Police and Crime Commissioners in the United Kingdom: A Compelling Case for Enhancing Public Participation in Crime Control Institutions?

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Abstract

The phenomenon of crime is as ancient as organized society. Crime control has traditionally been a state responsibility, managed by experts, with the public playing no substantive role. The state's mechanism of coercive force in tackling crime derives from their mandate from the people, and the lack of public participation has caused a gradual erosion of legitimacy. This has led to criticisms of crime control institutions on accountability and effectiveness. The United Kingdom's development of the post of Police and Crime Commissioner as a model for public participation has been seen as a step towards increased transparency but has suffered similar criticisms. This article looks at whether the case for enhanced public participation is compelling and whether the United Kingdom's attempt towards public participation works.

Introduction

The public has traditionally been cocooned from participating in crime-control institutions. Professionals, bureaucrats, and academics have dominated institutional practices and policies for decades. The inner workings of these vital institutions guarding our society from crime and provide us with security are often opaque and excluded from the scrutiny of the public. The insulation of crime-control institutions has problems however. The phenomenon of crime

is as ancient as organized society, and attempts to curb it have resulted in a plethora of differing theories and methods. These ideas on how to tackle crime propounded by experts and adopted by crime-control institutions can be very different from a layman's. As expert versus layman opinion regarding the solutions diverge from each other, there is the tension that crime-control institutions do not represent what most people conceive as their role to be anymore. Since these institutions derive their mandate to use coercive force from the people, the lack of meaningful input from the public gradually cause them to lose legitimacy. To reverse this trend, there is a proposed case for enhancing public participation in crime-control institutions. Whether this is a compelling idea or should be one resisted shall be evaluated. In the first section of this paper, I shall examine why there is a case for public participation for the sake of legitimacy, accountability, and proper functioning of crime-control institutions. Next, I shall evaluate the other side of the coin – the dangers of enhanced public participation, before finally, deciding whether it is a worthwhile idea for consideration. This shall end with possible lessons to be learned for the future.

The Case for Public Participation in Crime Control

There are several strands in the case for enhancing public participating in crime-control institutions and in the following I shall cover three of them: increased institutional legitimacy; increased accountability; and increased effectiveness.

Legitimacy

For decades, crime-control and policy has been dominated by a 'small, male, metropolitan elite' promoting a liberal rehabilitative agenda who were 'oblivious to the concerns' of the rest of the population that had to suffer the most from crime[1]. The idea was that 'the masses are apathetic and ill-informed' and the running of public policy should be left to the 'active, enlightened democratic elite'[2]. These decisions by the 'elite' are often done behind closed doors and can completely bypass public opinion.

Yet the results of decisions, oft lead to the formulation of broad ranging criminal justice policies affecting large swathes of society. This, coinciding with the explosion of mass

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[1] G Johnstone, 'Penal Policy Making: Elitist, Populist, or Participatory' (2000) 2 Punishment and Society 161.
[2] Ibid 167.

media, led to a 'decline in deference to professional elites'[3] and a general rise in dissatisfaction with their ability regarding crime due to easily distorted or misunderstood crime rate figures. Combined with the lack of input from communities and people affected by them raises issues of legitimacy with crime-control institutions as they seemed quite removed from the realities of the communities and lives they rule.

A key tenet of legitimacy in British policing and indeed, applicable to many other governmental institutions is that it is done with consent, and that power is derived through a mandate from the populace. In order to have consent, at the minimum, institutions need to act fairly and involve the community in dialogue, taking into account their views before major decisions are taken[4]. The problem with elitist decision-making is that although the institution may attempt to act fairly procedurally, their perspectives from a position of power can be narrow and skewed, leading to implemented outcomes that may not be substantively fair upon the rest of society.

