

In Search of Civic Policing: Recasting the ‘Peelian’ Principles

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Abstract For over a century the so-called ‘Peelian’ principles have been central to the self-understanding of Anglo-American policing. But these principles are the product of modern state-building and speak only partially to the challenges of urban policing today. In fact, they stand in the way of clear thinking and better practice. In this paper, I argue that these principles ought to be radically recast and put to work in new ways. The argument proceeds as follows. First, I recover and outline the current ‘Peelian’ principles and argue that they lack the specificity, sufficiency and status required in order to do real work in the governance of policing. Second, I make the case *for* principles both as a regulative ideal guiding our aspirations for what policing can become and as a means of regulating police work in the here-and-now. I then develop a revised set of principles and indicate, in conclusion, how they can guide the formation of trust-producing and democracy-enhancing practices of civic policing.

Keywords Democracy · Police · Principles · Regulation · Trust

Introduction

During the course of the twentieth century, a set of ideas that we now know as the ‘Peelian’ principles came to be central to the self-understanding of Anglo-American policing. These principles have no constitutional status or legal force. But are they nonetheless a material and structuring presence in the life of police organizations: they guide the training of officers; they populate mission statements; they tell cops and citizens what policing is for and how it is supposed to be conducted. To cite one recent case in point, at the start of his second stint as chief of the New York Police Department, Bill Bratton proselytized on

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behalf of Peel's principles, telling the *New York Times* 'I carry these with me everywhere' (quoted in Goldstein and Goodman 2014).

In this paper, I argue that these principles are deficient and ought to be radically recast. The 'Peelian' principles are the product of modern state-building and are in key respects insufficient to the challenges of urban policing today. At best they do merely decorative work, while occupying the space where effective regulatory principles ought to sit. At worst, they perform the task of ideological mystification, supplying what John B. Thompson calls 'meaning in the service of power' (1990: 7). In either case, the 'Peelian' principles now stand in the way of clear thinking and better practice. So, they need to be rethought, revised and put to work in new ways. To this end, I also make the case for principles both as a regulative ideal guiding our aspirations for what policing can become and as a means of regulating police work in the here-and-now. Indeed, it is because I believe in the value of principles-based regulation that I find the current 'Peelian' principles so wanting. I therefore develop a revised set of principles which, I argue, can more adequately perform this dual regulatory task.

My argument is animated by a thought about policing that ought to be axiomatic but which has only recently begun to receive extended treatment. The thought is this: the police are not simply agents of order maintenance and crime control but inescapably conduct their ordering work in ways which are deeply entangled with the shape and practice of democratic life.¹ Policing materially and symbolically mediates belonging. The police send authoritative signals to citizens about the kind of political community of which they are members, the manner in which that community is governed, and the place they occupy in its extant hierarchies. As Justice and Meares put it: the police play 'a powerful and pervasive role in providing a formal education in what it means to be a citizen' (2014: 160). The overarching message of police sociology is that the police principally operate in these regards to reinforce and reproduce a 'specific order' of domination rather than a 'general order' of equal protection and secure membership, especially in poor urban neighbourhoods (Marenin 1982). We are led to think that the police discriminate, exclude, alienate, mark and patrol lines of economic, racial and gender division—supply, in short, 'an education in anti-citizenry' (Justice and Meares 2014: 161).² But if policing has these social effects (and, sociologically speaking, it does), the possibility must remain open for thinking about and acting upon the police's mediating work so that it sends more dignitarian signals and creates more inclusive effects. In other words, we can (re)conceive of the police as an institution whose ordering practices can (and ought to) help build democratic virtues and culture, underpin and extend civic engagement and the associational life of

¹ The recent explorations of this idea I have in mind include Sklansky (2008) and Manning (2010). My own efforts along these lines can be found in Loader (2000, 2006). The under-theorized relation between the police and democracy may be one symptom of the striking but nonetheless puzzling inattention of legal and political theorists towards policing, especially when compared with the long tradition, and recent upsurge, of normative work on other aspects of criminal justice and punishment. The favour has been returned by criminologists and police scholars who for the most part do not read legal and political theory. This state of affairs limits our normative understanding of certain key—and troubling—dimensions of police power: the fact that officers are empowered to perform acts that would be illegal if undertaken by citizens; the police's role as 'gatekeepers' to the rest of the criminal justice process, and the fact that their monopoly of legitimate violence renders the police simultaneously guarantors of, and a threat to, the liberty and security of citizens (Walker 2000: ch. 1). One modest hope for this paper is that it might encourage closer conversation between policing specialists and legal and political theorists.

