

Social Development and Police Reform: Some Reflections on the Concept and Purpose of Policing and the Implications for Reform in the UK and USA

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Social Development and Police Reform: Some reflections on the concept and purpose of policing and the implications for reform in the United Kingdom and United States.

Introduction

Popular calls for policing reform across the world are increasing with a multitude of factors influencing demands for change. In 2020 the death of George Floyd was witnessed by millions and re-invigorated a call for radical reform of policing in the United States, echoing similar demands for reform after the killings of Trayvon Martin in Florida in 2013 and Michael Brown in Ferguson, Missouri in 2014. A series of fatal shootings in the United States, including Breonna Taylor, have reinforced this demand for change that is proliferating across some of the largest geographical, economic and political forces in the world as countries such as India, Brazil and China draw their police and security forces into an increasingly draconian security climate. Calls in the United States, in particular, echo in other western democratic states, including the United Kingdom, which has experienced similar tense historical moments related to the role of state power and how we conceptualise the purpose of the police in times of social conflict.

Academics and practitioners working in the field of international policing reform have long recognised that western democratic policing is conceptually vague and this vagueness impedes sustainable reform. Furthermore, Mani (2000) identifies the vagueness of policing concepts as an inhibitor to the development of effective police doctrines. While the challenges that police organisations face have many similarities across the globe, a more nuanced appreciation of police reform recognises that each police organisation's history, present and future trajectory is tied inextricably to the social and political developments that it sits within.

In the United Kingdom, calls for a fundamental review of policing followed the 2018 conference of the National Association of Retired Police Officers (NARPO), when 180 retired police officers started a petition calling for a royal commission to review policing in England

and Wales (Moore, 2018). This call was picked up by the Police Foundation which reported on its own strategic review in July 2020. Other significant calls for a review of policing across the United Kingdom include DEMOS in 2006, the Independent Police Commission set up by the Labour Party in 2013 and the Police Federation in 2017. The Chair of the National Police Chiefs Council called for reform and was supported by other chief officers and some police and crime commissioners. The calls for reform in the UK are not as vociferous as those in the US as they do not emanate as strongly from society itself. Instead debate about police reform most commonly refers to the form and function of the police or terms and conditions of police employment.

Utilising their experience of working with the police in the UK, Deloitte (2014) identified that the public police need to change to meet evolving social needs and the rapidly changing technological environment in which contemporary policing is situated. Canada (Council of Canadian Academies, 2014) and Ireland (Commission on the Future of Policing in Ireland, 2018) have recently undertaken fundamental reviews of policing. However, the absence of a conceptual and philosophical understanding of policing as distinct from the institution of ‘the police’ often results in tinkering around the edges of police reform (Vitale, 2017) rather than delivering on the calls for fundamental reform (Paterson and Williams, 2018; Williams and Paterson, 2019). These calls come from society, government and the police, suggesting that there is an urgency and need to review policing as a 21st century concept and only then to determine how best to deliver policing.

Arguably, the last fundamental review to consider the needs of society in determining how it was policed was in the 19th century when modern policing in the England emerged out of demands for a more bureaucratically sophisticated, demilitarised and de-politicised police. It was argued, from different perspectives, that this modern police organisation would meet the expectations of a society experiencing simultaneous mass urbanisation, industrialisation,

market liberalisation and political reform. The gradual loss of small communities who had themselves exerted social management through populist local structures, patriarchal militias, private police organisations and other localised ‘police’ bodies. Subsequent reforms such as the 1960 Royal Commission (Willink, 1962), the 1978 Edmund-Davies's Review, the 1982 Scarman Report, the 1999 MacPherson Report, and the 2012 introduction of Police and Crime Commissioners focused on the future of the police through the lens of pay, conditions and governance or concerns with structural bias and discrimination.

These reviews and Royal Commissions were thus thematic rather than fundamental and therefore no theoretical or philosophical understanding steers or informs policing reforms. As a consequence of this, the reforms remain transactional and develop through an action/reaction (AR) framework. For example, the establishment of police and crime commissioner’s was viewed by many as a reaction to government frustration with independent police leaders. In the United States, the militarization of policing arguably started as a reaction to the 1997 North Hollywood shootout, during which two heavily armed and armoured bank robbers fought off the police for 44 minutes. This led to the rapid escalation in armaments and use of military tactics by police forces across the United States which continued through the ‘war’ on drugs and the ‘war’ on terror (Balko, 2014). While AR driven reform may be acceptable to democratic societies in the short term, social alignment is a more appropriate driver for longer term reform.

