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'Civilizing Policing'?

What can police-public consultation forums achieve for police reform, 'democratic policing', and police legitimacy?

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PhD Thesis
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2014

Declaration

This is to certify that that the work contained within has been composed by me and is entirely my own work. No part of this thesis has been submitted for any other degree or professional qualification. Work published in *Theoretical Criminology* has been produced with permission from the editor.

Signed:

'Civilizing Policing'? What can police-public consultation forums achieve for police reform, 'democratic policing', and police legitimacy?

Abstract: Considering police-public consultation forums as a device, or tactic, to 'civilize' policing, the possibilities and limitations of 'civilizing policing' using this method can be shown. Police-public consultation forums can 'civilize' policing – in the sense Loader and Walker (2007) use the term – by contributing to police reform, democratic policing, and police legitimacy. Using the case of Edinburgh, Scotland, the achievements of police-public consultation forums for reform, democratic policing, and legitimacy, are examined and an argument made that consultation forums can make positive contributions in each of these areas. However, the example of consultation forums also reveals significant conceptual and structural limitations to the ideas of reform, democracy, and legitimacy when applied to the police. These limitations are articulated using the social theory of Simmel, Weber, and Lukes: Simmel and Weber reveal the inflexibility and non-negotiable aspects of the police that defies reform and democratic ambitions; Lukes provides an important precautionary perspective on the 'democraticness' of democratic devices; and, comparing Lukes with the work of Weber provides a view on legitimacy that reveals advanced complexities to 'police legitimacy'. In sum, police-public consultation forums contribute to 'civilizing policing', but it is also useful to reflect and consider the non-negotiable limits the 'form' of the police applies to possible positive change.

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CONTENTS

INTRODUCTION

This thesis is about police-public consultation forums and the role they can play in reforming the police, improving the democratic credentials of policing, and enhancing local police legitimacy. These three goals ought to be treated, I argue, as subsidiary objectives of the primary aim which is to 'civilize' policing. The term 'civilizing policing' will be used as deliberate nod to Loader and Walker's (2007) 'civilizing security', and provides a conceptual link between these three aims. An argument will be made that consultation forums are a viable device for achieving each of these goals but I will add a precaution that any progress must be interpreted within the wider conceptual boundaries and limits to 'civilizing policing'. As such, this thesis makes two types of argument. One is evaluative, and argues that consultation forums in Edinburgh have made positive contributions to police reform, democratic policing, and local police legitimacy. The second is conceptual and argues that professional policing has clear limits to how 'civilized' it can be, maintaining specific barriers to the potential of each of its subsidiary goals.

Consultation forums are treated here as one possible device to civilize policing. Police-public consultation forums are frequently used as a tactic of improving local policing and although there is a notable history of consultation in Scotland (Donnelly and Scott, 2010: p.89-91) and elsewhere in Britain (Jones and Newburn, 2001), the recent popularity of community policing strategies has made consultation forums increasingly relevant and increasingly used. Consultation forums are an accountability device used in addition to the general public oversight provided by the tripartite system - which in Scotland has been characterised as 'complacent' (Walker, 1999: p.107), soft and insufficiently challenging (Scott, 2011: p.123; Donnelly and Scott, 2010: p.85). In Edinburgh, consultation forums have emerged in addition to the oversight provided by Local Police Boards[1], and the introduction of consultation forums is intrinsically connected with the push for more dedicated community policing-based strategies. Lothian and Borders Police developed local priority-setting

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[1] Local Police Boards were discontinued in Scotland in 2013 as part of the shift to a single national police force within the Police and Fire Reform Act (Scotland) 2012. They were to be replaced by an arrangement made between Local Authorities and Local Police commanders for police oversight (see Fyfe, 2013: p.9)

groups[2] as a direct outcome of the top-down Government pressure for community policing, best illustrated by the *Justice Committee Inquiry Into Community Policing in Scotland* (Justice Committee, 2008) and the ensuing twelve *Scottish Community Policing Engagement Principles* (2009). While Edinburgh has had some experience in the past with Police Surgeries, Crime Prevention Panels, Neighbourhood Watch, and a Neighbourhood Partnership framework, the introduction of priority-setting forums in 2010 marks the most dedicated commitment thus far to local police-public consultation.

The goals and purposes of Edinburgh's police-public consultation forums have never been clearly articulated. This is an issue Jones and Newburn show is commonly a problem with consultation as the police and the public can often have differing objectives and aims which can often contradict or be at cross-purposes (2001: p.viii). This thesis however, is not interested in the official reasons the forums have been established, or why they have been established now at this precise moment in time, but is more interested in examining the forums through the lens of three ideas which police studies has shown to be of key normative importance: police reform, democratic policing, and police legitimacy. These ideas are the key metrics I argue through which the forums should be evaluated: do they contribute to positive police reform? Do they enhance the democratic credentials of local policing? And do they improve the legitimacy of the police in the local area? These questions form the basis of my research agenda but I also argue it is useful to consider them as subsidiaries to a larger primary question which is about 'civilizing' policing.

Civilizing Policing

I argue that it is justified to speak of 'civilizing policing' by adapting the meaning from Loader and Walker's (2007) notion of 'civilizing security' – where security *is* civilizing, and security *needs* civilizing (p.7-8). Loader and Walker (2007) discuss the need for "fostering…liveable political communities" (p.7) and see the state as playing an indispensable role in this process. While Loader and Walker are concerned with the wider policing family, of most relevance here is an exclusive interest in the

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[2] The consultation forums are often referred to as 'priority-setting groups' or 'priority-setting meetings' by the participants involved. In this thesis I most often refer to them as consultation forums, but occasionally use priority-setting groups and priority-setting meetings.

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professional public constabulary as one particular apparatus of the state for 'fostering liveable communities'.

Adopting this term is justified because in most ways the police share the criticisms levelled at the state by Loader and Walker's (2007) typology of state scepticism: the police are a social meddler (chapter 2), the police can be partisan (chapter 3), the police can be culturally monolithic (chapter 4), and the police can be idiotic (chapter 5). Police studies is awash with criticism that rightfully illustrates the ways in which the police can be injurious, predatory, arrogant, dumb, clumsy, biased, insensitive, and a key defender (as well as producer) of a particular social, political, and cultural order that is hegemonic, excluding, and potentially damaging. The literatures on police reform, democratic policing, and police legitimacy are explicitly concerned with ways in which these problems and issues can be mitigated and improved upon. These literatures, I argue, are united with a primary, ultimate goal – of civilizing policing. They ask can, and how might, the police be civilized?

I argue that police reform, democratic policing and police legitimacy are all components of civilizing policing, and that by identifying these dimensions a clearer methodology is available for researching and applying Loader and Walker's (2007) concept of civilizing security to policing. The notion of 'civilizing policing' might also involve further elements or goals – improved police effectiveness, for instance – but I have chosen to limit it to these three key dimensions.

Considering the phrase 'civilizing policing' for a moment, the abstract noun 'policing', takes the place of 'security' from Loader and Walker's (2007) title phrase. A note should be provided here that 'policing' in this thesis will primarily be related to the core relationship of the public and state policing and side-line the broader sense of policing that is often encouraged to be considered (Crawford, 2008). The role of private policing and other emerging contributors will be excluded and when this thesis uses 'civilizing policing' it is referring to the potential to tame abuses, harm-doing, and the error-strewn handling of local policing by focusing on the core relationship of the public constabulary and private citizens. 'Policing' in this sense will be regarded, much like 'security' in Loader and Walker's (2007: chapter 6) thesis, as a shared public good, which is not simply the exercise of police work, but is

a shared outcome of police-public relations. Policing is not just what the police do, but also an abstract noun to describe the product of social relations. The consultation forums, in this regard, are not a tactic that is self-evidently contributing to 'civilizing policing' I argue, but must also lead to observable improvements in local police-public relations.

This thesis will also not explore 'civilizing' in the fullest and broadest sense that Elias (1939/1994) speaks of civilizing. Loader and Walker (2007: p.17) make it clear that they are not talking about civilizing in the sense of the development of manners, etiquette, self-censorship, and self-regulation, but prefer narrowing their focus to Elias' interest on the 'taming' of general and institutional violence. This will be the shared meaning here. 'Civilising policing' will refer to the development of the political experiment of public policing and the move to make this experiment a more humane and less damaging project.

For Loader and Walker (2007: p.216) what is important to civilizing security is the four 'R's': resources, recognition, rights, and reasons. The state must both mobilise and restrict the allocation of security resources to provide the minimal provision for everyone, but also prevent the runaway or fugitive demands for security that can jeopardise the security of all (regulating personal ownership of firearms, for example; ibid: p.216-220). Recognition involves the obligation to canvas for as many voices as possible to be included in decisions on security (ibid: p.220-223). Civilized security must also have a respect for the regimes of rights that act as defences against state aggression as well as majoritarian dominance (ibid: p.223-226). And furthermore, civilized security should have regard to reasons such that demands for security are justified, scrutinised and accountable to challenge and dissent (ibid: p.227-231).

Edinburgh's consultation forums act as a testing ground for each of these dilemmas. The consultation forums face constant challenges over how to include many voices, how to manage unnecessary or unmerited demands for police action, how to provide accountability for decisions made, and how to prevent the corrosive influence of majoritarian demands against suspect communities or individuals. This thesis adopts Loader and Walker's understanding of civilizing security, but weaves concerns about

the 'four R's' into the questions of police reform, democratic policing, and police legitimacy.

One of the key unexplored avenues of Loader and Walker's (2007) *Civilizing Security* is important here. In Loader and Walker's thesis they advocate for a social democratic model of policing where the state remains the key 'anchor' of policing provision (ibid: p.31), and argue that the optimal outcome for 'civilized' security is a continuation of state primacy:

> …Given both its track-record and continuing scope to perform
> the tasks necessary to such provision, the state alone, or its
> functional equivalent, is capable of exhibiting the 'necessary
> virtue'. If we are interested in civilizing security, we have no
> choice, accordingly, but to accept that necessity, in so doing
> seeking to recover and extend what is indeed virtuous about
> the state tradition while finding ways to eradicate or minimize
> its vices.
>
> (Loader and Walker, 2007: p.171)

This thesis will not dispute or challenge this aspect of their work, but will instead, explore the potential *limits* of 'civilizing policing' within this model. The example of the police-public consultation forums in Edinburgh offer an opportunity to do this. Within the local consultation process in Edinburgh, the state – represented by the police and local council – operate as the key, primary providers of policing, and do not face any major competition from private or alternative providers. The consultation process in many ways reflects what Loader and Walker (2007) estimate as encouraging conditions for civilizing security and policing, as the state is still the dominant provider, and as will be discussed in Chapter 5, there are aspects to Scotland's institutional and political culture that may suggest it should encourage the flourishing of security as a quintessentially shared and social good. As such, by using the example of Edinburgh I argue an exploration can be made of the limits of this model – how far can the police and policing be reformed? How far can the democratic credentials of local policing be improved? And how much can local police legitimacy be enhanced? In other words, what are the limits to civilizing professional, state-based policing?

This discussion forms the central thread of this thesis and establishes its key research question, the overarching question being:

What can police-public consultation forums achieve for police reform, democratic policing, and police legitimacy?

These three subsidiary questions help service a larger theoretical question, which is:

What can police-public consultation forums achieve for 'civilizing policing'?

This provides a number of clear research objectives:

(1) What evidence is there that police-public consultation forums in Edinburgh contribute to police reform, enhance the democratic credentials of policing, and improve the legitimacy of local policing?

(2) What LIMITS are there to reforming local policing, enhancing democratic policing, and improving legitimacy using police-public consultation forums?

(3) And thus, what are the margins – flexible and permanent – that constrain the overall potentials of 'civilizing policing'?

The fieldwork undertaken to answer these questions began in July 2011 and finished in August 2012, with some follow-up in February 2013. The primary research methods were interviewing and ethnographic observation, with some additional documentary analysis. The research was organised around the division of Edinburgh into policing territories, and the research aimed to cover the span of the city and its 10 priority-setting groups[3]. The empirical investigation produced 40 interviews with various stakeholders – police representatives, local public participants, council representatives, and some volunteers/workers for third-sector community groups. This was supplemented with ethnographic observation sessions at 10 priority-setting

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[3] There were 10 known priority-setting territories at the beginning of the research period. During the fieldwork period two of the priority-setting groups were merged into one.

meetings. In addition, there was a paper record of previous meetings analysed. From this research effort a number of observations were made about the potentials and limits of civilizing policing.

Overview of thesis

This thesis will unfold over nine major chapters. Chapters 1 to 6 will set up the questions, methods, and the conceptual and social context, while Chapters 7 through 9 will unpack the original data that adds to the main substantive arguments of the thesis. Chapter 1 takes a look at the available margins for civilizing policing that are rooted in the theoretical perspectives on the police. Police studies has a generally under-developed or under-explored sense of theoretical thinking, and the contributions of police studies to theory will be unpacked here. At this stage of the thesis, the social theory of Georg Simmel, Max Weber, and Steven Lukes will be introduced. These authors, I argue have significant contributions to make to police theory which are key to the questions of reform, democratic policing, and legitimacy. Using the sociology of Georg Simmel, which is particularly novel in police studies, I argue that his interest in 'forms' as well as secrecy plays an important part in the civilizing potential of consultation forums. In particular, Simmel helps to highlight the permanent and non-negotiable aspects of professional policing that will ultimately work to constrain civilizing potentials. The police capacity to use non-negotiable force is one, and the police privilege around information control, e.g. the Data Protection Act, is another.

Likewise, the work of Weber on bureaucracy and bureaucratic forms, similarly demonstrates the restraints that can be placed on reform ambitions. Weber shows how bureaucratic organisations can often struggle to transcend rational, bureaucratic logics, regardless of the political energy expended to make the organisation more sensitive to human needs. Weber's work on legitimacy will also be unpacked here as its importance to Chapters 4 and 9 is previewed. The social theory of Steven Lukes on power is also introduced as being of key importance to perspectives on democratic policing and police legitimacy. Lukes (1974/2005) suggests a 'radical view' of power that exhibits key conceptual ways democracy can be undermined by power inequality and how legitimacy can often be a *product* of authority relations, and not just a cause of authority relations.

Once Chapter 1 has established the available theoretical perspectives within police theory and introduced the social theory that I argue is key to further understanding, Chapters 2 through 4 will continue to add to the refinement of my conceptual tools. Reform, democratic policing, and police legitimacy will be tackled successively for critical analysis, reviewing the existing literatures and then adding analysis of how these concepts need to be improved. This includes key methodological reflections on how I investigated these abstract theoretical ideas with an original qualitative and empirical approach. Chapters 2, 3 and 4, are twinned with Chapters 7, 8, and 9, as the first half of the thesis sets up my conceptual perspectives and analysis, while the later half adds the empirical data for further exploration and application of my conceptual refinements. Chapter 2 for instance, critically analyses the body of literature on police reform, and then Chapter 7 illustrates how Edinburgh's police-public consultation forums have contributed to police reform. This is repeated for democratic policing and also police legitimacy.

Chapter 2 reflects on the contribution of police studies to questions of police reform, which is, in consideration, quite a patchy body of literature. The police reform literature has no clear coherent sense of 'reform', and is more usefully broken into specific aspects of focus. Furthermore, in this chapter I hope to make an analytical distinction between 'reform' and mere 'change', an aspect the literature should give more attention to. I also argue that this literature could be strengthened by considering the social theory of Simmel and Weber who, in their discussions of 'forms' and 'bureaucracy' demonstrate how there are permanent and non-negotiable aspects of policing which cannot be transcended regardless of effort. This establishes clear limits on reform potentials that the literature has not yet engaged with.

Moving on to Chapter 3 which considers democratic policing, an argument will be made that the literature is best understood using Aitchison and Blaustein's (2013) framework of viewing democratic policing as two distinct metrics – policing *for* democracy, and democratically-responsive policing. This framework helps break down the literature and also set-up two evaluative questions to be unpacked in Chapter 8: Do the forums contribute to policing for democracy, and how democratically-responsive are the forums? Furthermore, this chapter considers the

social theory of Simmel that again shows there are specific and permanent limits to how democratically-responsive the police can be. The 'form' of policing isn't entirely compatible with democracy and this is explored here conceptually. Additionally the social theory of Lukes is used to show how the democratic value of the forums is undermined by power inequality.

Chapter 4 will unpack the police studies conceptualisation of police legitimacy. The two major approaches to conceptualising legitimacy are reviewed – historical analysis, and the more quantitative approach of procedural justice theory, and a number of shortcomings as well as advanced complexities drawn out. Particularly, within the core conceptualisation of legitimacy, police studies often dismisses the contribution of Weber as foolish or misled. I argue that there is value to be retrieved from Weber in understanding legitimacy particularly around the plasticity of beliefs. Drawing from Lukes' view on power, and in particular, the ideological dimensions of power and how it affects beliefs in authority, I argue that understandings of legitimacy must also account for how legitimacy can be a *product* of authority relations as much as it is a cause of authority relations. This view finds support from a socio-psychological basis with the work of systems-justification theorists (see Jost et al., 2003). In this regard, police legitimacy ought to be examined as involving complex ideological elements best valued by Weber's emphasis on the importance of beliefs to legitimacy.

Chapter 5 will consider the particular social context of Scottish policing. In this chapter the historical lead-in to establishing police-public consultation forums in Edinburgh will be considered and I trace the arguments about the analytical distinctiveness of policing in Scotland from its comparable neighbours. There are important differences and distinctions to note in the history of Scottish policing – going all the way back to its comparatively serene implementation into Scottish society (see Dinsmor and Goldsmith, 2010; Carson, 1985) – but those arguments that it is analytically distinct are unconvincing. An argument will be made that the difference and distinctiveness of Scottish policing has been overplayed and this position is established in the goal of ensuring the broader theoretical significance of this thesis. I argue that some of the empirical findings of this research on the

consultation forums may owe a particular debt to the distinctiveness of Scottish policing, but that the theoretical findings ought to have broader relevance.

Chapter 6 will outline in closer detail the methodology and methods deployed, as well as key fieldwork reflections gathered through the experience of investigation and data analysis. I will detail how I specifically collected data to furnish my three chief concepts – police reform, democratic policing, and police legitimacy – which were all explored in a unique, original fashion. There will also be an exploration of the experience and process of data collection and an elaboration on particular issues that affected this research. In particular the politics of researching the police will be unpacked. As Hughes (2000: p.235) notes, "no criminological research takes place in a political and normative vacuum" and this research had to negotiate with the police for research access. The implications of this negotiation are considered and an argument made that the politics of research supported and enhanced the experience of research in this case, with the wider relationship between Lothian and Borders Police and academic research communities, particularly the Scottish Institute of Policing Research (SIPR), playing a useful role in opening up certain research freedoms. There will also be some reflections on data collection considered and the epistemological value of data will be discussed. Furthermore, an argument will be made in support of generalizing theoretical implications of case study research – again fortifying the position that this thesis has broader theoretical relevance.

Chapters 7 through 9 provide the main substantive arguments of the thesis and sequentially recall the conceptual perspectives of Chapters 2 through 4. Chapter 7 looks at Reform and whether police-public consultation forums can contribute to the reform of local policing. As established in Chapter 2 there are limits to the reform potential of professional policing, but despite these limits however, this chapter aims to show how, in the experience of Edinburgh, the consultation forums have been leading to positive developments of reform – especially in the areas which have needed it most and which have, historically, had quite contentious police-public relations. This establishes the trend of conclusions in this thesis which show how empirically, the consultation forums are leading to some positive developments for 'civilizing policing', but that conceptually, this idea is pushing against permanent barriers and limits to that progress.

This is a conclusion repeated in Chapter 8 which looks at the democratic credentials of the police-public consultation forums. Using Aitchison and Blaustein's (2013) useful division of democratic policing into two distinct metrics – policing *for* democracy, and democratically-responsive policing – the consultation forums are evaluated for whether they contribute positively to local democratic values (policing *for* democracy), and to what extent are they democratically-responsive? The conclusions show that there are illustrations of how consultation forums can actually enhance the strength of democratic values – going against a lot of the expectations of the literature that emphasize the *hazards* of democratisation, such as increased punitiveness or a exclusionary cost for those in the margins of society. However, as argued in Chapter 3, using the social theory of Simmel shows that there are specific and permanent limits to how democratically-responsive the police can be. This is seen, for instance, when it comes to sharing information within the consultation forums or negotiating on the police's capacity to use force. Furthermore, Lukes social theory on power is seen in action when, as an example, the police are able to control and command the terms of their own participation such that they only engage at their willing discretion, and do not necessarily represent equal, democratic partners in consultation. Once again, this chapter concludes that there are positive signs for the capacity to civilize policing through police-public consultation, but that this is quintessentially limited by the form of policing as well as the impact of prior power inequality.

Chapter 9 then tackles the issue of whether the consultation forums enhance local police legitimacy – a key normative goal as outlined by police studies. There is evidence to suggest police legitimacy is improving, especially in areas where it was most in need of improvement. In certain areas public cooperation is said to have progressed significantly in the last four or five years, and the consultation forums are credited as being a key part of that success. This chapter also engages with the conceptualisation of legitimacy in police studies. From the data gathered there are advanced complexities to legitimacy unexplored so far by police studies. In particular for instance, Bottoms and Tankebe (2012) suggest legitimacy addresses multiple 'audiences', and I would also add that it addresses multiple recipients as well; the status of police legitimacy is shown to vary amongst officers and rank from the

perspective of the public participants. Moreover, the relevance of Weber and Lukes on beliefs and power is illustrated here empirically, showing again that the consultation forums appear to be contributing to a civilizing of policing, but this is not without its limits or its precautions.

The concluding chapter then wraps up and ties together all the arguments and contributions the data has made for the key concepts of reform, democratic policing, and legitimacy. The core questions of 'what can police-public consultation forums achieve for civilizing policing?' is returned to and the core thesis laid out. An argument is also summarised for why I would endorse the continuation, expansion, and improvement of police-public consultation forums in Edinburgh and beyond, particularly in this period of Scottish policing history that has moved to a single national force.

Summary of Thesis Arguments

In advance of Chapter 1 which will go into greater detail on the theoretical perspectives of this thesis, here is an overview of the main arguments that will be presented:

(1) From the evidence provided by the experience of police-public consultation forums in Edinburgh, Scotland, there are encouraging signs that consultation forums are a viable device for encouraging police reform, enhancing the democratic credentials of local policing, as well as improving local police legitimacy.

(2) Adding a precaution to the successes of the forums requires a conceptual reflection on the profound limitations that face reform, democratic policing, and police legitimacy. Using the social theory of Simmel, Weber, and Lukes shows how state-based policing has particular and specific restraints on its potential to reform, be democratized, and also grow its legitimacy.

(3) The goals of reform, democratization, and enhanced legitimacy should be considered as subsidiaries to the primary goal of 'civilizing policing'

(borrowing from Loader and Walker, 2007). While 'civilizing policing' is a desirable and plausible goal, the profound limits of such a project must also be acknowledged.

Chapter 1: Police Theory, Social Theory, and Perspectives on the Available Margins of 'Civilizing Policing'

In this chapter I propose that the boundaries of 'civilizing policing' are rooted in theoretical perspectives of the police. Various perspectives establish certain margins and potentials of how the police might either reform, improve their democratic credentials, or enhance their legitimacy. Although some of these perspectives are optimistic regarding the scope of change for the police under social democratic pressure, others are less so, and argue the police are unlikely to be significantly civilized because of the quintessential nature of its function in modern, capitalist society. Theory provides a framework for the prospect of civilizing policing and so in this chapter the aim is to establish two things: Firstly, the perspectives on police theory in the police studies literature will be unpacked, and secondly, additional perspectives from social theory will be shown to have value here – particularly, the sociology of Georg Simmel that suggests we look at the forms in which social relations exist; Steven Lukes' important contributions to our understanding of power; and additionally, Max Weber's analyses of bureaucracy and legitimacy, which I argue remains highly relevant. Throughout this thesis, these theorists will be used alongside the police studies literature to develop a rich account of the capacity of police-public consultation forums to support efforts to civilize policing.

Specifically, the sociology of Georg Simmel shows how there are permanent aspects to the 'form' of policing that cannot be transcended, particularly around the use-of-force, as well as secrecy and unequal reciprocity. Similarly, Weber's perspective on bureaucracy demonstrates the limits at which a bureaucratic organisation can be changed to fit human needs. Weber also offers a key perspective on contemporary understandings of legitimacy that I argue can be mined for further value, particularly by borrowing from Lukes' perspective on power that can demonstrate how legitimacy can be a product of authority, as well as a cause of authority. Lukes' other views on power are also used for showing how democracy can be undermined by power inequality in a number of key ways. These perspectives help strengthen the police studies literature, which is often short on theoretical discussion. The police theory literature most often calls on Durkheimian, or Marxist perspectives, and has progressed little from Bittner's theory of the police which I suggest reflects a Simmel-esque mode of thinking. The works from police studies that offer theoretical

perspectives on policing are unpacked here, and I argue that the police are open to civilizing, but that there are key limits to this process worth considering.

1.1 Police Theory

Manning (2010: p.98) argues it is hard to name a 'theorist' of policing and that the study of policing largely proceeds unencumbered without a "systematic attempt to refine a theory of policing" (ibid: p.93). Brodeur (2011: p.351) agrees, arguing that the field of policing has been too interested in "practical concerns" rather than theoretical ones. Likewise, Sharp (2005: p.450) observes that both police policy and policing research proceed without clearly 'articulating' or 'documenting' the 'primary purpose' of the police. Despite these shortcomings there are often attempts to theorise the police in the police studies literature, and this chapter will unpack how these respective theories model the prospects for 'civilizing' policing.

To begin, it is hard to look past the influence of Bittner's (1970) contribution and his essay "Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police". Bittner suggested that the core exceptional competence of the police was its capacity to resort to non-negotiable force, ensuring the police get involved with "something that ought not to be happening and about which someone had better do something now" (p.132). For Bittner, modernity produces a number of daily circumstantial problems (criminal and non-criminal) to which provisional solutions are needed hastily and without deference to formally codified procedure. In this respect, the police offer an "indispensable" service (Bittner, 1970: p.132) whereby discretion and authority are backed up by the option for use-of-force in order to navigate life's "micro-crisis" (term borrowed from Brodeur, 2011: p.109). With this suggestion Bittner is said to capture the essence of the police function. As argued by Brodeur (2011), Bittner's ideas have come to be the cornerstone of understanding within police theory (p.103-106), and likewise, Jones and Newburn (1998) suggest, "sociologists have not improved upon this definition in the past twenty-five years" (p.258).

Bittner's definition offers a perspective of the police that emphasises what Loader (2011: p.453) refers to as the 'tragic quality of policing'. That the police are quintessentially about deploying force and coercion to individuals and groups in

society and as such this makes the police both perpetually "sacred and reviled" (ibid: p.452). The police "inherently operate with dirty hands" (Reiner, 2010: p.xiii), or as Brodeur (2011: p.6) explains, they are "the fire with which you fight fire". This 'tragic' or 'dirty' aspect to policing follows inevitably from Bittner's perspective that the police are an agency that distributes non-negotiable coercive force in society. As such, the police will be a perpetually contentious, combative, and an adversarial presence within society, inevitably doing damage and injury to someone in the course of its mission.

This perpetually 'tragic' aspect of policing puts a clear limit on any civilizing potential. There is no miraculously non-aggressive policing from Bittner's perspective – the function of the police is quintessentially and unavoidably aggressive. The best, argues Brodeur (2011: p.8) that can be hoped for is "damage control" and restraint. Otherwise, the police will be confrontational and combative towards someone, somewhere, often in the service of others. Hence, what Reiner (2010: p.17) refers to as the 'Janus-face' of policing – police aggression can be oppressive to one group, but liberating for another, at the very same time.

What this implies for reform, democratic policing, and legitimacy is clear: no matter what reform is introduced, the police will never outgrow its centrally aggressive role; no matter how democratic the police is made, it will never negotiate on its capacity for non-negotiable force; and no matter how legitimate the police are in the eyes of the public, they will never have an exhaustive span of reliable public legitimacy. As long as the police functions as Bittner describes – distributing non-negotiable coercive force in society – the police will be combative and damaging to someone, somewhere, foreclosing on any entirely civilized, non-violent relationship.

In this sense Bittner theoretically locks the police into a permanent function to which it can not transcend. Other theoretical perspectives on the police restrict them to methods or techniques. For instance, Ericsson and Haggerty's *Policing the Risk Society* (1997) theorises modern policing as 'risk communications', where a core function of the police becomes about the dissemination of information and data. Police become obligated to information-gathering and satisfying information-demand from internal and external channels. Ericsson and Haggerty (1997) argue that data collection in this sense comes to affect the core function of the police, but others have

disputed the degree to which the technique of data dissemination now defines policing over other human and ideological elements (Brodeur and Dupont, 2006). The technique of bureaucracy certainly locks the police to certain possibilities of change and this will be explored later when discussing Weber.

Bittner's basic premise that there is a permanent 'tragic' form to policing, which is non-negotiable and theoretically inevitable, defines a large amount of police studies perspective on the police. Such perspectives accept the inevitability of police violence in society: that it is a "sociological impossibility", to consider otherwise (O'Rourke and Sheptycki, 2011: p.1); that democracy needs a group which possesses the general right to use force and legitimately intervene on predatory behaviour (Klockars, 1985: p.15; Bayley, 1985: p.8); and that state public constabularies are, ultimately, a "necessary and virtuous" good (Loader and Walker, 2007: p.4). These perspectives accept the bargain of public constabularies in modern, liberal democratic society: that the police are locked into a tragic form, with which we can manage, but not entirely tame. The implication of this theoretical perspective is that democratic pressure can modify and manage police behaviour, but within certain limits and boundaries.

This perspective would point towards the differences between public constabularies as an encouraging indicator that civilising policing is possible - it just requires democratic pressure from the surrounding social and legal setting. In this regard, the tragic quality of policing is not transcended, but is at least managed more appropriately. Bittner's theory suggests policing looks similar everywhere, but we also know that context is important (Bayley, 1985). As such, there are cultural and Durkheimian aspects to the police to consider, and moreover, dramaturgical perspectives that emphasize how the role of performance for audiences affects the nature of modern policing.

Examples of Durkheimian perspectives of the police can be found with Loader and Mulcahy (2003), Terpstra (2011), as well as Jackson and Sunshine (2007). As outlined by Jackson and Sunshine (2007) the police are subject to Durkheimian expectations by the public to "typify group morals and values" (p.214). It is evident that the police are expected to represent community values and morals lest they be rejected and ostracised by their community (see also Sunshine and Tyler, 2003). This is what Marenin (1988: p.170) also refers to as "congruence", or what Terpstra (2011:

p.7) refers to as the "symbolic-moral dimension of policing". This illustrates the need for the police to be context-sensitive to the moral and cultural character of the policed. Furthermore, Loader and Mulcahy's *Policing and the Condition of England* (2003) also identifies this Durkheimian relationship of the police with civil society. This relationship is not only defined by the police bending to 'group morals and values', but also providing them as well. In other words, the police provide a 'quasi-religious' totem of identity, security and community solidarity (Loader and Mulcahy, 2003: p.3; see also Reiner, 2010).

This kind of Durkheimian relationship is not without problems and poses particular limits to civilising potentials. For instance, if the police is subject to the political and cultural sensibilities of its surrounding society, then it can only be as 'civilized' as its allowed to be. In other words, works like Jackson and Sunshine (2007) which emphasize the benevolent features of group 'morals' and 'values' need to also consider malevolent values. The public can hold prejudiced and aggressive attitudes to others, particularly 'suspect' groups, individuals, or communities, and this is just as important as ideas of "dignity" and "fairness" to the public (ibid: p.214). If the police are attempting to establish any sort of Durkheimian harmony with public 'values' it is necessary that would include the hostile values as well, and consequently runs the risk of leading to 'decivilizing' effects.

Moreover, if it holds true that the public fetishize the police in ways that grant them a socially sacrosanct position of reverence and awe, this can lay the foundation for leniency, misplaced faith, or the erosion of impartial accountability and evaluation. Loader and Mulcahy (2003) for instance, are particularly interested in the symbolic power of the police and how the police are "made and imagined" by the public as a cultural symbol that communicates certain fantasies of normality and authority (2003: p.42). The argument begins from the position that state power has a dimension which "works within us" (Corrigan and Sayer, 1985, cited in Loader and Mulcahy, 2003: p.40). In other words, the public make mental connections between public constabularies and notions of order and authority providing a 'doxic' worldview that establishes the police as often beyond reproach or impartial critical reflection. This can encourage misplaced leniency and fetishization, and both these issues have clear implications for the potentials of civilizing policing.

Related to the Durkheimian perspective of the police, there are also dramaturgical perspectives that similarly emphasize the importance of 'audiences' in policing. Manning (2010: p.200-201) for instance, argues policing is "at root poetic" and the "cause and consequence of collective emotional feelings". He goes as far to argue policework is a form of social "magic" (ibid: p.247). This implies that most of the other purported achievements of policing – justice, crime control, emancipation, the preservation of democratic values – are to a large extent illusions. Hence, policing is quintessentially imaginary, poetic, dramatic, or 'magical'. Manning's perspective is useful for a reminder how the police aren't always a credible means for bringing about 'civilising' outcomes. His value here is as a reminder that policing can often be more about impression management than tactical efficacy or social change. Manning's 'poetic' perspective of policing, thus would view any civilizing potential within the police as likewise illusory.

Materialist perspectives of the police would also have little hope for the potential of civilizing the police. Materialist interpretations of policing suggest that the subtext of the police function is principally class repression. The police are seen as a state apparatus for ensuring the smooth running of capitalism and the 'hands-on' management of populations who threaten or are rejected by the market. Within this theoretical perspective the potential for civilising the police is also bound by its primary function – the maintenance of material inequality and capitalist interest – and as such, there is slim, if any, margin for 'civilizing' the police within a capitalist society.

The theoretical perspective that the police are an instrument of bourgeois interest is a well-explored idea: Storch (1975) for instance, emphasises the early role of the police in creating social discipline and conformity in the working class to adjust them to capitalist production; Brogden (1982) echoed this sentiment highlighting the oppressive functions of the police and the natural antagonism that exists between the police and the working class throughout history; Harcourt (2011a) argues that the police apparatus is essential to commercial markets as the smooth running of capitalism requires forceful management of private property and reliable trading

conditions; and Wacquant (2009) places the police as the 'hands-on' state actor that manages the insolence of the poorest sections of society.

For a more detailed illustration for how the police are an instrument in servitude to the interests of capitalism, it is worth considering Hall et al.'s *Policing the Crisis* (1979). Hall et al. (1979) analyse the drama surrounding a "mugging crisis" in England in the 1970s and make an argument that the police fulfil a role that fits the needs of the capitalist, hegemonic order. It is outlined how in this instance of a "mugging crisis", the police adopt the conventional interpretation of the situation as constructed through the concerns of the state, media, and morally outraged. Alleged "muggings" committed by young, marginalised black men are 'confirmed' in their seriousness by the police through the redefinition of 'petty larcenies' into 'muggings', dramatic police condemnation of 'mugging', and self-fulfilling tactical campaigns to target young, black men (p.38-52). This opens the door and creates the cover for the police to aggressively police 'suspect communities', who are more accurately defined by their economic marginality. Hall et al.'s (1979) argument is that the police unwittingly come to reflect the interests of the ascendant classes and dramatise their concerns against those who are superfluous to the market. In this analysis, the police are in the service of the hegemonic order as preferred by the state and capitalism – the 'enemies' of capitalism become the 'enemies' of the police.

Shearing (1981) likewise demonstrates how police culture conforms and acts out on the roles that are provided by capitalist class division, principally the ideas of "the public" and "scum" – those they do things *for* and those they do things *to.* These categories are intimately connected with their status in capitalism Shearing argues (ibid: p.355) – the "scum" are the surplus population rejected from the marketplace, while the "public" are the useful, obedient capitalist contributors. Loftus (2007: p.186) argues police forces still act as 'carriers' of "class contempt", and from Shearing's perspective this is a function of the police role in managing "scum" – a surrogate term for the economically surplus or the unfit for capitalist purpose. From this perspective the police function is intrinsically antagonistic and adversarial with the 'lumpen proletariat' and despite the best efforts for liberalising or 'civilising' police attitudes they are prone to repeat patterns of class division and contempt.

Materialist perspectives of the police establish a pessimistic view of police reform and civilising. With this perspective there is always an overarching illegitimacy to the police function as it is principally understood as the managing of economic misfits – an aspect that is unlikely to be reformed within capitalist society. Materialist perspectives suffer from a number of shortcomings: they are teleological; too quick to unite the interests of the state and the interests of capitalism; neglect the public 'goods' that can come of policing (using Loader and Walker's, 2007, term); and under-appreciate differences of police behaviour across capitalist societies. This latter point will be returned to in a moment, but what is useful and important to take from materialist perspectives is the relevance of wider power inequalities to policing. Wider economic and political power inequalities frame the design, function, and daily practice of policing and this will be explored more using the work of Steven Lukes. Power inequality can come from various origins, some of them from political economy, and as such it is always important to consider the ramifications of broader economic divisions to policing.

Finally, what the various theoretical perspectives on policing ought to get to grips with is the variation and distinctiveness of policing across societies. Bittner's view or materialist perspectives would suggest a uniformity of policing across modern, capitalist nations, and would point to the recurring patterns of behaviour found across examples. In a later chapter, the distinctiveness of Scottish policing will be considered and an argument made that there are significant differences across policing jurisdictions that ought to be appreciated, but that core resemblances persist, and perpetually consistent patterns repeat. Policing is broadly similar across jurisdictions, but with important context-specific variation. It takes a combination of theoretical perspectives from the police studies literature to appreciate the similarity of form, but also difference of content. Within this contradiction, this thesis hopes to extract an argument outlining the margins of 'civilising' the police that appreciates the permanence of certain aspects to policing, as well as the scope of policing that is open to flexible and democratic negotiation.

1.2 Social Theory

To illustrate the possible margins of 'civilising' the police I argue that the social theory of Simmel, Weber, and Lukes ought to be considered. To the author's knowledge the sociology of Georg Simmel has not yet been put to use in policing theory, while Lukes theory of power receives occasional references (see, for example, Crawford and Jones, 1995; Waddington and Hamilton, 1997). Weber, on the other hand, is a much more common presence in the policing literature (Terpstra, 2011). In this section it is argued that the pre-existing police literature can be improved with the addition of the social theory of Simmel, enhancing the contribution of Lukes, and reconsidering the work of Weber on bureaucracy and legitimacy. The work of these authors will be recalled throughout this thesis and as such it is worth reviewing their ideas before illustrating their application for the police literature, and moreover, their particular relevance to police-public consultation forums.

Simmel

The sociology of Simmel on 'forms', trust, and also secrecy has particular use for looking at the potentials of consultation forums. Simmel is known for his 'formal sociology' meaning that he is interested in the 'form' of interactions and relationships. What Simmel means by 'form' is that society is made up of interactions among individuals, but those interactions are given structure by those individuals belonging to units at the moment of interaction – think of a police-citizen encounter and the reduction of individuals to either the impersonal unit of 'police' and the impersonal unit of 'citizen' (Simmel, 1950: p.40-41). Within interaction we become entities and these entities are related together in structured templates which have roles, rituals, and rules for how they interact. It is these templates, or 'forms', that Simmel (1950) argues should be the defining object of inquiry for "the science of society" (p.21-22). The police-public relationship has a form and it is the purpose of this argument to use Simmel to investigate how the experience of this relationship is defined by the features of said 'form'. But first, Simmel's social theory needs further explanation.

Simmel is curious about the basic building blocks of sociability: 'How is society possible?' (1910), what is the nature of 'sociability' (1949), and on what 'forms' do the relationships of people rest? For Simmel, individuals are more a product of the social, than vice versa; the subject is defined by its relationship with other elements –

how else can a subject participate in sociability without embracing quintessentially social material? Inter-subjectivity is important for Simmel, and the individual's 'being' is more like a 'being-with':

> The single human being is not alone on earth but becomes determined through being-with others
>
> (Simmel, 1992a, cited in Prryhtinen, 2009: p.110)

Or, in other words:

> The human being is in one's whole essence determined by the fact that one lives in reciprocal interaction with other people
>
> (Simmel, 1992b, cited in Prryhtinen, 2009: p.110)

To give an insight into Simmel's thinking on the irreducibly social nature of individualism, he suggests both 'isolation' and 'freedom' are particular social forms that masquerade as being defined by independence, which ironically, only find meaning in their *dependence* to other social elements (Simmel, 1950:119-122). Freedom for instance, is a "power relation to others", it is:

> the possibility of making oneself count within a given relationship, (through) the obligation or submission of others, in which alone it finds its value and application.
>
> (ibid: p.122)

And likewise, isolation is an idea that doesn't involve the "negation of association", but rather is a "specific relation to society" that is still quintessentially defined by its association to other elements (ibid: p.120). This is an idea that will echoed later by Loader and Walker (2007: p.136-139) when they discuss how 'security' needs to be interpreted as something irreducibly social, only existing in relationships – not a 'thing' to be conquered or possessed by individuals.

Numbers are important to Simmel's work: two elements interacting make a 'Dyad', and three elements make a 'Triad' (1950: Part Two). A police officer and an individual meeting on the street are a 'Dyad'. Their relationship is characterised by a "social framework that transcends both members" (Simmel, 1950: 136) – both members are privy and conscious of the rules, roles, and rituals that ought to define a police-citizen encounter. Individuals in such an encounter do not as much reflect

personal individuality, as a socially learned propriety (the citizen may be suddenly aware of the jeopardy of arrest and the police right to use lawful force; the police officer meanwhile, needs to beware of the obligation to behave 'professionally'). Such an encounter is not defined by individual personalities, but by the 'form' and formality of police-public relationships in general. This is the 'form' Simmel argues that defines subjects within interactions and such 'forms' ought to be scrutinised for their implications to the overall relationship. Simmel argues there is an obligation to examine how the forms themselves define relationships, rather than how incumbents define relations:

> If there is to be a science of society as such, it must therefore abstract those forms from the complex phenomena of societary life, and it must make them the subject of determination and explanation
>
> (Simmel, 1902: p.1)

In a broader sense, the relationship between the police and the public writ large, can be thought of as a 'Dyad'. It too is defined by a form, a key element of which, for instance, would be Bittner's notion of the police holding the non-negotiable right to use force. This will be explored more in a moment, but let us return first to the implications of a 'Triad'.

Relationships within a 'Dyad' are often characterised by a third element, that works as an intruder or associate who acts as a "disturbance and distraction of pure and immediate reciprocity" (Simmel, 1950: p.136). The Triad introduces a broader consideration of a 'we' into the Dyad that was once just about 'you' and 'I'. This is a social 'we'; a "supra-individual life independent of the individuals" (Pyythinen, 2009: p.108). In the example of the police officer and the citizen encountering on the street, their encounter is not defined by 'pure' reciprocity of stranger meeting a stranger, but has a hidden life of obligations and associations to third elements. The police officer has an immediate responsibility to the fraternity and hierarchy of other police as well as the state to behave professionally for instance, while the citizen may have associates who influence the willingness or unwillingness of that individual to cooperate and exchange interaction with the police. Third-party associates now come to have considerable influence over the supposedly independent two-party encounter. It is no longer just a spontaneous personal encounter between two strangers, but an

encounter with many impersonal elements relative to how participants have obligations to broader social meaning. Individual personalities are suppressed, and social, impersonal roles are followed and brought to the surface. In this regard, we can speak of "sociability thresholds" (Simmel, 1950: p.46-47): the upper and lower limits to precisely how formal and informal such relationships are allowed to get, and that ultimately, prevent scenarios of full reciprocity, spontaneity, or creativity.

'Triads' alter, intrude, and disturb the relationship that would have existed between 'Dyads' and now introduce a new 'form' of association that is more complex. While expanding the Dyad into a Triad has profound ramifications for the 'form', any further expansion has less importance. A marriage that introduces a child produces a significant change in the group; the introduction of another child, does not significantly change the group further, argues Simmel (ibid: p.138). The implications of 'Triads' has particular relevance for considering police-public consultation forums. While the forums bring together two elements (the police and the public), there are third-party elements that have immediate relevance to that relationship. One example that will be particularly explored in later chapters is the obligations to third-party unrepresented members of the public. Citizen participants at the consultations forums may demand action or information about third-party citizens from the police, but the police's position in this Triad means the police may have to deny forum members their requests out of ethical and legal obligations to non-forum members. In this way, third elements work to intrude on and shape the immediate two-party relationship.

To illustrate more clearly how Simmel is relevant to police studies and police-public consultation forums it is worth discussing aspects of the 'form' of the police-public relationship. As mentioned, Bittner is important here. Without using Simmel's terminology, Bittner has suggested that the 'form' of the police function is "best understood as a mechanism for the distribution of non-negotiable coercive force" (Bittner, 1990: p.46). 'Non-negotiable coercive force' is quintessential within the 'form' of police-public relations according to Bittner, defining the character of *all* police-public encounters either conspicuously or inconspicuously (Bittner, 1970: p.138; Brodeur, 2011: p.117). Moreover, this is a permanent aspect of the relationship – a police force without the use-of-force ceases to be a police force. Considering the implications means that the 'form' of the police can only be adjusted in content, and

not form – use of force can be managed, not eradicated. As will be argued further in later chapters, this has significant implications for the possibility of reform, democratic policing, and police legitimacy. In other words, there is only so far this form can be re-*formed*; there is only so much a non-negotiable function can be made democratically negotiable; and police coercion plays a key and important role in affecting legitimacy. 'Non-negotiable coercive force' is permanent within the idea and 'form' of police-public relations, which can be seen by merging Bittner with Simmel's social theory.

Simmel is also interested in the possibilities and nature of reciprocity that will have crucial relevance to police-public consultation forums where notions of accountability, transparency and cooperation are of immediate importance. For Simmel, social conduct is always denied complete reciprocity. There are basic limits to all human association that makes secrecy, concealment, and the reliance on unverifiable trust unavoidable. When considering any social intercourse or exchange, Simmel argues:

> Life rests upon a thousand presuppositions which the
> individual can never trace back to their origins, and verify; but
> which he must accept upon faith and belief

(Simmel, 1906: p.445)

Social conduct is based on accepting and facing the reality that perfect knowledge of others is impossible and that this can lead to discomforting ignorance, as well as permissible inequality:

> Without the general trust that people have in each other
> society itself would disintegrate, for very few relationships
> are based entirely upon what is known with certainty about
> another person, and very few relationships would endure if
> trust were not as strong as, or stronger than, rational proof or
> personal observation

(Simmel, 2004, cited in Barbour, 2012: p.219)

These observations are particularly germane and relevant to the relationship between citizens and police. In our relationship with the police full knowledge of police business is neither a practical, sociological, nor legal possibility and as such the relationship is beset with inequality, permissible withholding of information, and an

expectation that integrity of the superordinate body (the police) is often reliant on trust rather than total veracity.

Trust is a key idea in Simmel's work. From Simmel's perspective all human relations are characterised by incomplete knowledge, permissible concealment, and a necessary surrender to trust and faith. Mollering (2001) argues a number of other authors have shared similar ideas to Simmel on 'trust'. Luhmann (1979) and Giddens (1991) have noted the work of "ignorance" (Luhmann) and the irreducible quality of "faith" (Giddens) that constitute trust relations, whilst Lewis and Weigert (1985) concede that "trust in everyday life is a mix of feeling and rational thinking" (cited in Mollering, 2001: p.410). Trust cannot be explained away by good reasons or by the promises of accountability devices for Simmel, but always work in combination with faith that must rest in forms of spiritual or quasi-religious feeling (ibid: p.411):

> ...forms of confidence, no matter how exactly and
> intellectually grounded they may appear to be, there may yet
> be some additional affective, even mystical, 'faith' of man in
> man.
>
> (Simmel 1950: p.318)

The purpose of accountability and transparency devices such as the consultation forums are intended as a substitution for trust. What Simmel is arguing is that reciprocity that isn't dependent on unverifiable trust is impossible. The very nature of social association and reciprocity means trust is always necessary, and secrecy is a permanent presence. If we consider the relationship between the police and its citizens this means complete accountability or complete transparency is denied. The form of reciprocity between the police and public means institutional concealment, secrecy, and just basic 'unknowables' are unavoidable. Perfect, reciprocal knowledge of what happens in the halls and corridors of police stations as well as in the innumerable encounters of the police with the public in homes, streets and public spaces is of course impossible, as well as often politically protected. As Simmel (1906: p.442) further notes, in many relationships the reciprocity of information "may or may not be permitted to be equal". This has particular relevance to the police where restrictions of information are established by things like the Data Protection Act. This will have particular relevance in later chapters when the impact of this restriction of information and secrecy has on reform potentials and democratic policing are further explored. As

a general point, it is worth establishing that secrecy is of great importance in policework, either officially or unofficially (Westley, 1956), and that the form of policing, as can be learnt through the social theory of Simmel, will always deny complete accountability or complete transparency, placing a key limit on the possibilities of civilizing policing.

Simmel's 'formal sociology' comes in for a substantial amount of criticism that is worth considering. One of his chief critics, Talcott Parsons, goes as far as to suggest "it would be difficult to conceive a more pernicious doctrine than that of Simmel" (Parsons, cited in Levine, 2000: p.68). Some of the chief criticisms of Simmel's work comes from Parsons' (n.d.) essay *'Simmel and the methodological problems of formal sociology',* which principally objects to Simmel "pushing the whole problem of normative orientation over into the sphere of "content"" (Parsons, n.d., cited in Levine, 2000: p.68). In other words, Simmel does not sufficiently regard normative motivations in his theory of human action, instead choosing to focus on static, impersonal 'forms'.

There is an interesting parallel worth exploring here in that the accusations levelled at Simmel can be levelled at Bittner's 'theory' of the police. The problem with Simmel's forms is that they are most often descriptive and non-explanatory. This is similar to Bittner's assertion that the police can be "best understood as a mechanism for the distribution of non-negotiable coercive force" (Bittner, 1990: p.46). This is a mostly descriptive statement that says nothing about why or how such a 'form' exists. How did we stumble into this form? Was it planned, and were there political and moral motivations involved? While materialist explanations of the police (as an example) would explain the origin of the police in managing the rejects of capitalism, Bittner's 'theory' has little to say on the origin of the police outside a description of its 'form'.

Simmel's critics, including Weber (1972), argue that he has over-focused on impersonal 'forms' and not enough on the humanistic, spontaneous political and moral components of social action. A cursory reading of Simmel (just like Bittner) would suggest a disinterest in the political context of 'forms' favouring instead to describe their formality. In other words, there is too much description and not enough explanation. Levine (2000) defends Simmel arguing his theories have often be

reductively misrepresented, and that alternatively there is a good deal of convergence between Simmel, Weber, and even Parsons. Instead, Simmel *is* profoundly interested in how forms are a result of "psychological or even metaphysical preconditions" (Simmel, 1978, cited in Levine, 2000: p.69):

> For Simmel as for Parsons, instrumental transactions are overlaid by considerations that stem from a pervasive human sense of moral obligation
>
> (Levine, 2000: p.70)

In other words, Simmel is not as much a 'formalist' as often suggested. Regardless, Weber's 'interpretative sociology' is said to clash with Simmel's 'formal sociology' (Lichtbrau, 1991: p.35) and many consider their views of sociology profoundly incompatible (Fraught, 1985: p.158). While Weber is interested in causality – why action happens? – Simmel is interested in interaction – what happens? These supposed irreconcilable differences have been argued to be overstated and some have attempted instead to draw out the connections between the two (see Lichtbrau, 1991; Levine, 2000; Fraught, 1985; Scaff, 1988). Regardless of the incompatibility or not, the closest affinity of the work of Weber and Simmel revolves around concern of the objectification and rationalization of human life in modernity (Fraught, 1985: p.161-165). As such in the upcoming section, the role of bureaucracy in Weber's social theory will be unpacked and its importance to the implications of police-public consultation forums explored.

Weber

Simmel and Weber share a mutual interest in how modernity has objectified and suppressed human subjectivity (see Fraught, 1985). While Simmel discusses 'forms', Weber (1970; 1978a; 1978b) discusses the bureaucratic nature of modernity. Bureaucracy is quintessentially an aspect of modernity, in a way that "is not the historical rule but rather the exception" according to Weber (1970: p.196). What Weber is interested in is the systematic way organisations such as the police administer themselves and their functions. Bureaucracy is the method with which organisations conduct complex tasks and while this method is smart, it is also restrictive and occasionally dysfunctional in relation to its primary aims or purpose.

To unpack what Weber means by 'bureaucracy', he is referring to the systematic ways organisations are designed with fixed jurisdictional areas; fixed division of labour into 'offices', each with fixed levels of authorities and range of duties; a firm system of hierarchy within the organization; a fixed set of offices that are preserved as incumbents change; and a stable set of rules that apply to each 'office' domain (ibid: p.196-198). As a totality, the bureaucratic system is doggedly rational, formal, economical, and demands impersonal loyalty to the performance of office duties.

For Weber, this is the best thing about bureaucracy: it is neutral, predictable, routinized, unambiguous, and committed to eliminating arbitrary and irrational decision-making, as well as providing a formal commitment to equality. But likewise, these are the very worst things about bureaucracy: its overwhelming rationality eliminates spontaneity, it demands impersonal performance of duties, sidelines emotional discretion, and everywhere restrains action to the allocated purpose of office. Bureaucracy is smart, rational, and reasonable from the perspective of the organization, but often an "iron cage" (Weber, 1976: p.181) to individuals and society as organizations attempt to meet political and moral ends only to be undermined by systemic resistance, limitations, and dysfunction.

Wender (2008) specifically considers the ramifications for policing from its bureaucratic nature. He argues there is a "bureaucratic paradox" in that policing is aimed at solving human problems, but attempts to do so with as dehumanized an approach as possible (ibid: p.2-5). For Weber (1970) the aim of bureaucracy is to eliminate "from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation" (p.216), but from Wender's perspective (2008) this can be fundamentally inappropriate with policing. Consider, argues Wender (2008: p.2) that "modern police work involves armed bureaucrats encountering their fellow human beings in various states of crisis and predicament" to which they can not possibly understand in its full human meaning. Instead, the bureaucratic method of policing means nominated members of the police face scenes of 'human crisis' which they attempt to translate into a 'call to be cleared', a 'risk to be assessed', an 'item to be passed on', or an 'object to be intervened with'. The officer must reduce and objectify the human drama before them to a form compatible with their bureaucratic method. The problem is reduced to an entity that is to be

managed bureaucratically and passed across a complex division of labour. Within this, Wender (2008) argues the police method fundamentally fails to appreciate the full meaning of human predicaments and encourages a graceless, rational response that is loyal primarily to the bureaucratic method over the human complexity. In this regard Simmel and Weber unite in a concern on whether rational organisations such as the police can convincingly address and solve "human problems" (Fraught, 1985: p.164).

