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The ‘Peelian Principles’: Their historical and contemporary veracity

Introduction

Popular history posits that in 1829 at the establishment of the first modern police force, its founder, British Home Secretary Sir Robert Peel, established a set of nine principles of policing that were to shape the design of the Metropolitan Police (The Met) and all other English and Welsh forces thereafter (HMICFRS 2021: 27 (Home Office, 2012) In reality, nearly none of this is correct (Emsley 2014). More considered histories cite the City of Glasgow Police, established in 1800, as being the first modern territorial police force, closely followed by several other Scottish towns well in advance of 1829 (Goldsmith 2002; (Dinsmor & Goldsmith, 2011). Others also make reference to the Thames Marine Police established in 1798 and as the first professional paid officers (Emsley 2009; Cowley 2011). Even lesser-known and more oft-overlooked is the establishment of the Dublin police in 1786 (Boyle 1972), referenced as early as 1885 as the foundation point of “a full history of the new police” (Maitland 1885).

As for the principles themselves, these were neither invented by Peel, nor apparently in any form of consciousness prior to the mid-twentieth century; consensus generally now agreeing they were codified in their current format by Charles Reith in 1952 (Reith 1952: 154; Lentz & Chaires 2007; Emsley 2014). Pringle (1992) suggests however that the rough ideas underpinning them were considered as early as 1754 by Saunders Welch (1754), Justice of the Peace at Bow Street working with the Fielding brothers at the time of the inception of the ‘Bow Street Runners’ and former High Constable of Holborn, who does describe several of the ideas that have later gone on to become some of the accepted ‘principles’. These were then reiterated by Ritson (1791) a half century later

in his own review of *The Office of Constable*. Notably however, there is no mention of them in Moriarty's (1930) seminal *Police Procedure and Administration*, in spite of lengthy discourse therein surrounding the functions of a police officer. Neither is there mention of them at all in Metropolitan Commissioner Sir Harold Scott's (1957) comprehensive examination of police procedure, despite also writing at length about the purpose of the police in society. There is reference however to some of the ideas within the Principles from the early days of the Met, in the form of the *General Instructions* issued to constables, penned by one of the first joint commissioners – Charles Rowan (Cowley 2011: 28; Melville Lee 1901: 241-2; *The Times* 1829: 3 - 4). Rowan espouses the virtues of at least one of the now accepted nine principles in stating “The absence of crime will be considered the best proof of the complete efficiency of the police”, and repeats this synonymously that “the principal object to be obtained is the Prevention of Crime” (*The Times* 1829: 3). He also touches on two others with the statement “there is no qualification more indispensable to a police officer than a perfect command of temper, never suffering himself to be moved in the slightest degree by any language or threats that may be used: if he do his duty in a quiet and determined manner, such conduct will probably induce well-disposed bystanders to assist him should he require it” (Melville Lee: 1901).

Irrespective of their origins or validity, they are now held up to be guiding and instructional ideals to be vaunted and exemplified by police officers (Lumsden 2017). They also habitually inform both local and national policy (Home Office 2012; Loader 2020; HMICFRS 2021; Casey 2023), and are used for assessing a police force's effectiveness (Winsor 2018). They are the “set of rules and regulations [...] embodying principles and maxims upon which our modern police codes rest” (Melville Lee 1901: 241), which remain “as relevant today as the day, in 1829, when they were first introduced” (Winsor 2019: 9).

Recently however, others have iconoclastically called for their removal from the forefront of policing culture, suggesting they inhibit development through being mired in the past (Loader 2016; Loader 2020). It is therefore important, given their popular veneration, to examine their current relevance, in the context of history – regardless of the origin of the nine ‘definitive’

principles (Home Office 2012). Whilst there exist numerous works assessing the heritage and validity of these principles, none have sought to establish their contemporary relevance (or lack thereof) to modern policing, in contrast to their supposed origins; this study seeks to fill that gap. The nine accepted Peelian / Reithian principles will be introduced in turn and then placed in the context of their historical situation with subsequent contrast and comparison against current policing practice and criminological theory. For continuity, the nine ideals shall be referred to simply as the Principles throughout.

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.

This Principle sits contextually against the backdrop of the 1819 ‘Peterloo’ massacre, wherein a force of cavalry dispersed a crowd demonstrating for parliamentary reform. Some fifteen people were killed and around 500 injured as a result of the weapons wielded in a mounted charge and the resulting stampede (Marlow 1969). In the absence of a regular professional police force, reliance on either hastily sworn-in special constables or ultimately recourse to military intervention was the only option available to authorities to disperse unwanted gatherings; the efficacy of some semi-professional longstanding parish constables notwithstanding (Kent, 1986). This remained so in other boroughs after the introduction of The Met; such as Nottingham’s Reform Riots of 1831 which were ultimately dispersed by 400 special constables and a force of Dragoons stationed in the city, albeit with no fatalities (Yarnspinner 2014). This in turn was a specific driver for the introduction of a police force there a few years later (Andrews 2021). The use of mounted troops in the South Staffordshire Election ‘riots’ in 1835 was a similarly seminal incident which prompted further discussion in parliament over the continuing use of troops for public order maintenance purposes (Cox, 2011).