Therefore, legitimacy requires that crime-control institutions 'involve individuals' in deliberation: equal 'in rational, open and ongoing debate to discuss and ultimately agree upon public policies, like punishment'[5] and not closed door meetings. A key factor to a 'legitimate power relationship' between an institution and an individual that is 'personally meaningful' is the 'identification with the norms, goals and values'[6] of the former by the latter. Therefore, a crime-control institution cannot be thoroughly composed and managed by elites. To do so, only results in decisions that are absolutely out of touch with civil society and only adversely affects it's standing and the exercise of power. This can account for why people lost faith and respect in many British crime-control institutions such as the police, prisons and parole services.

The lack of meaningful public input combined with excessive media coverage of crime stories and victimization put many concerned citizens in the role of 'spectators', eliciting 'strong emotional reactions like sorrow, rage, anger and compassion'[7]. Despite this, most are powerless to do anything about it, for the lack of direct participation in crime-control

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[3] D Green, 'Public Opinion Versus Public Judgment About Crime' (2006) (2006) 46 British Journal of Criminology 131.

[4] M Hough, 'Policing, New Public Management, and Legitimacy in Britain' in T Tyler (ed), *Legitimacy and Criminal Justice* (Russell Sage Foundation, New York 2007) 64.

[5] A Dzur and R Mirchandani, 'Punishment and Democracy: The Role of Public Deliberations' (2007) 9 Punishment and Society 151, 161.

[6] B Bradford et al, 'Compliance with the Law and Policing by Consent' in A Crawford and A Hucklesby, *Legitimacy and Compliance in Criminal Justice* (Routledge, Oxford 2013) 35.

[7] S Karstedt, 'Emotions and Criminal Justice' (2006) 6 Theoretical Criminology 299, 304.

institutions hinders their ability to effect change. What they have partook in however is 'distant suffering' which when aggregated over time, could lead to 'excessive demands for punishment'[8] and calls for radical change. When the 'experts' invariably do not meet such demands or 'pander' to public opinion, allegations of illegitimacy and calls for reform arise, which if followed through by politicians, may do more damage than good. The public's influence on policy indirectly through politicians may be to a 'bad effect'[9] because actual public concerns may be diluted, intensified, or even misinterpreted by politicians acting as the middleman and malignly implemented. To enhance direct public participation can 'strengthen and reaffirm communal bonds and encourages a civic responsibility'[10] for individuals in society, reversing trends of public disengagement which negatively affect the legitimacy of public institutions.

It must be recognized that the largely expert-led system in many institutions of crime-control has their own agenda regarding how to work, and the self-interest to retain the status quo. However, these institutions are not and cannot be perceived as autonomous worlds unto themselves. They are public institutions, and need to be accountable to the public that funds their existence. The public plays a crucial role in criminal justice. Laws are derived from public exigencies, and hence at the most basic level; the public is the source of the law in the land. Citizens play vital roles as jurors, witnesses, and victims on a micro-level but they do not have much meaningful power or even a role on a macro-level. As observed; citizens have been 'marginalized to the point of constituting the "forgotten party" in criminal justice'[11] with many matters 'stolen by professionals and experts'[12].

Taken together, these are detrimental to public confidence in crime-control institutions. The paternalistic approach is one that may work in more homogenous and authoritarian states; but is not suitable for a pluralistic democracy like Britain with its varying views and diverse multi-cultural population. Not including the public at all in the running of crime-control institutions spells danger, potentially sparking insurmountable public dissatisfaction that forces Parliament to implement ill-thought out, sweeping, and drastic changes. It is much better to include some public participation to retain the confidence of the people and have progressive change then induce a crisis of legitimacy.

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[8] Ibid 310.
[9] D Garland, *Punishment and Modern Society* (OUP, Oxford 1990) 187.
[10] A Crawford, 'Public Participation in Criminal Justice' [2002] Criminal Justice Review 1, 5.
[11] Ibid 1.
[12] N Christie, 'Conflicts as Property' (1977) 17 *British Journal of Criminology* 1-15.

