Chapter 3

Social context of criminal investigation

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Introduction

Robert Reiner has remarked that the ‘police are like social litmus-paper, reflecting sensitively the unfolding exigencies of a society’ (1992 cited in Newburn 2005: 676). When Robert Peel first established the modern British police in 1829, widespread fear of continental-style policing inhibited the formation of a plain-clothes investigative branch. It was not until some years later, after such fears had partly abated and were superseded by fresh concern over rising crime, that the path was paved for the formation of the first team of detectives in the Metropolitan Police. Ironically, the wheel appears to have turned full circle. Whereas the British police was established under a condition of ‘difference’ (Emsley 2003) – and for some considerable time was different from many of its counterparts in the Western world – recent decades have witnessed something of a ‘convergence in organization and style’ (Reiner 2000: 202). Much of the reason for this convergence can be traced to broader socioeconomic changes, and it is these – which form the social context of criminal investigation – and their relationship to crime and mechanisms of social control which lie at the heart of this chapter.

Any attempt to encapsulate the current social context of criminal investigation is going to be a partial one at best. The last five decades have seen three Royal Commissions consider aspects of policing – though only one directly on the police. Between 2002 and 2005 the government produced one green and two white papers, and no less than eight parliamentary bills focusing on policing. There has been a plethora of inquiries exploring a range of issues with consequent reforms, and legislation affecting policing has been so extensive as to be almost impossible to summarize (Newburn 2003: 13). In addition to internal change, external factors continue to play a role in shaping the policing establishment. In the last quarter of the twentieth century the pace of societal change increased markedly. Captured under the banner of globalization, the changes that occurred, and that are increasingly coming to shape late modern society, are ‘analogous’ in scope to the ‘rise of
industrial capitalism’ (Reiner 2000: 199). These changes are extraordinarily far-reaching with some arguing that even the state itself is undergoing a process of ‘reinvention’ (Osborne and Gaebler 1992), challenging its position as the primary guarantor of security.

For policing, one does not have to look too far to see the implications of these social transformations. Perhaps most obviously, the vocabulary of ‘policing’, with its traditional emphasis on the ‘police’, appears increasingly anachronistic. A reconceptualization of ‘policing’ is occurring (Crawford 2003) with a growing emphasis on ‘security networks’ (Shearing 1996) and policing ‘beyond the police’. The transformations that have taken place have been variously hailed as post-Keynesian policing (O’Malley and Palmer 1996), risk-based policing (Ericson and Haggerty 1997; Feeley and Simon 1992) and ‘pick ‘n mix’ policing (Reiner 1997). The changes coincide with an increasing emphasis on knowledge, and in particular knowledge of risk (Beck 1992). The demand for knowledge about risk has never been greater, elevating the police to the status of primary producers and disseminators of crime-based risk knowledge (Feeley and Simon 1992; Ericson and Haggerty 1997; Johnston 2000). Indeed, Ericson and Haggerty (1997) go so far as to define the police as ‘knowledge workers’. Underpinning such developments is a move from disciplinary to actuarially based practices of crime control (Simon 1988; Feeley and Simon 1992, 1994). Attention is being redirected from the individual offender to the control and regulation of suspect populations through anticipatory strategies of risk assessment and prevention. Intelligence-led policing, problem-oriented policing and zero-tolerance policing have in common a shift from the reactive case-focused mentality of criminal investigation to proactive mechanisms for controlling risky populations.

The scope of inquiry has broadened to encapsulate the proliferation of agencies and actors, both public and private, who play a role in the function of policing (cf. Shearing and Stenning 1987; Johnston 1992; Jones and Newburn 1998). As policing becomes increasingly ‘commodified’ (Loader 1997), its exposure to global market forces adds greater complexity to the policing division of labour. An understanding of the current context of criminal investigation can no longer be gleaned adequately from within the confines of the sovereign state. Territorial borders are simultaneously being eroded and redrawn – physically, symbolically and virtually (cf. Zureik and Salter 2005). Crime and the mechanisms applied to its control are not bounded by geographical space. Recent terrorist atrocities on every continent bring added impetus to the emergence and development of ‘transnational’ policing arrangements (McLaughlin 1992; Anderson et al. 1995; Hebenton and Thomas 1995; Sheptycki 1997, 2000) and blur the distinctions between ‘high’ and ‘low’ policing. Emerging forms of collaboration between the security services and the police in the fight against terrorism are increasingly encroaching on efforts to tackle ‘ordinary decent crime’ (Brodeur 1999; Bowling and Newburn 2007 forthcoming). Crimes such as drug and human trafficking, money-laundering, illegal immigration, football hooliganism and extreme-right movements are global concerns that mandate a concerted response across jurisdictions. Modern technology provides new opportunities for criminals – such as use of the Internet – and challenges for crime control
practitioners (such as data management, protection and control across global policing networks). While the advent of DNA or biometric surveillance technology adds to the investigator’s arsenal, the dangers of ‘surveillance creep’ (Nelkin and Andrews 1999) become all too real (Marx 1988).

At the core of this chapter we briefly review what we take to be the major contours of the social context of criminal investigation in recent decades. We organize this under three main headings: globalization (including the growing transnationalization of criminal investigation), risk and neoliberalization (itself covering three major sets of changes in pluralization, managerialism and centralization). Before this we begin with a few observations about the longer-term history of police investigation.

A brief history of police investigation

Police criminal investigative practice has changed markedly since the first unit of plain-clothes detectives was formed in 1842. The factors responsible for driving change are complex, rooted both in broader social transformations and internal pressures to reform. The latter have been instigated largely in response to shortcomings in practice – varying from corruption scandals and miscarriages of justice to high-profile investigative failures. The primary aims of reform have been to increase accountability, prevent corrupt practice and improve efficiency and effectiveness. There is, of course, considerable overlap between external and internal drivers of change. The nature and extent of crime, for instance, a variable beyond the capacity of the police to determine (and arguably influence overmuch), is one that continuously drives organizational change. Indeed, the factors driving change are varied and complex. However, a brief review of the history of criminal investigation will provide some insight into the ways in which current structures and practices have emerged.

When the ‘New Police’ came into being in 1829, resistance resulting in part from prejudice and partly from fear and suspicion (Emsley 2003; see also Ascoli 1979) inhibited the formation of a detective unit or plain-clothes branch. The principal aims of the police at the time were the prevention of crime and the maintenance of order, as opposed to investigation and detection. The emphasis placed at the time on prevention was crucial, both in allaying extant fears of ‘continental policing’ and in the subsequent form of social control that has developed in the UK and is dominant to this day (Hobbs 1988: 26–34). Indeed, it was not until 1842 that approval was finally secured for the formation of a small team of six plain-clothes officers. Although Rowan and Mayne, the force’s first commissioners, acknowledged the potential benefits of establishing a plain-clothes wing, they were not overly keen to do so. Setting aside prevailing fears surrounding the continental system, their reluctance was in part fuelled by uncertainty over how to control and keep track of plain-clothes officers (Emsley 2003: 69). However, by 1877 concern over rising street crime enabled the formal establishment of a substantial and autonomous Criminal Investigation Department (CID) in the Metropolitan Police force, initially consisting of 250 officers. But even
these early beginnings were blighted by scandal. At the time, three out of four chief inspectors of the detective branch had been found guilty of corruption (Ascoli 1979: 143–6; Hobbs 1988).