Of important note in thinking about the bureaucratic method of the police is its 'permanence' and indispensability. It is indispensable because as Weber (1978a: p.223) argues, "the choice is only that between bureaucracy and dilettantism" when it comes to public administration. Therefore, bureaucracy needs to be considered a permanent feature of public constabularies – policing as we know it can only exist with a firm spine of bureaucratic method, and without it policing would cease to function. Its indispensability is matched with a 'permanence', in that the bureaucratic method cannot ultimately be overcome and will persistently push against a political demand that it be more supple to human complexity. As Weber (1970) suggests there is something akin to a 'rule' of bureaucracy (p.231), as once created, the bureaucratic form takes on a level of autonomy in which the bureaucratic method encourages subsequent behaviour that is primarily compatible with its own purposes (as argued by Wender, 2008, in policing). Simmel (1950) makes a similar point about how social 'forms' (such as bureaucracy) become "autonomous" after their human creation and "they come to play freely in themselves and for their own sake [and] they produce or make use of materials that exclusively serve their own operation or realization" (p.41). This recalls Ericsson and Haggerty's (1997) thesis on the police as becoming obliged to information dissemination.

What this means for civilizing policing is that while political energy may push for change in the organization, the bureaucratic method cannot be overcome, and will continue to impede and undermine change preserving a stability and consistency. It will continue to produce limits and dysfunctions, while smothering the level of spontaneity and emotional dynamism that is demanded by reform entrepreneurs as well as democratic pressure. For the police-public consultation forums this has very real and apparent ramifications. In Chapters 2 and 3, several bureaucratic aspects of

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the police will be looked at and examined as obstacles to reform and resistance to democratic pressure.

Weber's perspective on legitimacy will also be important to discussion in Chapter 4. Weber's (1978) contribution to legitimacy was to highlight the role beliefs plays in an institution's legitimacy. While Weber is widely regarded as a key theorist to legitimacy studies, his notion of legitimacy has also been critiqued and modified by social theorists like Beetham (1991). In Chapter 4 an argument will be made that there is more value to be gained from Weber's perspective on legitimacy than suggested by Beetham (1991) and this can be achieved by merging Weber's views on legitimacy with Lukes views on power. This particular critique will be elaborated further in Chapter 4, but for now, the work of Steven Lukes and his views on power shall be unpacked.

Lukes

Steven Lukes' *Power: A Radical View* (1974/2005) applies a critical view of democratic deliberation and observes that deliberation, as the type seen in the consultation forums, has many surreptitious and prosaic ways in which 'democratic' deliberation can be 'rigged' or softly-structured by an architecture that can mobilise subtle bias. In brief, with deliberation, not everything is up for discussion, and neither is discussion outside of the context of power inequalities. The discussion, as well as who discusses, what is discussed, how it is discussed, and what possibilities can be credibly discussed, are all silently policed and softly structured formally, as well as informally. Power in this sense constantly interferes on democratic deliberation such that democratic credentials are undermined. The social theory of Lukes on power can help strengthen the concept of 'democratic policing', but also perspectives on 'police legitimacy'.

Democracy and its 'democratic credentials' are not straightforward argues Lukes (2005), and as such he encourages a three dimensional view of power that aims to unearth the interference of power over democracy. Democracy in Lukes' view takes place, and is subject to, the pressures of power that are acting both conspicuously and inconspicuously to encourage and discourage certain behaviour. To measure the

performance of power in something like a nation-wide democracy or even a local police-public consultation forum, it is not enough to consider conspicuous, observable, concrete, decision-making (ibid: p.17). For Lukes this is too superficial. This 'one-dimensional view' focuses mainly on outcomes and perceptible conflict and decides power is only evident at this level, focusing on the pluralism of expressed opinion, as well as articulated conflicts. Power, however, is more complicated than that. Specifically, Lukes suggests, it has a second – and a third – dimension to its performance that needs to be considered to fully appreciate the spontaneity and probability of deliberation favouring the powerful – even if it might in principle include 'weaker' participants on ostensibly equal terms.

Outlining the second dimension of power, Lukes highlights the work of Bachrach and Baratz (1970) who argue that you need to draw critical attention to who gets to design and orchestrate the arena of discussion in which power conflicts will occur. It is not enough to look at the observable spectacle of conflict, but to look at the frameworks within which they are deliberating for inherent 'mobilisation of bias' (Lukes, 2005: p.20). For Bachrach and Baratz it is the most powerful entities who have prior control over the "rituals" and "institutional procedures" which will decide the framework of discussion (cited in Lukes, 2005: p.21). Pre-existing power imbalances mean parties do not enter deliberation as equals, but the powerful bring with them certain advantages of decision-making, resourcefulness, influence, and authority, and at the same time carry certain privileges of 'nondecision-making' that allows the empowered parties to not have to make decisions about issues they do not necessarily want to.

It is easy to see how this applies to priority-setting. In principle, the priority-setting process is about democratising the relationship between the police and the community and attempting to establish some degree of parity of power between the two. In practice, it is the authorities – the police and the council – who are 'creating' this arena for the public to join them, and this framework that is 'created' is not free of bias and should be scrutinised as such. In any formalised arena, a framework will be determined that will establish bases of authority, privilege, and restriction, and it is part of the purposes of this thesis to reveal this process.

Lukes goes beyond the observations of Bachrach and Baratz (1970) however, and argues that power can not only be found in the architecture of deliberation such that bias is subtly mobilised, but also in a third dimension of power – an ideological dimension. For Lukes there also needs to be scrutiny placed on the level of pre-existing ideological hegemony: how interests and agendas are shaped for participants prior to any deliberation event taking place. This level of power is not concerned about decisions that are made or not made by individuals, but with the broader Gramscian way ideology produces and provides certain mental frameworks of thinking as well as simultaneously suppressing other counter, imaginative, and alternative, mental frameworks. For Lukes (2005), power is working to shape interests and preferences; to lead and mislead, what individuals and groups come to believe as their concerns (p.27-28).

The notion of 'false consciousness' raises its head in Luke's analysis at this point as he distinguishes "subjective" interests from "real" interests (ibid: p.29). "Subjective interests" being the result of accomplishments of the "control of information", the "mass media" and the "the process of socialisation" (ibid: p.28), while "real interests" being a more authentic, less alienated deduction of self-interest. The notion of "false consciousness" has developed a certain stigma in the social sciences as a condescending idea that discredits individuals strength-of-mind, and reduces the masses to "dupes" (Hay, cited in Lukes, 2005: p.149). There are two chief criticisms to "false consciousness" Lukes (2011) notes: firstly, that the idea has a certain arrogance as the academic claims an unmerited "assumption of superior knowledge", and a 'privileged access' to what is 'correct' (p.19), while the uneducated are patronized as holding foolish beliefs. And secondly, a more postmodernist critique that argues that there is no such thing as an ultimate 'truth' that is concealed; there are only "regimes of truth", each reflecting exercises of power (ibid: p.19). In this sense, there is no "truth" to banish and replace the "falseness" of false consciousness.

Lukes defends his position on the grounds that when he is suggesting a distinction between "subjective" and "real" interests, it is based not on assertions of "truth" or that 'he knows best', but on observations of "the power to mislead" with misinformation and the "naturalization" of manipulated beliefs and modes of thinking (Lukes, 2005: p.149). Harcourt (2011b) likewise defends Lukes by arguing that his

views on false consciousness are not necessarily incompatible with those who argue there are only 'regimes of truth'. While Foucault and Lukes for instance, may be at disagreement on the notion of "falsity" they can be united on the view that what is considered truthful is most often a result of power relations (Harcourt, 2011b: p.40). Lukes (2005; 2011) furthermore, defends himself by arguing that it is implausible to consider that the world is completely free of manipulation and subtle forms of thought-control (Lukes, 2005: p.149), or that human judgement is neither fallible nor vulnerable to external power relations (Lukes, 2011: p.27-28). These things can be observed suggests Lukes, without making paranoid, dystopian claims, but instead, can be debated with modest and proportionate analysis of its scope and significance.

Few would disagree with the view that *in principle* 'what people think' is vulnerable to influence from external relations of power, but what is more contentious is identifying *precisely* which aspects of peoples beliefs or behaviour is a consequence of 'false consciousness'. Identifying 'what are manipulated' and 'what are authentic' interests is deeply contentious in political, methodological, and epistemological senses. It is methodologically and epistemologically unimaginable for a researcher to clinically and surgically pick apart 'manipulated' interests from 'authentic' ones – without creative, interpretativist claims-making. In this regard there is a need for modesty and humility in making a claim that something is a product of false consciousness. It is in this spirit that the concept of "anti-social behavior" and deference to police authority will be discussed in Chapter 9. It will be argued that these aspects evidence an imprint of false consciousness, but one that cannot be entirely verified methodologically or epistemologically. Likewise, the intersection of false consciousness and police legitimacy will be explored in Chapter 4, as it is argued that authority relations are not just a product of public approval, but also a *cause* of public approval as well.

The social theory of Lukes and his work on power brings a number of assets to the discussion of democratic policing and police legitimacy. Regarding democracy and democratic deliberation, Lukes reminds us to be cognizant of the way power interferes and intersects with democratic credentials, and regarding legitimacy, Lukes can be used to show how police authority can often create legitimacy, as much as being a result of it. This has implications for civilizing policing as the potentials for

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welcome change are always subject to the drawbacks of power inequality, as well as showing how ideological relationships to the police are always complicated by possible false consciousness, undermining the potential civilizing pressure from the public.

Concluding Remarks

Police theory can be further improved and strengthened from borrowing perspectives from social theory. In this thesis the sociology of Simmel, Weber, and the social theory of Lukes on power, will be put to use to help answer the question 'to what extent can the police be civilized through police-public consultation forums?' These theorists help illustrate some of the margins and limits to any such answer and their work reveals new perspectives on established police studies debates. Through Chapter's 2, 3, and 4, these theorists will be recalled and their contributions to the understandings of police reform, democratic policing, and police legitimacy unpacked. What is also important to this question is a consideration of how social settings are crucial to the potential of 'civilizing' policing. This chapter has been exploring the common theoretical 'form' of policing, but in Chapter 5 the peculiarities of Scottish policing will be explored to show the distinctive elements of Scottish policing and what this says about police theory and the possibility for generalising research findings.

Chapter 2: Police Reform

The goal of this chapter is to offer a literature review of police reform in police studies and make suggested ways to improve and strengthen the concept. This will unfold in three steps. Firstly, the issue of conceptualizing police reform will be tackled, and the analytical difference between 'reform' and mere 'change' will be considered. Change can often be mundane, presentational, or superficial, but reform is argued to be strategic, purposive, and has specific aims and goals. Moreover, I argue that using Simmel's notion of 'form' and considering reform to mean 'revising the form', key conceptual limitations to reform are revealed. Secondly, the literature on police reform will be consulted and it will be shown that within police studies, 'reform' is not a coherent theoretical body, but a patchwork of studies and perspectives on various aspects, targets, and objects of police reform. This includes, changes in policing philosophy, police strategy, tactics, the organization, police culture, and policing outcomes. Thirdly, the first two steps will be reflected on and it will be argued that there are key conceptual limits to police reform that have not yet been explored by police studies literature and that the social theory of Simmel and Weber can help reveal. The limits to police reform are the consequences of the form and permanent aspects of public constabularies that will be outlined here including the bureaucratic framework of policing and the exclusive, non-negotiable privileges that set the police apart from the public. Reform, in this regard, only offers certain margins of possibility for civilizing policing. This will be shown here conceptually and then Chapter 7 will illustrate this empirically. Additionally, this chapter will feature some methodological reflections on investigating reform raised by my theoretical review.

2.1 Reform or change?

Before reviewing the police studies literature it is worthwhile to consider how I conceptualise reform. A good starting point is to address the difference between 'reform' and 'change'. Reform ought to be considered an intended and planned transformation that brings about specific goals and aims, I argue. Change, on the other hand, could mean superficial or minor adjustments and innovations. In my example of Edinburgh, for instance, the introduction and promotion of the 'Safer Neighbourhood Team' (SNT) model along with the police-public consultation forums offers very

obvious novel changes, but how is a judgement of *reform* justified? Justifications for what is reform (as opposed to change) are largely unforthcoming in the police studies literature. Waddington (1999: p.206-250) for instance, offers the chapter "Reform and Change" discussing types of 'reform movements' in the police without offering an explicit consideration of what reform might mean as opposed to change. Similarly, Toch (2008) discusses police officers as "change agents" in police reform, without distinguishing the differences between either.

These two ideas are taken as largely equivalent when they ought to be handled distinctively and justified more precisely. Commentators outside of police studies have noticed this need for analytical difference. Edmund Burke for instance recognized that to "innovate is not to reform" and that "change is novelty" whereas 'reform' is "a direct application of a remedy to the grievance complained of" (Burke, 1909: para 20-21). Within Educational studies, reform is also seen as different to change:

> First it is necessary to be aware of the difference between *reform* and *change*. Not all change in education is produced by reform and not all reforms bring about change. In other words, reform as a deliberated intervention in education through policy may or may not generate change. The occurrence of educational change could be driven by different factors that are not necessarily related to policy.
>
> (Riveros, 2012: p.165, emphasis in original)

It is evident that multiple fields face the same academic dilemma: policymakers regularly trumpet and promote a collection of programmatic 'reform' efforts, but how can academic observers judge whether the promise of 'reform' has been delivered, and not, disappointingly, a set of superficial changes? I agree with Riveros (2012) and Burke (1909) in considering reform as a successful 'remedy' to grievances that is also planned, intentional and reflects a deliberate intervention. Change, on the other hand, is either novel innovations, or developments outside the control and mastery of policymakers. In this way, I regard reform as the successful and planned improvements that come about from the consultation forums, as opposed to considering the forums themselves as a self-evident 'reform'.

Lothian and Borders Police introduced the consultation forums as a policy-response to governmental pressure and in this regard they are planned and deliberate interventions to satisfy the obligations set-down by the 'The Scottish Community Policing Engagement Principles' (2009). In this respect the forums should be judged for their contribution to reform by their ability to deliver on the intentions of the engagement principles which include: "support(ing) the delivery of safer communities; increased public confidence in policing; improve public satisfaction with service delivery; contribute to increased public reassurance; (and) contribute to the reduction of crime" (ibid: p.3). These are some of the metrics I will use to justify reform as distinct from change in Chapter 7.

Thus, reform is differentiated from mere change, but I argue that the above conceptualisation of reform is not entirely satisfying either. Reform can also be understood as 'revising the form' and using Simmel's formal sociology as outlined in Chapter 2, this becomes particularly relevant here to show how there are limits to the police being able to *re*-form owing to certain permanent aspects to the police. Certain grievances with the police result as direct consequence of the quintessential police 'form' and this places restrictions on any transformative potential. Such implications of Simmel's work on 'forms' will be explored in more detail later in section 2.3, but first it is worth reviewing the police studies literature on reform.

2.2 Police reform in police studies

The police reform literature has no unifying theoretical focus but is made up of a patchwork of approaches aimed at focusing on different aspects of the police. Making sense of the uncoordinated 'reform' literature, it is best to parcel out the literature in terms of the various aspects of the police under pressure to change and reform: policing philosophy, strategy and tactics, the organization and its management, police culture, and policing outcomes. The following section will outline the spectrum of literature that tackles these dimensions as well as reflecting on the resistance and limitations to each object of reform with the goal of conceptualizing reform for further empirical investigation.

Policing Philosophy

Police reform can often be presented as a transformation in 'philosophy'. Policing philosophy can be understood as the ideas, values, or goals that underpin the collective organizational understanding of what 'civilized policing' ought to look like. In other words, it is the orientating ideology that informs the nature and aims of police operations. There are often multiple, and sometimes contradicting philosophies within the police, but 'community policing' is the key philosophy of immediate interest here:

> Community policing is both a philosophy and organizational
> strategy to allow community residents and police to work together
> in new ways to solve problems of crime, fear of crime, physical and
> social disorder, and neighbourhood decay
>
> (Trojanowicz and Bucqueroux, 1990, cited in Tilley, 2008: p.376).

As a 'philosophy', community policing is one reform agenda that is gaining policy importance in Scotland and elsewhere – in spite of it having no clear definition (Justice Committee Report, 2008: p.2). Community policing 'philosophy' is often seen as being an "ethos" (Justice Committee Report, 2008: p.71) and comes with a number of attached ideas that set apart what the police did before, with what they intend to do now. This often includes ideas such as prevention, community engagement, problem-solving, reassurance, and a generally 'softer' form of non-adversarial policing (Bayley, 1994: p.102-115; Skogan, 2006; Tilley, 2008: p.375-379). The argument for community policing is that it provides the police with a new understanding of the police function, as well as a new sense of 'mission', that can refocus the organization towards new concerns and approaches, replacing former philosophies of enforcement-based policing and the assumption that the police 'know best'. It is a philosophical overhaul of sorts that re-evaluates what the police are for, what they should do, and how they should do it – all with an eye on more diplomatic relations with the community and more civilized policing.

Notably, this 'philosophy' has been argued by Bayley (2008: p.7) to typically originate from outside of the police and imposed on the organization by outside forces and events. For Bayley (2008), this is a cause for "celebration" (p.7) and points to the fact that the police are susceptible to change and reform in response to outside influences. This is a key question for the reform literature: are the police beholden to

the changing moods and philosophies of outside actors, or are they an insular organization with an exclusive or stubborn command over their own philosophy and sense of mission? Authors such as Fyfe and Henry (2012) would support Bayley's (2008) characterization that the police are beholden to contextual political environments, as they argue that the reform agenda in Scotland has notably differed from that of England and Wales as a result of the connectedness of the police with the surrounding "social and political order" (Fyfe and Henry, 2012: p.184). Lum (2009) agrees, arguing that wider contexts of democratic politics typically encourages and shows preference for 'community-orientated' policing philosophies.

Other authors downplay the 'connectedness' or obedience of the police to wider shifts in thinking. Crank and Langworthy (1992) for instance argue for an appreciation of how the police can "ceremonially" satisfy the demands of outside observers without fundamentally altering their core practice (p.338). Taking a critical view of the institution, Crank and Langworthy (1992) argue that the relationship between the actual activity of police departments and the demands of interested observers are mediated by a series of useful 'myths'. In other words, under pressure, the police can deliver gestures of reform without real fundamental or profound transformation.

Similarly, "community policing" as a philosophy is often accused of being a phony presentational strategy. Manning (2011) for instance, views community policing as unimpressive and of no real significance for a change in police theory or activity (p.155-162). Kappeler and Kraska (1998) critique 'community policing' as a deceptive ploy where the police has "staged its own murder" as an aggressive force (p.306). And Maguire and Katz (2002) use the concept of "loose coupling" to demonstrate that there is a disconnect between the organization's central, philosophical intentions, and the actual subsequent activity of community policing.

Such accounts downplay the level of transformation and reform that may accompany discussion of a 'philosophical change' in either policy or managerial rhetoric, and argue for a skeptical view on the reform potential of the police. While such literature provides crucial and relevant reminders of the complex ways the police can deceive on the impact of how much philosophical discourse actually matters, they do not suggest that broad philosophical discourse does not matter at all. The police are not

impervious to external pressure and influence, and articulations of reform through abstract, philosophical discourse such as 'community policing' puts pressure on managers and frontline officers alike. As will be shown later in Chapter 7, the managers and constables of Lothian and Borders Police are sensitive to such pressure and argue they adjust their behaviour accordingly. Crucially, this adjustment is corroborated by the views of local public participants and seen to match the intentions of the 'Scottish Community Policing Engagement Principles', delivering some indication of reform over superficial change.

Police Strategy and Tactics

Police reform can also be considered a change in strategies or tactics. In other words, the development of new approaches, operational methods, or novel ideas for innovative policework. The two recent innovations of relevance to this research are the development of community consultation, and the expansion of partnership-working. In Scotland there is evidence of both community consultation and partnership-working going back decades: Donnelly (2010: p.203) outlines how in 1971 financial incentives were promised to police departments to set up 'community involvement departments', as well as noting how in Greenock a scheme for joint-working between police, council, and community groups had been running since as early as the 1950s. However, such embryonic initiatives were often beset by resistance from within the police itself (ibid: p.204) and would only become a coordinated, national innovation in latter decades.

'Consulting the community' has always theoretically been a part of police strategy. But as argued by Garland (2001: p.123-124), a wider state strategy to 'responsibilise' civic actors has seen a more concerted, coordinated, and national effort in the US and UK to 'engage the community' from the 1960s onwards. McConville and Shepherd (1992), for instance, chart the rise of Neighbourhood Watch schemes in the UK during the late 1980s. Wesley Skogan has conducted extensive research into the efforts adopted in Chicago to introduce beat meetings since the 1990s (2000; 2006: p.65-70). And, in the context of England and Wales the level of government commitment in community consultation escalated in the 1990s and 2000s, encouraging a host of studies on community-police consultation forums (Elliot and

Nicholls, 1996; Jones and Newburn, 2001; Home Office, 2003; Tuffin et al., 2006; Mistry, 2007; Myhill, 2007; Myhill and Quinton, 2010).

One of the key inquiries of the above research is to question the role of police-public consultation forums in reforming the police: can consultation forums improve local standards of police-public relations, as well as encourage reform within the police towards improved community-service delivery? Typically, police-public consultation forums have been roundly criticized for a number of common reasons. For instance, consultation has been said to be devalued as it commonly only involves a small and unrepresentative section of the community (Elliot and Nicholls, 1996: p.10; Jones and Newburn, 2001: p.v; Mistry, 2007: p.3, Myhill, 2007: p.175). Moreover, 'engagement' terms and conditions are not adequately outlined in advance and often expectations or roles are not clearly understood (Jones and Newburn, 2001: p.viii; Mistry, 2007: p.6). There is also said to be a damaging inequality of power and knowledge that favours the police and weakens the public (Elliot and Nicholls, 1996: p.11; Skogan, 2000; Mistry, 2007: p.5). And additionally, police commitment can often be partial, reluctant, and commonly unskilled (Elliot and Nicholls, 1996: p.14; Home Office, 2003: p.4-5, Skogan, 2006: p.69, Myhill, 2007: p.176). Finally, there are also simple practical difficulties with maintaining group cohesion and sustainability over a prolonged period of time (Skogan, 2000).

Despite these common criticisms to police-public consultation forums, many still hold hope that they offer value. Skogan (2006: p.69) for instance, discusses how beat meetings in Chicago took some time to mature and "improved substantially over time" in terms of quality and attendance. Home Office (2003) research shows that there is a high degree of support from the public for consultation in policing matters (p.2). Moreover, Tuffin et al. (2006: p.xiv-xv) argued that the meetings produce dividends for the police in terms of improved public perception. Fyfe and Hunter (2012: p.3) make the case that meetings have the capacity to improve in their use-value and attendance as events or issues become episodically relevant for the public. And likewise, Carr (2012: p.409-410) advocates for opportunities of consultation to be maintained despite the setbacks in the short-term, as in the long-term, they can cement sustained civic activism.

It is these latter authors that I agree with. Chapter 7 will demonstrate how Edinburgh exhibits many of the familiar problems identified in the above literature, particularly the problem of local attendance. Regardless, and despite implementation problems, it will be argued that public consultation has still a positive role to play in meeting many of the strategic intentions of the consultation forums and is to be broadly encouraged as a new innovation to policing in Edinburgh.

The expansion of partnership-working is another strategic and tactical aspect of reform for the police. Significant legislative milestones in England and Wales such as the Crime and Disorder Act 1998 have "tied local authorities and other public sector agencies much more closely into policing functions" (Crawford, 2008: p.159). In Scotland, the Local Government in Scotland Act (2003) established similar obligations for joined-up working (Fyfe, 2010: p.188). Like community consultation, increased and expanded partnership-working has been theorized as being part of the 'policy predicament' of the state in adapting new approaches of working in recognition of the limits of traditional criminal justice models (Garland, 2001: p.103-138). 'Partnership-working' with the local council, the community, other public sector organizations, as well as the commercial and voluntary sector is seen as a largely recent innovation that is aimed at reforming police strategy and tactics.

The idea of the police successfully collaborating with others has been subject to some skepticism and criticism. Holdaway (1986: p.152) for instance, observed the "suspicion and pessimism" that existed in relations between police officers and social workers as they challenge the 'commonsense' notions of each other and butt heads when it comes to ideological worldview. A collection of contributions by Geoffrey Pearson and colleagues outlines a number of difficulties and debates in the 'partnership' issue. For instance, there are difficulties with collaborators agreeing on the nature of the problem (Blagg et al., 1988: p.212-213). There are also concerning possibilities that the police 'taking over' and bind all participants to a 'net-widening' agenda of crime control (Sampson et al., 1988: p.479-483). And additionally, there can be unhelpful variation in commitment and understanding of the purposes of collaboration either nationally – or between – respective organisations (Pearson et al., 1992: p.61-66). Crawford and Jones (1995) develop on from the work of Pearson and colleagues, trying to emphasize an analysis of collaboration that is not reduced to

analytically determining whether partnership is a "'good thing' or not" (p.19). Instead, Crawford and Jones (1995) argue it needs to be viewed as a daily, creative process, but with elements of concern such as avoidance of conflict and "unaccountable discretion" (p.31). Hughes (2007: p.55) makes a similar point arguing that the implementation of collaboration and partnership is always 'contested' and 'unpredictable', leading the way for both progressive and regressive potentials (p.78).

Moreover, Hughes (2007: p.80) makes a further point that the "extent to which there was a genuine commitment to community engagement and leadership in partnership working has been exaggerated", and that "repeating mantras of partnership and joined up government does not suddenly make them appear" (Hughes and Gilling, 2004: p.143). Chapter 7 will demonstrate that, in Edinburgh at least, partnership-working is highly developed; community police officers and their council partners are substantially involved in each other's work, and most of this joined-up working has developed recently. From a tactical perspective at least, progress in this area is evident in the everyday work practices and strategies of Edinburgh's community police officers, but its contribution to 'reform' is less apparent in my research.

The Organization and Its Management

Another aspect of policing that is frequently a site of change is the internal management of the force. The systematic command and control of both officers and functions, as well as the often bureaucratic and legal structures to manage the organization are often under change, but do they make for reform? Of most immediate relevance here is the development of 'new performance management regimes', along with efforts towards 'decentralization' of decision-making, as well as evolving managerial style and attitudes. Police forces often tinker with internal management and it lends itself to the question of how this impacts on the broader aim towards reform, and additionally, how these aspects cooperate with the community policing agenda in Scotland.

One aspect of the 'community policing philosophy' is the notion that the preferred power to make decisions is 'decentralized' towards the frontlines where the constable can be a key 'social diagnostician' (Alderson, 1973, cited in Holdaway, 1983: p.158);

The officer is to diagnose social problems and act as empowered "community leaders" (Home Office, 2004: p.9, cited in Savage, 2007: p.325). It is viewed that the requisite versatility that is demanded by the community can be best served by empowering frontline officers to have greater responsibility for managing their own workload and making proactive tactical decisions.

The balance of power between police managers and frontline officers and its ramifications for how policing is performed has been of long-standing sociological interest (see Muir, 1977 cited in Reiner, 2010; Skolnick, 1994; Holdaway, 1983, chapter 2; Reiner, 2010: chapter 3; Toch, 2008). Holdaway (1983) for instance, argues we should always pay attention to how "law and policy is remoulded within the crucible of the occupational culture" of the 'rank and file' (p.163) and question "the assumption that policy moves straightforwardly down the hierarchy of police managers to the lower ranks" (p.162). Within this give-and-take dynamic, any inquiry into reform efforts must consider the evolving 'habitus' of both managerial and frontline staff for the progress of change within the police. In the past, both the attitudes of police management (Skogan, 2008: p.24-25; Bayley, 2008: p.14) and the police frontline (Skogan, 2008: p.26-27; Loftus, 2010: p.2) have been criticized for undermining the progress towards reform. Both have a role to play in encouraging progress (Wood et al., 2008; Toch, 2008), and as such, focus should be given to the attitudes and experiences of both in enquiring on the trajectory of reform within an organization like Lothian and Borders Police.

Chapter 7 will outline the development of attitudes to community policing amongst managers and frontline officers. Both exhibit largely accommodating and cooperative viewpoints to community policing reform (in rhetoric at least), and furthermore, describe a sincere 'top-down' commitment from Lothian and Borders Police to 'decentralization' and provide officer freedom to act as autonomous 'community leaders'. While this is an evident change, this research is uncertain whether it is a 'reform' in itself. It will be argued however, that this is a helpful change that supports reform in other areas.

The role of performance management regimes is another aspect that intersects with the progress of reform. It has been observed in the past in the context of England and

Wales that obligations to nationally-set performance indicators can undermine the development of community policing programs (Hughes, 2007: chapter 3). Likewise, in the example of Chicago in the United States, the "competing demands and expectations" provided by a structure such as COMPSTAT – where 'what can be counted, matters, and what can't be counted, doesn't' – can overburden police departments servicing 'paper achievements' as opposed to the intangibles of community policing goals (Skogan, 2008: p.29-30). As such, Skogan (2008) argues that "COMPSTAT may be the most important obstacle to reform in contemporary policing" (p.29). Fielding and Innes (2006) also recognize this dilemma that the progress of community policing reform could be undermined unless qualitative means of evaluation can be developed to provide reliable evaluation and justification for community policing activity.

In the context of Scotland, performance management has developed belatedly compared to England and Wales, and has not had seen the same level of pressure on target-setting (Donnelly and Scott, 2010; Fyfe, 2010). Research of Lothian and Borders Police has shown that some tension exists between community policing tasks and tasks orientated around achieving statistical outcomes (Harkin, 2011). While this type of obstacle is to be appreciated, Chapter 7 will show that performance management frameworks in Lothian and Borders Police did not play the same role of obstructing community policing reform as is suggested by Fielding and Innes (2006), Hughes (2007), and Skogan (2008). Rather, by embracing and giving value to the 'Scottish Community Engagement Principles' within its performance management framework, Lothian and Borders Police helped deliver reform along with its organisational changes.

Police Culture

As mentioned above, police policy is often reliant on the cooperation of the rank-and-file and practice can be heavily dependent on the occupational culture of frontline police officers. The role of 'police culture' is much discussed in the policing literature and can be considered both an obstacle to reform, and an object of reform. 'Police culture' can be a reluctant cooperator with change, but also a target of change in its own right.

Sociologies of the police show that policing demonstrates a substantial degree of disconnection between the express objectives of the organization and the work-a-day activity of officers (see Manning, 1982; Crank and Langworthy, 1992). There is a gap between how the organization is represented and what activity actually occurs. 'Subterranean', or unsighted, activity is a feature of policing and includes things like discretionary under-enforcing of the law (Goldstein, 1960, cited in Holdaway, 1983: p.16), the demands of being a 'street-corner politician' (Muri, 1977), providing a 'secret social service' (Punch, 1979), focusing more on getting through the days-work rather than fulfilling larger purposive agendas (Skolnick, 1966/1994), and acting prejudicially on personal discretion and impulse (Van Maanen, 1978).

This 'subterranean' world of policing is reinforced by the level of autonomy and discretion that is experienced by the frontline. As observed by Holdaway (1983) there is a degree of 'asymmetry' in the relationship between rank-and-file officers and their management: officers are given a wide space for discretionary behavior and perform their duties in contexts of "low visibility" (p.165). In this sense the 'mastery' of management over the performance of policing is largely contingent on the cooperation of the frontline who can willfully "sabotage policy if it does not reflect their values" (ibid: p.164-165). Consequently, 'police culture' becomes a vital aspect of what 'gets done' in policing, as well as a vital aspect in the success or failure of change efforts becoming reform efforts.

The discretionary and autonomous aspect of policing makes police culture all the more important. The worldview and habits of those individuals are of key significance. Reiner (2010: p.118-132) suggests there are key commonalities of importance here: cynicism and pessimism about the rest of the world, a deep sense of 'suspicion', a cultural feeling of isolation and solidarity that supports a 'us' versus 'them' mentality, a conservative worldview, racial and social prejudice, and often a pragmatic, anti-intellectual approach to daily problem-solving. The key question is however, how open is this culture to transformation and reform?

Chan (1996) makes a significant contribution to the literature using Bourdieu to theorize police culture that allows room for important reform. While Reiner's (2010)

key traits offers an overview of the recurring pattern of police cultures that is a caricature and "monolithic", Reiner also recognizes the need to allow for "diversity" and a capacity to evolve over time (p.132). Chan (1996) proposes a view on police culture that adopts Bourdieu's concepts of 'field' and 'habitus' as a more agile and nuanced understanding of the ramifications of 'police culture'. Under Chan's conception, the habitus of police officers – that is, the reserves of cultural knowledge from which they interpretatively draw decisions from – is conditioned by the 'field' of policing that is the context within which their position is structured by management, organization, as well as wider social relations (Wacquant, 1992, cited in Chan, 1996: p.114). Using Bourdieu, Chan (1996) opens up a space for reform as police practices is ultimately contingent on the flexible worlds of 'field' and 'habitus'.

Parallel to Chan, Fielding (2002) takes a similar position depicting how 'community policing' agendas are negotiated between frontline actors and managerial entrepreneurs. As management makes top-down demands for community policing reform, frontline actors negotiate, distort, obey, and resist management pressure. Fielding (2002) uses Giddens' structuration theory to show that community policing activity is co-dependent on management imposing a base set of rules and resources from which the frontline can then generate a series of interpretative actions. The social theory of Bourdieu and Giddens provides a framework of flexibility that recognizes entrenched ways of thinking and doing, but also provides the avenues for new ideas to pressure and leverage reform in behavior.

Marks (2003) confirms Chan's (1996) conceptualization using the example of police reform in South Africa. In this context, policy and philosophy pressure has encouraged fewer incidents of excessive force and greater tolerance of provocative and confrontational behavior when in the field (Marks, 2003: p.255). Marks (2003: p.255-256) argues these observable changes indicate the progressive possibilities of changing the wider "field" of South African policing, but also adds a precautionary note that the entrenched "habitus" of officers is often more resistant to reform, and can often see regressive attitudes and values preserved within cultural knowledge.

While Marks (2003) takes a supportive view of Chan's conceptualization of cop culture, Loftus (2010) takes a longitudinal view that argues that police culture shows

a "remarkable continuity with older patterns" (p.1). Loftus (2010) argues we must not overstate the changing ideologies of police officers as they are generally a function of the police role, which is itself a mostly preserved and unchanged structure (p.17). Loftus (2010) is evoking Skolnick's (1966/1994) argument that the traits of police culture – isolation, solidarity, suspicion, an attitude of 'us' versus 'them' – is a direct function of the demands of the role of policing. Skolnick (1966/1994: p.42-62; 1998: p.116-133) argues that there are quintessential premises to the role and framework of policing, particularly the aspects of 'danger' and 'authority' that develops predictable cultural responses within the police: isolation and social rejection; high degree of occupational solidarity and 'clannishness'; conservatism; and a reciprocal resentment between the enforcer and the enforced. Crucially, it is the 'role' that provides the template for police-public relations making such cultural and attitudinal responses predictable argues Skolnick (1966/1994; 1998). In other words, there are in-built confrontations and environmental conditions which will breed certain cultural responses. As pointed out by Loftus (2010: p.1), "the basic pressures associated with the police role have not been removed" and police officers tend to share a remarkably similar "set of assumptions, beliefs and practices" which appear to 'transcend' "contrasting terrains" (ibid: p.15).

This will be measured against the experience of Edinburgh to discuss empirically, whether the local police culture is showing signs of reform, or alternatively, showing signs of resiliency and pushing back against reform efforts. Chapter 7 will discuss the views of the police officers as they make sense of top-down demands to pivot towards community policing philosophies, as well as how the public evaluate the performance of officers in their community policing roles. Like Loftus (2010) argues, it will be shown that some defiant aspects of police culture show enormous resilience, but that Marks (2003) and Chan (1996) best capture the visible flexibility and evolution of attitudes. Additionally, the observation of Skolnick (1966/1994) will be returned to as a description of what Simmel might refer to as the 'form' of police-public relations, which, as I will show, has a crucial relevance.

Policing Outcomes

A final object of police reform of relevance here is the change in focus in policing goals and outcomes. As argued by Hough (2007) the police have in the past made an error by focusing their activities on achieving certain misguided outcomes. Using the example of the development of 'New Performance Management' regimes since the 1980s, Hough (2007) has argued that the police shifted focus onto crime statistics at the expense of other expectations on the police, contributing to a slide in general police legitimacy levels (p.63-83). This was arguably a consequence of organizational change promoting a focus on certain outcomes such as crime statistics, as opposed to alternative outcomes: public confidence, trust, respect, and legitimacy.

The reform agenda of policing policy in Britain is now reassessing their focus and attempting a shift towards outcomes such as "reassurance" (Innes, 2004), and "confidence" (Jackson and Bradford, 2010). Wood and Shearing (2007, chapter 2) argue the police have had to re-imagine its core ideas and to crucially begin considering "service" as part of its instrumental mentality, moving away from focus on crime control to a more open ended mandate where the police aim to provide "reassurance". In Scotland, the "reassurance" agenda was reflected at policy level recently by such publications like the Association of Chief Police Officers of Scotland's (ACPOS) *Public Reassurance Strategy* (2007). In England and Wales "confidence" had been recently established as a key indicator in the Government's 2008-2011 Public Service Agreements, but was subsequently scrapped by the incoming Home Secretary (Jackson and Bradford, 2010: p.241-242). Despite this, Jackson and Bradford (2010: p.241) argue public opinion and forms of reputation management are likely to persist as important in policing strategy.

Some research has shown that the police have reputational dividends to gain from pursuing such service-based outcomes (Myhill and Quinton, 2010; Tuffin et al., 2006). Others have been critical of this police shift in focus to outcomes like "reassurance". Innes (2004) and Crawford (2007) for instance, argue that the police can not reasonably deliver public satisfaction, and will most likely commit problematic interventions on citizens though the inappropriate expansion of their mandate. The point is, as the goals of policing change, there are ramifications for how policing performs. Top-down philosophical and policy demands pressure the police into certain tasks that have consequence for their local reputation, general legitimacy,

and thus wider effectiveness (Tyler, 2004). In Chapter 7 an effort will be made to connect up the evolving policy context that is making new demands on the police, and the subsequent reform and adaptation of such agendas by frontline officers. The experience of Edinburgh points towards evidence that the forums and the wider SNT model are proving successful in terms of enhancing the local police reputation and additionally, improving police 'effectiveness' in a number of notable senses.

The above objects of police change – policing philosophy, strategy and tactics, the organization and its management, police culture, and policing outcomes – will be returned to in Chapter 7 as the role of police-public consultation forums in Edinburgh will be considered and evaluated for whether they are contributing to reform in policing. For now, one of the shortcomings of the police reform literature will be addressed. As argued earlier, the reform literature has an underdeveloped exploration of the limitations of reform. Using the social theory of Simmel and Weber the flexibility of an organization such as the police is discussed. It will be argued the 'form' of the police can provide substantial resistance to transformation putting certain restrictions on its ability to 're-form' (Simmel), and in several ways, the quintessentially bureaucratic nature of the police creates profound inflexibility and rigidity (Weber). In other words, police reform doesn't allow for radical, open-ended possibilities, it only allows for flexibility within bounded margins. The social theory of Simmel and Weber best illustrates this point.

2.3 Conceptual Limits to Police Reform

The sociology of Simmel and Weber provide reminders that there are stable foundations to the administration of policing; that there is a permanence to its form of authority; that policing is established with quintessentially 'modern' mechanics, and flexibility for reform is therefore limited. While Simmel would discuss the 'form' of policing, Weber would discuss the 'bureaucratic' nature of policing. Simmel and Weber offer related but not identical ideas about some of the defining features of modern society and once applied to policing can offer insight on why reform is restrained and contained.

The reform literature seldom looks at the limits of reform, and when it does it does not make a distinction between the permanent limits and the flexible limits. For example, Bayley's (1977) 'limits of police reform' chapter considers a range of reasons policing in the United States differs from other nations buts focuses on the variables, and not the constants: variations in culture and social support from the public, accountability mechanisms, habits of use of force, organizational scale, and so on. These are variable limits that have obvious flexibilities for change; enough policy pressure and these elements can be augmented. Alternatively, the constants have been given less attention. There are constants to the 'form' of policing – its bureaucratic nature, the inequality of privileges between police and public (as examples) – and these ideas are often impervious to policy pressure. If we consider the word 'reform' as related to a '*re*vised-form', then in Simmel's understanding of form, are we seeing revisions to this quintessential *form* of policing?

Considering the firm consistency with how policing is performed across time and social context, this consistency can find explanation in Simmel and Weber's social theory. The essential execution of policing does not fluctuate dramatically across time or space once established in state-based, democratic societies. It is predictable, stable and often reliably patterned in aspects like internal culture (Loftus, 2010) and discriminatory application (Shearing, 1981). Walker (1999) for instance, notes how Scotland is 'distinctive but broadly familiar' in comparison with neighbouring police forces. This stability and regularity can be seen as a consequence of the form of policing which is permanent and a constant restraint on change. Simmel and Weber would draw attention to differing aspects of 'what is permanent' in policing which will now be considered.

Recalling the discussion in Chapter 1, Weber would focus on the bureaucratic nature of the police. Bureaucracy is a quintessential aspect of modernity, and as discussed, an indispensible one. The police's bureaucratic framework has a fixed division of labour, a clear demarcation of office duties, jurisdictional divisions, hierarchical structure, and various other systematic ways it administers itself and its functions, which all work to place certain limits on radical or progressive change. Its bureaucratic method cannot be transcended, and as Wender (2008) shows, this can be dysfunctional or have inappropriate consequences when applied to police work. The

civilizing potential in this regard, is limited to how civilizing an impersonal framework of bureaucracy can be made.

While Weber focuses on the bureaucratic spine of modern public administration, Simmel places more emphasis on the 'forms' of relationships in society. If we consider the 'form' of policing, the bureaucratic method is one amongst several permanent traits within this form. These 'forms' for Simmel are the defining objects of inquiry for social science (1950: p.21-22) and when considering professional policing and its permanent features then we can see how reform is boxed-in and limited in its scope. The police-public relationship has a template, or 'form', and it has quintessentially permanent features that push back against reform possibilities. Simmel suggests several aspects of 'form' that ought to be considered: "superiority and subordination, competition, division of labour, formation of parties, representation, inner solidarity coupled with exclusiveness towards the outside" (1950: p.22). These ideas have a clear and immediate relevance to the structure of police-public relationships. As discussed in Chapter 1 this should include aspects like the privilege of the police to apply coercive force with non-negotiable discretion (Bittner, 1990: p.46), the privilege of secrecy and the withholding of information, the autonomy of the police from democratic demands (operational independence), all which establish the police as a superior, representative party with a specialized division of labour. Furthermore, it is clear from police studies that the 'form' of professional policing can establish quintessential traits of inward solidarity and outward suspicion, something Simmel would have predicted (Skolnick, 1990).

These traits are permanent in that they are indispensable, inseparable, or at best, a recurring by-product from what Simmel would regard as the 'form' of professional policing. The point here is that regardless of the intensity of energy put into reform, the scope of transformation for the relationship between the police and the policed is limited and constricted by aspects of the 'form'. Simmel uses the term "sociability thresholds" (1950: p.46-47) to describe the boundaries at which relationships can exhibit informality beyond which are prevented from full reciprocity, spontaneity and creativity. This describes the police-public relationship: all interactions between the police and the public have 'sociability thresholds' where the police must hold the public at a distance of superior, professional detachment. When the targets of police

reform are constrained by the 'form' of the police, then any change must also be considered in light of the permanent limitations to qualify as 'reform'. Within the police-public consultation forums such thresholds and limitations emerge to the surface to interrupt, contain, and restrain efforts towards reform and more civilized policing. In Chapter 7 I will attempt to illustrate this empirically with examples from Edinburgh's police-public consultation forums, but for now I will turn to the methodological considerations of investigating reform empirically given the implications of my theoretical review.

2.4 Methodological considerations

As shown in this chapter, the police reform literature is more like a patchwork of approaches, rather than a coherent, unified body; there is no central understanding of 'reform' from which all understandings operate, but more like partial perspectives on different aspects of the police which can reform. It has also been argued that there is often no clear analytical distinction between what is 'reform' and what is 'change' in the reform literature – a key, and under-developed notion. As such, there are two immediate implications here: (a) there is no shared or established understanding of what 'reform' means or how to approach it methodologically. In other words, there is no standard approach to observing reform and as such multiple and original perspectives are welcome. And (b), there is no clear understanding of how 'reform' differs from merely 'change' and how this can be analytically or methodologically distinguished. In this section a justification will be provided for how this research took on reform taking advantage of the need for multiple perspectives by offering a unique, particular, and locally focused qualitative study. While furthermore, 'reform' is analytically and methodologically distinguished from mere 'change' by assessing the consultation forums against the intentional measures established by Lothian and Borders Police and borrowed from the 'Scottish Community Policing Engagement Principles' (2009).

There is no established standard to discussing reform or observing it methodologically. The patchwork nature of the reform literature means that approaches to reform are inconsistent, variable, and open to flexible author interpretations. This conceptual flexibility accounts for a corresponding

methodological flexibility. In the literature, approaches to discussing reform have been either theoretical using author analysis and remaining broad in territorial scope – see for example, Savage (2007) or Fyfe and Henry (2012) that make national observations. Or, empirical and narrow in focus – see, for example, Skogan's work in Chicago (2006; 2008). Methods are typically and usually qualitative, but with the occasional attempt to be quasi-quantitative. For example, Skogan et al. (2000), uses a tick-box method to 'score' beat meetings for how they matched certain objectives of reform goals.

Taking advantage of this flexibility and adding an original perspective the aim of this research is to approach Edinburgh as an empirical case study example, and use qualitative methods as the means of generating data. This is in distinct comparison with other perspectives in the reform literature that can be theoretical or observational (see Savage, 2007; Fyfe and Henry, 2012), and instead, being focused on empirical specifics using original data. The strategic perspective of this research chooses to be local and specific, rather than broad and national. My approach aims to be narrower in scope than the research of Skogan (2006) that looks at reform across a major US city, covering every corner of Chicago, but wider in scope than Carr (2005) who looks at the single example of a neighbourhood in Chicago and how community activism encourages policing reform in that particular area. This research will address multiple neighbourhoods across Edinburgh without spreading the investigation too thin so as to not appreciate the detailed and local progress of reform. As always, good case study selection allows a strong perspective on the actual, thick mechanisms of reform, but is not too compromised by the scope of research drawing out too wide (see, Gerring, 2004). More on this will be discussed in Chapter 6, but for now I argue that my research perspective provides a strong vantage point for observing whether reform is taking place (or not), across multiple areas, but not too wide such that it overwhelms the research effort of a single researcher.

Judging reform as a concept is also problematic in that it is usually based more on analytical perception than standardized criteria. Within my results quantitative data in the form of official data will be occasionally referred to – particularly when looking at outcomes like a reduction in anti-social behaviour callouts. But reform is more typically a qualitative concept. Most of the reform literature proceeds in this spirit of

using analytical interpretation and so does this research. What distinguishes this research from other qualitative literature looking at reform such as Skogan's (2006) *Police and Community in Chicago* is the lighter interest in the policy lessons to be learned, and the greater interest in the sociological character of the police and its relation to reform – particularly the conceptual limits using the social theory of Weber and Simmel. The present research was not primarily aiming to perceive policy solutions or improvements, but primarily interested in observing the sociological margins of possible reform – distinctively qualitative and interpretative aspects. The distinction between reform and change is also crucial, as outlined previously, and in this regard reform will be distinguished from change by using the distinctions established by Burke (1909) and Riveros (2012), where reform is the intentional and deliberate remedying of grievances.

Additionally, this research is distinguished from comparative approaches in the literature that uses 'reform' for discussing dramatic and drastic changes in policing. The reform literature is often focused on the substantial changes that can occur in policing as societies transition from authoritarian, partisan, or colonial police forces while this research is focused on more incremental change. The focus on post-conflict or post-colonial policing reform has been widely studied: Goldsmith (2005) looks at the importance of building trust as an antecedent for police reform in post-authoritarian societies; Ellison (2007) considers the progress of reform in the post-conflict society of Northern Ireland; Aitchison (2011) considers the case of Bosnia; and likewise, others examine the challenges of reforming the police within the legacy of colonialism in Nigeria (Hills, 2008), Trinidad and Tobago (Mastrofksi and Lum, 2008), and Hong Kong (Lau, 2004). These examples offer more dramatic or clear indicators of reform, but this research is focusing on a relative stable and 'successful' police force – Lothian and Borders Police. Dealing with a relatively successful policing environment means the margins of successful reform are finer. In more dramatic environments progress and reform is more easily identified, but this research is interested in the possibilities of progress in a mature and stable policing context, where observation of reform needs to be more precise to gauge incremental developments. This research perspective I argue, strategically establishes a view of reform that is unique and complementary to the established literature.

Concluding Remarks

The 'police reform' literature offers no clear definition of reform, instead, remaining a patchwork of perspectives on various aspects and targets of police change. Furthermore, more work needs to be done in establishing the analytical difference between 'reform' and 'change'. This thesis hopes to make two contributions to this body of literature and these contributions have been illustrated here conceptually: (a) there needs to be a difference between reform and change, which I attempt to justify by considering reform as the deliberate and intentional policy interventions that ought to be measured against predefined goals. In this circumstance, the goals set down by the Scottish Community Policing Engagement Principles (2009). And that (b) there are certain limits to the possibility of reform that needs to be addressed. This is possible using the social theory of Weber and Simmel that show there are limitations to the capacity of the police to re-form and transcend permanent inflexibilities. While illustrated here conceptually, Chapter 7 will illustrate these arguments empirically. These observed limitations go some way to exhibiting the overall limits of civilizing policing.

Chapter 3: Democratic policing

Another component of 'civilizing policing' is democratic policing and the goal of this chapter is to review the established literature. Many definitions, criteria, and essential features of 'democratic policing' can be found in academic literature (see, Jones et al., 1996; Marenin, 1998; Marx, 2001; Johnson and Shearing, 2003; Bayley, 2006; Pino and Wiatrowski, 2006; Loader, 2006; Loader and Walker, 2007; Manning, 2010), but this thesis regards the framework established by Aitchison and Blaustein (2013) as a useful tool for both summarising the literature and also generating measures of 'democraticness'. What this chapter aims to do is threefold: Firstly, the democratic policing literature will be reviewed with regard this framework. Secondly, an argument made that by using the social theory of Simmel and Lukes the limits of the 'democraticness' of democratic policing can be illustrated – limits that the established literature could do better to highlight. And thirdly, some of the methodological implications of my theoretical review will be reflected upon.

3.1 Democratic Policing in Police Studies

As outlined by Aitchison and Blaustein (2013), the relationship between the police and democracy can be thought of in two ways: what the police can do for democracy ("policing for democracy"), and what democracy can do for the police ("democratically-responsive policing"). The police are part of an alliance of authorities who impose democratic government, while also at the same time, being *subject-to* public democratic standards; the police shape wider democracy, and democracy must shape the police.

The concept of 'democratic policing' is often used to reflect on this acute dilemma for public constabularies to mutually serve the majority-will without encroaching on the democratic entitlements of all citizens to safeguards against coercive and untoward interventions. "Democracy" means both the will of the people, and also protection of the liberties of individuals. The police in democratic-states are obligated to both, producing a number of policy and conceptual puzzles as to what is precisely meant by 'democratic policing'.

A number of authors draw up their impressions, definitions, and perspectives on what 'democratic policing' ought to look like. This typically takes the form of a range of 'principles' or 'criteria': Jones et al. (1996) provide seven key criteria; Bayley (2001: p.13-14) suggests a number of 'norms'; Manning (2010: p.46-63) offers 'nine dimensions of democratic policing'; and Loader and Walker (2007: p.216) discuss four guiding principles. Moreover, Pino and Wiatrowski (2006: p.69-97), as well as Marenin (1998: p.169) offer their own collections of 'principles of democratic policing'. The 'democratic policing' literature is plentiful in definitions, and furthermore, discussions of the importance of related ideas such 'openness' or 'accountability' are easily found elsewhere (Skolnick, 1999; Stone and Ward, 2000).

The range of perspectives on democratic policing speaks to its unsettled definition and its essentially aspirational nature. Pino and Wiatrowski (2006: p.97) recognise that their principles "may seem overly optimistic and idealistic", while Loader and Walker (2007: p.216) refer to their suggestions as threatening to be a "letter to Santa Claus". This research is comfortable with the aspirational nature of 'democratic policing' and uninterested in pinning down a universal definition. However, these aspects do create some problems of interest here.

Contrary to the aspirational nature of the literature on 'democratic policing' literature, the *limits* of the democraticness of police-public consultation forums will be examined here. To do this 'democraticness' will mean two things: (a) how respectful the police, public, and forums are of wider democratic standards and values, and (b) how democratically-responsive the police can be. It will be shown that Simmel and Lukes are useful for illustrating the limits of democratically-responsive policing, as the police have quintessential undemocratic elements to its 'form' (Simmel) and wider power inequalities also work to undermine democratic integrity (Lukes). Despite these limits, however, Chapter 8 will show that the forums do meet many of the criteria of 'democratic policing', enhancing the 'democraticness' of local policing, and doing so without some of the anticipated costs to other important standards such as equity (Jones et al., 1996: p.190) and recognition (Loader, 2006: p.210). Before that, however, let us review the democratic policing literature.

Aitchison and Blaustein's (2013) distinction between 'policing for democracy' and 'democratically-responsive policing' is used here as a framework for parcelling out distinctions hitherto unmade in the democratic policing literature. This distinction separates the discussion in the democratic policing literature between two measures: (a) a measure of how much policing strategies respect and support a number of key general democratic standards (equity, recognition, lawfulness, security, respect for rights), and (b) a measure of how much policing strategies are democratically-responsive (accountability, redress, participation, transparency). As Aitchison and Blaustein (2013: p.1) argue, it is a "distinction between policing which supports the establishment or maintenance of democracy, and the specific arrangements for democratic governance of police services". This distinction will form the framework of reviewing the literature and addressing the data.