The ‘New Police’ did not in fact negate the necessity for military intervention completely, as evidenced by the use of soldiers to disperse election rioters in Nottingham as late as 1865 (Richter

1971); and the Hyde Park Riots in London a year later – albeit the military having been summoned were reluctant to become involved (Thurmond Smith 1985). This fundamental (and drastic) move away from militarily imposed order to that of civilian maintenance of the peace has held true in the British mindset ever since, with suggestions of military interventions in the 2011 riots, as an example of the most recent large scale disorder, being anathema to both police and popular opinion (Meikle 2011; Verkaik & Hewett 2011). Indeed the ‘Siege of Sidney Street’ in 1911 “was the first time in almost a century that troops had opened fire [...] in support of the police; it was not to happen again until the Iranian Embassy siege almost seventy years later.” (Whitehead, 2024, p. 7), and the Peterhead prison riot in Scotland a few short years later in 1987. The only exception to this ‘rule’ appears to be the codified doctrine of MACP (Military Aid to the Civil Power) identifying the process through which military aid can be requested, primarily exercised under the co-operative deployment of armed military personal to guard sites of national importance under ‘Operation Temperer’ in the event of the UK terrorist threat level being raised to ‘critical’, to release armed officers to mobile duties (H M Government, 2018). This is rightly identified as “a significant shift in understanding of the military’s role in contributing to home defence” (Gearson & Berry 2021: 2), but its exceptionally limited number of uses and lack of significant measurable impact prohibits a wider review of its effectiveness or public consent.

The early nineteenth-century at the time of the establishment of the Met Police represented approximately the centennial anniversary of the existence of the ‘Bloody Code’, a period in which some 230 offences were subject to capital punishment (Cowley 2011: 13) during which it was “possibly the worst time in English legal history to be an incompetent thief” (Nightingale 2007: 32). Subsequent criminology has held overwhelmingly (with the small effect exception of ‘three strikes laws (Chen, 2008; Helland & Tabarrok, 2007)) irrefutably that severity of deterrent, most notably execution, is an ineffective form of crime prevention (Sellin 1961) (Passell & Taylor 1977) – fear of simply being caught, regardless of punishment, being the much more compelling factor (Nettle, et al. 2012; Nagin 2013). This Principle, well ahead of the modern understanding of deterrence regardless of having been written in 1829 or the mid-twentieth century, clearly falls into line with

this criminology. Its historical veracity is demonstrated by views held by Magistrate John Fielding who had developed the 'Bow Street Runners' nearly a century before The Met's founding, and strongly believed in deterrent rather than punishment (Beattie 2012: 86).

The introduction of The Met by no means marked the end of this punitive period, as evidenced by legislation such as the *Vagrancy Acts* of 1824 and 1838 that still relied on severe punishments to deter minor offences; or the *Anatomy Act* 1832 that permitted the dissection of bodies of criminals, building on the *Murder Act* 1752 which allowed the posthumous gibbeting of hanged offenders, thereby preventing their resurrection at the Rapture – a significant consequence in the religious psyche of the time. Conversely, the *Judgement of Death Act* 1823 had made capital punishment merely discretionary (as opposed to compulsory) for its stipulated offences. It was not in fact until the *mid- to late-nineteenth century* that punishments gradually became less severe, with statutes such as the *Debtor's Act* 1869 doing away with many previously imprisonable offences. This occurred concurrently with the demise of *public* executions – the last being that of Michael Barrett, planner of the Clerkenwell Prison Bombing in 1868 (Wood 2020), and reduction of capital punishments in general (AcrossWalls.org n.d).

It is therefore evident that this Principle has remained fundamental to the mentality of government, the police, military and the British public since the foundation of the modern police. This holds true regardless of whether it was explicitly stated in its current presentation, or merely understood at the outset of the 'New Police's' mission; albeit there did appear a degree of popular misunderstanding surrounding their role, having been likened to a "sort of military body" during discussions in parliament (Lennard 1830). This same 'misunderstanding' applies to some American interpretations of Peelian values (as opposed to Principles, as they differ to the nine considered herein) where writers have variously suggested the Home Secretary's intent was that "the police must be stable, efficient, and organized along military lines" (Germann, et al. 1968: 60) or that it should adhere to "semi-military principles" (More 1979). These interpretations seemingly stem from Peel's appointment of the military man Rowan who introduced the uniformed and disciplined

rank structure (Lentz & Chaires 2007), but do not bear up to significant scrutiny relating to the actuality of *British* policing; especially when considered that Rowan's joint Commissioner, Richard Mayne, (who was to lead the force for over twenty-nine years, thirteen of them alone) was specifically *not* a military man, and instead a civilian lawyer (Moore, 2021).

2. **To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.**

There can be no doubt that this is the Principle from which stems the fragile notion of 'policing by consent', that forms the bedrock of the 'British Policing model' (Myhill & Quinton 2011; Reiner 2010; Police Federation 2018): officers achieving their aims through the implied consent of the general public – as opposed to coercion of them by threats of force or punishment (Oxford 1984), as in the French Napoleonic model of policing (Emsley, 2009). In this sense it ties in at a fundamental level to *all* the other Principles more so than any of the others. Echoes of it can be seen in the desire to reduce severity of punishment (Principle one); securing the co-operation of the public (three); restraint in the use of physical force (four and six); impartiality (five); the non-separation of status between constable and civilian and not abusing power or authority (seven); allowing justice to take its course through trial and not dispensing it summarily (eight); and maintaining low crime rates to demonstrate effectiveness thus ensuring continued support (nine).

Public approval of the police was an exceedingly fragile notion during their early existence with the force being subject to "the fiercest opposition and remonstrance" (Melville Lee 1901: 245; Emsley 2009). This required them to adapt and overcome that resentment and thus was this Principle born of necessity (Reith 1943a; Emsley 2009). Some have argued that the police were simply a state body established in the face of the growing Reform agenda to maintain suppression of the working class, inflicting middle-class manners on them (Silver 1967), and who were resented by both their former peers and new masters alike (Storch 1975). This is potentially borne out by

the (in)famous example in June 1830 of the first 'New Police' constable killed on duty – Joseph Grantham – who was attacked by a mob as he tried to intervene in an altercation. A coroner's jury returned a verdict of 'justifiable homicide', apparently concluding that the constable had overstepped his authority and deserved what he got due to over-exuberance in his duties (Cowley 2011: 31). Others however, including Reith (1943), posit that the police were indeed established in response to popular fears of rising crime and disorder, and therefore accepted by the majority of the public as a necessary reform (Jones 1982); even if it required a short period of adaptation to reach that acceptance (Reiner 2010: 9). Whether historians fit into this former introduction by 'conflict', or latter 'consensus' model is ultimately a moot point, as the police went on to become a largely trusted institution, epitomising British values; at least in the eyes of the (often silent) majority.

