

## Professional Policing and Liberal Democracy

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The world depends on ordinary people doing extraordinary things.<sup>1</sup> Some people perform surgery inside other people's bodies, with astonishing success. Some people manage to feed a world of seven billion humans. In Britain, some people help to make the 21<sup>st</sup> Century among the least violent in its history.

The *competence* needed to do such extraordinary things was not created overnight. It was not achieved in a generation, or even a century. The competence we achieve today stems largely from the eighteenth century Enlightenment, when the Royal Society of Arts was founded. The unifying theme of the extraordinary competence produced by that Enlightenment is *objective* knowledge about technically complex matters. The debt we owe to that era is the great transition in so many professions from customs to science, from opinions to proofs. As the late US Senator Patrick Moynihan observed,

“Everyone is entitled to his own opinion, but not to his own facts.”

That Enlightenment idea of objective knowledge is also crucial to the success of our liberal democracy, in which the rule of the majority protects individual liberty under a rule of law. No institution is more important to that success than the police, whose competence at insuring the rule of law is constantly challenged by thousands of different opinions on how police should do their job. It is therefore essential that our society constantly improves the competence of its police not merely with our *opinions*, but primarily with *facts* derived from objective knowledge.

A rapid growth of new facts about crime and police practice creates an enormous opportunity for what I call “evidence-based policing:” the use of strong research evidence to help guide as much police practice as possible. In the past year alone, police executives and faculty of the Cambridge Institute of Criminology have designed or launched controlled field experiments in a wide range of police practices. Working in partnership through the Jerry Lee Centre of Experimental Criminology at Cambridge, British police are now testing ways to improve police competence in dealing with anti-social behaviour, domestic violence, dangerous driving, adult first offenders, crime “hot spots,” and other problems. The police leading these experiments have even founded a Society for Evidence-Based Policing, whose President, Superintendent Alex Murray and Vice-President, Chief Superintendent Neil Wain, are both here tonight. England now has more field experiments per police officer under way than any other nation on earth. This robust body of knowledge can add to the large body of knowledge British police already

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<sup>1</sup> To paraphrase Atul Gawande, “Annals of Medicine: Personal Best.” The New Yorker, October 3, 2011, p. 52.

employ, helping them to keep increasing their *competence* in a world that keeps increasing its *complexity*.

But the mere accumulation of facts based on research will not, by itself, insure that policing becomes steadily more competent. Increasing competence will also depend upon widespread application of that knowledge, as well as public awareness that such knowledge even exists. Police must not only employ objective knowledge; they must be seen to be doing so in order to maintain their legitimacy. By insuring that policing is based on the complex objective knowledge about their extraordinary tasks, we can enhance the perceived legitimacy of the police. That legitimacy, in turn, will make them even more effective. The challenge, then, is how to insure that policing is provided, and perceived, to use the most advanced knowledge available.

My proposal for advancing police competence is to establish three new institutions supporting their objective knowledge. The first institution is university *Faculties of Policing*, housed within institutes or schools of criminology around the globe. The second is a governmentally-funded and controlled “*College of Policing*,” which is reportedly being planned by the UK government. The third is an independent, civil society organization uniting police associations with university faculties of policing in a self-governing professional body. That body could be called an “*Academy of Policing*,” and could extend the global influence of British policing.

Before describing these institutions, let me first present some evidence that suggests what a positive impact they could have on police competence. This evidence comes from the histories of universities, agriculture, medicine and professional bodies, as well as policing. I will then apply that evidence to the design of the three new institutions for promoting police competence.

## I. Useful Knowledge and Universities

The idea that universities enhance the competence of specific professions is as old as universities themselves. All Western universities founded before the Enlightenment began as training schools for clergymen, generally in the state religion. Henry the Eighth extended the range of professions to law and medicine, but not to such other useful arts as agriculture and engineering. Not until the Enlightenment did the idea of “useful knowledge” become respectable enough to merit university attention. The visionary who pioneered this innovation was none other than Benjamin Franklin, who proposed that the university he founded should help people to

“learn those Things that are likely to be most *useful* and most *ornamental*, Regard being had to the several Professions for which they are intended.”