² For recent powerful explorations of this classic theme, see Rios (2011) and Fassin (2013).

communities, be a vehicle for generating social trust.³ My proposal to recast the ‘Peelian’ principles is designed to bring this ideal of civic policing—and police organizations that can justifiably command the allegiance of all citizens—just that little bit closer.⁴

Articles of Faith: What’s Wrong with the ‘Peelian’ Principles?

The genesis and rise to pre-eminence of the ‘Peelian’ principles is no easy matter to discern. There is, as police historian Clive Emsley (2013) has noted, no evidence that they were written in 1829, or by Robert Peel, or indeed by either of the Metropolitan Police’s first two commissioners. Emsley argues that they were in fact given their first formulation by Charles Reith over a century later, before subsequently becoming a cliché—indeed an invention—of twentieth century policing textbooks (Reith 1952; see also Lentz and Chaires 2007). These principles have, nonetheless, become the key reference point for thinking about the fundamentals of modern Anglo-American policing. They form the starting point for how recruits are formally inculcated into the ways of police organizations (see, for example, Steverson 2010). They are an integral part of the rituals and symbols by which police engage in self-legitimation and they feature prominently in cultural representations of what Anglo-American policing is meant to stand for.⁵ Given their history, their exact substance is subject to variation, but the following list of nine principles is fairly representative:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognize always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of the law.
4. To recognize always that the extent to which the cooperation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members

³ For empirical assessments of how police practices can undermine or strengthen civic identity, see Lerman and Weaver (2014) on the US, Bradford (2014) on England & Wales, and Bradford et al. (2014) on Australia.

⁴ It is worth noting that this paper emerges from a practical police reform engagement—namely, my involvement as a member of the *Independent Commission on the Future of Policing in England & Wales*, which reported in November 2013; report available at: <http://independentpolicecommission.org.uk/uploads/37d80308-be23-9684-054d-e4958bb9d518.pdf>. The argument presented here was first developed within, and to some extent by, that Commission.

⁵ Their pervasiveness in this regard makes examples rather superfluous; but see, *Policing in the UK: A Brief Guide* (London: Association of Chief Police Officers), available at: <http://www.acpo.police.uk/documents/reports/2012/201210PolicingintheUKFinal.pdf> and M. Lewis, ‘Peel’s Legacy’, *FBI Law Enforcement Bulletin*, December 2011, available at: <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/december-2011/perspective>.

- of the public without regard to their wealth or social standing by ready exercise of courtesy and good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
 7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
 8. To recognize always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the power of the judiciary of avenging individuals or the state, and authoritatively judging guilt and punishing the guilty.
 9. To recognize always that the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them.

What then is wrong with these foundational propositions which appear at first blush to have long and valuably served as the cornerstone of policing by consent? There are, in my view, three sets of problems. They can be brought together under the labels of specificity, sufficiency and status.