Contemporarily the concept of 'policing by consent' is one that is increasingly hard to judge, and which does not necessarily have a measurable definition (Myhill & Quinton 2011). There have been and continue to be key opposition groups, both organised and spontaneous, to acceptance of the police in the United Kingdom. Examples in the modern era typically focus on police treatment of minority communities from the spontaneous rioting in Brixton in 1981 (Scarman 1981; Taylor 1984), through its equivalent in core cities in 2011 (Newburn, et al. 2018); to more organised opposition groups such as *Black Lives Matter* (Scales 2020) and *Liberty* (Liberty n.d). The importance of this Principle is borne out however, in that concerns of these disenfranchised are now necessarily heard and responses provided. This has not always been the case however, as identified by both the *Scarman Inquiry* into the 1981 Brixton riots (Scarman 1981) and the *MacPherson Report* into the murder of Stephen Lawrence (MacPherson 1999). It was primarily the recommendations of the latter that really forced the police to begin not only listening to, but actively working with previously ignored voices to facilitate positive change, thereby increasing legitimacy (MacPherson 1999). Interestingly however, Emsley (2009: 291) notes studies that find similar levels of police co-operation and acceptance to that in the UK, by the populations of states

traditionally perceived as “dictatorial and oppressive”, suggesting that the idea of ‘policing by consent’ is a mere pipedream.

Other key events and decisions can have resonance for police legitimacy as well as influencing subsequent short- and long-term policy directions. The contemporary societal landscape in the social media age presents possibly one of the toughest challenges for policing and its legitimacy since its inception (Intravia, et al. 2018; Ralph 2021). Policing interactions can now be filmed and uploaded or even livestreamed to millions. Headline events, most notably the murder of George Floyd in America in May 2020, can lead to significant world-wide downturns in police legitimacy exacerbated by social media discourse (Péloquin, et al. 2022). The rape, kidnap and murder of Sarah Everard by a serving British police officer in March 2021, and the subsequent police actions at a vigil in her memory and supporting the wider issue of women’s safety is another case in point. Police were strongly criticised on the front pages of most newspapers (Graham-Harrison 2021; Whitehead 2021) and social media. A subsequent independent investigation by Her Majesty’s Inspectorate of Constabulary Fire and Rescue (HMICFRS), published a fortnight later, concluding that their “review found nothing to suggest that officers acted inappropriately or in a heavy-handed manner” (HMICFRS 2021: 26) received significantly less coverage in the press, and even less on social media. The impact of the event on British police legitimacy, especially amongst women, was a significant reduction in trust of nearly 50% (End Violence Against Women / YouGov 2021) and was a contributory factor in the resignation of Metropolitan Police Commissioner Dame Cressida Dick in February 2022 (Walker & Blackall 2022). Police ethics and their influence on legitimacy was primarily highlighted by Alderson (1998) and followed up by Neyroud & Beckley (2001) who advocated for policing adopting the ‘Nolan Principles’ of public life (UK Government 1995). The response to these concerns was the introduction of the *Code of Ethics* into policing in 2014 (College of Policing n.d(a)) by which police officers are currently expected to behave, to increase public respect. These highlighted breaches demonstrate the effect of non-adherence to the values.

Policing has necessarily continued in the wake of such events, but officers and forces are obliged to mentally reconstruct their sense of identity and how they interact with the public following such criticism (Ralph 2021), as well as causing increased levels of personal stress (Garner 2008), leading to higher staff turnover (Mourtgos, et al. 2022). This demonstrates that this Principle certainly holds true with regards to the ability of the police to do their job being dependent on public favour – both from the standpoint of the officers themselves and their mental cognition of self, role and structural functionalism (Durkheim 1893), as well as public perception of officers; but the continuation of the police service following landmark scandals – with or without wholesale change – is evidence of the flimsiness of this Principle’s veracity. The public may not be happy, but the police service continues.

3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.

Thibaut and Walker (1975) summed up this Principle (unintentionally) with a mere two words in the title of their 1975 book: *Procedural Justice*. The theory states that to create better public compliance with laws, authorities have to be seen to maintain the highest of those standards; as well as be able to justify and rationalise their decision-making to those subject of it. This concept has been specifically focused into the arena of policing, principally by Tom Tyler, (1990) and subsequent expansion with Yuen Huo (Tyler & Huo 2002), and Jason Sunshine (Sunshine & Tyler 2003); and then ultimately compiled in a meta-analysis by Lorraine Mazerolle and her team (Mazerolle, et al. 2013). The conclusions all follow that if the police are perceived as legitimate, the public are much more willing to comply with not only instructions and actions of police officers, but also co-operate with policing overall, such as the supplying of information or general adherence to laws (Reisig, et al. 2014).

Whilst the specific term 'procedural justice' has only existed in more modern times, the concept itself, and by extension the foundation of this Principle, can be deduced from the *General Instructions* issued to those first officers. "[The Constable] must be particularly cautious not to interfere idly or unnecessarily, in order to make a display of his authority;" write the authors, continuing that "when required to act, he will do so with decision and boldness; on all occasions he may expect to receive the fullest support in the proper exercise of his authority" (*The Times* 1829: 4). Clearly can be seen here the idea that if an officer does only what is necessary and without abusing their powers, they should expect increased and unquestioning support from the public. The theory has clearly been developed and defined more stringently since this early incarnation, but its sentiments are easily discerned.

