

Statute of liberty

Police officers will not have failed to hear the views of Shami Chakrabati in her role as director of human rights organisation, Liberty. The views of the civil rights campaigner could well be compared to Marmite. People love them or hate them but you can't deny their existence. Syreeta Lund writes



Shami: government could take liberties with policing

How does she feel she is perceived in policing circles?

“Ohh, I don’t know now really, definitely a professional trouble-maker but hopefully so much more,” she says tongue in cheek.

“There are times when we are going to be on the ‘other’ side of the debate in policing but I am surprised at how often we get the message of support at all levels from more junior levels concerned about the DNA database or attempts to politicise policing. At more senior ends of the police service we also have those who are sympathetic towards Liberty.”

This month’s election could bring a change of government do you believe there is any danger of creeping politicisation in policing, such as the idea of elected commissioners?

“I think it’s really really dangerous, it goes back to asking fundamental questions about policing and the role of the police in a democratic society and about what democracy is. It’s about having elections, having legislators and an executive, MPs and ministers; that is the right way to do it and people should be able to boot them out. You also need the rule of law, that part of the constitution is independent. I think the police fit more into the rule of law, they are not an army; they do not go out to battle [on behalf of politicians]. Legislators set criminal law and then we have to have independent police officers using their judgement and discretion with an even hand, not because of politics.

“Politicians come and go in a democracy. Trust in politicians goes up and down. People have to feel that whoever gets elected or not, police or judges apply the law without fear or favour. The idea of these elected commissioners does not leave things down to professional police judgement. The most graphic example in the police is locally-elected BNP candidates or an extreme or racist party winning seats on the council. If people elect a police commissioner, will there be any faith that they will serve the whole community? You elect ‘Robocop’ who says we will have a blitz on burglary so burglary becomes the priority and no one cares about something else like rape? It is for parliament to make the law and professional, independent constables and chiefs to apply it.”

Do you feel anything has interfered with a police officer’s discretion?

She says that targets can skew an officer’s ability to be able to apply discretion.

“For example, if a [government] target is set saying that you need to be visited by a police officer within 15 minutes if there is a burglary. Say it’s a while since it



Photography: PA Photos

Rebels with a cause: fashion designer Vivienne Westwood and Shami Chakrabarti with Liberty t-shirts

happened and you've just discovered it, everything is fine and there is no one there or in danger, I believe the police should go to the house [less urgently than] where an intruder may still be there and a woman or a more vulnerable person is locked in their bathroom or something, I would want them to get there in three minutes. Commonsense should be left to the experienced professional, the police officer walking down the street; you need to have properly trained professional judgement.

"Also, the powers given out [to officers] are broader and broader but tie police up in red tape with targets and actually interfere with discretion, such as section 44 stop and search where officers can stop and search without grounds for suspicion. They should be starting with a clear law whether it's criminal offences or police powers. It's like having politicians in uniform - in democracies we don't do that, we like politicians not to wear uniforms or carry guns. I do not want them interfering in an officer's personal judgement.

What you think about the increasing use of non-sworn staff and security firms being given increasingly traditional police powers, such as being able to take someone's personal details?

"We really worry about so-called civilianisation, non-police

professionals doing what we consider to be policing duties. In particular exercising authority and power over the population without securing trust. Policing on the cheap, whether contracting out to provide security or so-called 'plastic' police officers [who] do not have the proper degree of training and they are exercising coercive powers over people. This is quite dangerous and undermines professional policing and civil liberties.

"I actually think human rights lawyers and police officers have a lot in common. They help members of society to rub along together and keep the peace. We are both protecting people's freedoms. We all share those values, it's a shame we are always presented as if having police views on one side of the argument and civil liberties on the other."

What do you think public confidence is currently like in the police service?

"I think it is not that bad you know. When push comes to shove, when you are in trouble, you call the police. I grew up in the 1970s and 1980s in a minority ethnic community, people were concerned about police presence; some people felt comforted by it, others were wary."

She believes stop and search powers under section 44 have resulted in certain groups feeling more animosity towards the police, particularly young men.

"What is section 44 based on? The police themselves admit it can be quite damaging. Poor officers are trying to do the job on the ground and there is also insufficient guidance [on how the powers should be used]."

She says that she accepts the 'special challenges' that terrorism brings but thinks there are other ways round the issue.

"If the Queen's Speech is on, cordon off Parliament Square and say for this period it is a stop and search area without suspicion and subject everyone going in to a search. People, generally, would not complain because there is an obvious reason why they are being searched and they are not being stopped and searched because of how they look."

She goes on to say that section 44 was sloppily drafted and that the areas that can be 'designated' for people to be stop and searched without suspicion can be whole counties, even whole countries.

What will be the biggest challenge for the police service in the future?

"My central message is that we have more in common than you might think - we are all in the law business. The central challenge both for Liberty and the service is protecting the independence of policing in Britain. I think it is getting too politicised and we need to go back to a more independent position. We need to ensure politicians are not using budgets to interfere with operational policing."