Each measure produces its own set of hypotheses that will be discussed in the upcoming sections, but it is also worth noting at this stage that obvious tensions exist between the two. For instance, can the police always be equitable and rights-regarding if it is submissively responsive to particular demands for action? How can the police provide lawful, security for all when democracy might only ask for security for some? As the data will show in chapter 8, in the experience of Edinburgh, such clashes prove less relevant, and often the demands on the police can be *supportive of* rather than corrosive to wider democratic standards. For now however, it is best to unpack the literature's views on policing 'for' democracy.

Policing 'for' democracy

The literature advocates for a number of key standards that policing ought to value and be champions of. Jones et al. (1996: p.190-191) regard 'equity' and 'delivery of service' as key ideas that the police should honour in democratic society. This means policing without prejudice or favour, without exclusion or denial, and doing so without enforcement tipping above the level of 'proportionate severity' (ibid: p.191). A number of authors echo this sentiment: Manning (2010) values 'equality' (p.66) and the 'collective orientation' (p.51), an idea that echoes Marenin's (1998: p.170-171) notion of the "general order". These ideas establish an important perspective for 'democratic policing': one that is indiscriminate and exhaustively inclusive, as well as

bureaucratic in its dispassionate, universal, and unprejudiced provision of a general democratic service.

Loader and Walker (2007: p.219) also argue for the importance of resources being mobilised and demobilised as an aspect of 'civilizing' democratic policing. There must be a consideration of resources being allocated to 'tracking' and nourishing plural interests, while conversely, demobilising certain demands for security that infringe on the democratic rights of others. 'Democratic policing' must honour this universalising perspective that "recognition" is needed for all (Loader, 2006); that policing is a general service that must be abstracted from particular interests and serve the higher-interest of equity.

Policing 'for' democratic principles is also fortified by the emphasis on lawfulness or universal guidelines. Pino and Wiatrowksi (2006: p.83) take the "rule of law" as a necessary framework, while Bayley (2001: p.14) advocates for the protection of "human rights" as a necessary hallmark of democratic policing. These are further demands on the police to be defenders and often architects of general, universal democratic values; regardless of the pressure or inclination to do otherwise. Policing 'for' democracy means policing to establish broader democratic values – equity, service provision, recognition, security, lawfulness, and also "effectiveness" in the achievement of a stated social goals such as order and crime control (Marenin, 1988: p.169). These values often call for policing strategies to consider and respect interests above their own. Or in other words, to honour as well as embolden wider democratic ideals and logic.

This can be a problem however, as there is also a competitive element to police resources and security. As Marenin (1988: p.170) suggests, there is a need for "congruence" between the police and wider public, meaning the police must bend to the will of the "generally accepted normative order of society". This implies the police need to be responsive, but raises an issue over who can put pressure on the police, who is most capable, and thus, who is deciding the 'generally accepted' norms and objects of police attention. As Reiner (2010: p.17) argues, there is always a Janus-faced aspect to policing: the police represent repression for one party and relief for another, often in the very same act of intervention. For the consultation forums, this is

a quandary put into sharp relief as the participants get to make direct demands of action from the police against suspected transgressors in the name of a locally-understood notion of social order.

This aspect is particularly complicated by what Shearing and colleagues refer to as 'nodal governance' (Shearing and Wood, 2003a, 2003b; Johnston and Shearing, 2003). Shearing and colleagues argue 'democratic policing' must recognise the wider plurality of actors or 'nodes' involved in policing today – private security groups, emerging supra-national and international bodies, local authorities and their state-partners, as well as the recruitment of third-sector, voluntary, and 'community' involvement (Shearing and Stenning, 1983; Shearing and Wood, 2003a, 2003b, 2007; Johnston, 2003; Johnston and Shearing, 2003). 'Nodal governance' refers to the new assemblage of policing actors who operate in society provision, forming 'nodes' – the police being one, a private security operator another, a community association being another, and so on. Edinburgh's police-public consultation forums are a form of 'node' in Shearing and Wood's terms (2003a, 2003b).

Reflecting on 'nodal governance' one of the immediate questions is a normative one: how do we ensure that within this new governance framework "public goods" and democratic values of equity, human rights, universal provision, and so on, are maintained across 'nodes' that have no formal obligation to such democratic values (Loader, 2000; Loader and Walker, 2001: p.132)? This 'problem' of 'nodal governance' lies in the potential for an exacerbation of "governance deficits" (Shearing and Wood, 2003a: p.221). In other words, those of high social and economic capital can capture new and old 'nodes', at the expense, and often leveraging against, those of weakest capacity. Those with the "loudest voices and deepest pockets" (Johnston and Shearing, 2003: p.144) can organize their own security and consequently "impose unjustifiable burdens of insecurity among others" (Loader and Walker, 2007: p.24). Particularly vulnerable are those without "purchasing power" and those potentially subject to exclusionary or coercive activity at the hands of multiple nodal actors (Shearing and Wood, 2003b: p.412-413). As an example, Shearing and Wood (2003b: p.413) describe the dire consequences that befall some of the poorest in South Africa and Brazil who are subject to routine "forms of violence" at the hands of state policing and expulsion from city space by

private security actors – compounding and exacerbating their excluded and impoverished status.

This has clear and present relevance to the 'node(s)' of police-public consultation forums where competition is allowed to play out for policing provision and policing targets are decided by participating members of the public. The hazard of 'nodal governance' is that it moves policing away from primary considerations about "questions of democratic legitimacy" (Loader, 2000: p.323). Shearing and Wood however, argue that such forms of 'nodal governance' can support "deepening democracy" (2003b: p.406) and help promote the objectives and concerns of local communities (2003a: p.206). For Shearing and colleagues, 'nodal governance' is not a threat per se, and the problem is really deprivation (Shearing and Wood, 2003b: p.414): as long as there is reasonably equitable purchasing capacity and political mobilisation of citizens, then advantages are ready to be taken and communities can enhance their self-determination and management of local policing *because* of 'nodal governance' arrangements.

Loader and Walker (2007), however, add a precaution against the prognosis of Shearing and his colleagues. A point of departure between the two is on the role of the state and the understanding of security. Loader and Walker (2001; 2007) are more concerned about the hazards of 'nodal governance' moving away from concerns about democratic values and argue for the continuing primacy of the state as the key and authoritative 'anchor' of policing provision. For them the state is the only viable candidate to continually provide policing *for* democracy and "continues to offer the best hope we have of securing policing forms that are not merely efficient and effective, but also supportive of hard-won and all too easily lost democratic entitlements and freedoms" (Loader and Walker, 2001: p.29).

This argument is justified on the grounds that one of the key motivating factors of policing –– 'security' – is a sociological 'good'. Security needs to be considered an object, but also a product, as well as an essential element of, democratic deliberation – for which only the state shows minimal, sufficient consideration (Loader and Walker, 2001, 2007). The state, in Loader and Walker's work, is the preferable provider of policing above the other candidates of the expanded 'nodal governance' landscape.

Why? Because "security *needs* civilizing" and "security *is* civilizing", and only the state conceives of its policing functions in these terms (Loader and Walker, 2007: p.7-8, emphasis in original). Only the state relates to 'security' as a 'public good'; only the state has a minimal responsibility to all; only the state understands itself as a potentially 'civilizing' actor. This is why in Loader and Walker's terms, the state is indispensible as remaining *the* key player in present and future permutations of policing provision and 'nodal' landscapes. The state – and the state alone – provides a necessary and virtuous understanding of 'security' and 'policing' as necessarily public, shared, and connected to notions of recognition, belonging, and non-excludability.

Additionally, Shearing and colleagues misconceive security, argue Loader and Walker (2001; 2007), as something to be 'mastered' by individuals or communities, rather than something quintessentially shared. Shearing, as pointed out above, sees 'nodal governance' as welcome as long as people can take advantage of it. Loader and Walker (ibid: p.136-138) see this as mistakenly understanding security as being something to be held and grasped by individuals and communities, rather than as something felt across society in a culture of 'thick' belonging. Loader and Walker (2007: p.138-139) point out that the more insular individuals and communities become with their security concerns – the more they turn their back on the wider world – the less likely this is to foster the necessary social mobilisation of support for security provision for all. For Loader and Walker (2001; 2007) security is the profit from inclusive *democratic* policing, not a commodity that can be easily accumulated by self-interested actors.

A question for the consultation forums is do they illustrate what Shearing and his colleagues see as the potential to "deepen democratic values" (Shearing and Wood, 2003b: p.415), or do they run the risk of jeopardising them? Do they fragment and make policing motivated by particular interests, or do they encourage 'thick' and general policing? The consultation forums provide a testing ground for evaluating these hypotheses – do the forums encourage the police to trample on or disregard the rights and security of others in the name of particular demands? Do the forums just embolden the capacity of some to take advantage of the police at the expense of

others? Are wider democratic values put at risk by encouraging a particular consultation forum to influence policing decisions and practice?

In the experience of Edinburgh, such hazards of democratisation are largely unconvincing or overstated. Extra policing burdens for 'suspect' populations are not necessarily evident as a consequence of the forums, and deliberation in the forums show evidence of respect for democratic values and rights. The forums are not narcissistically self-interested, and show promising democratic circumspection. There are some indicators that the forums can encourage more policing '*for*' democracy by enabling an 'architecture of sympathy' (Sennett, 2003) that can encourage mindful democratic decision-making. This supports a proposition implied by Loader and Walker (2007: p.139) that an 'architecture of sympathy' can encourage understandings of security as a 'thick' public good. This will be unpacked and empirically illustrated in Chapter 8, but now let us turn to democratically-responsive policing.

Democratically-responsive policing

Within Aitchison and Blaustein's (2013) distinction there is a key aspect to democratic policing and that is the question of how responsive policing is to democratic will. The literature discusses this aspect in a number of forms: accountability is a key idea that is shared among Bayley (2001), Skolnick (1999), Stone and Ward (2000), Pino and Wiatrowski (2006) Manning (2010), and Marenin (1998). 'Responsiveness' to public demand is also considered important and this can be in the form of reacting to public complaints (Manning, 2010: p.66), being "accessible" for requests for "help and services" (Marenin, 1998: p.169), or as Jones et al. (1996: p.191) argue, being sensitive to the "wishes of the people". This is alongside a need for "transparency" (Pino and Wiatrowski, 2006; Bayley, 2001: p.14), or "openness" (Skolnick, 1999), and the provision of "information" that is crucial to assessing performance and practice (Jones et al., 1996: p.192). And finally, Jones et al. (1996: p.191-192) include a consideration of the 'distribution of power', meaning decision-making must be open to multiple influences and not crowded-out by certain privileged actors. This is an idea that becomes particular important when we consider Lukes' (2005) views on power suggesting this can be a profoundly complicated issue.

What these goals establish is a general position that the public must be able to control and manage the police, or at least hold a degree of power over public constabularies. 'Democratic policing' ought to give power to the public, and the police ought to pay attention to popular will. There are obvious restrictions and limits that should be placed on such influence. For instance, Jones at al. (1996: p.191) argue it is "undemocratic" for the police to be submissively obedient to local majorities; there needs to be protections in place against the tyranny of blinkered majority pressure. This follows the same logic as the separations in place between public constabularies and political executives – the need for operational or constabulary 'independence', lest the police be utilised for partisan political ends (Jones, 2008: p.702).

While there are these commonly recognised limits to how responsive the police ought to be to the public, this chapter wishes to highlight the limits of form within public influence over the police. These will be explored using the social theory of Simmel, taking professional policing as a form which has profound restrictions on democratic oversight. This is illustrated in the example of consultation forums in Edinburgh where ideas of 'transparency' and 'accountability' come up against barriers within the 'form' of professional policing, as well as obligations to data protection, that limit efforts towards democratization.

The democratic policing literature has not placed a lot of focus on the limits of democratizing the police. As argued previously, 'democratic policing' is an aspirational term and not necessarily reflective of the police's actual function. It can be asked: is the police naturally a cooperating ally to democracy, and why is democracy necessarily considered an important function of the police's role? Loader asks a rhetorical question relevant to this point:

> When…did one last hear a U.S, or British, or Italian police
> officer proclaim that his or her job is to contribute to "democratic
> political development?
>
> (Loader, 2006: p.203)

And likewise, it could be queried whether "democratic development" would be cited by the public as necessarily one of the core and immediate considerations of 'what the

police do'. Manning (2010: chapter 2) applies certain reminders that democracy is selectively important within what the police do as an organisation, both in terms of how the police see themselves, and how the rest of society relates to the police. The police "act by exception" (Manning, 2010: p.44), and this includes democratic exceptions. "Democracy" is not an indispensible aspect of the definition of what the police are (ibid: p.44), or of what the police 'do' in practice (p.xiii). In this respect, 'democratic policing' is a moral preference, and policing otherwise can carry significantly undemocratic characteristics.

This is reflected in the calls for "transparency" or "accountability", for instance (Bayley, 2001: p.13-14). The issue of the police and transparency and accountability is considerably complicated and the literature hasn't extensively developed or outlined what this precisely means. From the social theory of Simmel (1906) it can be seen that "transparency" or "accountability" are tricky policy questions, and not necessarily policy answers. Simmel's (1906) work shows that full reciprocity of information is a sociological impossibility and 'what is transparency' or 'what is accountability' are puzzles that need to be elaborated out and compromised upon. Manning (2010: p.8) agrees, and makes the point that to use 'transparency' with regards the police, is naïve to the "secrecy, misdirection, dissembling, and lying" that is essential and foundational to the police and its social purpose. In other words, 'transparency' and 'accountability' are policy *questions* and not policy *answers* – how much transparency and accountability can we have? How much can we live without?

3.2 Conceptual Limits to Democratic Policing

Such questions raised above show there are features engrained in the 'form' of the relationship between police and the public, and as such, this relationship forecloses on certain democratic possibilities of 'transparency' or 'accountability'. Simmel makes the general point that all sociability and social intercourse has the impossibility of complete reciprocity:

> Life rests upon a thousand presuppositions which the individual
> can never trace back to their origins, and verify; but which he
> must accept upon faith and belief
>
> (Simmel, 1906: p.445)

Social conduct is based on accepting and facing the reality that perfect knowledge of others is impossible and that this can lead to discomforting ignorance, as well as permissible inequality. These observations are particularly germane and relevant to the relationship between a citizen and their state, or a community and their police. In the public's relationship with the police, full knowledge of police business is neither a practical, sociological, nor legal possibility. As such the relationship is beset with inequality, permissible withholding of information, and an expectation that the integrity of the superordinate body (the police) is often reliant on trust rather than total and complete veracity.

For Simmel these limitations to basic sociability are not always alarming, but are viewed as basic, unavoidable tenets of human association – without which social functionality may be brought into question. While secrecy and concealment may not be problematic on functional grounds, they certainly pose contentious democratic dilemmas. As Simmel (1906) points out, in many relationships the reciprocity of information "may not be permitted to be equal" (p.442) and thus, can become democratically contentious. Between the police and the public the reciprocity of information is unequal. (In both directions it should be added; the police often complain that the public need to report more, while at the same time the police retain and conceal their own information from the public. For example, data protection laws or the ethical and legal propriety around discussing ongoing investigations or court cases.)

The key point is privileges of authority, as well as practical limitations, mean that any democratic negotiation with the police is at best based on partial knowledge of what the police do as well as what the police are willing or eligible to discuss. Information is not perfect, nor is negotiation ever equal, and within this rests certain limits to 'transparency' or 'accountability' and the democratising of the 'form' of the police-public relationship. As the relationship 'form' is based on authority (necessarily so), then efforts to make the parties achieve a level of 'democratic' parity is subsequently constrained and limited. The democratic policing literature spends little time outlining these limits, instead leaving 'transparency' and 'accountability' as general goals rather than specific puzzles. The experience of police-public consultation forums in

Edinburgh illustrate empirically how these ideas become limited, particularly around the idea of data protection rules, and other ways the police are permitted to deny the public information on privileged grounds.

The 'form' of policing limits democratisation efforts in other ways as well. What is being referred to here is that if we assume Bittner's theory of the police is correct about the function of the police being "best understood as a mechanism for the distribution of non-negotiable coercive force" (Bittner, 1990: p.46), the non-negotiability aspect is not to be overlooked. If the role of the police is quintessentially about "non-negotiable coercive force", then there will always exist a certain undemocratic, authoritarianism to the way the police necessarily functions in society - regardless of pressures and strategies to democratise the 'form'.

In other words, Bittner is suggesting the 'form' of the relationship between the police and the public is wedded to the idea of 'non-negotiable coercive force', and if we fully consider the police capacity to enforce either physical or non-physical interventions on individuals – *non-negotiably* – this poses some democratic problems. Consider for example, aspects of the 'form' of police-public relations that have only limited democratic credential: structured by laws that have only been partially elective; enforced against individuals universally, regardless of who may or may not have the franchise of voting; established in historical precedents and traditions that have no necessary democratic origins; and applied daily in discretionary ways that are immediately and presently capable of suspending any aspect of discussion, negotiation, or usual democratic entitlement. Such 'forms' can only be considered *partially* democratic, and often *undemocratic* at the same time. In other words, a scenario of obligation and no choice would in most other contexts be described as quintessentially 'undemocratic'. I want to highlight that the 'form' of the police-public relationship as per Bittner's formulation holds quintessentially undemocratic aspects that cannot be entirely redressed by either clever procedure or post-hoc accountability mechanisms. Non-negotiable foundations are part-and-parcel of the idea and 'form' of police-public relations as highlighted by merging Bittner's theory of the police with Simmel's social theory. The implications of this form are daily and permanent in professional policing and the impact they have on the potential of the consultation forums to democratise the police will be illustrated later in Chapter 8.

While Simmel and Bittner can be used to show how non-negotiability and undemocratic dimensions are often at the heart of the police function and 'form', it is also argued that the work of Steven Lukes (1974/2005) can be important to revealing how undemocratic dimensions can have an ongoing effect on how democracy functions and is experienced in practice. Lukes (2005) offers a precautionary perspective that is useful to the democratic policing literature in highlighting how democracy, particularly a format such as the consultation forums, can be undermined by power inequality.

Lukes' argument in *Power: A Radical View* (1974/2005) is that democratic deliberation ought to be scrutinised for the various ways power can intersect and interfere with the nature of discussion. He is particularly interested in the subtle ways deliberation is policed and softly-structured to control, manage, and mobilise particular biases. Lukes provides a reminder that democracy is not defined by an anarchic openness but that who discusses, what is discussed, how it is discussed, and what possibilities can be credibly discussed, are all subject to power. This is illustrated in several ways within the example of Edinburgh's police-public consultation forums and is starkly illustrated for instance, when the police and council wound-up two local forums, to be replaced by one larger forum without discussing or consulting the community – confirming the inequality of power between the police and the public, and the capacity of the police to determine the terms of their participation. It is the unique work of Lukes (2005) that encourages a perspective on the consequences of power inequality at this level.

Furthermore, as set out in Chapter 2, Lukes enthusiastically engages with the notion of false consciousness. For Lukes, democracy is also undermined by inequality of ideological power: ostensibly personal interests are often a product of the ideological preferences of the powerful. In other words, agendas and concerns of democratic participants are susceptible to manipulation or power relations that most likely reflect wider inequality. The notion of 'false consciousness' is embraced by this thesis and the example of the use of the term "anti-social behaviour" is argued within Chapter 8 as one possible example of how Lukes' third dimension of power is imprinted on the consultation forums.

As argued earlier, the work of Lukes' brings a number of assets to the democratic policing literature. In general Lukes' message is that that the 'democratic' credentials of democracy are only partially preserved and established by principles and frameworks, and the lifecycle of democracy is consistently interfered with and undermined by power differentials – a notion the democratic policing literature ought to consider more. Moreover, Jones et al. (1996: p.191-192) argue that the "distribution of power" is an important concern for democratic policing, and as Manning (2010: p.10-11) observes, Jones et al. (1996) do little to say how power is understood in this sense. Using Lukes in my thesis redresses this shortcoming I argue, and introduces a more sophisticated and elaborated understanding of power into the democratic policing literature.

In summary, there are three key insights to be taken from Lukes for evaluating the democratic credentials of local police-public consultation forums: (a) it is insufficient to look at the conflicts and plurality of views on show within the 'deliberative event' and then assume this reflects on the format of police-public consultation forums as an exemplar of pure democracy. Conflicts and plurality within the 'deliberative event' are encouraging, but not the whole measure of democratic credentials. That is why Lukes encourages an analysis of (b) the second dimension of power, which is attentive to how bias is mobilised within the architecture and framework of the formal discussion. For this research it is important to ask questions of the type: who controls the terms and topics of discussion? Who controls and decides what is off-limits or non-negotiable? What privileges and advantages do the authorities have in terms of information, resources, and symbolic superiority? What disadvantages face the public in negotiating with the police and council? Who is invited or contacted to attend the meeting and represent the 'public'? Who gets to decide priorities? Who gets to decide when priorities have been resolved or need replacing? How are the meetings managed and what effect does this have on the content of the debates? And (c), Lukes' third dimension of power also poses a number of questions about the purity and authenticity of the interests on display, promoting a critical inquiry into how interests are framed and the wider influence of ideological hegemony on local deliberation. In other words, to what extent do the views and interests represented at the consultation forums reflect ideological or hegemonic manipulation?

3.3 Methodological Considerations

Following my above theoretical review, there are a number of subsequent methodological implications to consider for empirically investigating 'democratic policing'. Like 'reform', 'democratic policing' also has similar problems with non-uniform and often unclear definitions that create methodological issues. The literature talks about 'democratic policing' in aspirational terms and as a general moral goal to be sought. 'Democratic policing' therefore has no universal form and as this chapter outlined, remains an aspirational concept made up of general 'norms', 'principles', or 'minimal standards'. Crucially, such 'norms' may be underdeveloped and under-detailed. For instance, Bayley (2001: p.13-14) calls for the police to respect human rights, but neglects the difficulties with how 'human rights' can be variably interpreted. Likewise, the principles can often be contradictory. Bayley (2001) recognises that the police being accountable to the law can very often be undemocratic itself, i.e. if the law is itself repressive and in contradiction with standards of human rights. Other principles of democratic policing can clash. Consider Marenin's (1998: p.169) call for 'accountability', as well as 'congruence'. This can be inconsistent. When considering the experience of new performance management techniques and the role of statistics in the police as accountability-measures as an example, Hough (2007) has shown that attempts at accountability can be corrosive to 'congruence'. It is clear that that the goals of democratic policing do not work in a straightforward, cooperative and accumulative fashion. Rather, it must be said that at best, such principles work in an imperfect balance of regular compromise, trade-off, and competition. In other words, there is a cultural and local specificity to 'democratic policing' that involves methodological reflection.

This lack of universal form works as a strength of this research and not a weakness, because rather than keeping discussion of 'democratic policing' in the abstract – a hypothetical, aspirational idea that is often vague and contradictory – this research will attempt to empirically observe democratic policing in practice. It will be approached as something culturally and politically specific, and bounded within a particular locale. Moreover, this research will treat democratic policing as something to be evaluated. Specifically: to empirically observe a specific site of policy

implementation and judge it for it's 'democraticness'. Its 'democraticness' will be judged across two metrics as per Aitchison and Blaustein's (2013) distinction: its role in 'policing for democracy' and its capacity to be 'democratically-responsive'.

In sum, this research brings an original methodological perspective to the democratic policing literature by focusing on how democratic policing might look on the ground within a particular Scottish context. As argued in this chapter, democratic policing remains an abstract, aspirational collection of goals, which as Manning (2010: p.10-11) suggests can often be too focused on general "managerial criteria". This research is looking at the democraticness of democratic policing as it applies in policy, on-the-ground, around Edinburgh: how it is enacted by frontline officers, how it is understood and experienced by participants, and with a particular view to being mindful of who are the immediate bearers of any costs involved. This perspective, I argue, complements and strengthens the existing body of work on democratic policing.

Concluding Remarks

Using Aitchison and Blaustein's (2013) framework for distinguishing amongst the democratic policing literature is a good way to map the field and also set up measures of 'democraticness' that will be explored further in Chapter 8. The work of Simmel and Lukes furthermore, complement and augment the democratic policing literature. Both Simmel and Lukes illustrate how democratically-responsive policing is beset with further difficulties and issues unconsidered thus far by the literature. The 'democraticness' of the police has certain limits and this will be empirically illustrated in Chapter 8. What this chapter establishes is that, conceptually, the democratic component of civilizing policing will inevitably face certain limits, and there are two key measures with which to hold consultation forums: their contribution to policing 'for' democracy, and how democratically-responsive they are.

Chapter 4: Police legitimacy

The third, and final, component of relevance here to civilizing policing is police legitimacy. Like reform, and democratic policing before it, legitimacy is likewise a conceptually disputed and flexibly interpreted concept. What this chapter aims to do is threefold: firstly, the two styles of conceptualising police legitimacy in the literature will be explored. These are the interpretative historical analysis of legitimacy, and the more quantitative methods popularised by procedural justice theory. Secondly, the shortcomings of these styles will be outlined and an argument made that revisiting the work of Weber on legitimacy, as well as the work of Lukes, both reveal advanced complexities to the notion of legitimacy so far unconsidered in the legitimacy literature. And thirdly, some methodological considerations on how I will investigate legitimacy will be discussed reflecting on the implications of my theoretical review.

4.1 Police Legitimacy in police studies

There are two primary approaches to considering police legitimacy in police studies. There is historical analysis that assesses how legitimacy develops over historical phases, and also the approach developed by procedural justice theory that uses quantitative, survey-based analysis. While the later has a more precise and defined articulation of 'police legitimacy', the former has a better grasp on the importance of history in framing contemporary legitimacy. Both these approaches have weaknesses in their conceptualisation of 'police legitimacy', which are illustrated conceptually in this chapter. It will be argued that historical analysis carries an under-defined sense of 'legitimacy' which means it loses value when it tries to explain the moderate decline of police legitimacy over the last 60 years. Procedural justice theory improves on the definition of police legitimacy, but its core use of Beetham's definition of legitimacy invites a critique from the work of Lukes, and a reconsideration of the work of Weber.

'Police legitimacy' as historical analysis

The first approach to 'police legitimacy' that will be examined is the body of work that treats the concept as something easily available to historical analysis. Reiner (2010: p.67-111) and Smith (2007a, 2007b) both offer accounts of how 'police legitimacy' is made and unmade within historical episodes by using evaluative

analysis of historical phases to judge 'police legitimacy'. This approach has both its strengths and shortcomings that will need to be considered for developing a new approach to police legitimacy research. Its strength comes from its long-form view on legitimacy that shows how police legitimacy develops over the long-term through history. Its major weakness is that legitimacy is never adequately defined and is often used with differing and varying implicit meanings. This lack of precision on what is meant by legitimacy harms the value of the analysis, and leaves it unable to explain certain aspects of police legitimacy, particularly, why legitimacy remains largely robust throughout episodes of controversial police behaviour. To explore this, I will briefly outline the analysis provided for the decline of police legitimacy towards the latter half of the 20th century. Analysis of this phase in British police history shows both the strengths and weaknesses of such an approach.

Decline of police legitimacy: 1950 to present

'Legitimacy' of the police in Britain is articulated by many studies as entering a period of decline following the pinnacle of acceptability in the 1950s. The standard account is that from the 1950s onwards the world of the police has become murkier, more controversial, more political, and less assuming when it comes to expecting public awe, deference, and trust. This account relies on the assumption that police legitimacy peaked in the 1950s and then suffered a slow decline over the following decades – best characterised as significant but not catastrophic (Loader and Mulcahy, 2003: p.34-35). To look at the data, Reiner (2010) notes that in surveys conducted in 1959 and 1989, asking the public whether they had "a great deal of respect" for the police, positive responses slid from 83% to 43% (p.78). The British Crime Survey also shows the dwindling numbers of those thinking the police do a "very good" job between 1980 and the 2000's (Bradford et al., 2008: p.7-9). On survey indicators alone, it appears the police stepped off the pedestal in the mind of Britons.

However, adding complexity to this picture, it is also worth mentioning that over the period 1984 – 2006 the ratings of "poor" or "very poor" show no clear trajectory, remaining low throughout (Bradford et al., 2008: p.9). Moreover, 79% of people reported that their local police do a 'very' or 'fairly' good job according to the 2000 British Crime Survey (cited, in Loader and Mulcahy, 2003: p.35). As such, sharper

and contrarian analysis of the data is always available to cloud the claim that the police have suffered an overwhelming decline in public support in this era. But it remains fair to say that levels of committed, high-level reverence to the police has diminished, and attitudes have trended towards a less enthusiastic, more modest middle ground of seeing the police doing a "fair" or "good" job (Bradford et al., 2008: p.9, see also Hough, 2007: p.71). The story of the British Crime Survey data is a story of decline, but a decline that is hardly radical and still open to interpretation.

A number of authoritative accounts have emerged to describe this trend that is characterised as either the "desacralization of the police" (Loader and Mulcahy, 2003: p.3-36), the politicisation of policing, (Reiner, 2010: p.78-111) or simply the decline of police legitimacy (Smith, 2007a, see also Hough, 2007). These accounts establish a huge list of plausible reasons as to why attitudes to the police have changed over the last 60 years. These typically breakdown into two strands, either factoring police failures or factoring sociological change. A constellation of reasons 'police legitimacy' is declining is offered, and in doing so, such analyses often slips between differing understandings of legitimacy.

Reiner (2010: p.78-111), for instance, views a whole host of issues as important to sliding police legitimacy including a succession of police scandals, corruptions stories, and key police involvement in miscarriages of justice (Reiner, 2010: p.78-91). Smith (2007a: p.282-285) agrees, and argues that recent and historical abuses of anti-terrorism legislation and powers is a key factor. A number of episodes of controversial use-of-force are also cited, particularly during instances of public disorder such as the Miners' strikes, Brixton riots, or the anti-poll-tax riots (Reiner, 2010: p.85-88). Slow-boil, long-term reasons were also provided such as the developing adversarial relationship between the police and a number of ethnic minority communities that was often discriminatory and hostile (see Bowling et al., 2008). Most notably the police were officially admonished by the Scarman Report (1981) and The Stephen Lawrence Inquiry (1999) – the latter calling the police "institutionally racist".

Some more subtle reasons are also provided for falling police legitimacy. Smith (2007a: p.289-291) argues centralisation played a role, as well as new arrangements

of accountability (p.287-288). Reiner (2010) agrees: as local accountability diminished, public identification with the police was damaged (p.88). Hough (2007) also points to the mistake of the police in prioritising the responsibilities of meeting performance targets against alternative services such as relationship-building, partnership-working and symbolic duties, thus slowly corroded legitimacy over time. Reiner (2010) corroborates the idea that during this period the "service role" of the police was sidelined for a crime-fighting focus, to the detriment of the police reputation (p.91). And finally, there were a number of other failures or missteps the police made in this period, particularly their failure to be effective in dealing with crime (Reiner, 2010: p.93-94), which was all the more important as the police 'talked-up' their ability in this period and pushed 'intelligence-led', 'preventive' policing, that did not deliver as promised, or necessarily reap expected 'legitimacy' rewards (Smith, 2007a: p.291-294; Reiner, 2010: p.92-93).

The role of police failures in this period was argued to be compounded by the development of sociological changes. Increasing social diversity was said to undermine the idea that the police can represent the whole community (Smith, 2007a: p.290-291; Reiner, 2010: p.94-95). Reiner (2010: p.95) goes further and suggests the sharpening stratification of class society in this period generates marginalisation and the agitation of what Loader and Mulcahy (2003: p.8) refer to as "raw class antagonisms", producing a number of aggravations between the police and the 'underclass'. Smith (2007a) adds a number of other contextual changes that led to declining police legitimacy. This included the emergence of competing sources of policing, particularly the rise of commercial or private policing industries that de-emphasises the primacy of the public constabulary in security provision (see Shearing and Stenning, 1983; Smith, 2007a: p.285-287). Also, the changing political context that agitates insecurities around law and order invited criticisms of police performance (Smith, 2007a: p.294-295). These factors are connected with Garland's (2001) notion of a "crime complex" as crime becomes a "normal social fact" (p.106), and compounded by the developing wider "ontological insecurity" (Giddens, 1991). Such sociological factors make the police 'victims' of wider social change and turbulence, as old stabilities breakdown making it harder for the police to be 'totemic' of wider society.

Those are just some of the reasons provided for the decline of police legitimacy, but I want to argue that the decline of police legitimacy in this period has been largely *over*-explained. There are mountains of explanation, for a relatively small decline in police legitimacy. There is a huge list of 'factors' for a modest shift in support for the police towards a less-enthusiastic middle ground. The over-explanation of this decline is related, I argue, to the unclear definition of 'legitimacy' being used. As 'police legitimacy' is left undefined, accounts like Reiner's and Smith's slip between multiple understandings and provide evidence to service multiple interpretations of legitimacy. To elaborate, in some instances, legitimacy is equated with trust:

> The legitimacy of the police began to be eroded after 1950
> because some of the processes that had earlier created trust went
> into reverse.
>
> (Smith, 2007a: p.273)

At other times it is equated with domination and an ideological allegiance to traditional power:

> From that perspective, the legitimacy of the law, the police, and
> the courts is an aspect of what Gramsci calls hegemony.
>
> (Smith, 2007b: p.38)

It can also be thought of as something Durkheimian:

> Legitimacy depends on what Reiner (2000) has called the
> mythical sense of identification between the police and the
> British public.
>
> (Smith, 2007a: p.280)

Legitimacy was also thought of as the credible claim to peaceable social control:

> The final aspect of police policy contributing to legitimation
> was the core mandate of crime prevention and order
> maintenance.
>
> (Reiner, 2010: p.76)

Or, as a product of organised, rule-based obedience:

> The first element in the undermining of police legitimacy was
> the erosion of the image of an efficient, disciplined
> bureaucracy.

(Reiner, 2010: p.80)

And at other times, it was generically understood as related to some broad and vaguely-defined idea of reputation:

> …police legitimacy is a collective phenomenon that amounts
> to something more than the sum of individual's beliefs.

(Smith, 2007b: p.32)

In sum, the implicit definitions of 'police legitimacy' were many and varied and add to the confusion of what is meant by the term. Its flexible use means authors often make judgements and evaluations with no clear or consistent justification. A precise justification of what is understood by 'police legitimacy' was avoided, and instead, legitimacy operates as a term that means many things. Procedural Justice theory offers a more precise definition of legitimacy and will be considered in a moment, but the point to be raised here is that the historical analysis of legitimacy has too open a definition of legitimacy that I argue is reflected in its over-determination of police legitimacy's decline. Under-defining police legitimacy means this analysis under-appreciates the resilience and grounding of police legitimacy, and is weak at explaining the ultimately limited decline in police legitimacy.

Comparing the approach of procedural justice theory to the approach of historical analysis illustrates the strengths and weaknesses of the historical analysis method. Its weakness is to try and understand legitimacy from abstract, historical analysis at a macro-level which makes it unable to appreciate resilience by not considering how legitimacy involves complex social-psychological evaluations 'on the ground' by the public – something procedural justice does well. However, its strength is to value and honour the role historical lead-in plays to contemporary police legitimacy – something procedural justice pays less attention to. Contemporary attitudes to the police are always in part an abstract historical product, as well as a real, daily contest and concern between actors and authorities (Sparks, 1994: p.16). Legitimacy is both a product of long-form historical processes, and also short-form, immediate relations. An argument will be made later in this chapter for a mid-range approach that tries to complement both approaches, but first, the value of police legitimacy in procedural justice theory will be considered.

'Police legitimacy' in Procedural Justice Theory

One of the strengths of procedural justice theory is to provide a much more developed definition of 'police legitimacy'. Procedural Justice authors approach 'police legitimacy' as a partially-empirical question using survey data based on more precisely articulated understandings of 'legitimacy'. As will be shown, while such conceptualisations of legitimacy are an improvement on the implicit definitions offered by historical analysis, they come with their own problems. Particularly, I argue, there are further complexities of legitimacy that are unexplored regarding the role of ideology and power. In this section the definition and understanding of 'legitimacy' in procedural justice theory will be unpacked and critiqued laying the ground for suggested improvements.

Procedural Justice Theory emerges from the work of Tyler (1988, 1990, 2004, 2007, 2011) who argues that the police and the public are in a mutually-providing relationship, whereby if the police adequately demonstrate 'fair' procedures this will have the consequence of increased police legitimacy. If the police have an increase in legitimacy, argues Tyler, this promotes a win-win scenario whereby the police can expect increased cooperation and compliance from the public and thus deliver an improved service of protection. Tyler offers up "process-based strategies" (2004: p.84) for how the police may improve their legitimacy. They can achieve this by:

> …[providing] people with opportunities for explanation before decisions are made; explaining how decisions are being made; allowing people mechanisms for complaint; and, in particular, treating people with courtesy and respect.
>
> (Tyler, 2011: p.260)

Tyler points to the wealth of empirical research into how individuals judge the police following personal encounters (both adversarial and cooperative) and demonstrates that the most important dimension to police-public encounters is the perceived fairness of the process:

> …the primary issue shaping people's reactions to personal encounters with the police is whether or not the police exercise their authority in fair ways…

The impact of successfully delivering policing in a 'fair' way, Tyler argues, will see significant rewards. If fairer procedures are suitably adopted by the police it can produce a number of related outcomes: it can reduce the number of negative encounters with the police that have been shown to be potently damaging to overall appraisal of the police (see Bradford et al., 2009 and Skogan, 2006); It can improve the legitimacy of the police in the eyes of individuals and communities (Sunshine and Tyler, 2003); It can inspire "everyday compliance with the law" (Tyler, 2004: p.89); And finally, it can encourage the public to willingly cooperate, support, and comply with crime control efforts (ibid: p.89). Tyler's work has been carried forward by a number of procedural justice theorists and offers an important body of work in contemporary understandings of police legitimacy. As will be shown, procedural justice theory offers a number of important insights into police legitimacy, but can be improved upon by considering further complexities to legitimacy around ideology and power-holders.

The concept of 'Police Legitimacy' in Procedural Justice theory

Procedural justice theory develops its conceptualisation of police legitimacy from the work of Max Weber and David Beetham. A thread runs through the work of procedural justice theorists including Tyler (1990, 2004, 2011), Sunshine and Tyler (2003), Hough et al. (2011), Jackson and Bradford (2010), Jackson et al. (2011), Jackson et al. (2013), that "legitimacy" is best understood beginning with Weber (1969, 1978) through modification by way of Beetham (1991). The argument borrowed is that "police legitimacy" is provided by community-held *belief* in institutions (Weber's suggestion), but fortified to include 'moral alignment', and an adherence to common rules of legality by the superordinate institution (Beetham's suggestion). Procedural justice theorists recognise there needs to be a hybrid understanding of legitimacy that combines the *empirical* evaluation of whether the public wilfully endorses the actions of the powerful, combined with the *normative* standards that can be readily established by monitoring the institution for credible responsiveness and rule adherence. In their terms, and inspired heavily by Beetham, procedural justice theorists define legitimacy in formulaic terms as a combination of:

…(a) expressed consent, (b) normative justifiability of power, and (c) legality of action.

(Jackson et al., 2011: p.272-273)

This definition refers closely to Beetham's conceptualisation of legitimacy:

Power can be said to be legitimate to the extent that: (i) It conforms to established **rules**, (ii) the rules can be justified by reference to **beliefs** shared by both dominant and subordinate, and, (iii) there is evidence of **consent** by the subordinate to the particular power relation

(Beetham, 1991: p.15-16, emphasis added)

Delving into the conceptualisation of legitimacy by procedural justice and Beetham helps unpack some of the issues of this term. To begin, it is worth looking at Weber. Particularly, looking at the errors Weber makes according to Beetham. Doing so helps gain a better understanding of where this thesis questions the present conceptualisation of legitimacy by procedural justice. Weber (1978) argues:

…the legitimacy of a system of domination may be treated sociologically only as the probability that to a relevant degree the appropriate attitudes will exist, and the corresponding practical conduct ensue.

(Weber, 1978: p.214)

Where, in this sense, the 'appropriate attitudes' refer to an acceptance of authority's claim to be valid. The grounds for accepting authority's claim to be valid are said to rest on rational, traditional, or charismatic basis, argues Weber:

The validity of the claims to legitimacy may be based on:
(1) Rational grounds – resting on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands (legal authority)
(2) Traditional grounds – resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority); or, finally,
(3) Charismatic grounds – resting on devotion to the exceptional sanctity, heroism, or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority)

(Weber, 1978: p.215)

It should be immediately noted here that Weber rests the 'validity' of legitimacy claims on 'belief' and 'devotion' – subjective principles, not absolute, objective ones.

According to Beetham, Weber's influence on the subject of legitimacy has been "an almost unqualified disaster" (1991: p.8). Weber's conceptualisation of legitimacy is seen as a forerunner, but a heavily flawed forerunner, for present understandings of legitimacy. Weber's 'foolishness' has been picked over by Beetham as well as a number of procedural justice theorists. Weber's error, in Beetham's view, is to reduce 'legitimacy' to a "report" on whether people *believe* in the legitimacy of an authority (1991: p.8). Procedural Justice theorists concur with Beetham, and agree that Weber offers too thin an understanding of legitimacy, and that instead, legitimacy needs to be fortified with a normative dimension that includes a view on the legality of authorities, as well as their obedience to rules (Jackson et al., 2011: p.271-273; Jackson and Bradford, 2010: p.2-3). Weber's principle error is to reduce legitimacy to a description of the "subjective state of mind" of actors in a political relationship (Jackson and Bradford, 2010: p.2), to the neglect of other, more objective criteria that are also critical to the foundations of legitimacy. Weber's conception of legitimacy is so thin, argues Beetham, that:

> It leaves the social scientist with no adequate means of explaining why people acknowledge the legitimacy of power at one time or place and not another. The social scientist, it seems, is someone who must always be taken by surprise when people stop treating power as legitimate and take to the streets in protest
>
> (Beetham, 1991: p.10)

In other words, Weber's conceptualisation does not allow us to make reasonable sense of why legitimacy may change over time; That is, unless, our understanding of legitimacy is also fortified with due regard to the importance of the role of "rules", as well as "consent" (Beetham, 1991: p.16).

Bottoms and Tankebe (2012) continue the attack on Weber's conceptualisation of legitimacy. One of their objections is that Weber's conception leaves no means to distinguish between true obedience that is hard-earned by "truly normative legitimate authority" (Bottoms and Tankebe, 2012: p.130), and another kind of obedience that flows from mere "dull compulsion" (p.148-149). The former might refer to a police

force in an advanced democratic society where the police has earned the privilege of trust and willing cooperation with the public, while the latter, refers to a situation analogous to the prison where prisoners obey but only minimally validate the right of authority to rule (p.148-149). For Weber, it is not "sociologically relevant" if subordinate obedience is performed by "the ruled's own conviction…or by his sense of duty, or by fear, or by "dull" custom, or by a desire to obtain some benefit for himself" (Weber, 1978: p.946-947). Weber is only interested in assessing whether the 'ruled' treats the commands of the 'rulers' as "'valid", and behave, in most circumstances, "as if the ruled had made the content of the command the maxim of their conduct for its very own sake" (Weber, 1978: p.946). In other words, for Weber, legitimacy exists in a system as long as everyone in that system is sufficiently persuaded to conform and obey to the system's existing authority structure. For Weber, there are no external standards that can be imposed on a system to assess its legitimacy.

Thus, here lies the point at which Beetham and procedural justice theorists depart from Weber. For a system to be legitimate, according to Beetham, it is not sufficient for individuals to be persuaded to simply obey. Instead, individuals must be eager participants; suitably included in the justification for the system's authority structure; demonstrating consensual participation; and moreover, the power-holding authority must behave in line with predetermined rules (Beetham, 1991: p.12-13). This is in contrast to Weber's understanding of legitimacy, which avoids any "evaluation of a regime; indeed it no longer refers directly to the regime itself" (Grafstein, 1981, cited in Beetham, 1991: p.10).

4.2 Advanced Complexities of Police Legitimacy

The extent to which Weber is potentially wrong about legitimacy does not confirm the extent to which Beetham is right. It is worthwhile to separate the contribution Beetham and procedural justice theorists make to a critique of Weber, and their subsequent, related contribution to a theory of legitimacy. What follows is an argument that Weber's emphasis on beliefs has untapped value for furthering understandings of legitimacy. It will be argued that Weber's emphasis on 'beliefs' is not necessarily as much of a weakness as considered by Beetham and others. This will

be achieved by introducing Lukes to the debate and focusing on how beliefs legitimate authority and particularly, how ideology plays a significant role in shaping those beliefs. By considering the ideological effects of authority-structures on actors beliefs, then it can be seen how beliefs can often be a *consequence* of authority-structures and not just a cause. This argument will ultimately question and complicate Beetham's formula of legitimacy, rather than outright dismiss it.

Recalling the criticism of Bottoms and Tankebe (2012), they argue that Weber's conception of legitimacy allows no room to distinguish between a 'truly normative authority' and an authority that inspires 'dull compulsion': "the distinction between true legitimacy and dull compulsion is, conceptually, of great importance" (p.149). In thinking about this distinction, the work of Lukes and his 'third dimension' of power, clouds the possibility of making a decisive distinction between 'true legitimacy' and lesser forms of manipulated or manufactured, 'dull' compulsion. If 'true normative authority' refers to the extent to which the 'ruled' are in ideological alignment with the holders of authority, then how much is this ideological alignment a product of the relationship of authority to begin with? As Lukes 'third-dimension' of power notes, authority works on individuals by "influencing, shaping or determining his very wants" (2005: p.27), as well as forging ideological alignment. By accepting this argument, then the distinction between 'dull' obedience and a more genuine, authentic obedience will be muddied, rather than cleared up; if beliefs are often considered a product of authority relations, and not just a cause, then the identification of 'legitimate' support, as opposed to manipulated support, becomes trickier.

Weber for instance, notes that legitimacy involves an ideological onslaught as authority seeks to shore up its position:

> Experience shows that in no instance does domination voluntarily
> limit itself to the appeal to material or affectual or ideal motives as
> a basis for its continuance. In addition every such system attempts
> to establish and cultivate the belief in its legitimacy.
>
> (Weber, 1978: p.213)

Authority will always seek to 'cultivate' support for its legitimacy and this will involve forms of ideological self-promotion. Bottoms and Tankebe (2012: p.129) argue that this reflects the "dialogic" aspect of legitimacy; that legitimacy is an

ongoing dialogue between power-holders and its audience, and not just a one-off transaction. This echoes Sparks' (1994: p.17) observation that legitimacy has a "dialectical energy", in that its status is never secure or fully realized and needs to be constantly negotiated over time between the relevant stakeholders. Taking considerable interest in this 'dialogue' between authority and 'audiences', it is pertinent to consider how the 'conversation' isn't equal: that authority is more resourced and better equipped to dominate discussion, and that the consequences can be the subtle manipulation of the participants to hold views favourable to authority. In other words, it can be asked: if the ideological onslaught of authority-holders is actually successful and establishes ideological alignment amongst stakeholders, is this 'true' legitimacy or more accurately reflective of a 'dull compulsion' won by ideological attrition?

This can be unpacked as a general Lukesian critique of Beetham and procedural justice advocates. Beetham's formula of legitimacy appears to proceed from the assumption that popular beliefs of authority are reasonable, honest, deduced autonomously, and generally smart and well-informed (procedural justice theory implies the same). Beetham also suggests that "actions" are a good ground for revealing "evidence of consent" (1991: p.12). The work of Lukes and his critique of power would argue that this carries many of the faults of an over-focus on 'behaviour', and an under-focus on ideological manipulation of interests and behaviour (Lukes, 2005: p.14-29). Lukes would emphasis how beliefs are quite often manipulated, conditioned, distorted, misguided, suppressed, agitated, and managed. In a process of evaluative analysis, the choice is not between taking one view or the other – deciding whether 'beliefs' are truly authentic or not – but to give due consideration to the complexity of belief and interest formation, that ultimately undermines an assured confidence in neat formulas of legitimacy.

Beetham (1991: p.8-9) anticipates such a critique and recognises that social scientists would emphasize that, "the beliefs people hold are…the product of the cumulative influences to which they have been exposed". But Beetham dismisses the idea that the legitimacy of authority can be based solely on "successful…public relation(s) campaign(s)" (p.9). While Beetham is correct to dismiss the argument that regimes are propped-up solely on the basis of their mastery of 'public relations' or public

ideology; he skips over too easily the level of two-directional interdependence between public beliefs and power-holder ideology. It is the view of this thesis that such a distinction between 'authentic' beliefs, and beliefs 'cultivated' by authority are profoundly difficult to separate, and that any formula of legitimacy should give recognition to this complexity. So far, Beetham or procedural justice advocates have not afforded this complexity due regard. In other words, less confidence should be given to popularly held evaluations of authority, than suggested by Beetham and procedural justice's model of legitimacy.

This Lukesian critique of Beetham and procedural justice has its own evidence base in social psychology (just like procedural justice has a base of social psychological evidence). Taking the work of occasional Tom Tyler collaborator, John T Jost, and his work on systems-justification theory, the requisite level of complexity can be added to considering what is referred to as '*The Psychology of Legitimacy*' (Jost and Major, 2001). Jost and his colleagues have amassed a significant body of empirical evidence that there is a "general ideological motive to justify the existing social order" (Jost et al., 2004: p.881). Developing what is called 'systems-justification theory', Jost and colleagues are interested in "the process by which existing social arrangements are legitimized, even at the expense of personal and group interest" (Jost and Banaji, 1994: p.2). Jost supports Lukes in using the often derided notion of 'false consciousness' (see Jost and Banaji, 1994). There is significant psychological evidence argues Jost and colleagues, that curiously, the most disadvantaged can very often show strong levels of support for the systems that make them disadvantaged: be that accepting and internalising negative stereotypes (Jost and Banaji, 1994); showing 'outgroup favouritism' towards social dominants (Jost et al., 2002; Jost and Hunyady, 2002); showing depressed feelings of entitlement (Jost, 1997); rejecting alternatives to the status quo (Jost, Pelham et al., 2003); not contributing to system resistance (Jost et al., 2012); or rationalising their own deprived position (Jost and Burgess, 2000). The above psychology is analogous to the Marxist idea of 'false consciousness' and complicates understandings of the motives and motivations of pro-authority attitudes.

Recent collaboration by Tyler and Jost (Van der Toorn, et al., 2011) shows that procedural justice theory and system-justification theory are not antagonistic, but complementary. In a recent paper they have demonstrated how procedural justice and

systems-justification theory interact and co-exist, affecting the perceived legitimacy of authorities: "perceived legitimacy is enhanced not only when authorities exercise fair procedures and deliver favourable outcomes, but also when subordinates are dependent on them" (Van der Toorn et al., 2011: p.127). This shows that both procedures and power differentials play a role in how authority is evaluated for legitimacy. Procedural fairness matters, but so does power inequality; dependence can produce a pro-authority viewpoint, just like 'fair' treatment.

The important point to take from the work of Jost and system-justification theory is that there is an empirical, psychological basis for showing that relationships between authorities and subordinates are *causes* of pro-authority beliefs and not just *results* of beliefs. Ideology, or Lukes 'third dimension' of power, plays a significant role in developing the legitimisation of authorities by shaping popular views of authority. In the 'dialogue' of legitimacy (Bottoms and Tankebe, 2012; Sparks, 1994), the authorities have profound psychological advantages to cultivate ideological alignment. One of the ramifications of this for legitimacy is that the role of beliefs and their connection to wider ideological supremacy complicates the distinction between 'true legitimacy' and 'dull compulsion' in Bottoms and Tankebe's terms (2012: p.169). When Bottoms and Tankebe suggest:

> Legitimacy researchers will...need some deeper explorations to disentangle the varied motives that might underpin people's feelings of obligation to obey criminal justice agencies.
>
> (Bottoms and Tankebe, 2012: p.165-166)

It could be suggested there is more to be gained by entangling the discussion of motives in the thicket of false consciousness and systems-justification theory, rather than disentangling them. This, I argue, would better reflect the complexity of ideological motivation that is always part-authentic and part-manipulated. In sum, there is value in heeding Lukes suggestion that beliefs, consent, and legitimacy are as much a *result* of power relations as they are a *cause* of power relations.

Beetham's formula of legitimacy applied to police studies: Does it always work?

Beyond a Lukesian critique, there are also a number of other questions raised about Beetham's formula for legitimacy, particularly when applying it to the world of police

studies. This section asks, 'does Beetham's model of legitimacy apply all the time, equally, consistently, and with predictable, regular outcomes for police legitimacy?' What follows is an illustration of how police studies provides evidence and indications that Beetham's model can often be unreliable or lacking explanatory value in certain circumstances with the goal of setting up a different perspective of legitimacy.

Firstly, Beetham's model, and likewise, procedural justice, has no interest in the historical 'origin' of police legitimacy or how legitimacy was built; procedural justice arguably only shows how the social reputation of the police might adjust over time, but has less to say about how legitimacy is established within larger histories. Using the example of trust, Smith argues:

> The procedural justice model is important for explaining how trust is eroded, but does not explain the origins of trust.
>
> (Smith 2007b: p.55)

Taking a step back and thinking about the long-term, historical establishment of police legitimacy and trust, Beetham and procedural justice are not interested in the historical events that have established police authority within territories. Particularly, procedural justice makes no comment on whether the imposition of public constabularies on populations followed the model of 'rules, beliefs, and consent'. As Reiner's (2010: 39-66) account of the English police shows, the introduction of public constabularies can be deeply contested and often not reliant on popular will, consent, or proven ability to follow rules. In other contexts, particularly colonial situations, public constabularies were imposed by naked power and raw political domination – for example, the Royal Irish Constabulary, or the police in Ghana (Tankebe, 2008). The legitimacy of public constabularies owes a debt to historical power struggles that did not necessarily honour 'rules, beliefs, and consent'. In this sense, while contemporary legitimacy may be subject to 'rules, beliefs, and consent', the historical origins of police forces can often reflect raw power and political domination. In other words, the origins of legitimacy can be established by strength, but ongoing legitimacy is obligated to fairness, rules, consent, and popular support.