Studies into the four pillars of procedural justice – neutrality, mutual respect, trustworthiness and giving a voice to all (Thibaut & Walker 1975) – have consistently demonstrated their veracity, showing that legitimacy leads to both increased prevention and detection (Mazerolle, et al. 2013). The ethos of the police beat system was predicated on such legitimacy and the implied hope that it would ensure the subsequent co-operation of the populace in those areas:

"[The constable] will be expected to possess a knowledge also of the inhabitants of each house. It must be obvious to him that he will be much assisted in the performance of his duties by making himself acquainted with all such particulars; without knowing them he cannot hope to be a really efficient police officer" (*The Times* 1829: 4).

It is therefore as clear from our modern evidence-based perspective (Sherman 1998; Sherman 2013) as it was to the early commissioners on a hunch (or centuries of parish constables' experiences (Emsley 2009)), that securing the co-operation of the public was fundamental to securing compliance with the laws that the police sought to enforce.

4. **To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.**
6. **To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.**

Principles four and six are to be considered together, as they, more so than any others, seem somewhat repetitious in nature. Whilst each having a distinctly separate ultimate character, the fundamental aspect at their core is the police use of force, or rather the need to limit its usage to the greatest extent. Both link in closely with the concepts of Principle three and the theory that being 'procedurally just' can encourage co-operation, thereby oftentimes negating the need for force to be utilised. They are the logical progression of Principle three; that if force is used people are more likely to shy away from officers and not understand the need for its use. The Principle itself has been found empirically to be correct, at least in America, that public visibility of force is a significant influence on officers' decisions to use it (Friedrich 1980), and that even when "police use-of-force scenarios [...] are *prima facie* legally reasonable" the public disapprove more than they support it, and this disapproval is increasing with time (Mourtgos & Adams 2020); perhaps linked to the social media era outlined above. Modern studies into police use of force and legitimacy bear this out (Stewart, et al. 2013; Bradford, et al. 2017). This becomes problematic however where Thatcher (2022) argues that use of force is a key function of the police, and one which they alone as an institution are expected to wield where others (public and private) cannot and will not.

The impact of the use of force on legitimacy may not be directly attributable from the *General Instructions* but there was clearly conscious thought being associated with it; constables

being directed that after an arrest they should, “in all cases, [...] treat the prisoner with kindness and humanity, and impose no constraint upon him but what is necessary for his safe custody” (The Times 1829: 4). Howard Vincent, in his *Police Code* instructional book repeated this in a different context, opining that “the use of the truncheon must not be resorted to, except in extreme cases, when all other attempts have failed...” (Howard Vincent 1889: 184). “Using unnecessary violence to a prisoner” was also a stipulated disciplinary offence (Howard Vincent 1889: 115 – 116), with constables expected to uphold only the highest standards of restraint during all interactions (Bell 2016). Similar sentiment can be found amongst MP’s, with Charles Bradlaugh, MP for Northampton, voicing his concerns that “any kind of interference by the police in gatherings [...] often provokes disorder which otherwise might be escaped” (Bradlaugh 1887).

Scrutiny of police use of force may seem like a relatively contemporary phenomenon, however this is far from the case. The above cited death on duty of PC Grantham and the resulting coroner’s jury verdict, alongside the identical judgment into the killing of PC Robert Culley following a demonstration in Coldbath Fields in May 1833 (Cowley 2011: 33) is demonstrative that the public were sceptics regarding excessive police zeal from their very outset. This continued through the Victorian era, with examples such as riots in Hyde Park in 1855 and Trafalgar Square 1886 where the police were much criticised for ‘excessive’ force (Taylor 1997: 100; Melville Lee 1901: 378 – 384; Andrews 2013). Individual cases of alleged police brutality were common too in the Victorian press, with one example of a restraint technique referred to colloquially as ‘The Frog’s March’ (different to contemporary ‘frog-marching’) drawing particular distain. The technique often caused positional asphyxia and resulted in several deaths-in-custody, attracting criticism from magistrates, and an inquest jury calling for a ban in its use in 1889 (Baggoley 2021). The implications for police legitimacy resulting from these examples are clear.

This decrease in trust and confidence resulting from well-publicised use of force has continued from that time to present. Currently it is exacerbated by the instantaneous and unfiltered citizen-journalism opportunities afforded by smartphones and social media, affecting police officer decision-making (Farmer & Sun 2016), especially relating to use of force (Brown

2016). Officer safety training in British police forces now incorporates an element almost of narration for the benefit of filming bystanders. Shouts such as “Taser, Taser, Taser” and “knife” are some such vocalisations required of officers (The Guardian 2003; IPCC 2017) to ensure that any video footage picks up their “honest held belief” thereby justifying their actions to subsequent scrutiny (College of Policing 2012). The “persuade, advise and warn” doctrine is clearly evidenced in modern policing, with the ‘4 E’s’ approach of Coronavirus policing (Engage, Explain, Encourage, Enforce) (Radburn, et al. 2020) clearly fitting this same three-step pre-arrest mantra; as does the public order policing ‘five-step appeal’ (College of Policing 2020). The loss of legitimacy through use of force, appropriate or otherwise, has been aptly demonstrated in recent times with incidents such as the murder of George Floyd and Sarah Everard, along with subsequent policing of vigils as cited above. The perceived co-operation with the police, of women and minority groups especially, has declined significantly as a result of these incidents (Péloquin, et al. 2022; End Violence Against Women / YouGov 2021), even when ‘persuade, advice and warn’ has been clearly evidenced to have been extensively demonstrated in the latter (HMICFRS; 2021).