Despite the rocky start, ‘crime control’ quickly came to be viewed as a major plank of the police agenda and senior officers in the investigative branch took every opportunity to distinguish themselves from their uniformed colleagues and to assert their autonomy and expertise in the field (Maguire 2003: 365). The Metropolitan Police effectively became a ‘divided force, partitioned into two separate branches, each with rigidly defined functions’ (Hobbs 1988: 41). This division has periodically been reinforced by external events. For example, when the uniformed branch’s strategy of guarding likely targets was seen to fail, the establishment of the first specialist unit, the ‘Special Irish Squad’ – which later formed the nucleus of Special Branch – brought added kudos and consolidated CID’s monopoly over investigative techniques.

Technological advances at the beginning of the twentieth century proved something of a milestone for investigative work. The introduction in 1901 of an effective fingerprinting system and, later that same year, the establishment of the Criminal Records Office brought some improvement to working practices, and facilitated the trend towards specialization and professionalism (Hobbs 1988: 43). Such technological advances enabled the CID further to consolidate its independent position and to expand its numbers.

Thereafter, the function of the CID remained relatively unchanged for the first half of the twentieth century. In 1938, the Departmental Committee on Detective Work, after five years of research, presented its findings in a highly critical report. It concluded that Britain was lagging seriously behind its counterparts in continental Europe and North America, leading to a ‘general rationalization of detective work, involving systematic training, improved laboratory and forensic facilities, and a revamping of systems of communication’ (Hobbs 1988: 45; Elmsley 2003). The impact of these measures was to increase the general efficiency of the CID and to distance further its function from that of uniformed police officers, a trend that has persisted throughout the history of police investigation.

**Corruption, scandal and reform**

Allegations of corruption, abuses of power and miscarriages of justice have been a persistent feature in the history of police criminal investigation. Added to this, criticism has recurrently been levelled at the perceived lack of transparency and accountability of investigative practice, coupled with more general criticism of its ineffectiveness. Such problems – and public criticism in particular – have often acted as an important stimulus for legislative and organizational reform.

The most damning series of scandals began in 1969. In November of that year journalists from *The Times* published transcripts of tape-recorded conversations between detectives and criminals in which they were discussing a deal to cover up serious crimes. The damage done was exacerbated by the pattern of obstruction, leaks and disappearing evidence experienced initially by officers from New Scotland Yard, and later by staff from Her Majesty’s Inspectorate of
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Constabulary (HMIC) charged with investigating the allegations. Throughout the 1970s further scandals erupted involving officers from the Drug Squad and the Obscene Publications Squad (Cox et al. 1977). A broad strategy of reform introduced by the then Commissioner, Robert Mark, included the establishment of A10, a specialist elite department charged with investigating complaints against the police, as well as the resignation of approximately 500 officers in anticipation of being investigated. Nevertheless, the pattern of scandal and corruption persisted. In 1978 there were even allegations that detectives had been involved in major armed robberies (Ball et al. 1979). This scandal was a by-product of the supergrass strategy – a tactic used for the most part to secure convictions against Irish terrorism on the mainland (and was eventually transported to Northern Ireland in 1981; cf. Greer 1988, 2001; Matassa and Newburn 2003). The scandal prompted the Commissioner, Sir David McNee, to set up Operation Countryman under the direction of the Dorset Chief Constable, Arthur Hambleton. The ensuing investigation quickly undermined any assumption that the previous commissioner’s reforms had eradicated corruption in the force. Resistance to change was also only too visible. Officers were obstructed in their investigation by Yard pressure and the operation ultimately resulted in only two convictions (Reiner 2000: 63–4).

Nor did the matter end with the completion of Operation Countryman. The scandal had highlighted the issue of what is misleadingly described ‘noble cause corruption’. It was, in part, instrumental in prompting the Prime Minister, James Callaghan, to announce the Royal Commission on Criminal Procedure (RCCP). Of particular concern was the behaviour of officers during the detention and interrogation of suspects – and particularly those suspected of being involved in Irish Republican terrorism – and the probity of the convictions that were secured as a result. There were widespread allegations of intimidation and violence during interrogation and the fabrication of evidence. Claims of malpractice were vindicated when, in October 1989, the Court of Appeal released the Guildford Four after new evidence revealed that the Surrey officers investigating the bombing lied at the trial (Reiner 2000). Shortly thereafter, further miscarriages of justice came to light, including the ‘Birmingham Six’, the ‘Maguire Seven’, the cases of Judith Ward and that of the four men convicted of the murder of Carl Bridgewater (see Chapter 25).

The RCCP reported in 1981. Its most significant contribution was in forming the basis of what later became the Police and Criminal Evidence Act 1984 (PACE) (revised in 1991). The RCCP focused on the rights of suspects, a long-standing issue brought to a head by the ‘Confait case’ in which, it was eventually discovered, three teenage boys had been convicted of murder on the basis of false confessions. An official inquiry into the case, headed by Sir Henry Fisher, a High Court judge, found that the Judges’ Rules – which at the time formed the basis for suspects’ rights – had been abused. PACE introduced far-reaching procedural safeguards to guard against abuses of these powers. In brief, these included the appointment of a ‘custody officer’ who decides if detention is justified and maintains a custody record; limits on the duration of detention; and the tape-recording of interviews (cf. Zander 1985; Home Office 1995).
The extent to which the new rules and procedures have eradicated malpractice has been vigorously debated (cf. McConville et al. 1991; Morgan 1995; Maguire 2002). Many of the cases that came to light in the late 1980s, the police argued, had occurred prior to the introduction of the new reforms. However, in 1992 the Court of Appeal upheld the appeal of the ‘Tottenham Three’, who had been convicted of the murder of PC Blakelock during the 1986 Broadwater Farm riot, on the grounds that the accused’s statements had not been recorded contemporaneously, as required under PACE. The case raised serious questions about the extent to which legislative reform had eradicated malpractice. Two further cases, the Yorkshire Ripper case and the Stephen Lawrence case, were to shine a critical spotlight back on to police criminal investigative practice. On this occasion the issues were incompetence and institutional racism. As Maguire (2003: 386) notes, the ‘Ripper’ case:

was notable not just for the public fear it caused while the murders continued but also for the highly publicised misjudgements made by the enquiry team, in particular putting ‘all their eggs in one basket’ and failing to spot several strong indications of the identity of the murderer within the huge volume of material generated by the inquiry.

