1
The emergence and development of professional policing

CHAPTER AIMS

The aims of this chapter are:

- To discuss the historical development and the key characteristics of the old policing system and methods of law enforcement;
- To consider the factors that resulted in the breakdown of this system during the course of the eighteenth century and to analyse reasons for the reluctance to embark upon a root-and-branch reform of policing at that time;
- To examine the progress of police reform from 1829 until the end of the nineteenth century;
- To provide an understanding of the principle and practice of the concept of policing by consent and to evaluate the extent to which this ideal had been attained in England and Wales by the end of the nineteenth century;
- To briefly identify the current structure and organisation of policing in England and Wales, Northern Ireland and Scotland.

The old policing system – key developments

The origins of the English system of policing are to be found in the Anglo-Saxon period (400–1066), in which the onus on preventing wrongdoings and initiating against those who had broken the law was placed on the local community and those who were victims of crime (Rawlings, 2008: 47). This system emphasised the mutual responsibility of all inhabitants for law enforcement, in which all became responsible for each other's conduct.

The basis of this Anglo-Saxon system was that small groupings of people were organised into tythings, which consisted of ten households and were headed by a tythingman, who was the forerunner of the office of constable, which emerged

during the reign of Edward III during the fourteenth century. In addition to detaining suspected criminals, one of the constable's key functions in that period was to summon the militia. Later, in the Tudor period, functions that related to administering the poor law and enforcing action against vagrants were added to the constables' duties. Tythings were grouped into hundreds, a subdivision of the county (the larger ones of which were divided into units, frequently termed divisions). The hundred was headed by a hundred-man, who exercised a number of functions that included the administration of justice and organising the supply of troops. The office was held by local notables. The hundred-man was responsible to the shire-reeve (or sheriff) who was in charge of the county whose rule was enforced through the sherriff's courts.

The Norman Conquest (1066) developed this Anglo-Saxon system in a number of important ways. The system of frankpledge built upon the existing principle that households grouped in tythings should exercise joint responsibility for each other's conduct by requiring all adult males to be members of a tything and to swear an oath that they would conduct themselves in a lawful manner. The 1166 Assize at Clarendon required the tything to denounce to the sheriff those of its members suspected of having committed a crime, and the accusation was initially investigated by the tythingman and a jury of 12 members and took place at the tything frankpledge hearings.

The 1285 Statute of Winchester, passed in the reign of Edward I, was an important development in the history of policing in England. It provided for the appointment of two high constables in each hundred, below which were the petty constables in each tything. It also established the principle of local responsibility for police-related matters by introducing the procedure of the hue and cry, whereby all able-bodied citizens were required to help arrest a criminal and required the hundred to compensate the victim of a robbery when the hue and cry had been raised but the offender had escaped.

It also compelled all towns (initially in the summer months) to establish a night watch to guard the entrances to the town and to arrest suspicious strangers. The constable was responsible for supervising these arrangements, which also included improved arrangements for day policing. This new system was referred to as 'watch and ward' (watch by night and ward by day). The duty to participate in the watch was placed on all householders and its role was subsequently developed to that of keeping good order in the town at night.

Law enforcement

The early system of law enforcement reflected the power relationships that were characteristic of feudalism – the absence of strong central authority and the dominance of the aristocracy. However, attempts were made to enhance the degree of central control over the system of policing and law enforcement following the

Norman Conquest. Officials termed 'Keepers of the Peace' were appointed by Richard I in 1195 to preserve the peace in disturbed areas, and in 1327 Conservators of the Peace were appointed in each county to help preserve law and order. In 1361, Edward III subsequently appointed 'a good and lawful man' in each county, whose role was to maintain the peace and whose functions subsequently expanded into more general forms of law enforcement. These adopted the title given to them in the 1361 legislation as 'justices of the peace', who later assumed the title of 'magistrate' in the sixteenth century. These developments were at the expense of traditional feudal power relationships, one feature of which was the declining role performed by the sheriff towards the end of the twelfth century. By the end of the eleventh century this office tended to be filled by powerful members of the aristocracy, whose power became viewed as a threat to the monarch.

Justices were appointed by the monarch and owed their allegiance to him. The 1361 Act required that the Justices should meet four times a year to transact business, providing the origins of the Quarter Sessions. Subsequently, in 1605, provision was made for the holding of local sessions, where no jury was required, to conduct minor affairs. This was the origin of Petty Sessions, although this procedure was not given statutory recognition until 1828.

This measure helped to erode the feudal power structure, since those who were appointed as Justices tended to be landowning gentry rather than the feudal elite whose power rested on the ownership of large estates (or 'manors') and were termed the 'lords of the manor' (or court baron). Matters pertaining to the administration of manorial affairs (such as manorial lord–tenant relationships) were dispensed through the manorial court, which was presided over the lord of the manor's steward. Above the manorial court stood the hundred court, whose role extended to the administration of law and order. Some manors were given the judicial powers of Hundred Courts by the Crown and were termed 'courts leet'.

The appointment of constables was technically a matter for the manorial courts or the courts leet, a procedure that helped to assert the pre-eminence of the Justices over the constables and provided the backbone for the 'old' policing system that was in place until the early decades of the nineteenth century. However, as the role of parishes as a unit of local administration increased during the Tudor period, appointments were sometimes made at this level. This trend was accelerated following the restoration of the monarchy in 1660, although manorial courts continued to appoint parish constables in some areas until their role was formally ended by the 1842 Parish Constables Act, when it was transferred to the Justices at Quarter Session.

