Submission to the Commission on the Future of Policing

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Summary

The police mandate forged in the early part of the nineteenth century is nearing an end. Police organisations peaked in their legitimacy in the 1960s and since have experienced a wave of challenges to their mandate. These stem from internal factors such as corruption, a presumed 'sacred' social position, and external factors such as globalisation, the rise of technology, migration and the concomitant transformation of previously monocultural into culturally and ethnically diverse societies. In this context police as a bureaucratic organisation has given way to a wider set of 'ordering' institutions together with the formation of network of entities and 'partners' that have a stake in the production of security.

In the Irish context An Garda Síochána was formed as part of the process of nation building: thus it is noted that AGS is a force that is associated historically with national institutions and culture: Catholic, patriarchal, the GAA, and predominately rural in its outlook (Allen 1999; O'Brien-Olinger 2016; Conway 2014) Growing diversity in Ireland in the last twenty years, the changing nature of crime, risk and security mean that it is time to consider a new governance arrangement that reflects this changed context and that reflects the period after nation building. This submission recommends embracing concepts such as plural policing, network or nodal security together with the formation of a bottom-up model that formalises and establishes policies and structures to underpin the roles played by local authorities and active citizens currently working in community safety initiatives in the country.

1. The Police Mandate

Police organisations were first introduced under a form of political economy as an apparently cost effective way of handling disorder associated with the foundation of industrial society. The foundations of policing are best captured in the framework set by Sir

Robert Peel. Formal police organisations were proposed to replace brutalist military style forces which had no repertoire for non-violent intervention and coincide with the extension of state bureaucratic organisations more generally, from about the early-mid nineteenth century. Bayley (1985) captured this as three distinct steps in the establishment of the modern police: publicisation – vesting the police as an arm of the state to replace all private forms of ordering; specialisation – demilitarising public order maintenance; and, professionalization – setting up the structures for contracts, training, recruitment and remuneration. Police were first proposed by Colquhon (1806) as a rational form of political economy and hence the idea of professional cadres of uniformed officials were to be retained for the maintenance of order and surveillance of the population.

But we should remember that the Peelian model was forged from experiments that Peel worked on in the Irish Peace Preservation Force as a form of proto-police to keep control in the colonies. The history of the police is tarnished with its roots as an ordering force needed for organised slavery and other brutal forms of exploitation (Vitale, 2017).

The Peelian model has come under fire since the 1960s and governments have not heeded the signals of pending problems with the legitimacy of the police. This model effectively gave rise to the idea that the police had these sacred qualities, as separate from society and occupied a status position in an almost ethereal fashion above but not of civil society (McLaughlin, 2007). As this model for the modernisation was somewhat ironically based upon a traditionalist form of respect for authority, it ran up against legitimacy problems associated with the advancement of education: increasing participation in secondary and higher education meant that the less educated police officer was held in lower positive regard by an increasingly educated population (Reiner, 2010). Since this period, policing literature has concentrated upon the continuing crisis of legitimacy in contemporary police organisations (see Hall et al, 1978). Recognising this police organisations have sought to adopt more a more community orientation as a way of engaging with the public through joint problem solving policing. However, these reforms are insufficient to disconnect the police from its brutalist past (Vitale, 2017).

2. The Changing Context and An Garda Síochána

The testing of Irish police legitimacy has a long history (Conway, 2014) ranging from miscarriages of justice associated with the Heavy Gang; its mishandling and fanciful attributions in the Kerry Babies Tribunal; and the more recent cascade of interrelated piques in public concern in respect of whistleblowers, organisational problems in proper recording of homicides, the recording of non-existent breath tests and so on.   The Morris Tribunal was a watershed in the history of An Garda Síochána. Legitimacy in the Irish police force has undergone periods of strain in recent decades but the current controversies appear to have no sign of abating.

Police organisations are generally speaking the result of the process of nation building and this is particularly true in the Irish context. Histories of An Garda Síochána all illustrate the extent to which it has been shaped by a particular culture. Indeed, it is noted that AGS is a typical post-colonial police force that sets out to distinguish itself from the previous regime but simultaneously organises itself upon similar lines (see Allen, 1999; Connolly 2002; Conway, 2014; Conway, 2010). Authors in policing studies note the tendency for police organisations to engage in a form of group think otherwise known as 'cop culture' (Reiner 2010). This is the result of the formation of a distinct form of occupational culture whereby police officers practice a form of closure to outside scrutiny based upon perceived suspicion of the public. The more public scrutiny is proposed, the more resilient cop culture is to change.

Given its connection to the formation of the Irish state An Garda Síochána reflects a particular trajectory of Irish history based upon monoculturalism. In the last twenty years Ireland has undergone a transformation: as one of the most globalised societies in the world it has attract migration on a previously unprecedented scale (Olinger-O'Brien, 2016). The new multiculturalism has to be reflected in membership of a legitimate police force that is broadly representative of the racial and ethnic diversity in the population as a whole. Failure to do so runs the risk of being irresponsive to day to day racism and allowing scenarios to develop (such as the case of the blonde haired Roma child in Tallaght recently) into institutionalised racism (see Vitale, 2017).