The institution Franklin planned became the Ivy League University of Pennsylvania, the first secular university in the western world. It was no coincidence that Franklin’s university went on to establish the first university-based schools of law, medicine, and business in the US. It also set the precedent for the Morrill Act of 1862, which created the so-called “land-grant” universities to promote farming and other useful arts. Like the University of London, these secular universities were on the forefront of

using empirical science to invent new ways to improve life and, of course, to make money—which brings us to agriculture.

## II. Knowledge and Agriculture

The happy result of university research on producing more food was that farmers could make more money by saving the world from starvation. This did not happen just from land grant universities doing the pioneering research that led to far greater food production. It also happened from a national plan to teach every farmer in America about the specific research findings that could work on their own specific farm. Under funding from the United States Department of Agriculture established in 1914, university schools of agriculture have employed thousands of people called “cooperative extension agents” who have built bridges between universities and farm owners. The fundamental idea was that farmers and universities would cooperate in the application of what I call “evidence-based farming.” This framework has succeeded wildly, helping to defy Enlightenment warnings from Malthus and others that rising population would lead inevitably to mass starvation.

Few people questioned whether farmers were competent before there were university-based schools of agriculture. Farmers did what they were taught by their elders, based on experience and craftsmanship. Crop failures were blamed on bad weather or other brute facts, such as exhaustion of nutrients in the soil. But scientific research developed the knowledge to conquer those brute facts. University tutors then taught farmers how to apply that knowledge. Not all farmers were open to such advice. But over time, universities made farming more productive than anyone imagined possible.

One key element of the increasing competence of agriculture was the work of Cambridge scholar Ronald Fisher at a Hertfordshire farm called Rothamsted, a research centre that pre-dated the American Morrill Act. It was there Fisher developed his influential principles of experimental design that have improved the competence of fields ranging from medicine to education to policing. The fact that medicine embraced Fisher’s randomized controlled trials far more readily than policing says volumes about the relationship those two fields have had to both universities and professional bodies.

## III. Medicine and Universities

Medicine today is a generally a competent profession applying a complex knowledge taught in universities. Yet for much of its history, medicine may have killed more people than it helped. Medical incompetence was little helped by the faculties of medicine in the ancient universities, at least before the Enlightenment. Because those faculties existed, however, they provided an institutional framework for medicine to join the scientific revolution.

By the late 19<sup>th</sup> Century, universities were in a strong position to educate more than a small elite of doctors. In the both North America and the UK, universities succeeded at driving knowledge into all of medical practice in much the same way that agricultural schools were doing: by one-on-one teaching in field settings. No one did

more to accomplish than that of the Canadian medical educator William Osler, who became Regius Professor of Medicine in the University of Oxford.

Testifying before Lord Haldane's Royal Commission on University Education in London<sup>2</sup> in 1911, Professor Osler attacked the hospital-centred medical education of the time as lacking in science and research. Osler famously concluded that the only solution was "an active invasion of the hospitals by the universities." This challenge led to greater requirements for all doctors to understand the causes and treatment of disease, as well as the development of advanced knowledge in complex specialties. That knowledge was increasingly driven by massive research on such issues as infections, cancer, heart disease and other major killers.

The alliance of universities and the medical profession is admittedly far from perfect. Many doctors still ignore best practices recommended by their professional bodies, such as washing hands between touching each patient. There can be no doubt, however, that the role of universities as gatekeepers for the medical profession has caused great improvement over the system of entrepreneurial medicine it replaced. Nor is there any doubt about the value of a science-based curriculum for the practice of medicine. It is hard to imagine medicine being as competent as it is today without the alliance of universities with medical practice.

Universities, to be sure, do not deserve all the credit. The role of professional bodies has also helped to promote higher standards of medical practice. Henry VIII established both the Royal College of Physicians and the Regius Professors of medicine. Working together as self-governing institutions, the university faculties have *taught* medical knowledge, and the professional colleges have *tested* doctors' mastery of that knowledge.

The professional colleges have also served as an independent voice in the public interest, criticizing government as well as advising it. Just last month, for example, the President of the Royal College of Surgeons said that the NHS is killing people by not requiring the most effective methods of surgery. Moreover, he claimed, the NHS was failing to insure that surgeons were properly trained or assessed. That is just the kind of open debate that big society organizations can cultivate, with the public benefit of increasing professional competence. That is just the kind of debate that is needed to advance police competence as well.