Policing during the eighteenth century

By the eighteenth century a system of policing had evolved that was based on constables appointed in each locality (which was often the 'parish' although other

jurisdictions such as 'township' were also used), whose role was ultimately supervised by magistrates (although intermediaries such as Head of High Constables appointed by the magistrates at Quarter Session might exercise a more detailed element of supervision). The constables were generally unpaid (although there were some rare local exceptions to this) but they were able to obtain income from fees derived from the administration of justice. They typically served in office for one year.

This system of policing was faced with a number of problems during the eighteenth century. The role of constables expanded beyond the enforcement of law and order into a wide range of additional functions that included the inspection of alehouses and exercising supervision over the night watch. The duties that the office entailed often resulted in a reluctance to serve by those who were selected, and this problem became more acute as the industrial revolution progressed. The industrial revolution created a new class of urban middle-class property-owners with businesses to run and little time to devote to civic affairs.

In some areas, those who were chosen to act as constables were able to appoint deputies. This procedure was formalised by legislation affecting Westminster in 1756 (Rawlings, 2008: 51) but was not universally permitted. Where it was sanctioned, concern was sometimes expressed by contemporaries concerning the calibre of those who stepped into the office, some of whom were 'scarcely removed from idiotism' (Critchley, 1978: 18). Additionally, by the end of the seventeenth century, a person who apprehended a felon received exemption from a judge (in the form of a certificate commonly called a 'Tyburn Ticket') from serving as a parish constable. These could be sold to persons appointed to this role, who thus had to be replaced by an alternative whose dedication in performing the tasks required of a constable might be lacking.

Voluntarism was also a feature of the night watch, whose functions expanded into that of providing a system of night police in urban areas. In 1735 legislation affecting two London parishes was passed whereby householders substituted the duty to serve in the watch for the ability to pay a rate to employ watchmen (often referred to as 'Old Charlies') to discharge this responsibility, whose role extended to maintaining social order by taking action against drunkenness and prostitutes and targeting persons who were acting suspiciously. Rawlings (2008: 53) observed that by the end of the eighteenth century ventures of this nature (the Watch Acts) extended to other areas of London and beyond.

A further problem affected the magistrates. Although in rural areas these tended to be landowners, shortages of these officials in the towns required selection from other social groupings whose commitment to civic duty was sometimes surpassed by an enthusiasm to use the office as a source of personal gain. This was a particular problem in London, where 'trading justices', who were styled 'a byword for corruption' (Landau and Beattie, 2002: 46), brought considerable disrepute on the office of magistrate by exploiting it in ways that included exacting fees for performing their duties, retaining fines they levied from criminals and

colluding with informants. This led to the replacement of unpaid magistrates in London with salaried stipendiaries who operated from Bow Street and latterly from a further seven police offices established by the 1792 Middlesex Justices Act. This reform is discussed in more detail below.

The need for fundamental reform

A key difficulty with the old system of policing was that its organisational base (the parish or township) was too small and the numbers of constables supplemented by watchmen too low to counter contemporary crime and public disorder problems or to curb manifestations of immoral behaviour. Although it was impossible to gauge 'real' levels of crime, contemporary observations suggested that 'from the last quarter of the eighteenth century through to the 1820s problems of crime and order maintenance were regarded as particularly acute (Rawlings, 2002: 106).

This issue became a crisis in urban areas where the growth of towns that accompanied the agricultural and industrial revolutions made for transient populations which the historic system could not police effectively. Features of the old system of policing, such as raising the hue and cry, fell into disuse in this changed social setting. It led to the conclusion that 'the breakdown in law and order marched in step with the industrial revolution' (Critchley, 1978: 21). Many contemporaries viewed crime as spiralling out of control while the only solution to outbreaks of disorder was to deploy the military. However, the time taken to move troops from their barracks on to the streets and the cumbersome procedure through which they could be deployed (requiring a magistrate to 'read the Riot Act') often provided time for a riot to take a firm hold. The likely response of the troops was to shoot protesters, which smacked of tyrannical government. These problems were evidenced in the 1780 anti-Catholic Gordon riots, which took place on 2–9 June and entailed the use of cavalry and infantry. Almost 300 people died in this event and around 200 were severely injured.

Attempts to substitute the military with volunteer organisations which included the yeomanry failed to offer an effective remedy, as was revealed in the Peterloo massacre that took place in St Peter's Fields, Manchester, in 1819. Here the death of 11 people and the wounding of over 400 people attending a political demonstration emphasised the need for a non-military force to maintain public order.

Police reform during the eighteenth century

Although the old policing system was failing to cope with contemporary crime and law and order problems in English towns, there was a considerable degree of reluctance to institute a root-and-branch reform of the old system. There were

several reasons for this, including the sporadic character of crime and disorder, which failed to exert a constant pressure to bring about reform (Critchley, 1978: 41). However, the key explanation for this situation was the desire of local elites to retain control over their own localities. Their concern rested on a perception that a reformed system of policing would be under the control of central government (as was the case in France). It was presented in a manner that went beyond the selfish defence of vested interests to argue that centralised control would lead to abuses, in particular undermining the 'rights and liberties' of English people. This view was shared by 'aristocratic Tories and working class radicals alike' (Reiner, 1985: 13), and was encapsulated in a petition presented to Parliament by Sir Robert Wilson MP in 1830, who argued that the police force could be used 'to crush the liberties of the people' (Sir Robert Wilson, quoted in Rawlings, 2002: 123).

Objections to the creation of a French-style 'Bourbon police force' were especially evident when, in the wake of the 1780 Gordon Riots, William Pitt's government brought forward a Bill in 1785 to provide for a unified policing system across London to be controlled by three salaried commissioners. Criticism was voiced concerning the powers given to those who would be appointed as police officers under the new arrangements, and also to the nature of control exerted over the new force. On this occasion, opposition from the City of London (which was unhappy about being incorporated into the rest of London under these proposals, thus undermining its self-governing status) succeeded in blocking it. A consequently, a number of initiatives were put forward which sought to prop up rather than replace the old system of policing. The key measures to secure this more limited objective are discussed below.

