

Police reform: why democracy is not just about elections

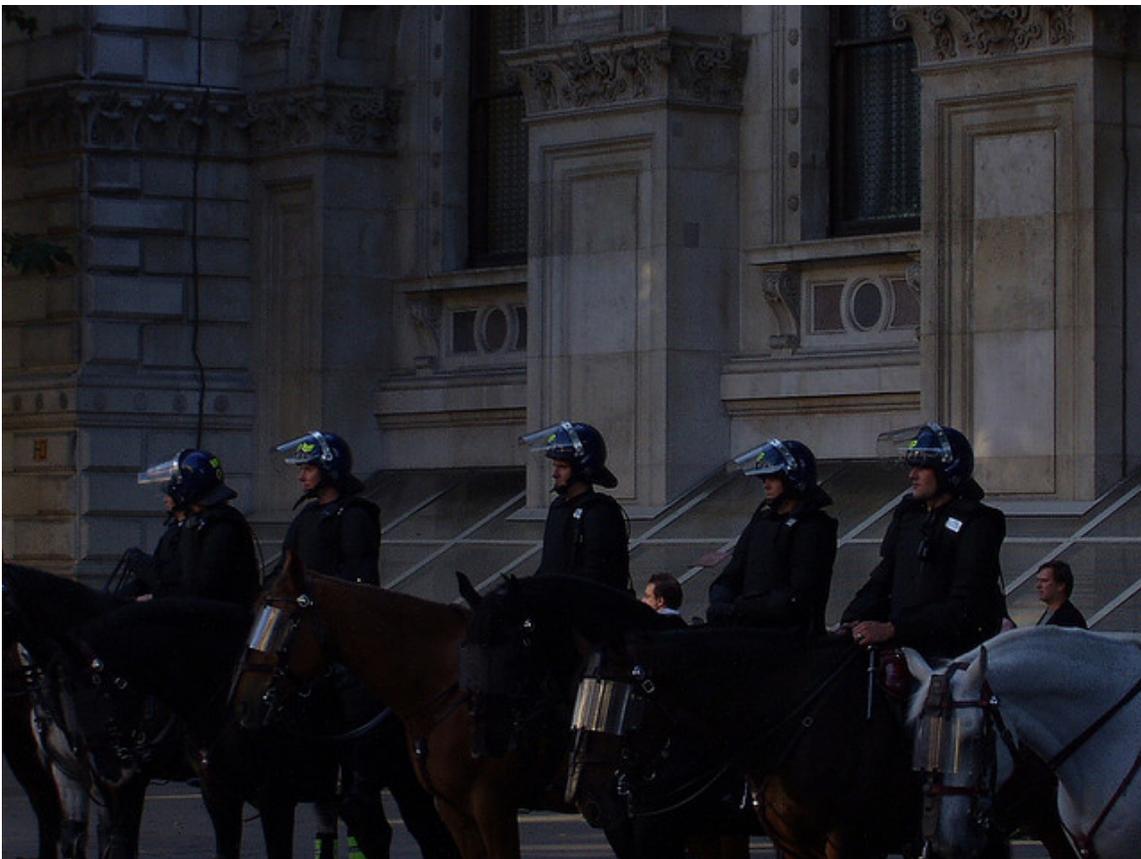
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By democraticaudit

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Amongst the many pieces of legislation with important democratic implications the present government has introduced, [the Police Reform and Social Responsibility Bill](#), currently passing through its final stages in the House of Lords, has received comparatively little attention. Yet it has fundamental constitutional implications. **Andrew Blick** argues that consideration of the bill helps illustrate the inconsistent – and in some cases worrying – way in which the Coalition is approaching democratic reform.

The feature of the legislation which gives cause for concern is its provision for replacing police authorities currently responsible for overseeing police forces with directly elected Police and Crime Commissioners. The Commissioners will themselves be accountable to newly-established Police and Crime Panels, mainly composed of local councillors. The stated aim is ‘improving police accountability’.



Police in London (Credit: Metro Centric, CC by 2.0)

The House of Lords [Constitution Committee](#) recently expressed the view that the government plan may risk ‘politicising operational decision-making’, undermining the principle that has governed the police force since its formation in the early nineteenth century, of ‘accountability...to the law, and not to government’.

In the government legislation, the established practice that police forces are under the ‘direction and control’ of their Chief Constable is restated; and a more detailed set of ground rules is promised.

But there is cause to question how far operational independence will be able to withstand the introduction of Commissioners: politicians with their own direct electoral mandates. And if strict enough restraints were introduced

to ensure the necessary level of propriety, would Commissioners be so circumscribed in their activities as to make it hard to justify introducing them in the first place?

Whatever the precise details about how Commissioners will be able to operate, the ability of the Panels to oversee them will, it seems, be subject to considerable limitations. For instance, in the area of the power of Commissioners to remove a chief constable, the Panels are able only to make recommendations.

Different constitutional issues are raised by arrangements intended for the election of Commissioners.

Commissioners are to be restricted to two terms: probably a sensible measure, although it will inevitably produce 'lame-duck' Commissioners during the course of second terms, if they are won.

Perhaps more interesting, to the observer of Coalition democratic reform policy, is the lack of any clear rationale for elections for Commissioners to take place every four years (compared, for instance, to the coalition's intention to fix the length of Parliaments at five years).

A similar issue is raised by the electoral system to be used to return Commissioners. If there are three or more candidates for the post, the government intends the Supplementary Vote system to be used, giving electors a first and second preference (but no more), as used in mayoral elections in various parts of England, including Greater London.

The recent referendum on whether or not to adopt for UK parliamentary elections the Alternative Vote (AV) concerned a system similar, though not identical, to the Supplementary Vote. The campaign against AV – in which senior Conservative Coalition members took a prominent role – made some serious allegations against AV, including that it suffered from severe democratic defects. No clear explanation has been provided as to why the Coalition could agree on the acceptability of the Supplementary Vote for Police and Crime Commissioners, but not AV for MPs. Can it really be the case that a number of claims about the supposed negative features of AV, if true, do not apply equally to the Supplementary Vote?

On a superficial level the idea of elected police chiefs may appear attractive. But although elections are central to democracy, democracy is about more than just elections. Democracy requires genuine attempts at consistency of approach; having effective structures of accountability for those who hold office; and adhering to principles such as the need for impartiality in the criminal justice system. In these areas, the government plans for Police and Crime Commissioners seem to fall short.

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