Chapter Three - Law and Order in Great Britain and the Netherlands

The Governance of Crime in Great Britain

Downes and Morgan (1997) point out that prior to New Labour, the ideological choices between the Conservatives and Labour were quite distinct in their explanations to the causes of crime. For the Conservatives, crime was due to individual pathology and lax authority either at a parental or institutional level. For Labour, these causes derived from social and economic realities such as inequality, deprivation and poverty. Downes and Morgan (ibid) argue that throughout the 1980s, Mrs Thatcher successfully deployed the tactics of moral outrage to disconnect crime from social issues which she argued, were not an explanation but rather an excuse. Her statement that rioting can never be 'justified by unemployment' overrode the view that such realities may have actually explained it.

In 1991, the government introduced the Criminal Justice Act, which ironically was a climax to a decade of policy making which had effectively reduced the use of imprisonment by enhancing community sanctions. However, parallel to the reduction of imprisonment, the crime rate grew by over 40%. This was largely due to the economic background of deep and lasting recession, which contradicted Mrs Thatcher's disconnection from social issues. However, the Conservative government could never admit to that link and resorted to a U turn in penal policy. So from 'nothing works' in 1992, Michael Howard announced that 'prison works' (ibid). Irrespective of his new policy, the economy gradually improved and crime rates decreased.

While the Conservatives presented themselves as the party of law and order, in reality there was no foundation for this assumption. In fact history has shown that the reverse holds true. According to Downes and Morgan (ibid) Labour governments have always presided over lower rises in recorded crime rates, both relatively and absolutely. In spite of this comparison, Labour has always been vulnerable to criticism, mainly due to its role as the parliamentary voice of trade unionism and the intellectual left, leaving the party open to accusations of undermining the 'rule of law'.

In an attempt to resolve the impasse of Labour's image, Tony Blair addressed public anger following the abduction and murder of a two-year-old boy James Bulger, by setting out Labour's policy on law and order. In his policy, he laid out a formula to provide more secure places for serious juvenile offenders; lengthy periods of imprisonment for those breaching 'community safety orders' which would be made on the testimony of the police or local government officers against those engaging in 'chronic anti-social behaviour' though not necessarily criminal or where there would be insufficient evidence to bring a prosecution; and finally the endorsement of 'zero tolerance' policing based on the New York model (ibid).

The Third Way and Crime in Britain

The emergence of New Labour's 'Third Way' project on crime and the criminal justice system reflected the Conservative entrepreneurial ideal. When New Labour entered office in 1997, it did so against the backdrop of the presumption that Great Britain had the highest crime levels in Western Europe. As a response to this, the Home Office needed a pragmatic stance to 'reallocate responsibility for crime control and remove questions of crime causation, criminality and punishment from the political arena" (Hughes, 2002b:171).

What was to determine this stance by Labour was the appointment of Tony Blair as Shadow Home Secretary in 1992. In January 1993, Blair signalled a new 'Third Way' approach to law and order with his sound bite 'Tough on Crime and tough on the causes of crime'. Blair

argued that the restoration of law and order could be brought about by rebuilding the foundations of a strong civic society, self regulating families and cohesive communities which meant the re-establishment of moral values of mutual obligation, self-discipline and individual responsibility (Blair, 1996).

In the event, policies on law and order intensified under the newly elected New Labour government and as previously mentioned the Labour Home Secretary Jack Straw sought to demonstrate that he was capable of even more draconian solutions to the problems of crime than his predecessor Michael Howard. In his zeal to out flank Howard, Straw expanded the crime debate by highlighting the need for 'zero tolerance' and strategies to tackle the rise in anti-social behaviour. According to Peters (2001) this approach continued the move started under the Conservative regime, from bureaucracy towards a neo-liberal market-type accountability within the criminal justice system and within the police forces, towards the development of risk management as a form of social control. McLaughlin and Muncie (2000) argue that in spite of considerable resistance by professionals within the criminal justice system, who viewed that a public sector good could not be run as a business selling products to customers in a competitive market, the shift in the Labour party's stance heralded an acceptance of these transformations.

The continual repetition of the 'tough on crime and on the causes of crime' gave New Labour a politically acceptable way to appeal to both criminal justice professionals and pressure groups. By identifying issues such as educational underachievement, drugs, unemployment, homelessness and deprivation as the main contributing factors, New Labour argued that their broader social and economic policies would thus address the structural causes of crime (ibid, 2000). In fact New Labour highlighted the urgent need to implement crime and disorder reduction strategies in 'dysfunctional, disorderly communities' and attacked the Conservatives for ignoring the Home Office commissioned Morgan Report. Contrary to the conservative ideology of voluntary effort and market forces, it had concluded that progress could only be made with the empowerment by statute of local authorities to prevent crime and to promote community safety.

McLaughlin and Muncie (2000) explain that at face value, these ideals appeared contrary to situational crime prevention -synonymous to CCTV and burglar alarms, by highlighting the term community safety and the need for participation and representation. However, in order to make any progress on its commitment, New Labour indicated that reworking and intensification of the new public managerial disciplines would be required (ibid). In doing so and in order to placate 'Middle England', New Labour in government has carried out a series of crackdowns by carrying out high profile campaigns such as the 'safer streets' campaign carried out in London in 2002, in which around 6,000 people were arrested in two weeks where the majority were charged with theft. Furthermore, Peters (2001) believes that increased policing and systems of surveillance have been developed with the purpose not only to reduce benefit fraud, but ultimately to control the underclass through policies such as 'the Anti-social Behaviour Act'.