Let us begin with specificity. I argue below that there is nothing wrong with principles being general—vagueness is part of the regulatory advantage that principles have over specific legal rules (Braithwaite and Braithwaite 1995). But principles cannot be so vague that they fail to perform the task of serving as guides to action. In this respect, when one stops to *scrutinize* the ‘Peelian’ principles, instead of merely taking them for granted or *declaring* their importance, several are found wanting. Thus Principle two—‘The power of the police to fulfil their functions and duties is dependent upon public approval’, and Principle four—‘The extent to which the cooperation of the public can be secured diminishes, proportionately, the necessity of the use of physical force’—are little more than truisms about policing in a democracy. Others, such as Principle nine—‘the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them’—get at something important but are nonetheless too vague to shape regulatory action. The superficially appealing notion that ‘the police are the public and that the public are the police’ means nothing and everything: it is a generalization on the one hand and misleading on the other. Given this, it is indeed no surprise that it is ‘difficult to find any modern, liberal democratic state that [does] not subscribe to such principles when it [comes] to their policing institutions’ (Emsley 2013: 14). Emsley’s observation can be taken as a sign of the ‘Peelian’ principles’ cogency and worth. My claim is that they remain too general, or thin, to enable necessary distinctions to be drawn between different conceptions of policing that vie for recognition and resources within democratic societies.

The ‘Peelian’ principles are also a product of modern state-building in ways that render them insufficient to contemporary challenges of urban policing and police governance. The principles are silent, for example, on some key questions pertaining to how to deliver effective and legitimate policing in settings where citizens are more demanding and sceptical (Loader and Mulcahy 2003), and where the economic and social inequalities that press upon police work are widening (Millie and Bullock 2013). In such contexts, it is no

longer obvious that ‘demonstrating absolute impartial service to the law’ (Principle five) will alone suffice to produce and sustain police legitimacy—not least because it risks prioritizing remote (and always potentially self-corroborating) professional/bureaucratic judgement above responsiveness to local priorities. As formulated, the principles take little account of how policing has been affected by the development of human rights law and practice. The ‘Peelian’ principles are also more concerned with police-public encounters than with the wider institutional contexts of police work. They make no reference, for example, to how to think about organizing policing in a world where crime routinely crosses national borders and in which various new forms of transnational policing have emerged (Aas 2014). They have nothing to say on how to equip the police for the demands of operating in a knowledge society (Weisburd and Neyroud 2011). They are silent on the question of how to produce the good of security in a pluralized landscape in which ordering work is also performed by commercial actors and organizations of civil society (Loader 2000).

A final limitation flows from the status of these principles, both legal and socio-cultural. The problem in the former instance can be easily stated: the ‘Peelian’ principles have no institutional standing or legal force and consequently do no demonstrable, concrete regulatory work in the practice of inspectorates, legislative committees, ombudsmen or courts. For example, the 2012/2013 annual assessment of policing in England & Wales by Her Majesty’s Inspectorate of Constabulary lists the Peelian principles in Annex A. However, these principles receive not a single mention—and therefore perform no explicit regulatory role—in the assessment itself (Her Majesty’s Inspectorate of Constabulary 2013). It might be said the principles provide a guiding ethos of policing that indirectly informs—in this case—the Inspectorate’s judgements. But this is a weak mode of regulation whose impact is difficult if not impossible to track and assess. It also means that the ‘Peelian’ principles are occupying a space that could and ought to be filled by active regulatory principles of some kind.

Such force that the ‘Peelian’ principles have therefore tends to be socio-cultural. It flows from the fact that relevant police and political actors invest in them, or are civilized by their own hypocrisy if they proclaim support without believing in them,⁶ or because they are actively mobilized by social actors in political and policy debates about policing controversies. In other words, they open a space for arguments along the following lines: ‘You claim to police by consent. We ask whose consent and how was it obtained?’ Yet for the most part this doesn’t happen. The ‘Peelian’ principles have instead transmogrified into national mythologies. They tend to decorate police organizations—becoming foundation stones of a too often complacent, self-congratulatory (and exportable) narrative about what British or American policing ‘stands for’ (Brogden and Nijhar 2005). Or they offer ideological cover for policing practices that bear little or no relation to the stated ideals. So, when questioned about New York Police Department’s controversial ‘stop-and-search’ tactics, Police Chief Bill Bratton responded: ‘Stop, question and frisk has been around since Sir Robert Peel’. When pressed about what was claimed to be his aggressive deployment of such tactics during his first period of office, Bratton retorted: ‘I guess you’d have to blame Sir Robert Peel’ (quoted in Goldstein and Goodman 2014; cf. Gelman et al. 2006).

