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Police Autonomy

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Main text

The police usually enjoys a great amount of autonomy. One must distinguish between two levels of autonomy.

The first level (micro-level) is called police discretion, which is used by the rank-and-file officers. Daily police matters call for quick if not split-second decisions by the individual officers on the beat, like bringing someone to the police station, interrupting an apparent source of disorder, following or abandoning the task given by his or her superior in order to help someone on the field.

The second level (macro-level) is the autonomy exercised by the police as an institution. This autonomy is conceptualized in relation toward the authorities (usually political or judicial authorities), which give the police their mandate.

With respect to these two levels of autonomy, crowd control operations are specific in that the first level of autonomy has been vanishing more and more in the course of the militarization process that characterizes the maintenance of order in most contemporary democracies. Individual officers are expected not to act on their own initiative: today, almost no discretion is tolerated in the context of highly professionalized forms of protest policing, even in the cases of self-defence.

Two different conceptions of police autonomy are at stake. In common law countries, the key notion is the police chief's "independence" in all law enforcement operations, specifically in maintaining order. This was once expressed by the Royal Commission on the Police in Britain in 1962, and re-affirmed in what Stenning (2007) calls the « most oft-quoted statement of the doctrine in Britain, Canada, Australia, New Zealand »: the « Blakburn doctrine », which states that « [t]he responsibility for law enforcement lies on him [the chief constable]. He is answerable to the law and to the law alone ».

An opposite conception can be found in "continental" countries, especially as far as protest policing is concerned. There, the police is seen as the long arm of the government. For instance, in France, the central government handles the police operations during protests, riots or collective violence through its local representatives, the *préfet*. The government's *préfet* give the orders and police commissioners receive and implement these orders on the field.

It is true that in both protest policing regimes, the government's intervention in protest policing operations can lead to large-scale political scandals. Nevertheless, the public response is different in each system. The Canadian Prime Minister's interference with the police operations during the APEC meetings held in Vancouver in 1997 lead to the formation of a commission which deplored that the police had "succumbed to government influence and intrusion". In France, events like the massacre of more than one hundred peaceful Algerian protestors in 1961, the massacre of communist protestors the year after, or, more recently, the debates over police provocation through over-intervention or non-intervention never generated any public discussion on the police subordination to the government's stakeholder (the *préfet* or the ministry of Interior), but only with regards to the intents or the final results of the political intervention. Policing protest is always in France government's matter: No parliamentary, independent or judicial commission ever

investigated such issues, which simply remained part of the political debate between the government, its opposition and the voters.

These two opposite notions of police autonomy actually rely more on different patterns of policing than on a strict division between continental law and common law systems. Countries like New Zealand or Northern Ireland have, like France, a centralized police force headed by the government, and the notion of “police independence” appears almost fictitious there.

One should, however, not overestimate the size of the differences between the two police systems. First, operational autonomy is not the only one at stake. Resources, nominations, promotions, working conditions, transactions with police unions, as well as general police policies are always defined by the government or the regional or local political authority, which therefore has indirect control capacities. Facing a political protest, police chiefs keep that in their minds. From this point of view, recent changes in police policies tend to increase central controls, via fiscal constraints, audits, new public management doctrine in the organisation of the police. Moreover, the focus on police agencies by “law-and-order” governments favours the intermingling of government interests and police matters. The uniformization of management guidelines and the growing importance of police issues in contemporary democracies, contribute to erasing the differences between the two police systems outlined in the beginning.

The second reason why the differences between the two systems are less clear-cut hinges on the fact that national police organisations display their own (sub-)cultures and collective identities. A universal aspect of police subculture seems to be that it favours more repressive orientations towards groups identified as specifically weak or threatening, like racial minorities, foreigners, students, urban youths, prostitutes, etc. This kind of police autonomy is the source of a police-centred approach introduced by many scholars of social movements, which examine institutional factors in how the police is handling protest. From this perspective, the problem is no longer the dependence of police chiefs on government or politicians, but, on the contrary, the lack of adaptiveness of police organisations vis-à-vis political change. This can be illustrated with the difficult transition from escalation to negotiated management strategies. During some periods (at the end of the 1980s and again since the end of the 1990s), the local political government in Berlin (Germany) has tried to discipline the inclination of the local police force towards repressive tactics against left-wing and anarchist 1st of May demonstrations, and finally succeeded in it. In contrast, police autonomy was so strong in France during the 1950s-60s that the government’s only hope were damage control strategies in order to limit the abuse of force by order maintenance units in Paris. The police’s power even went so far that many local politicians in Paris and its surroundings, and also many civil servants in charge of immigration and colonial issues were former police chiefs back from Algeria - which reverses the question of police independence and political influence.

SEE ALSO:

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