Thief-takers

One development to remedy weakness in the historic system of policing was through the use of private detectives. The role of private detectives, or what has been termed 'freelance thief takers' (Rawlings, 2008: 65), was to secure the return of stolen good and/or bring criminals to justice. Thief-takers were paid either by the victim of a crime or from a reward offered by the government in connection with a serious crime such as highway robbery. It was a practice that accelerated in the late eighteenth century. They thus filled a void in the system of policing as the role of constables did not extend to the investigation and prosecution of crime.

However, this system was subject to abuse. Thief-takers might organise the theft of goods and then secure payment for their return or they might extort money from a thief as the price of not handing them over to the authorities. A particular abuse was to act as a go-between between thief and victim to secure the return of stolen property in return for a fee (Morton, 2002: 39–41). This situation was catered for in legislation enacted in 1717 termed the Jonathan Wild Act. This

measure, which was named after the infamous thief-taker Jonathan Wild, made it a capital offence to receive a reward under the pretext of helping an owner to secure the return of goods in cases where no thief was prosecuted.

Although the system of private thief-takers was prone to serious abuse (and in this sense can be regarded as an undesirable aspect of the old system of policing), it was not totally ineffective in dealing with criminal activities. Contemporary accounts observed that following Jonathan Wild's execution in 1725 far fewer criminals were brought to justice (Morton, 2002: 43). The role of thief-takers was adversely affected by powers given to magistrates during the 1830s to deny thief-takers a reward. However, they were the forerunners of informants, whose role is discussed in Chapter 2.

The system of privately-employed thief-takers was supplemented in the eighteenth century by those who were financed through public funds. This system originated with the employment by individual magistrates of their own constables to supplement parish constables. An important example of this was the Bow Street Runners, organised by the Fielding brothers who were the Chief Magistrates at Bow Street, London, between 1748 and 1780. The role of the runner was to detect crimes reported to the magistrates' office.

The force was initially paid for by rewards obtained from apprehending criminals (which might be provided by government in order to secure a conviction) and later by a central government grant. Its key significance in the development of policing was that it was outside the control of the parishes within which it operated (Rawlings, 2008: 56). This model was more widely adopted throughout London (with the exception of the City of London) under the provisions of the 1792 Middlesex Justices Act, whereby seven police offices were set up, staffed by stipendiary magistrates who supervised a small number of paid police officers.

Private police forces

The formation of private police forces was designed to protect the interests of those who paid for them. An important example of this was the Marine Police, instigated at the suggestion of the London magistrate Patrick Colquhoun in 1798 and initially paid for by merchants operating on the River Thames. This was given official status under the 1800 Thames River Police Act, whose superintending magistrates were under the direct control of the Home Secretary.

Policing arrangements associated with Improvement Acts

The employment of paid police officers by ratepayers to supplement the parish constables was a development that occurred in some of the larger urban areas in the

late eighteenth and early years of the nineteenth century. It secured Parliamentary approval in the form of Improvement Acts. This legislation authorised rates to be collected to pay for a wide range of municipal services whose actions were supervised by an elected body of ratepayers. An important example of this was the 1792 Manchester and Salford Police Act, which permitted rates to be levied on householders to pay for a range of services that included 'the cleansing, lighting watching and regulation (of) the streets, lanes, passages and places within the towns of Manchester and Salford'. These functions were superintended by an elected body of ratepayers termed 'commissioners'.

The policing arrangements provided for by legislation of this nature were typically a night watch that operated alongside a day police controlled by the parish constables, whose appointment remained governed by the historic feudal arrangements. The constables could be aided in their work by paid officials such as Beadles.

Legislation of this nature could prove costly and was an option usually adopted by large and wealthy towns, although the 1847 Town Police Clauses Act provided a *pro forma* for local acts of this nature which could be adopted in areas not included in the 1835 Municipal Corporations Act (Steedman, 1984: 15). Additionally, the 1833 Lighting and Watching Act provided a general power for localities to appoint a small number of paid constables. These were controlled and directed by a small committee of 'inspectors' who were elected by ratepayers. The importance of this legislation to the policing of small towns is discussed by Davey (1983).

Back-up forces to aid in an emergency

Civil emergencies typically took the form of public disorder. The military could be summoned by the civil authority (a magistrate) to deal with the situation but, as has been noted above, this course of action was often inappropriate.

The 1831 Special Constables Act permitted magistrates to enrol special constables in times of emergency. This Act built upon earlier measures in 1673 and 1820, providing for the temporary (but compulsory) enrolment of citizens to deal with specific emergencies. The 1831 Act retained the element of compulsion but this was abandoned in 1835 when legislation made membership of the Special Constabulary a voluntary choice. It was observed, however, that the Special Constabulary was hardest to recruit in the areas where it was most needed, a problem arising from the lack of a substantial middle class in the manufacturing districts (Mather, 1959: 83).

Accordingly, the 1843 Enrolled Pensioners Act provided for the compulsory enrolment of out-pensioners of Chelsea hospital as special constables as a response to public order emergencies, and a further Act of 1846 made similar provisions for out-pensioners of Greenwich hospital (Mather, 1959: 87).

The reinvigoration of the parish constable system

Crime and disorder were not confined to urban areas, and episodes that included the swing riots and anti-poor law disturbances during the 1830s affected rural areas in the early decades of the nineteenth century. Although the formation of a professional police force was one option available to rural areas following the passage of the 1839 Rural Constabulary Act, as is discussed below, there was a reluctance to do this. As a result, attempts were made to revitalise the operations of the old parish constable system.