3. The Growth of Plural Policing – A new policing paradigm.

A recognition that police bureaucracies were formed in the period of modernisation from the early to mid 19C is critical for examining the changing context in which contemporary policing might be forged. A number of very significant transformations have taken place in contemporary societies since the 1970s which have shaped the basis for contemporary policing.

Most prominent among these is globalisation: more particularly so as this is one of the primary forces shaping many of the security challenges facing societies today. This is so especially in relation to drug related crime where substances, cash and weaponry flow from different corners of the world. The increased capacity for communication across time and space has, it is argued, given rise to a new period of modernisation, commonly referred to as 'late modernity'. This stage of human development is characterised by its global reach; the weakening or 'liquidisation' of older solid institutions; reducing employment in manufacturing, rising consumerism and greater precarity (see Bauman, 2000; Young 2007; Wacquant 2008). In addition, the generation of greater harms associated with human endeavour during the 19th and 20th centuries (over production, waste, global warming) give rise to the internationalisation of risk (Beck, 1991).

These transformations have given rise to a greater level of incalculability of risk in so far as global problems do not recognise national boundaries as such (e.g. cyber threats) and the position of national institutions are essentially destabilised (McLaughlin, 2007). As such in the period of globalisation we have witnessed the extension of complex problems such as human trafficking, drug cartels organised as global and local networks, terror networks and so on.

Such complicating factors have generated the need for state organisations to respond to complex problems by either divesting themselves of core tasks or partnering with ensembles of other agencies in order to impact in complex areas of governing. Hence policing studies authors note the rise of *plural policing* (Loader, 2000; Bayley and Stenning, 2016). This is based upon the idea that rather than social ordering functions being the sole

concern of the public police, a range of specialised agencies, public, private and civic are now mobilised to a range of policing tasks. In the Irish context this might be best grasped by the extension of police like powers to the Office of the Director of Corporate Enforcement, the Revenue Commissioners, and the Environmental Protection Agency and at local level to the roles played by Local Drug and Alcohol Task Forces, community safety initiatives, Local Policing Fora and Joint Policing Committees. Indeed the Criminal Assets Bureau is a paragon of plural policing given that it reflects an alignment of policing and non-police partners all working on a common agenda.

Finally there are growing models around the world that show that social and political order can be maintained by less formalised, bureaucratic police interventions. The Zweelathemba model in South Africa for example shows how through local peace committees, communities can resolve conflicts and stave off costly criminal justice intervention (Froestad and Shearing, 2013). Indeed there have been calls to recognise that problem solving and restorative practices are at the heart of conflict resolution (Braithwaite 1989), requiring a complete rethink from retributive to restorative forms of justice. Indeed, citizens need *security* not police; and therefore need to have a range of services that they can avail of in order to satisfy their security needs (Shearing and Wood, 2003; 2007). Why therefore should we retain a large scale bureaucracy solely for this purpose when more effective and response alternatives can be imagined and mobilised? That is not to argue for a weakened role for state intervention: instead we need a renewed role for the state in the provision of pluralised form of security (Loader and Walker, 2007).

4. Towards a New Security Governance

Police organisations belong to the period of history associated with growing cities and industrialisation (c1830s). The period of advanced modernisation in recent decades has brought new opportunities and new risks: a wider sociological argument has been made that with such impacts of globalisation and advancements in ICT, we are living in more uncertain and social exclusive times. We therefore need to find new ways of engaging citizens in more reflexive, learning and transparent institutions.

A critical realisation needs to be made: citizens and communities demand that they can live in secure neighbourhoods, cities, towns and more remote areas in the countryside. Hence there is a need for a paradigm shift in state policy from *police to security*. A new governance of security would:

- Empower communities to identify their own security needs in conjunction with state, civil and commercial partners;
- Resource active citizenship, social and corporate responsibility to work together to create secure habitats;
- Require a broader definition of security to get beyond the focus on street crimes and to a deeper level of security to include social and environmental harms;
- Enable citizens and communities to identify the mix of security services that are required to respond to its needs and fund security as a wide public good;
- Require that the state retain priority in funding and the development of policy and legislation;
- Mobilise all productive sectors including public security, private security and citizen led local security;
- Mobilise the use of simple and advanced citizen friendly, data-driven technologies to enable more effective security planning and responses;
- Enable a more responsive police service to develop which is integrated into local and sectoral security planning and implementation;
- Require that specialised police resources are targeted at specific threats to citizens from armed criminals, drug trafficking and armed threats to state security.

Conclusion

On foot of the analysis presented above it is imperative that the Commission on the Future of Policing takes account of these arguments and trends and makes a holistic range of proposals to adapt to the changing context. In this regard, the challenge is to imagine a future of policing with a wider set of agencies and actors working in a co-ordinated fashion under the direction and primacy of State policy and regulative governing bodies.

A number of primary steps could be taken to advance towards a new security governance:

- Establish Joint Police Committees on a statutory basis as the commissioning organisations for municipal and regional police and security services;
- Fund, regulate and properly institute a state programme of community safety as a social inclusion intervention in all communities with particular regard to the most pressing parts of our cities where security problems are most acute;
- Establish a more streamlined system for regulation, accountability and security governance.

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