The Governance of Crime in the Netherlands

In the Netherlands, the approach to law and order during the 1990s placed increasing emphasis on crime prevention. Willemse (1994) argued that until the beginning of the 1980s the crime rate in the Netherlands was low and the prison population was one of the smallest in the world. The low-key approach adopted by the government to law and order had public support. According to Willemse (ibid), in 1983 a committee of experts (The Roethof Committee) was established to reassess crime control policies. Recommendations from the committee included the involvement of private citizens and businesses and the encouragement

of interagency cooperation at local level. In 1985 the Interdepartmental Committee for Social Crime Prevention was set up to administer and subsidize local authority crime prevention projects which included less formal social control within the community through schemes such as Neighbourhood Watch.

Willemse (ibid) explains that at local level, the mayor, head of the local police and public prosecutor were responsible for crime prevention. In the larger municipalities crime prevention committees were set up comprising of officials from the town councils. The Committee funded or co-funded projects with local communities or with ministries. For example the Ministry of Welfare, Health and Culture set up projects aimed at the social integration of high-risk groups such as youths, to include them in meaningful recreational activities, education and work.

van Swaaningen (2005) also identifies the early 1980s as the point in time when the debate on crime prevention gathered momentum. He comments that the first incursions into crime prevention in the Netherlands was a mixture of social and situational prevention but was loosely based on "criminological notions of attachment, routine activity and abolitionism" (2005:290). These preventative measures were however the responsibility of the local authorities and encompassed a mixture of environmental and welfare measures such as improved lighting, housing and education. The more structural aspects of crime prevention: deprivation and unemployment were tackled through state support. In respect of giving local authorities the responsibility of safety and public order, there was a general consensus amongst the Dutch political parties in support of the new politics of crime prevention.

Hulsman and Nijboer cited in van Swaaningen (1997:23) argued that the traditional mildness of Dutch criminal justice system is most strongly expressed in the least tangible phenomena: a wide trust in and respect for the various players in the judicial system and their colleagues in social services and public health institutions; a 'family like' trial atmosphere; calm relations between guards and inmates in prison; and a relatively subdued reporting of crime in the media. van Swaaningen explained in 1997, that the idea behind a rather strict separation between law and morality "is quite pragmatic. If a particular moral judgement is not forced upon people who do not share that morality, if treatment by police and judiciary is perceived as decent, the length of sanctions reasonable and prison conditions acceptable the risk of revolt and escalation of violence becomes less and the penal system manageable" (1997:27-28).

He commented that the value people attribute to normative or pragmatic considerations and the trust they put in other persons or institutions are quite different in Britain and argued that the Netherlands formed in some respect a 'third reality' between Britain and the 'real' continental culture (ibid).

Since these observations were made events have moved forward in the Netherlands and Storm and Naastepad's article 'The Dutch Distress' (2003), concluded that "The Netherlands remains – by international standards – a relatively tolerant country. But the space for positive human freedom afforded by socio-economic security and equality is declining in Dutch society" (2003:151). Following on from this observation, van Swaaningen argues that the Netherlands, once regarded as a tolerant, liberal country (...) foreigner friendly and blessed with a mild penal climate has over the last few years, "turned into a confused, intolerant and punitive society" and asks the question "How could the traditional sober-minded, research-led and Enlightened Dutch approach of crime control change so quickly?" (2005:289)

van Swaaningen identifies three very important events that have deeply affected the Netherlands and comments that "in order to understand the enormous preoccupation with

safety and the nearly axiomatic blaming of Muslims for everything that goes wrong, three particular dates must be mentioned: 11th September 2001, (the terrorist attack on the World Trade Centre in New York); 6th May 2002 (the murder of the Dutch political leader Pim Fortuyn) and 2nd November 2004" (the murder of the Dutch film maker Theo van Gogh) (ibid:293).

The chronology of events is relevant to this book, because the first two occur immediately prior to the quantitative research carried out in the Netherlands and analysed in chapter nine. The survey was carried out over the six month period March 2003 to October 2003. In relation to governance in the Netherlands, the first and second dates may have had some impact in the responses relating to 'fear of crime' of the cohorts surveyed in the Netherlands. The potential change in attitude however, is in any circumstance relevant to the responses of the cohorts surveyed in Great Britain. In the event, this chapter highlights that the changes of governance between the Netherlands and Great Britain over the last 25 years, are quite different.

Policy and Crime in the Netherlands

In 2002, the Ministry of Justice in the Netherlands published the action programme for the approach to juvenile crime 2003-2006 'Justice to young people'. The Dutch Ministry of Justice outlined its youth policy which focuses on increasing opportunities for juveniles, reducing the drop-out rate and correcting deviance as early as possible. Accordingly, the Ministry identified that this "primarily requires a safe home, school and living environment and a good pedagogic infrastructure (juvenile health care, child care, education, sport and recreation facilities) focused on the bonding of juveniles and society and on passing on and maintaining essential standards and values" (2002:8).

