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## EVALUATING A DECADE OF REFORM

### Police and Crime Commissioners in England and Wales

**ABSTRACT:** The abolition of the local police authorities responsible for the security of the English and Welsh communities and the appointment of the elected Police and Crime Commissioners in their place is one of the most interesting and thoroughly debated reforms of local structures by the Conservative Party in the last ten years. The new authority, responsible for setting local safety priorities, has been equipped with relatively broad supervisory powers over the local police forces. As a decade has just passed since the reform had been introduced it offers an opportunity to evaluate the decisions that had been taken.

**Keywords:** local government, local safety, police and crime commissioner

The demands for democratization of local-level policing emerged among British Conservative politicians in the first decade of the 21<sup>st</sup> century. At the time, they pointed out the need for greater citizen involvement in setting security policy priorities and the necessity of introducing more effective mechanisms to hold Chiefs Constable accountable. It was pointed out that the actions of the latter were often inefficient, and the lack of oversight from entities outside the police structure frequently led to abuses. The solution to this issue was officially outlined in the 2010 Conservative Party manifesto, which pledged the creation of a directly elected office responsible for overseeing the actions of local police units.<sup>1</sup> The commitment to prepare the appropriate legislation was included in the Queen's Speech delivered at the opening of the parliamentary session on 25 May 2010.<sup>2</sup> This initiative was led by the then Home Secretary of the United Kingdom, Theresa May.

<sup>1</sup> *Invitation to Join the Government of Britain*, London 2012, p. 57.

<sup>2</sup> *Her Majesty's Most Gracious Speech to Both Houses of Parliament: Delivered on Tuesday, 25<sup>th</sup> May 2010*, London 2010, p. 3.

The *Police Reform and Social Responsibility Act 2011*, enacted on 15 August 2011, replaced local police authorities<sup>3</sup> with Police and Crime Commissioners (PCCs).<sup>4</sup> The new office, established to improve the functioning of local services and thereby relieve the Home Office of these responsibilities, was vested with a range of powers. The most significant of these included the authority to appoint and dismiss the local Chief Constable, to set the annual budget for the local police, with the ability to determine what portion of the local council tax would be allocated to the police, to develop five-year Police and Crime Plans that set out clear objectives along with the tools for their evaluation, and to coordinate cooperation between local government bodies, citizens, non-profit organizations, and local police units in matters of safety and crime prevention.<sup>5</sup>

At that time, in the discussions concerning the nature and character of introduced changes, numerous arguments were made both for and against. There was a drive to provide the individual overseeing local police units with a strong public mandate.<sup>6</sup> Most politicians emphasized the need for the development of effective and transparent mechanisms to hold those responsible for public safety to account. It was pointed out that England and Wales need the simplification of the entire local-level safety structure to make it understandable and easily accessible to the people. Initially, such debates were predominantly focused on the analysis of the new legislation. More recently, conclusions made on such basis are capable of being supplemented by an extremely important component: the practical operation of the authority. The purpose of this article is to assess the relevance of the arguments cited in the public debate preceding the creation of the post of Police and Crime Commissioner from this broader practical perspective. It will be formulated on the basis of the analysis of source material including both reports published by the Commissioners and their oversight institutions and the literature on the subject.

## ELECTORAL CHALLENGES AND IMPACTS

Police and Crime Commissioners are elected in general elections for a four-year term based on the first-past-the-post system which was introduced under the *Elections Act 2022*, replacing the previously used supplementary vote system. The elections scheduled for 2 May 2024 were first to be held under new regulations. Currently, 37

<sup>3</sup> The police authorities, established under the *Police Act 1964* (c. 48, s. 2), oversaw the activities of officers in each of the newly created police areas. Ultimately, their composition included local councillors (selected to reflect the political makeup of local councils) and independent members drawn from the local community. Customarily, at least a few of them were Justices of the Peace. See E. Brytyjski *samorząd lokalny po 1945 roku*, Kraków 2013.

<sup>4</sup> *Police Reform and Social Responsibility Act 2011*, c. 13, s. 1.

<sup>5</sup> Under the *Policing and Crime Act 2017*, it became possible to assign English PCCs similar responsibilities for fire and rescue services. Where this option has been utilized (Essex, Northamptonshire, North Yorkshire and Staffordshire), the commissioners are titled Police, Fire and Crime Commissioner.

