

3. Policing: a power in the land

ACPO, the Chief Constables' trade union, rose to public prominence during the miners' strike, and created new fears about the establishment of a national police force. But in the third Secret Society enquiry, DUNCAN CAMPBELL found that ACPO's real function was to preserve police chiefs' freedom from accountability

THE BALANCE between law and order and civil rights has, since 1979, shifted decisively towards greater authoritarianism. A significant part of the shift has resulted from the work of a wholly extra-constitutional body, the Association of Chief Police Officers (ACPO). Now loudly political — calling, for example, for the abolition of the right to silence, the curtailment of jury trials and greater control of juries — ACPO has for a decade had a central role in determining policing policy on matters of important public interest. Yet it is profoundly undemocratic. Its affairs are effectively in the hands of a self-perpetuating elite, who will seldom recognise masters either in central or local government, and who have not infrequently been accused of being unaccountable even to most of their own 280 members.

ACPO has not always had its own way in demanding new police powers, or in rejecting unwelcome new duties. But Home Office and government have still repeatedly found themselves operating to the Chief Police officers' agenda. The normal constitutional relationship has been reversed even to the extent that Ministers have suggested that it is the duty of government and Parliament to produce what the police want — not the other way round. Two years ago, junior Home Office minister Giles Shaw summed up the relationship between the Association and the government with the comment that 'You, the Chief Constables, are not slow to tell us if we are getting it wrong. And that is as it should be.'

ACPO, founded in 1948 from earlier Chief Constables' clubs, provides ambitious Chief Constables with the opportunity to play a prominent national political role. The Association also carries out orthodox trade union functions such as negotiating pay and conditions. All ACPO's deliberations, decisions and documents are kept confidential. Despite an annual government subsidy approaching £200,000, its leadership recognise no obligation to discuss their affairs with outsiders of any persuasion. The current President of ACPO is the noisiest and most iconoclastic of all police chiefs, Greater Manchester Chief Constable James Anderton,

who is no more restrained in commenting about ACPO's operations than in his other pronouncements. He told me that 'We are accountable, I suppose, essentially to ourselves'.

No national force

Despite fears during the miners' strike that the ACPO-run National Reporting Centre was the preliminary to national integration of the police service, ACPO itself is emphatically neither an embryo national police force nor a prototype for such a development. With a few exceptions among the very ambitious, ACPO's membership doesn't want a national police force any more than the left or libertarians — but for quite different reasons.

The left doesn't want a national police force because of fears of the potentially repressive power it would place in the hands of national government, and the expected lack of accountability. But senior police officers see ACPO as protecting them from accountability to central government, while retaining their existing independence of local government control. It gives them the power and access they need and want nationally, without the control (either local or central) thus entailed. They seek the accoutrements of a national and centralised police force — but without having to endure administration from above, which would deprive each of ACPO's 43 Chief Constables of their much prized 'local autonomy' on their own patches.

ACPO's prime job, one Metropolitan Police member of ACPO told me, is 'to keep the politicians away from the police'. One of ACPO's most prominent members, the former Devon and Cornwall Chief Constable John Alderson, says:

The vast majority of Chief Constables wouldn't want a National Police Force . . . I think there is an awareness that a National Police Force will lead to a greater control of Chief Officers of Police [by politicians].

At present, Alderson noted, 'they haven't had to put up with a bureaucracy which is higher in the pecking order than themselves'. ACPO's position was also made quite plain to the 1979 Inquiry on the Police conducted by Lord Justice Edmund Davies. The judge observed that:

The Associations (ACPO and ACPOS, the Scottish equivalent) have made it clear that they would prefer to forego statutory recognition rather than accept regulation.

As things stand, Chief Constables are literally a law unto themselves as to how they deploy their forces. 'A chief constable', Lord Denning asserted in a key case, 'is not a servant of anyone save the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that . . . nor can any police authority tell him so.' Democratic reforms of local government

police committees would threaten one aspect of this autonomy; but a national police force would threaten the other. Falling between these two stools, Chief Constables stay free.