On June 11th 2020 Mayor London Breed in San Francisco called for the demilitarisation of the police in her city. The increasing militarisation of the police in the US has provoked hot debate (Balko, 2014) with a radical discourse that even questions the need for the police as an institution (Vitale, 2017). Vitale argues that policing no longer meets the needs of society in New York and that it is time to fundamentally review what society needs and how it should be governed, arguing in tandem that it is time to end the militarisation and politicisation of policing in New York and the wider US. In this way Mayor London’s call and Vitale’s critique of US

policing reflect those of late 18th and early 19th century commentators (Fielding, 1757; Colquhoun, 1806) who argued that society was in fundamental transition and there was a need to re-imagine policing accordingly. It was these calls that paved the way for the development of the Metropolitan Police, the de-militarisation and de-politicisation of the proto-police organisations and the establishment of the principles of policing by Robert Peel and codified by Rowan and Mayne (Lawson, 1988; Poole, 2006). These fundamental reforms, which took place over a number of decades, represented a re-configuration of our conceptual understanding of policing through attempts to meet the needs of the newly industrialised society (Williams, 2014).

It can be argued that the emergent industrialised modernism that surrounded the police reforms of 1829 and has survived for nearly 200 years requires re-visiting in a time where society is once again reimagining itself within the context of a digital information revolution. Technology, government and nation states are radically re-shaping themselves under conditions of globalisation, transnationalism and internationalism. Global societies are in transition both structurally and conceptually, communities of interest are no longer co-located and communicating face-to-face; instead, they often communicate virtually, sometimes ethereally and occasionally incognito. This social realignment is analogous to the period leading up to the reforms of 1829.

As the opening section acknowledges, contemporary reform discourse is often grounded in organisational self-interest of police bodies, think tanks and political positioning. Thus, it does not explore the critical question of what policing, as opposed to a narrower definition of police, should look like in the future. In such a climate it is surely right for societies and their governments to stop asking how we pay for the police and how many police officers we can afford and instead to ask what do we need from policing today. The fundamental reform question is what do contemporary societies and communities need, want and expect today and

into the near, medium and predictable long-term future. If we examine these things at a fundamental and philosophical level, the future shape of policing will be driven once again by the needs of society and may lead to a very different discussion and model than that which emerged in the 1820s and 1830s.

What is Policing?

Policing scholars recognise the importance of separating the institution and functions of the police from the looser concept of policing. Contemporary academic scrutineers of 'policing' acknowledge plural networks of social control (Bayley and Shearing, 1996; Johnston and Shearing, 2003) although with a recognition of the prominent symbolic role of the police (Loader and Mulcahy, 2003; Stenson, 2005). Typically, modern, post-enlightenment societies have been characterised by generic assumptions that invoke 'the police' as an essential requirement for the maintenance of order, without which society would be, to some degree or other, reduced to chaos (Hobbes, 1640; Emsley, 1991; Reiner, 2013). Yet, as Neocleous has noted (2006: 17), 'most research on the police eschewed any attempt to make sense of the concept itself or to explore the possible diversity of police powers in terms of either their historical origins or political diversity'. Manning (2010) agrees, commenting that this failure to engage with the underlying philosophical assumptions that direct thinking about policing has led this emerging academic sub-discipline to develop in an atheoretical manner (Manning, 2005). This article seeks to promote academic and political engagement in this fundamental issue and to provide a loose conceptual framework against which a concerted discourse can begin.