<sup>6</sup> Commons Chamber vol. 532: debated on Monday 12 September 2011, c. 780.

commissioners are elected in England and 4 in Wales.<sup>7</sup> The right to vote is held by registered voters who are British, Irish, qualifying Commonwealth, or EU citizens. They must be resident at an address in England or Wales and be at least 18 years old on the election day. Naturally, they cannot be legally excluded from voting.<sup>8</sup> To stand as a candidate, aside from being an adult citizen of one of the aforementioned entities, one must be registered as a local government elector in a local council area within the police area where they wish to stand, both at the time of nomination and on polling day. It's worth noting that these requirements will change in 2024 as a result of Britain leaving the European Union.<sup>9</sup>

As previously mentioned, one of the arguments put forward by proponents of the reform was strengthening the legitimacy of those making decisions about local security.<sup>10</sup> That is why the appointment to office was entrusted to the residents of local communities. The strong public mandate resulting from the direct involvement of citizens in electing Police and Crime Commissioners was intended to enhance their position, not only in relation to the Chiefs Constable they oversee but also in relation to other entities operating in the local public sphere. The electoral mechanism, undoubtedly more democratic and conducive to citizen engagement, faced two significant challenges in practice, which became evident immediately after the first PCC elections held in November 2012. The first issue was the relatively low voter turnout, and the second was the high proportion of spoiled ballots compared to other elections.

Only 15.13% of eligible voters participated in the election of Police and Crime Commissioners in England and Wales. While local elections typically attract less interest from the public compared to national-level elections, the fact that nearly 75% of eligible voters chose not to cast their vote for any candidate raised some concern. This was the lowest turnout since the European Parliament elections in 1999, where only 23.1% of voters participated.<sup>11</sup> Pessimistic forecasts made before the election, referenced during the debate in the House of Commons, had predicted a turnout of 18.5% to 20%<sup>12</sup>, yet in Staffordshire, England, it was just 12%, and in Merthyr Tydfil, Wales, 11.9%.

<sup>7</sup> In London, Manchester, and West Yorkshire, the duties of the PCC are performed by the mayors, who delegate part of these responsibilities to their deputies (Deputy Mayor for Policing and Crime). As a result, no elections for this position are held in these areas.

<sup>8</sup> *Police Reform...*, c. 6, s. 52.

<sup>9</sup> Government decided to restrict the voting rights of EU citizens and their right to stand for some local elections in England. According to amendments which were made by Elections Act 2022 voting and candidacy rights of citizens of EU countries on local level will depend on the date of their arrival to the UK and they nationality as UK is going to negotiate agreements on the matter with each country individually. So far only four agreements has been reached (with Luxembourg, Poland, Portugal and Spain).

<sup>10</sup> Commons Chamber, vol. 520: debated on Monday 13 December 2010, c. 708.

<sup>11</sup> G. Berman, Ch. Coleman, M. Taylor, "Police and Crime Commissioner Elections, 2012," *Research Paper*, vol. 12, no. 73 (2012), p. 7, at <https://researchbriefings.files.parliament.uk/documents/RP12-73/RP12-73.pdf>, 10 September 2024.

<sup>12</sup> Commons Chamber, vol. 551: debated on Friday 19 October 2012, c. 673.

The highest turnout was recorded in Corby, England, at 36%, which was an exception compared to the overall data.

The reasons for this situation were attributed to a weak information campaign explaining the role and functions of the Police and Crime Commissioners, a lackluster election campaign resulting in limited knowledge of the candidates and their programs, as well as insufficient promotion of the election itself.<sup>13</sup> It was also suggested that the timing of the election in autumn (15 November),<sup>14</sup> the lack of voter interest in local security issues, and the declared opposition to this method of selecting those in charge of police units were significant factors, as confirmed by public opinion polls conducted shortly after the election.<sup>15</sup> Undoubtedly, the negative impact of some of these factors on voter turnout could have been mitigated or eliminated.

The second significant issue related to the election was the disproportionately high number of spoiled ballots (2.84%) compared to other elections. C. Rallings and M. Thrasher suggest that this may have been linked to the electoral system used, as similar rates were observed in past elections where the supplementary vote system was applied.<sup>16</sup> Voters cast votes for two candidates – a first and second preference. If none of the first-choice candidates achieve an absolute majority, the votes are recounted, taking the second preference into account.<sup>17</sup> In the first count, votes were most often rejected because voters either did not select any candidate, marked their choice unclearly, or selected more than one candidate as their first preference. During the second count (consideration of the second preference), many voters did not indicate a second-choice candidate, which may have been at least partly intentional, driven by a reluctance to support another candidate or a preference for the first-past-the-post system they were more accustomed to.

While changing citizens' attitudes requires comprehensive, long-term efforts that are not solely dependent on the incumbent Cabinet, it seems that a better information campaign and more careful preparation for the Police and Crime Commissioner elections by the government could have led to higher voter turnout. This, in turn, would

<sup>13</sup> The Electoral Commission, *Report: How the 2012 Police and Crime Commissioner Elections Were Run*, at <https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/report-how-2012-police-and-crime-commissioner-elections-were-run>, 10 September 2024.

<sup>14</sup> J. Garland, Ch. Terry, *How Not to Run an Election: The Police & Crime Commissioner Elections*, London 2012, p. 5, at <https://www.electoral-reform.org.uk/wp-content/uploads/2017/06/2012-England-and-Wales-Police-Crime-Commissioner-Elections.pdf>, 10 September 2024.

<sup>15</sup> *Ibid.*, p. 10.