The difference to the British implementation of crime and disorder reduction strategies, was that the Dutch Cabinet made the point that their strategy "not only aims to improve the parenting structure for parents bringing up children; it also devotes a great deal of attention to reducing the school drop-out rate. After all, if a child obtains basic qualifications, it increases the chance of full participation in society. Moreover, uncompleted schooling is a risk factor for going on to a criminal career. In view of the overrepresentation of juveniles from ethnic minorities in crime, the Cabinet is giving specific attention to the prevention of deviance in this group. Risk factors and emerging problems must be identified and combated at an early stage in order to lower the risk of dropping out and deviance, preferably long before the police and the judiciary have become involved" (ibid).

Public Safety in the Netherlands

Rene van Swaaningen (2005) has presented an incisive chronology of the changes in governance in this country from the 1980s to the present, in his article, 'Public Safety and the Management of Fear'. Comparisons of changes in law and order between Britain and the Netherlands not only support the substantive discussions in this book with regards to comparative analyses of criminological data and risk, but also give meaning to the results of the quantitative field research analysed in chapter nine.

According to van Swaaningen (2005) the development of the governance of insecurity while similar in certain respects, differ in others. Fundamentally different is the interpretation of 'community' which in Dutch generally refers to religious or ethnic groups. Instead the Dutch policy referred to administrative prevention which was handled by civil rather than penal authorities. The so-called 'integral' multi-agencies include the police, youth carers, housing authorities and primarily the local authorities. Van Swaaningen (ibid) highlights that the most

important deviation from the British model is that generally, *there has been very little involvement of the private sector* (my italics) in the fight against crime and insecurity. Conversely, in Great Britain, the involvement of the private sector is paramount to crime reduction policies.

In the early 1990s there was a change of policy leading towards an amalgamation of the two concepts 'crime' and 'insecurity' (by incorporating fear of crime and feelings of insecurity) which became the 'integral safety policy'. This, according to van Swaaningen, became far more "subjective, flexible and limitless" (2005:292). He identifies the turn of the millennium as the point in time whereby politicians began to define 'safety' more negatively by removing those people who threaten the safety of the general public. The 'urban poor' are identified as being responsible for crime and degradation. The influence of American criminological theories such as 'broken windows' and 'zero tolerance' became widespread in the Dutch political rhetoric. However, the issues that were relevant in New York – i.e. murder, drug abuse etc were not serious in either the Netherlands or in Britain. However, what did evolve from this rhetoric was an increasing stigmatization of ethnic minorities which was heightened by the events of 11th September 2001. (ibid)[7].

As with Britain, the terrorist attack on the World Trade Centre in New York had profound repercussions in the Netherlands with the resulting suspicion of all things Muslim. This situation was exacerbated by the assassination of the populist politician Pim Fortuyn in May 2002.

Fortuyn started his political career in the Leefbaar Nederland, a small populist party with a strong base in local city councils (Storm and Naastepad, 2003) his attacks on Islam were unacceptable to the party and he was thrown out in February 2002. With financial support from property developers and his business connections, Fortuyn set up his own party, the Lijst Pim Fortuyn (LPF). His party claimed to be the party of 'Law and Order' and attacked the parties of the government as being weak, ineffectual in reducing crime and solving the problems of health care, education and transport.

Fortuyn's argument was that public services were bureaucratic and that government should be run as a private business to deliver more without requiring additional tax funding. According to Storm and Naastepad (2003) he pledged to include successful businessmen in this government – if elected. The second and most important argument Fortuyn made was that Western civilization was superior to Islam in both civilization and culture. He was not explicitly racist – he did not advocate throwing out immigrants who already resided in the Netherlands and in fact he had many second generation immigrants in his party. However his party was a honey pot for right wing, racist voters who formed a significant proportion of his electorate. Storm and Naastepad argue that the views he expressed and the support he

[7] Since 11 September 2001the Dutch government has made every effort to increase the fight against terrorism. "Substantial investments in the capacity of the intelligence and security services have been made and the information exchange between the intelligence and investigation services has been improved. Much legislation has also been developed in order to be better able to combat terrorism and persecute the actors: recruiting for the jihad is now an offence, (activities of) terrorist organizations may be prohibited and information of the General Intelligence and Security Service may be used in criminal cases. The system of surveillance and security has been revised as a result of which adequate measures may be taken upon concrete threats. Following the attacks in Madrid the anti-terrorism policy has been further tightened up. The organization of the fight against terrorism will improve as forces are marshalled. Immediate measures are now possible in the event of an acute threat. And powers will be extended to strengthen preventive action". Downloaded from the Dutch Ministry of Justice 21st April, 2006 http://www.justitie.nl/english/Themes/more_themes/Fight_against_terrorism/index.asp

received was a blow to the position in relation to issues of race and culture held by the Dutch establishment (ibid).

The events of the 11th September 2001 and the subsequent invasion of Afghanistan had a profound effect on public opinion. Indeed, van Swaaningen (2005) comments that apart from Britain, no other European country identified itself so strongly with the attack on the World Trade Centre as the Netherlands and the ensuing moral panic created a generalized suspicion that all Muslims were potential terrorists. This was exacerbated by arrests of radical Islamists. In the event, the LPF party continued to appeal to Dutch voters. Then on May 6th 2002, Fortuyn was murdered, nine days before the general elections. The sympathy vote gave the LPF 17% of the vote and 26 seats, thus becoming the second biggest party. The leaderless party entered a coalition government with four cabinet seats. However this government remained in power for 87 days and then collapsed. In January 2003, the LPF imploded. (Storm and Naastepad, 2003).