The ‘Peelian’ principles have, in short, been reified. They have become a thing the value of which police and policy actors declare and defend, rather than a set of tools that such actors think reflexively about and put to practical use. As such, they tend to deter or close

⁶ On the ‘civilizing effects’ of hypocrisy, see Elster (1997).

down debate about policing controversies and reform rather than inviting and opening up such debate. The ‘Peelian’ principles have become articles of faith—they are, as Bill Bratton put it, ‘my bible’ (quoted in Goldstein and Goodman 2014). For that reason, they are no longer suited to the task of articulating and giving practical effect to the ideal of civic policing.

Towards Civic Policing: Regulative Ideals and Regulatory Principles

The argument for recasting the ‘Peelian’ principles rests on a wider claim about the role that principles can play in the governance of police work. The claim is that principles can perform two valuable purposes in the struggle to imagine, craft and sustain forms of policing that contribute to safer, more cohesive and more just societies. I will spell out what these two purposes are and explain why they matter and can be mutually reinforcing. I will then outline a revised set of principles that can perform effective, action-guiding work in respect of these twin tasks.

First, principles give practical shape to the ideal of civic policing—that is, to an aspiration for police organizations to perform their ordering work in ways that enhance rather than diminish the quality of democratic life. Like any social institution, policing is in Roberto Unger’s terms ‘made and imagined’: ‘it is a human artefact rather than the expression of an underlying natural order’ (1987: 1). Practical efforts to reform (and hence *re-make*) police organizations therefore depend upon, and flow out of, the prior work of *re-imagining* them. This calls, in Unger’s view, for a mode of programmatic thinking that occupies the space between grand utopian proposals (which are easily labelled unrealistic or dangerous) and practical tinkering (which can be dismissed as trivial).⁷ This is the kind of intellectual and political work that principles can do—shaping and supplying guidance to practical struggles for police reform. In concrete terms, this requires a set of principles that can put some flesh on an immanent but unredeemed promise of policing forms that contribute to building and strengthening democratic virtues and citizen identities. These principles orient us towards, and help bring into clearer view, a mode of policing aspects of which are found within the culture and practices of police organizations in actually existing democracies but which has nowhere been realized in its entirety. The set of principles outlined below has been formulated with this future-oriented regulative purpose in mind.

Second, principles can be put to more concrete regulatory uses. There is a vast legal literature on the respective virtues and shortcomings of rules as against principles as modalities of regulation. Scholars of policing have engaged in parallel analyses of the scope and limits of rules in controlling police work. More recently, a cognate debate has developed about the merits of using targets to ‘drive-up’ police performance. I lack the space here for a full engagement with these discussions.⁸ It is not my case that rules are irrelevant to the control of police work; nor do I want to claim that there is never a place for targets in measuring and improving police performance. One needs to think hard about the circumstances where rules do a better regulatory job than vague standards, especially if the latter are composed of ‘motherhood and apple pie’ proclamations. It is, however, well documented that rules/targets can foster paper compliance and perverse incentives in

⁷ Unger (1998). For an attempt to think about social and institutional change along cognate lines, see Olin Wright (2010).

⁸ See, on principles-based regulation, Braithwaite (2002); on rules in police work, Ericson (2007), and on targets, McLaughlin et al. (2002).

police organizations and that officers who are unconvinced of the values that underlie any specific rule/target have the motivation, space and know-how to ‘patrol the facts’ in order to produce the *appearance* of rules being followed (see Ericson 1989; Fitzgerald et al. 2002).