<sup>16</sup> C. Rallings, M. Thrasher, *The 2012 Police and Crime Commissioner Elections in England and Wales: Aspects of Participation and Administration*, Plymouth 2013, p. 5, at [https://www.electoralcommission.org.uk/sites/default/files/pdf\\_file/PCC-2012-electoral-data-Report.pdf](https://www.electoralcommission.org.uk/sites/default/files/pdf_file/PCC-2012-electoral-data-Report.pdf), 10 September 2024.

<sup>17</sup> If no candidate gets 50%, all but the top two candidates are eliminated. The second preference votes of the eliminated candidates are then redistributed to the two remaining candidates. These second preferences are added to the original first-preference totals of the top two candidates. The candidate with the most votes after the second preference votes had been redistributed is declared the winner. See R. Blackburn, *The Electoral System in Britain*, London 1995, p. 368.

have helped strengthen the mandate of the newly elected officials and improved public reception of the reform. Such recommendations for the government were made in reports published immediately after the elections. They primarily highlighted the need to establish new, direct channels of communication with voters (previously limited to the government's website and an automated helpline), suggesting the distribution of informational leaflets to every household by post.<sup>18</sup>

Although the majority of the proposed reforms were ultimately not implemented, the next election, held on 5 May 2016, strengthened the position of supporters of the new office. Voter turnout was 27.3%, representing an increase of 11.5%. It appears that one of the main reasons for this was the alignment of the PCC elections with other elections. In Wales, commissioners were elected alongside members of the Welsh Parliament, and in England in 114 (out of 283) local authorities, the commissioner elections coincided with council elections. A comparison of turnout between the two groups of English counting areas clearly shows higher participation in areas with aligned elections (32.8%) compared to those without (20.2%).<sup>19</sup>

The introduction of Individual Electoral Registration in June 2014, which allowed each voter to register independently (previously done by the head of the household), may have encouraged greater citizen engagement in Police and Crime Commissioner elections. Additionally, the institution of the commissioner, having been established for four years, may have naturally become more embedded. However, research commissioned by the Electoral Commission showed that the government's information campaign, conducted similarly to previous efforts, did not significantly contribute to better outcomes, as 72% of respondents stated that they knew little (44%) or nothing (28%) about the PCC elections.<sup>20</sup> It is also worth noting that the percentage of invalid votes remained similar to that of the previous election, at 3.4%. Despite expert recommendations, the government did not simplify the instructions on the ballot papers, which was expected to reduce the number of incorrectly cast votes.

In the subsequent elections held on 6 May 2021 (the commissioners' terms were extended due to the Covid-19 pandemic),<sup>21</sup> voter turnout continued its upward trend, reaching 34.1%. Once again, commissioners were elected alongside members of the Welsh Parliament, and in many English areas, the PCC elections were combined with local elections. Of the votes cast, 2.9% were deemed invalid, which partly justified the

<sup>18</sup> Ibid., p. 14; J. Garland, Ch. Terry, *How Not to Run an Election...*, p. 12.

<sup>19</sup> C. Rallings, M. Thrasher, *Local and Police and Crime Commissioner Elections May 2016*, Plymouth 2016, p. 21, at [https://www.electoralcommission.org.uk/sites/default/files/pdf\\_file/Electoral-Data-May-2016-Report-England-PCC-London.pdf](https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Electoral-Data-May-2016-Report-England-PCC-London.pdf), 10 September 2024.

<sup>20</sup> The Electoral Commission, *The May 2016 Police and Crime Commissioner Elections: Report on the Administration of the 5 May 2016 Police and Crime Commissioner Elections in England and Wales, Including the Local Government Elections Held across Parts of England*, 2016, p. 22, at [https://www.electoralcommission.org.uk/sites/default/files/pdf\\_file/2016-PCC-elections-report.pdf](https://www.electoralcommission.org.uk/sites/default/files/pdf_file/2016-PCC-elections-report.pdf), 10 September 2024.

<sup>21</sup> The elections were postponed under the *Coronavirus Act 2020* (c. 7, s. 60), which stated that the postponement would not affect the date for the next elections. As a result, the newly elected commissioners served only a three-year term.

government’s announcement of a change to the electoral system. The next PCC elections were held under the first-past-the-post system. The reform was also aimed at strengthening the position of the commissioner, who, working for the safety of a specific community, was to be held directly accountable by that community. In this context, supporters of the change often cited Winston Churchill’s words about transferable voting: *The decision (...) is to be determined by the most worthless votes given for the most worthless candidates.*<sup>22</sup>

The changes introduced under the Elections Act 2022 were implemented on 2 May 2024, when the Police and Crime Commissioner elections were held in England and Wales, in some English areas traditionally combined with local council elections. Voter turnout significantly dropped, hovering around 23.2%. Some political commentators pointed out that the government’s actions not only failed to encourage voters to go to the polls but actually weakened the position of the commissioners. Some managed to win the election without securing even 40% of the votes, something that had not happened in previous years.<sup>23</sup> It was also argued that the first-past-the-post system favored candidates from the ruling Conservative Party,<sup>24</sup> distorting the principle of election equality. There was broad agreement, however, that the change in the electoral system positively impacted the number of invalid votes, as their proportion in the 2024 election was only 1.6%.