#### IV. Professional Police Independence and the Rule of Law

The tension between policing and government in Britain has a long and dramatic history. Within months after the Conservative government created the Metropolitan Police in 1829, their government fell to the Whigs. Sir Robert Peel was replaced as Home Secretary by a strong opponent of the police idea, Lord Melbourne.

Rather than abolishing the police, Melbourne retained the Met to control widespread disorder over the great Reform Act. Melbourne soon ordered the police to suppress a public demonstration in London, against the protests of Police Commissioners Rowan and Mayne. As independent Magistrates, the Commissioners questioned

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<sup>2</sup> Christopher C. Booth, The National Health Service, the universities, and the research councils: the future of academic medicine. *British Medical Journal* 296: 14 MAY 1988, p. 1392

Melbourne's statutory power to prohibit a rally for the vote at Cold Bath Fields in Clerkenwell. When the Home Secretary insisted that they disperse the crowd, great violence ensued. Police Constable Robert Culley was stabbed to death by a group of protesters later charged with his murder. But a jury ruled the killing to have been justifiable homicide, on the grounds that Lord Melbourne had not signed an order declaring the meeting illegal. Melbourne blamed the police, telling Parliament he had never ordered the police to disperse the crowd. Commissioner Mayne then showed Parliament his notes of the meeting in which Melbourne had said exactly that.<sup>3</sup>

The Cold Bath Fields riot helped establish for the police one of the hallmark characteristics of a profession: the right to operational independence. In stark contrast to American policing, British police since Cold Bath Fields have enjoyed a global reputation for fairness and fealty to the rule of law. That reputation far exceeds the reputation of American police, who lack the same institutional buffers from politics that British police have long enjoyed. And despite the reputation US police have for *reducing* crime, they have never been able to bring down US homicide rates to anywhere near the incredibly low levels of England and Wales, which remain among the safest nations on the planet.

Regardless of the world's high opinion of the British police, there is clearly dissatisfaction with the police here at home. That is why the Government has established the elected Police and Crime Commissioners, who will take oversight of police agencies in 2012. That is why the Government is abolishing the National Policing Improvement Agency, to be replaced with new institutions for delivering police IT and training. That is why the Government may stop funding ACPO, the Association of Chief Police Officers, to develop national doctrine of best practices in a wide range of knowledge areas. That is why the Government is engaging in the most radical re-shaping of the police institutional landscape since 1919, if not since 1829.

These changes deserve a robust debate about the best means for professional policing to serve a liberal democracy under a rule of law. The many creative ideas of the Coalition Government merit competition in a marketplace of ideas. In that spirit, let me explain and support my proposal for three new police institutions.

## V. Three Key Institutions

The first new institution I propose is a *Faculty of Policing* in many different kinds of universities. From Russell Group research universities to the former polytechnics educating a growing portion of police recruits, the creation of a Faculty of Policing builds on the precedents of medicine, engineering, education and many other professions. As the new Metropolitan Police Commissioner Bernard Hogan-Howe has said, the absence of faculties of policing creates a major handicap for putting the best knowledge to work.

You may well ask two questions about this idea. First, why do police need a university faculty? Second, why would universities want one?

Police need a university faculty of their own because of the complexity of knowledge that already exists about police practices. There are libraries full of information about the causes, prevention and responses to crime, most of which remains

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<sup>3</sup> Lisa Keller, *Triumph of Order: Democracy and Public Space in New York and London*. NY: Columbia University Press 2009, p. 66.

*terra incognita* to police training programmes. It makes no more sense to leave police uninformed of that knowledge than it does to leave doctors without benefit of education on the causes, prevention and treatment of disease.

More important, university faculties can play a key role in generating and distilling objective knowledge for policing, just as they do for other science-based professions. This objective knowledge may clash with political opinions. What the scientific facts say about policing domestic violence, for example, is very different from the policies adopted by the last Labour government. The historic independence of science in universities is an added professional bulwark against the political correctness of the moment.