However, the legacy of Pim Fortuyn remained. According to van Swaaningen (2005), the result of a gradual shift from local crime prevention through community safety to public safety and 'liveability' is the development of criminal justice policies started in the mid-1980s. In 2002 there was a substantial move to the right and a more populist style both in politics and in the media. The word 'community' is now used in a narrow provincial connotation as a safety discourse and the local governance of safety now focuses on street crime. The new politics of zero tolerance is exemplified in the Dutch Ministry of Justice 2002 White Paper 'Towards a Safer Society'. Within the paper, there are measures to adopt the US policy of 'three strikes' to incarcerate offenders as a means of exclusion.

van Swaaningen (ibid) considers the forms of crime prevention outlined in the White paper and posits whether the original community safety projects have been superseded. He found that while the rhetoric of harshness is used, effectively the local authorities have continued to use social policies. Citing Uitermark and Duyvendak (2004), van Swaaningen comments that the development of social policy needs to be adapted to be effective. Furthermore, the civil servants that are responsible for these new programmes have not necessarily changed and so van Swaaningen argues that "despite the radical shift of safety politics at a discursive level, the actual practice shows far more continuity" (2005:296). He suggests that the real proof relates to how much money is set aside for social prevention and how much for target hardening and repression.

Accordingly, within the 'liveability' discourse the relationship between government, the public services and the public has seen enormous changes and barriers set up against ordinary people, many believed that Fortuyn would liberate them from the wall of forms and regulations. These impenetrable barriers have resulted from the development of 'community safety' through multi-agencies. van Swaaningen argues that ideas and plans about community safety have changed fundamentally. A decade ago (1990s), crime prevention was intended to focus on tackling the (mainly social) causes of crime. However this has changed to a penal rationale which has "permeated virtually all measures of crime prevention and 'prevention' now mainly means proactive intervention on the basis of risk profiles" (2005:303). van Swaaningen concludes that the fears of the law-abiding citizens in the Netherlands are now the driving force behind public safety and community safety, which were once meant to fight against the deprivation of the most disadvantaged and powerless groups in society and now seem to contribute to a more polarized society.

Political Control and Accountability of the Police in the Netherlands[8]

The system of political control and accountability of the Dutch Police is a "triangular" structure, consisting of the Minister of the Interior, the Minister of Justice, and the Chiefs of Police, who have national control over the police. Grewel (1994) argues that this ensures the political and judicial accountability of the police.

In each of the regional forces, the triangle of democratic political control is replicated: the force is controlled by the Mayor of the largest town in the region (who heads the triangle), the Chief Public Prosecutor, and the Chief of Police. This Mayor may also take decisions about the deployment of the police resources between the various districts in the region (ibid).

At the local level, the mayor of the town, the local public prosecutor, and the local district police chief form the triangle (ibid).The local mayor is answerable to the (elected) local government - city council or municipality. The Mayor is appointed by the Queen, on the recommendation of the Minister of Interior (ibid). The local government, represented by the Mayor, is responsible for public safety and order. For this reason, the police chief must consult the Mayor about any action or plan concerning public order.

Grewel (1994) points out that the Public Prosecutor is responsible for the administration of justice, and law enforcement functions of the police. They must ensure that all actions taken by the police are in accordance with the justice system. In general, the police chief consults with the mayor, and the prosecutor, who must approve of any action. Brand (1994) identifies the Minister of the Interior with having de facto overall political control of, and responsibility for the police, due to the fact that he controls the police budget, and allocates amounts to the regional police forces.

Police Organisation and Structure in the Netherlands

There is no national police organisation and no national Chief of Police in the Netherlands. d'Hondt (1994) explains that there are twenty five regional police forces and one small force which are responsible for certain national functions, such as patrolling highways. These run through various regions, criminal records, and protection of VIPs etc. The "PIOV" (Politie Instituut Openbare Orde en Veiligheid) is a small national public order unit which has bases at various police stations in all regions, and which is convened when necessary.

Heijder (1994) maintains that each regional force consists of a number of districts. Each district consists of a number of areas or neighbourhoods, in which police stations are located and the crime rate and population composition determines the location of police stations.

Community-Police Relations in the Netherlands

In the mid 1990s, the Dutch Police had a dualistic approach towards policing. Gunther, (1994) describes the relationship of community policing in the Netherlands. According to Gunther, there are two types of policing, social policing, and law enforced policing. This community policing is practised on an informal basis where contact between the police, and the public is made by neighbourhood teams of police officers, or by community liaison officers who work in that neighbourhood.