There is, in my view, space for thinking about principles as mechanisms for governing police work which is currently under-explored. In contrast to rules, principles ‘enjoin the pursuit or achievement of a value, a goal or an outcome without specifying the actions required to do so’ (Braithwaite and Braithwaite 1995: 307). By guiding action in ways that under-specify the precise means required to give effect to them, principles have several potential advantages. Realizing their promise requires that principles are given force in ways that render them operative in the work of inspectorates, courts, legislative committees and related regulatory actors. Embedded in these settings, principles invite and mutually orient all actors who possess a stake in or are affected by police decisions—politicians, citizens, businesses, community organizations, etc.—to discuss how best to give practical effect to their animating purposes and values. They also create opportunities for police officers to become participants in, rather than simply the object of, regulatory dialogue and activity, along the lines recently envisaged by Marks and Sklansky (2011). In these ways, principles become a platform for thinking, creativity and experimentalism in interpreting what they require. They offer a starting point for regulatory conversations (Black 2000, 2001) that seek to encompass all those affected by police action (or inaction) and thereby help to build civic engagement and feelings of secure belonging (Loader and Walker 2007: ch. 8).

We can then begin to think about a set of principles of—and for—civic policing that can serve as a future-oriented regulative ideal while also doing concrete work in regulating police practice in the here-and-now. It may be that these two objectives pull in opposite directions—one future-oriented and visionary, the other grounded and pragmatic. But it is also possible to think of these dual regulatory purposes as being mutually supportive. On the one hand, the second—concrete—purpose serves to ground and give practical form to the overarching vision of policing contained in the first purpose. On the other hand, attention to the overall vision serves to remind regulators what is at stake as they proceed with more focussed regulatory tasks. It helps guard against a preoccupation with implementation issues in ways the lose sight of the values that are being pursued (Black 2000: 598).

But what is required if we are to recast the ‘Peelian’ principles along these lines? The formal answer to this question is that any revised principles must meet the three objections to the current ‘Peelian’ principles that I outlined above. This requires, first of all, that any revised principles are granted legal and institutional *status* as both a programmatic ideal and a regulatory mechanism. The question of how to create regulatory space (Vibert 2014) in which principles can play this dual role in governing police work lies beyond the scope of this paper, though I turn to the matter briefly in the conclusion below. But this recasting further demands that such principles are given sufficient *specificity* to guide regulatory action and a *sufficiency* that affords them purchase over the array of challenges that confront anyone aspiring to advance the project of civic policing in diverse, unequal societies.

With this in mind, let us turn to the substance of these new principles. I believe that, taken together, the cluster of principles described below passes these tests of specificity and sufficiency and offers a platform for the kinds of regulative and regulatory work that the existing ‘Peelian’ principles have largely been unable to perform. There are eight revised principles:

1. The basic mission of the police is to improve public safety and well-being by promoting measures to prevent crime, harm and disorder.

Order, security and civil peace are—and should be—the basic organizing concerns of the police. To be sure, a key component of the police role lies in investigating crime and apprehending offenders. The police also have a significant part to play as one among a range of social institutions that prevent crime. However, dealing with crime forms only one aspect of a wider police mandate that is concerned with the regulation of social conflict and management of order. In respect of these tasks, the police's unique resource is the capacity, if required, to wield non-negotiable coercive force—though such force is to be used minimally and 'only when the exercise of persuasion, advice and warning is found to be insufficient'. As such, the police have a vital civic role to play in sustaining conditions that enable people to pursue their life projects and in ensuring equal access to the basic good of social order.

2. The police must undertake their basic mission with the approval of, and in collaboration with, the public and other agencies.

The police do not create order, they manage it. But they cannot do so alone. The ability of the police to perform their duties is dependent upon public approval and so far as possible the police should be representative of the communities they serve. The police must also act in partnership with other agencies. Crime and order are not matters that can be left to the police. Safe and just societies require the input of criminal justice agencies—prosecutors, courts, probation, prisons—with whom the police must collaborate. They also demand action from and partnership with other government agencies—education, health, social work, welfare, training, employment, housing and so on. Civil society organizations and citizens also have an inescapable part to play in sustaining forms of informal social control on which formal policing depends and in the provision of vital public safety services. Civic policing requires the police to foster and sustain collaboration in ways that galvanize social action against crime without either over-extending the reach of the police or overriding the purposes of other agencies.