Tab. 1 Turnout and invalid votes in PCC elections

PCC elections	2012	2016	2021	2024
Turnout	15,1%	27,3%	34,1%	23,2%
Invalid votes	2,8%	3,4%	2,9%	1,6%

Source: based on the Electoral Commission data

OVERSIGHT AND PUBLIC TRUST

As frequently as the need for legitimizing the actions of those responsible for security, there was also a call to break up rigid structures responsible for local security and entrust oversight over them to individuals from outside those systems. On one hand, this solution was meant to guarantee the independence and objectivity of the supervisory

<sup>22</sup> Commons Chamber, vol. 253: debated on Tuesday 2 June 1931, c. 106.

<sup>23</sup> I. Simpson, “Imposing First Past the Post on These Roles Was a Mistake,” *Electoral Reform Society*, 15 May 2024, at <https://electoral-reform.org.uk/imposing-first-past-the-post-on-these-roles-was-a-mistake/>, 10 September 2024.

<sup>24</sup> A. Renwick, “The New Voting System for Mayors and PCCs: How It Affects Democracy,” *The Constitution Unit Blog*, 24 May 2024, at <https://constitution-unit.com/2024/05/24/the-new-voting-system-for-mayors-and-pccs-how-it-affects-democracy/>, 11 September 2024.

body, while on the other, it was expected that decisions made by the PCC would enjoy public support, as they would be made by someone with public trust, expressed through elections. It was assumed that voters would appoint individuals not only knowledgeable about local security conditions but also trusted and respected. Undoubtedly, there was also a desire to prevent situations where a misguided sense of professional solidarity hindered the accountability of local police officers.

Police-related circles appeared to doubt whether citizens would elect the right candidates. Their representatives argued that filling the posts through a competitive process or appointment, at least partially based on the requirement of high qualifications and experience in working with the services, would eliminate the possibility of entrusting relatively broad authoritative powers to individuals who do not meet the designated professional or moral criteria. Elections, by their nature, do not ensure such guarantees, as they only require candidates to meet the formal conditions for running. There were concerns that the lack of experience and specialist knowledge about how police units operate would not only damage the police's reputation but also jeopardize the safety of officers and citizens.

Of course, some of these concerns were exaggerated, as Police and Crime Commissioners were never responsible for the day-to-day running of policing. While they set local security priorities by creating the Police and Crime Plan, which should be implemented by the Chief Constable, the latter retains operational independence. This ensures that PCCs cannot interfere with specific investigations or direct the police on how to handle particular incidents. This division of responsibilities was guaranteed by The Policing Protocol Order 2011.<sup>25</sup> Furthermore, PCCs can appoint and dismiss the Chief Constable, but they cannot involve themselves in how the Chief Constable carries out operational duties. However, these regulations did not fully reassure the rather conservative police circles.

Their concerns were fueled by scandals involving some commissioners. The most serious case was that of Shaun Wright, the South Yorkshire PCC, who resigned in September 2014<sup>26</sup> after it was revealed that, during his time as the council's head of children's services in Rotherham from 2005 to 2010, hundreds of children had been sexually abused.<sup>27</sup> Despite warnings from various sources, the local authorities failed to prevent the abuse. Following the findings of the report, Wright was summoned to testify before the Home Affairs Select Committee as a witness. Two individuals later accused him of lying during his testimony, formally lodging a complaint with the Independent Office for Police Conduct (IOPC), prompting an investigation. The final report of IOPC

<sup>25</sup> *The Policing Protocol Order 2011*, p. 18.

<sup>26</sup> He was also the subject of votes of no confidence passed by Rotherham Borough Council, Sheffield City Council and the South Yorkshire Police and Crime Panel.

<sup>27</sup> Report concluded that between 1997 and 2013 at least 1400 children were sexual exploitation in Rotherham over the years, A. Jay, *Independent Inquiry into Child Sexual Exploitation in Rotherham: 1997-2013*, 2014, p. 29, at <https://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham>, 15 July 2024.

concluded that there was no conclusive evidence to prove that Wright had knowingly committed perjury.<sup>28</sup>

The other scandals related to the activities of commissioners usually concerned nepotism and financial matters. Public opposition was sparked by the behavior of Adam Simmonds (Northamptonshire PCC), who in 2012 was accused of hiring friends for his office,<sup>29</sup> and later in 2013, the Police Federation questioned his spending, as it was significantly higher than that of the previous police authority.<sup>30</sup> Similar charges were brought against Alun Michael (South Wales PCC) and Rory Stewart (Cumbria PCC). Although the media reported several times on potential misconduct by commissioners or their questionable ethical stances, it is worth noting that between 2012 and 2016, only one commissioner resigned from their position, while two, under public pressure, declared that they would not seek re-election. None were dismissed, and none were convicted in court for actions related to their role.