Strong influence

ACPO President Anderton refused to provide *Secret Society* with a copy of their rulebook, although it hardly ranks high in the list of the nation's secrets. But a little help from ACPO moles yielded the document, which specifies three objectives for the Association's operations. Two of these are the normal work of a trade union — negotiating pay and conditions, and protecting the 'individual and collective interests' and 'social amenities' of members. The third function, loosely framed, covers ACPO's real national role — to 'promote the welfare and efficiency of the police service, to provide opportunities for discussion, and to give advice on matters affecting the service'. But does ACPO just give advice, or does it actually make the policy?

The Home Office has made no secret of the fact that it has been strongly influenced by ACPO, as Giles Shaw's comment indicated. On such matters as public order, drugs, weapons, and police powers, policy is frequently decided by ACPO and then rubber-stamped by the Home Office. But if battle lines are drawn on a policy issue between a government (of any party) and the police chiefs, they are now adept at presenting and winning their case through the media and other channels. Brian Hilliard, a former Special Patrol Group inspector who now edits the independent *Police Review*, says that:

If 43 Chief Constables won't do, or don't want to do, what the Home Office want them to do, the Chief Constables will win.

Former Chief Constable John Alderson concurred with Hilliard that 'if ACPO wished to be opposed to a central government it would be able to do so up to a very high point.' Only bringing ACPO into a statutory framework could remedy the situation.

ACPO's direct and public involvement in politics began in the mid-1970s, led in part by the former Metropolitan Police Commissioner Robert Mark. After his retirement, Mark claimed that the views of the police could be 'safely disregarded' by any government if they did not accord with ministerial wishes — since the legislators could rely on the 'traditional silence' of the police. But Robert Mark was the last person about whom such a claim might have been true.

Indeed, in another memoir, Mark boasted how he and ACPO took on the last Labour government and Employment Secretary Michael Foot about the proposed reform of picketing laws. ACPO hated Foot's plan. So from their Scotland Yard headquarters, ACPO sent telexes to each Chief

Constable, urging them all to protest loudly and publicly. ACPO won the day; the bill was killed. Their success inspired the Chief Constables' lobby to take action often again; soon afterwards they wrote a well publicised letter to Home Secretary Merlyn Rees claiming that planned reductions in police budgets could lead to 'a breakdown in law and order'. Rees reconsidered his plans.

On any political issue of importance, according to John Alderson, 'there would be an ACPO party line — which was usually thrashed out at the Chief Constables' Council meeting'. Then, 'from time to time':

The ACPO Office at the behest of the President would send out telex messages to all Chief Constables advising them of the ACPO policy . . . and asking them not to go against it.

We had experience of ACPO's discipline of its own elite membership while making *Secret Society*, with the assistance of ACPO members. ACPO discussed the programme at a special meeting. Later, ACPO officers argued that if a certain serving Chief Constable, who had contributed substantially to the debate on police accountability, were to appear instead of ACPO's approved choice, co-operation might be withdrawn. (In the end, neither appeared.)

Self-selecting

ACPO's rules make it clear that the Association's ruling body, a seven-member Executive Committee, is virtually self-selecting. The executive committee comprises the President and Vice-President, the past President, the Metropolitan Police Commissioner, the General Secretary, an Honorary Treasurer, plus a single elected representative of the 'other ranks', the Assistant Chief Constables (and Commanders of the Metropolitan Police).

Officially, all these posts are elective. In practice, new members of the Executive Committee are nominated by the Committee itself. There is usually a single nomination, and no time is wasted on secret ballots or other democratic frivolities, however much these may find official favour in other trade unions. Once nominated as Vice-President, the appointee expects then to be elected, unopposed, as the next year's ACPO President. The current President, James Anderton, does not disagree that this is

ACPO's way; 'invariably, that is done'.

The ACPO structure, and the influence it wields across the range of police appointments and policy act as a formidable force for conformity in a body of men (there are no women in the very top echelon of ACPO) not often noted for their progressive views. 'Assistant Chief Constables within ACPO know that their future depends on the favour of the 20 men in power above them,' says Brian Hilliard, and 'they'd be very unwise if they went out of their way to upset them or upset any of their friends.'

ACPO's structure is seen as effectively stifling not just any rare flowers of police radicalism (although John Alderson has been an industrious exception of sorts), but also in restricting the range of innovative ideas of any kind which younger officers might bring to policing. For the average Assistant Chief Constable, says Hilliard, 'the eventual destination hopefully is Chief Constable':

They haven't got to Assistant Chief Constable by rocking the boat, and once they're in ACPO, they're not going to rock any boats at all. They're getting there by being conventional . . .

