakened the doctrine of constabulary independence by changing the description of the chief constable from ‘operationally independent’ to ‘operationally responsible’ (Millen and Stephens, 2011). In addition, Police Performance Assessment Framework was introduced in 2004. It included the measures aimed at holding the police forces accountable for their performances and comparing the achievements of each force. The government have also proposed the amalgamation of the forty-three police forces into ten super-forces (Warburton, 2004; Phythian, 2007). This was indicative of the British Home Office’s desire to increase its power at the expense of local authorities.

Declining levels of the public confidence in public services between

2002 and 2005 caused New Labour to reconsider their managerial and performance-based reforms (Phythian, 2007). The ideal of the policing by consent began to weaken with the growing public dissatisfaction with the police responding only to the wants and needs of the auditors and inspectors, rather than those of the local community. New Labour's 'new localism' was enshrined in the 2003 Green Paper *Policing: Building Safer Communities Together* which recognised that the effectiveness for dealing with crime must be formulated locally, not nationally (Walsh and Conway, 2011). Police and community relationships would be central to the police reforms with the notion of 'policing by consent' being replaced by 'policing by active co-operation'.

The new motto was confirmed by the 2004 White Paper *Building Communities: Beating Crime* which stated that by 2007, every 'community' would be policed by multi-functional Neighbourhood Policing Teams (NPTs) composed of police officers, community support officers, special constables, police support volunteers, neighbourhood wardens, and accredited local safety and security personnel (Millen and Stephens). This allowed for increased levels of participation and more effective representation of each local community (Kinsella and McGarry, 2011). However, whether these new reforms would adhere to the remains to be seen and as the Home Secretary did not retire any of his power, the possibility for continued centralisation looked set to be ongoing (McLaughlin, 2005: 485). As the government inspections, controls, and targets continued to be enforced, there was increasingly less room for democratic accountability. This was because the police was working in compliance to the national framework that may not be representative of the local community that they served.

Each police officer had the ability to exercise great discretion during the course of his duty; this had the implications for possible abuse of power

and malpractice (Bowling and Coretta, 2007). It was fundamental to the principle of policing by consent and democratic accountability that an effective complaints system was in operation and openly accessible by the public. Police officers may be subject to criminal prosecution and civil action (Phythian, 2007). However, the systems that were put in place to deal with the complaints about the police over the past forty years have been criticised for lacking independence and failing to bring many guilty officers to justice. For example in 2004, only 1.5 percent of alleged malpractice resulted in a prosecution (Warburton, 2004).

The first complaints system in Britain was established under the 1964 Police Act. Here, the chief officer had the sole responsibility of investigating the complaints and disciplining the officers (Waters and Brown, 2000). Reports were then presented to the Director of Public Prosecutions for a decision to be made regarding criminal proceedings (Smith, 2004). However, this system was criticised for its lack of independence and was subsequently reformed under the Police (Complaints) Act 1976 and became the Police Complaints Board (PCB) (Gray and Jenkins, 2007). This was an independent body with responsibility for reviewing closed complaints investigations which were still undertaken by the police. The Police and Criminal Evidence Act (PACE) 1984 replaced the PCB with the Police Complaints Authority (PCA) to give further power to an independent body (Punch, 2010). The PCA had increased power to supervise police investigations of the complaints, and also under PACE, less serious complaints could now be resolved informally.

The reform of the complaints procedure was taken further with the introduction of the Independent Police Complaints Commission (IPCC) to replace the PCA under the Police Reform Act 2002 (Punch, 2010). The IPCC was comprised of a Chairman who was appointed by the Crown.

There were also two deputies and fifteen Commissioners who were all appointed by the Home Secretary (Affiliations, 2009). The IPCC had the power to manage and supervise investigations. However, these investigations were still undertaken by the police (Smith, 2005). The relatively a low percentage of officers prosecuted for criminal offences resulted in the public's favouring informal resolutions where a meeting was arranged between the complainant and the officer in question. This allowed the complainant to gain satisfaction from knowing that their plight was taken into consideration, regardless of whether the officer in question actually apologised or not (Waters and Brown, 2000; Smith, 2001).