Accountability

As mentioned briefly above, crime-control institutions are public institutions: their power is wielded for the public good, the taxpayer funds them, and their mandate comes from the public. Despite all these references to the public, the actual public is often secluded from the actual process and uninformed of the 'workings, principles and values of the system'[13]. The lack of understanding in the workings of crime-control institutions and the institution's opaqueness in explaining their actions through freely available operating procedures is dangerous because it indicates a lack of oversight and accountability. Having an independent party, such as the public, participating ensures that crime-control institutions are using their powers and taxpayer monies properly. To not ensure a culture of transparency and to not put an end to the 'inward-looking cultures' [14] through enhanced public participation is undesirable.

Theoretical notions of legitimacy are not the only concern that touches upon the undesirability of such. There is a very real danger in abuse of power, corruption and other temptations arising out of an institution that lacks public participation. Due to the access of significant public funds and coercive power given to crime-control institutions, there is the need to police those that police us. Abuse of power and corruption can be hard to reign in when an institution is secluded from public participation and oversight. The coercive power that crime-control institutions wield in criminal justice; of arrests, detention, sentencing, and release of individuals is immense and given to them in a monopolized fashion by the public. Fears that this entrusted power could be abused for private gains are deserving of contemplation.

This danger is especially present when crime-control institutions are entirely or largely expert led. As a result of their professed possession of 'rare and specialized skills and knowledge' in crime-control – there is the danger that this entails the usage of 'complex and incomprehensible details that only a few individuals can understand' [15]. Self-confessed expertise can make scrutiny hard for the general public without the benefits of this knowledge, and even be able to be used to mask incompetence or misconduct. This effectively means that the public institution is made self-governing and regulating;

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[13] Crawford (n 10) 3-4.
[14] Ibid.
[15] UN Crime Prevention and Criminal Justice Division, 'UN action against Corruption' (1997) 3. Available here: <http://www.uncjin.org/Documents/corrupt.htm> accessed 18 March 2014.

diminishing chances of effective oversight, transparency and control by the public whom the institution is supposed to be the servant of. One must be ever vigilant to the idea that 'in a democracy it matters not only that crime is controlled, but also how it is controlled'[16] – the effectiveness of the institution, although important is not the be all and end all. Questions of humaneness and democratic values also need considering.

The tragedies that can arise from a lack of transparency and accountability are evident from cases like the Stephen Lawrence Inquiry where the opaque structure of the Metropolitan Police Service was found to be institutionally racist. In addition to this was the 'notorious peer loyalty informally expected of police officers' and other law enforcement 'by their subculture'[17], which most outsiders can hardly hope to penetrate expeditiously. Having a police subculture, which is 'characterized by secrecy, isolation, the adoption of a code of silence and a macho approach'[18], is detrimental to all involved in crime-control – from the police service themselves, to the people that come into contact with the police, all the way to general civic society.

Such institutional mentalities in the police (and many other crime-control institutions for that matter), that sees itself as separate from the rest of society combined with the adoption of increasingly 'paramilitary' attitudes in a 'war on crime' is not compatible with democratic and a human rights centric form of policing which policing by consent was originally conceived of. Habits of opaqueness and self-regulation will after decades of entrenchment inside institutions act as an impediment to and will actively resist changes even if changes were for the better. Therefore, public participation needs to be introduced and embraced slowly into the internal culture and norms of crime-control institutions so as to 'mobilize support for a new vision'[19] of transparency in the leadership so as to allow time for accountability to pervade through and become a norm in the establishment.

There is a principle at stake. Public institutions are fundamentally owned by the public and run for their service and hence, need to be publicly accountable. As Leighton states: 'underlying this ownership principle is the core assumption that the level of crime…[are] closely related to the level of public participation'[20] by the public in their crime-control

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[16] I Loader and R Sparks, 'Beyond Lamentation: Towards a Democratic Egalitarian Politics of Crime and Justice' in T Newburn and J Peay (eds), *Policing: Politics, Culture and Control, Essays in Honour of Robert Reiner* (Hart, Oxford 2012) 19.