It has therefore been demonstrated that the foundations of these two Principles were evident from the earliest days of the ‘New Police’, even if their exact wording was a later codification of broader, looser ideas. They were evidently as applicable (if not more so in light of Peterloo and similar) during the early period of policing as they are valid still today.

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

This Principle is perhaps best summed up with the simple phrase in common usage within policing circles ‘without fear or favour’, which forms a key part of a constable’s oath of office (Police Federation 2018: 3). It is intrinsically linked but diametrically opposed to the idea of discretion, where officers as street-level practitioners can actively choose to enforce legislation or not dependent on particular circumstances (Scarman 1981: 4.58; Lipsky 1969).

The idea of policing without fear or favour has likely never held up to significant scrutiny. It was certainly not true in the Victorian era where wealthy and aristocratic victims could rely on significantly more police resources being placed at their disposal (Wood 2020; Payne 2011), as well as expect considerable leeway for certain crimes they may have committed (Emsley 2009: 65 - 66). Indeed this is demonstrated in a quote from one officer during the Whitechapel murder series in 1888 when speaking about vigilante groups, who opined that “if they [the vigilantes] get to interfering with respectable people our men [the police] will ‘run them in’ [to the police station] as a caution for future behaviour” (Irish Times 1888). The implication being here that the police wouldn’t interfere with respectable people, and neither should the vigilantes. Moore (2021, pp. 236-7) further highlights the murder of Lord William Russell, uncle of Home Secretary Lord John Russell, in May 1840; the scene of which Commissioner Richard Mayne personally spent several days, with many other senior officers, and to which the government put up a £200 reward. No such visits had been made at the scene of a similarly publicly high-profile murder (of a prostitute) the year prior. Mather (1959, pp. 90-91) too quotes a Home Office circular of 1839 proposing to provide arms to the “principle inhabitants of a disturbed district” in the face of Chartist (working class) agitation, to support law enforcement efforts – an action already undertaken by Nottingham’s Corporation during the Reform Riots of 1831 in which Nottingham Castle was razed by the mob (Yarnspinner, 2014).

The social historian Ricard Storch, among others, has argued that in fact the entire concept of the ‘New Police’ was inherently prejudiced against the working classes and established as an institutional means of suppression (Storch 1975; Bowden 1978); thusly rendering this Principle a complete falsehood. Others have argued convincingly against this viewpoint as the sole *raison*

d'être of the 'Peelers' (Cowley 2011; Andrews 2013), but the fact unequivocally remains that police provided enhanced service to the elite, along with often being viewed by that same class as akin to domestic servants (Emsley 2009). The oath itself with its references to "without fear or favour" also only came into existence with the *Police Act* 1964 so cannot be linked back to founding principles that would have been known to Victorian police officers (Hadley 2007). Indeed, "the Victorians were in no doubt that the Watch Committee and not the Chief Constable should control the police and law enforcement – but this was to be disputed in later years" (Everitt 1971: 31) thereby essentially confirming a lack of policy independence (Emsley 2005). Watch committees until the 1964 *Police Act* comprised of no less than 50% elected representatives – and 100% in boroughs; albeit prior to 1888 county watch committees consisted entirely of justices, who would have been drawn from the local elite (Levenson 1981), undermining further any supposed equality of treatment. Emsley (2009: 295) goes even further stating "the notion of the senior officer's complete operational independence is another work of twenty-first century fiction"; arguing that police forces are, and always have been, subject to the diktats of law and policymakers consistent with their position on the political spectrum (Stevenson, et al., 2018). The truth of this can be seen in the resignations of Sir Ian Blair in 2008, Sir Bernard Hogan-Howe's retirement in 2017, and Dame Cressida Dick in 2022, caught in the middle of political one-upmanship – cum – scapegoating between a London mayor of one political persuasion and a government of the opposite (Blair, 2009) Dodd 2016; Walker & Blackall 2022).

Evidence of both politicians and chief officers with personal vendettas against certain sectors of society was evident from Victorian-era crackdowns on 'vice' (Taylor 1997: 103), until the late twentieth-century with operations targeting especially the Gay and Lesbian communities (Williams 2019), or Black communities (Scarman 1981). It could of course be argued that these actions were undertaken "without regard for the justice or injustice of the substance of individual laws", but the targeting of these specific communities over other serious criminal matters, such as widespread mishandling of child abuse claims (IICSA 2020), once again contradicts the truth of this Principle.

There is an argument that police favouritism is evident today still; perhaps most notably with the accusations of police turning a blind eye to the parties taking place in Downing Street during the Coronavirus pandemic (Hyde 2022). Preferential treatment for the elite is perhaps less apparent at face value, but there does still remain a gulf today between investigations, prosecutions and public perception of 'white collar' crimes, versus 'blue collar' (Gottschalk & Gunnesdal 2018), as there was in the Victorian era (Emsley 2005).

The impartiality of the police from political control caused a constitutional crisis in policing in the late 1950's, exemplified best in the 'Popkess Affair' of 1959. A chief constable was asked to investigate his local authority on allegations of corruption; the council viewed him as their employee. The resulting fall-out saw Chief Constable Athelstan Popkess suspended, requiring an intervention from the Home Secretary on pain of withdrawal of the government grant, to see him reinstated (Bowley 2004; Andrews 2020). This lack of the clear constitutional position of the police was a key factor in establishing the Royal Commission into Policing of 1960-2 which only finally determined the position of the police as independent of political control with the Police Act of 1964 (Andrews 2020; Gillance & Khan 1975) – until the introduction of elected Police and Crime Commissioners (PCC's) in 2012. This lack of clarity lasting some 135 years since the establishment of the Metropolitan Police somewhat belies the veracity of this Principle.