Secondly, from police studies research, we also know that there is evidence that the antecedents to legitimacy outlined by Beetham and procedural justice theorists are regularly in profound contradiction. Rules, beliefs, and consent, are frequently at odds and contradiction within police actions. For example, classic sociologies of the police have long shown how the deliberate under-enforcing of the 'rules' is a common tactic of the police, which is largely in service of aligning closer with the 'beliefs' of the community for more flexible treatment (see for example Goldstein, 1960). In other words the police would do reputational damage by over-enforcing the law, and in such circumstances, prefer to bend to community 'beliefs', thus contradicting the enforcing of 'rules'. This has also been noticed by Bottoms and Tankebe (2012: p.138-140) who argue that:

> ...both police and prison studies show – that the full enforcement of the law, or the prison rules, can sometimes fail to enhance legitimacy; indeed, it can even lead to a degree of delegitimation.

(Bottoms and Tankebe, 2012: p.138)

They use the example of 'stop and search' operations in areas like Brixton, London, where the full enforcement of the 'rules' against young, black males, can produce disorder and delegitimation of the police. In sum, faithfulness to community views and 'beliefs', can often mean infidelity to the 'rules'.

Moreover, not only are the causes of legitimacy as outlined by procedural justice and Beetham often in contradiction, but their consequences for "police legitimacy" are often inconsistent or irregular. It is inevitable, as Smith (2007b) puts it, that "in some circumstances, breaking the rules as they are defined by law reinforces police legitimacy" (p.43). This is supported by what Klockars outlines as the "Dirty Harry Problem" (1980): the dilemmas faced by police officers that encourage them to momentarily eject, or circumvent, niceties such as fairness and legality in order to attain desired and popular ends. Klockars (1980) uses the examples of police tactics in witness interrogation (p.37-38). Alternatively, consider stop and search: it is a conceit, argues Smith (1998) to conceive of stop and search as anything other than prejudiced and "unfair"; it is inevitably bound to the prejudices of individual officers, as well as containing deeply questionable aspects of 'consent'. But alternatively, if stop and search powers were unavailable to the police, legitimacy issues would then emerge

from the 'belief' and demands for police action (here, popular 'beliefs' and the 'rules' play off against 'consent'). These are just some examples that show how a model of police legitimacy based on a formula of 'rules', 'beliefs' and 'consent', fails to work smoothly when applied to the world of policing. 'Rules', 'beliefs', and 'consent' often contradict one another, and are inconsistent in their outcomes for any sense of overall 'police legitimacy'.

And finally, legitimacy outcomes are also curious in the world of police studies when it comes to drops in legitimacy. There is a general consensus in police studies that police legitimacy is undermined by corruption, brutality, and dishonesty: for example, Bayley (1995) argues "nothing is more destructive of the standing of the police than corruption" (p.92); Jones (2007) argues police use-of-force can be "highly corrosive to police-public relations" (p.183); and Bottoms and Tankebe (2012) argue "obvious illegalities seriously undermine the legitimacy of the police among citizens" (p.138). This is not surprising and in most ways consistent with the model and formula of legitimacy offered by Beetham and procedural justice; if the police breach legality, diverge from popular morality, and show no restraint or deference to consent, then they pay a cost of diminished legitimacy.

However, a challenge can be put to this model of legitimacy for its inability to explain (a), why drops in legitimacy are most often bounded within modest dips in the aftermath of illegality, brutality, or corruption, and (b), why there is irregular public reaction to instances of illegality, brutality, or corruption. Breaches of the codes of beliefs, legality, and consent, are rarely catastrophic for the police, but contained in their impact. Beetham or procedural justice has little to say about the limited *scale* of the problem of unfairness, only that it is most likely to be detrimental. The point to be made here is that procedural justice theory doesn't engage with the evident stability of support amongst sections of the population that is resilient regardless of scandals or police inability to be 'fair', legal, or appropriate (Loader and Mulcahy, 2003: p.34-35). Moreover, not all breaches of beliefs, legality, or consent are equally as damaging. In other words, not every victim of police brutality produces an equal value of diminished legitimacy.

What this might possibly indicate is the complex relationship with how the public view police action, which is often accommodating of illegality, brutality, and corruption, provided the circumstances are right. This speaks to the ignoble or cynical basis of police legitimacy (Harkin, 2014, see appendix F). As argued by Weber:

> Loyalty may be hypocritically simulated by individuals or by whole groups on purely opportunistic grounds, or carried out in practice for reasons of material self-interest. Or people may submit from individual weakness and helplessness because there is no acceptable alternative.
>
> (Weber, 1978: p.214)

In police studies this has been observed by Tankebe (2010), who outlined how in Ghana experiencing corruption practices with police could counter-intuitively lead to "some sort of identification with, and attachment to, the corrupt official" (p.311). This could relate to the point made by Leys (1965, cited in Tankebe: p.310) that "it is natural, but wrong, to assume the results of corruption are always both bad and important" – an assumption Beetham would make. This has been a phenomenon noticed in both developing and developed nations. Waddington argues that in the Anglo-American context,

> The public in many societies tacitly conspire in police illegality, provided it is targeted at excluded groups and does not erupt into a public scandal.
>
> (Waddington, 1999: p.158)

This points to the complexity of police legitimacy that can be irregular and often unpredictable as to how it reacts to police misbehaviour. The simplicity of Beetham's model does not account for the inconsistent and often unpredictable response when the formula of rules, beliefs, and consent are breached. Nor can Beetham's model explain the varying importance of such breaches; some breaches are more important than others, and some breaches, seemingly, not important at all. Beetham's model is not in effect all the time, nor is it in effect equally across recipients, and it provides little explanatory value for the scale of legitimacy drops. This illustrates the unconsidered complexity of police legitimacy when using Beetham's model of general legitimacy.

Despite this, however, I still maintain that Beetham's model which has been taken up by procedural justice theory offers the strongest and most useful understanding of legitimacy within the literature. I argue that there are advanced complexities to consider about pro-authority attitudes that is shown by revisiting the work of Weber as well as including the work of Lukes and systems-justification theorists. Moreover, the insights from historical analysis of legitimacy also need to be considered to give suitable context to the present day social standing of the police. Regardless, I will adopt Beetham's formula of legitimacy as the guiding definition of legitimacy that I will use for empirical investigation of Edinburgh's police-public consultation forums. Beetham's formula is the most accomplished and thorough definition of legitimacy offered in the literature, however in the upcoming and final section of this chapter, I will make further comments on the limitations of the established methods for investigating police legitimacy and make an argument for my own methodological strategy that attempts to provide an original perspective on legitimacy that complements the strengths of the established methods.

4.3 Methodological Considerations

There are issues with procedural justice's methodology that my qualitative, ethnographic, case study investigation could better service and improve on. From Tyler's 'Chicago Study' in *Why People Obey the Law* (1990) to the Euro-Justis project (2011), the principal means of producing data in support of procedural justice theory has been quantitative analysis of survey data. Questions in the vein of "Overall, how good a job are the Chicago police doing?" (Tyler, 1990: p.179) and "How successful do you think the police are at preventing crimes in [country] where violence is used or threatened?" (Jackson et al., 2011: p.277) are collected by phone interviews. The information is then fed through statistical analysis, the outcomes are labelled as measures of 'trust' or 'effectiveness' (and so on), and analysis is conducted that makes claims on insights into 'police legitimacy'. In this regard there are conceptual problems and empirical problems with the wisdom of using survey methodology to approach the issue of 'police legitimacy'.

The conceptual problems relate to an advantage which historical analysis has over procedural justice analysis. As discussed previously, the settlement of the police in

society was often a product of raw political domination and conflict. Contemporary legitimacy owes a debt to this raw power and its historical heritage that is something unavailable in survey reporting. Furthermore, no insight is offered on the influence of the long-term legacy of the social relationship between police and public, and its consequent "doxic" properties (Bourdieu, 1977) that will inevitably be produced by heritage, history, and habit. Loader and Mulcahy (2003) make the point that the police carry a form of power that is purely "symbolic" (p.42), and mobilises 'doxic' thought: that the police are instinctively socialised into our habitual thinking, and entrenched in forms of either "unconditional support" or even "cognate hostility" (p.44). The methodology of procedural justice gives little regard to the presence of 'doxic' attitudes to the police. I argue that applying a qualitative approach to exploring legitimacy would better reveal the historical lead-in of attitudes to the police that create positive or negative 'doxic' associations. In other words, the concept of 'police legitimacy' in procedural justice theory has no long-form understanding of legitimacy, only a short-form understanding that people "care deeply about fairness of procedures" (Smith, 2007b: p.54). In this respect I attempt to develop a mid-range understanding of legitimacy which complements both the long-form and short-form impressions of local police legitimacy.

The empirical problems relate to the potential of survey data to uncover the thick substance of the relationship between the police and the public. Survey answers to questions such as, "Overall, how satisfied are you with the fairness of the way the Chicago police treat people and handle problems?" (Tyler, 1990: p.180), or "Would you ever take goods from a shop without paying for them?" (Euro-Justis survey: p.27), provide only modest insights into why the public concede to the social and legal privileges exercised by the police. Many aspects of the relationship between the police and public are unavailable within this research format, and thus attention is preferred on narrow subjective evaluations grounded in inquiries such as, "About how often would you say that the police make fair, impartial decisions in the cases they deal with?" (Galev and Yordanova, *Euro-Justis,* 2011: p.28). To complement this survey-approach, my research aimed to provide qualitative, semi-structured inquiries into the views and experiences of individuals with the police. This was aimed at allowing participants greater scope and breadth to discuss how they related to the

police, providing extra-depth to the rationale and complexities of the police-public relationship.

A related criticism is that certain things are left un-investigated with procedural justice methods that are crucial to any fully developed commentary on 'police legitimacy'. Surveys of the kind that produce measures on qualities like "trust", "confidence", "effectiveness", "legitimacy" do not necessarily also have insights on "mistrust", "lack of confidence", "un-effectiveness" and "il-legitimacy". To measure "trust" is not to also measure "mistrust". To comment on legitimacy is not the same as to be commenting on illegitimacy. Survey data of the kind administered by Tyler (1990), the Euro-Justis project, the 2005/2006 Metropolitan Police Public Attitudes Survey (Bradford et al. 2009), or the British Crime Survey (see Roberts and Hough, 2005) could be better rounded off with an exploration of the properties of trust and mistrust which can resemble one another, but are often not precisely symmetrical. For instance, not trusting the police might not be the same thing as actively mistrusting the police, or trusting the police could still involve a significant level of mistrust as well: for example, trusting your local community police officer could go hand and hand with mistrusting the response officers; or trusting your local police may be significantly different to trusting the national police (Loader and Mulcahy, 2003: p.35). One advantage of qualitative, explorative interviewing, I argue, is that some of the intricacies of the feelings of the public can be better accommodated and highlighted.

In sum, the established methods of evaluating police legitimacy had a number of traits this research was attempting to distinguish itself from that justifies the approach taken here. Firstly, as shown above police legitimacy has been typically investigated either using quantitative analysis or historical, qualitative analysis. This thesis however, took the unique route of attempting to investigate it using empirical, qualitative research. Investigating legitimacy through a case study, qualitative approach has been often conducted in prison research (see Sparks et al., 1996; Liebling and Prince, 2001; Liebling, 2004), but 'police legitimacy' has not been approached in a similar ethnographic fashion. Attempting to apply the concept of 'police legitimacy' to a small-n, qualitative project is a novel and original approach compared to the established literature.

Secondly, the established analysis had yet to engage with local and specific narrative analysis. 'Police legitimacy' is either spoken of in mostly quantitative indicators (procedural justice theory), or in removed, abstract, macro terms (Reiner and Smith). It was hoped that this research could offer an alternative approach to investigating police legitimacy by providing territory-specific analysis of legitimacy. Local histories, biographies, and 'thick' qualitative information were sought in area-specific territories, and relayed in an account on the particular local dynamics of legitimacy.

Thirdly, this would give some body to the 'mid-range' perspective on 'police legitimacy'. Procedural Justice analysis can be considered a close-up of the status of police legitimacy, i.e. taking snapshot views of the present circumstances. The historical-style analysis covers the very long-term spanning decades and generations. The strength of a local, qualitative approach would be that it takes on a 'mid-range' perspective, allowing local actors to elaborate on the recent past and the relevant historical lead-in to the current dynamic between the police and the community. This approach allows a specific articulation of what has and hasn't been important in the local biography of police-public relations and any 'folk memories' that are still pertinent today.

And finally, neither forms of existing analysis of 'police legitimacy' give much voice to local actors. In procedural justice research, participants' contributions are channelled through structured, survey methodology, and have no opportunity to give spontaneous elaboration of the complex and intricate perspectives on policing. In the historical style analysis of Reiner and Smith, the public, and the police, tend to be largely silent subjects who are talked about, and not with. The proposed analysis of this research was to give open-opportunity for members of the public and individuals within the police to talk at length about the current and former levels of police reputation and 'legitimacy'. This allows the participants to introduce what they believe is relevant to the analysis rather than the analysis being tightly shaped by the conceptual boundaries imposed by the research authors.

Concluding Remarks

By approaching 'police legitimacy' as either a question of historical analysis like Reiner and Smith, or as a concisely formulaic concept like Beetham and procedural justice, this proves incomplete on a number of conceptual and empirical grounds. Reiner and Smith take a long-form perspective that rests on imprecise author evaluations of general, overall legitimacy; while procedural justice takes a short-form, survey-based perspective that doesn't consider historical lead-in. There are advantages, I argue, in complementing both with a third-perspective: taking a mid-range, qualitative approach that is focused on how police legitimacy has developed and is developing, in select territories around Edinburgh. This perspective sits between the established approaches and hopefully can further unpack legitimacy as it is developed locally. Furthermore, there are advanced complexities to legitimacy that police studies has yet to account for. Revisiting the contribution of Weber and introducing the work of Lukes and his focus on the third dimension of power can show how legitimacy is also an effect of authority relations, as well as constituent cause of authority relations. Chapter 6 will present the methods of this mid-range approach in some more detail, while Chapter 9 will illustrate these conceptual complexities with empirical examples, and also show police-public consultation forums can contribute to civilizing policing by enhancing local police legitimacy.

Chapter 5: The Scottish Police

As outlined in Chapter 1 social setting is important to policing and before moving on to methods and results it is worth considering the wider setting of this thesis. The social setting of this research is Edinburgh, Scotland and this chapter aims to achieve several things. Firstly, the notion that Scotland has particular brand of policing will be explored. This idea appears in academic texts, police rhetoric and from key political voices in Scotland. There is an impression that the Scottish police provide a service of a more civilised calibre over their comparable neighbours. This is an idea that is said to be rooted in the historical origins and development of Scottish policing that has perennially had a preference for less adversarial, 'community-style' policing. This chapter will argue that this impression is possibly overstated and may need to be reconsidered. This is in service of the second goal of this chapter, which is to establish a perspective on Scottish policing that is appreciative of its distinctive elements without being oversold on this notion of difference, and remaining cognizant of its broadly similar patterns of form and content. This allows a broader theoretical relevance to the conclusions of this research, I argue. And finally, this chapter will also establish the particular historical lead-in to the establishment of police-public consultation forums in Edinburgh. The forums have emerged from a particular 'top-down' policy pressure for 'community policing' strategies in Scotland. Overall, the case of Edinburgh, Scotland is shown to have value for exploring how consultation forums can help 'civilize policing'.

A more civilized police?

An impression can be found within academic texts, police rhetoric and political statements that the Scottish police offer a distinctive brand of policing. The notion is that the Scottish police carry a specific set of "traditions and characteristics" (Donnelly and Scott, 2010: p.2) that inform a set of preferences for more progressive and open-minded policing. Propositions are put forward that the Scottish police are more community-involved (Banton, 1974, cited in Monaghan, 1997: p.23), civic-minded (Dinsmor and Goldsmith, 2010: p.55), sensitive to diversity (Burnett and Harrigan, 2010: p.287), less inclined to punitive measures such as ASBO's (DTZ and Herriot-Watt, 2007), more inclined to prefer 'adaptive' governance strategies over

'sovereign' ones (Fyfe and Henry, 2010), and a possibility that Scottish police may ground in-the-field decisions on more tolerating "philosophies" and "knowledges" (Gorringe and Rosie, 2010). The ultimate effect is to suggest that the Scottish police provide a service of a more civilised calibre. As put by Donnelly:

> Scottish policing has always had a close relationship with municipal authorities and the general public, and from that has developed a genuine concern for the public good and wellbeing of the community. As a direct result of this association the police have always been willing to go a step further than their primary role as crime fighters
>
> (Donnelly, 2008: p.21)

Likewise Michael Banton author of the seminal *Policeman in the Community* said in a lecture from 1974:

> In Scotland you have gone further than the police of any other country known to me to develop a positive conception of the police role instead of seeing the police simply as agents of the state.
>
> (Banton, 1974, cited in Monaghan, 1997: p.23)

This sort of endorsement resonates with political backing of the Scottish police as Justice Minister Kenny MasAskill opined in 2011:

> We are fortunate in Scotland to have an excellent police service that has served us with distinction for many decades…Policing in Scotland has, historically and correctly, happened by consent
>
> (*A consultation on the future of policing in Scotland*, Scottish Government, 2011)

The Scottish police are more often characterised as banal (Gorringe and Rosie, 2010: p.71), mundane, unpoliticised, and nowhere near as problematic as neighbouring police forces in England and Wales (Reiner, 2010: p.78-110), Northern Ireland (Mulcahy, 2006) or the Republic of Ireland (Conway, 2010). The distinguishing features of Scottish policing are its apparent *avoidance* of national scandal, the *absence* of severely devastating historical episodes of reputation damage, the lack of public stigma surrounding Scottish forces, and no sense of hesitancy for political

leaders endorsing the police in whole-hearted terms (see the MacAskill quote above) – privileges held by few other forces.

Particularly in comparison with its closest neighbour, England, severely damaging episodes like the 1981 'race riots' (Bowling et al., 2008), high-profile miscarriages of justices (see the Birmingham Six, the Guildford Four, the Maguires in Newburn, 2008: p.93), or the steady stream of publicly embarrassing media stories about resigning police Chiefs, unethical undercover policing, and high profile cases of police (mis)behaviour (for instance, the handling of the Stephen Lawrence investigation), is not comparable to the experience of Scotland. Take also, for example, the experience of Miners' strikes in the 1980s often credited with damaging the long-term reputation of the English police (see Waddington, 1999: p.80-83). While also a Scottish story, the disputes over police accountability and subsequent reputation fallout were less pronounced in Scotland (Walker, 2000: p.158-159).

Scottish policing has had its share of bad press. Notable examples include the murder of Axmed Abuukar Sheekh in Edinburgh in 1989 which precipitated protests against the police's initial refusal to recognise the murder as racially-motivated (Kelly, 2000: p.11). Lord Cullen's report (1996) also criticised police handling of firearms licensing in the case of the Dunblane massacre. And furthermore, the murder of Surjit Singh Chokhar in 1998 resulted in criticisms of the police's competence with minority communities (Burnett and Harrigan, 2010: p.273). Many other examples on a variety of issues could be included but the police receiving bad press is nothing out of the ordinary giving that the police regularly operate with "dirty hands", as Reiner (2010: p. xiii) suggests, combined with the usual media desire to tease out a good police scandal story (Reiner, 2008: p.313-314). Regardless, the Scottish public imaginary still appears to largely value its police and the Scottish police have remained largely un-scandalised.

So the question worth asking here is, do the Scottish police forces offer a distinctive brand of policing? Should they be considered theoretically and analytically different? Up until now they have avoided major episodes of severe reputation damage and are generally held in high regard by their political masters: does this make the case that Scottish policing ought to be regarded as comparably distinct from other police

forces? What does this mean for the capacity of the consultation forums to 'civilize policing' by encouraging reform, democratic policing, and enhanced legitimacy in a police force that certain impressions would suggest has no urgent need for immediate 'civilizing'? In this regard I argue that the differences have been overstated and that there are still key similarities in form and content across policing jurisdictions preserving the broader theoretical relevance of the case of Edinburgh, Scotland.

As Gorringe and Rosie (2010) point out, the Scottish police "routinely 'flag up' Scottishness" (p.74) to promote and invest in the *image* that they are different; Tartans, pipe bands, cabinet displays of 'Scottish' policing, as well as self-expressed rhetoric are used to circulate the idea of a quintessentially *Scottish* policing identity. The idea of a distinctive Scottish policing is not only present in PR strategies but is also said to have an internal 'fiction' within the Scottish forces as officers proudly self-identify with this symbolic image (p.80). Despite this, Gorringe and Rosie found that officer confidence in the belief that there are fundamental differences between Scottish and English police quickly fall away under scrutiny (ibid: p.76). It seems from Gorringe and Rosie's research that the Scottish forces themselves get caught-up in the superficial delusion of a Scottish brand of policing that may ironically, have real effects for how they undertake action once said delusion is internalised in officer philosophy. While Gorringe and Rosie were more interested in how that identity was constructed, this piece is more interested in whether that identity is merited by the research into Scottish policing. As such what follows is a re-evaluation of the narrative of Scottish police in police studies that aims to show that there are unique aspects to Scottish policing to consider, but these aspects are often overstated, and commonalities are still very relevant.

5.1 A brief history of Scottish Policing

From its initial emergence there are accounts that suggest Scotland was to follow a distinctive approach to its public policing. Notably Scotland started establishing forces between 1800 – 1824 with the four major urban centres (Glasgow, Edinburgh, Aberdeen and Dundee) all establishing constabularies before England had any to speak of (Dinsmor and Goldsmith, 2010: p.49). This early eagerness is argued to reflect a more willing, receptive attitude for a public police service. Unlike England

and other major European countries whereby the police were seen as thrust upon populations to quell revolutionary and political upheaval as well as the rising crime concern in emerging urban centres (Emsley, 2008: p.72-78, see also Liang, 1992), in Scotland the police emerged in less explosive, authoritarian and adversarial contexts. It is argued by Dinsmor and Goldsmith (2010) that the police were not "imposed" on Scotland like elsewhere, but rather "it was more of a case of the Scots seeking permission to establish police organisations of their own devising" (p.55; see also Gordon, 1980. p.20). By the end of the 19th Century, it was said that the Scottish police were inundated with requests for local constables in most towns and villages (Carson, 1985: p.14).

This less adversarial and tempestuous birth of Scottish policing was said to directly reflect on the newly adopted mission of the Scottish police which was less about political control and more about social provision and urban welfare. The laws of the Scottish police were to guide them towards "providing all the members of the community with a sufficient quantity of the necessaries of life" (Erskine, 1773, cited in Dinsmor and Goldsmith, 2010: p.49). It is argued that Scotland had a wider interpretation of the word 'police' and wanted officials to act primarily on emerging social problems (as opposed to political ones), and as such early police duties in Scotland were tied-up in all manner of urban up-keep, welfare, public health and civic improvement issues (Barrie, 2010). The mission of "watching and warding" lead the Scottish police to be involved in a range of issues including, public sanitation, monitoring public health issues like cholera outbreaks, inspecting housing overcrowding, maintaining public lighting, street cleaning and even manning soup kitchens (Dinsmor and Goldsmith, 2010: p.53-59, see also Gordon, 1980: p.19). Scottish policing is said to have emerged on a civic-orientated footing that was to influence its development well into the 20th and 21st centuries.

However, the picture wasn't altogether unproblematic as the early Scottish police did get involved in a number of confrontations with Scottish communities. The establishment of constabularies immediately put the police under an obligation to tackle "alternative means of subsistence" by the working classes such as grazing cattle on public highways, gambling and begging (Carson, cited in Donnelly, 2008). Gordon (1980) outlines a number of controversial episodes in early Scottish police

life including the 1848 resignation of Glasgow's Chief Constable following the brutality used on unemployed workers demonstrating in the city (p.22), as well as noting that the police had a role to play in enforcing the 'Highland Clearances' (p.22) and particularly how workers demonstrations in 1926 and 1931 saw police use of force turn working class communities against the police such that "policeman patrolling the beats in the poorer districts of the city were often jeered at" (Grant, 1973 cited in Gordon, 1980: p.27). Despite Dinsmor and Goldsmith's account that early policing had a broad civic-focus it was also true that the police were called to side with political elites by confronting demonstrators in times of economic and political pressure, harming the standing of the police within many communities.

Prior to 1999 when the devolved Scottish parliament was established, Scotland sat in an odd constitutional arrangement whereby the authority of government ultimately rested in Westminster but the practice and administration of government took place indigenously within Scotland. This made room for an autonomous Scottish enclave where criminal justice and law had the freedom to follow Scottish traditions and values (Henry, 2009: p.86; see also Walker, 2000: p.151; McAra, 2008: p.482). McAra (2008) argues that within this arrangement Scotland developed its own distinctive criminology as the criminal justice services followed a particular set of values and mission that must be considered analytically distinguished from their English counterparts. Most notably in Scotland was the attitude to youth whereby the "Kilbrandon Ethos" dictated the management of young offenders that saw unique institutional formats like the Children's Hearing System operate under a "needs not deeds" mantra that clearly distinguished Scotland from its English and Welsh counterparts (McAra, 2008: p.489).

As Henry (2009) argues, despite Scotland's autonomy to develop its own criminal justice traditions the differences between the development of policing between Scotland and England and Wales in this period should not be overstated (p.86). The similarity of approaches can be accounted for by the fact that both police forces were facing largely similar challenges with the prospect of declining police legitimacy throughout the latter half of the 20th Century. Let us turn for a moment to the shared British slump in police legitimacy.

The period following World War II is largely considered the halcyon days for Scottish, English and Welsh policing with public support riding high, crime levels ostensibly low, and the image of the police enshrined as the honourable local "British bobby" (Newburn, 2008: p.90-93; see also Reiner, 2010: p.68-78, Dinsmor and Goldsmith, 2010: p.63). But the latter half of the 20th century was to prove largely tumultuous for the police as they saw their revered status overturned and underwent major changes in mission and organisation. In this period, confidence in the police began to decline (Bradford et al., 2008: p.7) and its legitimacy came under fire (Smith, 2007a). While in England scandal and corruption played a large part in the decline of police legitimacy – that wasn't necessarily comparable to the Scottish experience - both jurisdictions suffered from the negative effects of changes in the police organisation as well as wider social decline. In the period 1960 – 1990 recorded crime rates increased (Reiner, 2010: p.29, see also Fyfe, 2010a: p.178-180), while the police "lost touch" with the community as beat-patrolling gave way to the police car and new performance management techniques mistakenly committed the police to target-chasing rather than investing in community relations (Hough, 2007):

> The decline of local beat policing and the marginalisation of the broader service role has been just as pronounced in Scotland as elsewhere. So, too, until the mid 1980s, was the increase in crime levels and the decrease in clear-up rates.
>
> (Walker, 2000: p.158)

Issues outside of police control also conspired to damage confidence and trust in the police in this period. The rise of the urban centre and all its moral and physical dangers (Law et al., 2010) lead the way for what Garland calls 'the crime complex' (2001) – a psycho-social state of high anxiety and vulnerability regarding crime. This produces a criminological imagination that is highly emotional and adverse to crime risk, evident in the rising *fear* of crime – the 1996 Scottish Crime Survey reports 52% of the public are concerned that they or someone they live with would be the victim of a crime (Fyfe, 2010b: p.182). The *fear* of crime becomes a corrosive urban norm and ruptures the connection between real and perceived levels of crime. The police then became accountable to a "reassurance gap" (ACPO, 2001) that saw confidence in the police decline on the basis of a society over-estimating the actual levels of crime.

Facing these challenges the police forces of England and Wales and Scotland reacted by revising the delivery of policing and the new mantra of police leadership became 'community policing', 'community safety', 'partnership-working', 'crime prevention', and 'intelligence-led policing' (Tilley, 2008). As Henry (2009) argues, developments such as community safety takes on broadly "familiar" but not "identical" (p.86-87) trajectories either side of the border and it is the *differences* in the Scottish scenario that I want to explore in this piece (see also Fyfe and Henry, 2012). There is a body of thought that Scottish forces were well-placed to adapt to contemporary agendas of community safety and crime prevention as the principles of these policing styles were already consistent with a 'Scottish style of policing' and in many ways forces were already developing their own version of "community policing" or variants thereof (see Monaghan, 1997; Donnelly, 2008, 2010). Schaffer (1980: Preface) for instance, argued that "Scotland pioneered community policing", and Scott agrees:

> Historically, policing in Scotland has always had a strong community focus, even before 'community policing' was developed internationally as a specific strategy in its own right
>
> (Scott, 2011: p.122)

There were multiple elements in Scotland argued to be conducive to early adoption of community policing argues Henry and Mackenzie:

> There is some evidence that the kinds of thing that tend to be required for CP strategies (community involvement, partnership working, generally close relations between police and community, local police services)…do have a history in Scotland.
>
> (Henry and Mackenzie, 2009: p.28)

And thus, ultimately:

> There is evidence to suggest that the predominant strategic approach to policing in Scotland has long been 'community policing' or some variant of it that gives emphasis to consent and close links between police officer and citizen.
>
> (Fyfe and Henry, 2010: p.120

The work of Chief Constable David Gray in the 1950s in Greenock is routinely lauded as an example of precocious community-style work. He tasked constables to work on crime prevention through partnership-working with local authorities and community groups (Monaghan, 1997: p.24; see also Donnelly, 2010: p.203). As argued by Donnelly (2010) local authorities in the west of Scotland also shared Gray's vision for partnership and community-involvement (p.203), and what was demonstrated in this region was said to be Scotland intuitively and pre-emptively approaching policing with late 20th century ideas. This was arguably ratified by early Scottish Office circulars financially supporting Chief Constables to establish specialist 'community-involvement' departments (SHHD, 1971) which resulted in 19 of Scotland's 22 existing forces establishing said departments by 1975 (Monaghan, 1997: p.29). Further indicators of Scotland's early preference for community-based, preventive policing came with the 1983 Scottish Home and Health Department circular *Consultation Between the Community and the Police* (SHHD, 1983), as well as the establishment of the Crime Prevention Committee of the Secretary of Scotland (1983) and the Scottish Office Group on Crime Prevention (1986). In some respects it appeared Scotland was intuitively endorsing community-style policing and thinking 'ahead of the curve' in terms of community consultation, crime prevention and partnership-working.

Scotland's 'intuitive' inclination for multi-agency work appeared to continue in the 80s and 90s with Scottish Office circulars (1984, cited in Monaghan, 1997: p.35) reiterating the need for communication across the public, police and their partners. Sacro[4] experimented with a 'Safe Neighbourhood Scheme' (1986) in Dundee aiming to improve police-community consultation, and the launch of a Safer Cities Programme in 1989 also brought multiple agencies together to re-build trust and confidence in 'dangerous' urban areas. As noted by Henry (2009), while England and Wales were making partnership-working mandatory with the Crime and Disorder Act 1998, in Scotland (where sections of the Act didn't apply) local and national government were already widely encouraging cross-agency partnership working and planning as seen in *Community Safety: A Key Council Strategy* (1997) and *Safer Communities in Scotland* (1999) (Henry, 2009: p.97). Within Scotland's position of

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[4] Sacro are a third sector voluntary community justice organization in Scotland

governmental autonomy on policing issues, it appears that there was some natural preference for community policing formats prior to them being made formally mandatory.

What's more the Children's Hearing System and its 'Kilbrandon Ethos' of "needs over deeds" had a knock-on effect on how officers dealt with youth trouble that can distinguish Scottish styles of policing. The Children's Hearing System with its welfarist agenda relied heavily on police referrals (McAra and McVie, 2010: p.74) and this was said to be the preferential disposal of young offenders well into the era of the anti-social behaviour order (ASBO) (Nicholson, 2010: p.239). In these terms young offenders in Scotland were less likely to be punitively sanctioned following encounters with the police than in England or Wales, and more likely to be referred onwards to the 'social welfarist' Children's Hearing System.

Also in this period the Juvenile Liaison Scheme bolstered unique Scottish approaches to youth crime. The Juvenile Liaison Scheme (whilst based on pilots in England) operated in Scotland to target what would be known as "anti-social behaviour in modern parlance" (Henry, 2009: p.92) through supervisory 'social work' style home-visits and building community knowledge of teachers, ministers, probation officers and parents of considered children (Monaghan, 1997: p.25-26). The Juvenile Liaison Scheme found high-end leadership support in Scotland from Greenock's Chief Constable David Gray during the 1950s and Strathclyde's David McNee during the 1970s arguably setting a top-down agenda of supervision over enforcement when it comes to young offenders (Schaffer, 1980: p.29-38).

However, it needs to be also considered that cop culture defied leadership commitment to the Juvenile Liaison Scheme seeing it as part of Scotland's doubly "soft" approach of juvenile liaison and hearing system referral (Monaghan, 1997: p.26; see also Bartie and Jackson, 2011: p.92). Scottish police officers – just like most of their international peers – largely regarded community-based policing as not "real" policing and "inferior" to other conventional crime-based duties (Shanks, 1980, cited in Monaghan, 1997: p.30; see also Schaffer, 1980: p.71). Schaffer (1980) notes that Chief Constable Gray's efforts to promote the Juvenile Liaison Scheme in Glasgow was consistently hampered by "hostility within the police" (p.71) – largely because its

duties too closely reflected social work. Community involvement branches also had their progress regularly hampered by cop culture. Enthusiastic community-officers saw their relationship-building with youths regularly undone by the harassment dealt out by other response and patrol officers. As one community involvement officer stated, "I have far more problems with my own colleagues than I do with other agencies" (Schaffer, 1980: p.49). The prevailing police culture preferred "hard" approaches thus obscuring the "soft" approach of particular 'community-style' pioneers.

Bartie and Jackson (2011) argue that alongside the 'social welfarist' Juvenile Liaison Schemes was also a more punitive, criminal justice ethic in the police during this era. While on the decline in the post-war years, minor forms of corporal punishment were still occurring on youths – this included a 15-year old youth in Thurso in 1957 who alleged he was beaten in an alley by two officers, the alleged beating of a youth in custody in Dundee (in 1965), and reports of youth from Glasgow and Edinburgh facing "cuffing, punching, and language used to frighten them" (Bartie and Jackson, 2011: p.96-97). There was also the complaint of a 19 year old in Dundee who claimed he had been put in a "dog cage", which, although the complaint was rejected, was said to be credible under the nature of "competitive rivalry" and the "continued forms of harassment, if not physical intimidation, which were viewed as an appropriate response to working-class male sub-cultures" by police (Bartie and Jackson, 2011: p.99-100).

The notion that the Scottish police are in any way less adversarial or different from the English police in their handling of youths also finds no support in studies conducted in Edinburgh in the late 1980s notably Anderson et al's *Cautionary Tales: Young people, Crime and Policing in Edinburgh* (1994) and Loader's *Youth, Policing and Democracy* (1996). As Anderson et al. (1994) note "two-thirds of the young people we spoke to had come into some form of adversary contact with the police" (p.126) leading to some resentment (p.126) as well as an unwillingness to cooperate (Loader, 1996: p.96). Police in Scotland are just as involved in futile, adversarial contact with youth as anywhere else in an entrenched relationship of "over-policing" and "under-protection" (see Loader, 1996: p.76-101). In these studies there was

nothing to suggest that Scotland had any distinguished policing approach to handling youths or building less confrontational relationships.

This was also apparent in the case of the 'The Hamilton Curfew' formally known as the 'Child Safety Initiative' (1997 – 1998) whereby officers in Hamilton were commanded to 'intervene' with any youths under the age of 16 who were found out in public and promptly return them to their homes. The aim of the initiative was to protect youths as well as combating against juvenile crime and disorder. The success of the initiative has been disputed with the Scottish Office (1999) pointing towards crime reductions in certain areas (up to 40% in the neighbourhood of Whitehall) whilst alternative accounts *Caught up in the Curfew* (Thomson, 1998) and *Time To Go Home – Says Who?* (Springham, 1998) point towards the futile, stigmatising, unnecessarily adversarial and liberty-infringing relationship it established between youth and police. A Scottish Office (1999) survey found that 37% of children disapproved of the scheme and while its success or failure may be debated it does little to suggest that Scottish policing favoured "soft" approaches to crime and disorder.

Likewise the use of stop and search in Scotland against youths does not suggest gentle approaches. As outlined by the Scottish Executive's Central Research Unit's report (2001) while stop and search is seen in cop culture as an "English issue" (p.ii) for a lot of young people living in urban areas of Scotland it has "become a part of 'everyday' life" (p.ii). In Scotland there is a firm perception that stop and search is not a problem particularly in comparison with its more problematic use in England. However, work by Murray (2014) suggest the use of stop and search in Scotland is significantly higher than in England – four times higher in 2010 when comparing per capita search rates (p.3). What is more is that the national rate of stop and search in Scotland shows a "marked increase…between 2005 and 2010", largely being attributed to its use in Strathclyde (ibid: p.3). In a ranking of the rate of stop-and-search for police forces across Scotland, England and Wales in 2010/2011, three Scottish Forces make the top 4: Strathclyde leads the table with 123 searches per 1,000 people, London with 59, Central with 39, and Lothian and Borders with 30 (ibid: p.12).

The conflict between "soft" and "hard" approaches was also taking place within the realm of police management and "soft" policing lost out more often than not. ACPOS "firmly rejected the idea of juvenile liaison" (Schaffer, 1980: p.30) and were concerned about the implications of Kilbrandon involving the police in tasks normally associated with social work. Likewise the Scottish Police Federation in the mid 1970s publicly criticised the way young offenders were handled in the Scottish system and called for tougher penalties and secure accommodation for young offenders (Gordon, 1980: p.93). Glasgow's Juvenile Liaison Scheme in the 70s repeatedly lost direction as a result of middle management unwilling to indulge in social crime prevention. As divisional commanders and sub-divisional commanders were chopped-and-changed, encouragement would appear and disappear for constables to get involved in juvenile supervisory work (p.35). Quoting a community-involvement constable:

> With all these changes in commander and consequent changes in attitude, we really don't know where we are. Do we spend our time trying to lock more people up? Doing enquiries for the CID? Booking traffic offenders? Or do we concentrate our time on supervision cases? All the bosses seem to have different ideas.
>
> (Schaffer, 1980: p.37)

Police leadership in Scotland just like police at the frontline, were predominantly sceptical of the worth of the police getting involved in community-based work and as such community-work in this period was denied a sustained and genuine commitment. The noble intentions of a Chief Constable such as David Gray were mostly isolated in Scottish policing as it was out of step with the prevailing feeling within the Association of Chief Police Officers of Scotland (ACPOS) and undermined by scepticism and partial commitment by middle management and frontline officers.

Alternative to the likes of McNee and Gray, Scotland has seen Chief Constables with an entirely opposing philosophy of leadership. John Orr and his predecessor Leslie Sharp both Chief Constables within Strathclyde, proudly carried a more aggressive crime control philosophy that was more interested in crime-fighting and 'robust' responses rather than an agenda of "soft" community policing. These approaches were exercised in a series of high profile 90-day operations aimed at targeting knife carriers (Operation Blade), drug dealers (Operation Eagle), and burglars (Operation

Turnkey) (Orr, 1998: p.109-110) – as well as John Orr's Operation Spotlight that emphasised the pressing need to "address serious crime through concentration on minor crime" (Orr, 1998: p.116). The emphasis of Operation Spotlight was for the police to heavily enforce against the "Glesga hard man" targeting low-level nuisance and disorder in public spaces (p.117). While John Orr (1998) insists Operation Spotlight was not zero-tolerance policing (p.105-106), it followed the criminological rationale of Wilson and Kelling's 'Broken Windows' (p.114), reflecting a rationale in no way in tune with common understandings of community policing.

Gordon's *Policing Scotland* (1980) also outlines an alternative history of Scottish policing were the police were highly active in confronting communities head-on with policing approaches far removed from any consensual community-style policing. The work of the 'Special Patrol Groups' and 'Special Branch' were particularly notorious and had an agenda of tackling and controlling "subversives" through robust confrontation and community disruption. The 'Special Patrol Group' a paramilitary style police unit used in exigent circumstances, clashed with demonstrators against the National Front in May 1975, aggravating the Scottish Trade Union Congress (TUC) who supported calls for an inquiry into police action (p.46).

Much more extensive and insidious was the work of Special Branch that targeted certain "subversive" groups, which in the 1920s concentrated on "the Irish, the communist party and National Unemployed Workers Movement" (p.52) as well as the "suffragettes and foreign anarchists" (Halpin, 2010: p.292). Special Branch latterly expanded their attention in the 50s, 60s and 70s to include Scottish Nationalists, far-right movements, breakaway leftists from the Labour Party, Campaign for Nuclear Disarmament, Direct Action and the Committee of 100 (p.50-65). These groups were variably subject to direct confrontation, observation, infiltration, phone-tapping (revealed by the 1980 Government White Paper on 'The interception of communications in Great Britain') and harassment. The failed recruitment attempt of a student at Paisley College of Technology in 1977 publicly revealed the forms of clandestine work the Special Branch were involved in to support efforts to infiltrate and control "subversive" elements (p.62-64). The work of Special Branch in this period confronted directly and without consent on certain selected communities who were targeted as potentially problematic (mostly on political grounds). This approach

was not only contained to Special Branch but could also be seen to be reflected in wider police culture as found in the comments of Scottish Police Federation chairman who in 1979 argued there were "'identifiable people' who were determined to destroy the fabric of society" (cited in Gordon, 1980: p.93) – while in the same speech calling for a referendum for the return of capital punishment and promoting 'law and order' policing.

While there is some evidence to suggest in this period that Scottish policing was exhibiting a distinguished and more community-minded policing tradition particularly in regards to the work of Chief Constable Gray, the Community Involvement Units, Juvenile Liaison Schemes, the knock-on effect of the Children Hearing System, and the early and voluntary onset of prevention agendas, the contribution of these elements appear to be largely superficial. In reality noble and forward-thinking intentions held by the likes of Gray and McNee did not reflect consensus within Scottish policing and was often out of step with ACPOS, the Scottish Police Federation, police middle management and frontline culture. At the frontline, community-involvement officers felt isolated and undermined by other officers as well with the inconsistent backing of police leadership regards community-style duties. By 1995 Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) had criticised the actual number of officers dedicated in Scotland to specialist community units, leading Monaghan (1997) to surmise that community police work remained mostly a "marginal" activity (p.31). As a result the prevailing police approach to the public (and in particular, youth) was adversarial and aggressive – not unlike any other policing jurisdiction and certainly not enough evidence of theoretical or analytical distinction.

Suggestions that Scotland has always reflected a more civilized and forward-thinking policing mind-set have been largely overstated. A reconsideration of the historical evidence suggests prevailing similarities, commonalities, and close resemblances between Scottish policing and other forces. The aim of this re-evaluation is to establish the analytical relevance of the experience of police-public consultation forums in Edinburgh to other jurisdictions, and also to show how the universal 'form' of policing most often produces similar outcomes and 'content'. The unique features

of Scottish policing are important, but not to the point where it doesn't have shared analytical relevance with other jurisdictions.

5.2 Devolution and recent policy developments in Scottish policing: towards Nationalisation and Police-Public Consultation Forums

The preceding section dealt with pre-1999 Scottish policing history but devolution brought about a number of significant changes that lead to national developments that provide the context for Edinburgh's SNT model. McAra (2008) has argued that in the period following the devolution of parliamentary government to Edinburgh, Scotland's core criminal justice institutions actually lost some of their distinctive "Scottishness" (in a process labelled 'de-tartanization') and that Scottish criminology tended to blend and converge with England's preoccupation with 'crime control' and risk aversion. It is said that the early Scottish governments got involved in "talking-up" the crime problem (p.490) and expanded local ministerial control into Scottish criminal justice services, which had the sum effect of shifting the emphasis away from "penal welfarism" to "public protection and risk management" (p.491). The effect of devolution on the police is notably missing in McAra's account, other than to talk of how national policy documents such as *Partnership for a Better Scotland* (Scottish Executive, 1999a) and *Safer Communities in Scotland* (Scottish Executive, 1999b) may have the potential effect of pitting the police in a more adversarial relationship to youths. The goal of this section is to outline the impact of devolution on Scottish policing, and then outline the policy development leading up to the Nationalisation of Scotland's eight police forces, and also most importantly here, outline the context that framed the introduction of police-public consultation forums in Edinburgh.

One of the major changes to Scottish policing since devolution is the increasing interaction between politics and the police as the newly founded offices of Ministers for Scottish Parliament (MSPs), Scottish Parliament, and the national Cabinet Secretary for Justice puts increasing accountability demands on the local police. Simply put, there is a lot more local political interest in policing affairs than in the days of Westminster control (Donnelly and Scott, 2010: p.97). This can reflect itself on a daily basis with ministers making enquiries on local policing or a more formal and national basis where the range of intervention affecting Scottish policing has

increased. This includes statutory obligations through legislation, strategy plans, and standardised accountability organs like Audit Scotland (2000), the Scottish Policing Performance Framework (2007), Single Outcome Agreements and the National-Intelligence Model (NIM) that has flourished in Scotland since devolution. Parliament in Edinburgh has meant there is a lot more political scrutiny on Scottish policing and this is reflected in the proliferation of policing discussion as well as official strategising and legislative interference. This has culminated in the historical decision to consolidate all eight of Scotland's police force's into one national body beginning April 2013 with the *Police And Fire Reform (Scotland) Act (2012)* legislating the introduction of 'Police Scotland' (see Fyfe, 2013).

Leading up to the single national force, political interventions on Scottish policing had been becoming more common and this was cumulatively setting the scene for the introduction of police-public consultation forums in Edinburgh as 'community policing' strategies became increasingly relevant. 'Partnership' was becoming a key goal which could be seen from the Local Government (Scotland) Act 2003 that obligated the police to work with local authorities and consult communities to tackle crime and disorder. Similarly, the Criminal Justice (Scotland) Act 2003 and the consultation paper *Building Strong, Safe and Attractive Communities* (Scottish Executive, 2003) obligated the police and local-authorities to confront anti-social behaviour through mutually-decided strategy. Obligations on the police to reach out to alternative agencies to deal with crime and disorder have been matched by pressures to reform the police service internally to support the development of community policing. HMICS (2004) criticised the commitment and approach of Scottish policing to community policing in *Local Connections: Policing with the Community,* likewise the Justice Committee's *Inquiry into Community Policing in Scotland* (2008) reiterated the need for a clear and more consistent definition of what exactly Scottish community policing is. This ultimately resulted in the 2009 *Scottish Community Policing Engagement Principles* that impressed upon the police a template for what is expected of community-based programmes.

Since devolution the headline strategy of Scottish policing has been 'community policing' demonstrated by the SNP government's commitment to provide 1,000 additional community police officers as well as the above mentioned *Engagement*

Principles that have outlined the clear vision for 'community policing' (Fyfe, 2010b: p.183). Internal backing for community-focused policing has also emerged with ACPOS publishing their *Public Reassurance Strategy* in 2007 that aims to implement 'community engagement', 'visibility', 'partnership working' and reassurance through tackling antisocial behaviour. Furthermore the Local Government (Scotland) Act 2003 also committed local authorities to developing joined-up policing plans for community safety as well as authorities receiving £20 million to establish community warden schemes (to supplement community policing functions) in 2004/05 (Justice Committee Report, 2008: p.285).

The shift in emphasis towards community-minded policing has resulted in a number of schemes across Scotland. As noted previously, the development of community policing in Scotland had been "piecemeal and patchy" (Henry and Mackenzie, 2009: p.27) with progress developing with the notable absence of a nationally coherent approach (HMIC, 2004). This is in contrast with England and Wales where the *National Community Safety Plan* along with the *National Reassurance Policing Programme* provides a central schematic from which to guide policing. In Scotland, however, the eight forces had been taking unique approaches that undermined the idea of a "Scottish" policing approach and opens up the possibility of regional variations and local policing cultures. In 2008 the *Justice Committee Report into Community Policing* approached all eight forces for a detailed copy of their community policing strategy – only two managed to provide detailed strategy plans (Central and Strathclyde), with the rest working without formalised strategies (p.104-106). Variants of community policing have been taking place across Scotland with a number of initiatives documented in HMICS (2004) *Local Connections: Policing with the community* and the *Justice Committee Report into Community Policing* (2008), examples of which include South Lanarkshire's Problem Solving Policing Model (HMICS, 2004: p.37-39), Dundee's Community Liaison Officers (Justice Report, 2008: Annexe C), Local Integration Officers in the Scottish Borders (Justice Report, 2008: Annexe C), Central's specialised Community Teams (Justice Report, 2008: p.107), and Strathclyde's *Communities Unit* team-based approach (Justice Report,

2008: p.121-132)[5]. Additionally there is other research that highlights the range and progress of community policing in various pockets across Scotland. Frondigoun et al.'s (2008) *Building Safer Communities* evaluates the 'Enhanced Policing Plan' within certain areas of Glasgow that aimed to address the "reassurance gap" (ACPO, 2001) through public consultation, high visibility policing, acting on 'signal crimes', and developing "diversionary support programmes" for youths (Frondigoun et al., 2008: p.25-26).

The development of community policing in Scotland has gained momentum since 1999 as national political oversight ensures that policing moves towards 'community-facing' initiatives. The emergent new political masters of Scottish policing – central Holyrood government and ACPOS – increasingly preferred community policing as the ideal standard for Scottish policing and as such pockets of community policing programmes emerged around Scotland. This has largely happened, however, without any national community policing 'masterplan' and consequently the landscape across Scotland has been "patchy", uneven and locally specific to unique approaches (Henry and Mackenzie, 2009: p.27). The uptake of community policing across Scotland's forces has been partial and undermined by a number of the following common difficulties outlined by *Local Connections* (HMICS, 2004) and *The Justice Committee Report* (2008). This includes no shared understanding of the term "community policing"; low occupational value of the community role; regular abstractions to other 'core' duties; the short tenure period of community officers disrupts local progress and programme development; insufficient training that does little to prepare officers for community policing; and a partial organisational commitment to providing the effort and resources needed for credible sustained community policing.

Scotland's approach to community policing is no more or no less problematic than comparable experiences in England and Wales or elsewhere, again highlighting the commonalities to policing in Scotland, rather than its distinctiveness. The uniqueness of Scottish community policing should not be over stated and there is limited usefulness to talking about distinguished 'Scottish' policing. There are differences to

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[5] Notably, these initiatives are taken at sub-force or divisional levels and didn't represent force-wide approaches to community policing. At this stage there was neither a national approach, nor coherent force-wide approaches.

consider, particularly the approach to youth issues – several have noted Scotland's policing approach to youth is more lenient and less punitive demonstrating a "greater reluctance to use criminalisation as a means of managing youth problems" (Crawford, 2008: p.760 cited in Fyfe and Henry, 2010). There is a reluctance to use ASBO's (DTZ and Herriot Watt University, 2007: p.5) and a preference for using the less punitive Antisocial Behaviour Contracts and Children's Hearing System (Nicholson, 2010: p.239). Furthermore the current chief political masters of Scottish policing, ACPOS and the SNP, both expressed concerns with ASBOs – ACPOS warned of the dangers of problematising "all gatherings of young people" (Crawford and Lister, 2007: p.7, cited in Fyfe, 2010b: p. 185) while the SNP outlined in 2009 how it preferred ASBOs to be used with restraint (Fyfe, 2010b: p.186). This contrasts with the observations of McAra and McVie (2005) however, who argue that Lothian and Borders Police have been involved in regular adversarial contact with youths (p.28) and that since devolution Scottish youth policy has moved closer to the punitive approach of England and Wales (McAra, 2008) with the police now equipped with more powers of dispersal and sanctions for 12 – 15 year olds including ASBOs and electronic-tagging (McAra, 2008: p.482), the development of "net-widening" (McAra and McVie, 2005: p.11), and the escalation of more aggressive political rhetoric – the then Justice Minister Cathy Jamieson reminded the criminal justice professionals that "punishment is a key part of the youth justice process" (cited in McAra and McVie, 2010: p.72).

It is also worth being cognizant of the variation in policing across Scotland that is a question with the once divided regional forces. The eight local forces were argued to have the capacity for a local policing culture relative to its local environment and tripartite governance (see Donnelly and Scott, 2010: p.15-46 and p.81-89; also Donnelly, 2008: p.5-28). However, even prior to nationalisation the regional variations in Scottish policing were diminishing. As suggested by Donnelly (2008) "today there is more similarity in the daily work of the Scottish police officer, regardless of his or her location" (p.35). This was a result of the increasing standardisation set by central government in Holyrood such as *The Scottish Policing Performance Framework* and *Single Outcome Agreements* (Donnelly and Scott, 2010: p.94-97; Fyfe, 2010a: p.197). The work of Audit Scotland, the Accounts Commission, and Her Majesty's Inspectorate of Constabulary in Scotland had also worked to bring

together a more unified and singular view of Scottish policing, and moreover, Scotland's policing decisions had been becoming increasingly national and top-heavy with the increasing power of ACPOS and the recently established Scottish Policing Board. In consequence it is getting easier to talk of a national policing identity without the analytical texture of regional and colloquial difference.

So, what about the story of Edinburgh? In recent years the community policing effort had been likewise 'patchy'. Alongside Edinburgh's 'Community Beat Officers' there were a number of iterations of community-style policing teams. Neighbourhood Action Units (NAUs) emerged in 2008-09 as result from a negotiation between the City of Edinburgh Council and Lothian and Borders Police for "council-funded officers" within a joined-up local policing plan 2009/10 (City of Edinburgh Council pamphlet, 2008). The NAUs replaced and merged two predecessors groups: the Safer Communities Unit, and the Youth Action Teams. The NAUs had a brief existence as the policy pressure to deliver a more coherent, dedicated 'community policing' approach across Scotland meant Lothian and Borders developed 'Safer Neighbourhood Teams' (hereafter referred to as the 'SNT'; see Harkin, 2011; Rowan, 2011). Launched citywide in September 2010, the SNT model is the latest in a number of attempts to deliver a Community Policing function.

In particular, the SNT model established four principal features to ensure it matched its task of delivering the nationally-promised 'community' service and distinguish itself from previous iterations: (a) *Substantially increasing the numbers of community-facing officers*. 'Community-facing officers' refers to individuals falling under the SNT banner who have a degree of freedom from response calls and are expected to spend their core work time dealing with proactive problem-solving and partnership-working. The SNT has made a substantial commitment in terms of numbers to officers in community-facing positions (in some instances, trebling the numbers from 6 to 18) Typically, two or three sergeants have been placed in charge of a number of constables, and commissioned to run the community policing function. Inspectors provided a more oversight role and only occasionally got involved in operational community policing matters. (b) *The 8 Stage Engagement Model was developed*. This refers to a training-tool developed for Officers and Sergeants to outline exactly what is expected of their task. It features instruction to establish

partnership-links with alternative organisations (the Council, Housing Associations etc.), establish community-informants (or 'Key Individual Networks'), as well as encouraging officers to pay attention to Innes' Signal Crime Perspective that lends legitimacy to community demands for corrosive quality-of-life issues to be taken seriously. (Lothian and Borders, 2010). (c) *Public Confidence is set as the primary indicator of performance.* Lothian and Borders Police have attempted to rectify the former police-misstep of defining police performance strictly around crime and commit SNTs to be lead primarily through the pursuit of public confidence and local relationship-building. In principle, the SNT are to be measured against local approval as opposed to internal police meters of success (Harkin, 2011). (d) *Priority-Setting Meetings are developed.* Consultation forums are created such that the public can deliver tasking and priorities to the SNT and its officers, as well as reviewing progress on an ongoing basis. Edinburgh had some examples of police-public consultation forums in the past – crime prevention panels, being an example – but, the new priority-setting meetings were the most committed effort so far to opening the police to local influence.