A number of reforms resulted, including the introduction of the HOLMES computer system, together with a number of strategic changes to reduce the burdens on senior investigating officers (Maguire and Norris 1992). The Stephen Lawrence case indicated that all remained far from perfect in the aftermath of such reforms.

On 22 April 1993, 18-year-old Stephen Lawrence was stabbed to death outside a bus shelter in Eltham, south London, by a gang of ‘five white youths’. An extraordinary chain of events followed, culminating in the publication of the report of an official inquiry chaired by Lord Macpherson (1999). With regard to the investigation, the inquiry concluded: ‘There is no doubt that there were fundamental errors. The investigation was marred by a combination of professional incompetence, institutional racism, and a failure of leadership by senior officers’ (1999: para. 46.1).

Part one of the inquiry explored issues in relation to the investigation. Areas of criticism included the lack of direction and organization of the initial response, the provision of first aid, command and control at the scene of the murder, family liaison and victim support, the actions/inactions of senior investigating officers, the surveillance operation, the handling of suspects, the management of informants and issues relating to record-keeping. The inquiry was also highly critical of two internal reviews into the investigation that failed to expose the inadequacies. As a consequence of the inquiry report, a series of changes were introduced, including new standards and procedures for the management of murder scenes, new processes for logging decision-making, dedicated officers responsible for family liaison and, in London at least, the creation of dedicated murder investigation teams. The intention of some of the inquiry’s recommendations was also that much greater emphasis be placed on community consultation and endeavouring to
ensure community confidence as well as, more generally, seeking to prompt forces to think about the potential within their investigative policies and practices to discriminate, however unwittingly, against particular groups. Initial research suggests that forces still have some way to go, particularly with regard to institutional racism (Foster et al. 2005).

The social context of contemporary criminal investigation

In what follows we want to draw attention to what we take to be some of the key developments that have framed the changing nature of criminal investigation. Now, clearly, the ‘social context’ within which investigation takes places is more complex and variable than is possible to capture within a relatively short space. Consequently, we are only able to focus on elements of what appear to be the crucial sociological and political developments in recent times. In doing so, we organize the discussion under three broad headings: globalization, risk and neoliberalism. In short, we will argue that globalizing trends have led to the emergence of transnationalized police investigation; that risk orientation is transforming the ways in which investigation is perceived and undertaken; and, finally, that the forces of neoliberalism have resulted in growing trends towards privatization and managerialism in the investigative sphere.

Globalization

Policing does not take place in a vacuum but is responsive to the social, political, cultural and economic environment. Accordingly, the terrain of criminal investigation cannot be understood outside its context. The world is changing ever more rapidly and, with it, so too is the topography of policing and criminal investigation. The establishment of the modern police (whether one adheres to the orthodox or the revisionist perspective) coincided broadly with the development of modern society and specifically modern nation-states. The function of the police was to maintain the internal order of the sovereign state and to protect its citizens from the threat posed by crime and disorder. At least in the UK, policing – or more precisely, the police – came to symbolize nationhood. We are now, however, or so it is claimed, living in a ‘post’ or ‘late’ modern society (Harvey 1989; Giddens 1990; Kumar 1995) in which the modern state-system has been (is being) reconfigured and in which the traditional nexus between crime control and the state has been loosened. That is, the state’s monopoly over crime control has been increasingly exposed (Garland 1996) as new modes of governance emerge. The idea of the ‘police’ as ‘the monopolistic guardians of public order’ (Crawford 2003: 136), if even only on a symbolic level (in practice, such a monopoly never really existed; cf. Jones and Newburn 2002), no longer holds true and in its stead a more diffuse patchwork of organizations and actors is emerging.

The forces driving these changes are complex and are most crudely subsumed under the label globalization. In a relatively short span of time, globalization has assumed a position of considerable prominence in contemporary social
debate. In an even briefer period (10–15 years) it has become a staple of media and political discourse as well as public conversation. Zygmunt Bauman, one of the foremost observers of the phenomenon, regards it as ‘by far the most prominent and seminal feature of our times’ (2001 11). Yet despite its undisputed salience, it is a term commonly misunderstood and abused. The claim of globalization is that: ‘Spatial barriers have collapsed so that the world is now a single field within which capitalism can operate, and capital flows become more and more sensitive to the relative advantages of particular spatial locations’ (Waters 1995: 57–8). New information technologies have helped emancipate time from space (Bauman 2000) setting in motion ‘a process (or set of processes) which embodies a transformation in the spatial organization of social relations and transactions – assessed in terms of their extensity, intensity, velocity and impact – generating transcontinental or interregional flows and networks of activity, interaction, and the exercise of power’ (Held et al. 1999: 16).

Globalization is in many respects paradoxical. It is illusory in as much as it is a transitory state (Findlay 1999), a process that by definition is incomplete. Much of the debate on globalization is surrounded in hyperbole. There are three points that need to be made here. First, there is a tendency to overstate the ramifications of globalization, as though they were a given. Yet globalization in and of itself does not constitute a constant state. Whether one sees the process of globalization as linear or non-linear, or as a recent phenomenon or one with a long history, few dispute the fact that it signifies a process. It is a process of societal restructuring.

Secondly, there is an assumption in much of the literature that the net effect of globalization will be uniformity and homogeneity – epitomized in the phrase: ‘There will be no there anymore; we will all be here’ (Waters 1995: 124). On the contrary, the restructuring that is taking place is complex, simultaneously lending diversity and contradiction to societal structures (Johnston 2000). Globalization, as a paradoxical process, stimulates competing and contradictory tendencies. The permutations that emerge include globalization/localization, centralization/decentralization, cultural homogeneity/heterogeneity, security/insecurity, fragmentation/consolidation. In reviewing the contextual contours of the late-modern landscape it is not uncommon, indeed it is typical, to see competing processes at work. So, for example, while Coca Cola or McDonald’s are frequently hailed as symbols of global cultural consumerism, simultaneously we see a rise in the importance of regional and local cultural variations. Thus, homogeneity and heterogeneity exist hand in hand. This is what is referred to as the Janus face of globalization (cf. Findlay 1999).

Thirdly, and following from the above, there is a tendency, both in contemporary sociological theorizing and in current policing discourse, to view the recent changes in society as epochal, suggesting a fundamental break from one kind of order to another. The transformations that have taken place in the field of policing have been hailed by one pair of authors as the ‘end of public policing’ (McLaughlin and Murji 1995) and by another as an ‘era … when one system of policing ended and another took its place’ (Bayley and Shearing 1996: 585). There is no question that the changes that
have taken place in the past few decades have been profound. Yet, hopefully, as the following will make clear, as easy as it is to highlight the novelty in current transformations, so too there is significant continuity. So, for example, the establishment of the Serious Organised Crime Agency (SOCA) has its antecedents in the regional crime squads in the mid-1960s. So, too, the origins of Special Branch can be traced as far back to the 1883–5 Fenian bombing campaign. As Jones and Newburn (2002: 142–3) recently argued, in considering the current field of policing, and more specifically in this case criminal investigation, it is important neither to ‘exaggerate the degree of change’ nor to lose sight of the ‘consistencies and continuities’.