Today the police are subject to some extent to the whims and desires of elected PCC's. Ostensibly not having operational oversight, they are still responsible for determining policy and priorities, with an ability to hire and fire chief officers (APCC 2021). Their intention was to return an element of local accountability to the police (Secretary of State for the Home Department 2014), but there are noticeable differences in priorities, often in line with their political allegiance. Previous researchers have also argued that the police are accountable in fact to no-one other than themselves, acting largely autonomously for their own political ends (Levenson 1981); albeit the time at which this was written pre-dates landmark police reforms.

Political interference can also be seen when policing affects the wealthy or connected. Changes to the long-standing *Bail Act 1976* were made following high-profile arrests of establishment figures in connection with Operation Yewtree – an investigation into high profile paedophilia allegations (Spindler 2018). This resulted in swingeing changes, with the introduction of the *Police and Crime Act 2017* drastically limiting the duration people could be remanded on bail. Similarly, calls were made for a change in homosexuality laws following the prominent arrest of Lord Montagu and two of his relatives for homosexual offences in 1954. The parliamentary ‘Wolfenden Committee’ subsequently adopted a manifesto for homosexuality law review, on top of its existing prostitution remit, ultimately recommending a liberalisation of anti-gay legislation (Williams 2019). Only when laws began affecting the elite did bail length or anti-homosexuality become problematic, once again undermining the truth of this Principle.

There is another aspect to this regarding pandering to public opinion, that perhaps places this Principle dichotomously to Principle two and the need to secure public co-operation. Officers are intended to police without fear or favour, and accordingly must not demonstrate support to one cause or another, regardless of its perceived ‘just-ness’. This came to the fore with officers in London ‘taking the knee’ in a gesture of solidarity with the *Black Lives Matter* movement campaigning for social justice and equality for Black (and other minority ethnic) communities (Menendez 2020). Arguments arose both for and against this act, ultimately resulting in Commissioner Dame Cressida Dick and HMICFRS warning officers against it (Hymas & Stephens 2020; HMICFRS 2021a: 73). The argument against doing so stemmed primarily from the political motivations of the *Black Lives Matter* organisation who championed the gesture, rather than against demonstrating solidarity with the principle of racial equality itself (HMICFRS 2021a). Officers have also been investigated after showing support for pro-Palestinian protestors (Dearden 2021), or skateboarding with *Extinction Rebellion* members (Scotto Di Santolo 2019).

The HMICFRS itself however says that showing support for “uncontroversial” causes “such as Pride parades, Holocaust Memorial Day and Stephen Lawrence Day” are likely to be acceptable (HMICFRS 2021a: 74). This contrasts with the opinions of newspaper columnists who lambast the

lengths forces go to, to demonstrate solidarity with the LGBTQ+ communities during Pride, describing it as “the great awakening” or “virtue signalling” (Slater 2021), or more directly as the removal of policing “to support everyone, from all political persuasions, without fear or favour” (LBC 2021). Even those in a position of authority over the police such as the deputy chair of the Association of Police, Fire and Crime Panels and even the Home Secretary have expressed concern over such overt support for causes (Morris 2021; Dathan 2022).

It can therefore be demonstrated this this Principle has in fact never withstood scrutiny, from the establishment of the ‘New Police’ or to the present day.

7. **To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.**

The roots of this Principle date back to the idea of collective responsibility enshrined in the *Statute of Westminster* 1285, in which every citizen of a ‘hundred’ or ‘tithing’ was responsible for all others. Residents were required to raise a ‘hue-and-cry’ to chase and catch suspected offenders in their community (Critchley 1967); later bolstered by the introduction of parish constables, but whom were still only members of the community ‘volunteered’ to undertake law enforcement duties in addition to their normal trade. These parish constables and other local law enforcement officials often went on to become the paid ‘New Police’ in both county and borough forces, and were held in high regard by locals residents and gentry alike (Nottingham and Newark Mercury 1831; Nottingham Journal 1812; Nottingham Review and General Advertiser for the Midland Counties 1833).¹

¹ Such as in Newark and Retford in Nottinghamshire, where the pre-existing Bailiffs, town serjeants and chief / head constables (similar in concept but different in authority to the ‘New Police’ chief constables) were appointed directly to the ‘New Police’ from their previous positions.

There is evidence that this idea continued into the later Victorian era with the establishment of 'vigilance groups' to organise citizen patrols in response to real or perceived crime waves, in support (rather than critical) of police efforts to combat them (Bell 2016: 155 - 6). These could perhaps be compared to Neighbourhood Watch organisations, or moreover the use of social media for citizens to identify suspected criminals (Trottier 2012; Voigt, et al. 2013). Whilst there is no evidence that this Principle was written into the *New Police Instructions*, it was no doubt understood at least shortly after the Victorian era, as evidence given to the 1929 Royal Commission on Police Powers shows, when quoting judge Sir James Fitzjames Stephen:

"The police in this country have never been recognised either in law or by tradition, as a force distinct from the general body of citizens... the principle remains that a policeman, in the view of common law, is only a person paid to perform as a matter of duty, acts which if he were so minded, he might have done voluntarily." Cited in (Levenson 1981: 41)

Levenson (1981: 41) goes on to argue though that the statement to the Royal Commission was dubious in 1929, and certainly "no longer accurate 50 years later". This was further compounded by the introduction of the *Police and Criminal Evidence Act 1984 (PACE)* which gave constables unique powers, unavailable to the public. This included the ability to arrest persons whom the constable suspected were *about* to commit a crime, as opposed to civilians who can only arrest persons they suspect to have *already* committed one. Early officers of the 'New Police' were afforded this pre-crime distinction as well, with the *New Police Instructions* detailing how a constable "may arrest one whom he has just cause to suspect is about to commit a felony" (The Times 1829: 4). Later amendments to PACE Section 24 by the *Serious Organised Crime and Police Act 2005* allowed for constables to arrest any person for any offence, including Summary ones – powers that are similarly unavailable to 'ordinary' persons. PACE opened the floodgates for such 'constable only' powers, which can now be found in nearly all new legislation relating to the police

or law enforcement, that typically grants powers only to constables or similarly accredited persons (e.g Anti-Social Behaviour, Crime and Policing Act 2014).