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[8] Police Community Study Tour to the Netherlands by Kindiza Ngubeni (1994) Research report written for the Centre for the Study of Violence and Reconciliation. http://www.wits.ac.za/csvr/papers/papngub.htm downloaded 25th march, 2006

Terpstra and Van der Vijver (2005) argue that although this police structure in the Netherlands was implemented only ten years ago, police organisation is again being discussed seriously: government opts for one national police force instead of the current 25 regional forces and one central service. Three possible explanations are presented: the nature of the safety problem has changed (new kinds of crime, internationalisation), the process of politisation of the safety problem (government held responsible for its solution) and the development of the new managerialism, suggesting that improving management will have a substantial impact on the level of safety. It is suggested that these elements create new dilemmas and paradoxes, which will substantially influence the debate on policing during the coming years.

Punch et al (2002) maintain that policing in the Netherlands has changed in recent years to an emphasis on problem solving, partnerships with other agencies, crime prevention, fostering self-reliance among citizens, and sponsoring the return of early social control mechanisms in public life – in schools, transport and with 'town patrols' on the streets. Police have taken others on board and have relinquished their monopoly on safety and crime.

In 1980s, the Dutch penal policy was, according to Punch a "small, enlightened judiciary that was collectively convinced about rehabilitation; as a consequence the prison population was small, sentences were low and regimes were geared to rehabilitation. Now, the prison population has expanded, sentences have become longer and the police – long-haired, laid back and nonchalant in the mid-seventies – have been to New York and brought back 'zero tolerance'" (2005:7).

During interviews with Dutch police chiefs on zero tolerance however, Punch commented that two things were apparent. Firstly, the 'punitiveness' associated with law and order debates in the USA and UK is largely absent. As an alternative there is a neo-liberal jargon of targets, performance and robustly tackling crime. Secondly, there is ambivalence about the new 'hard' style and it importation from the States. Punch highlights the fact that the Dutch authorities "have been to New York in droves and like to toy with the ideas, take the English terms into their discourse and name-drop about whom they saw and what they saw" (ibid:7).

Conversely however, Punch identifies unease within the Dutch police for 'zero tolerance' and he suggests that there is even an aversion to American style practices. Punch argues that "what you tend to see is that practitioners are trying to fit the new, imported ideas into that paradigm which led to twenty years investment in a 'social' police that was oriented to changes in society and to the democratic process. As one police chief put it with regard to importing American toughness in policing – 'well, it's zero tolerance Dutch style'" (ibid: 7).

The Police in Great Britain

In Great Britain there are a total of 51 police constabularies. There are 43 in England and Wales and eight in Scotland[9]. In 2005 a report by Her Majesty's Inspectorate of Constabularies (HMIC), found that if police were to have more success tackling serious crime and terrorism as well as responsive neighbourhood policing, they would have to restructure into fewer, larger, strategic forces. As a result of this report, the Secretary of State announced at the end of 2005, that the constabularies in England and Wales, would be merged from 43 to twelve (this was reviewed and increased to seventeen). This has created tension between the

[9] In the United Kingdom there are the Channel Islands and Isle of Man constabularies and the Police Service of Northern Ireland.

Police and the Home Office and is seen by the Chiefs of Police as further interference by government.

Managerialism

Chan (1999) argues that the advent of public-sector managerialism (in Great Britain) has brought with it a new principle of police accountability (…). He believes that this new accountability gives emphasis to managerial rather than legal or public-interest standards and promotes risk management rather than rule enforcement. However, Chan suggests that the new accountability has not been successful in holding police accountable, while elements of the old accountability have re-emerged to dominate public debates.

According to Bayley and Shearing, "The pluralizing of policing and the search by the public police for a new role and methodology means that not only has government's monopoly on policing been broken (...), but the police monopoly on expertise within its own sphere of activity has ended. Policing now belongs to everybody: in activity, in responsibility and in oversight" (1996:591). Jones and Newburn argue however that "the height of the symbolic 'monopoly' of public policing was an era in which low crime rates and relative social harmony were produced by a wide variety of structural influences which underpinned a more effective network of informal social controls" (2002:133). They continue "It is the breakdown of these more effective informal controls that have been a primary contributor to the growing demands upon public policing services" (ibid).

Citing Garland (1996), they argue that "the public 'monopoly' over policing was always a fiction, the idea that sovereign states could guarantee crime control to their subjects always a myth, albeit a powerful one but Jones and Newburn add that "the crucial change in the current era is that the myth is increasingly explicitly recognized as such, even by those state agencies tasked with dealing with crime" (2002: 133). These include the regulatory and investigatory bodies attached to national and local government, all empowered with responsibilities of crime control.

Walklate (2002) makes the point that the Home Office circular 8/84 issued in 1984 was of significant importance in the development of crime prevention activities as it highlighted the virtues of the 'partnership' or multi-agency approach to prevent crime and was a watershed for a series of government-led initiatives such as the Five Towns initiatives which ran for 18 months. This was followed in 1988 by the Safer Cities Programme which included 16 cities. This – together with the previous programme - was overseen by the Home Office and was sponsored by crime prevention projects for a period of three years. A principle objective of the programme was to secure independent funding.

The Morgan Report (Standing Conference on Crime Prevention 1991) took the view that it was inappropriate for the police to 'own' the crime problem and with it information about crime and disorder. Morgan proposed that local authorities assume statutory responsibility for 'community safety'. Pease argues that "this was conceived narrowly as meaning safety from criminal predation". (2003:293). However, while the Crime and Disorder Act 1998 gave statutory responsibility to local crime and disorder reduction partnerships, it sidestepped the issue of a 'lead' agency in crime prevention and as a consequence the responsibility now lies jointly with the relevant senior police officer and the relevant local authority (ibid).