Universities should welcome a Faculty of Policing for the same reason: to serve the public interest by stewardship of complex knowledge. An estimated ten percent of the gross domestic product in the US is consumed by crime prevention, justice and security. The complexity and cost of crime led Harold MacMillan's Home Secretary, Rab Butler, to create the Institute of Criminology in the Cambridge University Law Faculty. That Institute has thrived not only in research and in doctoral education, but in recent years with police leadership education serving students from around the world. The Cambridge Institute is already evolving into *de facto* clusters of three fields: general criminology, penology, and policing. In that respect, the Cambridge Institute is already starting to resemble a medical school. As a multi-disciplinary field focused on solving practical problems, the intellectual shape of criminology has a great deal in common with medicine. All it lacks is an automatic link to the professions it serves.

That is why the Government's plan for a new governmental body in policing is so important. That plan reportedly calls for a *Royal College of Policing*, to help fight crime in ways I entirely support and applaud. As my colleague Peter Neyroud recommended in his Independent Review of Police Leadership and Learning for the Home Secretary, a new agency like the proposed College is an essential part of the re-structured policing landscape in Britain.

The reported purpose of the College is to perform two vital tasks. One is to deliver police training for all ranks and specialties. The other is to set standards for a wide range of decisions, including the qualifications for appointment to all police positions. The continued funding of these functions is a necessary investment that will improve productivity at a time of declining resources. The new structure of the College will also enhance the accountability of the money spent on these functions by appointing a non-police professional as the chair and chief executive of the College, and by composing half of the board with elected police and crime commissioners. The other half of the board will be appointed from the ranks of professional police.

This College will comprise a *governmental delivery body* serving a critically important function in a profession that requires highly complex training and education. The cost of that education is necessarily enormous, and—unlike medicine—not readily charged to police officers themselves. Just as training comprises a very high proportion of all military expenditure, it should also form a large part of the national police budget.

The issue of police standards is equally important, both individually and institutionally. For individual officers, it would be great progress if a Royal College were to adopt the function of the General Medical Council in keeping the register of both certified and struck-off professionals, rather than allowing constables dismissed by one

police agency to be re-hired by another. Institutionally, it is vital that a nation without a national police force insure coordination and transfers of personnel in times of crisis, as ACPO did during the riots last August.

For all these reasons, the Government's delivery of national policing services through a Royal College is a clear and necessary plan. What remains, however, is the equally compelling need for a self-governing and truly *professional* body, independent of government control or funding, in which university faculties and police professional associations can combine their expertise. The domain of such a body would be the stewardship of objective police knowledge. It would not actually *set* the government's standards for applying for such knowledge. But it would crucially *recommend* and *advise* both government and the public of best practice on the basis of objective knowledge.

Imagine a *British Academy of Policing*, with five categories of membership. Three of them would correspond to the three staff associations for constable through chief constable ranks. A fourth would include police support staff, from finance to police community support officers. The fifth category would be for academics in a faculty of policing. Many of those academics, in turn, would have some or many years of police professional experience, as well as advanced graduate degrees from research universities.

In order to provide clarity for the public image of the Academy, its President would always have to belong to the first three categories—from constable to chief constable. The Academy's link to universities would, in a similar way, gain a public face by requiring that the Chief Executive be a professor. The board of directors would include two members to be elected from each category, as well as the President and the Chief Executive Officer.

Such an Academy can do three vital things. *First and foremost*, it can publish conclusions based on the latest evidence in key areas of police knowledge. ACPO currently operates standing committees on a wide range of these areas, but without formal participation from university faculties. By adding scientific methods of knowledge assessment to the great breadth of craft experience, the Academy could substantially increase the legitimacy and competence of police practice. Recommending best practices on key issues from domestic violence to public protest marches to serial murder, the Academy could provide the public with a transparent basis for knowing whether their police—or Police and Crime Commissioner—acted on the basis of best knowledge. In this respect, the Academy would function much like the National Institute for Health and Clinical Excellence, although without funding from central government.

*Second*, an Academy can set examinations for professionals who wish to be certified as Members of the British Academy of Policing in their respective categories. These examinations could be administered directly by the Academy, or by universities accredited by the Academy to include examinations as part of degree courses. These courses and examinations could, in principle, be delivered all over the world.

*Third*, an Academy can recommend educational, selection or examination standards for appointment to each police rank or specialty, such as firearms commander. These public recommendations would be addressed by the professional Academy to the government's Royal College of Policing, for its consideration in adopting official national requirements.