3. The police must seek to carry out their tasks in ways that contribute to social cohesion and solidarity.

The police are both a minder and a reminder of community. Policing is one key institution through which members of a society express concern for one another and give institutional effect to that solidarity. This means that the varied tasks police officers undertake to control crime and manage order must be guided by recognition that the police are a means of repairing the trust that is breached by criminal harms. Police work needs to be conducted in ways that reinforce people's sense of secure belonging and their capacity to live together confidently with risk. Police resources must also track the distribution of criminal harm and be used to protect the most disadvantaged and vulnerable. Civic policing—and the wider criminal justice system of which it is a part—should undertake its necessary interventions in social life with the aim of leaving victims and communities better off as a result of that intervention.

4. The police must treat all those with whom they come into contact with fairness and respect.

In a democracy it matters not only that the police control crime and maintain order, but also *how* they do so. Procedural fairness is an indispensable part of what it means to get the

‘how’ right. People’s belief in the legitimacy of the police, and motivation to obey the law, depends greatly on how fairly they are treated during encounters with the police. People are also generally more concerned with the perceived fairness of such encounters—whether they ‘had their say’, and were treated with respect, by an impartial and open-minded officer—than with their outcomes.⁹ Every police–public interaction communicates a message about the police and what they stand for, and sends a signal to citizens about their membership of society and their place within it. These ‘signals’ have real (positive or negative) consequences for people’s future willingness to trust and cooperate with the police and for whether they think of the law as worthy of compliance because it represents moral values they share. Treating people with fairness and dignity is thus a vital part of what civic policing demands. It is a public good that can be supplied equally to all—at little cost. It is also a good whose benefits are experienced most intensely by individuals and groups whose sense of belonging is precarious and cannot be taken for granted. Procedural fairness should also inform the internal organization of police forces—in terms of how officers and staff treat one another and are given a voice in decisions affecting their working lives.

5. The police must be answerable to law and democratically responsive to the people they serve.

Policing in a liberal democracy must be transparent, accountable and responsive to the experiences and concerns of all. This requires that the police are subject to independent, impartial agencies of monitoring, oversight, inspection and redress—both official and unofficial. It demands that police work is carried out in accordance with the rule of law and basic human rights, and that enforcement mechanisms exist to protect these rights. It requires regulatory arrangements that ensure minimum standards of delivery, fairness and coherence are sustained. It means that police officers have operational responsibility for their actions. But the police are not simply a law enforcement organization. Police forces are public bodies that allocate scarce resources and choose between different priorities. These choices have real effects on the quality of people’s lives. Citizens thus have a legitimate stake in how strategic decisions are made and a reasonable expectation of being the authors as well as addressees of such decisions. Given this, mechanisms are required for ensuring that all those affected by policing have a voice in shaping priorities and practice. This can be done by electing individuals to a local political office responsible for establishing priorities and holding the police to account—whether police commissioners, authorities, policing boards or community councils. In addition, it requires the existence of multiple settings in which affected parties can deliberate about/debate crime problems and how best to respond to them—whether neighbourhood panels, citizen juries, participatory budgeting, etc. Civic policing depends upon the vitality and inclusiveness of these institutions of public engagement.

6. The police must be organized to achieve the optimal balance between effectiveness, cost-efficiency, accountability and responsiveness.

There is no single or ideal template for determining how best to organize policing. The police service needs to be organized in institutional arrangements that take full account of all relevant factors in play and the trade-offs that exist between them. Such factors include: changing patterns of criminal organization and the propensity of criminal activity to flow across force boundaries and national borders (it simply no longer makes sense to tackle

⁹ See, *inter alia*, Tyler (2011).

crime in one locality without reference to what is happening in other places); a requirement to deliver policing in ways that are cost-effective, avoid undue repetition of tasks and achieve necessary economies of scale; the imperative to ensure the effectiveness, accountability and responsiveness of policing units functioning at different scales; the capacity to deal with critical incidents, and the transaction costs and unintended consequences of ‘top-down’ reorganization. The optimum mix of local, regional, national, international and transnational police organizations must be determined with reference to these factors. Appropriate mechanisms of oversight, inspection, redress and democratic priority-setting are required at each level of operation.