In the next term, from 2016 to 2021, two Police and Crime Commissioners resigned. Jason Ablewhite (Cambridgeshire and Peterborough) resigned in November 2019 following allegations of inappropriate behavior online. The Independent Office for Police Conduct launched an investigation after Ablewhite was accused of sending inappropriate messages to a member of the public on social media.<sup>31</sup> Nevertheless, he was never brought up on criminal charges. The second PCC to resign, in September 2020, was Barry Copping from Cleveland. His resignation followed a damning report on local police units by the Constabulary and Fire & Rescue Services.<sup>32</sup> Moreover, Cleveland's Police and Crime Commissioner was also referred to the Independent Office for Police Conduct. The allegations concerned the deletion of messages on WhatsApp, which may have prevented full disclosure obligations when responding to Freedom of Information requests. However, in this case as well, the allegations were deemed unfounded.

In the next term, from 2021 to 2024, one Police and Crime Commissioner resigned. This was Philip Allott from North Yorkshire, who was forced to step down in October 2021 after making inappropriate comments following the murder of Sarah Everard, which were seen as victim-blaming. The young woman had been unlawfully arrested by an off-duty Metropolitan Police constable, who raped and killed her. In Philip Allott's view, tragedies like this could have been prevented if women knew more about arrest

<sup>28</sup> Independent Office for Police Conduct, *Operation Linden South: Investigation into the evidence of Mr Shaun Wright at the Home Affairs Select Committee (HASC) 9 September 2014*, Croydon 2018, at <https://www.policeconduct.gov.uk/publications/operation-linden-south-mr-shaun-wright>, 15 July 2024.

<sup>29</sup> "Northamptonshire PCC Adam Simmonds 'Hired Friends,'" *BBC*, 13 December 2012, at <https://www.bbc.com/news/uk-england-northamptonshire-20713635>, 15 July 2024.

<sup>30</sup> "Northamptonshire PCC Cost Questioned by Police Federation," *BBC*, 13 November 2013, at <https://www.bbc.com/news/uk-england-northamptonshire-24912858>, 15 July 2024.

<sup>31</sup> "Cambridgeshire PCC Jason Ablewhite Resigns Amid IOPC Referral," *BBC*, 11 November 2019, at <https://www.bbc.com/news/uk-england-cambridgeshire-50379888>, 15 July 2024.

<sup>32</sup> "Clueless' Cleveland Police 'Putting Public at Risk,'" *BBC*, 27 September 2019, at <https://www.bbc.com/news/uk-england-tees-49830445>, 15 July 2024.



procedures and the legal grounds for detention. Both the local community and politicians in London called for his resignation. The North Yorkshire Police, Fire and Crime Panel unanimously passed a vote of no confidence in the commissioner, calling for his immediate resignation.<sup>33</sup> Ultimately, Allott resigned, apologizing for his comments.

If we consider the concerns about the office being taken by unsuitable individuals (whether due to their moral standing or qualifications), it is worth noting that over the course of three terms, only four commissioners have resigned under public pressure and due to allegations against them. However, it should be noted that although several PCCs have faced investigations and controversies, including allegations of misconduct or inappropriate behavior, these cases have either resulted in resignations without charges or in investigations that did not lead to prosecution. Furthermore, none of the serving commissioners have been subject to a legal disqualification.<sup>34</sup> The data concerning complaints about the work of commissioners submitted to Police and Crime Panels is incomplete,<sup>35</sup> but it suggests that the complaints mainly concerned nepotism, financial misconduct, and inappropriate behavior. Based on available reports, the majority of complaints fell under non-criminal categories and were handled by the PCC itself, dismissed, or resolved with minor recommendations.

Tab. 2 Resignations of Police and Crime Commissioners during successive terms

Term	2012-2016	2016-2021	2021-2024
PCC resignations	1	2	1

Source: based on media information

It is worth noting that the Police and Crime Panels, made up of local councilors and at least two co-opted independent members, which oversee the daily work of the commissioners, have limited tools for disciplining the latter. Although they can formulate assessments and opinions suggesting certain behaviors, especially during the review of the Police and Crime Plan and the annual report, they ultimately lack the ability to enforce their recommendations. They can veto chief constable appointments and veto the first proposal of local police precept (both with a two-thirds majority), but a vote of no confidence by the panel does not result in the commissioner’s resignation. The panel may suspend the relevant PCC if they are charged with an imprisonable offence

<sup>33</sup> “North Yorkshire PCC Resigns after Losing Vote of No Confidence,” *Police Professional*, 14 October 2021, at <https://policeprofessional.com/news/north-yorkshire-pcc-faces-vote-of-no-confidence/>, 15 July 2024.