This recent development has formalised a history of police co-operation with other agencies that undertake law enforcement responsibilities – both official and unofficial. There is a fine line however to be trodden in this sphere of civilian policing, between sanctioned support of the police and vigilantism; with public perception of private citizens stepping into the latter category serving to significantly decrease opinions of police legitimacy (Sharp, et al. 2008; Frampton 2021). This is seemingly indicative that the public view the function of law enforcement as solely the preserve of the police, with the *support* of the public, but crucially, not *done* by the public.

There is evidence that some early police officers themselves recognised the disconnect between the office and that of civilians, or even their parish constable forebears. One George Bakewell claimed to have previously served as a parish constable before enlisting in the Birmingham, Manchester and Sheffield forces – all of which he ended up leaving ignominiously. His disdain for the ‘New Police’ and their removal from the traditional role of the parish constable as being ‘of the people’, was obvious in a pamphlet he printed following his last dismissal in 1847:

“The old and excellent constables the country once had, have, in great measure, been turned adrift [...] simply because [...] they would not submit to being *drilled, and harassed, and tormented* by the chief of a police establishment, and their positions have been filled up, generally speaking, by young men, *some of whom have grossly abused the powers with which they have been entrusted.*”. (Emsley 2009: 83)

Whilst there is a clear and evident need for the public to form a part of the police intelligence gathering process (Myhill & Quinton 2011; Bullock 2013), and an ever-growing need for police to share their order maintenance function with private, voluntary and statutory partners (Johnston 2003; Crawford, et al. 2005), the police still necessarily stand apart from both those partners and the public (Andrews 2022). This is even more true today than it was at the foundation of the ‘New Police’, when there already existed a significant disconnect between the paid constable and the

community among whom he walked his beat. The falsehood of this principle can therefore clearly be demonstrated throughout the history of the 'New Police', in ever-increasing abundance.

8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.

The foundation of this Principle, as with many of the others, can be traced back to antiquity, with punishments being dispensed by kings through their 'divine right'; and the devolution of such powers to select appointed representatives – conveying significant authority and social stature to the holder. Power to punish has never been held by commoners, and the Victorians, with their strict hierarchical society (Swafford 2007) would never have desired to allow a common constable – drawn from the working class – the authority to mete out punishment to their betters (Emsley 2009). There is however good evidence that whilst they may not have possessed the authority to dispense punishment, they did have the power to determine *not* to have suspects punished. Discretion as a concept existed long before the introduction of the 'New Police', and 'Bobbies', especially in rural areas, would have no doubt often have thought a proverbial 'clip round the ear' sufficient justice dispensed (Emsley 2009). This would have saved significant time escorting a prisoner to the local police house and maintaining them until such a time they could be presented to the courts; as well as the police officer having to pay out their own money for any failed prosecutions (Dell 2004). A constable's appropriate use of their power of discretion is a significant determinant factor in perceptions of legitimacy (Scarman 1981; Peyton, et al. 2019) which would have been very important in earning early respect from a public opposed to the 'New Police', as it is for the police today (Sunshine & Tyler 2003). Today this power is a key factor in the daily routines of constables (Lipsky 1969).

This Principle has been gradually eroded, most notably with the continuing formalisation of police cautions over time (*R (on the Application of Stratton) v. Chief Constable of Thames Valley Police* 2013). The idea of informally ‘cautioning’ offenders can be traced back to mid-Victorian times (Steer 1970), which is demonstrative that even the early incarnation of the ‘New Police’ was seeking to exercise discretion rather than prosecution (Steer 1970), and thereby usurping powers of the judiciary in determining potential punishment (or otherwise) of suspects. Cautions are but one example in a current raft of ‘out of court disposals’ (OOCs) administered by the police independently of the judiciary (Neyroud 2018), which includes driving penalty points, community resolutions and cannabis warnings.

Perhaps nowhere are the implications of this Principle more apparent than resulting from the untimely deaths of persons following police contact. Public opinion following such occurrences tends to associate use of lethal force as fundamentally a breach of this Principle (Waddington 2012; Crichlow & Fulcher 2017; Jefferis, et al. 2011); a perception being that officers are acting not only as judge and jury, but executioner too – however incorrect this may be. Reaction to such incidents in Britain is often violent; most notably the riots in 2011 following the police shooting of Mark Duggan (Mohdin & Murray 2021). These explosive reactions are not a new response either, with police involvement in death or serious injury – either being the direct cause, contributing to, or failing to prevent them – being fundamental to countless instances of disorder from pre-Victorian times through to modernity (Stevenson 1979; Waddington, et al. 1989). This presents overwhelming evidence that public opinion stands firmly against police adversely determining the fates of suspects; albeit conversely, use of discretion such as warnings is widely accepted and can in fact increase legitimacy (Gelsthorpe & Padfield 2011), even without any statutory basis (*R V. Commissioner of the Metropolitan Police ex parte Andre Anthony Thompson* 1997). Indeed, leaving parties involved in minor infractions to “take any proceedings they may think fit” was given as best advice by Moriarty (1930: 44).