The 1842 Parish Constables Act provided for the supervision of parish constables (who could be voluntary or paid) by a superintending constable who was paid for from the county rate and was under the exclusive control of the local Justices. Some areas continued to appoint parish constables even after the creation of a professional policing force under the provisions of the 1856 County and Borough Police Act. Their appointment remained possible under the 1872 Parish Constables Act if the Quarter Sessions felt the appointment justified or where the parish requested the magistrates to do so.

The development of the new system of policing

The attempts discussed in the previous section to prop up the old system of policing rather than introduce root-and-branch reform met with varying degrees of success. Night watches provided for under Improvement Acts, for example, sometimes offered a relatively effective form of policing (Joyce, 1993: 199–201), some features of which (such as the use of beat patrols) became a subsequent feature of 'new' police forces when these were introduced. Other reforms were, however, less effective. The 1842 Parish Constables Act, for example, were branded a 'complete failure' (Brown, 1998: 178), and there was no consistency in the way in which policing was delivered throughout England and Wales.

These deficiencies justified the establishment of a new, professional, system of policing, in which those who performed the office were paid a wage. This developed slowly during the early decades of the nineteenth century and the main developments to bring it about are referred to below.

The 1829 Metropolitan Police Act

The 1829 Act provided for a police force across London and the surrounding area, with the exception of the City of London, which developed its own 'new' policing arrangements in the 1839 City of London Police Act. It was initially controlled by two commissioners (Charles Rowan and Richard Mayne) and was under the ultimate control of the Home Secretary.

The 1835 Municipal Corporations Act

This measure was mainly concerned with establishing locally elected councils in urban Britain. It also provided for the creation of police forces that were controlled by a committee of the council termed the Watch Committee and paid for by rates levied on local property owners. The Watch Committee initially exerted a considerable degree of control over local policing arrangements.

Political opposition, which centred on the validity of the Charter of Incorporation creating the new system of urban government, resulted in temporary arrangements being provided for Birmingham, Manchester and Bolton, in which a borough-wide force was placed under the control of a government-appointed commissioner until the courts had determined the legality of the Charter of Incorporation. (The background to the 1839 Manchester Police Act is discussed in Joyce, 1993.)

The 1839 Rural Constabulary Act

This Act gave magistrates at Quarter Sessions the *discretionary* power to establish 'new' police forces throughout the county, paid for out of the rates and controlled by a chief constable whom the magistrates appointed. Although subject to considerable control by the magistrates, county forces established by this Act were subject to a greater degree of control by the Home Secretary than their urban counterparts.

This measure was not widely adopted for reasons that included the cost of the new policing arrangements, the belief that an increased number of police officers did not necessary result in a reduction in crime and the ability of magistrates to swear in special constables to cope with public disorder (Emsley, 1983: 77). The 1842 parish constables Act was seen in many rural areas as an alternative to the implementation of the 1839 measure. The Act was also perceived to smack of centralisation, which would entail the loss of the traditional ability of rural elites to retain control over the conduct of their own affairs. Adoption of the measure was also flavoured by political considerations, the Tories being against reform and the Whigs supportive of it. Thus by the end of 1841 the legislation had been adopted in 22 English counties in whole or in part (Eastwood, 1994: 240).

The 1856 County and Borough Police Act

This legislation made it compulsory for 'new' police forces to be established in both towns and counties. A key reason for this rested on the contemporary concern of the threat of vagrant crime, associated with unemployed soldiers returning from the Crimean War, which required a uniformity in the provision of policing

across England and Wales that was lacking under existing arrangements (Steedman, 1984: 26). The fear of vagrancy built upon the concern felt by the rural gentry arising from opposition to the 1834 Poor Law Amendment Act and encouraged them to accept a reformed policing system (Rawlings, 2002: 125–126).

As an inducement to the degree of compulsion, central government funding, initially equivalent to one-quarter of the costs of pay and clothing (increased to one-half in 1874), was given to forces certified as efficient by the newly-created Inspectorate. Additionally, in most counties, the Petty Sessions divisions (rather than Quarter Sessions) were at the apex of police organisation, thereby retaining the geographic and administrative power of individual magistrates (Steedman, 1984: 47).

Late nineteenth-century legislation

The development of policing was affected by two Acts enacted in the 1880s. The 1882 Municipal Corporations Act sought to limit the existence of small police forces by providing that newly incorporated boroughs could only have their own police forces if they had a population in excess of 20,000. The 1888 Local Government Act provided that control over county police forces would be discharged by a standing joint committee consisting of 50% elected councillors and 50% magistrates.

Policing by consent

The above section has referred to the progress and nature of police reform being influenced by a desire not to create a police force under the central direction of central government. This intention also influenced the philosophy of policing, which is the focus of this section.

Reforms to policing in England and Wales during the nineteenth century sought to establish the principle of policing by consent. This approach was embodied in the 'General Instructions' issued to members of the newly-formed Metropolitan Police in 1829, which were echoed in the 'Nine Principles of Police' (Reith, 1956: 287–288). These declarations emphasised the importance of the police service operating with the support of those they policed, and the concern to secure a system of policing by consent influenced a number of developments affecting the manner in which the delivery of policing was constructed in its formative years.

Local organisation and control

As has been argued above, outside London (where the Home Secretary served as the police authority between 1829 until 1999) policing was organised

locally and controlled by local people who were initially drawn from the property-owning classes. Watch Committees in the towns and magistrates in rural areas exercised considerable authority over policing in its formative years in the nineteenth century in an attempt to dispel the impression that the reformed system would be the agent of the government, trampling roughshod over the rights of the people.