I asked a senior police officer whether in his view, the police were moving from what was a public service to what is now viewed as an 'entrepreneurial' organisation, and how he considered these changes and their effect on policing. He replied

"It (policing) is a business ethos without any products to sell. If I were a 'customer' of the police at the moment, I would be struggling to put my 'complaint' into something that the police could embrace, adopt and go with, because I feel that I would need to market what I wanted them to do. If it fitted what they want to do then I'd get a response, but if it didn't hit the target, they would be very apathetic and I wouldn't get any support or help.

One of the issues should be: do we understand the business market? Because we are frightened in our Civil Service way of being contaminated with what industry do, in spite of the fact that we want to be in partnership with them. (...) I think that the difficulty with any intervention that has a result is that it has a benefit that is shared by different partners for different reasons. So it is easy to say that government will go for the quick and easy win because it has impacted and they can say that it's a direct result of their actions".

The observations of this police officer resonate throughout this chapter in relation to managerialism within the public sector. They serve to highlight the conflict that police face between the expectations of government and the public against those of the private sector.

Market and Bureaucracy

Performance management policing and its marketisation have lead to dissatisfaction as highlighted in the previous interview. But at the same time has seen ever increasing criticism by the public and demand by the British Home Office to perform alongside the structure of market (through the public/private partnerships) which is according to Weber (1922/1968), dominated by means-end rationality. This appears to be in contrast to the essence of policing which was developed within a structure of bureaucracy, dominated by procedural rules and hierarchical values.

Douglas argues that "bureaucracy is oriented towards it own vision of life, expressed in its traditions and in the procedures which enshrine them" (1994:65). She believes that bureaucracy fabricates buffers which allow members of the organisation to override or forget their personal differences. The market however thrives on confrontation. Bureaucratic procedures "insulate members from outside political forces...and its viewpoint tends to be insensitive to political outcomes" (ibid: 66) The fundamental difference between these two organisations is that the market is hopeful about the ultimate successful working out of its constitutive principles and its latent goal is to preserve individual freedom to contract. Bureaucracy is hopeful about the power of human reasoning and its latent goal is a secure internal structure of authority (ibid).

According to Walker (2005), under the current New Labour Government, the modernized local authorities are the development of a local vision of leadership at the heart of modern local government. He argues that "This enhanced role fits in with changes in policing - policing is becoming more private than public because of the growth of concerns about private risk and because of the privatization of public space criminal justice - where the emphasis is on partnership and inter-agency working". (2005:5).

This encompasses crime prevention within a wide range of areas including education, housing and youth, all competing with police and budget constraints. Thus the local force becomes one of many focal points in the New Labour strategy of law and order. Within an amalgamation of fragmented public policing organizations, the private sector and local authorities, all seeking central funding to implement crime reduction strategies, are unable to

lead or make decisions. In fact in the Home Office consultation paper, 'Getting to Grips with Crime' (1997), it is expressly stated that no agency should be given a clear lead role and so responsibility should be collective: para.14. (cited in Walker, 2005).

What seems to have happened in the move towards police accountability and managerialism not only in the context of relationships with other competing organizations but also with the public, are the outcomes (or cost benefits) of crime reduction initiatives which are meant to be of interest to the public as consumers and not as citizens.

In 2002 the Police Reform Act was passed. According to Jones (2003), David Blunkett, appointed Home Secretary in 2001 introduced a radical Police Reform Bill which led to protests by the police service. The Act contains significant provisions for police governance including:

- "The introduction of an Annual Policing Plan setting out the government's strategic priorities for policing and requiring police authorities to produce a three-year strategy plan consistent with the National Policing Plan.
- Provision of powers to the Home Secretary to ensure consistent application of good practice across the country through statutory codes of practice, plus a power to make regulations governing policing, practices and procedures.
- Provision of powers to the Home Secretary to require a police force to take remedial action where they are judged by Her Majesty's Inspectorate of Constabulary (HMIC) to be inefficient and ineffective.
- Strengthening police authorities' powers to require the early departure of, or to suspend, a chief constable in the public interest" (ibid: 611).

The National Policing Plan 2004-2007 published by the Home Office, sets out the framework for local police planning during this period and highlights ways to improve police performance. The document states that "The police service remains a service in which the public places great trust. At the same time, public expectations rightly continue to increase and, in some areas, crime and the 'fear of crime' remain high. The Home Office's Public Service Agreements commit it to improving the performance of all police forces, including significantly reducing the gap between the best and worst performing forces and significantly increasing the proportion of time spent on frontline duties. Performance needs to be measured and compared consistently (both between similar forces and Basic Command Units and over time) to support the development of best practice. The Policing Performance Assessment Framework enshrines this approach. Significantly reducing the performance gap will require forces to get within 10% of the current performance levels of their most similar force comparators by 2005/06.

In respect of the target to increase the proportion of time spent on frontline duties, a measure for frontline policing has been agreed based on existing data collection requirements. It includes elements such as visible patrolling, responding to incidents, interviewing and working with the Crown Prosecution Service to prepare cases for court. It aims to help the police service to focus police officer time on core policing activities. The aim is to increase the proportion of time (currently estimated at 61% on average, outside of London) spent on those activities which contribute directly to key policing outcomes, as reported and assessed in the new performance monitors.