[17] PAJ Waddington, *Policing Citizens: Authority and Rights* (Taylor & Francis, Oxford 2002) 164.

[18] N Uidriks, *Police Reform and Human Rights* (Hart Publishing, Oxford 2005) 44

[19] J Isenberg, *Policing Leadership in a Democracy* (Taylor & Francis, Oxford 2010) 102.

[20] RV Ericson and KD Haggerty, *Policing the Risk Society* (OUP, Oxford 2002) 72.

institutions. This is because increased levels of accountability and transparency allows for those people in communities to be made aware of the effectiveness of the service provided to them by their institution[21]; and where it is not up to standard, flag issues of worry offer up solutions for improvement, which shall now be analyzed.

Effectiveness

The enhancement of public participation can also lead to the enhancement of administration and outcomes in crime-control institutions. This is especially so for initiatives in against crime such as community policing. The lack of transparency and public input in remote crime-control institutions as detailed previously has prompted unrest such as riots[22] and breakdowns in the relationship between institutions and communities, fostering an atmosphere of distrust.

Distrust can be extremely negative to crime-control outcomes. As observed, a 'frame of institutional distrust' is a 'lens that negatively color future interactions, not just with the police, but also with other important social institutions'[23]. A 'veil of suspicion and doubt'[24] between a crime-control institution and the community hinders the ability of the institution to get individuals to come forward to report crime and the gathering of intelligence from sources in the community to target crime. This can negatively affect crime-control in the short term, but in the long term, can provoke an even more punitive and coercive response from institutions in order to goad intelligence out of informers. This can result in a spiral of distrust that wrecks community relationships.

The inclusion of public participation however, allows crime-control to be done 'more closely and responsively' with community needs and avoids the image of institutions like the police service being seen as 'a hostile army of occupation'[25] alien to the community. A sense of mutuality between community and institutions can foster fruitful outcomes in the form of networked relationships that alert institutions to potential problems and allow for preventative measures – a more proactive rather than reactive form of crime-control.

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[21] D Faulkner, *Crime, State and Citizen* (2nd edn, Waterstate Press Winchester 2006) 84.
[22] D Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (OUP, Oxford 2003) 124.
[23] S Bucerius and M Tonry, *The Oxford Handbook of Ethnicity, Crime and Immigration* (OUP, Oxford 2014) 241.
[24] Ibid.
[25] Garland (n 22).

The decentralization of crime-control institutions from a predominantly nationally managed enterprise by experts to one of 'associated democracy' [26] devolved with powers and governance firmly based within local civil societies should be considered. This as Hirsh describes it, 'publicizes civil society and pluralizes the state'[27], empowering various actors to access funds allocated to them to deal with local problems in a way that is flexible and able to evolve and respond to local customs and concerns. This in effect partly dismantles the previously national centralized approach concentrated on all-powerful crime-control institutions. The prior adoption of a one-size fit all policy in dealing with crime may not be of assistance to communities with regional realities that cannot be rectified except through increased community involvement.

With enhanced public participation, 'functions of crime prevention and community safety…can be increasingly carried out by individuals'[28] in society, allowing for more appropriate solutions bespoke to local problems and cultivating the idea that the individual has a stake in his community. This does not only benefit the community itself, but also those that offend. A criminal justice system that only seeks to punish is likely not very effective. Community approaches with public participation is likely even more useful in national settings where there exist a large indigenous population, or where there is a marginalized socio-racial group.