Concluding Remarks

The SNT model was the response Lothian and Borders Police enacted to respond to the top-down policy pressure for more coherent and dedicated community policing strategy. Of particular interest here is the priority-setting meetings. These meetings are the focus of research investigation here but the purpose of this chapter was threefold: First, to outline the context in which the consultation forums emerged in Edinburgh from the development of a policy push to 'community policing'. Secondly, this was to be considered in the context of the history of Scottish policing which is often presented as being ahead of the curve on 'community policing' approaches. And finally, to settle a theoretical question on the distinctiveness of Scottish policing. As argued, the popular impression developed that Scottish policing is in some sense a more distinctive and civilized calibre of policing has been challenged here. The difference between Scottish and neighbouring policing has been overstated, I argue, and the case that Scotland is a peculiar outlier is unconvincing. Scottish policing has more in common with other police forces than previously suggested, I contend, and this helps establish the theoretical uniformity and shared analytical dimensions

between policing jurisdictions. This argument is in the service of establishing a position that appreciates both the specific and generalizable findings of an investigation into police-public consultation forums in Edinburgh.

Chapter 6: Methodology

To explore police-public consultation forums as a tactic for 'civilizing policing' the experience of Edinburgh, Scotland was chosen as a case study. The tools of research were primarily interviewing and ethnographic observation. What follows is an overview of the research strategy deployed and a critical reflection on some of the particular methodological challenges faced by research. This will unfold across two sections. The first section looks at the specifics of what data I gathered and how this data was suited to furnishing investigations of police reform, democratic policing and police legitimacy. This includes an outline of what I did, who I spoke to, when I spoke to them, and why. Moreover, I include an overview of how I present and anonymise such data using pseudonymous area names.

The second section examines research methods and their ability to influence the integrity and use-value of data. It is a worthwhile exercise to critique and reflect on the limitations and challenges of conducting faithful, robust and useful social scientific research. Particularly I will engage with the issue of this research being *for* Lothian and Borders Police, as well as *of* Lothian and Borders Police, and the attendant academic dilemmas that come from having a vested interest in your research from elite police management. In this regard, I will argue that a particular 'political window' of police managerial interest in research has helped, more than hindered the research.

Furthermore, the larger conceptual implications of my choice of methods will be considered. Research methods must be justified in terms of the value they will have for wider conceptual discussion, and I tackle the issue of how relevant the 'case' of Edinburgh is for wider police studies. I argue that while some of my findings are specific to Edinburgh and Scotland, generalisations of the theoretical insights from my case study data are useful for police studies. Moreover, the value of interview and ethnographic research data is reasserted in the face of methodological and epistemological criticisms. It is argued that despite relevant criticisms that social science has a 'problem with truth' (Seidman, 1991), it is important to re-stress the strength of sociological methods to produce original and valuable knowledge. And

finally, this chapter is capped-off with a brief outline of the ethical provisions in place to support my research.

6.1 Data

The original empirical output of this research was over 40 interviews with various stakeholders. This included 17 public participants (with two additional follow-up interviews), 18 police representatives (one Chief Inspector, three Inspectors, nine Sergeants, and five Constables), and 6 representatives from the local City of Edinburgh Council (unelected administrative roles). This was in addition to 10 ethnographic observation sessions at police-public consultation forums across the city (with four districts getting repeat, follow-up coverage). The initial research strategy aimed to exhaustively cover the entire territory of the city of Edinburgh, but two portions of the city were ultimately omitted: the centre, for reasons of it being an outlier case[6]; and one other area, for reasons of access shortcomings.

I choose not to explore the wider territory of Lothian and Borders and the development of police-public consultation forums throughout as it was beyond the capacity of a single researcher. Hence, Edinburgh was chosen as my research setting and case study. Of the ten possible priority-setting meetings in the city of Edinburgh council area, I covered eight in my research. The eight territories I covered presented a spread of different socio-economic conditions and land-use. In the table below I outline how I have anonymised my areas in the interest of confidentiality. These pseudonyms will prove useful in preparation for my data reporting in upcoming chapters. Additional information is also provided to provide a sense of the areas involved.
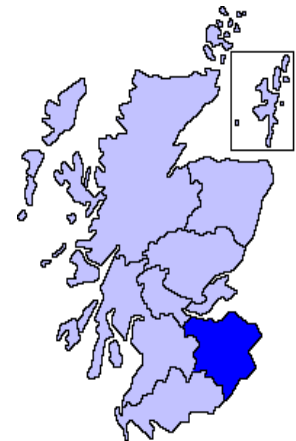

Figure 1: Legacy Lothian And Borders territory

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[6] I considered the city centre as an outlier case due to the low level of a resident population combined with its ever-changing population of tourists and visitors. Moreover, its land-use isn't comparable with the rest of the city and it suffers from a distinct and higher rate of crime as a consequence.

Pseudonym	Area Information
Kennington	An affluent area of mixed land-use of residential and business. Within Kennington there is a notable area ('Spring Gully') that is of extra policing importance as it occupies a lot of police time despite being a fraction of the overall Kennington area. Spring Gully is notably distinguished from the surrounding area as it features a lot more council housing and is of lower social economic status than its more affluent neighbours.
Strathdale	A leafy, largely residential area. Mostly high and middle-income earners.
Carnhill	A mostly residential area. One of the three major areas of Edinburgh that feature residents living in either the top 10% or 5% of Scotland's Index of Multiple Deprivation (SIMD). The SIMD combines measures of income, employment, health, education, housing, access, and crime. Also notable for a more ethnically diverse population than comparable areas elsewhere in Edinburgh.
Rinmore	Also contains residents living in the top 10% or 5% of the SIMD. Mostly residential. Poor history of police-public relations.
Steelstown	An area of mixed land-use between residential and business. Also, an emerging mix of low and middle-income earners. A developing, but often transient immigrant population.
Newtongrange	Mostly residential area of suburban housing.
Richmond	Mostly residential area of mixed council and suburban housing.
Eaglehawk	Also features homes in the top 10% and 5% of the SIMB. Mostly residential. Poor history of police-public relations.

Table 1: Showing anonymized area names

Throughout the fieldwork I attempted to cover the city evenly but for various reasons access was more successful in some areas over others. For instance, with an area like Kennington I received a lot of volunteer participants wishing to be involved in my research when I attempted to recruit at the end of consultation meetings. With an area like Richmond, I had difficulty recruiting public participants but found it a lot easier to recruit police and council contacts. This is often a downside of 'snowball sampling' as it can be more successful in one area over another. As a result, in the data reporting sections to follow, certain areas, such as Kennington are more thoroughly developed as I was able to gather plenty of data from both the public and the police.

The fieldwork was carried out between June 2011 and July 2012, with follow-up interviews conducted in February 2013. The research began with an informal scoping exercise. This scoping exercise was an attempt to mitigate issues with research access that will be discussed later in this chapter. For now, however, it is worth pointing out that the scoping exercise involved a small number of unrecorded conversations as my

research had yet received the full ethical clearance and approval of the University's ethics committee. Such approval came in late June 2011 but these initial informal conversations were often designed as basic fact-finding and played a small role in shaping my developing research questions. This can be seen by comparing my question guide for the scoping exercise (see Appendix A), with the more detailed questions towards the end of the scoping exercise (see Appendix B). These question guides were then developed further to include more specific questions on reform, democratic policing, and police legitimacy. These questions will be outlined in detail below.

It is also worth noting that shortly after my research period the police force under focus, Lothian and Borders Police, ceased to exist as the eight Scottish Police forces were amalgamated into one – Police Scotland (Fyfe, 2013). The amalgamation came into effect in April 2013, but the lead-up to the Police And Fire Reform (Scotland) Act (2012), loomed in the background throughout the research. This was a source of uncertainty and modest concern for police and public alike. Such a political context creates some uncertainty in terms of the ongoing reliability of my data; It wasn't clear whether the police-public consultations forums would be continued, for instance. Speaking with a policy representative from Lothian and Borders Police in February 2013, however, the information at the time suggested the move to a single organisation would see a reconfirmation for the drive for 'community focus' and the ongoing preservation of local priority-setting processes. As of submission of this thesis, local consultation forums were still ongoing.

The move to a single organisation and the changing landscape of Scottish policing does add a relevant timeliness to my research. As the new single force faces questions about whether it can maintain a focus on local concerns and accountability (Fyfe, 2013: p.10), my research can make an argument and case for the consultation forums to play an ongoing and sustained role not only with the legacy Lothian and Borders area (see Figure 1), but across Scotland. In respect to key political questions about the future of Scottish community policing, my research can make an argument for the role of local consultation forums in supporting local police legitimacy and enhanced democratic policing.

The data gathered was aimed at capturing the potentials as well as limits of police reform, democratic policing, and police legitimacy by using the example of consultation forums in Edinburgh. As set out in Chapters 2, 3, and 4, methodological approaches were tailored for each of these perspectives relative to the shortcomings of their respective bodies of literature which I was hoping to complement and strengthen. In previous chapters I have already established the rationale for investigating reform, democratic policing and legitimacy using qualitative, empirical research, but this section outlines in more detail the exact questions and focus I attended to with my interviews, ethnographic observation, and additional documentary analysis. These will be outlined in turn relative to each concept under investigation.

Police Reform

The police, council partners, and the public were targeted with a set of questions to generate data on the progress and frustrations of local reform efforts. Firstly, the police representatives were asked to give an account of several dimensions of their relationship with the public and their evolving responsibilities and work practices. Specifically they were interviewed with the following interests in mind:

- Could they give an account relationships with the community going back through the duration of their posting and comment on any change they have observed since the launch of the SNT and the police-public consultation forums?
- If there were notable changes, what, in their view was responsible for change?
- Were they under pressure to deliver for new performance management regimes?
- And how, generally, has their work changed with the introduction of consultation forums regarding tactics or workload?

Attempting to corroborate the police perspective involved gaining the views of the public participants and the council allies. They were interviewed with the following particular interests in mind:

- Could they give an account of relationships with the police in the past and any apparent recent change?
- Have they noticed any tactical or strategic changes in how the police operate?
- How has partnership-working developed in the area?

From this data, reform was then interpreted and a particular effort was made to try and justify 'reform' over and above mere 'change'. This was done as established in Chapter 2 by viewing reform as intentional and strategic policy interventions that meet the goals set out in the 'Scottish Community Policing Engagement Principles' (2009). This mostly involved using qualitative evidence, but also involved some quantitative data that the police supplied on reductions in crime and in-bound calls which they provided by showing me internal documents. With this analytical distinction, along with my particular local and empirical perspective, I argue I contribute and complement the existing body of work on police reform in police studies.

Democratic Policing

As a reminder, the larger question this research is interested in is, 'what can police-public consultation forums achieve for the credentials of "democratic policing"?' As shown in Chapter 3 this is split into two sub-goals. The first is interested in 'policing for democracy', and asks the following:

- Do the forums encourage disregard for the rights, wellbeing, and security of others in the name of particular demands?
- Do the forums leverage an extra burden of policing on to 'suspect' or vulnerable groups?
- Are wider democratic values like equity, lawfulness, and recognition put at risk by allowing public influence over policing decisions and practice?

The second is 'democratically-responsive policing', and asks:

- Are the police sincerely committed to honouring the demands of the public?

- Do the forums have value as accountability mechanisms?
- In what ways are the forums influenced by power regarding the mobilisation of bias, the architecture of power, the inequality of deliberation, and any possible evidence of 'third-dimension' ideological effects?

To evaluate the 'democraticness' of the forums, I spoke with a range of actors who participate in the forums. When interviewing members of the public I focused on questions like: do you feel you have enough influence over the police? Do you feel you personally (or the group) can easily raise an issue as a priority? Have you raised an issue and had it set as a priority? Were the groups able to control which priorities are maintained over a period of time if you felt they weren't being addressed? These questions dealt with the issue of responsiveness, but I also focused on other aspects aimed at exploring the representativeness of the forums: do you feel you represent your local area? Do you prepare or gather information from people in your area prior to the forums, or disseminate information after? Likewise, I inquired about what type of priorities were being raised, what were the issues, and who were the people that were regularly a concern for the groups? Participants were asked to elaborate on what kind of problems made it to discussion to get a sense of who might bear the focus of policing.

Using both ethnographic observation and some complementary documentary analysis I tried to confirm and corroborate both the extent to which the forums were appropriately democratically-responsive, as well as to gauge who the forums might have democratic costs for. Most forums had written records and minutes of previous priorities and meetings so I was able to gain a sense of what the local issues were and who were being targeted for policing. Using ethnographic observation at the forum meetings, I was paying particular attention to the dynamics of power in the discussion: who was raising what issue, how were the police and council managing the discussion, were there challenges to suggestions from those in authority, when was there conflict over decision-making or friction while debating problem-issues? Notes were taken at the meetings and written up later, and I often used this material for follow-up questions with participants. In my upcoming data analysis such observational material will be referred to as my 'fieldnotes'.

Council and police representatives were also canvassed. The council representatives were interviewed on the history and development of the consultation forums in the area as well as focusing on the process of setting priorities and acting on priorities. As the council and the police were the primary 'enforcers' for implementing and acting on priority tasking, both were asked to explain and detail how they had reacted to priorities in the past, how they agreed on the priority, how they decided on an enforcement strategy following the priority, and how they feedback results of enforcement to the forums. Most attention was given to the police in this regard – I was intent on knowing how the police reacted and responded to the demands of the forums, and whether these demands had much importance within the organisation, also, whether officers had enough time to spend on dealing with local priorities, and how they specifically responded to certain requests, and so forth.

The overarching aim of the interviews, observation sessions, and documentary analysis, was to establish a measure of two principal aspects: (a) were the police democratically-responsive to the demands of the public, and did the forums provide evidence that there was sincere accountability and some measure of democratic parity between participants (such that the police or authorities weren't dominating proceedings)? And, (b) what were the consequences of the police and council enforcing priorities in the local area and who were potentially bearing the costs of extra police attention as a result of the forums?

Police Legitimacy

One of the core research questions for this thesis was asking 'what can police-public consultation forums achieve for police legitimacy'? Using a case study, qualitative strategy it was argued that the role the forums play in impacting on local police legitimacy could be better explored. The mechanics of how the forums may impact on police legitimacy through reputational and secondary consequences was to be examined. To this end, research questions were developed in pursuit of combining narratives on the history of police-public relations, along with views on the recent dynamic of relations as affected by the forums or related developments. Both members of the public and police representatives were canvassed for input.

Questions were grouped into themes relevant to legitimacy. What is apparent of note is that questions relevant to legitimacy overlap with questions relevant to reform and democratic policing. This again, speaks to their related and overlapping character and agendas. Regardless, for pursuing data on legitimacy public participants were probed on past experiences of policing, and general views on the police in your area:

- What has been the history of police engagement in the area?
- Have you had much personal experience with the police leading into the forums?
- Is, or has there been, any stigma in the area in associating or cooperating with the police?

Similarly, their views on the forums as a policy idea were canvassed:

- What outcomes are you hoping or expecting the forums to provide?
- What are your expectations for police involvement and their role?
- Would it be a problem for the area if the forums were abolished?

And an assessment of changing policing in recent years:

- Has your attitude towards the police changed?
- Have you felt there has been a change in approach by the police?
- Have the forums supported a change in policing?

This was reflected in interviews with the police by also probing the history of policing in an area:

- Has this been an area that has historically been cooperative?

The current status of police-public relations in an area:

- What are the present challenges that you face in cooperating and interacting with the community?

- How often do you encounter non-cooperating residents?

And a view on the role the forums have played in their job:

- What have you understood are the purposes of the forums?
- Do you think the forums have a future and a role to play in policing?
- Have the forums noticeably changed how the community behave towards you in any way?

The questions were aimed to be open-ended on the issue of legitimacy to allow participants to identify what they believed to be relevant, whether it was police effectiveness, police rule-adherence, procedural satisfaction, 'fairness', general reputation, or opportunities for redress and accountability. The aim was to allow respondents to outline the local narrative of police-public relations covering the past and present, and what role the forums play in this story. Information from interviews was also supplemented with observation at the forum meetings where issues relating to local police legitimacy were also discussed and often referred to. This data I argue produces a unique empirical and qualitative perspective on police legitimacy that borrows from approaches to legitimacy more commonly used in prison studies (see, Sparks et al., 1996; Liebling and Prince, 2001; Liebling, 2004).

6.2 Critical reflections on my methods and methodology

The above outlines the detail of my methodology and how I gathered data to suit my conceptualisations of reform, democratic policing, and legitimacy. Through the research process, however, there were a number of reflections and further considerations to be had regarding the methods, case study selection, generalizability of data, the politics of police research, as well as the ultimate epistemological value of data and ethical considerations. These are considerations of critical interest to social scientific inquiry. What follows is an exploration of these issues and an argument for the value of social scientific data and its methods. Additionally, I discuss the suitability of generalizing from my findings and case study research, and I argue that some of my theoretical insights have wider value for police studies. A note on ethics

is also provided, but first an exploration of the political context of this research, which I argue benefitted my research.

The politics of police research

This research took place within an opportune time in Scotland where elite police management was particularly welcoming and encouraging of academic research opportunities. This political 'moment' that framed my research is worth reflecting on as police research involves the negotiating of access, both beginning and during research, and this political context has a bearing on the types and nature of research outcomes. As Hughes (2000: p.235) makes clear, "no criminological research takes place in a political and normative vacuum", and it is critical to reflect on the political context of research. Negotiating research, conducting research, and producing output, all owe a debt to political decisions made by actors on the balance of their personal and organisational interests and motives, and for me, I argue this has contributed positively to the value of my research output.

The political timeliness of this research saw more advantages than disadvantage I argue, as the research period coincided with a political phase where Scottish policing, and in particular, Lothian and Borders Police, were making substantial efforts to engage with the academic community. The establishment of the Scottish Institute for Policing Research (SIPR) in 2007 institutionalised a link between the police and the research community and this was endorsed by elite police management in the form of ACPOS (Association of Chief Police Officers Scotland) support. This managerial commitment to research activity was replicated at the level of elite management within Lothian and Borders Police at the time, creating a number of advantages for this research. Despite these advantages, there are a number of issues to be reflected upon regarding such 'politics' that contextualise police research.

At an early stage, this research involved Lothian and Borders Police whose permission and approval was critical to the success of any research. In particular, a Superintendent operated as a chief 'gatekeeper' whose endorsement and approval of research was of great importance. This worked to my significant advantage throughout the research process as 'name-dropping' legitimised my research for many

police representatives. By way of illustrating the role this played, while with a police constable, a chance hallway encounter with the Superintendent and a brief convivial chat, made quite an impression on the said constable: "You know the Super?" (Blimey!) This constable then pressed this fact on other officers I was attempting to recruit, further raising the credibility of my research. Similarly, before interview situations, lower ranked officers and sergeants would often make brief inquiries into who 'signed off' on the research; knowing the Superintendent was endorsing the research encouraged compliance every time.

This also produces an ethical dilemma: is it suitable to allow the leverage of hierarchy to work in favour of my research as rank-and-file conform to management interest? As Hughes (2000: p.241) argues, "It would be very dangerous for researchers to assume that 'superiors' (that is, formal gatekeepers) have the right to allow 'subordinates' to be investigated". Is it ethical to recruit subjects who are complying, in part, because of internal pressure and the desire to conform to management interest? The police is a hierarchical organisation so it is hard to operate outside, or sidestep, the perceived (or real) expectation by officers that they must conform to top-down pressure. In any case, it was made clear to individual recruits that participation was not mandatory and they could withdraw at any point without any consequence to them and without having to provide any reason. Owing also to the low-risk of this research for causing reputational damage to participants (given the relatively 'soft' subject matter), it was felt that the research remained within ethically appropriate margins by using the authority and reputation of a particular Superintendent for my advantage.

To return to the moment of the Super 'signing off' on research, this needs to be further reflected on as having significant political dimensions. Gaining access to the research field required the approval of elite police management who need to be considered strategizing, political thinkers. Their decision would contemplate the risks, gains, and any possible damage research could do to their reputation - personally or as an organisation. Police management are unlikely to open their organisation to potentially embarrassing attention, but may also have a vested interest in the outcomes of research if it can be leveraged to their benefit.

It is the latter which has greatest relevance to this research. My research began at a moment in time for Lothian and Borders Police where there was significant political and policy momentum for community-policing style strategies, and any vindication of this policy direction is most likely to be welcomed and encouraged. Throughout the research, this was the 'hidden' and indirect political pressure on the researcher (Hughes, 2000: p.236) – to deliver a positive appraisal of the efforts of Lothian and Borders Police for establishing successful community policing policy. Ultimately, my research supports the policy direction Lothian and Borders Police were taking at the time. Several of the positive conclusions reached by this research do have tactical value for elite police management and largely supports their policy agenda. In other words, the evaluation aspects of this research would make for welcome reading for police management. Therefore, it is worth considering, does this 'hidden' pressure undermine the integrity of the findings?

In response, I would emphasize my independence, but also certainly the 'soft' focus of research, which was primarily concerned with the relatively uncontroversial world of police-public consultation forums, worked to my advantage in gaining access and not 'spooking' the political concerns of upper-management. As part of negotiations to gain access, a 'Research Agreement' was reached between myself and Lothian and Borders Police (see Appendix C). This was negotiated with an Assistant Chief Constable, and a Superintendent, and the process of agreement involved a clear disclosure upfront of the aims and focus of research, with an obligation to inform and re-negotiate access under the circumstances where the research focus changed. Significantly, the research promised a number of 'deliverables' or returns on the police investment in research. This included a final research report for Lothian and Borders, as well as the promise to lecture a police audience as part of the 'Edinburgh Policing Research and Practice Group'[7]. In this sense, research became partly "for" the police and not just "of" the police – something that has been criticised elsewhere by authors like Manning (2010: p.89), arguing research becomes too entwined with the "practical occupational interests of the police" (ibid: p.85), and also Hope (2004), who warns on the dangers of research validating policy agendas for political reasons, not scientific ones.

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[7] As of the submission of this work, this lecture has not taken place yet.

The issue of the integrity of findings however, rests more on the freedom of the research process, as opposed to the 'critical edge' that may come from more adversarial findings. Unquestionably, this research was "for", as well as "of", the police, and ultimately the findings tend to suit the motives and interests of Lothian and Borders Police management. But credibility rests upon the question, 'had the research freedom of interest and freedom of critique?' I would re-stress my independence as a researcher which was made clear to Lothian and Borders Police as part of my research agreement and backed up by the support I received from the University of Edinburgh and my funding body, the Economic and Social Research Council (ESRC). This was a project conceived-of, funded, and executed independently from Lothian and Borders Police, and their oversight involvement was limited mostly to the initial research agreement, without any on-going accountability or input.

Additionally, I would point towards the recent track record of Lothian and Borders Police in its mature and self-scrutinising generosity to researchers; inviting critique and opportunities for criminological investigation. Lothian and Borders Police (along with other Scottish Police Forces) had been developing a strong connection with the wider academic community, particularly through the vehicle of the Scottish Institute for Policing Research (SIPR). This was complemented on a personal level as I had built-up a degree of understanding and familiarity with myself and Lothian and Borders Police as a known researcher prior to this project. In 2010, I conducted a research project on Neighbourhood Action Units in Edinburgh as part of the dissertation component of a MSc programme, and in 2011, I completed a research project joint funded by SIPR and the SCCJR (Scottish Centre for Crime and Justice Research) into the newly launched Safer Neighbourhood Teams (see Harkin, 2011). Through these research projects, contacts were developed with Lothian and Borders Police, along with a personal reputation as a familiar and recognised researcher. Both projects provided research 'outputs' for Lothian and Borders. In particular, the SIPR-SCCJR project involved a briefing paper offering recommendations as well as critiques of the present SNT policy (Harkin, 2011), as well as a supplementary lecture to a police audience at Fettes HQ. Through this process Lothian and Borders management were exposed to more critical scrutiny than the present research

findings, but showed the strength of commitment to maintain support and invite further input from research. Moreover, the previous research experience developed a small bank of goodwill and trust in the integrity of my research skills that encouraged a degree of openness when it came to this research. In other words, less convincing was needed to be done than might have in order to gain access. Consequently, there was almost no ongoing oversight from Lothian and Borders Police throughout the research process.

Coinciding with my developing personal relationship with Lothian and Borders Police, was the development of the Scottish Institute for Policing Research (SIPR). Established in 2007, SIPR has been building a culture of exchange and openness between researchers and the police[8]. This has been particularly fortuitous for my research as SIPR has been preparing a healthy habit of scrutiny, as well as robust and critical two-way dialogue, between researchers and the Police. The work of SIPR has also been complemented at a local level, by the 'Edinburgh Policing Research and Practice Group' and its 'Edinburgh Executive Sessions' (Henry et al., 2012). The 'Edinburgh Executive Sessions' are a framework of partnership-working and exchange that supports the commissioning of academic research modelled on the 'Harvard Executive Sessions'. These groups have institutionalized the research connections between academics and the police, and reflect the present enthusiasm for police research in Scotland.

The progress of SIPR and the 'Edinburgh Policing Research and Practice Group' has provided a number of advantages, chief of which is the opening up of research freedoms due to the developing emphasis on academic research by political elites within Lothian and Borders Police. My research has been able to take timely advantage of a climate of exchange between the police and the research community. Under this wider umbrella and its encouragement of academic scrutiny, this research has not only been afforded clear access, but also key freedoms that relieve the 'hidden' political pressure of delivering 'for' the police. Credit needs to be given to

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[8] SIPR was established in 2007 and was initially financially supported by the Association of Chief Police Officers in Scotland (ACPOS) and the Scottish Funding Council (see www.SIPR.ac.uk). It's brief is to encourage collaboration between the Scottish Police and Scottish universities and to "carry out high quality, independent research and to make evidence-based contributions to policing policy and practice" (SIPR website)

Lothian and Borders Police for embracing the culture of exchange between academics and the police, as well as their maturity and strength to open their ears to critique and invite criticism. It is worth noting that my research efforts were working in parallel with other researchers (at least two other Edinburgh University PhDs) that illustrates the willingness of Lothian and Borders to accommodate research attention; and doing so without protectively managing research access and welcoming the risk of criticism. This research has benefitted from this opportune period, where a healthy accord exists between Lothian and Borders Police and the academic community, encouraging access and vital research freedoms. In this regard, I argue that the 'politics' of police research has worked in the favour of this research.

Case Study Selection And The Generalizability of Data

The politics of research that frame this research played an important role in opening up the territory that was subsequently researched. This needs to be critically reflected upon in two ways: (a) for how access was possibly managed towards sites that would encourage more favourable evaluations for the police. And, (b) a reflection upon the generalizability of data and insights of the research. This is a consideration of the larger question: can the example of police-public consultation forums in Edinburgh, Scotland, provide wider insight for the concepts of police reform, democratic policing, and police legitimacy? In other words, what can case-specific research contribute to the wider world of police studies.

To focus on (a), a common caution of conducting case study research is to reflect on the process of how site selection is affected by convenience, or often ease, of access, as well as the possible role of vested interests to manage access to certain sites, while diverting away from others (George and Bennett, 2004, see also Burnham et al., 2004). Researchers do not arrive at a research site without negotiating their way in, and the negotiations can involve critical consequences for the standard and reliability of final data generated. Site selection can be a product of 'gatekeepers' playing a key role in establishing research connections (as often was the case during this research), but also of researchers focusing on the more convenient locations for research (sites that have more ease of access for a range of geographical or circumstantial reasons).

The vested interest of certain managers at Lothian and Borders Police as well as my previous research history played a considerable, but not over-determining, role in the final access to research sites. My research strategy was cognizant of the appeal for police to divert attention to certain 'ideal' sites, as well as researcher tendencies to follow the 'path of least resistance' to the research field by relying on established research contacts. To combat both these biases, I devised an early 'scoping' strategy aimed at establishing research contact with sites throughout the city. In this period I canvassed police representatives from seven key stations across Edinburgh[9]. This 'scoping' exercise was aimed at targeting middle management and involved recruiting a chief inspector, three inspectors, and a number of sergeants. The purpose of this exercise was to establish research links with sites across the city without being chaperoned or diverted to particular sites. The scoping exercise played a role in opening access to research opportunities as well as developing a cursory overview of how the consultation forums were developing throughout the city. One of the outcomes of the scoping exercise was I was able to add new research contacts to my previous stock of contacts, as well as laying the foundations for follow-up access. Following the scoping exercise I was capable of accessing research sites across the city with relative ease, and ultimately, the reliance on previously-established research contacts proved to be an advantage rather than a disadvantage as they happily lined-up opportunities for research connections to sites with which I had not previously made contact.

The more pertinent scrutiny of any 'selection bias' (Collier and Mahoney, 1996) in this research should fall on question (b) regarding the generalizability of insights from the case of Edinburgh, Scotland to wider conceptual discussion. How much does the selection of Edinburgh as the field of research bias the outcomes of observation? Can the case of Edinburgh speak with relevance to other cases? It has already been considered in Chapter 5 that Scotland has a distinctive style of policing and this plays a role in influencing the success or failure of community consultation. Furthermore, the uniqueness of Lothian and Borders Police must also be considered. In other words, it needs to be considered that what works in Edinburgh or Scotland, mightn't work elsewhere. And additionally, is there any confidence that what works in

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[9] One Station, Central, was omitted from research. Another station, I failed to make research contact.

Edinburgh would work anywhere else in Scotland, in say, Glasgow, or Fife, for example?

One of the major caveats this research needs to make clear, for example, is that the forums are one pillar among many of a larger process of community policing development, neighbourhood partnership working between the public and state authorities, and broader community development and regeneration policy in Scotland. It is beyond the ability of this research to disentangle the precise impact and effect of the consultation forums, and the interrelated and overlapping effect of wider change. It is always possible, that the 'success' of these forums owe a major debt to either the groundwork laid by broader social policy developments, as well as the particularly 'serene' landscape of Scottish policing, and also possibly, the particular character and temperament of Scottish – and Edinburgh's – civic institutions or people.

For instance, recalling what Shearing and colleagues anticipated of governance deficit problems in Chapter 3 on democratic policing, where broader social inequality would exacerbate security inequality under new 'nodal governance' arrangements (Shearing and Wood, 2003a: p.221), it is possible to discuss Scotland as an example of a context where such governance deficits are less credible or threatening. Scotland's left-of-centre political landscape, or distinctive civic culture (Croall et al., 2010: p.9-10), may ensure a greater potential for 'deepening' democracy through the consultation forums which resonates with Scotland's pre-existing communitarian, social democratic, and egalitarian values (see, McAra, 2008). It could be for instance, that Scotland and Edinburgh has the encouraging democratic credentials, and not the forums.

The principal point of inquiry for this research, however, is to test and explore the 'form' of policing and whether it can 'civilize' towards reform, improved legitimacy, and enhanced democratic policing credentials. The interest is in public constabularies, not just Edinburgh's public constabulary. In other words, paraphrasing Rueschemeyer (2003): can the single case of Edinburgh, Scotland yield wider theoretical insights? Can the experience of Edinburgh's police-public consultation forums allow for conceptual generalization to a wider population of police-public relationships? I want to suggest that while many findings will be locally specific and that the successes of the consultation forums may be more a reflection of Edinburgh than it is of

consultation forums, I also argue that my refinement of the theoretical tools of reform, democratic policing, and police legitimacy has wider relevance to the world of police studies. In other words, my theoretical conclusions are more generalizable than my specific findings on the success of consultation forums in Edinburgh.

The nature of case study research also involves an immediate trade-off. Selecting a case study involves balancing the scope of research such that it captures enough of a picture of the relevant variables, while remaining focused enough to allow in-depth intimacy with the data at hand. It is, as Gerring (2004: p.348) argues, a choice "between knowing more about less and knowing less about more". For the present purposes the selection of Edinburgh puts a boundary around the research field in order to 'know more about less'. The research objective was to know how police-public consultation forums impacted on police reform, legitimacy, and democratic policing, and the choice was made that knowing more about the case of Edinburgh was better than knowing less about multiple examples across Scotland. Depth was favoured over breadth.

The rationale behind this choice was that a better view of the causality and exact mechanisms of how police-public consultation forums affect reform, local legitimacy, and democratic policing could be observed. The strength of 'small-n' studies are that they are better at identifying "causal mechanisms" (George and Bennett, 2004: p.81), and this 'causal complexity' is "more apparent, more salient, and easier to identify and interpret" (Ragin, 2004: p.134). The established studies on police reform, legitimacy, and democratic policing, typically take a wider, or maybe 'large-n', view of these processes, so I have opted for a different approach. In police legitimacy research, for instance, procedural justice researchers typically observe legitimacy outcomes (trust, confidence, compliance, etc.), and these outcomes are couched in terms of large territories, nations, or locations like London (see for example, Jackson et al., 2011). Likewise, discussions of police reform or democratic policing, most often couch their perspective in large regional or national terms (see for example Aitchison, 2011, or Ellison, 2007, discussing reform in Bosnia and Northern Ireland in broad terms, respectively).

As recommended by Pawson and Tilley (1994), I am attempting to complement this established focus on outcomes and large territories, with a 'small-n' focus on the detail of local mechanisms. As Pawson and Tilley (1994: p.292) argue, "the outcomes unearthed in empirical investigation are intelligible only if we understand the underlying *mechanisms* which give rise to them and the *contexts* which sustain them" (emphasis in original). This is the rationale behind my research; to give particular, focused, and detailed observation of how police reform, local legitimacy, and democratic policing is affected by police-public consultations forums, and what is the exact mechanism of this impact, as well as the importance of the local contexts influencing their subsequent impact.

Case study research can give a more detailed picture of the dynamics of local consultation forums and the consequences that follow for police reform, legitimacy, and democratic policing. It can also give a better indication for *how* these outcomes are achieved, *what* was important in the process, and reveal any advanced complexities that need to be considered that are unapparent with other perspectives. However, to return to the trade-off of case study research – case study research always faces the criticism, 'does this information speak with any relevance outside of the bounded world of this example?' How much wider relevance is sacrificed by such a narrow scope of attention? There are a number of commentaries available for this dilemma of abstraction and perspective in sociology relating to the question of how proximate or distant the researcher's perspective must be to develop the most accurate account of their subjects and ideas. Mills (1959/2000: chapter 1) uses the idea of a 'sociological imagination' to try to connect intimate biographies with larger historical scenes; Merton (1967) talks about the gap between 'grand theory' and over-particular empiricism; Garland (2001: p.vii) reflects on the "unavoidable tension between broad generalization and specification of empirical particulars". In keeping with the conceptual framework of this research, I will recall Simmel's metaphor for illustrating this dilemma. Simmel (1950: p.7) uses the metaphor of a painting and how the viewers distance from the painting can determine both revealing perspective, as well as unintentional error:

> We obtain different pictures of an object when we see it at a
> distance of two, or of five, or of ten yards. *At each distance,*
> *however, the picture is "correct" in its particular way and only in*

this way. And the different distance also provides different margins for error. For instance, if the minute detail of a painting that we gain at very close range were injected into a perspective gained at a distance of several yards, this perspective would be utterly confused and falsified. And yet on the basis of superficial conception, one might assert that the detailed view is 'truer' than the more distant view. But even this detailed perception involves some distance whose lower limit is, in fact, impossible to determine. *All we can say is that a view gained at any distance whatever has its own justifications.* It can not be replaced or corrected by any other view emerging at another distance.

(Simmel, 1950: p.7, emphasis added)

To this end, this research takes up a close 'distance' to the subject of reform, legitimacy, and democratic policing, using the example of Edinburgh to gain a view of the picture that is 'correct in its particular way' and with its own particular methodological 'justifications'. As Rueschemeyer (2003: p.332) argues, analysis of single cases "can yield significant theoretical gains" such as the testing of established hypotheses and the generation of new ones. Approaching my concepts from this 'distance' can test the hypotheses of police reform and democratic policing theorists, as well as complement or 'triangulate' aspects of police legitimacy studies by comparing qualitative research with the established quantitative research as encouraged by Kelle (2001).

The output of this research will speak to wider conceptual discussion; my theoretical conclusions and observations will be generalised, and I argue I help refine the theoretical tools of police reform, democratic policing and legitimacy. As Gerring (2004: p.347) argues, it is clear that case studies make inferences "beyond the unit under study, but [it] is often unclear how far the inference extends". A challenge is always placed against case study research to justify any generalisations made – for obvious reasons relating to issues of 'selection bias' (Collier and Mahoney, 1996), as well as the possibility of basic type 1 and type 2 errors of false positives and false negatives.

With such considerations in mind, it is still justifiable in case study research to speak to wider conceptual discussion for three principal reasons: (a) as Simmel's analogy makes clear, every 'distance' from the painting has its flaws, but also its proper contribution to make. 'Large n' studies have their own set of errors and struggles with

methodological and epistemological compromises, in addition to their particular validity. The same is true of 'small n' studies, as it is 'large n' studies. (b) The ability of researchers to recognise either deviant cases or the peculiarity of a specific circumstance is under-estimated and researchers must be given credit to be able to account for exceptions. And, finally, (c), as George and Bennett (2004: p.84) argue, overgeneralization by case study researchers is rare. Instead, researchers provide "contingent generalizations" which readers should not mistake for grand, all-encompassing claims. In sum, case study research has a valuable role to play in exploring the ideas of police reform, democratic policing, and local legitimacy, and the experience of Edinburgh has revealing significance for the possibilities and potentials of these ideas elsewhere.

The value of data

Having reflected on the politics of research and settled on a suitable case study territory, the researcher is now allowed to get on with the task of harvesting data. The 'yield' or produce of this research primarily amounts to over 40 interviews, as well as 10 on-site ethnographic observation sessions complete with detailed field annotations. Giving serious focus to the value of this field data, a new set of questions emerge: what is the value of field data? What are the flaws and problems presented by interview data and ethnography? What are the strengths and advantages of these methods? And, what are the 'dirty secrets' of social science research that readers should be cognizant of to best appreciate the value of research?

There are issues with generating data and consideration needs to be given to the idea that social science has a problem with "truth" (Seidman, 1991); Its techniques are often coarse, and the value of knowledge produced is fallible and of uncertain epistemological status. Data is generated, rather than collected or discovered, because researchers and their tools fall short of remaining neutral and objective (Mason, 1996: p.52). Social science struggles with its "political unconscious" (Seidman, 1996) and some argue that it ought to downgrade its claims from "findings" to "interpretations" (Gubrium and Holstein, 1997: p.8). Data has problems of relating to an absolute "truth" and there are those who talk about data as primarily 'representations' (Derrida, 1966; Lyotard, 1984). Rule (1994: p.251) suggests, "no one should be surprised that a

single slice of reality can be successfully portrayed in two or more ways". The sum effect for research is that data carries epistemological shortcomings that are worth confronting. The status and quality of interview data and ethnographic data needs to be considered, and hopefully, recovered, with closer scrutiny of their integrity.

It is easy to reveal a number of conceits and weaknesses when probing research methods and their inner-workings. Fine (1993), for instance, refers to "Ten Lies of Ethnography": the violations, imperfections, and deviations from 'textbook' investigation that occur during research regarding ethics, techniques, and data use. For instance, Fine (1993) regards ethical propriety as always undermined by the unavoidably 'secret' aspects of research as the researcher-subject relationship is never defined by perfect reciprocity or transparency (p.277). This is often compounded because ethnographers are not 100% clear what they are looking for themselves until they see it (ibid: p.274). In this regard, ethical 'safeguards' like consent forms only partially represent objectives and aims of research and do not account for the development of grey areas between "informed" and "uninformed" research during the data collection phase (ibid: p.277). The research process is littered with imperfections such as this.

In terms of technique, Fine (1993: p.277-281) points to the weaknesses and unreliability of ethnographers making accurate or objective observations. To take myself as an example, I was observing the many police-public consultation forum meetings taking place across the city. Fine (1993) would argue my fieldnotes do not necessarily reflect "what 'really' happened" (p.277). Instead, I capture the "gist" of conversations and interactions; make assumptions and mental projections about what is happening within events; jot down honest misunderstandings; get fatigued and see my concentration slump or diminish; and allow my emotional feelings towards subjects to colour my interpretation of events (p.277-281). These faults and flaws are easy to recognise with a moment of research introspection.

Additionally, Fine (1993: p.282-289) also questions the integrity and transparency of researchers putting research data to use. Converting raw data into packaged evidence involves a number of unaccountable process' such as 'self-censorship', accidental or intentional misrepresentation, the screening of data for inclusion or exclusion based

on the researcher's need to deliver clear research conclusions, the contaminating effect of political or intellectual worldview on research decisions, and the final process of data presentation that can see skills of language present 'evidence' as more (or less) convincing than it is. Readers are mostly unaware of this hidden screening process' that translates data into evidence, and this is ultimately a problem that can only be marginally improved by transparency or accountability measures. The options for keeping researchers 'honest' are limited and there is always an unseen, and ultimately unaccountable, data analysis process.

But, as Fine (1993: p.289) also observes, "all trades develop a body of conceits that they wish to hide from those outside the boundaries of their domain; so it is with ethnographers". The research process involves unaccountable imperfections and flaws at every stage, but the crucial point for consideration here is, what are the implications for social science? Do such flaws jeopardise the integrity of the entire enterprise? Is our problem with "truth", which is grounded in our methodological vulnerabilities, a knockout blow to any claim of privileged or valuable knowledge?

The question of how much authority does social scientific research maintain after being thoroughly critiqued by epistemological and methodological critics, has been detailed and thoroughly covered elsewhere (see for example Loader and Sparks, 2011: Chapter 2). What I want to achieve now it to recover the value of research and research methods, to reassert the strengths of methods, and present a view on research "truth" that is both cognizant of its weaknesses, and confident in its virtues. Similar arguments are presented by a range of theorists who find value in research despite conceding many of they key criticisms of claims to "truth". Rorty (1999) for instance, argues we must give up quests for absolute truths, but not allow "anxiety about one's scientificity" (p.96) to stop us from presenting pragmatic 'truths', that may or may not precisely correspond with reality (such a goal is inherently futile). Latour (2004) argues that while "good American kids are learning the hard way that facts are made up, [and] that there is no such thing as natural, unmediated, unbiased access to truth" (p.227), nevertheless we should persist with a 'stubborn' empiricism but mindful of our limitations. Latour (2004) and Rorty (1999) find support from other authors who argue postmodern critiques have not necessarily delivered the knockout blow to social science's value: Lather (1986) argues advocacy does not necessarily demerit research

and that "self-reflexivity" is a viable tactic for remedying research bias (p.270); Antonio (1991) argues postmodernisms critique of truth relies heavily on the traditions of modernism itself, as if ironically reaffirming the value of critical modernist techniques and thinking; Alexander (1991) makes a related point that "a claim to reason is not to make an exclusive claim to reasonableness" (p.147). The above authors share a common vision of social scientific technique: its flaws are apparent, but its value resilient.

The conclusion this research is taking away from philosophical tussles about the 'truth' and methodological reliability, is that social science must be forthright about acknowledging the questionable status of its knowledge, but not entirely dismiss the strengths of its methods. Techniques and choices can be justified, and methods and findings put forward for interrogation and scrutiny. As Gerring argues,

> There are few "pure" methods. And this is probably a good thing. Chastity is not necessarily an attribute to be cherished in research design.

> (Gerring, 2004: p.346)

Interviewing and ethnographic observation comes with its 'impurities', but also has its strengths. The goal of this research is to observe and explore the impact of police-public consultation forums on the concepts of police reform, democratic policing, and legitimacy. This is a goal best achieved I argue, with qualitative methods that can emphasize and appreciate the "depth, nuance, complexity and roundedness in data" (Mason, 2002: p.65). The variables of interest to this research are ideas of quintessentially social meaning and involving interpretative analysis; it is only appropriate that research methods reflect this conceptual reality.

Interviewing and Ethnographic Observation

Reform, democratic policing, and legitimacy are ideas with a primarily social meaning and so it is critical to have methods suitable for appreciating this. The ontological position of this research on these ideas means that 'knowledge' and 'evidence' of these concepts are "contextual, situational, and interactional" (Mason, 1996: p.39). In other words, a lot of the meaning of these terms is generated 'in situ' as the actors create local interpretations, emphasising what is important and relevant

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to them about their own environment and its relation to conceptual ideas of reform, democratic policing, and legitimacy (Bryman, 1989: p.25). In this way, interviewing and ethnographic observation present suitable methods for understanding this complex reality. Furthermore, this research is pursuing an exploration of social processes that are under change, under-defined, and needs to account for meaning unanticipated by the researcher. Interviewing and ethnographic observation are two tools suitably flexible for such a task.

Interviewing, as Burgess (1984) argues, is best understood as "conversations with a purpose" (cited in Mason, 1996: p.38). Key to furnishing the conceptual focus of this research is the principle that there is no 'one size fits all', but that interviewing allows for the best flexibility for pursuing "contextual knowledge" and specific "reasonings" and perspectives of actors (Mason, 2002: p.64). The 'purpose' of my research interviews was to develop local actors perspectives on reform, legitimacy, and democratic policing, as well as their 'reasoning' for why they thought what they thought. Interviews offer the best means of pursuing complex explanations of ideas that wouldn't be articulated in say, standardized surveys (Mason, 1996: p.40), and allowing free spontaneity for exploration of unanticipated avenues.

Ethnography offers a similar flexibility and sensitivity to the contextual, situational, and interactional, nature of the concepts in question. Ethnographies work at the level of 'allegories', according to Clifford (1994), meaning they are not realistic accounts of events, but portraits of particular scenes which are infused with the vision of the author; rich in tell-tale signs of additional "ideological" and even "cosmological" statements the author is attempting to make (p.205-206). Recognising the 'allegorical' nature of ethnographies is not to deny the extent to which it is convincing or valuable, but to underline its fallibility. Likewise, ethnographies run the risk of producing what Bourdieu (2000) refers to as a type of 'scholastic fallacy': projecting the authors "theoretical thinking into the heads of acting agents" (p.51), and underappreciating the comedy of errors that can occur when researchers attempt to make 'theoretical' the words and actions of actors.

Nonetheless, ethnography retains its value in providing unique insights into social worlds and delivering particular forms of data on social scenes and their particular

ecology. Ethnography can reach into important spaces of social life where social concepts 'happen', and are not just talked about. Interview subjects may represent the world they live in, but ethnography gets a chance to see subjects in the world they live in be it by observing police on patrol (Punch, 1993) or prisoners in their captive community (Sparks, et al., 1996). In these spaces social concepts are animated, policies put in to practice, and participants illustrate their typical behaviour ('illustrate' being the operative word here, as of course, researcher presence may adjust actor behaviour). Ethnography offers a chance to see police reform, democratic policing, and police legitimacy in action. It permits an observation of the machine of police-public consultation forums in motion, and also sees where the machine breaks down. Ethnography can corroborate the meaning provided by actors from their interviews with actual observation of whether that meaning is consistent with observed practice.

The use of interviewing and ethnography for exploring reform, democratic policing, and police legitimacy pays off as will be shown in the upcoming data chapters. Approaching these concepts with these methods allowed for an iterative process where advanced complexities and the conceptual limitations of these ideas could be observed and responded to. Over the course of my investigation, my theoretical conceptions of reform, democratic policing, and legitimacy were reshaped by my field data, largely because the particular methods of interviewing and ethnographic observation allow for a conceptual nuance and flexibility often unavailable to other methodologies.

Ethics

Finally, this research also took on board several steps to ensure the ethical integrity of investigation. In the first instance the proposed research design was scrutinised and submitted to the University of Edinburgh Law School's Ethics Committee review process. This involved me detailing and outlining the exact design and intentions of research methods. As a result of this process I received Level 2 Research Ethics Approval and was obligated to submit to and honour the College of Humanities and Social Sciences Research Ethics Framework.

With ongoing research I notified participants in advance of the nature of my research using a Participant Information Sheet (see Appendix D) and had participants sign a research consent form before proceeding with a recorded interview (see Appendix E). Participants were given clear awareness that they could withdraw from research at any moment of their choosing. For observation sessions at the public forums I prepared a Participant Information Sheet for any individuals attending and at the beginning of each session, my presence was made clear to all in the room by the group chair. An opportunity was then provided for any objections to my presence being heard. In the final reporting of data, all individuals names were kept anonymous, and place names across Edinburgh given pseudonyms to prevent identifying information as shown in Table 1 above.

Chapter 7: Police Reform and Edinburgh's Consultation Forums

This chapter will be the first in a series of three that turns to the results and empirical illustration of my conceptual arguments of Chapters 2, 3 and 4. As a companion to Chapter 2 it will principally address the question of whether police-public consultation forums contribute to police reform in Edinburgh. It will be argued that the consultation forums contribute to positive reform of the functioning of policing in Edinburgh. Most notably, the greatest successes have been seen in areas of Edinburgh where policing has been historically contentious. Police-public relations have been substantially improving and this has lead to subsequent crime control dividends. Such improvements ought to be considered reform I argue as they reflect the intended and strategic goals of the consultation forums and qualify as more than mere change.

While this reform is to be encouraged, it is also noted that reform faces a host of barriers and obstacles to further progress; public participation can be meagre, police culture can still pose a source of resistance, and so on. Additionally, there are aspects of resistance to reform that come from the permanent features of professional policing. Using the social theory of Weber and Simmel I argue there are key conceptual limits to the ambitions of reform that are functions of the permanent features of the 'form' of public constabularies. This relates most to the indispensable bureaucratic nature of the police as well as their key, quintessential, non-negotiable privileges – data protection and 'secrecy' being an important example. In short, there are conceptual limits to reforming the basic framework of public constabularies that are illustrated here empirically. Ultimately, the margins for reforming, or 'civilizing' policing, can only take place within constricted boundaries.

The reform of Edinburgh's police is considered in its various patchwork components as was established in Chapter 2. This begins with policing philosophy and whether 'top-down' messages appear to be resonating, moving on to discuss changing police strategies and tactics. The organization and its management is also considered with an argument for how there are a number of permanent aspects to professional policing that limit reform. The role of Edinburgh's police culture is also discussed and the outcomes for policing in Edinburgh are evaluated. The example of Edinburgh

provides encouraging indicators that reform is occurring, most often for the better, yet with the occasional unwanted habit or stubborn resistance.

Policing Philosophy

In an effort to shift thinking, management, as well as government, are creating top-down pressure to move priorities towards 'prevention' and 'community policing'. Police management at a high level and government are encouraging the adoption of police philosophy that is ostensibly different from the past and placing more emphasis on the family of ideas attached to 'community policing', including 'prevention', 'community engagement', and softer forms of policing. Do the police in middle management and lower-down feel a shift in values? And more importantly, do the public feel like there is a shift in philosophy? Police middle management was keen to stress a particular pressure to adopt 'community policing' philosophies, and there is corroboration from the public that, from their perspective, such philosophical shifts are credible and welcome.

On a rhetorical level, police middle management and lower ranks were insisting that the present moment in time was a significant period of change. Philosophically there is a recognition that hard-headed policing of the past was counter-productive and that aggression has served to damage the standing of the police within communities:

> A lot of the ways we were traditionally doing things
> weren't working, and now, we are thinking, 'right, how
> do we deal with this?'
>
> SNT Sergeant (Carnhill)

Frontline officers wanted to stress that the organisation is currently a lot more sensitive and diplomatic:

> Very often now the police are a politer organization –
> much more PC, and much more trying to engage with kids
>
> SNT Officer (Steelstown)

Across participants there was a narrative provided that there have been failures of policing in the past, mainly because of the problem of using too much aggression.

This has argued to been re-evaluated with greater emphasis on softer forms of policing. Often, this philosophical self-evaluation of the police was accompanied by a slightly more circumspect, sociological reflection on community problems:

> There is a realisation that the traditional policing needs to evolve in terms of using uniformed officers in the same way that shuffles the problem around...the major change is round-about trying to find a social solution. It's the community by and large. A lot of the deep-seated problems that constantly arise can only be solved by generation change...it can only work if the community and ourselves and the partners all have a common understanding of the issue and all work together

> Chief Inspector (Carnhill)

At managerial and frontline positions, officers were keen to present a vision that the police were changing, that the past had regressive attitudes, that tradition was ending, and the present was forward-thinking. On a superficial level, this shows some philosophical harmony between 'top-down' elite messages and some of the key actors in local policing. In other words, frontline policing was at least superficially, reproducing the philosophy 'talk' of wider reform agendas.

Broadly speaking, the police also reflected positively on the ideas and thinking behind the priority-setting groups. Rather than necessarily being considered a threat or burden to their job, most (but, not all) embraced the idea and gave the impression that it was philosophically, a good idea:

> Its got some accountability for the public, and some control by the police, so I think it's the best of both worlds

> SNT Officer (Richmond)

The ultimate value that police testimonies have for evaluating whether positive change is actually happening is quite weak, considering the limitations of self-reporting and the interest in presenting a positive picture. Moreover, when deciding whether these rhetorical changes qualify as reform, as set out earlier in Chapter 2, I argued that the changes needed to meet some intended and deliberate strategic goals. In that chapter I established the use of objectives as set out in the 'Scottish

Community Policing Engagement Principles' (2009) as a measure to refer to. In this regard when comparing police testimonies with the viewpoints of the public participants, they do receive some corroboration for positive improvement and appear to meet the intended goal of "(improving) public satisfaction with service delivery" (ibid: p.3). Participants were questioned on whether they felt that philosophical and rhetorical changes were translating into police reform and whether, in their lay-judgements, feel that reform from the police is presently forthcoming. On the whole, citizen participants believe the SNT model to be a significant improvement on policing in their area:

> The SNTs seem to be bedded in quite well in the last year and a half, and they do seem to be a improvement over the existing system
>
> Public Participant (Kennington)

Most reported that they feel that the SNT represents the most substantial and sincere commitment by the police to the philosophy of engagement. Even by the standards of many seasoned community activists who have worked with the police in the past and have experienced faddish police ideas come and go, it was felt that unlike previous efforts, the SNT demonstrates a commitment by the police to consider and reflect on the service they supply. The willingness of the police to experiment with process is seen as laudable and the police appeared to have established a harmony of intent between them and the public participants – in philosophy at least.