Transnationalization

Transnational policing structures have a history that dates back to the latter half of the nineteenth century. Early measures in the mid-eighteenth century were instituted in response to social upheaval and revolution in an attempt to protect the established order (cf. Deflem 2002). The first permanent international agency – the International Criminal Police Commission (ICPC) – was established in the wake of World War One. It was later to become known as the International Criminal Police Organization (ICPO) – or more popularly, Interpol. Interpol was never intended as an operational police force. It was designed to act as a clearing-house for information and intelligence between participating police forces and as a network forum for senior officers or a ‘policeman’s club’ (Anderson 1989: 43). Over the years membership, initially 19, has increased tenfold. Technological developments also facilitated its development during that time. In February 1987 a computerized Criminal Information System replaced the manual system and an Electronic Archive System was introduced in 1990. These developments, among others, enhanced the flow and quality of information exchange between the national central bureaus. More recently Interpol further rationalized its organizational structure with the creation of a separate European Unit. At the 54th General Assembly in 1985, Interpol’s involvement in anti-terrorist activity was established with the creation of a specialized group within the then Police Division to ‘co-ordinate and enhance co-operation in combating international terrorism’. It was not, however, until 1987 that the group became operational. The then Secretary General is quoted as saying: ‘it took 15 years from [Interpol’s] lowest point at the Munich Olympic Games in 1972 to do something that could have been done in two years’ (cited in Bresler 1992: 257).

A number of problems have been identified with Interpol. First, there have been persistent doubts about the security of Interpol’s communications network (House of Commons 1990: 43; George and Watson 1992). Secondly, the ineffectiveness or inadequacy of Interpol’s structures for tackling terrorism in the 1970s in part prompted European states to make other arrangements, notably the establishment of the Trevi Group (see below) and the European Police Working Group. Despite improvements in organizational structure, Walker maintains that Interpol remains the ‘paradigm case of an international police organisation’ that has ‘never challenged the statist prerogative in police operations and lacks the legal, symbolic and material resources to be anything other than parasitic on national police authorities’ (2003: 117).
Because of these restrictions, and in light of broader developments, Interpol’s predominance in the international policing field has been largely superseded. Two related developments are particularly noteworthy: Schengen and Trevi.

The Schengen Convention has been described by Hebenton and Thomas (1995: 59–60) as the ‘most complete model … of international police co-operation within Europe’. Its origins lie in the Schengen Agreement (1985). Five EC member states (France, Germany, Belgium, the Netherlands and Luxembourg) originally signed up to the agreement. An Implementation Agreement enabled the signing of the convention in 1990 and, over the following two years, Spain, Portugal, Italy and Greece also signed up. The Schengen acquis now covers all EU member states with the exception of Britain and Ireland (cf. Maas 2005).

The rationale behind Schengen was the promotion of economic liberalization through enhanced mobilization of capital, labour and goods within the territorial confines of participating states. This was to be achieved through the elimination of border controls. Simultaneously, external borders were to be strengthened through a series of compensatory measures, which included the harmonization of entry controls; the co-ordination of intelligence (through the establishment of the Schengen Information System (SIS)); the right of ‘hot pursuit’; and other measures aimed at enhancing police co-operation. Although Schengen was a milestone in an unfolding pan-European policing edifice and, unlike Trevi, was sanctioned with a formal legal basis, it remained like its counterpart distinct from the legal organization of the supranational structure. Schengen was to a great extent overshadowed by developments that resulted in the establishment of the EU’s own policing body, Europol. The Schengen arrangements were eventually incorporated by the Amsterdam Treaty (see below) into the new Area of Freedom, Security and Justice.

The platform for the launch of Europol was the Trevi Group, formed in 1976. Originally established as a European intergovernmental forum to tackle terrorism, its remit was eventually expanded ‘to look … at the mechanics of police co-operation in the European Community across the whole range of crime, the use of liaison officers and the creation of a common information system’ (House of Commons 1990 cited in Hebenton and Thomas 1995: 71). By the early 1990s the Trevi Group was already far advanced in the development of a rapid and protected communications system for collecting and disseminating information on terrorism and other forms of cross-border criminality. At the European Council meeting in Luxembourg in 1991, the group presented plans for a common information system that was able to compensate for the erosion of borders and with the capacity to tackle international organized crime (Hebenton and Thomas 1995: 85). In a meeting later that year references were incorporated into the Treaty on Political Union under Article K.1.(9) for the creation of a European Police Office – or Europol as it is more commonly known.

Police co-operation was formally integrated into the EU with the passing of the Maastricht Treaty of 1992. With the evolution of the so-called ‘third pillar’ of the EC – to become the EU in November 1993 – to deal with justice and home affairs, Europol was to be established replacing both Trevi and the Co-ordinators Groups. A complex array of steering groups and working
parties was established, responsible to a committee of senior officials known as the K4 Committee which in turn answers to the Council of Justice and Home Affairs Ministers. Although a permanent Project Team with a 50-strong multinational staff was soon after established in Strasbourg, progress in the early days was impeded by disagreement among member states over, among other things, the range of crimes covered in its mandate, the adequacy of the data protection system and the extent of jurisdiction of the European Court of Justice. These disagreements cast some considerable early doubt as to the adequacy of political and legal accountability as well as the very viability of the new organization (Walker 2003). As a consequence, Europol did not become fully operational until 1999, albeit with a revised constitutional basis set out in the Amsterdam Treaty (1997).

A number of important changes were made to the EU’s new policing institution. On a constitutional level issues relating to the free movement of people – visa, asylum and immigration policy – were transferred from the Third to the First Pillar. Moreover, the powers of the European Court of Justice are more clearly recognized – although these fall short of ruling on issues surrounding the operations of domestic police forces and on matters concerning the preservation of law and order and internal security.

Regardless of the revisions made by Amsterdam, the powers invested in competent authorities within member states are substantial. Operational co-operation between the competent authorities is embraced and Europol is provided with the formal legal basis to:

- establish joint operational teams to support national investigations, the power to ask the competent authorities of the member states to conduct and co-ordinate investigations in specific cases … the facility to promote liaison arrangements between prosecuting or investigating officials specialising in the fight against organised crime [and] the capacity to develop common measures for harmonisation of both substantive and procedural criminal law and to facilitate co-operation between criminal justice agencies (Walker 2003: 120–1).

