

## **Sir Robert Peel's Principles of Law Enforcement 1829**

### **Comments and questions**

1828 saw Catholics admitted to Parliament. 1832 gave us the Great Reform Act extending the franchise, although it has to be said that the G-Word was used to cover up the fact that it was really the Timid Reform Act ensuring that democratic participation did not rock the boat of privilege. And we had, from a Tory Home Secretary, principles of law enforcement that, if produced today, would have Robert Peel hounded by a rabid Tory Media Machine as a leader of the 'loony left'. The theme of his principles was policing by consent.

It was a time when conservatives felt the need to borrow the cloaks of liberals. They did not, however, keep them on. By 1848 Robert Peel signed up as a special constable to prevent the Chartists submitting their petition asking for government by consent. Joining him as special constables were the great Liberal William Gladstone and as, I think, an exotic touch Louis Napoleon, nephew of the man who transformed Liberty, Equality and Fraternity into dictatorship.

#### ***But back to the principles and some comments and questions***

1. The basic mission for which police exist is to prevent crime and disorder as an alternative to the repression of crime and disorder by military force and severity of legal punishment.

***The word 'prevent' stands on one side. The words 'repression', 'force' and 'severity' stand on the other with 'alternative' in between. As a 'basic mission' that looks straightforward. Does it feel like that today?***

2. The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behaviour and the ability of the police to secure and maintain public respect.

***The key words here are 'public approval' and 'public respect'. Is that dependency clearly evident today?***

3. The police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain public respect.

***This raises the question of how the police must go about securing that willing co-operation.***

4. The degree of co-operation of the public that can be secured diminishes, proportionately, to the necessity for the use of physical force and compulsion in achieving police objectives.

*Might we say the same today: more force means less co-operation?*

5. The police seek and preserve public favour, not by catering to public opinion, but by constantly demonstrating absolutely impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; by ready offering of individual service and friendship to all members of society without regard to their race or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.

*There is a lot in this principle. In particular I wonder what is meant by the phrase 'complete independence of policy'. I find it interesting that while the police are placed firmly in a close relationship with the law they are separated from policy. My question is, are all of today's politicians, particularly when in power, capable of seeing the distinction?*

6. The police should use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of *persuasion, advice and warning* is found to be insufficient to achieve police objectives; and police should use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

*If the police are tied to the law then a 'police objective' can only be a lawful one. The question arises, how wise is a law?*

7. The police at all times should maintain a relationship with the public that gives reality to the historic tradition that *the police are the public and the public are the police*; the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the intent of the community welfare.

*This contains a favourite phrase, 'the police are the public and the public are the police'. It is interesting to allow the mind to wander and wonder what this means in practice.*

8. The police should always direct their actions toward their functions and never appear to usurp the powers of the judiciary by avenging individuals or the state, or authoritatively judging guilt or punishing the guilty.

***Again, we see the emphasis upon the police remaining within the law and refraining from (that old phrase) taking the law into their own hands. I suggest that this is not always easy. The phrase 'on suspicion' comes to mind.***

9. The test of police efficiency is the *absence* of crime and disorder, not the *visible evidence* of police action in dealing with them.

***I would still like to see a bobby on the beat from time to time.***

**A final question that has nagged at me for years: supposing we took that phrase in the seventh principle, 'the police are the public and the public are the police' and instead of 'police' inserted the word 'government' what might that mean?**

**Cliff Jones 24<sup>th</sup>. September 2018**