The preventive style of policing

One of the main objectives of policing was to prevent crime and this was performed by the home beat method, whereby police officers patrolled small geographic areas on foot. Their task was essentially passive, based on the belief that their physical presence would deter the commission of crime. They were not encouraged to pursue a more active role within the community since actions regarded as an unnecessary intrusion in people's lives would have had an adverse impact on popular support for the reformed system of policing.

The emphasis that was placed on preventive policing was at the expense of detective work, which was given a relatively low profile in early nineteenth-century police forces. One reason for this was that detectives were popularly equated with spies, and this would have provided the new system of policing with a direct link to the reviled French system of policing. The Metropolitan Police did not establish a detective branch until 1842, which was reorganised as the Criminal Investigation Department (CID) in 1878.

The rule of law and police powers

From its outset, the performance of professional police officers in England and Wales was subject to constraints imposed by the rule of law. Police officers were required to use formalised procedures against those who had broken the law, and to apply those procedures without fear or favour to those who had transgressed.

Additionally, at the outset of professional policing, officers were given no special powers with which to discharge their duties. The spectre of police officers equipped with an array of powers that might be used in an arbitrary manner was thought to be inconsistent with the citizens' exercise of civil and political liberties. Accordingly, the police were initially able to exercise only common law powers. This emphasised their image as 'citizens in uniform' (Royal Commission on Police Powers and Procedure, 1929), who were 'paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence' (Reith, 1956: 288).

Minimum force

The desire to dispel the image of the reformed police service as arbitrary and overbearing extended beyond the powers given to police officers and affected the weaponry with which they were provided. It was assumed that there was an inverse correlation between the resort to physical force and obtaining the cooperation of the public for the task of policing. As a result, police officers were not routinely armed and merely carried a truncheon which was designed for their personal protection. The absence of weaponry that could be used in an offensive posture was designed to ensure that when the police were required to intervene to uphold law and order, they would initially rely on 'persuasion, advice and warning' (Reith, 1956: 287) and only if this failed would they use physical force, which should be the minimum that was required to achieve their objective. This concern was also evident in the choice of colour for police uniforms, which were frequently blue or brown but never red, the colour associated with the military.

The service role of policing

Although a reformed policing system that more effectively protected life and property would appeal to all law-abiding persons, the latter role was clearly of most benefit to the wealthy, who owned property that required protecting. Thus in order to 'sell' policing to a wider audience (and in particular to the working classes), its task extended beyond law enforcement. This was the origin of the 'social service function of the police' (Fielding, 1991: 126), in which a diverse range of activities (some of which were designed to tackle the social causes of crime and others which were not crime-related) were pursued by officers seeking to befriend the community and to dispel the image that police work was exclusively concerned with the exercise of coercive authority against the lower social classes. Several studies (Cumming et al., 1965 and Punch and Naylor 1973) attest to the continued importance of this area of police work in post-war Britain.

Recruitment

Initially, police forces deliberately recruited their personnel from the working class (save for the most senior ranks of the service who in the formative years of the reformed system were frequently ex-army officers). A study of the City of Manchester Police Force revealed that between 1859 and 1900 unskilled workers (the bulk of whom described themselves as 'labourers') constituted over 50% of the total intake of officers (Joyce, 1991: 142). This situation meant that police work had the status of a job, the performance of which required little training.

This policy of recruiting 'fools dressed in blue' (Steedman, 1984: 7) was partly pursued for economic reasons (since working-class recruits could be paid less than members of higher social groups) but was also a means through which members of the working class could be incorporated into the machinery of the newly emerging capitalist state. The tendency for officers below the rank of chief constable to be selected from serving policemen offered the possibility that police work could be an avenue of social mobility for working-class people.

Working-class recruitment also ensured that police officers would act deferentially to those who were their social superiors and act in accordance with their interests and instructions with a particular objective of providing 'an ordered and supervised system of control'. This was especially directed against the regulation of vagrants (since these were regarded as potential criminals) (Steedman, 1984: 58–59), but also extended towards behaviour such as prostitution and drunkenness since immoral and disorderly behaviour offended the propertied classes. It was an important factor is securing the consent of 'respectable' people to the new system of policing.

Additionally, the recruitment of police officers from the working class might also aid the attainment of consent between the police and the lower classes. Police officers who were drawn from the lower end of the social scale might find it easier to relate to fellow members of the working class with whom they came into contact, and to discharge their duties without displaying a sense of class hatred towards them. Similar sentiments governed suggestions that were put forward in the late twentieth century in connection with the need to recruit police officers from minority ethnic communities.

The attainment of policing by consent: orthodox and revisionist accounts

The extent to which the developments that have been discussed above succeeded in securing the consent of all members of society is the subject of much academic debate. The view of orthodox police historians was that initial opposition to the police culminated in the 1830s. The murder of PC Culley at a political rally in Cold Bath Fields, London, in 1833 and the subsequent public enquiry were viewed as an important watermark. Following this, the success of the police in combating crime and disorder was an important underpinning of consent and enabled them to overcome any serious resistance to their presence on the streets and secure the cooperation (hence the consent) of most sections of society (Reith, 1943: 3; Critchley, 1978: 55–56). However, the extent to which consent was obtained has been challenged by revisionist historians.

Orthodox historians focus on crime as a key problem which professional policing was developed to address in the interests of all members of society. However, revisionists emphasise that the motive for police reform was 'the maintenance of

order required by the capitalist class' (Reiner, 1985: 25), whose control over policing (exercised by local urban elites through the mechanism of the Watch Committee) enabled them to ensure that the attention of the police was directed at all actions that threatened to undermine it – 'crime, riot, political dissidence and public morality' (Reiner, 1985: 25). It was in the latter sense that police officers were depicted as 'domestic missionaries' whose purpose was to alter the behaviour and moral habits of the lower social orders (Storch, 1976).