This can be exemplified by the Australian experience. In Australia, under the notion of 'self-determination' Aboriginal communities are allowed and encouraged to be involved in the policing of and stage community interventions[29] for minor criminal offences. This self-help mechanism of social control is cited as 'ultimately reducing crime' and reducing the use of imprisonment in these historically disadvantaged groups and re-establishing civil bonds[30]. If this public participation in crime-control were not allowed, an infringement of law could mean the potential stepping in of an aloof government applying Anglo-Australian common law, which is completely foreign to indigenous peoples. This could lead to feelings of resentment by the community and exclusion by the offender, and if incarcerated, the removal of them from local communities into the federal prisons system, which would be immediately

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[26] G Wickham and G Palvich, *Rethinking Law, Society and Governance* (Hart, Oxford 2001) 120.
[27] P Hirst, *Associative Democracy* (Polity, Cambridge 1994).
[28] Wickham (n 26).
[29] A Graycar and P Grabosky, *The Cambridge Handbook of Australian Criminology* (CUP, Cambridge 2002) 267.
[30] Ibid.

much more punitive and stigmatizing than say for a white Australian. In the long term, these factors in combination can exacerbate crime rather than control it.

A community led approach, combined with a partnership with governmental agencies[31] can result in a much more suitable and effective approach in tackling crime in several ways. Amongst these is: cutting costs and raising the value for money in reaching proper justice; ensuring that public institutions actually work for the public rather than themselves; and introducing a limited form of responsible self-governance in local communities that is more responsive towards dealing with its own problems. Therefore, it must be said that enhancing public participation does bring about a more effective institution.

Preventing Penal Populism and Smart Targeting

The case for enhanced public participation in crime-control institutions is there, and it is compelling. The question therefore, is not whether if there should be enhanced public participation, but rather to what extent public participation should be enhanced.

The problems with enhancing public participation are many, but foremost, may be inherent within the public itself, because to a certain extent, the idea that they are 'apathetic and ill-informed'[32] is true. For the large majority of the law-abiding public, first-handed experiences with the criminal justice system will likely be nil. However, they will have had second-handed experience conceptualized through the lens of media (mis)representation, and fulfilled their role as 'the impotent spectator'. Due to this, many would say their normative position would be one that is tough on 'crime' despite their lack of actual knowledge behind each case of criminal conduct, which are all individually circumstantial based.

Exacerbating this problem is the fact that politicians are aware of these normative views on punitiveness, so that political culture rewards them for 'ratcheting up crime-control policy' rather than challenging the 'common sense views' of the masses[33]. To be soft on crime is to commit political suicide. As observed by Pratt, this phenomenon is under the auspices of neo-liberalism where the 'the indifference of the general public is increasingly giving way to intolerance and demands for still greater manifestations of repressive punishment'[34]. The fact that it tends to be 'ignorant' citizens that vote for punitive policies indicates that there must

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[31] R Hogg and D Brown, *Rethinking Law and Order* (Pluto Press, Annandale 1998) 210-217.
[32] Johnstone (n 1).
[33] A Dzur, 'Restorative Justice and Civic Accountability for Punishment' (2003) 36 Polity 3, 19.
[34] J Pratt, *Punishment and Civilization* (Sage Publications, London 2002) 182.

first be a shift in public knowledge, attitudes and accountability[35] before public participation can be reliably enhanced and engaged in a way that ensures it constructively benefits crime-control.

This takes time. Crime-control institutions still need the expertise of the professional classes for their day-to-day running. The institutional entrenchment of expertise through decades of a system ran by experts for experts have resulted in organizations that may work, but is incomprehensible to the outsider. One cannot argue that all crime-control institutions need enhanced public participation, because some do work quite well with the public. One example is the judiciary and the legal profession. By and large they uphold the rule of law and prevent miscarriage of justices – a bulwark against penal populism due to their independence and impartiality. Open justice is done; the people are entitled to participate as jurors, deciding on fundamental issues of guilt or innocence.