It would appear that disciplinary procedures were preferred to criminal prosecutions through the complaints system, giving the impression of a system that was more concerned with police management and administration than alleviating the grievances of wronged citizens. This was most evident when the number of criminal prosecutions was compared to that of civil proceedings, which gained favour among citizens due to the lack of success of criminal proceedings (Smith, 2001). In 2009, 1,302 malfeasance claims were settled, and sixty-five claimants were awarded compensations amounting to approximately £4.5 million pounds in Britain compared to eighteen police officers being convicted of criminal offences in the same year (Punch, 2010). In a survey by Kinsella and McGarry (2011), it was found that most complainants were dissatisfied with the outcome of their cases, with the majority believing that their cases had not been handled fairly by the police, thus losing confidence in the organization. This was an issue for establishing a democratic and accountable police force based on the principle of policing by public consent:

“Complainants are individuals entitled to public services who allege they were unfairly treated and it follows that, in a

society which has acknowledged discrimination and social exclusion cause major damage to public welfare, ... an inability to embrace diversity, social inclusion and human rights" (Smith, 2005: 137).

The establishment of the IPCC is expected to improve this situation but the degree of its success remains to be seen, considering that investigations are still undertaken by police officers. Consequently, although there are policies in place to ensure that the public can complain against the members of their police forces, it seems ineffective and would result in disappointing the public who are unsupported by legitimate procedures.

5. Conclusion

There are systems in place both politically and legally to hold the police accountable for their actions. In some cases these systems, however, are ineffective as they are based more on the principles and the ideals than practice. It seems to be the case that the police are being held accountable and the structures in place ensure this; however, this accountability is mainly to the government rather than the public. The police reforms since the Police Act 1964 have served to increase the power of the Home Secretary and thus central government at the expense of the local authorities and chief constables. The Home Secretary now controls budgets and funds and influences the policing priorities under the national policing plan. They also can undermine the doctrine of constabulary independence by subjecting chief constables to performance related pay and fixed term contracts which may result in the chief constable feeling pressured to abide by the Home Secretary's priorities, rather than following their own

or those of the local authority.

The decreasing power for the local authorities in the tripartite system has resulted in the police being held accountable to national government rather than local communities. Accountability to national government is not the same as democratic accountability. Democratic accountability stems from the ideal of “policing by consent” in which the police are non-bias and non-partisan independent upholders of the law. Although the creation of an Independent Police Complaints Commission seems to be a step towards ensuring police accountability to the law and the public, the effectiveness of this system has not been confirmed. However, based on the ineffectual police complaints boards of the past, it appears that any system where it is the responsibility of the police to carry out the investigation themselves will result in bias, thus ineffective. If police accountability continues to centralise and democratic accountability is lost, can the police still be considered an independent organisation that is representative of the people in local communities, or do they become another arm of the government that enforces the ideals which state that the public have no control? If this becomes the case, policing by consent is no longer valid and the police are no longer accountable to the people they are employed to protect.

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Abstract

How Effective are the Political and Legal Structures in Britain for Ensuring Police Accountability?: An Examination from Historical Perspectives

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The purpose of this paper is to investigate the effectiveness of the political and legal systems in Britain for ensuring police accountability. The police reforms since the Police Act 1964 have served to increase the power of the Home Secretary as well as that of the central government at the expense of the local authorities and the chief constables. The Home Secretary now controls budgets and the funds, influences the policing priorities under the national policing plan, and has the ability to overrule the decisions made by local authorities. The decreasing power for the local authorities in the tripartite system has resulted in the police being held accountable to the national government rather than the local communities. Accountability to the national government is not the same as democratic accountability. To illustrate, democratic accountability stems from the ideal of “policing by consent” in which the police are non-bias and non-partisan independent upholders of the law. Although the creation of Independent Police Complaints Commission seems to be a step towards ensuring police accountability to the law and to the public, the effectiveness of this system needs to be confirmed over time. However, based on the ineffectual police complaints boards of the past, it would appear that any system in which it is the responsibility of the police to carry out the investigation themselves will lead to a biased outcome. If police accountability continues to be

centralised and democratic accountability is lost, can the police still be considered an independent organisation that represents the people in local communities, or do they become another arm of the government that enforces government ideals over which the public have no control? If this becomes the case, “policing by consent” is no longer valid and the police are no longer accountable to the people they are employed to protect.

Key Words : Political and Legal Structure (정치적 · 법적 체계), Britain (영국), Police Accountability (경찰책임), Police Law (경찰법), Historical Perspectives (역사적 관점).

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