Revisionist historians emphasised working-class hostility towards the new system of policing as evidence that the prime role of police work was to enforce discipline over this section of society. Storch drew attention to widespread opposition to the police in the middle decades of the nineteenth century within industrious working-class communities, which saw them as 'unproductive parasites' (men who did not work productively for a living) and viewed their presence as 'a plague of blue locusts' (Storch, 1975). Working-class resentment to the police, arising in part from their intrusions into working-class pastimes and leisure activities, has also been documented in a study of the Black Country (Philips, 1977).

Revisionist accounts thus reject the orthodox position that hostility towards the new police was a relatively short-lived phenomenon and instead conclude that consent was heavily determined by a person's position in the social ladder. The level of consent was greatest from the property-owning middle classes (including those who comprised the petty bourgeoisie, such as shop keepers) who stood to gain most from police activities. However, working-class hostility was more enduring. Those at the lower end of the social ladder, granted tolerance to the police which was, at best, 'passive acquiescence', broken by frequent outbreaks of conflict throughout the nineteenth century (Brogden, 1982: 202–228).

BOX 1.1

POLICE PROPERTY

Revisionist accounts suggest that a key role performed by the police in the nineteenth century was to regulate the behaviour of the lower social orders and to impose on them the moral habits and standards of behaviour of 'respectable' members of society. The elites who controlled policing were willing to give the police a relatively free hand to discharge this function (acting aggressively within the law or perhaps outside it) and this situation gave rise to the concept of 'police property' (Lee, 1981). This term is applied to social groups which possess little or no rights in society and thus are not in a position to formally object to their treatment by the police.

The definition of which groups constitute police property is not stable and changes over time. It may embrace any grouping whose habits or behaviour are deemed to be

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unacceptable to those who wield power in society or those who are deemed to pose a threat to their social position. In nineteenth-century Liverpool, 'participants in the street economy' (Brogden, 1982: 232) were accorded this status, which was later imposed on minority ethnic communities in the twentieth century.

Although groups that are treated aggressively by the police lack formal means (or lack the access to these means) to redress their treatment, they may articulate their grievances through alternative methods. In Liverpool, for example, a link has been drawn between the outbreaks of disorder directed at the police by those who were regarded as police property in the nineteenth century and the riots that occurred in Toxteth in 1981 (Brogden, 1982). Outbreaks of disorder may give rise to pressures on the police from political or economic elites to alter their behaviour towards targeted social groups since continued mistreatment can lead to disorder on a scale that poses a threat to the existing social order.

Police–working-class relationships in the early twentieth century

The relationship between the police and the working class showed signs of improvement during the early years of the twentieth century. Legitimacy (that is, an acceptance of the right of the police to function in civil society) became widespread even though specific interventions might be less acceptable, especially by those on the receiving end of them.

The incorporation of the working class into the British political institutions tended to defuse some of the hostility towards the police within working-class communities (Reiner, 1985: 61). One local study suggested that in the decade following the First World War 'the whole pattern of relations between the police and the working class in North London had begun slowly, but subtly, to change from outright physical confrontation to an unwritten system of tacit negotiation' (Cohen, 1979, quoted in Fitzgerald et al., 1981: 119). The generally improved relationship between police and public can be explained by several changes which occurred after the First World War affecting 'the conditions and composition of the … working class … the position of youth within the generational division of labour, and … the changing function of the police force in the developing structure of the capitalist state'. These resulted in changing the relations between the police and working class 'from outright confrontation to an unwritten system of tacit negotiation' (Cohen, 1979, quoted in Fitzgerald et al., 1981: 119).

Subsequent developments included the greater level of working-class affluence after the Second World War, which created a more socially integrated society. These changes underpinned what has been described as 'the golden age of policing', which was 'marked by popular respect and obedience for authority' (Fielding, 1991: 36) and led to the conclusion that:

by the 1950s, 'policing by consent' *was* achieved in Britain to the maximal degree it is ever attainable – the wholehearted approval of the majority of the population who do not experience the coercive exercise of police powers to any significant extent, and *de facto* acceptance of the legitimacy of the institution by those who do. (Reiner, 1985: 51)

The development of new policing in Ireland

The 'old' system of policing in Ireland was performed by high constables (appointed by County Grand Juries) and petty constables (appointed by Court Leets or Sheriffs Tourns, operating at parish level). By the eighteenth century this system was ineffective.

Initial reform sought to shore up the old system. In 1738 County Grand Juries were empowered to appoint a number of sub-constables (initially four and, in 1783, eight) in each barony (a barony being derived from Tudor administration in Ireland and was the unit of administration below the county). These constables were paid and assisted the magistrates and parish constables. In 1749 county magistrates were empowered to appoint constables in places where no local appointments had been made.

Further reform took place in 1787 when, outside Dublin, the Lord Lieutenant was authorised to appoint chief constables for each baronial district. County Grand Juries would appoint sub-constables to these districts. Much of the day-to-day operations of the force was performed by magistrates, thus providing an element of local control. This measure was augmented by a further piece of legislation in 1792. However, neither provided for a system of policing that operated throughout Ireland (in particular because County Grand Juries became increasingly reluctant to appoint constables) and much reliance was placed on the military to counter disturbances that occurred in the late eighteenth and early decades of the nineteenth century.

In order to deal with this problem, a further measure of police reform occurred in 1814 when the Peace Preservation Force (usually referred to as Peelers) was created. This legislation enabled the Lord Lieutenant to declare a county (or a barony or a half barony) to be in a state of disturbance. Having done this, a stipendiary magistrate, who exercised control over all local magistrates in the disturbed area, was appointed. A police force consisting of a chief constable and up to 50 constables would effectively garrison the area until the disturbance had passed. Constables who served in this force were usually from a military background. Initially, local ratepayers footed the bill for this force, but in 1817 an amendment to the legislation permitted central government to contribute up to two-thirds of the cost. By 1822 the force numbered around 2,300 and operated in about half of Ireland's counties. Its effectiveness was adversely affected by factors that included the small size of the force, hostility from the public and the deployment of constables in small detachments (Palmer, 1988: 231).