It would be quite unwise for one to forcibly impose measures of enhanced public participation in such institutions, for it has worked well and accountability can be achieved through a series of checks and balances via measures such as appeals that diffuse power through a collective of different individuals. But it has also evolved an inaccessible tradition that is seen outwardly by the wigs and gowns, but inwardly by the intricate laws that constitute rules of evidence and criminal procedure. A layman can hardly hope to gain access and participate as a lawyer or judge in a meaningful manner without specialized training, which in turn graduates him into an expert. But the public has the chance to play a crucial role as a juror – it is the decision of them collectively that decides trial outcomes in most Commonwealth countries; and for some states in the United States, it is the Grand Jury that determines whether criminal charges should even be brought.

Enhanced Public Participation Done Wrong

One therefore has to look at the particular institution at hand to decide whether enhanced participation is needed rather than blindly enforce such. There is a reason why policing is one institution where enhanced participation has been forcibly imposed, leading to the establishment of Police and Crime Commissioners (PCC) in England. This is because despite their huge front-line role in crime-control, the police services and its hierarchy is opaque, accountability is questionable (due to complaints handled by internal affairs) and public

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[35] Dzur (n 33).

participation negligible. The idea was to 'make the police more accountable through oversight by a directly elected individual'[36].

The problem with the idea is that despite their oaths of impartiality; PCC's can be negatively affected by penal populism because a single, directly elected individual is susceptible to 'mass-mediated portrayals of what the public want'[37] rather than informed public opinion. The fact that PCCs can also come from political parties[38] can aggravate this due to established party political stances in which an individual's personal views on policing can be affected from party lines towards one to sway votes in an attempt to not 'be outdone by their political opponents express similar punitive sentiments'[39]. Whether this idea of populism is empirically true or not shall not be discussed, but rather it is more important to see how the role of PCCs as originally conceived for public engagement and accountability in crime-control has absolutely failed.

Firstly, it is questionable whether one individual can be seen as representative of public participation; and this is starkly illustrated by the fact that many PCCs were elected on 'record low turnouts'[40]. Secondly, their job to 'cut crime by setting priorities in line with the needs of local people and holding chief constables to account'[41], raises problems even if it sounds uncontroversial. The idea that one individual, who may have no knowledge of crime-control previously would be involved intimately with operational functions of the police and directing their chief constable on what they see as 'needs of local people' is problematic. As Loader persuasively argues, this transforms their role to the crime fighter, emasculating chief constables from their operational expertise and acting in the name of the people rather than being in a dialogue with them[42].

Public participation and engagement cannot be centralized on one person. It requires reciprocity between the public and the institution. Professionalism in crime-control institutions should not be replaced; rather there should be 'greater effort to link with external

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[36] HM Government, 'The Coalition: Our Prorgamme for Government' (London 2010) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf> accessed 19 March 2014.
[37] Green (n 3).
[38] Home Office, 'Police and crime commissioners to swear an oath of impartiality' <https://www.gov.uk/government/news/police-and-crime-commissioners-to-swear-an-oath-of-impartiality> accessed 19 March 2014.
[39] R Matthews, 'The Myth of Punitiveness' (2005) 9 *Theoretical Criminology* 175, 189.
[40] BBC, 'PCC elections: Watchdog to probe record low turnout' (London 2012) <www.bbc.co.uk/news/uk-20374139> accessed 19 March 2014.
[41] Home Office (n 38).
[42] I Loader, 'Why Community Engagement Matters' (Connecting the Police and the Public Police Conference 9 October 2012) <http://www.youtube.com/watch?v=uYLuw6shmv4> accessed 19 March 2014.

institutions' and promote 'greater pro-activity'[43] to ensure best practices. It is said that at its very best, reciprocity is achieved via the 'sharing of authority and mutuality of decision which does not require equality of power but does preclude domination'[44] by any one side, public or experts. The current implementation of PCCs however is one where power is heavily tilted towards a directly elected individual that allows for domination. This is someone that professes legitimacy and represents public participation and can hold the professionals to account, but in turn, have no real accountability.