Europol started limited operations in early 1994, specifically in relation to drugs (with the creation of the Europol Drugs Unit in 1993). Its mandate was extended in 1998 to include counter-terrorism (Rauchs and Koenig 2001) and in 2002 to deal with all serious forms of international crime. Europol supports members states by:

- facilitating the exchange of information, in accordance with national law, between Europol liaison officers (ELOs). ELOs are seconded to Europol by the member states as representatives of their national law enforcement agencies;
- providing operational analysis in support of member states’ operations;
- generating strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by member states, generated by Europol or gathered from other sources; and
providing expertise and technical support for investigations and operations carried out within the EU, under the supervision and legal responsibility of the member states concerned.

Europol is also active in promoting crime analysis and harmonization of investigative techniques within the member states. Activities specifically of interest to Europol include ‘drugs-trafficking, human-trafficking, child pornography, money-laundering, Euro-counterfeiting, cyber crime, environmental crime, terrorism and racism’ (Europol 2006).

At the European Council meeting at Tampere in October 1999 which focused on a single theme (an unprecedented move signalling the perceived importance of the issue) – the development of the Area of Freedom, Security and Justice – a number of further initiatives concerning police co-operation were announced, including a European Police Chiefs Operational Task Force, a European Police College and the establishment of Eurojust (which achieved formal legal status following the Treaty of Nice in 2001 and is intended to complement at judicial level the operational activities of Europol).

As we have noted, international contacts between police officers and institutions are not a new phenomenon. Until recently, however, it is reasonable to argue that the basis of these networks has been predominantly around ‘knowledge work’ (Ericson 1994: 149–76) – mostly IT based. That is to say, it has primarily been concerned with the ‘collection, collation and dissemination’ within ‘informated space’ of knowledge (Sheptycki 1998: 54–74, 71 fn. 2). Interpol, the Trevi Group and Europol in its early days all focused on developing more efficient mechanisms for the sharing of information and intelligence between law enforcement agencies. More recent developments within the EU signal the likelihood of an increased active operational role (Loader 2004). This has been given added impetus following the events of 11 September 2001 in America and, subsequently, the terrorist attacks in Madrid and London and elsewhere (Bunyan 2003; Gilmore 2003). The intensification of activity in this area seems likely to continue. Recent developments include proposals for a common European Border Guard and a European Public Prosecutor (Den Boer 2003).

Risk

One commentator has described risk as the ‘world’s largest industry’ (Adams 1995: 31). In a relatively short period of time the ‘logic of risk’ (Ericson and Haggerty 1997) has assumed a dominant position in sociological and criminological theorizing. Writers such as Beck (1992) and Giddens (1990) locate the current preoccupation with risk in conditions of late modernity. Crudely, pre-globalized or modern society was characterized by known and calculable risks, rooted in scientific knowledge, a world which could be ‘measured, calculated and therefore predicted’ (Lupton 1999: 6). Under conditions of late modernity risks are distinguishable by their profusion, extensity and finality. For both Giddens (1999) and Beck, the ‘risk society begins where tradition ends’ (1998: 12). Moreover, for Beck (1992), the very processes of industrialization, modernization and globalization produce and
exacerbate risk to the point where they are no longer constrained by the modern tools used to assess them or the technology used to contain them: ‘Late modernity has transformed risk from a probabilistic, calculable artefact to risk as uncertainty, plagued by indeterminate knowledge and subject to a number of “it depends”’ (Kemshall 2003: 8).

Risk has become a pervasive feature of contemporary living. Previously the preserve of specialists, risk has ‘seep[ed] out … to become part of the very idiom of our contemporary moral and political conversations’ (Loader and Sparks 2002: 93). In other words, risk has been democratized and mainstreamed. Today every individual is confronted with myriad risks and must (indeed, is encouraged through ‘responsibleization strategies’; Garland 2001) assume personal responsibility for monitoring and managing his or her own risk. For Giddens (1990), risk, security, danger and trust are determining characteristics of ‘high modern’ society. Douglas’s (1992) ‘cultural theory of risk’ draws attention to the way that risk has become a ‘way of thinking’. The identification of particular sources of threat reflects contemporary dispositions to crime, security and danger. In this sense, risk acts as a tool for making sense of, and negotiating, the contemporary landscape.

For some time now it has been evident that commercial risk management techniques are being applied in modern forms of crime control. Over 20 years ago, Cohen (1985) highlighted the increasing shift away from causal theories of crime to spatial and temporal explanations. Kemshall (2003), among others, argues that the identification, assessment, prevention and management of risk have become central to crime control policy and practice. The extent of the shift is such that some commentators claim we are witnessing a new era of justice, ‘actuarial justice’, in which the focus has shifted from the management of individual offenders and behaviour to the management of crime opportunities and aggregate risks (Feeley and Simon 1992, 1994): ‘The new penology is … less concerned with responsibility, fault … diagnosis, or intervention and treatment of the individual offender. Rather, it is concerned with techniques to identify, classify, and manage groupings sorted by dangerousness. The task is managerial, not transformative’ (Feeley and Simon 1992: 452).

There is little doubt that the new preoccupation with risk has impacted on police investigative policy and practice. The growing emphasis placed upon categorization and classification in policing is inscribed in strategies such as intelligence-led, problem-oriented and zero-tolerance policing (Tilley 2003). Underpinning all these strategies is a shift from the reactive investigation of individual offences to strategies aimed at controlling and managing suspect populations (Maguire 2000). Even traditional policing strategies are not immune. Johnston, for instance, argues that the orientation towards risk management has evoked the realization of a hybrid form of community policing, no longer based on traditional notions of sentiment and communitarian values, but on the identification and policing of ‘communities of risk’ (1997, 2000). In a seminal text Ericson and Haggerty (1997) argue that the preoccupation with risk, coupled with the availability of sophisticated information technology, has transformed the very function of policing and that they should now be viewed as, first and foremost, ‘information brokers’.
Although there is significant dispute as to the extent to which policing has become infused by risk-based thinking (cf. the ‘transformation debate’ – Bayley and Shearing 1996: Jones and Newburn 2002), there can be no doubt that policing broadly, and criminal investigative practice specifically, is adapting to these new modes of thinking. Kemshall (2003: 120) usefully summarizes some of the key features of how risk is affecting the nature of contemporary policing:

- Cost-benefit calculations, for example of detectability and whether the case is worth pursuing.\(^7\)
- The redeployment of expertise from the security services to intelligence-led policing.\(^8\)
- The growth of surveillance technologies and the use of surveillance to gather key information (cf. Marx 2002).
- The growth of information technologies, such as computer data storage and collation (cf. Ericson and Haggerty 1997).
- The construction of police as ‘information brokers’, particularly in multi-agency arrangements for crime management, and the role of police officers in collecting, collating and disseminating risk information (adapted from Kemshall 2003: 120).

**Neoliberalization**

‘Neoliberal’ is a term much used and misused (Harvey 2005). In this context we use ‘neoliberalization’ simply as shorthand for those political and economic transformations associated with the deregulation of markets as part of a broader belief in the efficacy of markets as a method of organizing and regulating human conduct. These changes have seeped through most parts of the social fabric leaving few institutions and practices untouched. Policing is no exception. Again, all we can do in the space available is outline elements of what we take to be three of the more obvious consequences of neoliberalism for policing and criminal investigation. Two linked sets of changes concern the increasing managerialization of policing and, relatedly, the growing centralization of control over all public services, including the police. First, though, we explore what has variously been referred to as the marketization, commodification or privatization of investigation.