<sup>34</sup> A PCC can be disqualified from office under certain legal conditions, such as conviction for a criminal offense punishable by imprisonment, being declared bankrupt or holding ineligible roles (e.g., being a police officer, civil servant, or judge) as stipulated in the *Police Reform...*

<sup>35</sup> The author received only partial data from individual Police and Crime Panels regarding the number and nature of complaints related to the actions of PCCs before publishing the article.

which carries a maximum term of two years or more.<sup>36</sup> It was assumed that such oversight powers would be sufficient, as the primary tool for holding PCCs accountable was meant to be public pressure. Nevertheless, the regulations regarding the functioning of Police and Crime Panels have been criticized.<sup>37</sup>

Perhaps the mechanisms for holding PCCs accountable for their actions could function more effectively.<sup>38</sup> The introduction of a recall petition, similar to the procedure applied to Members of Parliament seems to be an interesting idea. This procedure gives voters the power to effectively remove a sitting MP from office. It can be initiated if the MP is convicted of a criminal offense resulting in a prison sentence or is suspended from office due to gross misconduct. If the recall petition gathers the signatures of 10% of eligible voters in the MP's constituency, it will lead to a by-election.<sup>39</sup> It seems logical to equip the body that appoints the Police and Crime Commissioner with powers to remove them, especially in situations where a PCC has lost public trust. A proposal for such a solution was mentioned in connection with a parliamentary report on child sexual exploitation in 2014.<sup>40</sup>

## ACCESSIBILITY AND PUBLIC ENGAGEMENT

Naturally, the driving force behind the changes was also the belief in the necessity of creating a transparent and comprehensible, yet more efficient, local policing system. The previous one, considered complex and inaccessible to people, seemed outdated. This impression was reinforced by public opinion surveys, which indicated that people didn't know local police structures<sup>41</sup> and rated their interactions with police officers rather negatively. The vast majority of respondents knew something about police authorities, and a certain portion had never heard of them.<sup>42</sup> Additionally, despite statistical data indicating a decline in crime, the percentage of people claiming they did not

<sup>36</sup> *Police Reform...*, p. 30.

<sup>37</sup> S. Chambers, "Who Is Policing the Police and Crime Commissioners?," *Safer Communities*, vol. 13, no. 1 (2014), p. 37.

<sup>38</sup> See B. Loveday, "Evidence to the Committee on Standards in Public Life: Concerning Public Accountability Structures of the Police in England and Wales," in *Police Accountability Written Evidence: Section A-D*, 2015, at [https://assets.publishing.service.gov.uk/media/5a74f5eded915d502d6cc627/Police\\_Accountability\\_\\_Evidence\\_A\\_-\\_D.pdf](https://assets.publishing.service.gov.uk/media/5a74f5eded915d502d6cc627/Police_Accountability__Evidence_A_-_D.pdf), 15 July 2024.

<sup>39</sup> *Recall of MPs Act 2015*, c. 25, s. 1, 7.

<sup>40</sup> *House of Commons, Child Sexual Exploitation and the Response to Localised Grooming: Follow-Up: Sixth Report of Session 2014-15*, London 2014, p. 11, at <https://publications.parliament.uk/pa/cm201415/cmselect/cmhaff/203/203.pdf>, 15 July 2024.

<sup>41</sup> Commons Chamber, vol. 520..., c. 708.

<sup>42</sup> Ipsos MORI Social Research Institute, *Police Accountability and Governance Structures: Public Attitudes and Perceptions*, 2010, p. 10, at <https://www.ipsos.com/sites/default/files/publication/1970-01/sri-crime-police-accountability-and-governance-structures-september-2010.pdf>, 15 July 2024.

feel safe and believed crime was increasing continued to rise.<sup>43</sup> People lived with the belief that the police operated automatically based on central directives, without considering the voice of local residents.

The first step towards simplifying the structure was replacing the collegial body with a monocratic one. The Police and Crime Commissioners, appointed to replace the police authorities, which were criticized for inaction, were expected to make decisions more efficiently, bearing full responsibility for their choices. Their tasks did not differ significantly from those performed by the police authorities, but they were given somewhat broader powers to fulfill them. These powers were intended to strengthen their influence on how policing is conducted in their areas. This primarily involved the direct ability to dismiss the Chief Constable (while local authorities had to take significant bureaucratic steps and wait for the Home Secretary's approval to do so),<sup>44</sup> controlling the police budget and allocating resources (whereas police authorities approved the budget and oversaw its implementation without strategic control of expenditures), and scrutinizing police performance through regular meetings or review of key performance metrics (the role of police authorities was more advisory and less assertive).

The broad oversight powers of Police and Crime Commissioners over Chief Constables did not necessarily translate into improved relations between them. On the contrary, there were concerns that the latter might resist this cooperation, expressing reluctance towards being subordinated to someone 'outside the system'.<sup>45</sup> Aware of potential difficulties, the Home Office declared that it would not interfere in any disputes, indicating that they should be resolved locally.<sup>46</sup> This might explain the increase in the number of police officers retiring shortly after the reforms took effect. Moreover, despite government assurances of the inviolability of the principle of operational independence of the force, there were fears that commissioners seeking public support would pressure Chief Constables, interfering in specific policing activities. As S. Lister points out, the classification of certain issues as either strategic (dependent on the PCCs) or operational (excluded from their competencies) could become a source of conflict.<sup>47</sup>

<sup>43</sup> D. Moon, J. Flatley (eds), *Perceptions of Crime, Engagement with The Police, Authorities Dealing with Antisocial Behaviour and Community Payback: Findings from the 2010/11 British Crime Survey: Supplementary Volume 1 to Crime in England and Wales 2010/11*, 2011, p. 54, at <https://assets.publishing.service.gov.uk/media/5a7b4c98e5274a319e77e5c4/hosb1811snr.pdf>, 15 July 2024.