7. All police work should be informed by the best available evidence.

Today the legitimacy of any public policy depends in part on being able to demonstrate that it is grounded in a reliable knowledge base. Police policies are no exception to this and nor should they be. Every police initiative can and should have to be justified in these terms. Police work must therefore be closely aligned—from the top of the organization to the bottom—with evidence about what works to reduce crime and foster public security. Such evidence must assume a legitimate place among the range of considerations that properly inform police decision-making and become something to which officers routinely make reference. This demands a close and continuing relationship between the police and the producers and disseminators of such knowledge—in terms of training, career development, operational decision-making, priority-setting and horizon-scanning. Institutions are required which are able to foster the production, dissemination and public/expert discussion of relevant knowledge. Effective civic policing needs an infrastructure of training, support and analysis to underpin and sustain it.

8. Policing is undertaken by multiple providers, but it should remain a public good.

Policing should be a public good and a core function of democratic government. It is not a tradable commodity and access to the goods that policing supplies—order and security—must not in a democracy be determined by people’s willingness or ability to pay. Policing is not a public good in the technical sense of being non-excludable in its supply and non-rival in its consumption (like street lighting). It is a public good in the deeper sense of being connected to the idea that security is the elementary DNA of society—something that citizens agree to put and pursue in common, even if they disagree about how best to provide it.¹⁰ How policing is carried out is a sensitive indicator of how adequately any society attends to the security and well-being of all its members. This means that core frontline roles involving the use of warrantable powers should only be performed by the public police with direct and trusted lines of accountability. It does not mean that other policing tasks can only be carried out by the police. This has never been the case and it never will be. The private sector and civil society have important and indispensable roles to play in reducing crime and providing security. But in this context, there is a vital public interest in shaping the overall pattern and coherence of policing services that has to be recognized and protected. The state must be the democratic anchor of plural policing provision. This requires regulatory processes that attend to the relation between criminal harm and the social distribution of policing, deliver accountable, transparent and cost-effective commissioning/procurement processes, and put in place the mechanism of effective monitoring, oversight and redress in respect of all organizations contracted to provide policing services or services for the police.

¹⁰ See further, Loader and Walker (2007: ch. 6).

Conclusion

In this paper, I have proposed that we should radically recast the ‘Peelian’ principles that have over the last century become central to the self-understanding and legitimization rituals of Anglo-American policing. I have argued for a mode of principles-based governance that regulates policing practice in ways that aims to produce order maintenance and crime control work that serves to enhance not damage civic democracy. The eight principles set out above are intended to give substance to this aspiration. They aim to describe, and bring into clearer view, police organizations that are democratically accountable, attuned to good evidence about effective practice, and oriented to articulating and serving the common good rather than sectional interests. These principles project a vision of a police service with a social purpose that combines catching offenders with collaborative work to prevent harm and promote and maintain order in communities. They propose a police service that listens closely to the demands of all citizens while directing scarce resources towards meeting needs of the most vulnerable. They anticipate a police force subject to much stronger forms of citizen oversight, accountability and other forms of what John Keane calls ‘monitory democracy’ (2010: Part III)—a force that is ‘compelled to describe what they are doing as they govern us’ (Dunn 1999: 335). It is these aspirations that are captured in the phrase ‘civic policing’.¹¹

I think that these principles have the substantive coverage needed to adequately fill out this ideal and possess enough specificity to serve as guides to action. This, however, leaves unresolved the matter of how these principles can actively advance the pursuit of civic policing in the here-and-now—and thereby avoid the decorative fate that has befallen the ‘Peelian’ principles which they aim to supersede. This returns us to the question of their status. The regulative work one wishes these principles to perform can in part be accomplished by enshrining them in law as the declared objectives of policing. But the question of status does not reduce, and should not be reduced, to one of formal enactment. Nor does giving principles legal force ensure that they become practically operative in guiding police work. The recent formation of ‘Police Scotland’ is a telling illustration of this point. The Police and Fire Reform (Scotland) Act 2012 which created the new single Scottish police service includes a set of ‘policing principles’ focused on harm reduction, the safety and well-being of communities and public engagement that overlaps significantly with the principles of civic policing I am defending here.¹² But, critics have suggested, there is scant evidence that these principles have shaped police practice during Police Scotland’s first year of operation, where a narrow enforcement model has tended to predominate (Terpstra and Fyfe 2014).