There is undoubtedly a need within all societies for order and the imposition of rules. Durkheim (1912) noted that as societies develop, religiously-driven rule-making and enforcement evolve alongside other social and cultural changes. This analysis of the development of rules is closely aligned to the biblical justifications of natural law put forward by Hobbes (1651), Locke (1690)

and Rousseau (1762), and to a lesser extent Kant (1797). These societal genesis perspectives are reflective of Durkheim's view that religion is important to the development of early societies in supporting the coalescence of social units and class (including leaders) that is required for social cohesion. In a similar vein, Locke argues that proto-societies require the support of individuals and a patriarch to provide judgment on incivilities and other transgressions. Thus, in the earliest human societies, policing existed as an organic function rather than as a formally organised capability. As humankind formed larger social groupings beyond simple kinship, the rules of society were increasingly enforced by the community or tribal leaders; individually or in some form of caucus (Durkheim, 1893; 1912). In Europe, the growth of communities and societies meant that by the late fifteenth century the French-Burgundian term *policie* had emerged. The meaning of this term gives some indication of what policing in that period had become, namely:

The legislative and administrative regulation of internal life of a community to promote general welfare and the condition of good order and the regimenting of social life (Neocleous, 2006 p22).

Fukuyama's 2012 work *The Origins of Political Order*, gives contemporary philosophical support to these historic assertions. Its review of historic and contemporary biological, sociological and political work to try and understand the pre-historic nature of society, concludes that human kind, cognisant of the perpetual threat of conflict, is disposed towards community and socialisation and that from the earliest human periods, rules have been set and transgressors held to account.

A number of prominent academics have contemplated the theoretical and philosophical principles that underpin the concept of policing (Sklansky 2007; Wood 2020). Manning (2010) and Neocleous (2006) conclude that there is no theory of policing. This may seem counter-

intuitive even as criminology and policing studies grow in academic settings. The arguments put forward by Manning and Neocleous identify that this failure to theorise policing is because policing studies observe and report on the concerns of practitioners, the public, politicians and increasingly, the international community rather than being pre-disposed to criticality. Manning concludes (2010) that it is the genesis of policing studies which limit the discipline to reporting and commenting rather than theorising, challenging and testing. Hence, definitions of policing tend to be atheroretical, bound to individual nation states, and problematic when placed in a comparative context. This absence of a philosophical conceptualisation of policing is profoundly important when considering police reform, police practice and the transferability of policing models internationally (Williams, 2014; Paterson and Williams, 2018; Williams and Paterson, 2019).

Early observations on police reform in the United States following the activism around the deaths of African American men and women, reinforce the idea that policing in the US is introspective, politically driven and centrally controlled. Calls for immediate reforms from politicians seem to assume that getting better at community engagement or reducing paramilitarism, reducing funding or investing in social projects will stop the protesters without understanding the importance of coherence between policing and social development. Protesters conversely argue for equality in society, equality of opportunity, equality of respect and equality of treatment by the justice system including the police. This is an important issue as the focus falls on 'the police', while the argument is about social reform and equality indicating that the arguments for policing reform by politicians both in the US and in the United Kingdom continue to be embedded in the Weberian view that the police exercise authority over the public and are the manifestation of the state's legitimate use of force or coercion (Bittner, 1970: 36-47).

Conceptualisations of policing belong to specific times and places and should not solely be defined by the actions and activities of personnel. Thus, the police use of force paradigm is too narrow, descriptive and state-centred to provide a satisfactory basis for conceptualising the nature of either historic or contemporary modes of policing, particularly in contexts where multiple modes of policing exist¹ We consider that this perspective should be driving academics, politicians and social reformers to engage with each other and ask, ‘what is policing in this time and place?’ This will then allow us to determine how it is delivered justly, equally and effectively for all of society.

So, it is important to recognise the assumptions that underpin the philosophical concept of policing rather than simply providing a description of near-contemporary functions. Continued failure to do this precipitates the observation of policing through the lens of accountability or effectiveness and policing being 'what the police do'. The consequence of such a position is to reinforce Ellison and Pino's (2012) assertions about cultural dislocation and contextual failure and to develop non-aligned models of policing that will be increasingly rejected by societies for whom the socio-cultural, political, ideological or legal alignment defines localised acceptance (Williams 2014). Recognising the significant challenge of conceptualising and theorising policing beyond 'rampant empiricism' (Manning, 2005), the next section of this paper reflects on recent attempts to conceptualise 'police' and 'policing' beyond the traditional concern with role, function, culture, accountability and effectiveness toward a more holistic appreciation of the conceptual meaning of policing that can inform reform endeavours.