The development of new policing in Ireland – the Irish Constabulary

The legislation of 1787 and 1792 was replaced by the 1822 Irish Constabulary Act. The initial intention of the government was to place this new police force under the control of the government, but compromises were made whereby the barony remained the basic unit of police organisation. The Lord Lieutenant appointed a chief constable to each barony and in turn he appointed a number of constables. County magistrates retained the power to also appoint constables and sub-constables, but the use of this power was gradually relinquished. The chief constable was required to submit a report to the Lord Lieutenant every three months.

Baronies were grouped into the four provincial areas, and in each the Lord Lieutenant appointed an Inspector General (sometimes referred to as a General Superintendent). The Inspector Generals' role included drawing up general regulations for the police in their area. At first, the full cost of policing was met by central government, but subsequently county ratepayers met half of the costs.

The style of policing provided by the Irish Constabulary was paramilitary. Constables were armed and housed in barracks and police stations throughout Ireland. The great bulk of constables were from Catholic backgrounds, but the officers tended to be Protestant.

Further reform was provided by the 1836 Irish Constabulary Act. The main effect of this measure was to centralise control over policing. The four provincial areas headed by an Inspector General were replaced by one Inspector General and two deputies, who exercised control throughout Ireland (with the exception of Dublin). A hierarchy was established through the creation of the rank of Head Constable as the highest rank to which those who joined as ordinary constables could aspire. The more senior officers (including chief constables) were usually appointed from outside the force. After 1846 the government fully funded the Irish Constabulary.

Much of the work of the new force was directed at disturbances that were a frequent feature of Irish political life. The role of the Irish Constabulary in dealing with Fenian violence was recognised by the Queen, who renamed the force the Royal Irish Constabulary (RIC) in 1867. The force was abolished following the introduction of partition in 1922. However, the RIC was the model for the policing arrangements conducted in Northern Ireland by the newly-formed Royal Ulster Constabulary.

Policing in Dublin

Policing in Dublin differed from the system throughout the remainder of Ireland. Initially, the City of Dublin Corporation superintended the parish constables and night watch, although in the early 1720s it devolved some of its powers on to Dublin's parishes. In 1778, the 21 parishes were divided into six units termed 'wards', and constables were appointed by the Ward Mote Courts.

Dublin became the first area in the United Kingdom to be provided with a 'new' policing system. The 1786 Dublin Police Act established the Dublin Metropolitan Police District headed by a High Constable. The Police District was divided into four districts, each headed by a chief constable. A salaried magistrate was appointed to each of these districts, appointed by the Lord Lieutenant. The police force was armed, officers were paid and were mainly Protestant.

A brief period of local control exerted by the Dublin Corporation over policing was initiated in 1795 but abandoned in 1798 when the four districts were restored. The Lord Lieutenant appointed a Superintendent Magistrate for Dublin and he appointed a High Constable for Dublin and the four chief constables who headed each district. A government-appointed magistrate (a divisional justice) was also appointed to each of the four districts. The 1808 Dublin Metropolitan Police Act extended the jurisdiction of the force which now operated over six districts.

Subsequent reform replaced the Superintendent Magistrate and Divisional Justices. By 18 divisional justices (three per district), 12 of whom were appointed by the Lord Lieutenant and six by the Dublin Corporation. The 1836 Dublin Police Act removed the last vestiges of local control over the force, which was placed in the hands of the Chief Secretary for Ireland, with day-to-day control being vested in the hands of two magistrates appointed by the Lord Lieutenant.

One of the key roles of the Dublin Metropolitan Police was to control social conduct, and they were frequently accused of doing this in an aggressive manner.

The development of new policing in Scotland

Scottish policing rested on the voluntary principle, the first constables being appointed in 1617. In the cities, the constables were augmented by watchmen to guard the area at night. By the eighteenth century, constables appointed by the Justices performed a range of functions in connection with the maintenance of order and were empowered to summon public aid in order to quell disturbances. Although they were often paid, their tenure in office was of a limited duration.

A professional police force was briefly established in Glasgow in 1779, but collapsed because there was no provision for it to be supported by the levying of a local rate (Donnelly and Scott, 2005: 45–46). The 1800 Glasgow Police Act provided for a professional police force for that city, whose underlying ethos was that of crime prevention. It was financed by a rate levied on houses and businesses by the City Council and was under the control of the Lord Provost, three baillies (magistrates) and nine commissioners who were elected each year from the traders and merchants of the City (Donnelly and Scott, 2005: 47).

Separate Acts of Parliament subsequently established similar policing arrangements for a number of other cities and burghs. A general power to establish professional police forces in the burghs was provided by the 1833 Burghs and Police

(Scotland) Act, which also enabled burghs to adopt powers relating to cleansing, lighting and paving. The Policing of Towns (Scotland) Act 1850 and the General Police and Improvement (Scotland) Act 1862 extended these powers to other urban areas and this resulted in the creation of around 100 burgh police forces.

The 1857 Police (Scotland) Act imposed a compulsory requirement on the commissioners of supply in each county (who performed most of the local government functions in these areas until their replacement by county councils by the 1890 Local Government (Scotland) Act) to establish police forces in the counties and also permitted existing burgh forces to be amalgamated with the county force if the magistrates and town council of the burgh and the commissioners of supply in the county were agreed on this course of action.