A first set of police performance monitors (…) provide, for the first time, a high level summary of relative force performance across different police business areas and between

families of most similar forces. Further performance data is now available on line with forces and authorities able to access regular updates on performance and crime statistics" (ibid: 7).

During my interview with another senior police officer I asked his views about the changes he had noticed in relation to targets and key performance indicators and how much of an effect Home Office policy has on the police. He replied:

> *"I think that the whole perspective of what the police do has been changed by Home Office policy. Now because of the impetus on crime prevention and making arrests, particularly targeting volume crime and crimes that the public are particularly fearful about like house burglars and stuff like that - the Home Office has really drawn away a lot of the experienced police officers from front line policing to target task force scenarios in these areas of crime (...). That migration of experience away from what the public see as police has been to specialist task force areas, targeting Home Office inspired problem crime areas that they have defined.*
>
> *Street robbery is the best example. Suddenly the crime statistics come out and we've got a fall or levelling of crime except with muggings and there's a 79 percent or whatever rise in muggings. So immediately everything comes out of all these other things that we're keeping a lid on and put them into street offences, so then street offences all go down and everything else goes up again (...). Now that might be simplistic, but that's the way it goes".*

The observations of this police officer highlight the conflict between how the police are required to fulfil government targets and their obligations to the community at large. Loader (1999) argues that the commodification of policing has fragmented the police force and the result of this has led to the confinement of police to specific tasks and limitation as to their role in the regulation of communities and has effectively atrophied the dynamics of the police due to the fact that police accountability is continually under scrutiny and open to public criticism.

I asked a specialist in vehicle crime, how the police focussed their attention on the spectrum of vehicle theft. He replied:

> *"Ten years ago there were a lot of experts, we had 30 odd specialists. 30 odd people working – the network was incredible. There was a lot of knowledge which was passed freely about. Looking at different things, you knew what you were talking about. In the last five or six years, things have changed. They now want multi-talented officers who can do anything from interviews to speaking in court, running the whole thing. But they aren't any good, because they are all multi-talented and the thing is, they don't where anything is and so now, neither do we. And we don't have traffic divisions anymore or specialists because they won't allow the people to go out and do their job, so now there's no specialist knowledge".*

The concerns that are raised here in relation to the changes in policing over the last ten years are echoed by Neyroud (2003) who argues that performance management in policing is very complex because the expectations and purpose of what the police should deliver is unclear and change over time. Even the publication of league tables for crime levels fail to exemplify public concerns and what is measured is effectively what is actually done and prioritised. Collier cited in Neyroud (2003) describes the relationship between the inputs, outputs and outcomes of policing and the new public management control system in this country and that the rationality of the system as it is perceived does not hold up to detailed analysis. This dichotomy means that police managers are left trying to link together a ritualistic system of

accountability based on targets (which have inevitably been set by the Home Office) with the capability and capacity of the constabulary along with the expectations of the police by the public.

Loader believes that "the provision of policing and security appears to be moving towards a higher level of commodification. There is great unease about the 'packaging' of policing and certain forms of security technology because there is a risk of adopting a 'potentially uncomfortable identity'" (1999:386). While products such as alarms and immobilizers for vehicles are now standard equipment, the more sophisticated forms of security technology such as CCTV and ANPR are destined to become more and more the focus of disapproval and censure, due to the fact that on the one hand these systems are not mass marketed thus not a recognisable consumer good but also because of implications of the more wide scale creation of middle class offenders through for example, non payment of road tax and insurance. The censure of such forms of technology is due to the fact that these systems may offend against a sense of home and community and be dismissed as "not for the likes of us or not wanted in a place like this" (ibid: 387).

However the police are still viewed as the principal source of security and protection and are symbolic of law, order and nation. In fact Girling et al (cited in Loader, 1999) argue that it is largely due to these images that underpin much of the disappointment in police performance felt by many such citizens. The reluctance to consume policing may stem from the "lack of stigma that currently attaches to a reliance upon public police provision; and though this is coming under increasing pressure in this (...) consumer age wherein police managers are insisting that 'customers' refrain from making unreasonable demands" (Loader, 1999:389), the police do not as yet 'appear as a liability in the symbolic rivalry serviced by consumption' (Bauman 1988:70 cited in Loader 1999).

By examining changes in the complex relationship between government, situational criminology and police in relationship to law and order, it seems that the focus on the impact of the consumption of security in the form of technology and the relationship between the private sector and policing has seen dramatic changes in Great Britain, commencing with the previous Conservative government and developed during New Labour.

Ultimately however the discourse of how civil society has reacted to these changes and to the development of risk and 'fear of crime' is the result of changes in state power, which is the central theme of this book. In the conclusion of his analysis of state power and the police, Neocleous argues that it is impossible to make sense of the police concept – in all its manifestations – "without aligning it to the concept of the state and conversely one can only really make sense of state power by thinking about the ways in which this power is used to police civil society" (2000:118).