The challenge then is not simply to give these new principles legal status—this, I suggest, is a necessary but not sufficient condition for their practical success. Rather, it is to make these principles active within ‘decentred’ regulatory space that produces and monitors the policies and practices of police organizations—as well, it might be added, in helping us think about the design of that space (see Black 2002). This means using these principles to guide the work of legislative committees, ombudsmen, inspectorates and courts. It means embedding them within the police (and other policing providers), not simply as benchmarks for training officers and assessing good practice, but as a platform for inclusive and ongoing deliberation within police organizations about how best to

¹¹ One recent effort to translate these principles into a practical reform agenda can be found in the report of the Independent Commission on the Future of Policing in England & Wales (2013).

¹² Police and Fire Reform (Scotland) Act 2012, s. 32.

produce practices that give effect to specific principles. Finally, it requires these principles to be mobilized across civil society and used as critical resources by the media, bloggers, victims, NGOs, campaigners, and so on. The principles of civic policing need, in short, to become an active and structuring presence in the public and policy contestation over crime and social order that takes place in democratic societies.

Located in regulatory space in this way, these principles can perform both monitory and reconstructive tasks. To illustrate the former, consider the example of the police power of stop-and-search. Here, in contrast to Bill Bratton's aforementioned 'Peelian' defence of the practice, one can point to a set of revised principles capable of generating some sharp and difficult questions: how is this police power socially and spatially distributed (Principles 1–3)? How procedurally fair is it (Principle 4)? How effectively is its use overseen and scrutinized, within the police and by external agencies (Principle 5)? Who gets to decide the level of resource devoted to it (Principle 5)? What are its crime control dividends and its collateral effects (Principle 7)? Are better means available to improve public safety and have these been considered (Principles 2 and 7)? Whose interests does stop-and-search serve, and whose does it damage (Principles 3 and 5)? In these respects, the principles would place stop-and-search under constant multi-actor gaze; raise the justificatory bar that has to be crossed prior to deployment; and reshape and constrain a power that consistently operates in ways that are ineffective, discriminatory and corrosive of trust (Weber and Bowling 2012).

But the work these principles can do is not solely monitory. They also provide a set of guiding ideals and attendant institutional fora that can facilitate the search for practices that may usefully be emulated, or from which lessons could beneficially be learned. In this regard, the aspiration towards civic policing is intended to provide a platform for what Unger (1998) calls 'democratic experimentalism'. Insofar as they serve, not only as a regulatory framework oriented to the here-and-now, but also as a future-oriented regulative ideal, these principles are designed to stimulate and guide the formation, implementation and careful assessment of innovative forms of practice that can give effect to the ideal of civic policing. Such a search may seek to foster new thinking and better practices in harm prevention (Principles 1–3), collaborative working (Principle 2), conflict management (Principle 3), knowledge production and utilization (Principles 4 and 7), oversight and scrutiny practices (Principles 5 and 6), and public participation (Principle 5).¹³

In each case, however, both monitory and reconstructive, my central claim—and guiding hope—remains the same. It is that we need to make more room (as a supplement, not as an alternative, to rules and targets) for a principles-based approach to police governance, and that a revised set of principles of civic policing has much more to commend it as a means producing inclusive, democracy-enhancing police practice than a set of bromides about what Anglo-American policing supposedly stands for.

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¹³ One often touted case in point—especially in respect of public engagement—is the 'Chicago Alternative Policing Strategy'. For an assessment of this strategy informed by the deliberative democratic perspective I am defending here, see Fung (2004). See also Skogan (2006).

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