On Concepts

By a concept of policing, we mean the 'most basic linguistic constructions by means of which people order and categorize reality' (Mouton and Marais, 1988: 58). A concept of policing is

¹ Bittner acknowledged this limitation in his conversations with Brodeur about conceptualisations of policing (2010: 103)

therefore our most basic tool for analysing, debating and making sense of our own understanding of policing, our first principle. It is a symbolic construct which conveys meaning about the purpose of policing, much of which underpins public discourse about what the police do and should do but is largely taken to represent common-sense assumptions which are often specific to context. This conceptual meaning can be defined through reference to the basic dimensions of a concept; its connotation (the meaning of policing as it is conveyed to people) and its denotation (the phenomena which exist in reality when we refer to policing). The connotative dimension refers to theories, perspectives and interpretations of policing whereas the denotative dimension refers to things that can be empirically measured. As an example of this, Hills' (2014) refers to 'policeness' as one of the fundamental characteristics of police (what we refer to here as first principles) that transcend nation states.

The problem of this type of conceptualisation lies within the abstraction that occurs whenever we attempt to generalise to such a degree that the concept in question is unable to identify with the obvious and familiar traits found in any society (Schultz 1954: 266). Policing provides an excellent example of this with each nation state's police organisations being identified by its citizens in terms of its presentation (uniform, structure, societal presence) and its activities. Thus, any conceptualisation of policing in its connotative sense often finds itself marginalised as it has to incorporate how people make sense of a range of policing activities i.e. how people think policing should be done. The consequences of this thinking are evident across Anglophone policing studies which are laden with a multitude of context-specific descriptive definitions of what the police do in democratic societies. Indeed, the term democratic policing bestows political and social values on the concept of policing that are not consistent across modern and pre-industrial societies (Sklansky, 2007). When conceptualising policing, starting from a potentially value laden position risks abstraction of independent thinking.

This may explain the cyclical nature of police reforms as ideas about what policing is or should be are recycled and repackaged in new forms with old shapes and hegemonic assumptions. As Clamp and Paterson (2016) have acknowledged elsewhere there is a need to both broaden and lengthen the conceptual lens through which police and policing are understood, particularly during a historical period that is experiencing fundamental changes in the form of the digital and information revolutions. The next section picks up this challenge and uses these insights to generate a conceptual framework that helps align police reforms with its specific context in England and Wales.

Concepts, Police Reform and Social Change

Analysis of policing through the lens of function rather than concept leads to a failure to question the fundamental assumptions that underpin thinking about policing and police reform. A concept of policing that has application beyond, but broadly applicable to nation states needs to draw on a broader range of analytical and theoretical tools than descriptive definitions of the police role and function. It is the relationship between the sociological meaning of policing and the relationship that such a concept has to the development of societies and thence nation states and the transition of those social constructs through the pre-industrial to postmodern condition that will assist in conceptualising policing.

A minimalist conceptualisation of policing, such as that provided by Bittner and Brodeur, focuses primarily upon the unique authority and capacity of the police whereas a maximalist conceptualisation of policing, such as that found in the work of Bayley and Shearing (1996), draws upon a broader range of social control processes. In postmodern societies, the police are often representatives of formal legal systems that provides them with the authority to resolve conflict and restore order in a variety of ways. In nomadic or proto-societies the rule base may be more consensual and theologically based where the scope and remit of the 'police' differs and renders it difficult to explain the activities of police in isolation from other modes of

policing. A holistic conceptualisation of policing thus requires an appreciation of legal, political, ideological and socio-cultural contexts to capture both connotative and denotative elements.

It is important to understand both the legal and socio-cultural conditions in which policing occurs as well as the underlying political and ideological context that shapes policing conceptually. Critically, policing is a fundamental part of the social contract agreed between polity and citizen, recognising a need to ensure that the rules of society are observed and that the society, its leadership, or other socially acceptable body, is able to hold transgressors to account (Hobbes, 1640; Locke, 1823; Pufendorf, 1991; Kant, 1797). Policing is thus an expression of power that is given shape and form in each social context.