It can be argued that the PCC like the experts before them, very well face a looming crisis in legitimacy, accountability and effectiveness. They are allowed to wield power, 'coercing different behaviors from the police service' changing its working order and discretions alongside the power to dismiss and appoint officers under 'uneven and lightly scrutinized processes'[45]. It is questionable whether it is right for any elected person is qualified to micromanage crime-control services in the name of the public. Furthermore, there is no oversight safeguard other than the electoral process. It is also arguable whether a PCC can be a delegate of their community considering the impossibility of 'democratic engagement and public involvement' at neighborhood level when they are responsible for a police authority over a 'whole force area'[46].

This is the centralization of too much power on one person over too large an area. It cannot be a genuine form of enhanced public participation. Once the public has elected the candidate, there is really no more active participation or engagement needed until the elected term ends. This is not a correct way to enhance public participation. A community approach requires a collective approach. The judicial system as a crime-control institution has worked well on the very fact that it is based upon a system of diffused and collective exercise of power with meaningful public participation and responsibility on different tiers. Answerability is attained either by appeals to higher courts by judge panels, or a complaint system headed as a diarchy between an expert, being the Lord Chief Justice and an individual

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[43] K Miyazawa, *Crime Prevention in the Urban Community* (Kluwer, Deventer 1995) 43

[44] L Gelsthorpe, 'Back to Basics in Crime-control: Weaving in W omen. A gendered reading of David Garland's analysis of The Culture of Control' (2004) 2 Critical Review of International Social and Political Philosophy 76, 103.

[45] Independent Police Commission, 'Policing for a Better Britain' (2013) 82. <http://crim.law.ox.ac.uk/wp-content/uploads/2013/11/Policing-for-a-Better-Britain.pdf> accessed 19 March 2014.

[46] Ibid 83.

representing the public, being the elected Lord Chancellor[47]. Crime-control institutions that wish to enhance public participation need to take some lessons from this.

Enhanced public participation is needed, but one must guard against the destructive effects of penal populism via retaining an intact expert system (but reformed) and ensuring those that participate for the public actually be people hailing from their respective communities and focused on local concerns and dialogue rather than a partisan figure seeking votes. To avoid the dangers of penal populism in mainstream politics, those that stand for election should like judges, 'forego any kind of political activity and on appointment sever all ties with political parties'[48]. Additionally, it is preposterous for entrusting one individual with power on crime-control institutions over a large area like PCCs[49]. Rather, like the judicial system, power should be dispersed. Devolution to neighborhoods, with elections to a civil body for a local area akin to one PCC's currently are responsible for, and which can jointly formulate policies in crime-control with each individual checking upon others to prevent abuses of power[50] would be more compelling. One also must ensure for reciprocity so that the public and experts are seen as equals, and no one side dominate the crime-control agenda: the public voicing/directing concerns and the experts implementing and preventing excesses. But it must be recognized that the latter is ultimately in service of the former. The public need be educated to take into account expert opinion during its deliberations, like the jury taking instructions from the judge or they may very well destroy the operational knowledge built through the years.

Conclusion

The case for enhanced public participation is compelling. The lack of it spells illegitimacy, un-answerability and ineffectiveness. But not all institutions need enhanced participation – some, like the judicial system work quite well and incorporate the public sufficiently. Enhancement must be smartly targeted, with some institutions particularly needing it (i.e. police). The current implementation of said public participation in the form of PCC for the police services however is not attractive, in effect giving the public only a voting role and then disengagement and deferral to one person thereafter. As the public makes the

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[47] Judicial Office, 'Judicial Accountability and Independence' (London 2014) <http://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/jud-acc-ind> accessed 19 March 2014.
[48] Judge's Council, 'Guide to Judicial Conduct' (London March 2013) 10.
[49] IPC (n 45) 86.
[50] Ibid.

community, the community must be at the center of any enhanced public participation for crime-control institutions. Those that do participate must be broadly drawn from the community with local concerns close to heart. Only then would participation be meaningful.

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