<sup>44</sup> Under the *Police Act 1996*, s. 11, police authorities could call upon the chief constable to retire or resign in the interests of efficiency or effectiveness, giving him or her an explanation in writing and an opportunity to make representations before seeking the approval of the Secretary of State.

<sup>45</sup> To explore the ability of Police and Crime Commissioners to hold Chief Constables to account see B. Caless, J. Owens, *Police and Crime Commissioners: The Transformation of Police Accountability*, Bristol 2016, pp. 65-95; S. Cooper, "Police and Crime Commissioners: A Dislocated Expectation?," *Policing*, vol. 15, no. 3 (2021), pp. 1916-1932.

<sup>46</sup> B. Loveday, "Police and Crime Commissioners: Developing and Sustaining a New Model of Police Governance in England and Wales," *International Journal of Police Science and Management*, vol. 20, no. 1 (2018), p. 2.

<sup>47</sup> S. Lister, "The New Politics of the Police: Police and Crime Commissioners and the 'Operational Independence' of the Police," *Policing*, vol. 7, no. 3 (2013), p. 6.

Institutional arrangements and the clear relationships between entities responsible for local security were intended to familiarize the people with local police structures. It was also hoped that the commissioners themselves, through their work and involvement in various initiatives within their communities, would serve as catalysts, encouraging people to learn about local safety issues. Considering the perception of the abolished police authorities, which according to data presented in House of Commons were recognized only by 7% of the people,<sup>48</sup> the bar was not set very high. Unfortunately, it seems that reality has not met expectations. Although five times more people have heard of PCCs than of police authorities, the results are still not satisfactory. Relatively low recognition rates, although somewhat understandable in the years immediately following the reform, have not significantly improved after a decade of the Police and Crime Commissioners’ existence. As studies by the National Office of Statistics indicate, from 2014 to 2024, people who said they were aware of Police and Crime Commissioners ranged from 56% to 59% of respondents,<sup>49</sup> meaning there is still much to be done in this area.

Tab. 3 Awareness of Police and Crime Commissioners<sup>50</sup>

Awareness of PCC (measured from April to March)	People who said that they were aware of PCC
2014-2015	56%
2015-2016	59%
2016-2017	62%
2017-2018	59%
2018-2019	57%
2019-2020	57%
2022-2023	58%
2023-2024	59%

Source: Office of National Statistics

Police and Crime Commissioners (PCCs) were intended to be accessible to citizens. The office was created as a full-time, permanent position. In theory, citizens could visit their commissioner’s office any day. Moreover, the position was the primary

<sup>48</sup> Commons Chamber, vol. 520..., c. 708.

<sup>49</sup> “Crime in England and Wales, Annual Supplementary Tables – Year Ending March 2024,” *Office for National Statistics*, tab. S21, at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualsupplementarytables>, 10 September 2024.

<sup>50</sup> Ibid. Due to the suspension of the CSEW during the Coronavirus (COVID-19) pandemic, data are not available for the year ending March 2021 and the year ending March 2022. Moreover, estimates form 2023 and 2024 are no designated as accredited official statistic.

employment for those holding it, allowing for proper preparation and assessment of the implemented solutions. Commissioners also had their own office with a diverse structure, dependent on local conditions. The size of the staff varied from several to over a dozen people, with a legal obligation to employ a Chief Executive / Monitoring Officer (CEO) and a Chief Finance Officer, who would assist the commissioner in carrying out their duties. Appointments to both positions were to be based on the candidates' high qualifications, not political affiliations.

The adopted structural solutions were conducive to setting security policy priorities in consultation with residents. However, as J. McDaniel notes, *there is limited evidence within the police and crime plans to suggest that the 'deliverables' are actually based upon community needs and wants*.<sup>51</sup> The existing legislation imposes an obligation on the commissioner to cooperate with the people, but it does not specify the forms, frequency, or tools for such collaboration. Commissioners themselves often evade answering questions about conducted consultations, citing a lack of resources to routinely undertake such actions. Therefore, it is possible that the effort to localize police work so that their actions align with residents' expectations, rather than with tasks set by the Home Office, has succeeded but only to a certain extent – now these goals are set by Police and Crime Commissioners, without necessarily involving the public in the process.<sup>52</sup>