**Pluralization**

For a brief period in the mid-twentieth century the impression was created that the public police enjoyed something of a monopoly in the legitimate use of violence on behalf of the state. In other words, they and they alone were responsible for formal policing. Of course, this was always a fiction. But the fact that the myth developed at all is an indication of the position occupied by the police at that time. Much has changed since. For complex, and contested, reasons policing has become more complex. There is now an array of actors and providers: private security, local authority patrols and
wardens, new auxiliaries and the like. Their proliferation has led to policing now generally being described as ‘pluralized’ (Jones and Newburn 2006). Criminal investigation is no exception, and there is now a range of private and civilian bodies working in prominent roles in this area of work.

Private investigation in Britain has a history that dates back to well beyond the introduction of the New Police in the nineteenth century. In the early eighteenth century, for example, inducements and rewards encouraged a mix of professional constables, watchmen and bounty hunters to engage in ‘thief taking’ (cf. Rawlings 2003). The Matrimonial Causes Act 1857 enabled the first detectives to take a more formal role in divorce cases and, in 1901, the range of investigative services offered was expanded with the establishment of Garnier’s Detective Agency (see Chapter 11, this volume).

Today an array of ‘home-based’ firms, ‘high-street’ agencies, ‘regional’ agencies and ‘prestige’ companies (Gill and Hart 1997) offers a hugely expanded and diverse range of services. Johnston’s review of the industry (Chapter 11, this volume) suggests approximately 90 areas in which investigators work. These range from more traditional practices, such as matrimonial investigations, missing persons and insurance claims investigation, to more contemporary forms of investigation, such as nanny investigations, Internet profiling, pre-home purchase investigations, risk management and hostage investigation and negotiation. Johnston, drawing on evidence from a 1992 report by the Institute of Professional Investigators (Button and George 2000, cited in Johnston, Chapter 11, this volume) estimates the total number of investigative agents in Britain to be around 15,000 and the overall value of the sector to be approximately £110 million (the bulk of which comes from corporate business).

Trying to make sense of the industry is far from simplistic. Prenzler (2001) offers a useful four-fold classification:

1 *Anti-fraud work*: undertaken for the most part for large insurance firms (but also for some self-insured private companies and some government insurance work).

2 *Legal work*: carrying out background work for lawyers in civil and less often criminal cases, as well as process serving.

3 *Commercial work*: includes electronic counter-measures, liability investigations, pre-employment screening, investigations into workplace theft, personal protection, repossessions and debt collection, and risk and security assessment.

4 *Domestic investigations*: missing persons, matrimonial, checking teenage drug use.

Until recently, and unlike the USA, Canada, Australia and many European countries, the private investigation sector in Britain remained largely unregulated. Some limited regulation has existed, such as the Interception of Communications Act 1985 and the Regulation of Investigatory Powers Act 2000. In addition, the Association of British Investigators and the Institute of
Professional Investigators provided a limited measure of self-regulation. Yet the industry has, to all intents and purpose, lacked a statutory framework for regulating operators. There are, however, signs that the situation is changing. The introduction of the Private Security Industry Act 2001 established the Security Industry Authority (SIA), an independent non-departmental body whose function is to license individuals operating in the private security industry – including private investigators (see Chapter 11, this volume). The aim ostensibly is to shift the industry closer in the direction of mainstream policing – a key element in the project to create a ‘police extended family’ – by encouraging a greater degree of professionalism (Crawford 2003). Yet, as Johnston points out, the legislation falls short of establishing compulsory licensing of firms, relying instead on working with existing self-regulatory measures.

Finally, it is important to consider some of the likely implications of recent developments both for public policing and for the private investigative industry. The first point to make, axiomatic though it may seem, is that under the current climate – the preoccupation with risk (coupled with contemporary threats posed by among other things, terrorism, serious organized crime and emerging forms of crime such as cybercrime), an increasingly fluid global marketplace and the dispersion of ever greater responsibility from public to private policing – it is perhaps inevitable that the scale of the private investigation industry, and the demand for its services, is only likely to increase. Secondly, and relatedly, this will undoubtedly raise some important and potentially awkward questions concerning the function of public policing in this regard. Are there elements of investigative work that are most appropriately carried out by public bodies? What are they and how might they be identified? Third, is the question of governance. As in all areas of policing, the increasingly complex patchwork of organizations and agencies, sometimes stretching across national boundaries, raises difficult questions of accountability. How, crucially, are these structures and networks to be held responsible for their actions?

Managerialism

A second set of changes associated with neoliberalism concerns the rise of what is generally referred to as ‘managerialism’ and the increasing centrality of a performance measurement culture together with the changing role of the state in relation to the management or governance of major institutions. With regard to the latter, the past two decades have seen a reconceptualization of the twin notions of government and governance. The previously held assumption that governance was the responsibility and prerogative of government no longer holds true. Commentators have described the modern state as ‘stretched’ (Bottoms and Wiles 1996), ‘unravelling’ (Crook et al. 1993) or ‘hollowing out’ (Jessop 1993). In such a view, the state is seen as disengaging, applying a form of ‘rule at a distance’ (Shearing 1996) or what Rhodes describes as ‘governing without government’ (1995). The notion of distanciated government is best captured by Osborne and Gaebler’s (1992) analogy in which government increasingly assumes the function of ‘steering’ while responsibility for ‘rowing’ is devolved to public and private agencies.
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and actors. Though much of this work hugely overstates the impact of such changes on the modern nation-state, it does capture an important shift in the way in which organizations are governed and managed.

The managerial philosophy underpinning the emerging relationship between public policing and the state comes in the form of new public management (NPM). The process began tentatively in the early 1980s under the government’s Financial Management Initiative designed to promote economy, efficiency and effectiveness across the public sector. During the early 1990s the process accelerated with the publication of the 1993 Sheehy Inquiry into police responsibilities and rewards, and the white paper on police reform (subsequently to become the Police and Magistrates’ Courts Bill). The former proposed radical changes to the internal organization and structure of the police. Although the force of police objection managed to neutralize many of the proposals made at the time, the production of the government’s white paper during the same year clearly signalled the direction in which the wind was blowing. The subsequent Police and Magistrates’ Courts Act 1994 introduced, among other things, national policing objectives and key performance indicators, costed ‘business plans’ for policing and the devolution of budgetary controls. New Labour did not flinch in progressing the reforms. The Police Reform Act 2002 established the Police Standards Unit (PSU), introduced an Annual Policing Plan and introduced powers to require police forces to take remedial action where they are judged to be inefficient or ineffective by Her Majesty’s Inspectorate of Constabulary (HMIC).