There has also been an argument that police decisions to arrest, even when there is little prospect of charge, let alone conviction, can amount to a form of summary justice to remove

“sections of society viewed as anti-police and innately criminal” (Choongh 1998: 623). This remains true today, with authorised professional practice from governing body the College of Policing around domestic abuse cases particularly stating that “officers must be able to justify the decision **not** to arrest” [emphasis added] in these instances (College of Policing 2018). Before the introduction of PACE suspects could be held for longer periods with very little in the way of rights in police custody (Maguire 1988), and where oppressive conduct towards detainees was not uncommon (Irving & Hilgendorf 1980; Emsley, 2009), especially for spurious arrests for which there was weak or little evidence (Maguire 1988). Prior to 1912 and the introduction of the *Judges Rules* there was in fact nothing that governed the detention and treatment of detainees in police custody, with only loose judicial rulings providing some direction until that point, which were “not generally known to police officers and not enforced to any great extent” (St. Johnston 1966: 85). This permitted police largely free-**rein** in how they deal with suspects – save the examinations above relating to Principles four and six.

It can be seen therefore that overall the police have remained independent of the judicial function, with the specific caveat surrounding the use of cautions as a disposal option for more minor offending, in conjunction with additional more recent OOCs. Discretion is the biggest arena in which a constable can exercise autonomy free from the judiciary, albeit solely in allowing a suspect to go free, not to determine their guilt.

9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

Of all the Principles, this final one is by far the least contentious with regards either its veracity or relevance. It therefore necessitates the least analysis. There can be no doubt whatsoever that this Principle was wholly valid from the outset of the ‘New Police’ as it is contained explicitly in the *General Instructions* issued in 1829 (The Times 1829). It is then repeated often

throughout key texts between that period until the recognition of these nine 'definitive' Principles (Bell & Wood, 2019; Melville Lee, 1901; Moriarty, 1930).

Policing did lose its way somewhat with this principle in the post-Victorian era, most notably from the 1930's onwards, with the introduction of two-way radios and motor vehicles leading to a far more mobile response model, which took officers off the beat and put them in cars (Andrews 2020). This is likely to have been one factor (among many) resulting in exponentially rising crime rates throughout the twentieth century, peaking in the early 1990's (Emsley 2009; Thompson, et al. 2012: 154). One of the main turning points for this trend was the 1991 'Morgan Report', which identified this paradigm shift from prevention to reaction and advocated for its return with a twenty-first century twist – partnership working (Morgan 1991). Whether the report had any evidential basis for this proposal is a matter of debate (Howe 2019), but it none-the-less formed the backdrop to the *Crime and Disorder Act 1998* which mandated the creation of multi-agency partnerships to focus on addressing the *causes* of crime in order to prevent it. Since this time, crime has continued in a general downward trend (ONS 2016), with this return to prevention no doubt merely one of many other contributing factors (Draca 2016), but an important one regardless. Prevention, primarily through community policing initiatives, is now once again the oft-cited aim to be achieved by policing and its partners (Myhill & Quinton 2011; Crawford & Evans 2017). As British policing moves towards an evidence-based practice (Sherman 1998; Sherman 2013) and all new recruits are required to be qualified to higher education standard based on an assessment of the level at which policing today operates (College of Policing 2021; Neyroud 2011), all new officers have an increased awareness of both existing crime prevention theories and how to both locate and trial new methods (Watkinson-Miley, et al. 2022). This is supported by the College of Policing *What Works Centre for Crime Reduction* providing an easily searchable database of criminological concepts and evidence-based results thereof, as well as bursaries for study and networking opportunities (College of Policing n.d.).

It must therefore be concluded that this principle remains as valid today, as when it was created – perhaps the only one of the nine that can justifiably claim its authorship from policing's founding triumvirate of Peel-Rowan-Mayne.

Conclusion

It has been demonstrated herein that whilst the 'Peelian' Principles are consistently and officially held up to be the pinnacle of policing standards in Britain since the supposed foundation of modern policing in 1829 (Home Office 2012; Winsor 2019; HMICFRS 2021), they are in fact a fabrication of more recent times. Moreover, many of the Principles in fact don't hold up to scrutiny around either their contemporary or historical validity. Principles Five and Seven have been shown to be demonstrably false, whilst Two and Eight have more an air of idealism than reality. This leaves only One, Three, Four, Six and Nine (five out of the nine) having any potential truth to their aspirational intent, and this may be considered only half if it is accepted that Principles four and six are essentially one and the same and thus there are in fact only eight overall.

Given this fundamental flaw with both the identity of their origins and their contemporary veracity, could it perhaps be time for either a significant revamp of what policing holds up as guiding principles; a complete re-write; or even removal thereof? In contemporary policing there exists an abundance of guidelines for officers to work by – foremost of which is the *Code of Ethics* (College of Policing n.d(a)) guided by the Nolan Principles (UK Government 1995). Student officers are now not only taught but encouraged to critically engage with concepts such as procedural justice (Tyler 1990), legitimacy (Myhill & Quinton 2011; Sunshine & Tyler 2003), impartiality, and evidence-based crime reduction techniques (Sherman 1998). This teaching is fully supported by the use of suitable source materials from an academic base. As policing moves into the future desired operating environment of increased professionalism and the need for tactics and policies to be based on evidence (Neyroud 2011; National Police Chiefs' Council, 2015), it appears an opportune moment to do the same with the 'Peelian' Principles, and either eliminate these more

philosophical ideals, or re-formulate a new mantra fit for the modern era. Given that several of the Principles are manifestly untrue, or fanciful at best, this clearly does not fit with the evidence-based ideals of the College of Policing, and thus their place on the learning curriculum for new officers (College of Policing, 2023), and reference to them by officialdom (Home Office, 2012; Winsor, 2019; Casey, 2023) should be consigned to history.

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