Neo-liberalism and Criminology

Ericson et al view neo-liberalism as a model for governance "beyond the state in which people are presumed to have enough self-restraint, willingness to share and capacity for self-governance…so that civil society can be a self generating basis of social solidarity. Furthermore, market fundamentalism is stressed" (2000:533). They identify the core issue of actuarialism and the technology of risk management within neo-liberalism. "In the sense that a 'free market' is supposed to provide security and prosperity by encouraging fragmented individuals and collectivities to participate in market relations that stimulate economic growth and in the case of insurance, manage risk"(ibid: 533). Indeed, private insurance is symbolic of neo-liberalism in that it has become central to governance in terms of "risk management, security provision and population management" (ibid: 533).

Pat O'Malley argues that "There is every reason to expect a continued expansion of government through statistically calculable risk (...) as neo-liberalism continues its promotion of enterprise culture (…) then we may expect such approaches to expert risk-management will continue to be applied to the government of more and more harms"(2000:461). Peters argues that this enterprise culture, "represented a profound shift away from the Keynesian welfare state to a deliberate attempt at cultural restructuring and engineering, based upon a neo-liberal model of the entrepreneurial self – a shift characterised as a moving away from a 'culture of dependency' to one of self-reliance" (2001:58).

In Britain, McLaughlin et al (2001) argue that the implications of New Labour's policies in relation to the changes in legislation in law and order are identified in their 'modernization' project. In consideration of New Labour's fixation with clamping down on disorder, a new reterritorialisation and remoralisation of crime control strategies has emerged. They explain that at the heart of New Labour's modernization programme is the promotion of strategic co-ordination and collaboration of joined-up partnerships. In criminal justice, there is a commitment to reducing crime and disorder, 'fear of crime' and their social and economic costs and finally dispensing justice fairly and efficiently while promoting confidence in the rule of law (ibid).

New Labour's pre-election position paper on crime prevention indicated that an automatic requirement would be the monitoring of progress and the evaluation of any impact in order to identify what works, why it works, under what condition it works and whether it is cost-effective (Labour Party, 1996). Phillips et al, 2000 argue that from 1998, the statutory crime and disorder partnerships have had to follow strategies driven by a performance management agenda in which cost-effective measures for the realization of specific outcomes and reduction targets are prioritized. In over half of all local strategies, these reduction targets focussed on vehicle crime, burglary and violent crime. According to Hughes (2000), while reflecting the recommendations of the Audit Commission, effectively they were the targets most easily achievable, thus it has become apparent that what can be reduced in crime and disorder, is what can counted, audited and easily targeted.

McLaughlin et al (2001) point out that these partnerships however are subject to the initiatives of criminal justice policy which has been driven by 'tough on crime' initiatives to placate right-wing tabloid press and other newspaper law and order campaigns. They believe that the result of this is New Labour's attempt to institutionalize managerialism and at the same time, employ the partnerships to institutionalize intolerance, thus entrenching discourses of crime control within the language of 'communitarianism' to create and model citizens and law abiding communities (ibid).

Hughes (1998) argues that the promotion of citizenship and participation is fraught with difficulties. He points out that in a society that has made every aspect of life an economic issue, altruism has been undermined with the increasing participation of those that 'have' receiving most of the benefits, as opposed to the 'have nots' who are effectively those in need of these benefits. Kemshall (2003) maintains that with an increasing emphasis on individualism and market, it is difficult to see how the consumer society will accept the need to foster public good. In fact Hughes believes that "at present, solidarity is not based on the positive feeling of connectedness but on the negative communality of fear" (1998:156-7).

This so-called 'inclusivity' raises important questions regarding values and the desired outcomes of crime prevention, moving from technical issues of effectiveness and outcomes to moral and ethical questions, as the discourse of responsibilisation turns crime risk management into an individual and community issue. This rhetoric is considered the fuel of penal populism, which is, according to Kemshall (2003) a key driver in state displacement

and legitimizes responsibilisation which in turn makes crime prevention a risk-based discourse.

In the Netherlands, the argument that has been developed with regards to risk and risk management highlights the stance of the Dutch Ministry of Justice which has focused on risk factors in a more holistic context and points out that "science, often under the collective name of criminology, searched for the causes of criminal behaviour in both young and old" (2002:5).

The authors of the Ministry report argue however, that "over the past decades, the discussion of causes has slowly but surely given way to a discussion of *risk factors*. Gradually the realisation has emerged that no single cause can be pinpointed, but that there is always an accumulation of, and an interaction between, numerous different factors that collectively can lead to divergent forms of criminality" (ibid).

The divergence with the British stance on criminality and risk especially with regards to youth is notable because the Dutch Ministry's report takes the view that "The counterparts of risk factors are protective factors; they protect against the emergence of delinquency. Both risk factors and protective factors can occur in different areas of life. For example, a distinction is made between child, family, school, leisure time and environment. In the course of his life, each child is confronted with a number of development tasks that are crucial for his further development (social skills, association with peers, positive self-image, active learning attitude, school skills, moral awareness and self-reliance).

Complementary to development tasks, there are, for parents, specific parenting tasks. The emergence of criminal behaviour is therefore not simply the result of exposure to more risk factors, it depends particularly on the nature of the risk factors; not only for the emergence of criminal behaviour, but also for its nature and seriousness" (2002:5).