These forces were administered by a police committee that consisted of a maximum number of 15 commissioners and the Lord Lieutenant and Sheriff of the county. The commissioners of supply were responsible for levying a 'police assessment' to finance the force and a key role of the police committee was to appoint a chief constable, who was responsible for the day-to-day activities of the force and for appointing and dismissing constables.

The contemporary structure and organisation of policing in the United Kingdom

This section seeks to briefly update the historical material presented above and chart key developments concerned with the current structure and organisation of policing in the United Kingdom.

England and Wales

The structure of policing in England and Wales was provided for by the 1964 Police Act and the 1972 Local Government Act. The 1964 Act enabled the Home Secretary to compel police force amalgamations, the first of which was the creation of the Mid Anglia Constabulary in 1965. The 1972 measure provided for the alignment of police forces with the newly-created structure of local government and eventually resulted in the formation of 43 separate police forces each with its own police authority. Each force is headed by a chief constable (the term 'commissioner' being used in London for the Metropolitan Police Service).

Each force is divided into a number of territorial areas. These were formerly referred to as divisions, although the term Basic Command Unit (BCU) is now commonly used by many forces. Divisions/BCUs are usually under the control of a chief superintendent, although the Metropolitan Police Service utilises the term commander for an officer performing this function.

Basic Command Units (BCUs)

Basic Command Units play an integral role in contemporary policing. They are 'the main operating unit of police forces' (Loveday et al., 2007: 10), are responsible for delivering 'the vast bulk of everyday policing services' (HMIC, 2005: 13) and are central in attaining the objectives put forward by recent Labour governments in reducing both the level and the fear of crime (Home Office, 2001). Their key role is to deliver level-1 services and they also gather criminal intelligence, conduct criminal investigations and provide rapid responses to emergencies (Loveday et al., 2007: 10). They have been described as the key level 'at which there is engagement between the police and local communities' (HMIC, 2001: 15), in particular through BCU involvement with crime and disorder reduction partnerships (CDRPs).

However, BCUs have not developed in a standardised fashion and their structure and organisation is subject to considerable variation across England and Wales. They are not necessarily coterminous with local authorities or CDRPs: in 2007 there were 375 CDRPs and 228 BCUs, which meant that some BCUs had to deal with more than one CDRP (Loveday et al., 2007: 34). It has been noted (HMIC, 2004: 76–77) that they differ in size, some comprising over 1,000 officers whereas others have below 200. This means that the resources, in terms of both finance and personnel, that their commanders have at their disposal to address the wide range of local problems they are required to deal with is subject to considerable variation across the country.

Northern Ireland

During the 1990s, attempts were made to find a political solution to the political violence in Northern Ireland. These culminated in the signing of the 1998 Good Friday Peace Agreement. This created a new structure of devolved government for Northern Ireland, consisting of the Northern Ireland Assembly and an executive headed by a first minister and composed of representatives of Northern Ireland's main political parties, which entered into a power-sharing arrangement.

One aspect of the Belfast (or 'Good Friday') Agreement was the establishment of a commission to examine the future policing arrangements in Northern Ireland. This took the form of an enquiry (Independent Commission on Policing in Northern Ireland, 1999) that was chaired by Chris Patten. This recommended the creation of a Police Service for Northern Ireland, overseen by a Northern Ireland Policing Board that would monitor the efficiency and effectiveness of the force, and act as the equivalent of a police authority that exists in England, Wales and Scotland. This Board and the new police force were created by the 2000 Police (Northern Ireland) Act.

The Board is composed of 19 political and independent members. Sinn Fein initially refused to join the Northern Ireland Policing Board, one of its main objections

being that insufficient power over policing had been devolved locally. However, in February 2007 Sinn Fein agreed to join the Northern Ireland Policing Board and to participate in the district policing partnerships. This decision paved the way for the ultimate devolution of police and criminal justice functions to the Northern Ireland Assembly, which was finally achieved in early 2010.

This new police force took over from the RUC on 4 November 2001. Its features included recruiting new members on the basis of 50% Catholics and 50% non-Catholics from April 2002 until a target figure of 30% Catholic membership (as recommended by Patten) had been attained. By early 2008 this target was relatively close to being reached. The force numbers around 7,500 officers and almost 4,000 civilian staff. Its budget in 2008/09 was almost £1.2 billion, which the Policing Board negotiates with the Northern Ireland Office.

Scotland

No significant measures affecting the structure of policing were passed following the enactment of the 1890 Local Government (Scotland) Act until 1975, although the process of consolidation derived from the 1967 Police (Scotland) Act reduced the number of forces from 49 in 1945 to 22 in 1968 (Gordon, 1980: 30). The 1973 Local Government (Scotland) Act, when implemented in 1975, further reduced the number of forces to eight – six covered areas controlled by one regional authority and two covered more than one regional authority. These forces are maintained either by a police authority or a joint police board. The universal introduction of a unitary system of local government for Scotland that was created by the 1994 Local Government etc (Scotland) Act did not affect the structure of policing.

Since 1999, policing has been a devolved responsibility to the Scottish government that comes under the overall jurisdiction of the Cabinet Secretary for Justice. In June 2009 there were in excess of 17,000 police officers in Scotland and around 6,500 civilian employees. The overall cost of policing is above £1 billion a year (HMIC Scotland, 2009: para 1.7).

QUESTION

Analyse the measures that were pursued to secure the principle of policing by consent. To what extent had this been achieved by the end of the nineteenth century?

To answer this question you should draw upon the material above and consult some of the material to which reference is made. In particular you should:

- Discuss what you understand by the concept of 'policing by consent';
- Examine the methods that were introduced to secure the implementation of this principle;

- Evaluate the extent to which policing by consent had been achieved, contrasting the orthodox and revisionist accounts;
- Present a conclusion in which the shortcomings in both orthodox and revisionist accounts are considered.

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