In principle, the citizen participants admire and are impressed by the police's gestures to commit to co-production of community safety priorities, and an approach based on 'softer', more personable solutions to local problems. Areas that had traditionally the most contentious relationship with the police in Edinburgh now report an overall improved scenario, and credit some of it to this new "philosophical attitude" in the police:

> Well, I think it is - how to say - the police have taking a more philosophical attitude to it. So they've said, okay, not everybody in any given area is mad, bad, or any other, so we must police accordingly. And I think that is what has happened. What is now is, community bobbies-on-the-beat, and the community safety team are engaged in talking more

than fighting - its not a world war type of thing, and in that respect, that's a good thing

Public Participant (Rinmore)

None of the claims could be independently verified, and it could be asked whether the police presenting the 'right message' is in anyway credible, and whether positive appraisal coming from participants is an artifact of their participation. But, the available indications are that, on a 'philosophical level' elite pressure to reform the police towards new ideas is being embraced and reproduced within the SNT cohort of officers, and furthermore, receiving corroboration from public observers that it has sincere and welcome ramifications. While the philosophical discourse shows signs of reforming, it needs to be asked what are the more tangible aspects of change in tactics and strategy that are attached with the police-public consultation forums, and do they reflect positive reform?

Police Strategy and Tactics

Broader 'philosophical' changes are manifesting themselves in policy ideas for new strategies and tactics. In Edinburgh this can be split into three strategic and tactical changes, (a) the expansion of 'community policing' units, (b) development of 'community engagement' approaches, and (c) development of 'partnership-working'. Each of these changes will be evaluated for their contribution to reform, which can be summarised as follows: (a) the commitment to 'community policing' units in Lothian and Borders Police is at unprecedented levels which sees more officers, doing more community-policework – work which is distinct from traditional shift-work or response. (b) 'community engagement' and collaboration with the public is institutionalised through the priority-setting groups, as well as encouraged as a goal for individual SNT officers. While 'community engagement' is fraught with conceptual and practical problems, most of which are commonly highlighted in the literature, it is received well with the public as substantial and welcome. (c) 'Partnership-working', or police collaboration with other agencies, is at a level of interaction and joint-working that has never been so pronounced, and the consultation forums play a key role in consolidating this development. The normative consequences of this level of partnership-integration are not considered here.

(a) The expansion of 'community policing' units:

In sheer numbers, the SNT model is the most substantial commitment yet in Scotland for providing a community-facing service. Many local community units have seen their numbers trebled since the launch of the SNT, from the regions of four to six officers up to fifteen and eighteen. In terms of the numbers of officers to have formal community policing responsibilities, the SNT is unprecedented. The increase in sheer numbers has to be considered of significance as many officers noted a substantial difference between working on the response unit compared with working on the community team: working on response is just the 'fire brigade' style of policing, while working on a community team involves a more reflective and creative work style:

> You got the shift basically fire-fighting. What I think is good about the SNT is you can take a step back and look at what problems we have in the area and try to deal with those problems in a sort of methodical way to try and solve a problem, so the shift don't have to deal with hundreds and hundreds of calls to an area

> SNT Sergeant (Carnhill)

While the response job involves 'on-demand', incident-to-incident reaction and is focused on 'clearing calls', the SNT is said to be more strategic, contemplative, and focused on 'solving problems'. The difference between the job as a regular, response officer and a community officer is repeatedly said to be substantially different. It is different in terms of being less responsible to incoming calls, different in terms of generating your own workload rather than simply reacting from incident-to-incident, and different in terms of the skills that are needed which are creative, lateral thinking and experimental solutions. This is in comparison to response which involves finding short-term, provisional measures. As a sergeant new to the SNT confirmed,

> A big change for me, cause, beforehand, everything was to do with the radio: as response you are constantly monitoring the radio, you're constantly monitoring what everyone is out doing. Whereas now, I have more face-to-face with the public, I go to a lot of meetings…Whereas before hand it was I deal with this and then the next team takes over, now I got a constant running workload in terms of projects, dealing with local issues, people getting in contact with me directly

SNT Sergeant (Kennington)

The expansion of the community policing units in Edinburgh changes local policing in that it commits more officers to more time, dedicated to a distinct role, with distinct duties. The role is also said to be distinct in that it involves 'mission creep' and a commitment to a focus on 'lower-level problems'. The police have decided to take more responsibility for 'quality of life issues' meaning SNT officers are obligated to show a duty of care for a wide range of complaints and issues in an area. Community officers thus can feel like a "jack of all trades" as they get involved in local issues, that admittedly, are "not often problems of the century", like, for example, two neighbours quarreling over a fence (SNT Officer, Steelstown). The key change is that the police would have previously argued that these things are not police remit, but the shift in managerial strategy and policy now obliges officers to show a duty of care and responsibility to such matters.

Although research done in Edinburgh suggests there is still some issue with community officers dedicating substantial amount of time to performing traditional, response duties (Rowan, 2011), the SNT still reflects a substantial shift to community style policy. The decision taken at a high-level in police management to redeploy substantial numbers of officers into the community roles is a notable strategic and tactical decision that has clear ramifications for how frontline policing is performed and imposes considerable changes that while not a reform in itself, plays a supporting role in providing reform in other respects.

(b) Development of 'community engagement' tactics

Police reform is also encouraged by the development of 'community engagement' tactics. To promote 'community engagement', Lothian and Borders Police have taken a number of steps including the development of an 'Eight Stage Engagement Model', which is a managerial tool used by management to communicate expectations and policy ideas (Lothian and Borders, 2010; Rowan, 2011). More substantially, Lothian and Borders Police have also institutionalized the police-public consultation forums across Edinburgh, demanding all territories to implement a priority-setting process. And finally, pressure is also put on frontline SNT officers to be performing 'community engagement' on an ongoing basis as part of their SNT duties.

The most substantial plank of this strategy is the development of the priority-setting groups. The idea behind priority-setting is to deliver engagement, accountability, effectiveness, and responsiveness, as per the goals of the 'Eight Stage Engagement Model' (Lothian and Borders Police, 2010; Rowan, 2011). Police-public consultation forums are a well-researched policy device and are typically fraught with a number of common problems that undermine reform ambitions. Recalling earlier, these are primarily: poor representation, poor understanding of expectations or roles, difficulties in reaching consensus or shared-understandings, police dominance, poor police commitment, and also, difficulties of maintaining enthusiasm over long periods of time (Elliot and Nicholls, 1996; Skogan et al., 2000, Jones and Newburn, 2001; Home Office, 2003; Skogan, 2006, Mistry, 2007, Myhill, 2007). While the case of Edinburgh replicated many of the problems found elsewhere, it is arguable that there is more encouragement than discouragement to be found in the capacity of consultation forums to promote welcome reform.

One of the major issues – if not *the* issue – that holds up reform is the level of public attendance at consultation forums. Across the city, turnout is low. Often catastrophically low. Police officers and management have spoken about dismal efforts when only one or two people have shown up to represent the public. Poor attendance of this level needs to be considered in light of the size of the population being represented at priority-setting meetings, which is approximately between 20,000 – 60,000 thousand per territory.[10] There are many reasons for this low attendance. Firstly, there have been some implementation difficulties. Following the launch of the SNT citywide, police management reported difficulty in setting up meetings. If factors of police reluctance are ignored for the moment and focus is placed on the logistical aspects, the challenge facing local sergeants was to organize citizens around a table for discussion. Consider for a moment that officers faced the following implementation issues and challenges: some areas already had community groups; were these groups to be hijacked or new groups to be set up? How was the new priority-setting group going to fit with previous civic governance infrastructure?

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[10] Specific data on the catchment population per meeting was not obtained, but is estimated to fall in the range of 20,000 – 60,000 per area by sub-dividing the total population of Edinburgh (roughly 500,000) by the city's 10 consultation groups

How were the SNT expected to persuade local people to come for a meeting when there was no significant marketing budget available? Who had primary responsibility for organising meetings: the council or the police? In the areas where police-public relations were historically low, who could the police rely on to participate in priority-setting? Who in the police were going to conduct the meetings – SNT officers, sergeants, or higher management? In short, most SNTs found it difficult to quickly translate the policy vision and get healthy numbers of citizens around a table to discuss policing matters. No two areas were alike in their progress, with some areas adapting quicker to the policy than others. However, for most areas there were considerable difficulties in swiftly implementing and launching the priority-setting process.

Even after allowing for a 'bedding-in' period of 12 to 24 months to allow for implementation problems to be worked-out, for most areas, attendance still remains low. Meetings that would be considered the strongest attended have around eight to twelve citizen participants, and meetings that struggle have around three to six citizen participants. This compares poorly with attendances in other areas of Scotland, which as research by Fyfe and Hunter (2012) shows, attendances often range between sixteen and forty-two for community-engagement meetings across Fife. The most 'successful' meetings in Edinburgh have total attendances of around twenty when you include the police, the council and other partner representatives. The least successful have around six or eight (and occasionally, less).

The low level of public attendance and representativeness is seen as one of the greatest barriers to reform by both the police and the public:

> There is no point if 2 or 3 people attend. Then you will only ever
> deal with their issues and I don't really think that is high enough
> up the scale – 'thanks for coming, but i'm not really going to
> listen to what you are saying because that would be wrong'
>
> SNT Sergeant (Kennington)
>
> We can only speak for the people who come to the meetings, and
> its probably not a very good cross-section. Tends to be one or two
> business people, and the elderly, and the people who have been on
> the go for years. It tends to be young people who don't come.

Public Participant (Kennington)

The use-value of the consultation forums in terms of the reform it will engender in local policing is significantly diminished if attendance remains low and representation poor. Furthermore, the core democratic credentials are significantly called into question, as is the legitimacy of the public consultation process. The implications of low attendances for the groups democratic value will be returned to and explored in greater depth in Chapter 8, but for now, it is enough to say that the potential foreseen benefits for reforming the police by involving the community seriously suffers if the level of community involvement doesn't rise above meagre levels.

The vision for reform holds a hopeful ideal that communities, the police, and other partner agencies can collaborate harmoniously to co-produce policing priorities and then execute those priorities in prodigious tandem. In reality, disagreements, confusion, and tension exist at every level of the process, from disagreeing on what is a problem, disagreeing on what are the solutions, disagreeing on the results of interventions, and lack of clarity on what are the contributions respective members should make. Disagreements and friction limit the pace, direction, and potential, of any change or reform.

Take for example the task of defining a 'problem', and particularly, what is a police problem. In theory the public are to set the priorities for the police, but in practice it can be the case that the police and the public do not see eye-to-eye on exactly what is a problem. It can also be the case that an individual demands the police to be attentive to an issue that they see as distressing or concerning, but that the police are considerably reluctant and sceptical that it is actually a concern. This is particularly a problem at the low end of the scale, when discussing issues in the category of 'quality-of-life' issues: graffiti, dog-fouling, inconsiderate cycling, and 'anti-social behaviour' from youths:

> What is one person's problem may not be another person's problem, and in the grand scheme of things, may not be a problem at all

> SNT Sergeant (Carnhill)

At a higher level, tensions also exist amongst police and council management, with police management in particular concerned about how the definition of 'what is SNT responsibility' is not particularly clear or precise (Unrecorded conversation with Inspector, Steelstown). Tension, confusion, and disagreement are found across the board and can even include conflict between public participants. It was common to find frustration and mild animosity amongst contributing members. In sum, the point is, that these series of disagreements and tensions reflect the friction and resistance that can burden collaboration between parties and undermine reform ambitions. However, as will be discussed in Chapter 8, lack of consensus can be of healthy democratic value and could be considered a positive reflection on the forums.

Despite the flaws of consultation forums that reform ambitions have to navigate – most of which are amply accounted for in previous research literature – within Edinburgh, the consultation forums are seen as a positive driver of policing reform and meet several of the intended goals. From the point of view of the participating public, the process of consultation is highly valued. The new process is seen as appropriately sensitive to the public's concerns, exhibiting the necessary sincerity from the police, and also said to be delivering on-the-ground development:

> Well I do think it has been quite successful because the police do tend to take on board the wishes of the people at the meeting, and they do set these priorities on a monthly or 3-monthly basis, and having set the priorities, the police genuinely do seem to tackle these priorities with a degree of enthusiasm, and certainly on the very short-term, they do seem to have results
>
> Public Participant (Kennington)

Even amongst the veterans of police-public consultation who have had previous exposure to police outreach efforts such as 'Crime Prevention Panels' or with Community Council meetings, the priority-setting format is viewed in a particularly positive light. This contrasts with the past experiences of individuals with police-public consultation, which were roundly criticised as lacking substance. In the analysis of veteran attendees of police-public consultation meetings, the new SNT priority-setting format was considerably more substantive than previous efforts.

On the whole individuals feel that if they have an issue they want raised, the priority-setting forums are a suitable venue for this. The present platform of community consultation is said to far outstrip any previous incarnations of engagement, and in terms of building sustained dialogue between the police and the public and providing a platform for discussion of local policing concerns, the priority-setting process is said to be truly novel and welcomed. In particular, some of the achievements of the meetings that have been commonly praised for include the process of two-way feedback – The public enjoy the opportunity to hear the police's take on community issues, while also having a 'voice' to present their perspective. In this regard, the consultation forums rise above a mere change and meet my qualification of reform by bringing about "improve(d) public satisfaction with service delivery" (Scottish Community Policing Engagement Principles, 2009: p.3).

(c) Development of Partnership-working

'Community engagement' is also accompanied with unprecedented levels of collaboration with partners. Chief amongst the partners is the local council who in several locations now host SNT officers on-site within their community safety department. "Partnership-working" is now central to governance wisdom and strategies, and in Scotland since devolution the agenda for stronger partnership-working has been stepped up as seen in the Local Government in Scotland Act (2003), as well as in government publications such as Local Connections (HMICS, 2004), Independent Review of Policing for Scotland (2009), and various other governmental and ACPOS statements. The pressure towards partnership has been felt by Lothian and Borders Police and City of Edinburgh Council and joint-working is now amongst the norm for the police's community officers and the council's community safety department.

The literature on partnership-working, however, as outlined earlier, tends to put a precaution on governmental enthusiasm for 'partnership', and instead stresses difficulties, obstacles, and unintended consequences that partnership produces. The literature is more circumspect than government about the virtues of partnership-working, but not necessarily unsupportive of multi-agency approaches. The normative implications of closer collaboration between agencies will not be explored in this

thesis, rather, the point to be made here is that partnership-working has never been so entrenched in Edinburgh and the consultation forums play a key role in consolidating joint-working, signaling changing policing[11].

As already mentioned, close partnership working is now the new normal for both community police officers and council community safety officers. The following quotes demonstrate how the SNT has created a particular dedication to shared-responsibility and involves connecting with many other willing agencies:

> Its massive (the partnership connections). I've been here a year and had my eyes opened. In terms of all the different groups and people you can call on it, its massive. For example - the fireworks. When I came here last year, the first job was the fireworks; talking to the fire service, health service, schools, linking in with them, talks, linking with social work - "who are the wee baddies last year, where are they?" So again, you're linking with all your partners and hopefully exchanging information.
>
> SNT Sergeant (Steelstown)

This was corroborated from a council perspective:

> Well what the SNT is, is information can come from both sides. We can be made aware of an instance being made and if it merits us going on a joint-visit with the police, we'll go with the police. We often issue a warning and maybe that person can be aggressive and the police can go along with them, or get them into the office and interview them in the office, the officer may sit in the interview as well. As for the role of the officers (the council's Community Safety Officers) have, its actually connecting quite a lot of services together; you know, case management meetings, maybe social work, mental health issues if there are - depending on if there is - youths, it could be a parent, or the police as well. So quite a lot of people, and the support agencies as well, depending on whether an individual has support agencies we will be contacting the people they are supported by
>
> Council Senior Community Safety Officer (Carnhill)

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[11] It is worth considering that this research was conducted in the lead-up to the amalgamation of Scotland's forces into one central Police Scotland. Under the new structure the emphasis on partnership could be subject to change.

Co-location of some community police officers with the council's community safety unit has emerged in the last few years in the areas where suitable facilities were available. For some SNT officers their worklife was split between working from their attached police station and working from the local council offices. Said officers experienced a degree of autonomy from the typical police command structure and would manage their own workload in conjunction with council priorities. In these scenarios it was common for the officer to be involved in the daily briefing at the council's community safety unit where the events of the previous 24 hours were discussed. At these meetings community safety agendas and action plans for particular problem areas or problem individuals would be co-produced and jointly negotiated between council and police. The important point of note here is that this level of interaction and joint-working between the police and council has never been so pronounced. Partnership-working today is a significant break from past multi-agency working and in this regard the top down imperatives are imposing considerable change on the frontline experience.

Besides the council, other partners the police are developing interaction with include; housing associations, registered social landlords, social work, the fire department, the NHS, youth groups, community associations and a few other organised third sector and voluntary groups. Through dialogue, these groups inevitably know more about each other's activities, needs, and interests. The meetings have been described as a good way to 'humanise' and personalise the relationships that exist between these formerly disparate groups. Face-to-face relationships have intuitively developed and made it swifter and easier for tasks to be shared, delegated and co-produced. Meetings are also commended for acting as a circuit-breaker for conflicts that could have previously slowed partnership-working down to a standstill. Meetings provide an opportunity for all sorts of formal and informal conversations between local actors who are hoping to respond to developing issues and troubleshoot any communication issues.

On an empirical level partnership-working between the police and other agencies has never been as pronounced and integrated. In this regard change has taken place. On an evaluative-normative level on whether this change is positive or not, is not addressed here. For now it is enough to make the case that notable change is occurring and the

relevance of partnership-working has not been "exaggerated" as Hughes (2007: p.80) suggests it might be elsewhere. Edinburgh is witness to collaboration between the police and partner organisations now more than ever before. To the question of whether this change can be considered 'reform': the following section shows how the above mentioned changes still face certain restrictions because of the enduring 'form' of policing, but that ultimately, this stubborn 'form' can be navigated and negotiated.

The Organization and its Management

Police-public consultation forums will only contribute to reform if it is suitably compatible with how the police is managed and structured. The systematic method of policing needs to be capable of cooperating with reform ideas for them to be successful, and often the systematic method can resist or pushback on change or innovation. Furthermore, there are aspects of the organization that are permanent and act as non-negotiable constraints on reform. It will be explored here how the bureaucratic nature of the police restrains and undermines reform efforts, and how aspects of the 'form' of policing means there are certain permanent privileges of the police that won't cooperate with reform ideas, particularly Data Protection protocols. However, the police is not necessarily arm-locked in its form or bureaucratic method and can still show signs of flexibility and cooperation with innovation.

To begin, a brief comment will be provided on performance management frameworks and their notable ability to undermine reform agendas (Hughes, 2007; Hughes and Rowe, 2007). Reform has to comply and negotiate with existing management structures, and so there is a question as to how well community police policy fits with existing performance management frameworks. In the English experience it was often noted that performance management obligations could interrupt reform and community policing efforts (Myhill, 2007; Hughes and Rowe, 2007; Hughes, 2007). The idea was that community policing agendas compete with crime-orientated activities, which can often see community priorities marginalised in favour of the "paper achievements" of the police's statistic-regimes (Hughes, 2007). In the experience of Scotland however, performance management has not had the same level of pressure on target-setting (Donnelly and Scott, 2010, see also Fyfe, 2010).

This research confirmed the view that in Scotland officers reported that performance obligations did not significantly interfere with their community tasks. Officers felt that in general they had ample time to fulfill their community-focused duties and were sufficiently autonomous of the daily demands of performance management regimes. In other words, performance management regimes were not as important a factor in Scotland as has been the case in England and Wales.

Considered in Weberian terms, performance management frameworks are forms of bureaucracy and this example gives an illustration of an aspect of Weber's discussion on the ramifications of the bureaucratic method. Weber's work is often construed as fatalistic in the depiction of an 'iron cage' of rationality that locks in individuals to occasionally dysfunctional logic, and inflexible systematic obligations. But Weber also argues there is scope for difference and variation regarding the implications and ramifications of the bureaucratic method; he argues that while the bureaucratic method is indispensable, this is not the same as to say that it is necessarily powerful (Weber, 1970: p.232). In our present illustrative example, this dimension of power can help explain why in Scotland, performance management regimes are not as relevant or influential as in England and Wales – despite being systematically, a similar method. This particular aspect of the bureaucratic method holds less command and obligation in Scotland than it does in England and Wales, reflecting the degree of flexibility in Weber's understanding on the ramifications of bureaucracy for organizational practice. 'The iron cage' has varying strengths; in Scotland, the 'iron cage' of performance management frameworks is less severe than in England and Wales.

There are a number of other foibles of the bureaucratic method that present themselves to disrupt the goals of reform in Edinburgh. For instance, one of the common complaints of the public was the constant change in representatives from the police. Representatives of the police, at both managerial and frontline levels, are only ever temporarily posted in a position before being 'moved-on' by police management. The movement of officers around the force is quite common as a result of bureaucratic decisions on resource-allocation, managerial-strategising, promotion, and many other habits of the police that see individuals shuffled around posts, territories, and functions. The participants spoken to quickly recognised that the commitment of

any one police officer to their consultation group was only ever temporary before officers were moved around and new faces would arrive at the consultation group as police representatives. For the priority-setting groups this has the consequence of relationships being constantly broken and then re-made. As argued by a few, the process relied on trust, familiarity and sustained commitment, but police rotation interfered with this process and often 'moved-on' popular and familiar police figures leaving the participants occasionally frustrated:

> I think the drawback is that there is not a continuity. The maximum an officer can stay is 2 years and then they move and you have to build again with the new and that takes time. But other than that, I feel we have a good relationship

> Public Participant (Carnhill)

The following quote, however, comes from a seasoned collaborator with the police and suggests the SNT is an improvement on the past for sustaining regular contacts with the police, but still has the nuisance of changing police representation:

> In my area they had a Neighbourhood Watch Co-ordinator for each street and they met regularly. We would ask the Community Beat Officer to attend, and when they found it difficult - when that broke down - and the Community Beat Officer would change, you know, and the new one we didn't know who it was, and so on. So these watch coordinators eventually all dropped out and we ended up with this email report from the police. And I was making this point from the Community Council that it was a shame that Neighbourhood Watch had been an important way for information to go both ways and it seemed to be breaking down. Anyway, this SNT method, seems to have advantages and they are doing their best to make it work, and its only been a year and a half, but its bedding in quite well.

> Public Participant (Kennington)

It should not be overstated how much officer-rotation interrupted the relationship-building process, however. Participants were only modestly irritated by this regular change of personnel. It must also be mentioned that in more than one circumstance participants positively welcomed the change in personnel as the incoming officer turned out to be more popular and that occasionally, the outgoing officer was not highly regarded. In this regard, police rotation could accidentally make a positive

contribution to reform. In sum, the issue of police rotation was mentioned by all participants as somewhat of a nuisance, but at the same time was not a major impediment to progress.

This example highlights just one of the ways in which the police's bureaucratic nature constrains reform efforts. The bureaucratic method of the police prevents the alliance between officers and public participants becoming too strong by unintentionally interrupting the relationship-building process and undermining efforts to promote closer cooperation between the police frontline and the public.

The bureaucratic division of labour in the police can also produce the quirk whereby the public receives alternating treatment from the community policing team and the regular response officers. It was noted that response teams could damage or undo some of the progress made by the community-based officers:

> The 999 service is effectively a different police – not a different police, but a different method…those officers coming in (the 999 officers) don't know the area, and don't know what is going on in the area, and don't know the individuals, and they basically come in with assaults, and sometimes I feel it is panic on their part, because they will arrest everybody and let the community officers deal with it later. Which just isn't good, its bad, and it sets the SNT back
>
> Public Participant (Rinmore)

Despite the best efforts of the SNT which are typically seen as laudable by the participants, the colleagues in response could still frustrate and damage police-public relations. The issue of non-community officers 'spoiling' the progress of community officers has been observed before (Skogan, 2006; Hughes and Rowe, 2007) and it can be accredited to the complex nature of the police where the left-hand might not know what the right hand is doing. This is essentially a problem around the bureaucratic division of labour; the police have a response team doing response duties, and have a community policing team doing community duties – and when the two teams carry a different set of values, and a different emphasis on the goals of community interaction, then inevitably, the public will seemingly interact with two alternating police forces – one interested in swiftly and aggressively, clearing calls and answering

crime reports (the Response Team), and one interested in longer-form interaction and non-confrontational problem-solving (the Community Team).

Similarly, the police officers themselves spoke of the alternating and competing obligations of being an official in a large multi-functional bureaucracy. Despite the policy commitment to provide more community-officers, it was not uncommon for SNT officers to be used to 'back-fill' for the response unit and respond to inbound calls (see also Rowan, 2011). Likewise, SNT officers occasionally felt strained by the lack of time and resources available to them to answer the demands of both police management and the demands of the public consultation forums. Bureaucracies such as the police put competing obligations on their officials that constrict and constrain the possibilities of reform. Individual officers, as well as units of community policing teams do not exist independently of the rest of the organisation and the opportunities for community-policework is contingent on whether other bureaucratic obligations emerge or not.

Furthermore, the protocols of Data Protection can work against reform efforts as it creates a permanent boundary between police-public cooperation and consultation. The laws, rules, and bureaucratic limitations of who is privileged enough to be privy to certain amounts of information regularly polices the relationship between the police and the public. The police have a duty and codified propriety around information and confidentiality that means the police often have to keep the public at-a-distance when discussing certain issues and often conceal information. While there may be honourable reasons for this, it marks the limit at which the police can involve the public in their affairs.

For example, as mentioned by one participant, there were instances of burglary in their local area, which they were eager to know more about, but which the police are prevented from speaking specifically about (Public participant, Kennington). Likewise, the police cannot divulge information about information about assaults or criminal cases that are ongoing. Consequently, discussions have to be kept generic and avoid specifics. This also emerged during observation of the group meetings where it was urged that the group "need to break down the barriers of data protection" (Public participant, Eaglehawk) to ensure the success of the group.

Data Protection regulates the relationship the police has with the public, and it also polices the relationship the police has with partner organisations. The responsibilities of various organisations to Data Protection Laws can mean partnership is maintained at a distance. For instance, one sergeant was prevented from accessing NHS information on assaults (SNT Sergeant, Carnhill). The idea was the sergeant would use NHS data to gather more information about violence in the area, which has problems with under-reporting. Despite NHS management initially warming to the idea, the sergeant reported that a change in NHS management scuppered the idea and that information still remains concealed from the police. The crucial point is that police-partnership relations are responsible to Data Protection propriety that limits the penetration and depth of partnership-working.

The intentional concealment of information between organisations, and between organisations and the wider world, is a gap that is permanent and incapable of being closed. There is an overlap in the work of Weber on bureaucracy, and Simmel on secrecy, that both outline the permanence of concealment and the impossibility of full reciprocity of information. For Weber (1970), "the concept of the 'official secret' is the specific invention of bureaucracy" (p.233), and secrecy is a natural tendency of bureaucracy, as knowledge, like any other resource in a bureaucracy, needs to be carefully managed and subject to the discipline of office duties and authority. The management of an organization demands control over knowledge if a core purpose is to be followed and if the organization's reputation is to be maintained (ibid: p.233). Simmel (1906) is interested in secrecy in a wider scope, arguing that it is relevant to all relationships and found within all forms of relationships; "Secrecy is a universal sociological form...a form of commerce without which, in view of our social environment, certain purposes can not be attained" (p.463-464). What both authors share is a view that secrecy or concealment is unlikely to be overcome in an organization like the police.

Data Protection protocol is a prime example of why secrecy exists, why secrecy is often a barrier to reform ambitions, and why secrecy will not be overcome in police-public relations. The police's responsibilities to Data Protection is a reminder that despite the intentions of the priority-setting process to 'co-produce' and consult on

local community safety concerns with the public, the police still retain executive, non-negotiable, rights over information. While the virtues of Data Protection Laws are to be debated elsewhere, this thesis is making the observation that this particular legal and bureaucratic obligation inhibits and polices the extent to which the police and the public (and the police and their partners), can integrate and share information. The structure, form, and bureaucratic method of the police means there is only so much engagement, cooperation and integration that can be achieved before partners and the public are pushed back and kept at a distance. This has a number of implications which will be returned to when discussing democracy in Chapter 8, but for reform it means that there is only so much flexibility and space for change before reform efforts are confronted with permanent and indispensible barriers.

Police Culture

Police reform also relies on the cooperation of the frontline and middle management which is often an impediment to change owing to police culture. This 'culture' and its values and attitudes can show remarkable consistency and persistence, often undermining reform ambitions. In the case of Edinburgh, police culture exhibited characteristics consistent with the analysis of Chan (1996) and Marks (2003) – it was changing, more often for the better, but could still demonstrate unwanted bad habits. Police culture could play a disrupting and blocking influence on the reform prospects of the consultation forums but officers were often cooperating than impeding.

Police culture was an impediment when officers showed varying levels of commitment and competence to the public at meetings. At both managerial and frontline levels it was felt that while some police showed the requisite level of sympathy, diplomacy, and interpersonal nous to manage the demands of the public, others were seen as 'patchy', had their own 'hobby-horses', or seen to be generally insincere or unsympathetic with the public's needs.

For instance, one participant outlined how a local inspector badly mishandled the consultation group by taking too aggressive an approach. The situation was thus: in an area with historically low cooperation with the police, where community members

were feeling intimidated and victimised by a local drug gang, the inspector failed to grasp the needs of the community:

> We've had some not-so-good senior police coming along to the meetings. There was one who came along, who tried to play the hard card – 'if you don't phone, we won't help'. And it got the stage where she was preaching to a whole load of people who would do that. So she was preaching to the wrong arena. So she actually alienated a lot of people who were like 'well if that's your attitude its no wonder'…it was a real shoot yourself in the foot occasion

> Public participant (Eaglehawk)

The mistake this inspector made was to lecture, rather than show sympathy and the required diplomacy towards the public. The inspector also failed by not grasping the shared frustration others had with the local 'no grass' culture, and instead choose to be defensive and deny responsibility. In this regard, attitudes in the police can work against cooperation with the public. In this instance the attitude of the Inspector was defensive, divisive, and an example of the traditional police mentality of "us" and "them" (Reiner, 2010: p.122).

Beyond this incident, participants also mentioned a few other minor examples where poor attitudes from particular representatives of the police signaled insincerity or lack of interest in engagement that frustrated the public. However, overall, the incidents of police figures mishandling the public were occasional, and on the whole participants spoke positively of the police and their representatives. The occasion does still arise that certain individuals representing the police are ill-prepared, unsuitably understanding, or inadequately interested in the public's concerns – reflecting traditional policing values which reform is attempting to move away from. However, the public largely feels the police are making good on the promise of fulfilling community policing's engagement promises.

Policing Outcomes

After the other dimensions of the police are adjusted and forced to change, are there apparent consequences for policing such that it justifies the argument that 'reform', and not just change, has taken place? Does it appear the police are achieving different

results and outcomes with communities? In contradiction to some of the arguments in the literature which suggest that forms of community policing may 'work best, where it is needed least' (Waddington, 1999: p.213; McConville and Shepherd, 1992; Hope, 1995), the indications in the case of Edinburgh is that in the most deprived and most contentious policing neighbourhoods, reform is forthcoming, welcome, and most notable. Moreover, the police themselves report successes in their indicators of interest, and the participants interviewed hold generally favourable views of the police. While there are limitations to the reliability of each of these claims, as far as the scope of this research can show, the police-public consultation forums provide encouraging results for positive policing outcomes that amount to 'reform', and not just change. Specifically, for several of the intended goals from the 'Scottish Community Policing Engagement Principles' (2009), the forums help deliver transformation that qualifies for my interpretation of reform.

The strongest indicators that reform was happening comes from two areas of notably contentious traditional policing: Eaglehawk and Rinmore. Both areas contain homes in the top 5% and 10% of the National Index of Multiple Deprivation (Scottish Government, 2012), and both areas have had entrenched problems of police-public relations in recent history. In these areas, the police have been accused of taking a traditionally aggressive approach with the population – "in those days, it was a matter of, 'well, let's go in and bust this area'" (Public participant, Rinmore), and both areas had a common 'no grass' culture as the population responded to aggression with low-levels of cooperation. This mutually antagonistic relationship, however, is said to be receding, particularly over the last four or five years and argued to be shifting towards a more cooperative and less combative scenario:

> There have been great steps made in the last 4/5 years when Neighbourhood Partnerships came in. This is when you really started seeing the difference on the ground, when in fact, you did see the police taking a more pro-active approach to speaking with communities. And I only speak for this community, but I've seen a positive change
>
> Public participant (Rinmore)

In Eaglehawk, previously 'unimaginable' levels of cooperation now exist between the police and the community, illustrated best by the following anecdote provided by a

Public Participant (and worker for a third-sector community organization in Eaglehawk): a group of women felt the local community were being victimised by a local drug syndicate who had carried out a number of assaults and commanded a level of fear and intimidation in the community. Owing to the traditionally poor relationship with the police, and the local "no-grass culture", this particular group of women were reluctant to speak with the police directly for fear of reprisals and stigma. A solution was able to be found, however, owing much to the new partnership and community policing strategies of the police.

In this scenario, a local community group was able to act as a mediator between the police and the women. After much coaxing, the community group managed to convince the women to meet with the police in informal, clandestine meetings hosted by the community group. Behind closed-doors, and in secretly organized encounters, the women were able to discuss with the police 'off the record' about the state of fear and victimisation in the community. As a direct result of these meetings the police were able to gather the required intelligence they needed to pursue house-raids and prosecutions relating to drug offences on the offending individuals.

The point of note to consider is that relationships established at the generic priority-setting meetings encouraged connections between the police and organized groups in the community, which then unexpectedly materialised in secondary connections with other individuals who would not have previously engaged with the police at all. The primary relationship between the police and the community group had only recently been opened-up as per the SNT model, owing to the face-to-face relationships harvested in this process. Thus, the community group was in a position to mediate and offer an alternative reporting method rather than openly "grassing" to the police for unexpected victim groups. In this situation, the work done by the police to cultivate relationships with organisations working in the community paid the unanticipated dividend that would lead to substantial drug intelligence.

Such developments were previously seen as 'unimaginable' and unforeseeable but were opened up by recent progress of 'community policing' strategies and tactics. For areas like Eaglehawk and Rinmore, this seemed to result in considerable improvements to community living; cooperation with the police was growing, and

areas were becoming less combative. Consider the following assessment of change by one long-term resident of Rinmore and now leading participant in the consultation forums:

> For 10 years an ambulance or fire engine wouldn't come in here unless it had a police escort, cause the kids were stoning the cars and so rowdy. And there was an incident when the School went up and the kids were actually slashing fireman's hoses…But the last 2 to 3 years there has been a right change to that culture – Taxis wouldn't go into the estates – all that's has changed and doesn't exist anymore. There is no 'no go' area – you can get a Chinese delivered now, you couldn't do that before. All sorts of different things are happening, that a decade ago you wouldn't get happening. And that is solely down to the police and the youth services picking up the approach and the marriage of the (consultation forum) and the local authorities and the groups we've brought in. So it's very much a good feeling to actually be involved in that, and a good thing to shout about it.
>
> Public participant (Rinmore)

It should be noted at this stage that it is hard to make a particular causal claim here as to the relevance of the police's role, and how it is more likely to be just one cog of wider social and policy change. Developments in police strategy run parallel along with wider regeneration efforts and the launch of "Neighbourhood Partnerships", which are all efforts to co-opt non-state actors into community development projects covering housing redevelopment, education schemes, employment schemes, as well considering improvements to the general aesthetics and environmental concerns of the area.

However, it has been notably striking to many who work and live in areas like Eaglehawk and Rinmore that there has been a lot of progress in relations between the police and the public in very recent years, and the SNT and partnership model has been cited as a possible key reasons for supporting this transformation. In sum:

> We now have a community that is much easier living with itself than it was before
>
> Public participant (Rinmore)

On the community side, participants appear to be generally encouraged by the outcomes of the reform process. But what about the police? Are they likewise satisfied, or seeing results in the indicators that matter to them? As mentioned above, the pressure in Scotland is less pronounced for delivering performance targets, allowing more circumspect consideration of the success of 'community policing' strategy. However, in statistical indicators like anti-social behaviour calls, which appear to matter a great deal, there appears to be a decline:

> We've reduced youth anti-social behavior by 50% calls in the last year. And that's real calls from the public who are concerned about groups of kids, who are doing things, or are perceived to be doing things, and they've been reduced by direct action and multi-agency approach
>
> Chief Inspector (Carnhill)

This was repeated in a number of other areas around the city, and 'community policing' strategy was given the credit:

> In the first year (of the SNT), we had a 33% drop. 512 less youth calls. In the second year there was a further 7% drop on top of that. So a 42% drop over two years – Why? Because there is more cops on the street, talking with kids, working with partners, diverting kids away into good things, getting to know these kids, getting parents on board and as a result of which, crime has dropped
>
> SNT Sergeant (Richmond)

The same sergeant attests to other secondary benefits of community policing that can see 'hard' crime and intelligence dividends:

> Recently, we've had a huge increase in the number of drug-hits in the area. Why? Because we've (the SNT) been doing a huge amount of work in the area: we've been going around, knocking on doors, calling in flats, and more than 6 blocks, we have leafleted flats – more than 600 – with the crimestoppers number on it and saying we are here to help you. 'You don't have to come, just phone this number'. Just real basic stuff with the (consultation) forum there helping us…the amount of crime and intelligence coming in because of the work we have been doing over the last year has been going through the roof: we went from 9 hits in the area, to 22 in a comparable 6 month period, and that's fantastic, and that's because the community are on board, and they can see

there is cops walking there all the time and they want local identifiable faces

SNT Sergeant (Richmond)

In terms of outcomes, members of the forums from both the police and the public claim to be witness to considerable and encouraging reform, most notable in the areas that have needed it most. These outcomes qualify as reform according to my conceptualization as they reflect the strategic and intentional remedying of grievances through deliberate intervention. The consultation forums appear to be an important tool through which Lothian and Borders Police were meeting the objectives set down by the 'Scottish Community Engagement Principles' (2009). As shown above, certain communities were seeing marked increases in safety; there appeared to be increased confidence in the police; increasing satisfaction with service delivery; and the police, furthermore, argued they had seen some key reductions in crime (ibid: p.3). The consultation forums, therefore, encouraged policing reform and are more than mere change or a policy novelty.

Conclusion

Police-public consultation forums contribute to policing reform in Edinburgh – over and above mere 'changes', police reform is occurring. As established in Chapter 2 I sought to analytically distinguish 'reform' from 'change' by understanding reform to mean deliberate and intentional strategic interventions that aim for and meet specific goals. Using objectives set down in the 'Scottish Community Policing Engagement Principles' (2009: p.3) which operated as the orientating goals of the SNT model and the police-public consultation forums, I argued that Lothian and Borders Police had met many of these targets. I also argued in Chapter 2 that police reform as understood in police studies has no overall coherence but has been applied to different aspects of the police. Reform, in this regard was more forthcoming in some aspects and not others. For instance, in terms of policing outcomes, reform was more evident than compared with the reform of police culture or policing philosophy, which had demonstrated progress, but not entirely convincingly. Crucially, in the reform of the organisation of the police and its management, reform was much less forthcoming. This was because, as I argued in Chapter 2 there are insurmountable permanent limitations to police reform as dictated by the way bureaucratic frameworks and the

unequal 'form' of policing – particularly illustrated by Data Protection protocols - restrict the ultimate possibilities of transformation.

This illustrates the wider contention of this thesis which is that efforts to civilize policing are bounded within margins of limitations. Police reform, which is a subsidiary goal of civilizing policing as set out in Chapter 1, has its distinct limits. Open and radical transformation is often not possible because of the form of policing which has permanent or inflexible features as shown by using the social theory of Simmel and Weber. Hence, civilizing potentials are also restricted by the limited potential to encourage reform and transformation in the police. However, as shown in this chapter, not all aspects of policing are constricted by the police 'form' and some cooperate willingly with political enthusiasm for reform. In this respect, there are margins to the possibility of civilizing policing, both permanent and flexible, but within these limitations there is the space for progressive development and reform as shown by the example of Edinburgh's police-public consultation forums.

However, as a point of note, the direct causal connection between Edinburgh's consultation forums and such progressive reform ought to be considered in light of the possible role of other possible developments and factors. Many of the positive outcomes were credited to the contribution of the consultation forums, but it is also worth considering the possibilities that their success was also a function of other parallel social policy developments, or possibly the result of local policing conditions that are not necessarily replicable elsewhere. In returning to a discussion established in Chapter 6, there are aspects to the success of reform in Edinburgh that could be considered case specific, but I would argue the insights about the limitations of reform are more appropriate for generalizing. Ultimately, consultation forums can support reform efforts, I argue, but this reform must be considered in reflection on the limits with which reform is possible for the police.

Chapter 8: Democratic Policing and Edinburgh's Police-Public Consultations Forums

In the second of three results chapters the hypotheses generated by the democratic policing literature in Chapter 3 will be tested against the case study of police-public consultation forums in Edinburgh. It will be shown that there are largely positive and encouraging indicators to take from the role police-public consultation. For instance, the example of Edinburgh suggests a confirmation of Loader and Walker's (2007) idea that an 'architecture of sympathy' can be developed (using Sennett's terminology). Furthermore, many of the 'costs' often associated with increased public involvement in policing or criminal justice matters – an increased punitiveness, an enthusiasm for exclusionary policy, an encouragement of greater burdens on suspect or marginal communities – do not necessarily materialise in the experience of Edinburgh's forums. These encouraging signs are to be considered in reflection of the more precautionary value of the forums by reflecting on Lukes' theory of power, as well as the less impressive aspects of the forums – low attendances, power imbalances between police and public, and often poor representation. The example of Edinburgh allows us to see the possible margins for improving the democratic policing credentials of a relatively successful and stable policing environment, demonstrating the available margins of further 'civilising' policing as well as its limits.

This chapter will be structured into two parts relative to the two distinct metrics of democratic policing. The first section will consider policing *for* democracy and whether the forums are able to respect wider democratic values while expanding local public influence over the police. It will be argued that the key hazards of democratisation do not necessarily materialise (though there is some evidence in this regard to consider), and there is an argument to made that it 'deepens democracy' by encouraging what Sennett (2003) would refer to as an 'architecture of sympathy'. The second section will consider democratically-responsive policing, and to what extent the forums influence the police and whether the influence of power undermines the democratic integrity of the consultation process. Again, there is evidence to consider that while power inequality subtracts from the ideal democratic working of the forums, there are still improvements for overall democratically-responsive policing. Furthermore, the work of Simmel and Lukes will be used to show there are profound

limits to introducing democracy into the police and that inequality of power is a key aspect to consider.

Policing 'for' democracy

To begin, the two chief hazards of expanding public influence over police matters will be addressed. These are (a) that there will be a 'tyranny of blinkered majorities, as those who are of higher social, economic and political capital, will seize control and leverage their dominance over the groups, establishing a blinkered, reductive, and highly intolerant tone to the meetings. And (b), there will be a democratic cost for suspect populations and groups as their rights are disregarded and they have to bear the brunt of extra policing attention. In what follows, it will be argued that such hazards of democracy are over-stated (although they can and do exist to a certain degree), but that there are also reasons to believe that the consultation forums actually support and reinforce policing *for* democracy and a deeper appreciation for wider democratic values.

(a) Tyranny of blinkered majorities?

Criminological literature can often be found outlining one of the risks of democracy which is that you have an up-scaling of punitiveness in tandem with the opportunities for democracy in the criminal justice system. Zimring and Johnson (2006: p.278) for instance suggest that the United States has a more punitive criminal justice system precisely because it allows greater popular democratic influence over criminal justice than comparative European countries (where punitive values are just as high, but significantly less electoral influence over criminal justice policy is allowed). Garland (2012) offers a similar point about the death penalty in certain states of the US, that is maintained in place by the 'democratic-ness' of local American democracy which is tipped towards the population and away from conscientious, empowered 'elites'. While these authors would argue against a simple, reductive understanding that 'more democracy, means more punitiveness', they nonetheless provide a reminder that democracy has its hazards. But, what about the priority-setting forums: are they hazardously intolerant, aggressive, and unconcerned about leniency or rights?

In the example of Edinburgh's consultation forums, prejudiced, intolerant, and 'punitive' attitudes exist alongside lenient, circumspect, and tolerant attitudes, with the balance tipping towards the case of the latter. From ethnographic observation, the groups reflect a plurality of interests and viewpoints that is not reducible to being either exclusively aggressive, or exclusively tolerant. There were numerous occasions when wider prejudice was on display: one individual was upset at "Asian youths" hanging about their street (fieldnotes, 26th March 2012), another made dismissive jokes about "chavs" (fieldnotes, 26th March 2012), and even the police felt comfortable to refer to individuals as "drunk jakies"[12] (fieldnotes, 14th February 2012), while also referring to drug addicts as "zombies" (fieldnotes, 14th March 2012). One participant felt their fellow participants could often be slightly alarming in their attitudes and views:

> Well I think some of the attendee's have been on the crackpot side of things. Absolutely. And some of them are a pain in the bloody neck to be honest: Completely subjective, and probably hostile, frankly. Not prepared to listen and so on. I wouldn't go as far as to say racist, but not open-minded we'll say. But again, not many.
>
> Public Participant (Kennington)

But this was also alongside evidence of a developing and circumspect understanding of security as a "thick", "public good" (in Loader and Walker's terms), and a clemency and understanding of issues as social problems and not just crime control issues. To give an example, in one meeting (fieldnotes, May 2012) discussion began with a conservative, enforcement tone: police talked-up that they were "keeping the heat on" youths in the area, and the council and police talked about their expanding use of CCTV in public spaces and noted their successful eviction of a drug-dealing tenant from the area. But this discussion was followed by an extended discussion of the strategy for tackling local drug and alcohol addicts which took on a much more tolerant and supportive tone. In particular a local case was discussed of a known drug addict who had been involved in many thefts to fund a habit. Public contributors called for compassion for this individual, and not to hold them to any "three strikes and you're out" policy, but to appreciate the difficulties of their situation. A

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[12] 'Jakies' and 'Chavs' are derogatory slang used in Edinburgh, typically to denote young, working-class men or women, who are assumed to be anti-social or deviant.

representative of the NHS echoed this call for leniency and praised the police for showing previous restraint and patience with this individual. The agreed conclusion to this extended discussion was that this was an issue that needed continuing tolerance and service provision, as opposed to any law enforcement strategy.

The mix of lenient and punitive stances was also represented in the interview data. Take for example the following, contrasting positions of public participants of the same priority-setting group (the first being as inclusive and understanding as possible, the second demanding enforcement against any suspicion):

> Some folk used to moan about students…As a group we are very positive about students and welcome them into the community. Not the case with the general public who blame them the students for making a racket at night and dropping pizza trays on the street and that – it might be students, it might not be, you know? So we tend to be a bit more open-minded about the student population.
>
> Public Participant (Kennington)
>
> …I got a call from my old pal who said there was a little shit around. And he was. And I showed him I was taking a picture of him. The police came around and picked him up and they didn't say much for data protection reasons, I can understand why….But that is an example of the police coming right round and picking the chap up. He wasn't going to prison because you can't stop someone looking around.
>
> Public Participant (Kennington)

The diverging attitudes on display reflect a diversity within the groups as to how they think about, react, and then articulate their feelings towards "suspicious" or "suspect" populations. The first was contemplative and philosophical. The second was confrontational and quick to demand enforcement. The point to be taken is that the groups are not reducible to single visions or attitudes on the community's problems and how to deal with it. At the meetings, multiple and conflicting approaches are put forward, and as a democratic device it provides possibilities for both affirming narrow, enforcement strategies, as well as showcasing the argument for leniency and understanding.

But, this research also developed some support for Loader and Walker's (2007) estimation that having local deliberation on policing issues helped breed a 'thicker' recognition that security is the shared property of the community and not just the individual's – that local security deliberation can "foster civic solidarity and identification *across* the boundaries of local or 'ethnic' community" (ibid: p.138, emphasis in original). There was evidence from both the fieldnotes and the interview data to suggest that participants came to a greater understanding of their place in a wider political community and the need for 'security' to be shared. In this sense, the consultation forums came to reflect – in practice and effect – an "architecture of sympathy" (Sennett, 2003, cited in Loader and Walker, 2007: p.139), and in particular, that the local forums helped foster a wider vision of the security needs and sympathy for others.

This was most strongly reflected in one particular forum catchment-area, where one small portion of the entire territory produced a disproportionate amount of demands on police time and resources. Recalling the anonymized area names established in Chapter 6 (see page 129), I am referring to 'Spring Gully': a small, compact area of high socio-economic deprivation in a broader territory ('Kennington'). Spring Gully produces over 50% of the call-outs for the entire Kennington territory (according to an officer interviewed). By a quirk of how forum catchment areas where mapped it was often the situation that forums brought together notably differing populations of diverse socio-economic (and often ethnic) backgrounds. The example of Spring Gully was an area of exceptional policing needs set amongst the broader, more affluent, and less demanding territory of Kennington. Attending Kennington's priority-setting meetings it was observed that the group was made up of multiple representatives from Spring Gully as well as representatives from the wider Kennington area. It was in this scenario that a sense of 'thick' and shared security provision was observed to develop in a number of ways.

While one of the worries about police-public consultation is that the platform would be dominated by the narrow interests of those with highest social capital at the expense of the most deprived and most needy; in practice, and in the example of Kennington, participants are reflexive on the issue of need and will often 'donate' priorities. These can be regarded as 'compassionate priorities' wherein the group

recognize the more pressing issues of the poorest and most deprived areas and generally opt for being charitable, preferring most attention to go where it is needed. Here for example, are the views of some Kennington residents showing concern for Spring Gully and advocating for improved provision to the area (policing and otherwise):

> Participant A: Spring Gully seemed to be in a awful lot of trouble in way of hooligans running wild and needed some taming and police security. And also some quality-of-life, and that's all in operation at the moment…
>
> Participant B: - Well certainly from the Police side of things [they should be supported] - with the social work, and what the council can do, and get more facilities for them
>
> Public Participants (Kennington)[13]

Amongst the numerous Kennington residents it was recognized that Spring Gully was an area of exceptional need, and another Kennington resident exhibited the reluctance to compete with Spring Gully for police resources:

> In terms of anti-social behavior and criminality, my area was a million miles away from [Spring Gully], it could be a different planet (…)
>
> **Q. And have you ever pushed for a priority to be on the agenda?**
>
> No. I would feel that it would be pretty cheeky of me to try and get something on to a priority list, because we don't have issues. Simple as that.
>
> Public Participant (Kennington)

The same resident went on to reflect on the positivity he felt about the community sharing a policing/security agenda:

> I'm never in [Spring Gully] (…) so those issues would just interest me from a much wider, city-view, if you like. And I suppose I leave the meetings thinking 'isn't it great that these people are taking a degree of interest in these issues'. Because if these people weren't doing that, then it would just fester and get much worse (…) so I come from the meetings feeling very good

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[13] Interview with more than one participant.

that there are a group of people, who for no pecuniary reward, are
trying to address and redress these issues

Public Participant (Kennington)

The previous quote most strongly reflects the development of civic solidarity and the fostering of a wide sense of political community that appears to develop in a number of individuals who took part in the consultation forums. Arguably, this can be seen as an indicator that supports the notion proposed by Loader and Walker (2007) of "thick" security as individuals begin to identify and recognize security-provision as a social 'good' (p,143-169). For many Kennington residents they were previously ignorant of the experiences of those within Spring Gully and only learned about the levels of crime, disorder and harassment that residents had to live with when they were confronted with this at the priority-setting meetings. For most their reaction to this was a magnanimous one: overwhelmingly sympathetic, and supportive of police and council resource-allocation being prioritized for Spring Gully rather that for their own areas. In this regard, police-public consultation forums tend to reflect a more magnanimous democracy rather than a competitive one; encouraging a more social view, than a self-interested, narcissistic one. Assessing on Jones et al.'s (1996) democratic criteria, the police-public consultation forums score well on the yardsticks of "equity" and "delivery of service" for services being "allocated fairly in relation to needs" in this respect (p.191).

There are also two other senses in which the democracy of the forums does not descend into competitive self-interest. Firstly, residents were aware when they lived in low-crime or low-demand areas and subsequently didn't want to necessarily compete for police and council resources:

One of the interesting things that came out for me, is that we
are in a low-crime area. So in terms of setting priorities, I
don't think it is appropriate for me to just go along and shout
the odds for (my area) when there are bigger problems
elsewhere

Public Participant (Strathdale)

And secondly, participants were self-reflexive enough to recognize the limited sense in which they can be said to represent the wider community. Participants were

commonly unsure of their ability to 'speak' for others in their wider neighbourhood, and particularly, how the police were choosing to represent the small groups as a proxy for the wider community:

> One thing I felt curious about was how the police felt this group was representing the community, because they kept saying 'this is the community'. Well, how are people chosen to come here? Cause I know I was there as a representative of the Community Council, and they just said that anyone can attend from the public. So I asked how did they advertise it? And they said, well they dont really, if people find out about it and they wanted to go that was fine. So it seems to be that they are using the fact that this meeting supports certain priorities to their superiors to say 'look, this is what the community wants', and well, okay there wasn't much disagreement from the community that was there, but I did say that Community Councils and the Community Associations that were there has no special right to be considered representative...

Public Participant (Kennington)

This self-recognition of their limited representative value combined with self-recognition of their privilege, as well as certain sensitivity to the more needy, means participants do not always blindly reproduce their own self-interest, but often, can attempt to be democratically broad-minded in their thinking. The assumed fear might be that participants act in a blinkered self-interested fashion, which would result in the most powerful having their interest best represented. In practice, it is less narrow-minded than that with participants often attempting to be charitable, understanding, and self-aware of these inequalities and representation gaps. It would be a stretch to argue that this self-reflexivity in any way redresses inequality, but it certainly exhibits an awareness that attempts to limit the undemocratic threat of wider inequality effects.