Involving citizens and the organizations that represent them in decision-making processes benefits both the police and the whole community.<sup>53</sup> By expressing their opinions and concerns, the public becomes part of the system for setting the police's main objectives, thus taking partial responsibility for their implementation. Moreover, it is clear that laws and guidelines that are socially accepted are broken less frequently, which makes the work of police officers easier. Therefore, Police and Crime Commissioners, appointed in line with the spirit of the 'policing by consent',<sup>54</sup> are encouraged to conduct broad public consultations. They themselves have often expressed their intention to use this tool of direct democracy, particularly by reaching out to specific groups such as victims of violence or young people. However, as S. Lister and M. Row rightly point out, the question arises as to how the results of these consultations are actually

<sup>51</sup> J.L.M. McDaniel, "Evaluating the Ability and Desire of Police and Crime Commissioners (PCCs) to Deliver Community-Oriented Policing in Practice," in G. Leventakis, M. Haberland (eds), *Societal Implications of Community-Oriented Policing and Technology*, Cham 2018, p. 42.

<sup>52</sup> *Ibid.*, p. 45.

<sup>53</sup> A. Higgins, *Policing and the Public: Understanding Public Priorities, Attitudes and Expectations*, London 2020, p. 21.

<sup>54</sup> Policing by consent is a concept based on the belief that police authority derives from the consent of the people rather than through fear, force, or military power. Is often associated with so-called Nine Principles of Robert Peel, emphasized the importance of the relationship between society and the police, pointing out that the latter's work is only possible with the consent and support of the citizens, and that only continuous cooperation between these entities guarantees an effective fight against law-breaking. See I. Loader, "In Search of Civic Policing: Recasting the 'Peelian' Principles," *Criminal Law and Philosophy*, vol. 10 (2016), pp. 427-440.

utilized in practice, given the fact that the Police and Crime Commissioner's Office doesn't deliver police services.<sup>55</sup>

## CONCLUSIONS

It seems accurate to believe that the evaluation of specific institutional solutions should be made from an appropriate time perspective. This does not imply a dogmatic necessity to maintain clearly flawed mechanisms or a prohibition on introducing any changes. However, it highlights the unique nature of political systems, which by their nature require consolidation and stabilization, and their evaluation should encompass not only an analysis of legal regulations but also the practical functioning of the system. This perspective is further strengthened by the uniqueness of the British political system, which over the centuries has been significantly shaped by repeated and widely accepted norms of conduct. Hence, the decade that has just passed since the creation of the office of the Police and Crime Commissioner may give researchers the right to reflect on the validity of the arguments presented ten years ago.

The article analyzes three main themes of the debate regarding the legitimacy of establishing the office of the Police and Crime Commissioner. The first theme concerns the legitimacy of actions taken by individuals responsible for decisions related to local security, the second addresses improved oversight of police activities, and the third involves the creation of a transparent local security system, with citizens playing an active role. The analysis suggests that, in fact, the social mandate held by PCCs is stronger compared to the former police authorities. This is not undermined by the relatively widespread lack of awareness about the office (PCCs still have far better recognition than police authorities) or the relatively low voter turnout. If low turnout were to determine the existence of positions filled through public elections, we would also need to question the purpose of at least some local government bodies. Moreover, it seems that this situation is likely to improve over time, especially if future governments decide to implement solutions recommended by experts.

It also seems that, albeit not without resistance, an external entity was successfully introduced into the structure responsible for local security, and this structure was persuaded to cooperate with the entity. The small number of legal disputes between PCCs and Chief Constables, as well as the joint achievement of set goals, indicates that the reform's objectives are being met. On the other hand, data concerning complaints about the commissioners' work and the number of resignations prompted by public pressure suggest that, as a rule, citizens entrust the position to individuals whose moral integrity is not in question. However, the emerging exceptions have highlighted the need to strengthen oversight mechanisms for PCC activities.

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<sup>55</sup> S. Lister, M. Rowe, "Electing Police and Crime Commissioners in England and Wales: Prospecting for the Democratisation of Policing," *Policing and Society: An International Journal of Research and Policy*, vol. 25, no. 4 (2014), p. 16.

It has not been possible – or at least there is no clear data to suggest otherwise – to increase citizen participation in the decision-making process regarding local security priorities. Although the Cabinet assumed that a significant portion of the commissioners' activities would be based on the results of public consultations, it seems that neither citizens are particularly interested in the commissioners' work, nor do the commissioners refer to citizens' opinions. However, the assessment of the transparency of the structure must work in favor of the reform's supporters when compared to the previously existing solutions. Therefore, it seems that while there is still much to be done in terms of the organization and functioning of the Police and Crime Commissioners, the final assessment of the reform is more positive than that expressed by Theresa May when she said, *In 2012, you could be forgiven for thinking that we were creating a monster. And I'd be lying if I said there weren't times over the last three and a half years when I thought we might have done just that.*<sup>56</sup> It's not that bad.

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<sup>56</sup> "Theresa May Feared Creating Police Commissioner 'Monster,'" *BBC*, 4 February 2016, at <https://www.bbc.com/news/uk-politics-35497533>, 10 September 2024.

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