

Closed shop?

Are the police unaccountable for their actions? James Macintyre, political correspondent for the *New Statesman*, argues a lack of scrutiny has impacted on public confidence

The UK police service is the one public body left unaccountable to the British people; the last of the great “closed shops”. Modern politicians – especially Margaret Thatcher and Tony Blair – famously drove reform through institutions such as the trade unions, the NHS and even state education while, for the most part, leaving the police to its own devices. Apart from the victims of numerous injustices over the decades, the primary losers from this glaring omission are the police themselves. The backlash in public perception following the death of Ian Tomlinson amid the G20 protests this year has put the police on the defensive. But the death – along with that of Jean Charles de Menezes, Stephen Lawrence and countless others – could have been avoided had police practices been subject to proper scrutiny. In that sense, the police themselves have been badly served.

First, the political context. The Tories have only once tried police reform: when the then Home Secretary Kenneth Clarke raised the crucial idea of directly elected police authorities he was rejected. Labour has pursued an authoritarian and protectionist policy towards the police since Roy Jenkins left the Home Office in 1967. Looking back on his premiership, Tony Blair summed up this approach in 2004: “We asked the police what powers they wanted, and gave them to them.” His successor did not demure. When the Police Federation marched over police pay and threatened to pursue the right to take industrial action in December 2007, he said: “I am the last person to want to be in a position where we don’t give the police what they want.” Both men angered civil-libertarians by pushing for detention without trial of terrorism suspects, for 90 and 42 days respectively, as demanded by the Association of Chief Police Officers.

The Independent Police Complaints Commission (IPCC), which came into being following the Police Reform Act 2002, remains only semi-independent, funded as it is by the Home Office and – according to its many critics – “toothless” fearful of upsetting the force. Further, the Act’s emphasis was on the relative red herring of efficiency – and the endless call for officers to be freed of “red tape” – instead of accountability. It enhanced – not checked – the power of the constable, and introduced community support officers which have produced mixed results on the streets. According to the Warwick University Criminal Law Review in 2003, the Act was aimed at “clamping down on antisocial conduct in pursuit of a populist agenda”.

This “populist agenda”, driven by the media and answered by politicians of both leading parties, has much to answer for itself. Conventional wisdom in the press – which is dominated by the authoritarian right – has it that the only flaw in the policing system is the tying of officers’ hands. In fact it is a lack of scrutiny that leads to the tragic errors which have done so much to damage the reputation of the police.



Although it was Tomlinson’s death that, if anything, did more to create disillusionment than that of de Menezes on 22 July 2005, the two cases share one crucial connection: the perceived concealment, and the swift release by the Met of a misleading version of events. In the wake of de Menezes’s death – which came, of course, only two weeks after the 7/7 bombings – the police briefed for a full 24 hours that the victim was an Islamist terrorist. Duly, Sky News reported with the headline: “Suicide bomber shot on Tube”. We were told that the “suspect” had been running; jumped the Tube barriers; been wearing a bulky coat; had been challenged verbally by police: all untrue.

Sir Iain Blair has been forced to take much of the blame for the scandal. In subsequent years, though the police were – with absurd irony – found guilty only of breaching “health and safety” by killing de Menezes, not a single officer has been charged – not to mention dismissed – over the shooting.



All of which points to an institutional problem. It was one that was not resolved by the time Tomlinson died of a heart attack in April after wandering home through the City during the G20 protests. This time, the Met claimed that a member of the public had told police that “there was a man who had collapsed round the corner”. Officers had attempted to assist medics save his life, it was stated, while being attacked with “missiles, believed to be bottles”.

After Tomlinson’s death, the IPCC asked the City of London Police to investigate. Key witnesses were not called for questioning. And a week later the IPCC reversed the decision and took belated control of the case. Again, this points to the need for institutional change. By now, the practice of “kettling” - containing demonstrators in a small area and refusing to let anyone leave – was also facing scrutiny, though not from either leading party’s front-bench.

But Ken Livingstone, the former mayor of London, said: “I cannot see how the City of London Police could have been expected to be the right vehicle for investigating Tomlinson’s death, when they were part of the same policing operation. In the build-up to the G20 there seemed to be no strategy either by the police or City Hall to defuse the growing media storyline of impending violence.”

It should be pointed out that deaths at police protests are relatively rare, though when they occur they provoke national outrage. Meanwhile less attention is given to lower-level assaults during demonstrations: victims of police brutality who can then find themselves convicted of assaulting a police officer who had, in fact, been the aggressor with the subsequent full support of the

criminal justice system.

And less noticed still are the day-to-day disproportionate arrests of black people. Racism in the police service remains an ever-present reality. The 1999 Macpherson report which described “institutional racism” was an easy target for the populist press who ridiculed it as “politically correct”. And yet the problem is one that is crucial in the need for institutional reform which, ultimately, will help the police in the eyes of the public.

Alfred John, chair of the Met’s Black Police Association (Met BPA), said: “As a black member of the public, I am more likely to be stopped and searched; more likely to receive harsher sentencing if a crime has been committed; more likely to be recorded on the DNA register; and, most disturbingly of all, I am more likely to die in police custody. The lack of accountability is woeful. When the police seem to be less accountable than the public, how can they expect the communities to trust them?”

The police often do a good job in difficult circumstances. But in some parts of the force, from the top down, the culture of racism, secrecy and cover-up has reigned unchecked for more than a generation.

Today, it is time for politicians to make the police fully accountable for their actions – starting with elected police chiefs - and for the police to recognise the enlightened self-interested case for reform.

What do you think?

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