As other chapters in this volume have outlined, there is now a very considerable initiative underway to ‘professionalize’ police investigative practice. Part of the impetus for this initiative came from the analysis of policing undertaken for and presented in the Policing White Paper published in 2001 (Home Office 2001). A brief outline of some of what the white paper had to say will illustrate the managerialist thrust of contemporary reform. The white paper raised concerns about falls in both detection and conviction rates and, in response, outlined what it took to be the key requirements for the police. These included:

- The police need a clear and common understanding of the theory and practice of investigation;
- There need to be clear strategies to tackle criminal gangs and persistent offenders;
- There need to be more effective means of spreading good practice in handling investigations (Home Office 2001: para. 3.16, emphasis added).

To achieve these aims the government proposed the introduction of a National Centre for Policing Excellence. Its role was to spread best practice and to validate such work. As such it would augment the work of the Police Standards Unit in monitoring and overseeing policing practice across the country. Linked with this, the white paper also looked forward to ‘HMIC continuing to develop a more radical and challenging approach to inspecting the police service’ (para. 7.12). It is at this point that the extent of the managerialist thrust of recent times becomes clear. The white paper went on
to outline a range of systems for inspecting, auditing, influencing, managing and controlling what the police service does, including a broadened remit for HMIC; basic command unit inspections; the use of performance indicators to ‘give the public a much clearer idea both of what we want the police service to achieve and how well they are achieving it’ (para. 7.17); the construction of new performance management systems; the introduction of a National Policing Plan; and the introduction of a three-tiered approach to police governance, consisting of regulations, codes of practice and guidance. In relation to investigation the primary vehicle through which reform will be managed is the National Intelligence Model (see Chapter 8, this volume).

As should be clear, the twin thrust of recent developments is both managerialist and, in the main, centralizing.

Centralization

In theory, the model of policing in England and Wales presupposes 43 local police forces operating autonomously with accountability shared within each between the chief constable, the local police authority and the Home Office. The reality is very different. Over the years, the locus of power has shifted incrementally to the Home Office and to the chief constables, represented through the Association of Chief Police Officers (ACPO), at the expense of the local authorities (cf. Lustgarten 1986; Reiner 1991; Jones and Newburn 1997). The trend towards greater centralization of policing has a history that dates back to the formative years of the ‘New Police’ (Wall 1998). Newburn (2003) highlights four ways in which this process of centralization may be seen in the postwar years:

1. The progressive reduction in the number of police forces in England and Wales (and increased government powers of amalgamation).
2. The increased ability of police forces to co-ordinate their activities across force boundaries together with the formation of new, powerful national police organisations such as the National Criminal Intelligence Service (NCIS) and the National Crime Squad (NCS).
3. The formalisation of the activities of police representative bodies such as the Police Federation and, in particular, ACPO. And perhaps most significantly
4. The increase in government oversight of, and influence over, policing via legislative change and new managerial reforms.

There is little doubt that the trend is set to continue, frequently giving rise to claims of ‘creeping nationalization’. Since 1945 the number of forces in England and Wales has been reduced from 200 to 43. Recently, the government announced proposals to reduce their number further in the wake of a report by HMIC that concluded that larger forces could better pool their resources in large investigations (reported in The Observer, 4 December 2005).
A second aspect of centralization that is of particular relevance here is the increased ability of forces to work across boundaries, together with the creation of national policing bodies. The trend is especially evident with regard to arrangements for tackling serious and organized crime. Regional crime squads (RCSs) were established in England and Wales in 1965 under the auspices of the Police Act 1964. They expanded significantly throughout the 1970s and 1980s, although the number of squads was reduced from nine to six in the early 1990s. Other contemporaneous developments included the Home Office appointment of a National Co-ordinator for Drugs Intelligence to oversee the creation of the National Drugs Intelligence Unit (NDIU) and the establishment of the National Football Intelligence Unit (NFIU) in 1989.

Within this *de facto* national policing establishment, there was increasing vocal support for further amalgamation. In May 1989 Sir Peter Imbert, then Commissioner of the Metropolitan Police, speaking in Oslo at the annual conference of the Heads of Police Forces in Capital Cities, spoke in favour of a national representative with executive authority, arguing that local authority and autonomy, although admirable, can impede international decision-making. The call was taken up in the autumn of 1989 when the then Home Secretary, Douglas Hurd, requested the RCS Executive Co-ordinator to prepare a report on a national criminal intelligence service in light of ‘the increasing sophistication of criminal behaviour and the likelihood that this would increase further following the relaxation of controls on movement in 1992’ (*Statewatch*, 2: 9 and cited in Hebenton and Thomas 1995: 116). By 1992 the NFIU, the NDIU, the regional criminal intelligence offices, as well as a variety of other bodies, were incorporated into the newly established NCIS. Shortly after, plans were revealed to create an operational unit to tackle serious and organized crime on a national level. These were realized with the creation of the National Crime Squad in 1998 under the auspices of the Police Act 1997 (which also placed NCIS on a statutory footing). Less than six years later, in February 2004, the government announced plans for the establishment of the Serious Organized Crime Agency (SOCA), which will amalgamate NCIS and NCS, and their partner agencies, into a single agency with national and transnational jurisdiction.

The government’s strategy for tackling serious organized crime was set out in its white paper, *One Step Ahead: A 21st Century Strategy to Defeat Organised Crime*, published in March 2004. The central plank of the strategy involves the establishment of SOCA. On 7 April 2005, the Serious Organized Crime and Police Act received Royal Assent, formally establishing the new agency. SOCA has assumed principal responsibility for tackling serious and organized crime within, or affecting, England and Wales. Both the NCS and NCIS have been incorporated into the new dedicated agency, as well as the serious drug trafficking and recovery of related assets functions of HM Revenue and Customs and the UK Immigration Service’s responsibilities for combating organized immigration crime. SOCA which initially comprised approximately 4,500 staff, will ‘be intelligence-led, and have as its core objective the reduction of harm caused to the UK by organised crime’ (NCIS
The new agency represents the most recent phase in the broader trend towards the centralization of policing.

The potential benefits of establishing a ‘one-stop shop’ for tackling organized crime, set out in the government’s Regulatory Impact Assessment (RIA), include, among other things:

increasing the consistency and clarity of strategic approach both to intelligence and enforcement; developing and delivering an integrated harm reduction strategy; streamlining organisational efficiency, increasing accountability and limiting bureaucracy; developing proactive and long-term intelligence effort; delivering a clear system for proportionate, sharper and more flexible operational prioritisation and effort; delivering operations designed to detect, detain and successfully prosecute the most serious organised criminals through operations driven by intelligence and an appreciation of maximising impact; and, serving as a single point of contact for international partners enhancing relationships and better managing expectations at all levels (Home Office November 2004).