As such, this research would reiterate and support the view that public involvement in criminal justice or community safety issues needn't be seen as toxic, or necessarily "bounded...by feelings of hostility toward criminal offenders" or 'suspect' populations (Rowan, 2011: p.43). As outlined above, not only can the groups occasionally promote clemency and leniency on offenders and marginal groups, but when it comes to democratic deliberation, individuals can be notably magnanimous, as well as generous and self-reflexive. As outlined earlier, this may have more to do with the civic culture of Scotland than the consultation forums, but in the case of

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Edinburgh, however, there is evidence that the forums help forge an "architecture of sympathy" (Sennett, 2003) as it brings individuals together and forces them to consider security, community safety, and policing in a collective and shared fashion.

(b) The 'costs' of democratic policing

The other major normative hazard of democratization is the extent to which 'suspect' populations suffer a burden of interference and disregard for their rights as a result of popular demands. In this section it will be outlined that for several key groups – particularly youths, as well as drug addicts and alcoholics – the consultation forums may involve certain 'costs' of authority intervention. However, it is also noted that there are limits to the ability of the authorities to intervene in these groups, and it is unclear whether the forums *exacerbate* the policing of these groups as there are clear histories and recent developments of these groups being over-policed regardless.

To begin with youth, previous research conducted in Edinburgh shows that young people are more likely to be victims of crime than to commit crime, and yet, regularly experience frustrating, adversarial contact with the police (see Anderson et al., 1994; Loader, 1996; McAra and McVie, 2005). Moreover, the contemporary evidence illustrates that youths are the leading priority for the public and the SNT, and the level of dedicated effort the police and the council place into managing local youth appears to be at unprecedented levels. The level of effort has increased both in 'breadth' as the police and council expand the personnel and resources giving special attention to youth work, as well as the depth of intervention in terms of the range of sanctions available. As testified by the police, interference in the lives of youth is now exceptionally common as the police respond both reactively and proactively as demanded by policy, management, and the public:

> Certainly as a cop I've taken on a lot more - a vast amount
> more - simply because of the 'Anti-Social Behaviour' remit,
> which I didn't have when I was a Community Beat Officer
> (…) Now its about 50% of the role
>
> SNT Officer (Steelstown)

Of note in a number of areas is that the police and the council now have a Youth Tracking System (YTS) where information is gathered on any youths who come to

their attention – whether they are carrying out an offence or not – and are graded in terms of a traffic-light system of Red, Amber, and Green (relating to the 'severity' of their 'delinquency'). The YTS exhibits a new level of authority-interest in youth behaviour, and has a very low-bar of justified intervention:

> What this system has done is because we are dealing with just about every young person's name who comes out of the Police's attention - we are doing joint-visits to their homes (...) So what I think it does, if you are a hanger-on, you're not really in trouble with the police - but Christ, you've maybe got your name taken - the Police and Council turn up to your house and make your behaviour and your parents aware
>
> Council Community Safety Team Leader (Carnhill)

Furthermore, SNT officers are encouraged to be as involved as much as possible in dialogue with local youths and the aim is:

> ...to establish a bit of rapport with them and hopefully instill more socially appropriate values - is that the right way to say that, or is that just social conditioning? I'm not sure
>
> Chief Inspector (Carnhill)

The issue at hand is to decide whether the consultation forums leverage any *extra* policing burden on to youths. With the wider development of policy concerned with low-end youth 'disorder' and youth problems, such as the YTS, ASBOs, community policing officers, and the council's community safety officers, it is hard to discern whether the policing burden on youths owes a debt to the forums or such wider developments. In this regard, the research was inconclusive. From observing priority-setting meetings and analyzing records of priorities, the leading demand of the consultation forums was dealing with vaguely defined 'youth problems'. But whether youths are experiencing a higher 'cost' of policing as a direct consequence of the priority-setting process is harder to conclude in amongst broader developments.

Street-drinkers and drug addicts were another group who commonly felt the effects of priority-setting agendas. In one particular area demands for regulating the use of public space by street-drinkers reached the staged of the introduction of a new bylaw to prohibit public drinking and threatening prosecution. As a result, the police

frequently confronted public drinkers (however, no prosecutions had been pushed through):

> Its now a great tool to move the drinkers along (the bylaw). And drinkers being drinkers, all they are looking for is a nice, easy time, and if you've got the power to disrupt that….We've not had one (issued penalty notice). Much as i'd like to issue a ticket, part of the Bylaw is that they have to desist; we warn them and say "your behaviour now is getting out of hand, it's becoming an offence, now, if you continue to do this its becoming an offence". They are now smart enough to realise, 'yeah, let's just go somewhere else'...but lo and behold, I don't have a problem with drinkers on the squares
>
> SNT Sergeant (Kennington)

Issues with methadone users have also come to the police's attention in two particular areas. In both areas the issue was the same: that local pharmacies were distributing methadone to addicts on a particular morning of the week and attracting multiple addicts to the area at the one time. This was said to be a problem because the addicts would congregate, which was seen as contributing to a "fear factor" (Meeting Chairperson, fieldnotes, 14th March 2012). There was pressure from members of the public on this issue, for example an elderly lady feeling 'scared' when the methadone users were around (fieldnotes, 14th March 2012). In another group, a member of the public urged the police to be "well and truly on that issue" and make sure that addicts are dispersed (fieldnotes, 19th December, 2011).

While members of the public may have made this demand for the police to be "well and truly on that issue", the reaction from the police has been somewhat restrained. At one meeting the sergeant present actively attempted to manage public demand for action by assuring the public that addicts were not as dangerous as perception would suggest, as well as further reminding the public that it was within the legal rights of addicts to pick up their prescriptions (fieldnotes, 14th March 2012). Furthermore, even when the police attempted to act on the matter their efforts were quickly limited. In one circumstance the police decided to pursue the option of approaching the pharmacy to negotiate a change in their dispensing strategy. The pharmacy, however, stressed to the police that they couldn't adjust their practices:

> Speaking to them and asking them whether any of their work practices could be changed, but there wasn't much that could be done. The way they do things, its all set up and there is not much that can be changed.
>
> SNT Sergeant (Carnhill)

In this case, even when the police concede in principle to the demands of the public, that doesn't always translate into consequential ramifications for the 'targeted' group. The democratic demand of certain members of the public for the police to 'deal' with addicts because they are a displeasing aspect of the public environment does not necessarily result in undemocratic 'costs' (as far as this research could observe). That 'demand' is neither unchallenged by the police, nor consequently or necessarily translated into any new injustice reaped upon the addicts. In other words, the 'demand' of the public competes with other democratic imperatives to respect individual's rights, as well as a democratic right to access to healthcare. This serves as a reminder in this research that democratic checks and balances exist outside of the framework of the priority-setting meetings to limit and regulate the undemocratic potentials and risks inherent in having small groups influence police action.

The priority of this section was to identify whether 'suspect' or marginal groups receive an extra-burden of policing attention as a result of the priority-setting process. To answer, this research was inconclusive. The public did make demands for further police intervention on youths, street-drinkers, and drug addicts, but such intervention was often restrained by police attitudes, more tolerant public attitudes, and other democratic limits. Moreover, it was unclear whether the forums leveraged an *extra* burden of police attention on already overburdened populations (although there is evidence to consider).

Ultimately, this research would argue that the hazards of democratisation are over-stated and take the position of cautious optimism that opening up the police function to democratic deliberation has multiple possibilities for emboldening policing *for* democracy. The forums can be a platform for wider prejudice, but also shows promising signs of encouraging the fortification of democratic values by promoting more circumspect understandings of security and policing as a shared community 'good'.

Democratically-responsive policing

Evaluating how much the forums reflect convincing illustrations of democratically-responsive policing involves three key considerations: (a) do the dynamics of the meetings avoid the problem of 'top-down' dominance by those in the positions of power – primarily the police, but also the council, so that the police are responding to democratic pressure in a sincere manner? (b) Are participation levels sufficient for the forums to claim any worthwhile democratic status? And, (c) what are the illustrated limits to the extent to which democratic-responsiveness is possible? In this regard I am referring to the limits imposed by the form of the police using the social theory of Simmel, and also the limits of authentic democratic deliberation using the social theory of Lukes. In this section a precaution is added to the positivity of the previous conclusions, showing that the forums only reflect a positive illustration of progress in a context of appreciating the more profound and often permanent limitations to the police being 'democratically-responsive'.

(a) Meeting dynamics: dominance or democracy?

A common criticism found in the literature of local police-public consultation forums is that the police simply dominate proceedings and that their authority and powerful presence means that police interests rule-out over competing perspectives. Such domination was observed by Myhill (2007: p.175) who noted that it prevented effective implementation of the Police Community Consultation Groups (PCCGs) in England and Wales. Hughes (2007: p.74) likewise argues that the symbolic authority and imagined professionalism around the police can make the community deferential and often prone to 'genuflecting' before the "authority and wisdom" of the police. But what about the case in Edinburgh? Do the consultation forums feel like genuine 'bottom-up' democratic accountability, or compliant rubber-stamping of the police interest?

In this regard there are decidedly mixed results. Certainly there is evidence of the police 'managing' the agenda in certain directions and occasionally discrediting certain input from the public. Moreover, the public rarely challenged the decision-

making of the police. But at the same time it would be an overestimation of the police's unwillingness to engage with the community to argue that the consultations were purely ceremonial rather than authentically democratic. The police were neither dismissive and domineering, nor simply docile and compliant.

The public saw plenty of value in the forums as an accountability mechanism, particularly from individuals who had previous experience with police consultation but considered the SNT model far superior to previous efforts. Consider the following individual who was previously involved with one of the city's several 'Crime Prevention Groups':

> There's one called Edinburgh (PLACENAME) Crime Prevention Group, and this goes back years, and I used to go to it. And it's a total waste of time and I ducked out of it very quickly (…) its not achieved anything except being a talking-shop and that was the police showing up (…) but yes, we tried that and it's a complete waste of time,
>
> Public Participant (Strathdale)

But the very same resident had much more positive things to say about the new model of consultation:

> I think the concept is right: about better coordination between the council, the police, community councils, and the public, and I think its working reasonably well and evolving. This started from nothing, got better, and is getting better.
>
> Public Participant (Strathdale)

The point to be taken is that even previous skeptics of the value of police-public consultation have been impressed with the commitment and purpose of the police to engage with the public under the SNT model, which gives some impression of the improved quality of the meetings dynamics and their overall use-value. Furthermore this is matched with a largely positive appraisal by public participants of the responsiveness and sincerity of police commitment as well as a confidence in their own ability to influence police agendas:

> I know if ever anything ever serious came up with the community that were police were not addressing, it would be addressed, because it would go into (the consultation forums) and (the group)

would say, "here is the priority". There is only two officers in there, and if they don't do it, we'll take it to senior officers (…) It rarely happens, usually the police see the situation and they deal with it and are happy to deal with it (…) People wouldn't do it if it was just the police saying 'well, we set this priority and want this priority, cause it's a community priority and not just a police priority.

Public Participant (Eaglehawk)

Despite the public feeling largely positive about the level of accountability and responsiveness, even the police would admit to some 'top-down' managing of the priorities and agenda, as well as often discrediting certain claims of individuals within the groups. In an unrecorded conversation, a local inspector admitted that in reality the police would "sell" priorities to the public, and if it came to any sort of disagreement, "we (the police) would win that battle" (Inspector, Steelstown). This was reflected in what one sergeant said during interview:

Well I've done one (meeting), and it was fine in terms of the feedback, and being able to – not…steer – but I've come in and trying be a lot more smart. Before hand - in my thoughts - some of them (the priorities) had not been achievable and too wide. I'm here to say "no-no, your priorities are here and they are local"

SNT Sergeant (Kennington)

This was matched by the occasional discrediting or disregarding of individuals demands on the police (often not unreasonably):

...what is one persons problem may not be another persons problem, and in the grand scheme of things may not be a problem at all.

SNT Sergeant (Richmond)

These attitudes from the police were reinforced by their common perception that they largely 'knew everything already'. The police held a lot of confidence in their 'field-of-vision' over the community:

Nothing surprising in this game, trust me. Nothing has come out and you've gone 'God, we didn't hear about that'. We've always got our ear to the ground and calls are coming in and guys are out on a daily basis.

SNT Sergeant (Steelstown)

The attitude that the police 'know best' or have superior knowledge of the communities issues has come into resistance in the past:

> We did have previously a Sergeant who tried to dictate the action and he used figures to batter the community around the head with it. And we didn't agree with a lot of the figures he brought in. Its about perception, it's about what we see as a community and what they say as the data, and in my view its what the community perceives, because they are the greater body
>
> Public Participant (Eaglehawk)

The overwhelming view of the public participants in the process was that it felt like the police were opening themselves up to 'bottom-up' input. But, from the observation sessions, challenges to police authority were only occasional, and not common enough to reflect a healthy level of 'quarreling' that is expected of a vibrant democracy (Christie, 1977). This was reflected in what some participants reported about the meetings:

> I got the impression from the group… that (they) weren't going to contradict the priorities the police thought were the better ones
>
> Public Participant (Kennington)

However, the police were occasionally challenged on whether they had responded sincerely to priorities. For example, in one meeting a member of the public pressed an officer about how often they patrolled the local canal (as per requested):

> Member of the public: How often? It's a simple question?
> SNT Sergeant: I can't answer
> Member of the public: People need reassurance
>
> Fieldnotes, 19th Dec 2011

A public participant also challenged the police on using stop and search against cyclists to tackle the issue of stolen bikes. This individual felt the police only stop those "who don't look wealthy enough", and let the police know she disagreed with the tactic for its discriminatory possibilities (fieldnotes, 13th March 2012). The meeting dynamics produced mixed indications of the public being largely compliant

with police preferences, but also, most felt strongly that the forums were superior to past 'talking shops' and if the public applied enough pressure, the police would respond suitably and accountably.

(b) Participation

The current level of participation which can be alarmingly low – occasionally involving as low as 3 members of the public attending – raises considerable democratic concerns. In speaking with three Inspectors, across three different territories during the scoping exercise, this was a key issue that was seen as "frustrating" and a serious challenge to the value of the process (Non-recorded conversation notes, 24Th August 2011, 20th July 2011, 5th August 2011). Higher levels of participation would certainly be preferable, but it was often noted that meetings matured over time and expanded in numbers:

> I don't know how well it was attended (re: the first
> meeting), but I took over and there was maybe 3…It was
> kinda a bit awkward…In the last six months and with the
> last two meetings, there has been a lot more people
>
> SNT Sergeant (Kennington)

Jones, Newburn, and Smith (1996) however, make an argument that rates of 'participation' are a low priority in assessing democraticness; large numbers of people are not needed all the time, it is more important that the option is available when "actions or events bring police legitimacy into question" (p.193). This is a view shared by Fyfe and Hunter (2012: p.2), Carr (2012), as well as Skogan (2006), that there is a danger in placing too strong an emphasis on quantitative attendance as a measurement of the value of consultation forums.

This thesis would join such authors in arguing that low participation must be considered in respect to the value of the forums have when needed and which would not otherwise be available. What's more, it is worth noting that as a meeting point for active individuals, said individuals are often in a position to act as intermediaries between wider groups and the police, thus 'amplifying' the representation factor of the meetings beyond the often misleading low public turnout (see also Fyfe and

Hunter, 2012: p.4). For example the following participant feeds information between neighbours and the consultation forums:

Q. So, do you feedback to your own Neighbourhood?

Yeah, I tend to feedback a very compressed version that went on…The police send me a report – a copy of their general report; Neighbourhood Watch send me a report, and I circulate that. So I might take graffiti for example, and say there are issues in the general area with graffiti, 'you should be aware of that, and if you see anybody doing graffiti let me know'. At that level. Very specific things like that might happen in and around my street, and I would get them to report that

Public Participant (Kennington)

(c) The Limits of Democratization

One of the main shortcomings of the 'democratic policing' literature is its under-explored consideration of the limits of democratizing the police. There is only so much of the police role and function that can be influenced by electoral franchise, negotiation, and public deliberation. In other words, there are limitations to the potential of 'democratically-responsive' policing. This is either a result of the 'form' of the police having permanent and non-negotiable restrictions, or as Rowan (2011: p.50-54) argues, how the format of institutionalized deliberation can often surreptitiously shape, bind, disadvantage, and manage the input of public actors in a way that undermines the overall democratic legitimacy of the deliberation. Using Lukes the following section will illustrate how the democratic credentials of deliberation are undermined by 'bias' in the architecture of deliberation as well as a note provided about the wider, complex role that hegemonic ideology can play in shaping the functioning of the forums. This will be followed by an illustration of the restrictions in the 'form' of public policing using the social theory of Simmel and the example of data protection procedures which exhibit the permanent authority of the police that is a block on democratically-responsive policing. The combined contributions of Simmel and Lukes show how 'democratically-responsive policing' is subject to certain limits and the consultation forums provide illustrative examples of how and why this is the case.

Lukes (2005: p.20) argued by borrowing from Bachrach and Baratz (1970), that the architecture of the deliberation should be scrutinized for "mobilization of bias". The aim was to turn a critical gaze on the arena of deliberation and the power imbalances that inform the functioning of 'democratic' conflict. The priority-setting process has several noticeable imbalances and boundaries of authority, privilege, and restriction. One of the most illustrative reminders of the executive authority of the police and council was provided when the police and council, unilaterally, and without public consultation or consideration, closed, and merged two adjacent priority-setting territories. This related to the area of Kennington (discussed previously) and an adjacent territory of Strathdale (another pseudonym). The police and the council took the decision to merge two priority-setting groups into one larger group representing a much wider, territorial area. For many of the residents involved, this caused concern and reserved caution:

> We weren't consulted about any of these changes by the council. This was a fait accompli as far as we are concerned. Which I've no doubt they've consulted others, but we weren't.

> Public Participant (Kennington)

At the inaugural meeting of the consolidated-group concerns were raised by one member of the public that they didn't approve of the merging of the groups and felt it would interrupt the previous work and relationships forged with local police (fieldnotes, 21st March 2012). The merging of the groups possibly meant a shift away from local needs to a wider, more general focus, but the rationale from the point of view of the police and council was that it was felt that one of the groups was too small to continue in its original format and so was merged with a neighbouring group to now encompass a wider territory area as well as provide a higher turn-out at meetings. The point to be taken from this unilateral decision was that it serves as a reminder that the public authorities (the police and the council) make the executive decisions on the terms of their participation and can change their format of engagement at any time.

Another way the 'architecture' of the meetings is imbalanced and produces bias relates to the inequality of authority and information that exists between the police and the public. Despite emphasis and assurances from the police and council that the

forums are "your group" (fieldnotes, 21st March 2012), substantial influence still rests with the police/council. For instance, one sergeant kicked off a meeting by saying "It's a democracy: tell me your view", but followed it closely by adding a reminder that "we (the police) know what is going on", and would manage any input from the public (fieldnotes, 14th February 2012).

While it is true that the police and council have access to privileged information, the effect of this – in combination with the general symbolic authority of the police – can substantially diminish the confidence and contribution of the public for discussing community safety issues. As a consequence the pendulum very often swung towards a reliance on police knowledge and decision-making. In the inaugural meeting of the consolidated Kennington-Strathdale forum several voices highlighted this unequal dynamic, with one contributor stressing "*You expect us to have an opinion? We frankly don't have the experience*" (fieldnotes, 21st March 2012), while another argued that he was "*prepared to say that the police know a damn-sight more than us*". A number of public participants recognized their collective limitations to actually 'know' about crime in their local area and were often concerned about their confidence in 'speaking' for the community. Lukes (2005) would view this dynamic as a product of the 'second-dimension' of power that favours the interests and decision-making of one party over another (in this case, the police over the public). The authority and influence of the police is superior on the grounds of access to privileged information, as well as their strength of symbolic authority. Contrarily the authority of the public is often fragmented, and low in self-confidence.

The format of deliberation also manages discussion in other subtle ways to encourage and discourage possibilities of discussion. While the discussion at the meetings is often presented as allowing for 'everything' and 'anything' to be discussed, it is far from true that the meetings have an anarchic openness. Firstly, there was a collection of topics that are 'fit for purpose' and lend themselves quite comfortably to being discussed in local consultation forums. In the observation of this research there was a relatively small-set of rotating issues that could be found across most areas. These include: generic and usually quite modest 'youth problems'; general "anti-social behaviour"; dog-fouling; alcoholics and drug-users using public space; 'inconsiderate' cyclists; house-breakings or burglary; fraudulent door-to-door

salespersons; petty shoplifting; traffic issues; as well as low-level vandalism and graffiti. The point is not to undermine the validity of such issues but to underline how these issues 'fit' the arena of discussion: they are the issues the public are likely to discuss, and the issues that the police are willing to openly talk about.

On the other hand there is a wider range of topics that are 'unfit for purpose': those topics the public are unlikely to bring-up, or that the police are unwilling or restricted from discussing. For instance, at one meeting, a resident of a tenement block was concerned a neighbouring flat was dealing drugs by dropping packages out a window from several floors up to be collected on the ground outside their flat. This concerned the resident and when they started to discuss this particular issue the sergeant responded by saying that the resident should report any information they know to Crime-stoppers, and then mentioned that the consultation group was for more 'general' issues and moved on from that discussion (fieldnotes, 10th March 2012). Regardless of a discussion of the broader merits of why the police may or may not be free to discuss sensitive issues openly, an example like this illustrates the boundaries and narrowing of the 'openness' of public-consultation forums: discussing drug-dealing was seen as inappropriate because it was a specific complaint that procedure and propriety dictates should be dealt with by 'Crime-stoppers' and other formal, reporting channels – not within police-public consultation forums.

Other aspects of propriety see the police manage group discussion that narrows the openness of deliberation. For instance, if members of the public wished to discuss or complain against specific individuals or families they would be prevented from doing so by for reasons of confidentiality, and sensitivity to possible stigmatisation. The public nature of the meetings and their lack of privacy means the police must carefully manage what is said and discussed and this shapes the very nature of how issues are ultimately discussed.

The key point is that police-public consultation forums are not as 'open' as they might appear. Deliberation is managed away from a range of 'unfit' topics and pushed towards a tepid, middle ground of 'fit-for-purpose' generic issues. This is both a consequence of police management, but also of public inclination. It was observed that a whole host of crime 'types' or community safety issues were never discussed

and were possibly unlikely to be discussed: domestic abuse, sexual assault, white collar crime, hate crime, environmental crime, state crime, cybercrime, corruption, terrorism, and many others. A large subset of community safety issues were never mentioned at all, and were probably – quite reasonably in a lot of cases due to their complex, or controversial nature – 'unfit for purpose' for discussion in the consultation forums. Both the scope and depth of possible discussion at the meetings was quite slim and bounded by formal and informal proprieties.

While Lukes is useful for exploring how the format of deliberation can 'mobilise bias' to push the discussion towards the 'fit-for-purpose' issues, it could be argued that Simmel (1906, 1949, 1950) can show how the 'form' of the police-public relationship establishes non-negotiable limits to democratic-responsiveness. One aspect of the 'form' of the relationship between the police and public that puts limits on open deliberation are the legal and ethical obligations the police have to confidentiality and Data Protection. Data protection was mentioned by both public participants and the police as limiting and truncating the level of exchange that was possible at the forums and acting as a definite boundary on discussions. One participant mentioned that reporting to the consultation groups by the police could often be quite "generic" because of the Data Protection Act limiting the detail the police could share (Public Participant, Kennington). Another public participant held a dim view of a sergeant on the grounds that he didn't share enough information:

> He would (…) say things like, 'yeah, I know that, but I can't tell you about that because its confidential. I know, but I can't tell you'.
>
> Public Participant (Strathdale)

Likewise, at a meeting, frustration was expressed by participants that the NHS were restricted from sharing information with either the group or the police on individuals who may have been a threat to community safety (fieldnotes, May 2012). 'Data Protection' and propriety around confidentiality are part of the 'form' of the relationship between the police and the public; the police are granted privilege and entrusted guardianship of sensitive knowledge to which they are clear restrictions and boundaries on sharing democratically. There are many virtues to this aspect of the relationship, but from the point-of-view of democratization and the police-public

consultation forums, it can often act to exclude, limit, and restrict full exchange of information – the police are not allowed to share details of individuals or community safety issues, while the public are encouraged not to discuss specific persons. In this sense, the 'form' of the relationship acts as a block against full, deliberative reciprocity.

Other aspects of the 'form' of the relationship between the police and the public also undermine the full ambitions of democratization. Consider the notions of "transparency" or "accountability", seen by many including Bayley (2001: p.13-14), Pino and Wiatrowski (2006: p.69-97), and Marenin (1998: p.169), as cornerstones of 'democratic policing'. Taking the perspective of Simmel (1906), he views all social relationships as being based "upon a thousand presuppositions which the individual can never trace back to their origins and verify" (p.445). The relevance of this is that full reciprocity is neither practically, nor sociologically possible, and considering the complexity of the relationship between the police and the public – which also often has political incentives to be secretive or protective of information – the possibilities for "transparency" and "accountability" has clear limits.

This can be observed in the consultation forums. There is limited scope for the public to *know* what the police are doing. Often the police offer statistics and performance indicators to justify their behaviour, which some members of the public felt were suspect or unreliable (fieldnotes, 21st March). Likewise, when statistics weren't available, one individual complained, "well we don't have any data to go on" (fieldnotes, 26th March 2012). As Simmel (1906) argues, in social encounters, reciprocity "does not need to be equal, or may or may not be permitted to be equal" (p.442), and with the police-public relationship this can be highly relevant. The police get to manage the information they provide to the forums and that information can often take the form of stats and performance indicators that most recognize as having profound limitations. The individuals representing the police at the meetings can – quite reasonably – evade or deny public requests for knowledge, and consequently the public must invest trust and reliance on the integrity of the police to act in good faith. The point is, this is an unavoidable structural issue with the 'form' of police-public relations which democratization devices (such as the consultation forums) cannot – and possibly, should not – overcome.

There is another conceptual aspect to the 'form' of police-public relations that structurally limits the possibilities of democratization: that is, the extent to which, as Bittner argues (1990) the police can be "best understood as a mechanism for the distribution of non-negotiable coercive force" (p.46). How much can the police, in a broader sense, be subject to democratization given that their social 'form' is quintessentially to be an executive, discretionary, and non-negotiable provider of coercive force? The police are not offering control over the use of coercive force. Instead they remain in command and the public can at best, be an advisor to that force. For the consultation forums this means that one of the core subjects of deliberation, that is, 'who and what to apply coercion against', is only superficially under negotiation and consistently maintained within the principal hands of the police as privileged authority. This was recognized by one public participant in response to a question about the level of the group's influence over the police:

> Well at the moment I think it is alright. It Just depends.
> Obviously they are in command, and we just want to support
> various things and have some input into what to do.

Public Participant (Strathdale)

This quote reflects the recognition by the resident that the police are ultimately '"in command" and its not a 'true' democratic relationship. Only an 'input' is to be given to the exercise of coercive force, and otherwise, it remains as the privileged authority of the police's.

The point to be taken is that the democratic-responsiveness of the police is limited by aspects of the 'form' of professional policing which has certain quintessential and non-negotiable aspects. Regardless of the normative virtues of some of these aspects, the issue is that these aspects can be considered undemocratic, or at best, partially-democratic. There is a limit to how much professional policing can be democratized and the experience of police-public consultation forums illustrates this.

And finally, Lukes (2005) makes a further point of note relevant here. For Lukes, it wasn't enough to draw attention to the format, architecture, and 'forms' of association to show how these prosaic aspects can condition, regulate, as well as encourage or

discourage certain types of bias in the content of these structures. Instead, Lukes (2005: p.25-29) invites a consideration of a 'third-dimension' to power, an ideological aspect. Democratic deliberation takes place with participants who have been exposed to wider ideological structures and power which work to shape their interests and preferences. Before the deliberative event takes place, wider Gramscian hegemony works to frame and distort people's interests in a way which undermines the integrity of the democratic act.

There are two ways this is conspicuous in the consultation forums, I argue. Firstly, the police were not often regarded as a 'political' actor, and this was particularly visible against the common hostility towards the council. Consider the following contrasting perspectives of one citizen participant who was aggressively skeptical about the local council:

> See, the council will always bring politics into it. Cause the Council are not the most intelligent human beings who run our city (…) I would have a strong view that the minute you put the councillors in power for parish work they are immediately looking to write some beastly stuff in some paper and not have their eyes on what is important locally. Not all of them are like that, but a number. I would be deeply distrustful.
>
> Public Participant (Strathdale)

Compare that level of deep mistrust in the politics of the council, against the following deference and positivity regarding the police,

> Well yes, I'm pro-police and if you can get a pro-active police, we see this is a good thing
>
> Public Particpant (Strathdale)

This contrasting position was also mirrored in the priority-setting meetings where for instance, the council get aggressively criticized on several grounds: there was a suggestion by a participant that the council were just looking for the group to "rubber-stamp" their agenda (fieldnotes, 21st March 2012); that the council only ever show fleeting interest before neglecting local concerns; that the council had developed a risible suite of performance indicators, before someone suggested they would rather just defer to police judgment on this issue. While the police also exhibited many of

the faults of the council, as well as being a leading political actor in this process, they did not bear the brunt of forthright criticism in the manner of what the council had to face. This is arguably a reflection of a wider hegemonic view of policing as being something depoliticized and more deserving of deference and reverence. This could be related to the wider emotional and cultural investment in the police (see Loader and Mulcahy, 2003), but nonetheless reflects itself in the consultation forums with a soft-focus critical eye on the police.

Secondly, the pervasive use of the concept "anti-social behaviour" could also be seen as a footprint of wider ideological influence. The term "anti-social behaviour" was used an uncountable number of times by police, council, and members of the public, and commonly framed key priorities. As a concept, "anti-social behaviour" has a particular history of development and naturalization within UK society that needs to be taken into consideration. Critics like Adam Crawford (2009) note that the ideological achievements of the term can encourage a concerning shift towards stronger state intervention in the lives of youths, as well as a shift away from the alternative policy rationales of due process, proportionality, and special protections (p.811). While Crawford (2009) focuses on how "anti-social behaviour" has ideological use-value for state apparatus, the consultation forums exhibit the level of success the term has achieved in popular use as well. As recognised and pointed out by one experienced police officer, "anti-social behaviour" was a term not used early in his career, but brought in latterly by government:

> 20 years ago you never heard the word 'anti-social behaviour'. It came in through the government, and classifying a set of group of incidents and crime as 'anti-social behaviour'. Technically everything is 'anti-social behaviour'; theft is anti-social behavior; assault is antisocial behavior; a specific group, like noise or groups hanging around is anti-social behavior

> SNT Officer (Steelstown)

Applying a Lukesian analysis it could be argued that the concept actually produces an interest and heightened concern around youths; shaping and forging the "problem" as well as allowing a short-hand, reductionist terminology to be used to justify and promote intervention on youths. The argument here is that the concept "anti-social behavior" gives a rhetorical label to imprecise anxieties around youths, helping to

amplify and encourage the notion of youths being a threat. The term is rarely disputed and allows for casual, reductive, blanket accusations, as well as providing convincing justifications for action against youths. In sum, "Anti-social behaviour" *becomes* the subjective interest of both the authorities and the public because of its ideological success, producing an undemocratic critical mass of support for antagonistic, confrontation of youths. The work of Lukes (2005: p.25-29) and his notion of a 'third-dimension' to power is conceptually useful for showing how democratic deliberation intersects with wider ideological structures to warp and contaminate a sense of 'pure' or 'authentic' democracy.

Conclusion

As established back in Chapter 3 this research has adopted Aitchison and Blaustein's (2013) conception of democratic policing as made up of two, more precise dimensions: policing *for* democracy and democratically-responsive policing. In this chapter, using this framework and applying it to a well-established democracy, I have been able to show how consultation forums in Edinburgh improve the democratic credentials of policing. Like reform, however, I have also shown that the margins for democratising the police are bounded by the 'form' of professional policing as well as undermined by power inequalities that diminish the pure 'democraticness' of deliberation.

Specifically, by taking Aitchison and Blaustein's (2013) metrics and applying them within an empirical investigation, I have moved 'democratic policing' from an abstract, aspirational idea into a grounded, measurable concept. I have found that despite the example of Edinburgh demonstrating that participation in consultation forums can often be disappointing, and also a showcase for common prejudice, that the forums can still support policing *for* democracy. This is evident in how the forums support the construction of what Sennett (2003) would regard as an "architecture of sympathy", as participants begin to consider local community safety and security in a "thick" collective sense as suggested by Loader and Walker (2001; 2007). Forum participants can be magnanimous and democratically considerate with their decision-making, and moreover, the anticipated hazards of democratisation have been overstated by the literature.

The consultation forums also encourage some successes for enhancing democratically-responsive policing. There was evidence for the idea that the forums can represent good value for accountability and public engagement in local policing matters, with most of the public participants arguing that the forums exhibited a sincere commitment by the police to bring responsive policing to their areas and showed a marked improvement over similar iterations in the past. Despite this however, I argue for some precautions to be considered. By introducing the social theory of Lukes (2005) I have shown how power inequality can still play a role in preventing ideal democratic deliberation. There are still issues with the police controlling and managing their own terms of participation, and moreover, there are larger ideological dimensions to consider regarding how certain interests are mobilised. Furthermore, introducing the social theory of Simmel (1950) also shows how there are limitations to the capacity of the police to be made democratically-responsive to the public. This is often a consequence of aspects of the 'form' of the relationship between the police and public with aspects like data protection preventing full democratic reciprocity.

Despite such limitations, I argue that the consultation forums can significantly support an effort to "civilize policing". As set out in earlier chapters, enhancing the democratic dimension of policing is an element of civilizing policing. As shown in the present chapter, consultation forums, by improving the democratic credentials of local policing, can help to deliver more civilized policing. Any such improvements, however, are constrained by the absolute limits to democracy which arise from the essential form of policing, as set out in Simmel's social theory, and by the action of power in shaping, manipulating and therefore undermining democratic deliberation, as explained by Lukes.

Chapter 9: Police Legitimacy and Edinburgh's Police-Public Consultation Forums

In this final results chapter, I will address the research question: what can police-public consultation forums achieve for police legitimacy? Ultimately, it will be argued that, from the experience of Edinburgh, there are indicators that local police legitimacy can be improved by the use of local consultation forums. It is also shown that reservations about the current conceptualisations of 'police legitimacy' in police studies as raised by Chapter 4 are borne out in my data. Specifically, there are two broad outcomes from this investigation: (a) that police-public consultation forums are useful devices for improving local police legitimacy. Having gathered information from participants on the histories of police-public relations in their area and their evaluations of the relationship between the police and the public, there were some indications that the forums contribute to enhanced local police legitimacy. And (b) there are advanced-complexities to the idea of 'police legitimacy' that need to be considered that are revealed by case study, qualitative research. The concept of "police legitimacy" needs to be developed to take more account of the influence of ideology and power, and needs to be refined to reflect the varied levels of legitimacy attained by different elements of the police service. Moreover, local police legitimacy levels can occasionally have little to do with local policing as the example of immigrant groups 'importing' views on legitimacy suitably illustrates.

As a reminder, my conceptualisation of legitimacy will borrow from Beetham's (1991: p.15-16) definition that looks at the importance of beliefs, consent, and evidence of rule-following. The dimension of rule-following was less relevant to my research as I had neither the scope nor capacity to verify whether the police were rule-following other than to say that during the course of my research the police forces under focus had no notable accusations of corruption or brutality within my knowledge. Therefore, I largely relied on indicators of local belief and evidence of consent, of which there were several. Adding to Beetham's (1991) conception of legitimacy, I was also interested in the historical lead-ins to local police legitimacy to give a mid-range scope of the police standing in the communities. As will be shown, the consultation forums helped improve local police legitimacy, particularly were improvements were needed the most.

(a) Police-public consultation forums are useful devices for improving local police legitimacy

There were encouraging results on the role of police-public consultation forums and their capacity to enhance local police legitimacy. For instance, gathering information in two of Edinburgh's most historically contentious policing territories, Rinmore and Eaglehawk, both areas had reported a recent break from the past in terms of tension and mistrust between the police and the community. In both areas it was argued they had seen unprecedented positive upturns in terms of the standing relationship between the police and locals with increasing local belief and confidence in the police, as well as increasing evidence of consensual policing. This change was seen to have taken place within the last three to five years and developed in correlation with the police's increased community-style policing agenda, including the use, amongst other things, of public consultation forums.

From the testimony of local residents, and corroborated with police input, policing had historically been fraught in both areas. Speaking with one resident and long-term community activist in Rinmore, formerly there had been:

> …an awful lot of questions being brought up about, well, the police are slow to respond here, or they weren't showing the due respect to the community, or, that there was the perception that they were strong-arming.

Public Participant (Rinmore)

This was typical of the type of complaints in both areas: the police were unresponsive, slow to respond to callouts, inconsiderate and disrespectful in dealings with the public, and too often prone to aggression. As a community-group worker in Eaglehawk pointed out, there was a litany of incidents, complaints, and experiences of such negative encounters with the police:

> I think there is sometimes a problem at the police end. I can remember a few years back, a women came in to see me, and she had witnessed an attack outside her house. And the police didn't grade it high. And they said they would be there in an hour. And she said, 'the guy could be dead in an hour!' But I can give you plenty of complaints of that kind

Community-group worker (Eaglehawk)

Both areas had a rich 'folk memory' of poor relations with the police:

> I know policing methods have changed and the technology is moved on, and the access is a lot easier, but in those days, it was a matter of 'well, let's go in and bust this area'

Public Participant (Rinmore)

This was said to have bred an entrenched "no-grass culture" (Community-group worker, Eaglehawk) and had subsequently encouraged low levels of cooperation with the police. The lack of consensual policing and poor cooperation indicated that these areas had problems with police legitimacy following Beetham's formulation.

But, for both areas, the recent years have shown surprising soothing and easing of tensions. The number of non-adversarial encounters been the police and the community has grown, and seemingly, this is encouraging more cooperation between both. Consider the following two assessments of local changes by residents of Rinmore and Eaglehawk:

> I lived here 10's of 100's of years – [and] I didn't know who my local police person was. I didn't even know that one existed. I knew where the station was - and that it was not a nice place…I didn't even know who he was and I'm an experienced activist - I know my nuts…So, imagine me, an experienced activist not knowing. What is the chance of your local person knowing who their local cop is and who they are? They don't, and now they do. And that can't be anything but good news. And i'm not the only person who knows (the SNT officer)…he's recognisable, popular, friendly. He's not coming out with the CS gas and batons. That mentality doesn't exist here and we will enforce that mentality, we want the police as best they can as their remit allows to be part of the community.

Public Particpant (Rinmore)

> We need a place like this where the cops and community can interact and its comfortable and non-threatening…It's not that long ago that the guy that's in the office just now (*refers to someone in sight*) – his kids were lifted, and he actually said to me that, believe it or not, 'is there anybody I can speak with, so I can sort this out?' So we put him in touch with (SNT officer and SNT sergeant). And that was parents and the police speaking, which never used to happen! I'm not saying never,

but unusually. And now you've got someone saying now, 'look I've got a 16 year old, who I can't really control, what else do I do?' And actually the police gave him a real ear-bashing, 'have a bit more respect for your dad'. And that's got to be a real improvement on what was here before

Community-group worker (Eaglehawk)

This was corroborated from the police perspective who also recognised the drastically improving cooperation of the public with the police:

Q: So across time has there been a change (re: police-public relations)?

Yeah, and I've seen that with quite serious incidents; Where I've been in charge of the house-to-house inquiries, and the house-to-house teams have met with a positive response where previously it might've been very hostile and less engaging. And that certainly isn't what we are experiencing now.

SNT Sergeant (Eaglehawk)

These examples reflect the pattern of viewpoints on police-public relations in these areas: that they were previously contentious and suspicious, but have recently moved to being warmer and more cooperative. I argue that this reflects an increase in consensual policing in these areas and crucially, this increase in legitimacy is connected with recent developments in community policing and the achievements of the consultation forums.

The reason the forums can improve legitimacy has been given a number of explanations. For some, the forums appeared to be delivering effective, instrumental outcomes as a result of forum priorities and partnership-working:

I think over a year ago we sat down at one point and the biggest problem we had was kids throwing stones at buses. And the Inspector said to me, 'who would've thought it?' We still have problems, but there is a lot less of it now. And I think there is still domestic violence and still a drugs problem, and still social problems, but I think (Eaglehawk) is turning a corner. The stats from the police – the stats we've seen - show there is. Solvency rates are higher than the city average. The crime rates are sometimes lower than the city average, and I think that is something

Community-group worker (Eaglehawk)

For others, the forums and increased interaction with the police has 'humanised'
them:

> I've learned that there is a human being behind the uniform.
> If you look at a police officer, you look at what they are
> wearing – the stabvest n'that. Community policing is about
> stripping away that, and say, 'yes, they have to do that
> because that's the uniform. That is what they are'. But you
> have to look beyond the uniform and beyond your own
> personal prejudices…The police person and the community
> member have got to be able to link and instead of seeing the
> uniform, 'how you doing (officers name)'? That's what it
> takes.
>
> Public Particpant (Rinmore)
>
> Through these meetings, I've just – to me, they seem to be a
> group of fairly ordinary people doing their job the best they
> can and doing their job as decently as they can. So at that
> level, you might not question some of their motives, or some
> of their behaviour. The police who turn up at that meeting, I
> have no problem with and they seem to be doing the best they
> can.
>
> Public Participant (Kennington)

This appears to be confirming some of the aspects procedural justice would anticipate
would encourage improved police legitimacy. Tyler (1988: p.103) emphasises how
judgements of "honesty" and 'motivations' are important to breeding improved
legitimacy. The procedural justice value for the forums was a common reason
participants argued they could encourage legitimacy dividends. Procedural Justice
theory would anticipate that "opportunities for representation", and the sharing of
quality information and communication would be significant to delivering improved
'police legitimacy' (Tyler, 1988: p.103). This finds support in what participants
emphasised was important to them. Particularly, the following case discussing the
importance of communication with ethnic minority groups which has said to be
improved by the forums,

> If you boil it all down, the core problem which minority
> communities seem to face is poor communication. Right from
> the very start when they pick up the phone and dial 999, and

all the way down to the end when perhaps someone maybe charged, or convicted, or given a sentence, or whatever. But the thread running through it, and which comes up time and time again is poor communication. 'We don't feel we were heard'; 'We don't feel we were being taking seriously'; 'Stuff was happening, but no one felt the need to tell us'; 'I phoned 4 times and nothing happened and ive ended up with the impression its because I have a non-UK accent, that you know, I'm not getting the same service'. These are just impressions, and they are often reasons why people might not have the immediate response they hoped for, but that was probably the core issue

Public Particpant (Carnhill)

This example of the relationship between the police and ethnic minorities in Edinburgh's other high-deprivation area – Carnhill – provides a good summary of the capabilities of the forums: consultation forums could help develop improved relations with the minorities and community members who willingly engaged, but those improvements were hampered by the often limited rate of participation:

I think it is fair to say there is evidence actually that members of the community and individuals who show up at the meetings, and get to build-up a relationship with the officers – it's human nature you start off being a bit distant - and after meeting a few times you get to hear what the other side is saying. So I think there has been movement on both sides from members of the community, as well as police officers. So my view would certainly be that things have gotten a bit better. And probably my dissatisfaction – if you like – is that I know there is a bigger wider circle out there. And I can see the attitudes shifting in people who come to the group, but im sure there are dozens of people and families who don't come to the group and have no idea it is going on and can't benefit from it.

Public Participant (Carnhill)

This provides a major caveat to the claim that police-public consultation forums can improve local police legitimacy. It was noted several times by police and public representatives that there were key groups often not represented, and sometimes unwilling to cooperate. One possible interpretation of this is that relations between said groups and the police have such low legitimacy that they fail to show interest in cooperating at all. It was outside the scope and capability of this research to canvas non-participating groups to confirm or establish why such groups were not

participating, so speculation either way is not informative. Regardless, the police have identified this as an issue and were keen to widen participation in the forums:

> (Re: community consultation forums)…there were positives, but also weaknesses identified with BME (Black and Ethnic Minority) groups who didn't attend - and I would be lying if I didn't admit that. The feedback was that afro-Carribean/Black people felt that they hadn't received enough information about it. And we have a big black community in the (Carnhill) area. So that is one of the target areas for us
>
> Chief Inspector (Carnhill)

Overall however, there were positive indications, especially in the areas of historically poor police-public relationships, that the forums contributed to an improvement in consensual policing as well as more trust and belief in the local police. For these reasons I argue that the consultation forums help improve police legitimacy as it is understood within Beetham's (1991) definition, and subsequently, help support the process of civilizing policing.

(b) *Qualitative case study research reveals a number of further complexities to 'police legitimacy'*

In the prison literature it is often shown that prisoners make distinctions between not only the regime and the staff who administer it (Sparks and Bottoms, 1995: p.56), but also between those officers who are diplomatic and fair, and the ones who are petty and untrustworthy (Liebling and Price, 2001: p.96-104). As a result, legitimacy in the prison can be shared unequally and granted variably to differing officers. The same is found with the police. Legitimacy is not just granted in blanket terms to the police as a whole, but is granted variably to individuals and groups within the police. In this regard, there are differing legitimacy levels between groups: the community policing officers carry more legitimacy than the response officers; management can often carry more legitimacy than frontline officers; and there also exists key differences between individuals as well. In Bottoms and Tankebe's (2012) conception of legitimacy they encourage the view that legitimacy addresses "*one or more audience(s)*" (emphasis in original, p.129). To develop this, I would argue legitimacy also addresses multiple

power-holders: The police have no standard credit of legitimacy, and legitimacy is held unequally amongst individuals and groups.

The first example of this being the case is the difference between the relationships of the community police team with the public, and the response team with the public. The community-team is often thought of more fondly and can rely on more reliable cooperation with the public. Community teams have been described as "strategic", "more philosophical", and "personable". Response teams, however, have been known to apply more crude and aggressive policing styles that have agitated community-relations (especially when strained resources mean officers from another territory are sometimes called in to service a neighbouring area):

> It just takes one incident that the SNT can't get to it and the police come in from (neighbouring area): who don't know the community, and they come into the area and they make arrests, get involved in a situation. And 9 times out of 10, one of the community cops is picking up all the hassle that involved: about who the people were – and the police were just arresting everybody. And that just puts a step backwards for the SNT
>
> Public Participant (Rinmore)

Management can often hold a distinctive reputation and strength of legitimacy over frontline officers. This was particularly the case from the perspective of some ethnic minority groups who could appreciate the diplomacy and good intentions of police middle management, but still had suspicions and poor experiences with frontline officers:

> …since then we had a very good relations with the police – especially the chief officers. But I think the problem starts because officers are the ones who deal with victims. They are the ones who can make a mistake. They are the ones who are the forefront. And I feel there are some incidents where we are dissatisfied. But overall, I think we have built up a good relationship.
>
> Public Participant (Carnhill)

Finally, there are often also distinctions of legitimacy between individual police representatives. Some officers and middle management have a very positive

relationship with the public and can develop the overall productivity of the forums. Others have been less successful and occasionally have jeopardised the value of the forums. As mentioned in earlier chapters, there was an instance of one inspector who 'lost the room' by insisting the police couldn't help unless the public were reporting incidents (in an area where everyone was struggling under a 'no-grass culture'). Likewise, there were other examples where individual representatives from the police threatened the value of the forums with their own legitimacy problems. In the following example, a popular sergeant has replaced a previous sergeant who had irritated participants:

> The previous sergeant had his own little hobby-horses and the things he was interested in. And he put up with a lot of waffle, which he shouldn't have…the (new) Sergeant: he's got more professional dynamism, and he's taken more of a lead. The previous chap has been much more – difficult to explain; it was a personality thing; he was a bit more yappy…but the new sergeant is much more strategic

> Public Participant (Strathdale)

In this example one sergeant commanded more legitimacy than another through their ability to relate to the group and manage group consensus. The previous sergeant had seemed to have a harder time encouraging group confidence and develop targets that reflected consensual, rather than personal, interests for policing.

Bottoms and Tankebe (2012) encourage the view that legitimacy has multiple 'audiences'; I would develop this and argue that legitimacy has multiple recipients as well. Recipients of legitimacy are not all equal, but can be given more or less credit by the public. This supports Bottoms and Tankebe's (2012) view that legitimacy is 'dialogic', and Sparks' (1994) view that legitimacy has a 'dialectical energy'. Legitimacy is a product of an ongoing 'conversation' between audiences and recipients, but it is appropriate to appreciate the complexity on either side as legitimacy relationships take on multiple participants.

Furthermore, considering territories in Edinburgh where individuals had less interaction with the police, the subsequent rationales for police legitimacy become more curious and complex. For more affluent areas, participants had much less to

contribute in terms of a local narrative on police relations. Such participants had significantly less contact, significantly less knowledge, and significantly less 'folk memory' to relay about the police:

> [The forums have] involved me in more contact with the police since I've been born, I think; in a sense that I have personally had very little to do with the police
>
> Public Participant (Kennington)
>
> I haven't had a lot of experience with the police
>
> Public Participant (Kennington)

In these scenarios probing the rationale for the generally pro-police attitudes from such participants became empirically difficult, and conceptually curious. It was empirically difficult because sought-after data was scarce. It was conceptually curious because views on the police were confidently favourable and 'pro-police'. Typically, any knowledge and understanding of the police for such participants was limited to one or two rare encounters; as well as what they consumed from the media (which could be fictional or non-fictional, local or non-local); and also their very recently developed experiences as a participant in consultations forums. Many participants had little to no experience of the police and could provide no narrative of what local police legitimacy was like, and why it was like this. For such participants, police legitimacy was an almost entirely hypothetical or imaginary category: they had no grounds for evaluating police legitimacy other than what was provided by assumed knowledge and learned through various forms of media.

It has been observed by Loader and Mulcahy (2003) that the police has a high 'fantasy content' (borrowing from Elias, ibid: p.44) and that "policing, it seems, not unlike religion, imposes itself on the mind 'by some virtue of its own, without being accompanied by any proof'" (borrowing from Durkheim, ibid: p.46). For many of the participants I spoke with, a large basis of their rationale for holding pro-police views is born in a combination of this 'fantasy content' and a largely hypothetical image of the police. The importance and significance of this is that it invites an analysis of how ideology plays a role in forging such hypothetical images of the police. This justifies the need for legitimacy to consider the 'third dimension of power' in Lukes' terms.

The more participants couldn't justify their relationship to the police in terms of actual, lived experience, the more it important it becomes to consider abstract ideological issues. Such ideological knowledge fills the vacuum left by a scarcity of first-hand proof and experience. In this regard, wider power inequalities always play a role in informing local views on police legitimacy.

And finally, one other aspect qualitative, case study research has been able to show about police legitimacy is the peculiar case of immigrant groups. Specifically that immigrants can 'import' their views on police legitimacy from their home-of-origin. Such views do not reflect in any way on the behaviour of the local police, but the local police can be subject to a legitimacy deficit because of those views. This can be best illustrated amongst recent immigrant groups:

> The other thing I want to mention really briefly, is that some people who have really recently moved to the area or country, can sometimes bring perceptions of authority, from wherever it is you have come from. And we wouldn't want to stereotype, and its not the same story everywhere, but levels of trust between police and citizens everywhere can be quite low in some parts of the world. And if you come from that cultural context you might bring that prejudice with you. That can be a barrier so that anyone with a uniform, you are wary of.
>
> Public Participant (Carnhill)

This was even observed in a long-settled migrant from Northern Ireland:

> I suppose generally, my, historically I would've distrusted the police. Partly being from where I'm from. And also even, I've seen and heard of and read about the police behaviour in the UK has made me think that corruption was pretty rife amongst the police force.
>
> Public Participant (Kennington)

The last two quotes show how legitimacy can be something that bleeds between disparate or unrelated police forces. In this sense, legitimacy deficits can be 'borrowed' or 'imported', and the rationale for assessing local police legitimacy can occasionally have very little to do with the local police. This is a type of complexity

to police legitimacy that remains unseen in previous survey-based or historical analysis methodologies.

Conducting a small-n, qualitative case study analysis of legitimacy reveals a number of things previously unconsidered or underdeveloped in police legitimacy studies. Firstly it shows that legitimacy is not something held uniformly in the police but which can show many strands of internal variation. This was seen in respect of differing views, attitudes, and beliefs regarding community teams and response teams, managers and the frontline, and also between individuals, with some individuals running up their own personal legitimacy deficit. In sum, some quarters of the police were more able to successfully claim consensual policing than others and there was no blanket understanding of the public showing the police consent to be policed. Notably, this is the kind of nuance and complexity that would be unavailable to survey-based questioning or the broad historical reviews of police legitimacy.

Secondly, there also needs to be more consideration given to the rationale and basis of local police legitimacy. As seen, many members of the public have little to no experience with the police and as such their views on police legitimacy become based on a hypothetical image. This image is likely to be heavily conditioned by hegemonic ideology which, as highlighted by Lukes, is deserving of greater consideration. And finally, the basis or views on local police legitimacy can very often have very little to do with the local police regime, and can in fact, often be borrowed or 'imported' from other territories – especially when considering the views of immigrants.

Conclusion

Police-public consultation forums show signs of improving local police legitimacy. Using Beetham's (1991) model of legitimacy as established in Chapter 4 that argues that you can judge the legitimacy of the police by looking for three measures of whether locals positively support and believe in the authority of the police; whether there is evidence of consensual and cooperative policing; and whether the police show evidence of law-abiding and rule-following behaviour. I argue that from the example of police-public consultation forums in Edinburgh, that in the areas where policing was most notoriously difficult there has been encouraging and clear indications that

policing is becoming more cooperative and consensual. Where previously there had been problematic relations with little cooperation and local belief in the legitimacy of the police, the consultation forums have supported welcome improvements.

While it is tricky to attribute direct causality to the improving relations between police and public to the forums, especially considering the range of corresponding developments for policing in the area with community-style strategies, the forums were commonly accredited with the positive change. It was indicated that the forums provided instrumental changes in improving local police performance, they 'humanised' and personalised the local relationship between police and public, as well as allowing a platform for the 'voice' and input of the public to be considered. This evidence points towards a confirmation of the expectations of procedural justice theory, which demonstrates that the police can earn a legitimacy dividend from the introduction and commitment to more diplomatic approaches to police-public relations.