Although it has no statutory existence, ACPO dominates a quasi-official body called the Central Conference of Chief Constables. The Central Conference is a forum in which Home Office civil servants meet with the ACPO hierarchy twice a year to discuss 'issues of current concern to the police service'. The Conference is chaired by the Permanent Secretary to the Home Office, Sir Brian Cubben.

What's discussed at the Conference is officially secret, and secret even from most of ACPO, according to past and present members. Deputy Chief Constables might see the minutes, I was told, but they would go no further down the ranks. The papers presented are not shown to local authorities, despite the official theory that policing in Britain is a 'tripartite' responsibility between the police, and local and central government. Local authority Police Committees are unrepresented at the Central Conference, although a separate 'tripartite' conference is held by ACPO every summer to give some semblance of consultation to the policy-making process. The lack of local authority involvement in the main conference means that police policy-making is confined to a confidential conclave of a few Chief Constables and civil servants.

Secret success

ACPO's determined secrecy about its activities has earned criticism from every quarter, including all other ranks of the police service. This issue came to the fore in the Orgreave riot trial, when defence lawyers forced ACPO members to produce the now notorious 'Public Order Manual'. The Police Federation, representing ordinary police officers, loudly attacked ACPO for 'quite absurd, not to say arrogant secrecy . . . over the contents of the manual'. The Federation paper, *Police*, pointed out that although instructions in the manual had been alleged to incite ordinary PCs on riot duty to possible illegal assault themselves, the contents of the manual were never discussed with the Federation. The Federation commented that:

ACPO has managed to make itself look ridiculous

and sinister at one and the same time.

In developing the public order tactics in the manual, ACPO laid down policing policy in a very sensitive area without asking anyone else, senior police officers included. Yet the manual contravenes the Home Office's own recommendations — and the doctrine of the courts — on the minimum use of force by the police.

The feeling that the ACPO tail is wagging the Home Office dog remains hard to dispell. For example, ACPO continues to maintain that Chief Constables acted autonomously in using roadblocks to inhibit pickets reaching the main coalfields during the miners' strike; that the novel and almost uniformly applied roadblock policy was a result of unco-ordinated spontaneous local application of Chief Constables' 'operational autonomy'. The ACPO view is not convincing. Similarly, ACPO claims that no Chief Constable was ever given orders to produce their local title of Police Support Units for the National Reporting Centre to deploy against the miners. But talk to the middle ranks of some police forces, and there's no shortage of stories about the pressure applied to recalcitrant Chief Constables to toe the ACPO party line on putting PSUs where ACPO wanted them.

An ACPO campaign to restrict the right to jury trial, and the rights of jurors, has long roots. In 1965, for example, ACPO informed the Morris Committee on juries that the partial removal of a property-owning qualification for jury service had been in their view 'detrimental to the quality of person serving on juries'. ACPO lost that one; but has now won an increasing restriction on the right to jury trial, the introduction (and perhaps extension) of the use of majority verdicts; and the abolition of defence 'peremptory challenges' to individual jurors.

After observing ACPO from the inside, critics like John Alderson fear that ACPO's erstwhile low profile has led to an underestimate of its importance:

I think at the present time nobody quite understands the nature of the power, or the potential power, of ACPO in the political sense . . . there's a vacuum in the constitutional arrangements for our policing system.

But ACPO alone is not responsible for the vacuum, or the mess it can create. There are many junior and senior police officers unhappy with the political role that the present government has thrust on the police. It also clearly suits some politicians' purposes to shuffle responsibilities for resolving political conflicts off onto the shoulders of the police. When police operations become embarrassing — and the Special Branch raid on BBC Scotland over *Secret Society* itself is a very apposite example — then police autonomy provides a happy opportunity for Ministers to evade political responsibility for the odium that results. IF ACPO are to be blamed for moving too far into the political arena, they can properly point to a string of politicians, Labour and Conservative, who left the doors open and threw away the keys. □

Next week: Changes in the BBC2 Secret Society schedule means that the episode on the failures of Britain's radar and air defence system has been switched to next week (Wednesday 13 May, 10.20pm). The accompanying New Statesman article will appear in next week's issue.



'The following statement is true throughout Great Britain and Northern Ireland from midnight tonight until further notice'