Conclusion

Our aim in this chapter has been to consider some of the key social developments that currently constitute the context of criminal investigation. The review has been necessarily partial, the choice of subjects limited and their coverage indicative. Yet, barring the deliberate omission, there are two dangers in a thumbnail review of this kind. First is the tendency to focus on the novel; on change at the expense of continuity. Second, and relatedly, is the temptation to view the transformations that are taking place as somehow unprecedented, even epochal. Throughout, we have been at pains to avoid these pitfalls. There is little doubt that, under the general banner of globalization, some potentially far-reaching transformations are taking place. The landscape of policing, and more specifically of criminal investigation, is changing in important ways and in a direction that is by no means certain. Let us recap. New forms of transnational crime are emerging and, with it, new sites of control are being established. New actors have entered the investigative arena and risk-based thinking has infused practice to the extent that control and management of risky populations become a core driving principle. Proactive investigation is argued to be taking precedence over the traditional reactive mentality. New threats dominate the field compelling new relationships between hitherto disparate agencies and a new performance regime is reconfiguring the traditional relationship between the public institutions of social control, the state and the citizen.

There can be no doubt that policing has changed, just as the society being policed has changed. And, arguably, over the past 20 or 30 years, the pace of change has accelerated. Under these circumstances it would be all too easy to lose sight of the consistencies and continuity in the historical trajectory of criminal investigative practice. In this regard it is worth bearing in mind
that the recent creation of the SOCA has its antecedents in the regional crime squads of the 1960s. So, too, transnational policing structures are evolving, but they are by no means an entirely new phenomenon. And likewise, the rudiments of the private investigation industry predate the formation of the first plain-clothes investigation unit. Private investigative practices of varying size have operated in Britain since before the ‘New Police’ were created.

Finally, we wish to make a small number of observations about the potential implications of the current social context for criminal investigation. Since the very inception of formal, separate criminal investigatory capacity in policing in 1842 there has been a tendency within policing to draw a crude distinction between the uniformed and plain-clothes functions of policing. Recent events appear to have bolstered this trend. The creation of national and transnational policing institutions with a clear emphasis on serious organized crime and terrorism serves to compartmentalize the division of policing labour by function. The dangers are all too real. Speaking at the Richard Dimbleby Lecture in November 2005, Sir Ian Blair, Commissioner of the Metropolitan Police, recognized this danger, noting that policing must stop the drift towards the ‘complex and the glamorous end’ (cited in the Guardian 16 November 2005). He argued strongly against the further fragmentation of policing, a trend that is arguably evidenced by the increasing preoccupation with serious organized crime and terrorism. In this connection it is worth repeating some of the Commissioner’s observations at greater length. He argued:

What we should seek to avoid, at all costs, is a separation of local, neighbourhood policing from either serious criminal investigation or counter terrorist investigation. Every lesson of every police inquiry is that, not only the issues that give rise to anti-social behaviour, but also those that give rise to criminal activity and to terrorism begin at the most local level. I will give you two direct examples. The first is the dreadful death of the cockle pickers in Morecambe Bay. The inquiry into that stretched from overcrowded housing in Liverpool to the role of triad gangs in China: a single investigation. The second follows the failed bombings of 21st of July. A local authority worker identified the flat which three men shown on the CCTV images had frequented: this was the bomb factory. However, he also mentioned that he had found dozens of empty peroxide bottles in the wastebin. Had he had one of our neighbourhood policing teams in place then he probably would have told us about what he had found. Peroxide is the basis of the bombs. Thus national security depends on neighbourhood security. It will not be a Special Branch officer at Scotland Yard who first confronts a terrorist but a local cop or a local community support officer. It is not the police and the intelligence agencies who will defeat crime and terror and anti-social behaviour; it is communities (from the full text of the speech in the Guardian 16 November 2005).

Sir Ian’s comments clearly point to the danger inherent in further widening the existing division between the uniformed and investigative functions of
policing. The attendant dangers are all the more clear when one considers just some of the other developments discussed in this review. Clearly, over the past 20 years, the policing infrastructure has undergone some significant change. The field of policing, no longer confined to the borders of the sovereign state, has broadened. This brings us to our second observation. Some time ago Brodeur (1983) made the distinction between ‘high’ and ‘low’ policing. Increasingly, ‘high’ policing agencies, including the CIA in America and MI5 in Britain, are being drafted in to tackle serious forms of criminality. This adds a complex new dimension to the field of criminal investigation. Questions of national security, internal security and intelligence gathering have somehow become fused as a range of disparate agencies are enrolled in common cause. How (or the extent to which) such agencies will communicate in a world of vested and competing interests remains to be seen. But certainly the boundaries between ‘high’ and ‘low’ policing have all too suddenly become more much blurred.

Moreover, the state no longer holds even a symbolic monopoly over the mechanisms of social control. Criminal investigation is a lucrative and expanding market. The state itself encourages commercial investigative agencies to assume a role in the peripheries of criminal investigation (by joining the extended police family), while multinational corporations, for very different reasons (see Chapter 11, this volume), create a market for such services in their own right. A small number of transnational companies dominate the market providing a complex array of services that transcend the state. This raises a number of questions that are beyond our capacity to explore here. As security networks become increasingly complex, and as private forms of investigation increasingly encroach upon, and coalesce with, public policing, the difficulties of ensuring democratic accountability become all too real. It is here that some of the most important debates about the future of criminal investigation lie.

Selected further reading


Again, no single text can claim universal coverage of the broader sociological issues touched upon in this chapter. I. Loader and R. Spark’s (2002) chapter, ‘Contemporary

Notes

1 In referring to the British police, we are focusing here on England and Wales. We acknowledge that these systems are quite distinct from their counterparts in Northern Ireland and the Channel Islands, and – to a lesser extent – Scotland (Newburn 2003: 16).

2 The euphemism stems from a term employed in Northern Ireland to distinguish between crimes perpetrated by political and non-political criminals.

3 Concern was also raised at the time over the cases of Chris Craig and Derek Bentley for the murder of a policeman and Timothy Evans for the murder of his wife and child in the 1950s.

4 Transnational policing bodies are taken here to mean those that draw their legitimacy from sources beyond individual states.

5 The commission’s statutes formally changed its name in 1956.

6 Denmark has signed the Agreement but can choose within the EU framework whether or not to apply any new decisions. Although the UK and Ireland remain outside Schengen, the UK requested in March 1999 to participate in police and legal cooperation in criminal matters, the fight against drugs and the Schengen Information System (SIS). The request was approved in May 2000. Ireland made a similar request in June 2000, which was granted in February 2002.

7 The Head of the National Crime Faculty at Bramshill recently stated that criminal investigation is undergoing a fundamental shift ‘from emphasis on resource allocation to [one on] detectability’ (cited in Johnston 2000: 57).

8 This trend is particularly evident in response to recent developments over the policing of terrorism (cf. Matassa and Newburn 2003) and serious organized crime (Edwards and Gill 2003).

References


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