Moreover, as established in Chapter 4 and borne out here using my data, there were a number of advanced complexities to legitimacy that have been hitherto unconsidered or underdeveloped by police legitimacy studies. These complexities were only revealed using a qualitative, case study style of analysis that complemented the established methods of investigating legitimacy that were either survey-based quantitative analysis, or broad historical analysis. My investigation helped to reveal that legitimacy is not evenly shared across the police but can have a differing status relative to different groups or individuals. I also argued that ideology needs to be given a greater consideration owing to the significant numbers of participants whose views on the police were almost entirely hypothetical and not based in experience. And furthermore, I have shown that local police legitimacy can often be 'imported' from other territories. Such observations are findings and results that would not appear in the established methodologies for investigating police legitimacy.

Ultimately, I argue that local police-public consultation forums can contribute to local police legitimacy, and given that police legitimacy is a subsidiary goal of civilizing policing, it also follows that police-public consultation forums can contribute to civilizing policing. This claim is made, however, with some reservations about the

concept, 'police legitimacy'. As argued in Chapter 4, Beetham's (1991) model has a number of shortcomings including a lack of understanding of the historical origins of legitimacy, and that by considering further the work of Weber on beliefs, and Lukes on ideology, there ought to be greater considerations given to the process of how authority *creates* beliefs in its own legitimacy and not just benefits from it. Regardless, police legitimacy, as it is pragmatically understood, can be enhanced by police-public consultation forums.

CONCLUSION

Drawing together the three preceding discussions on reform, democratic policing, and legitimacy, this section will tie together and wrap up the take away conclusions from this thesis. As a reminder, let us return to the research objectives before revisiting the core research question:

> *(1) What evidence is there that police-public consultation forums in Edinburgh contribute to police reform, enhance the democratic credentials of policing, and improve the legitimacy of local policing?*

My thesis finds that there is ample evidence to suggest that local consultation forums contribute to police reform, democratic policing and police legitimacy. In the areas of Edinburgh where policing was most contentious and often involved low levels of cooperation and noted hostility, the past five years appear to have seen marked improvements in perceptions of local police-public relations. On both sides this improvement was noticed – many of the public who were previously living in 'no grass' cultures witnessed the increased cooperation of the locals with the police, and the police reported how likewise, they experienced less hostility and more cooperation. In the judgement and metrics of importance for the police and the public respectively, they felt that positive reform was forthcoming and the legitimacy of the relationship was enhancing: the public were enjoying increased involvement in local policing and greater control over the issues that mattered to them, while the police were receiving more cooperation and improved statistical outcomes in terms of incoming anti-social behaviour calls and even larger-end issues like drug-busts. The police-public consultation forums were seen as playing an important role in this progress, but it should be noted that the forums were one aspect of multiple policy developments to improve the living standards of the community that may also have played a role in warming relations with the police. Moreover, improvements were less pronounced in areas with previously uncontentious relations with the police but the forums were still largely regarded as a welcome addition.

The forums also saw good progress in improving the democratic credentials of local policing. The forums were sufficiently democratically-responsive with the public feeling they had ample control and influence over the direction and content of the

discussions, although there were some issues to be discussed in a moment on the limits of democratic-responsiveness. More pertinently, the anticipated hazards of democratization – an increased punitiveness or exclusionary cost for those already marginalised, did not necessarily materialise. The forums had an alternating emphasis on punitive, enforcement-based strategies and the more humane, understanding, and tolerant policing responses. The outcomes of the forums didn't necessarily present an extra burden of policing for the already marginalised either (although there was some evidence to consider), and most importantly, the forums appeared to deepen democracy by encouraging a local 'architecture of sympathy' (Sennett, 2003) that viewed policing as a shared local resource as well as supporting and fortifying democratic values.

(2) *What LIMITS are there to police-public consultation forums from reforming local policing, enhancing democratic policing, and improving legitimacy?*

My thesis also finds that there were also notable limits to the capacity of police-public consultation forums to reform policing, enhance democratic policing, and improve legitimacy. As will be discussed in a moment, these limits are either flexible and open to improvement, or permanent and a non-negotiable barrier to change or transformation. One major limitation of the forums is the level of public participation. Attendance and participation at the forums can often be meagre and this undermines the capacity for reform, democratic policing, and improving legitimacy. Likewise, representation can be poor meaning that certain sections of the community are not engaging with the process – notable absences being certain ethnic minority communities, and youths; while there is also an inverse overrepresentation of the elderly and retired. Furthermore aspects of police culture can also betray progress as police representatives can defensively mishandle forum meetings or response officers can undo any of the progress made by the forum representatives through damaging, aggressive encounters with the public.

As shown by the work of Lukes on power, the democratic credentials of the forums are also generally undermined by power inequality. Prior power relations have meant that the police and council command control over the forums that can impact on the conditions of their participation. Power inequality can also affect the ideological

dimensions of the forums – often there was too much deference to police authority, and indications that the interests on display had been framed and influenced by wider ideological relations, particularly with the example of 'anti-social behaviour'. These limitations however, are flexible limitations. The extent to which they are a problem varies from territory to territory, as well as meeting to meeting, and these aspects are subject to change over time. These are flexible limitations that are susceptible to change under sufficient pressure.

Contrary to a range of flexible limitations, are the permanent ones. These are the limits that regardless of the political energy and effort expended would ensure a boundary on the range of police reform, democratization, and legitimacy improvements that could be achieved. Using the social theory of Simmel and Weber the permanent aspects of the police form are highlighted. Simmel showed how there are specific limitations on secrecy, accountability and transparency which restricts the ability to democratise the police, as well as the permanence of the police's capacity use non-negotiable force and coercion, that cannot be reformed in any core sense. This has particular impacts for reforming the police, democratizing the police, and also for legitimacy as the police pose a constant threat to someone in society at all times. Likewise, Weber is useful for considering the bureaucratic form of the police which cannot be transcended and which condemns the police to a bureaucratic logic that presents particular implications and dysfunctions like the contradiction of community policework with typical response and enforcement work.

> *(3) And thus, what are the margins – flexible and permanent – that constrain the overall potentials of 'civilizing policing'?*

I argued that the capacity of the police-public consultation forums to reform policing, enhance democratic credentials, and improve police legitimacy is demonstrably limited, but I also have shown that the potentials and limitations of this device is an illustration of how public policing is likewise overall, quintessentially limited. The forums as a device and tactic themselves have only so much capacity to support police reform, democratization, and enhanced legitimacy, but I argue that other similarly intentioned devices and tactics for improving policing will come up against similar margins of constrained and flexible potential. In other words, it is not the idea

itself, police-public consultation forums, that is responsible for any perceived or real shortcomings, but the quintessential form of public policing. It is some of the key central premises of policing – that the police have the capacity to use non-negotiable coercive force, that they ought to have privileges regarding information and legal powers, that they can act by exception in many senses, and that they are, by necessary design, a bureaucratic and rational organisation. These aspects have core implications for efforts to humanise, personalise or 'civilize' policing, as these efforts will inevitably confront permanent barriers within the form of professional policing that resists change and that which cannot be transcended.

These are the permanent margins for constraining the overall potentials of 'civilizing policing', but progressive hope and investment should be placed on the flexible aspects. The police's capacity to use force cannot be fundamentally controlled, its autonomy from democracy cannot be revoked, their privileges around information cannot be made entirely transparent, and their bureaucratic form cannot be transcended, but these aspects can be managed with greater capacity, greater attention and stronger accountability. The consultation forums, for instance, can be better. There can be more participation with broader and more impressive representation, there can be more pressure on the police to account for their choices in the field, there can be more pressure on the police to more accurately reflect the policing style that is democratically desired (which this research shows can most often actually encourage a deeper respect of democratic values from the police), there can be more issues put up for debate, there can be more information provided for the public to make informed choices, there can be more public control over the structure and format of discussion, the police can be better prepared and more diplomatic with community consultations, and there can be less reproduction of wider hegemonic thinking. All these things are foreseeably achievable with the appropriate application of energy, and they mark the flexible obstacles to further 'civilizing policing'.

Thus, let us return to the chief overarching research question,

What can police-public consultation forums achieve for 'civilizing policing'?

In this regard there were two answers to this question, or rather, two main arguments of this thesis. One was empirical and argued that if you applied the metrics of reform, democratic policing, and legitimacy to police-public consultation forums, it was apparent that the forums could contribute to progressive improvement in each of these areas. The second argument was conceptual, and argued that the conceptualisation of these ideas in the literature ought to be augmented, and once augmented, the limits and margins of possible capacity to civilize policing could be highlighted. In this regard, reform was analytically distinguished from change, Lukes' work on power was introduced to the democratic policing literature, and Lukes with Weber were used to show there are advanced complexities to legitimacy, which are previously unconsidered by police studies. Furthermore, the social theory of Simmel and Weber on forms and bureaucracy illustrate how there are specific and quintessential limits to the possibilities of civilizing policing regardless of the energy and effort expended.

In conclusion, I argue that police-public consultation forums can make significant gains for the goal of 'civilizing policing'. As a policy position I would endorse the continued and sustained commitment to police-public consultation forums and endorse the expansion of consultation forums to other jurisdictions. As Scotland has moved to a single national force and questions have been raised about the ability of Scottish policing to continue reflecting local concerns (Fyfe, 2013: p.10), I argue that the consultation forums could prove useful in this regard. As Fyfe (2013: p.10) has highlighted, Denmark and Finland have seen problems emerging following the move to national police structures that often revolve around issues of local democratic accountability and legitimacy. My thesis could prove useful in this new landscape of Scottish policing by arguing for the maintenance, preservation, and also expansion, of local police-public consultation forums across Scotland on the grounds of their contribution to reform, democracy, and legitimacy.

Moreover, consultation forums can and should be improved within Edinburgh. Participation can be expanded, the participants can have more command over the nature and format of the discussion, and the police could do better to develop their consultation skills and willingness to engage with community demands. Ultimately, consultation forums are valuable for all the stakeholders involved, I argue. The public can get more say on policing issues, the police can see their legitimacy improve,

central government can get better outcomes from the police, and non-participating members of the public can likewise benefit from the fruits of the forums through the broader improvement in policing.

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APPENDIX A – Initial Scoping Exercise Questions Guide

How has the priority-setting process developed so far within your Operational Command Area (OCA)?

- How many meetings have taken place?
- Were they well-attended?
- Were there any difficulties in getting the meetings launched?
- Does your OCA face any unique and particular obstacles to establishing priority-setting meetings?
- How did you overcome any obstacles in launching the priority-setting process?
- Has the process matured over time?
- Looking to the future of priority-setting meetings in your area, what do you think needs to be improved?

Did your OCA have a significant history of community policework and has the meetings enhanced or changed this in any significant way?

- Have the meetings changed the way your community officers 'do business'?
- Are the priority-setting meetings producing new tasks and new ways of working for the community officers?
- How has the priority-setting processed changed the connection between the local police and the community?
- How do the priorities set locally sit with the other commitments placed on the police already? (I'm thinking of competing institutional priorities for meeting targets, matching central government agendas, working on response calls etc.) Is there a conflicting or cooperating balance of interest there?

What does the priority-setting process hope to achieve?

- What do you understand are the aims and objectives of priority-setting?
- What is the priority-setting process aiming to contribute to the wider project of community policing?
- In its current stage of development, does the priority-setting support these aims?
- Are priority-setting meetings a promising source of new and original information that the police need?
- How does the priority-setting format support the needs of the police, the public and the council in your OCA?
- Do the priority-setting meetings produce any unwanted change? What are the drawbacks of the process?

APPENDIX B – Developing Question Guide Following Initial Scoping Exercise

Interview plan – Chief Inspector

The progress and development of the SNT model in the area so far (with a particular focus on PSMs)

- How well has the area adapted to the SNT format? Were there any difficulties in the early days? Has the process matured over time?

- What changes have you seen since the SNT was launched?

- Are the officer and management personnel up-to-date with the idea yet?

- How much of an eye do you keep on the day-to-day of the SNTs? How do you track progress? Do you have much of an interest in the day-to-day of the SNTs?

- How much of the workload comes from management? Where else does the tasking come from?

- How much buy-in do the council have? How well are the police/council connections in the area?

- How many other agencies is your personnel working with?

- Have you any knowledge of how the SNT/PSMs have developed elsewhere?

- Do you know of any good practice you would like to replicate here from around the city?

- Looking back over the last year or so, has the SNT format brought about a significant change as to how you 'do business' in the area? How similar is the current community-work to what was happening previously?

- Looking to the future, what do you think needs improving about PSMs or the SNT in general? What have you's not done so well?

- What so far are the strongest and weakest element to the SNT format?

Priority-setting meetings

- Are the PSMs up and running yet? Have you attended?

- Who has attended the PSMs?

- What is the objective of them? There aims?

- Do the PSMs achieve anything they are supposed to?

- Are they a promising source of new and original information? Or new contacts? Or new police strategies?

- Have there been any difficulties in realising the ideal consultation scenario?

- Have you any knowledge of how they have developed elsewhere? Have they been more or less successful than here?

- Do the outcomes of meetings (in terms of the priorities raised) change practise at all?

- Do you keep an interest in the current priorities?

- How much return in positive feedback are the police getting for tackling these problems?

- Are these priorities worth it for the police to get involved in?

- Do you think the PSMs support the needs of the police, the public or the council in your OCA? Who does it support most?

- How can the PSMs be improved? Do they produce any unwanted change?

- When is the next meeting?

The characteristics of the area

- Does your OCA face any unique or particular obstacles to establishing PSMs?

- Is extensive cooperation with the police a credible hope in your OCA?

- Who is likely to get involved with the SNT and cooperate with partnership-working and agenda settings? Which groups in the area (commercial, informal or third sector) are dependable for cooperating with the policy?

- What are usually their interests? Does this match with police interest?

- Who is unlikely to get involved or who has declined in the past to get involved?

- What are the barriers to involving your public in police policy?

- Is this policy likely to succeed in getting greater community engagement in the area?

Police organisation and community policing

- What has happened to policing that it needs policy reform?

- Is there much pressure in the organisation for community policing?

- How does community policing rank with other priorities in the force? How does it sit with other priorities (SOAs, SPPF etc.)

- Where do you think it should rank with other priorities?

- How has this policy been received by police management and the frontline?

- Is policing unrecognisable now from what it used to be before the SNT?

- Are the police in your area getting involved in new tasks?

- How is your team coping with the demands of community policing?

What does the SNT and the PSM hope to achieve?

- What do you understand as the aims and objectives of the SNT?

- Where do you get your understanding of the aims and objectives of the SNT? (training? Policy documents? Line management?)

- Where has this policy emerged from? Was it needed in your OCA?

- What problems in your OCA are they addressing? What community problems or policing problems does this policy go to addressing?

- What is this policy the solution to?

- The SNT and PSMs, what do they contribute to policing in your OCA?

- What changes would you recommend to the policy and why?

- Has this policy a future?

PhD Research Agreement

The following proposed agreement sets out the terms and conditions for cooperation in research between Lothian and Borders Police and Diarmaid Harkin, PhD candidate at the University of Edinburgh. The research is provisionally entitled 'Reviewing local priority-setting as a feature contributing to community policing reform'. Research is supervised by University of Edinburgh staff Dr. Andy Aitchison and Dr. Alistair Henry.

Research Outline

Public consultation forums are being used in Edinburgh to provide the local community policing teams (SNTs) with input on priorities as part of improved community engagement. The purpose of this research is examine the consequences of public consultation forums for local policing and whether these consequences support reform in desirable or problematic ways. Put alternatively, the research asks what are the benefits and drawbacks of the local priority-setting forums for the police, public and partner organisations?

Research will take place within Lothian and Borders 'A' division. Field research will take place between August 2011 - August 2012. (Estimated date of completion of project September 2013).

The primary research method will be audio recorded, semi-structured interviews. Those who will be targeted for interview will be 'Safer Neighbourhood Team' officers and sergeants, as well as line management where relevant. Other force personnel may be included in the research to be determined in the course of research - for example, police analysts.

Observation will also take place at the priority-setting meetings.

The candidate and supervisors retain the right to alter the focus of study through the course of research. Any **major** or substantial changes to research will be done in consultation with Superintendent John Hawkins and Assistant Chief Constable Bill Skelly.

Research 'deliverables'

In return for the cooperation of Lothian & Borders police in accessing research subjects, the candidate is willing to contribute to knowledge exchange activities between the police and the academy. Suggested possibilities include,

- A final research report outlining the findings of research sent to all participants.

- A lecture as part of the 'Edinburgh Policing Research and Practice Group' on the research findings.

- A possible seminar discussion group on the priority-setting process.

- Briefing papers for the Scottish Institute for Policing Research (SIPR). SIPR aims to provide short, directly applicable reports to improve policing practise in focused areas.

Other possibilities are negotiable.

Research Supervision

The candidate will be supervised from the University of Edinburgh by academic staff Dr Andy Aitchison and Dr. Alistair Henry. All decisions regarding the academic direction and final

content of the research lay exclusively with the candidate and the supervising pair Dr Andy Aitchison and Dr Alistair Henry.

Ethics

Research ethics have been approved by the University of Edinburgh (by academic staff other than the primary supervisors mentioned above) following the principles laid down within 'The School of Law's Policy on Research Ethics' and 'College of Humanities and Social Science Research Ethics Framework'. The candidate is held to the standards set by the University for ethical research.

For further information see (overleaf),

The School of Law's Policy on Research Ethics
http://www.law.ed.ac.uk/research/researchoffice/files/schooloflawpolicyonresearchethics2009.doc

College of Humanities and Social Science Research Ethics Framework
http://www.law.ed.ac.uk/research/researchoffice/files/collegefinalethicsframeworkmar08.doc

Data

Data will be collected mostly in the form of audio-recording and note-taking. Audio will be recorded onto a digital recorder and stored securely on the University network. Access will be strictly limited to the researcher. All files will be protected behind password-protection. Following the completion of the project (estimated September 2013), audio files will be erased.

A feature of the candidate's funding by the Economic and Social Research Council (ESRC) includes agreement to the ESRC Research Data Policy (2010). Of note in that policy is the request for submission of data for secondary analysis. The following excerpts are taken from the ESRC Research Data Policy (2010) http://www.esrc.ac.uk/_images/Research_Data_Policy_2010_tcm8-4595.pdf

5. The Council recognises publicly-funded research data as valuable, long-term resources that, where practical, must be made available for secondary scientific research.

10. In cases where applications involve the creation of new data, the ESRC will...require that data must be available for preparation for re-use and/or archiving with the ESRC data service providers within three months of the end of the award

Transcripts of the interviews will be submitted to a database hosted by ESRC and data made available for (potential) future use by ESRC research. As such, in the interests of protecting the confidentiality of participants, interviewees will be anonymous and no name attached to the interview transcripts. ESRC will not receive text transcripts of interview data that could be used to identify anyone personally. The only data attached to the submitted transcripts will be gender, rank, and also pseudonyms created for the areas where the officers work. Any other possible identifiers will be removed or omitted from the submitted transcripts.

However, it is worth noting that the following is a possibility,

13. The ESRC recognises the fact that under certain circumstances some data may not be suitable for re-use and/or archiving, and gives responsibility to the relevant data service provider to convey an assessment of suitability in all cases. All new data created as a result of an award which does not explicitly provide for a waiver must be offered for archiving to the relevant data service provider.

With this agreement it should be considered whether the data meets some of the 'circumstances' of being unsuitable for archiving or re-use beyond the candidate.

Confidentiality

As outlined above, all interview participants will remain anonymous in final publication of data. No one will be identified personally. The only identifiers attached to data and transcripts will be gender, rank and a pseudonym location of where they work.

Signatures

Primary Researcher   Date

....
....

Signatory (Lothian and Borders Police)   Date

....
....

Participants Information Sheet

Thank you for agreeing to take part in this research project. Your participation is crucial, invaluable and greatly appreciated. Please take time to read the information below that outlines the aims of the project, what is expected by your cooperation, and describing how any data you provide will be used. Rest assured data provided will be held in strictest confidence and **ALL** identities will be anonymous in the final reporting of findings.

This research is part of a 3 year PhD project funded by the Economic and Social Research Council **(ESRC - www.esrc.com)** and conducted by the University of Edinburgh research candidate Diarmaid Harkin. The provisional title of the project is *'Reviewing local priority-setting meetings as a feature contributing to community policing reform'*. The project is supervised by Dr Alistair Henry and Dr Andy Aitchison of the University of Edinburgh and is expected to conclude by September 2013.

Project Overview

Forums of public consultation are being used in Edinburgh to provide the local Community Policing Teams (SNTs) with input on priorities and tasking as part of improved "Community Engagement". The purpose of this research is to ask what are the consequences of public-consultation forums for local policing and do these meetings support reform as intended?

Your contribution...and how your data will be used...

The primary research method for this project is interviewing, by agreeing to participate you are consenting to a **digitally-recorded** interview (unless otherwise negotiated). Interview material will be held in the strictest of confidence and only the primary researcher (Diarmaid Harkin) will have access to the interview recordings. Audio files will be held privately and securely on a password-secured laptop with audio files under password encryption. Audio files will be deleted upon the conclusion of the project (estimated September 2013). Interviews will be transcribed, but with all identifying information omitted. No names will be included in the final reporting of findings. **All individuals, police stations, and areas will be anonymous within publication**. The only identifiers used in the reporting of data will be gender, rank and (where relevant) years of experience.

As part of the ESRC funding of this project their research data policy requests all transcripts to be submitted to a central database for potential further analysis. As assured above, transcripts will be anonymous and contain no identifying information to individuals, stations or local areas.

What are the outputs of this research?

Data will primarily go to academic analysis supporting the publication of the PhD thesis. Findings may also be used for a number of other research outputs including a lecture as part of the 'Edinburgh police working group', briefing

reports for the 'Scottish Institute for Policing Research' **(SIPR – www.sipr.og)** and a short feedback report for Lothian & Borders Police.

If you are satisfied with the above please sign the consent form indicating your acknowledgement of the purposes of this research and the provisions made to protect your confidentiality.

If you have any questions regarding any of the above, feel free to get in touch with Diarmaid Harkin at **d.harkin@sms.ed.ac.uk** Thanks once again for your contribution to this research!

CONSENT FORM

PROJECT TITLE: Reviewing local priority-setting as a feature contributing to community policing reform

Consent form for persons participating in research project: by signing below you are agreeing to take part in the project on the terms below.

Name of investigators: Diarmaid Harkin (Primary researcher)

1.   I consent to participate in the project named above, the particulars of which - including details of the research procedure, themes and purpose - have been explained to me. A written copy of the information has been given to me to keep.

2.   I authorise the researchers to use the data gathered as part of this project for the purposes listed on the participants' information sheet.

3.   I acknowledge that:

(a) the possible effects of participation in the project have been explained to me to my satisfaction;

(b) I have been informed that I am free to withdraw from the project at any time without explanation or prejudice.

4.   The project is for the purpose of academic investigation with potential knowledge transfer use.

5.   I consent to being recorded by way of audio or video recording and/or by hand-written note-taking. I understand that audio-recorded data will be held securely and privately by the researcher to be used for purposes only relating to this research. It has been explained that data will be stored digitally under secure-password protection and will be destroyed within 5 years of completion of the project.

6.   I have been informed that my identity will not be revealed in any publications arising from the research.

Signature of Primary Investigator (Diarmaid Harkin):   Date:

Signature of Participant: Date:

The police and punishment: What should penal theory do for police theory?

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Abstract

This article argues that police studies should draw on the sociology of punishment to better understand state pain-delivery. Whereas penal theorists commonly assess the pain and punishment of inmates in relation to wider social sentiments, police theory has yet to regard police violence and harm in the same fashion. As a result, police scholars often fail to address why the damage caused by public constabularies, even when widely publicized, is accommodated and accepted. Adapting the idea of 'punitiveness' from penal theory allows some explanation of how the public views injury and suffering caused by the police by illuminating the emotions and sentiments their actions generate.

Keywords

Penal sensibilities, police violence, policing, punishment, punitiveness

Introduction

Over a decade ago, in the context of largely stable, long-term support for the police in England and Wales, Loader and Mulcahy (2003: 35, emphases in original) asked:

> So why—in the face of corruption scandals, miscarriages of justice, paramilitarization, falling crime detection rates, the decline of visible patrols, the Stephen Lawrence affair, and so on—does confidence in the police remain in certain quarters so *high?* Surely *this* question should also form part of the sociology of policing's explanatory agenda?

Taking up this question, this article turns to the sociology of punishment to suggest that the injury and suffering delivered by public constabularies ought to be explored in relation to 'punitiveness'. Whereas penal theorists often connect popular sentiments, or 'penal sensibilities' to the pain delivered upon inmates by prisons (Garland, 1990a), police scholars have not yet considered the harm and injury done by public constabularies in the same regard. Yet, police pain-delivery, like punishment, is also entrenched in the 'collective conscious'. Thus, just as David Garland (1990b: 4) suggests that punishment is a 'realm for the expression of social value and emotion' that is 'deeply rooted in emotional needs and desires' (1990b: 11), a similar case should be made for policing.

Taking this perspective raises a number of questions. What, for example, can be learnt from penal theory in how the pain delivered by the police is generated and conditioned by public sensibilities? As the public becomes more punitive (Pratt, 2007), are they more supportive of and less alarmed by police violence? Do societies with a more 'punitive' prison system have a correspondingly harsher police? Would a punitive public, intolerant of criminality or disorder, be more forgiving and understanding of the police delivering hurt and injury?

If, like the prison, policing is considered a realm for the expression of emotion, police pain-delivery must also be conditioned by popular sentiment and sensibilities. To be sure, public evaluation of the police is often bound up with larger political and psychological factors (Bradford et al., 2013). Support for the police is often founded in ideology, a belief in the necessity of public constabularies, and potential ignorance or misinformation about police behaviour. The role of these factors will be explored towards the end of this article, but first, it turns to the penal theorists who argue that punishment is a function of popular emotion.

Punishment as a 'function' of popular emotion

Sociologists of punishment have long asserted that the practices of courts and prisons are shaped by, reflect and reinforce popular emotion. 'In the first place,' Emile Durkheim (1984 [1893]: 44) famously asserted, 'punishment constitutes an emotional reaction'. One hundred years later, Garland (1990a) revisited this idea in his notion of 'penal sensibilities', via Norbert Elias's (1978 [1939]) work on a 'civilizing process'. Around the same time, writing in Holland, Pieter Spierenberg (1984) explained the end to capital punishment in similar terms. In all these texts, popular attitudes, tastes and proclivities change over time, and in so doing, transform views and expectations of punishment. As cultural beliefs about violence, manners, ideas, tastes and humanitarian standards shift, brutality is outlawed, punishment is monopolized by the state, criminal justice becomes bureaucratized and the 'spectacle of punishment' disappears behind dull, inscrutable prison walls.

Others, less interested in the distant past, also connect official practices with popular sentiment. Thus, many explained the startling rise in imprisonment from the 1970s among most developed nations as a result of rising 'punitiveness' (Bottoms, 1995; Pratt, 2007; Pratt et al., 2005). Garland (2001) places such developments within a 'Culture of Control', while Loïc Wacquant (2009) frames it as a consequence of ascendant neoliberalism. The question around the 'punitive turn' is, as David Nelken (2010: 332) observes, a 'crowded one'.

In other ways too, punishment carries many of the popular prejudices and discriminations of public sensibility, fortifying the notion that it is often a function of emotion. This is particularly apparent when considering the issues of race, gender, class and migration status. Imprisonment in this sense reflects and is shaped by wider discriminatory and prejudicial attitudes. In this view, Mary Bosworth (2004) shows how different cultures create understandings of race that subsequently affects levels of imprisonment for certain populations while Juliet Stumpf (2013) and Lucia Zedner (2013) discuss how popular and official perspectives on citizenship can activate punitive sanctioning for migrants. Cassia Spohn and Pauline Brennan (2013) likewise point to the continuing relevance of gender in sentencing decisions.

In all of these examples, despite important differences among them, scholars connect the pain delivered by the state with wider emotional adjudication. What happens in criminal justice, they show, is unbreakably connected with public sentiment. While some, like Paul Rock (1998), have queried the intellectual ascendance of a neo-Durkheimian framework, few would disagree that the state obtains tacit approval or moral support from the public to do the unpleasant business of punishing and in so doing remains dependent on a complex negotiation with the emotional and intellectual foibles of the wider society.

Under these circumstances, it is perhaps curious, that unlike penal activity, policing is rarely connected to popular sentiment and the delivery of pain inherent in much police work under-theorized. While, in a strict legal sense, punishment is a privilege of courts and prisons, a key point of this article is that such a view need not prevent us from adopting intellectual tools from penal theory.[1] As Kelly Hannah-Moffat and Mona Lynch (2012: 119–120) have argued in this journal, criminology needs to think further about the typical 'taken-for-granted boundaries of punishment' and expand 'what counts as punishment'. As I will suggest in the next section, new aspects of policing are revealed, if we consider it as a kind of punishment, a state sanctioned delivery of pain.

Policing, punishment and pain-delivery: The 'pains of policing'

The police deliver pain to individuals and groups, virtuously, justifiably, accidentally, maliciously or otherwise. As Egon Bittner (1970) noted some decades ago, the police's use-of-force is fundamental to their effective competence and functioning. If, instead of 'use-of-force' we substitute, 'inflicting hurt or pain', the resemblance between police work and imprisonment becomes more evident. In particular, the

'pains of policing' may usefully be compared with those of imprisonment as outlined by Gresham Sykes (2007 [1958]) in *The Society of Captives*.[2]

Prison, Sykes argued, was characterized by deprivation. As a result of their confinement, prisoners suffer the deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy and deprivation of security (2007 [1958]: 63–83). Such factors, which are deliberately and intentionally brought on by imprisonment, adjudicated by popular sentiment, as well as 'top–down' sovereign demand, resonate with contemporary policing:

- Deprivation of liberty: as Satnam Choongh (1998) points out, the police often ritually place suspects in custody, depriving them of liberty as a way of asserting authority on certain marginal groups. Other common policing techniques with a custodial bent to them include: arrest; blocking highways and streets; 'kettling' political protestors; and using roadside stops for breathalysing.

- Deprivation of goods and services: at first glance, it is more difficult to see how the police deprive individuals or groups of material 'goods and services' in the sense that Sykes (2007 [1958]: 67–70) envisioned. However, a range of authors have long argued that the police are instrumental in preserving an unequal class society. In this materialist analysis, the police support the systematic deprivation of goods and services in particular sections of society (see, for example, Brogden, 1982; Hall et al., 1979; Quinney, 1977; Shearing, 1981; Storch, 1975; Wacquant, 2009).

- Deprivation of autonomy: police deprive individuals and groups of autonomy through the tactic of stop-and-search. According to Sykes (2007 [1958]: 73–76), prisoners have to navigate and 'bargain' with prison authorities and prison rules in their routines and daily life. Parallels can be drawn with how youths, particularly of ethnic minority, immigrant and working class backgrounds, have to accommodate a loss of autonomy in public space, and an acceptance of occasional—if not regular—police intrusion (see Bowling and Weber, 2011; Parmar, 2011; Quinton, 2011).

- Deprivation of security: the police can equally deprive people of security. Some groups feel either aggressively antagonized by the police, or maybe simply deprived and neglected by a policing 'security dividend' afforded to others. This sense of insecurity can be particularly pronounced among black and minority ethnic (BME) and immigrant communities (Weber and Bowling, 2008). Gays and lesbians may also feel neglected and deprived of security when the police fail to recognize harassment, intimidation and assaults perpetrated against them (Moran, 2007). Young people, once again, are often in a vulnerable position (Loader, 1996), experiencing more victimization than adults, but unable to rely on security-provision from the police owing to their traditionally adversarial relationship.

Sometimes the 'pains of policing' are wider than those of the prison. The police, for instance, can cause *death*. Incidents such as the shooting of Jean Charles De Menezes at Stockwell tube station in London; deaths from taser use; culpable homicide within police custody; and many other scenarios where the police kill citizens or are culpable for an individual's death are all too common in many jurisdictions. More frequently still, the police cause *bodily injury*: beating; striking; restraining; shoving; hand-cuffing; and tackling. Their mandate to 'use force' gives the police licence to injure and harm individuals as they see appropriate within legal restrictions.

Staying with this idea, we might reflect on the range of psychological and sociological harms police engender. Stigma, trauma, intimidation, as well as generalized feelings of insecurity can all be a consequence of police intervention on individuals. They might be amplified by *harassment*. Stop-and-search is often experienced in this way as an example of police harassment and interference in individual or group lifestyles (Bowling and Weber, 2011). The police likewise monitor borderline, or non-criminal activities, like street drinking, loitering, vagrancy, as well as street prostitution, disrupting and breaking up their use of public space on an ad-hoc basis without necessarily resorting to the actual enforcement of the law.

The police are iconic symbols of national and community identity (Loader and Mulcahy, 2003; Reiner, 2010), and as such can play a role in generating feelings of exclusion or inclusion. Through intimidating or embarrassing activity such as stop-and-search they communicate and promote exclusion, alienation and disenfranchisement of individuals or groups from mainstream society (Bowling and Weber, 2011; Loader, 2006). Their actions may stigmatize, deprive or at least erode groups of their social reputation. In this vein, too, we might consider the emergence of what Katja Aas

(2011) refers to as 'crimmigrant bodies' and the role of the police in managing migration (see Weber, 2011; Weber and Bowling, 2008). Officers may deny, exclude, criminalize and ultimately, render foreign citizens candidates eligible for punitive detention (Bosworth, 2008, 2012; DeGiorgi, 2010).

The police can do *political damage*. Despite efforts to maintain the political neutrality of the police to prevent them from becoming beholden to authoritarian partisanship or the tools of politically motivated intimidation, even within mature 'democratic' societies, the police inflict discriminating political pain on certain political movements (Waddington, 1999: 29). Such groups include those considered on the 'far-left', as well as the 'far-right', along with 'green' movements, 'anarchists' and a range of other counter-cultural protestors. Recent examples in the UK can be found in the infiltration, intimidation and illegal surveillance of environmentalist groups (Lewis and Evans, 2013), while historically, the unions and working class movements have all been targets of police activity. In the 1980s the police disrupted the British miner strikes, while in any period, they can be found restraining anti-war demonstrators, student protestors, anti-capitalist protests, religious demonstrators and so on. Such organizations and individuals have felt the pain of aggressive policing as well as occasional, deliberate disparagement in the press.

Finally, the police can also be the origin of harmful *criminality*. Not only do the police themselves commit crimes through numerous forms of corruption (Punch, 2009), but also, indirectly they may amplify criminal behaviour, labelling individuals with a criminal identity and thereby encouraging further harm to themselves and others (e.g. Young, 1971). In a more banal fashion, Tom Tyler (2004) and procedural justice theorists have argued, the police encourage disobedience to the law when they are not considered sufficiently 'fair' or 'legitimate' in the eyes of individuals and communities.

Considering this litany of the 'pains of policing', one might expect to find a corresponding register of costs for the police as a result of their damaging or injurious influence on society. Certainly, police studies typically theorizes the use-of-force and the consequences of this pain-delivery as something socially corrosive, and mostly undesirable, as consequences that are not always necessarily convincing, nor entirely accurate. Yet, popular reactions to police actions are inconsistent, and sometimes counter-intuitive (Caldeira, 2002; Klockars, 1980). Notwithstanding the views of legitimacy theorists, there is no straightforward relationship between harm and reputational damage. As a result, we need to look elsewhere. In the following section I will show how police studies would benefit from borrowing the idea of punitiveness from the sociology of punishment to provide a better explanation for the unpredictable outcomes of police pain-delivery.

Police studies and the consequences of police use-of-force

Use-of-force, violence and inflicting pain are essential aspects of policing. In other words, sometimes the police *gain* legitimacy from inflicting harm. To concede that the police may use force under any circumstances (whether highly regulated or not), is to know that someone will suffer.[3] Precisely because policing is never going to be clinical, free of messiness or discrimination, it will always be imperfect and occasionally malign. Unavoidably, in other words, the police will make innocents suffer and occasionally deliver excessive pain to offenders.

Under these circumstances determining which acts of violence, force and pain infliction rest within an acceptable and tolerable level, remains unclear. To put the matter somewhat more rhetorically: how many minority youths need to be stopped-and-searched per day for it to be considered unacceptable? How many taser-deaths have to occur per year before the public mandate to use tasers is withdrawn? How many deaths in custody make a scandal? What are acceptable and tolerable levels of each? When does police delivery of pain and harm becomes noxious, and what is the sociology of how a society adjudicates on this tipping point?

Such questions reveal police pain-delivery to be conditioned by 'penal sensibilities' (Garland, 1990a). As Tyler and others have long argued, at a certain level of unfairness and brutality, police legitimacy would diminish (Tyler, 2004; for a more historical account see also Reiner, 2010). However, it is also true that *not enough* aggression, violence and pain-infliction from the police would also bring their legitimacy and social approval into question. There is, in short, a demand-side to police use-of-force that needs to be satisfied (Brodeur, 2011: 118).

If police were to stop managing protestors or interfering aggressively during demonstrations (of any political stripe), sections of society and official authority would begin to question and berate them. In other words, the police can *gain* legitimacy from use-of-force, violence and inflicting types of injury. Like Garland's 'penal sensibilities', their delivery of pain exists in a delicate balance between vaguely defined thresholds of acceptability and unacceptability.

Elaborating on where these thresholds of acceptability and unacceptability are has not been a strong suit of police studies. Research focuses on the unacceptable: condemning; pillorying; exposing; and exploring the process of police 'brutality' and degrading treatment (see, inter alia, Choongh, 1998; Punch, 2009; Shearing, 1981; Wacquant, 2009; Worden, 1996). And rightfully so. The alternative focus—on *acceptable* police violence—establishing what would be precisely justifiable, the allowable 'error rate', what tactics and violence to advocate, whose suffering to tolerate and how much, is less well developed.[4]

The point to be made here, however, is that the origins of the 'acceptability' of 'police pain-delivery' can be usefully understood as a function of punitive passions in a Durkheimian sense. That is, police use-of-force and violence—justifiable or not—stokes activity in the 'collective conscious', constructing social bonds and solidarity, rather than destroying them as police studies typically suggest. Correspondingly, police pain-delivery can be placed within a wider sociology of punishment that demonstrates how police violence is provided with a warranty of approval and encouragement from larger, aggregate, deeply held emotions and sensibilities.

Evidence that this is the case can be found in the consequences of the police using force or delivering harm. Some argue, and most agree, that there is a 'cost' associated with aggressive and violent police work. Accounts of the historical development of the police's social standing connect it with their level of aggression shown towards the public (Reiner, 2010: 39–114). Procedural justice theory attempts to model this process in terms of 'fairness', as well as restraint, presenting non-violent procedure as a way of generating legitimacy in the eyes of the community. In this view, avoiding violence promotes certain dividends of increased public trust and confidence while, alternatively, violence will most likely lead to a corrosive and destructive 'cost' (see Jackson et al., 2012; Tyler, 2011).

But three challenges can be put to this thesis. First of all, if it is conceded that police violence involves a 'cost' to their social standing, it still needs to be explained why this deficit is contained within moderate levels (Loader and Mulcahy, 2003: 34–35). Using England and Wales as an example, any decline in public confidence in the police over time is relatively modest (see Bradford et al., 2008: 9–10).

Second, the 'costs' and consequences of police use-of-force are unequal. The 'acceptability' of 'police pain-delivery' intersects with popular perspectives and attitudes to race, gender, age, class and migration status, with some candidates of police violence considered more eligible than others. Consider race as an example. William Westley's (1953: 40) classic study of police violence argued that US officers were more violent towards African-Americans because they had less political power and hence were less likely to disturb or concern popular consciousness. Views about police violence in this regard connect to popular attitudes on race.

Finally, is it possible that police violence benefits as well as undermines their social standing? Police legitimacy is based on their unique competence to use force for 'things-that-ought-not-to-be-happening-and-about-which-somebody-ought-to-do-something-now' (Bittner, 1970: 132). Not everyone condemns harsh treatment of protestors, nor the stop and search of minority youths. The moving on of homeless peoples from the public is likewise approved, expected and demanded by sections of society.

The public's relationship with the grubby and unpleasant things the police do is complicated and Klockars's (1980) phrase the 'Dirty Harry problem' tries to capture the ambiguous ways in which the public review police corruption and 'fairness'. There is an understanding, he suggests, that procedure and law need to be circumvented when faced with pressing threats; a 'noble cause' justification for socially approved corruption and rule-breaking. Justice Tankebe (2010: 310–311) counter-intuitively suggests police corruption in Ghana may occasionally lead to 'identification with, and attachment to, the corrupt official', while Paddy Waddington (1999: 158) argues, 'The public in many societies tacitly conspire in police illegality, provided it is targeted at excluded groups and does not erupt into a public scandal.'

Tacit approval for harmful police actions can be motivated by unpleasant emotions. The suffering groups or individuals experience due to police action is no secret and the 'pains of policing' are often plainly evident. Yet, the 'emotional' public reaction is not necessarily commensurate with the harm caused. This is evidence, I suggest, of how 'public punitiveness' plays a role in how the public review police action.

The punitive public?

Let us return to the crowded debate on rising 'punitiveness'. The field of criminology has commonly connected the passions and sensibilities of the public with the activity of courts and prisons, and in this literature the 'punitive public' is considered an important factor in the rising levels of imprisonment. Although it is important to note a number of sceptics—such as Roger Matthews (2005) who argues that punitiveness is under-theorized and over-stated—punitiveness is seldom eliminated or denied as a factor in imprisonment dynamics. Richard Jones (2010) shows populist punitiveness can reside next to populist leniency, while important texture is also brought to the debate by authors such as Mike Rowan (2011) who argues that members of the public are not necessarily always hostile in their attitudes to criminal justice issues. Neil Hutton (2005) likewise, observes that 'public opinion on punitiveness' depends on the kinds of questions they are asked and the method in which they are posed, while Mike Hough and Julian Roberts (1998) argue that evidence from the British Crime Survey points to a less punitive (British) public than previously imagined. Finally, Sonja Snacken (2010) points out, 'punitiveness' varies greatly between countries and as Nicola Lacey (2008, 2010) demonstrates, differences between nation states are not to be ignored. While such works bring important and considerable points of contention to the standard depiction of 'public as punitive' narrative, they do not eliminate the salience of punitiveness in understanding penal policy.

Punishment, Durkheim (1984 [1893]: 44) tells us, is an 'emotional reaction'. While the complexity of human emotions ranges from callousness, ambivalence, indifference and clemency, for analytic purposes however, the focus will now be given to the less-than-noble emotions around punishment. According to Jonathan Simon (2001) the late 20th century saw a developing 'entitlement to cruelty' in advanced, liberal societies. The 'punitive turn', he thought, was part of this increasing social and political currency of 'cruelty'. 'It is far from clear,' he wrote, 'that cruelty of vengeance is no longer an acceptable sentiment' (Simon, 2001: 127) as Garland (1990a) had earlier proposed. Pointing towards trends (mainly found in the United States) around the death penalty, 'life-trashing' prison sentences, 'law enforcement as a blood-sport' and 'popular cruelty seeking' (Simon, 2001: 128–130), as well as political and popular discourse around punishment, Simon suggested that emotional motivations and emotional definitions had become central to punishment.

Simon is not alone in stressing the importance as well as the consequences of agitated emotional punitiveness within the politics of criminal justice. John Pratt (2000, 2007), too, in his thesis on 'penal populism' and 'emotive and ostentatious punishment' argues that a shift in the penal logic of Anglophone societies has come from 'outside of the system' (2007: 20) as an increasingly empowered popular majority demand a 'spectacle of reassurance and vengeance' that can very often include 'humiliation and debasement for its criminal recipients' (2007: 30).

Notions of increased public punitiveness, and 'penal populism', partially characterized by vindictiveness, callousness, cruelty or other unpleasant and less-than-noble human emotions play a role in the broader sociology of punishment and are familiar territory in criminology (see, for example, Bottoms, 1995; Garland, 2001; O'Malley, 1999; Sparks, 2001, 2003; Wacquant, 2005). Many scholars stress that populism is not simply reducible to a neat narrative of 'the public is vindictively hostile to offenders', but rather, is full of contradictions, ambiguities and messiness. In this view the public demand degrading treatments due to 'the fear and distaste in which we hold a fraction of our fellow citizens, [creating] new opportunities and demands for punishment' (Sparks, 2003: 40).

If it is conceded that public emotions about crime and disorder have consequences for the punitiveness of the criminal justice system, if Durkheim is at least partially correct in arguing that punishment is a function of the 'collective conscious', then we would also expect this to have an effect on popular interpretations of police actions. If the 'cruel' public of Simon's work, or the 'emotive' public of Pratt's work are observing and adjudicating on the punitive activity of prison, is their punitiveness transferable? Might it also influence their view of police use-of-force and pain-delivery?

There is a debate in both the prison and policing literatures over the extent to which the practice of these institutions mimic or represent the emotional outlook of the wider public. In the policing literature Robert Reiner (2010: 136) asks, 'do societies get the policing they deserve?' Garland (1990a: 193–211) is likewise curious as to how penality reflects its social setting. Do these institutions take on the character of their surrounding social environment, or are they autonomous and peculiar in their own character and behaviour?

There is rich discussion, for example, around 'police culture' and its autonomy from outside influence (Reiner, 2010: 115–138). Is police culture a set of attitudes that are a function of the police role in society (Skolnick, 1966), or a set of dispositions that are influenced by wider social values (Chan, 1996)? As William Terrill and colleagues (2003: 1003) argue, the proclivity of an officer to use force is correlated with their alignment with the 'traditional view of police culture', hence it needs to be

considered whether police culture and practice connects with wider social attitudes. Janet Chan (1996, 1997) offers the most convincing depiction of police culture by proposing that the 'habitus' of police officers is conditioned by the 'field' of policing which is shaped by popular social attitudes. Monique Marks (2003) supports Chan's (1996) suggestion, using the example of police reform in South Africa to show how social pressure has encouraged fewer incidents of excessive force (Marks, 2003: 255).

The police, in these accounts, *reflect* social attitudes and are thus shaped by popular views on race, class, sexuality, migration status and gender. Reiner (2010: 131) for instance, suggests that the 'crucial source of police prejudice is societal racism' while Bethan Loftus (2007: 186) asserts that the police can act as 'an important carrier and authoriser of class contempt'. Policing is not disconnected from wider social attitudes. Like the prison, the police share the imprint of social attitudes towards race, class, gender, age, sexuality and migration status, illustrating the influence of popular emotions on punitive eligibility. That is to say, it is precisely the connections between the police and the wider society that play an important role in determining which groups and individuals become increasingly likely to receive police pain-delivery.[5]

Conclusion: Why focus on punitiveness?

Even within turbulent episodes of high profile reputational damage, approval of the police largely prevails. As Roberts and Hough (2005) point out, the police in England and Wales are held in higher regard than any other branch of the criminal justice system despite, or maybe because of, the conspicuousness of their activity. Their failures and successes are more obvious than courts and prisons, both in terms of their visibility within the community, but also as a result of media coverage of their activity. In this regard, the public are simply better equipped to evaluate the police, and most often they do so favourably.

Why might the public be so *forgiving* of police pain-delivery? While evidence suggests that popular support for the police is bound up with larger political and psychological processes (Bradford et al., 2013), an approach informed by penal theory reveals a series of different issues that deserve greater exploration.

First of all, there is the notion of *prudence*. This argument would suggest that the police are essentially indispensable to a complex society and any 'harms' or 'costs' must be considered in comparison with the practical, instrumental and moral benefits inherent in having an official body arbitrating predatory behaviour and daily conflict. In this regard, views on the police are anchored in an understanding that they are necessary, indispensible and it is only prudent to maintain support in the police as they deliver an essential, and often virtuous, public service.

Ideology should also be considered. Large elements of ideological support exist within the public for the police as symbolic icons of such powerful ideas of 'law and order', 'nationhood', 'community', 'solidarity', 'popular morality', 'justice' and so on (Loader and Mulcahy, 2003). Gramscian ideas of hegemony could also be deployed to show how the police become ideologically entrenched in the worldview of the public such that evaluations of police activity are biased towards a commitment to the idea of a noble or 'just' police (see also, system justification theory for some support for this (Jost et al., 2004)).

Stanley Cohen's (2001) notion of *denial* is also of considerable relevance as the pains caused by the police are frequently 'denied'. Bad things happen to people, but their suffering is not matched with either a commensurate or anticipated response from bystanders or observers as police violence and the stories and sights of suffering they engender, often fail to register an effect appropriate to their impact or injury. As Cohen (2001: 1) argues:

> people, organizations, governments or whole societies are presented with information that is too disturbing, threatening or anomalous to be fully absorbed or openly acknowledged. The information is therefore somehow repressed, disavowed, pushed aside or reinforced. Or else the information 'registers' well enough, but its implications—cognitive, emotional or moral—are evaded, neutralized or rationalized away.

There is also a further argument that *misinformation or general ignorance* plays a role in the public response to the police. Potentially, the 'pains of policing' are simply not well known enough. The media usually depict police favourably in fictional and non-fictional accounts (see Hirschfield and Simon, 2010; Reiner, 2010: 177–204). Such representations may mislead many about the severity and harm caused by police intervention, suppressing and limiting their knowledge of police-caused injury. Such explanations have considerable value and should be seriously considered, but I want to finish

with an outline of the advantages that punitiveness offers for explaining the resilient nature of public support for the police.

Most importantly, as we can see in penal theory, explanations of 'punitiveness', allow for change and difference across time and place in a way most of the above arguments do not. For instance, the prudential argument cannot explain why one society has a more brutal police than another, or why, over time, the police may reform to become less (or possibly more) aggressive. Policing ought to be connected with differing temperaments, cultural sensibilities, traditions, legal frameworks, and cultural meanings towards state violence with the flexibility to explain international and national variation.[6]

Moreover, punitiveness is not fixed. It is emotional, and as such, supple and dynamic. It must be acknowledged that episodic improvements and regressions occur in what is demanded of the police, that levels of fear and insecurity ebb-and-flow. Taking this view might help explain why over time certain forms of police aggression are outlawed and admonished. One such example can be found in the introduction of Police and Criminal Evidence Act 1984 (PACE) laws in England and Wales in the 1980s. Another is evident in the endorsement of police aggression in the anti-terrorism legislation of the 2000s. Explaining shifts in police pain-delivery requires a framework that accounts for changes in temperament, embedded in time and place.

Finally, considering the police through the lens of punitiveness illuminates the tensions between hostile and compassionate sentiments. As Garland (1990a) outlines, popular emotions around punishment reflect deep contradictions and profound competitions of morality and ethics. The British public may no longer countenance corporal punishment of prison inmates or fellow citizens; but they do demand a certain base level of suffering and duress. Public sentiments can be callous and cruel, as well as empathetic and compassionate.

The notion of punitiveness—fundamental to the sociology of punishment—resonates with many key aspects of police studies while opening new topics for analysis. Above all, it directs our attention to the limited measure by which police pain-delivery 'costs' the police in reputational terms. As such it focuses our attention onto the acceptability and unacceptability of police pain-delivery by asking, what are the factors, public sentiments and emotions that correspond to the breadth and depth of pain and suffering delivered by the police? What, crucially, are the counter-adjudicating emotions and sentiments that mobilize to limit, regulate and admonish police over-reach? These questions are profound and timely in any period. Answers to them, might enable us to respond to Loader and Mulcahy's challenge with which this article opened. Why, after all, despite their failings, are the police still so popular?

Notes

1. With exceptions for the issuing of fines or the limited toolkit of sanctions often available to the police.
2. Examples and evidence for the 'pains of policing' will be mainly drawn from an Anglo-American perspective. Aas (2012) warns of the presumptuousness of 'western' social theory which does not acknowledge its own 'situated identity'. This point is largely conceded, but the use of examples from the global 'South' might prove to enhance the overall contention that what the police 'do' can often closely resemble punishment and have roots in public punitiveness. The case of Brazil for example, where the police are frequently accused of torture and extrajudicial killings may prove a strong illustration (Skogan, 2013: 319).
3. While use-of-force, violence and inflicting pain are quintessential aspects of the police function, they are also part of what Reiner (2010: 17) refers to as the 'Janus face' of policing. In other words, the police represent repression for one party and relief for another in any single act of aggression. In this regard the 'pains of policing' have a corresponding inverse view that such 'pains' function as relief or service for other parties. Police actions are interpreted by different audiences and then groups compete for which interpretation becomes the dominant account. The present theoretical interest is at which point do anti-police interpretations gain a critical mass over pro-police versions, and why do pro-police versions usually prevail? The answer I suggest owes a debt to public punitiveness.

4. Ian Loader and Neil Walker (2007) for instance do not elaborate on the threshold at which the 'virtues' of state policing become less defensible, although Brian Rappert (2002) does try to explore how the use of CS spray in the UK has become a 'legitimate' use-of-force.

5. There are considerable complexities to be considered in how institutions work and whether their set of values and behaviours are autonomous or dependent on their social context. This goes to the questions of what shapes the behaviour of institutions: are they leaders and creators of public sensibilities, or followers (see Garland, 1990a: chs 9 and 10)? Are they reflective of political economy as often suggested regarding the prison (DeGiorgi, 2007; Melossi and Pavarini, 1981; Rusche and Kirchheimer, 1939)? Are they bounded with Weberian rationality and bureaucratic logics? Are they Durkheimian? Do they have particular organizational structures, cultures and preferences that create specifically unique and autonomous attitudes and behaviours? Moreover, the development of 'global policing' and transnational policing (see Bowling and Sheptycki, 2012) means the question of a 'social setting' for policing becomes significantly more complicated: whose or what public sensibilities inform the policing of 'global' spaces? Such questions are highly relevant to mapping how public punitiveness relates to police pain-delivery, but for the purposes of this article, it is sufficient to say there is *some* relationship, rather than precisely outlining exactly what that relationship is and how it works.

6. Assuming that punitiveness does have explanatory value, that punitiveness itself requires explanation. John Pratt and Anna Eriksson (2013) for instance explore why Scandinavian countries have much more punitive leniency than other advanced democracies. Tapio Lappi-Seppälä (2011) argues civic culture plays a role. Wacquant (2009) places it as a strategy of neoliberalism managing the poor. Other sociologists may look at hostility towards out-groups (Bobo, 2004 [1988]), or the field of social psychology may consider the psychological motive to align with, and justify, the actions of authority (see system justification theory: Jost et al., 2004). This is an intriguing and relevant question as to why police pain-delivery is publicly judged like it is, and crucially, what are the deeper sources of these emotions. Addressing this question, however, is outside the goal of this article. The primary goal is to say punitiveness is important to police pain-delivery, just like it is important to imprisonment practices.

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