The lack of a coherent and universal concept of policing is demonstrated linguistically by the vast array of descriptors used in the context of police academic work and police practice: Non State Policing (Baker, 2009); Private Policing (Johnston, 2000); Terrorism Policing (Gregory, 2007; Deflem, 2010); Community Policing and Democratic Policing (Manning, 2010; Pino and Wiatrowski, 2006) are some of the myriad examples. Some of these terms describe a new or adapted function; others describe the entity that delivers a function that the author considers to be traditionally or regularly undertaken by the police. To add to the complexity, democratic policing describes not just a function or agent but also a value system (Sklansky 2007). The lack of a conceptualisation of policing leads to the infiltration of these ubiquitous terms that might better be constructed as functions of the police and non-police bodies. Whilst this may seem trivial it provides distinction between concept and function. The area where there is the greatest need for a clear philosophical conceptualisation of policing and its alignment to social conditions and development is contemporary police reform both in the home state and for those states that promote the approach to police functions internationally. The dislocation between

social development and policing as a concept is the reason many reform projects do not achieve the anticipated or intended outcomes (Williams 2014).

Police reforms face a challenge in meeting both the political imperative of the state and the needs of the citizenry that often leads to partly realised ideals and practice. Critics of police reforms in the US have highlighted a widening disconnect between society, societal expectations of fairness, equality and justice and police institutions that have taken a dramatic turn since the apparently casual killing of George Floyd, an unarmed Black man in Minneapolis by a police officer. Across America, millions of people of all races and backgrounds have protested at a manifest systemic racial inequality at the heart of which they place the police. These protests have reinvigorated and amplified calls for defunding or dismantling the police espoused by Vitale. The United States and other states have typically tinkered with police reform without fundamentally questioning what policing is for their own 21st century society. It is no surprise that in the face of such violent and concerted action by protesters in the US that ‘reforms’ have already taken place or been promised. All without an understanding that society is calling for realignment of the police rather than reinvention in a slightly altered imagination. Society is not a homogenous entity and realignment cannot be done in an action / reaction modality, rather it needs the polity to understand the citizenry and its form, cultures, needs, values, drivers, fears, concerns, desires and aspirations and to contextualise policing in that visualisation. However, without a philosophical concept of policing, this discourse will inevitably focus on functional change as if social reform is an issue for more effective management.

Conclusion

We have argued in this paper that there are myriad complexities within policing that emerge as society transforms and that it is fundamental to scholarly discourse to return to first principles in our discussions about police reform. Policing, in its abstract conceptual sense, can be

identified and understood as any empirically measurable (denotative) or symbolic and imagined (connotative) disciplinary processes that seek to maintain and, where appropriate, enforce social rules, values and customs. Policing needs to re-configure alongside changes in social rules, values and customs. Police work is underpinned by 'presumptive compliance' (Brodeur, 2010) that only functions once social order has been achieved whereas policing is a preternatural and eternal disciplinary process which adapts according to conflicts over ideology, resources, territory and the right to exercise power. This means any conceptual analysis of policing must be dynamic and attuned to local context and their associated hegemonic expressions of power. Similarly, fundamental police reform needs to be aligned to the needs of the social body and its ever-evolving disciplinary and ordering processes. The complex myriad of policing stakeholders and actors that have a political interest in any reform effort make this a daunting challenge and, at least partly, explain why the aspiration to engage with high level conceptual issues often gets drawn back to discussions about police functions.

Yet, a failure to identify and agree on an underpinning philosophical conceptualisation of policing as distinct from the state-oriented functions of the police undermines attempts to deliver meaningful reform and to align the needs of states and their citizens. Academics and practitioners alike would benefit from an agreed conceptual modelling of policing for the purposes of strengthening debate about police reform in the contemporary world and future policy and practice and to drive reform in home states and as part of international reform processes. This paper seeks to contribute to that discussion. We have identified key elements that underpin conceptualisations of policing or 'policeness' and a need to align this with the legal, political, socio-cultural and ideological development of societies. Providing a cogent understanding of policing, its genesis, development and relationship to society in optimal and sub-optimal circumstances will allow change agents and others to develop coherent pathways for effective and sustainable change that are aligned to society.

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