There is potential confusion, however, about the distinction between the College and the Academy. The government has described the Royal College as a professional

body, just as a British Academy would be. You may well ask whether Britain really *needs* two professional bodies of policing. One answer is found in the Neyroud Report to the Home Secretary, which recommended exactly that: a delivery body, like the proposed Royal College, and a professional body, like the proposed British Academy of Policing.

A more basic answer is that the proposed Royal College cannot truly be a professional body unless it is led by members of the profession. That is not by law, but by conventional practice. I can find no British example of a professional body governed by non-professionals. The Royal College of Nurses is led by a nurse. The Royal College of Teachers is led by a professionally-certified teacher. The Royal College of Physicians is led by a Physician, and so on with Surgeons, GPs and others. Professions are by definition democracies of peers, admitted to the electorate on the basis of expertise. It is in the public interest to have that expertise based entirely on objective knowledge, as a clear and transparent contribution to the larger arena of democratic decision-making. A Royal College of Policing can do many things led by non-professionals, but it cannot symbolize the objective knowledge of the profession through non-professional leadership and control.

A third reason to have a “two-body solution” is the legitimacy of policing. In an era of declining religious and political authority, an independent civil society body representing all professions of policing could place the legitimacy of policing more solidly on the foundations of science, as part of the rule of law. Police often claim that certain intrusions on liberty, such as stop and search, are proportionate to the reduction in violence they achieve. It would be far more legitimate if the evidence for such claims were to be made transparent. Similarly, when police decide it is not in the public interest to prosecute a first offender, it may be far more legitimate to do so on the basis of randomized field trials than on the basis of experience alone—including experiments that are currently under way in British police agencies.

An *independent* professional body combining police and universities is no panacea for the challenge to increase police competence. But it is a well-timed contribution to managing the relationship between policing and liberal democracy. As we move towards the election of the first Police and Crime Commissioners to supervise Chief Constables, there will inevitably be tensions between the discretionary authority of constables and their new masters. And as the prospect increases for the creation of direct entry paths into higher ranks of policing of people who have not risen from the rank of Police Constable, the question of how to make such appointments legitimate must also be addressed.

A century ago, the medical educators called for universities to invade the hospitals. In the 21<sup>st</sup> Century, the invasion should be the other way around. The *police* should invade the *universities*, demanding the best science available to enhance police performance. Where the science is lacking, police can identify key research questions and provide field support for comparing alternative answers. Police can create, as two of my colleagues have suggested, not just science-led policing. They can shape a growing body of police-led science.

It is no surprise, then, that the first public call for a policing body governed in partnership with the universities came not from the scholars, but from the President of the Police Superintendents’ Association of England and Wales, Derek Barnett.

The future of his proposal will not just matter for Britain. It will matter for the entire world. Just as the British medical colleges have long certified doctors from across the Commonwealth, a professional policing body based in Britain could become a world hub of policing knowledge and certification.

With that certification will come intensive dialogue about human rights, and the duty of police to obey the law while upholding the law. In my forty years of working with police agencies from the US to India, my craft experience tells me that police education may be one of the most powerful strategies available for spreading and supporting liberal democracy. Not pure democracy, but democracy supporting a rule of law that protects the rights of minorities, of protesters, of the powerless and powerful alike.

Britain can easily turn its back on the world, and focus on its own parochial issues. But in a global view, Britain has the finest police on earth, and most of the world knows it. A British Academy of Policing that would build on that reputation could reduce human misery more than all the foreign aid money of the G20 combined. Let us not be so short-sighted that we cannot see this opportunity for Britain to strengthen its enormous legacy of democracy and the rule of law. Let us stand, like Isaac Newton, to see farther, on the shoulders of Sir Robert Peel, Sir Richard Mayne, and Sir Ronald Fisher, the inventor of controlled experiments. Let us stand on the shoulders of Police Constable Robert Culley, who died in the greatest test of police independence under the rule of law. Let us stand with the Prime Minister, in his appeal for voluntary organizations to build a Big Society. And let liberal democracy be enhanced by the legitimacy of objective knowledge as the foundation of professional policing under a rule of law.