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How can Communities be Policed in an Age of Austerity: Vigilantism?

Although it has been argued that the political responses to crime have effectively become indistinguishable over the last twenty years or so as New Labour had sought to occupy the territory normally associated with the Conservative party [Downes and Morgan 2007], the new coalition government has, in its strategy to reduce the national deficit, made some notable changes in the direction of criminal justice policy. One significant example, following the Comprehensive Spending Review on the 20th October 2010, is the intention to reduce the prison population by 3000 and promote a 'rehabilitation revolution' [Travis and Hirsch 2010]. However judging by the new Home Secretary's first interview in spring this year, it may be possible to identify an equally significant but relatively less well noted development: the promotion of a law which could be a vigilante's charter.

It was reported that *"The new Conservative –led administration is poised to introduce a 'Good Samaritan' law which offers immunity to people intervening in an attempt to prevent crime or anti-social behaviour"* [Winnett and Porter p2]. The new Home Secretary Theresa May is quoted as saying, *"We need to generate an environment in which people have the confidence to intervene....The more we are able to generate that confidence, the more people will feel confident about intervening with kids on the street corner. I would like to have a situation where people felt able to intervene"* [ibid p1].

Although it is not explicitly referred to in the interview, this is not too dissimilar from the concept associated with the 'Big Society', which promotes civic renewal through the devolvement of power to local citizens. Certainly what is being suggested here seems to go beyond the current legislation which permits citizens to exercise legal authority. Debates on the legal rights of citizens to take the law into their own hands is not new; they seem to be triggered almost annually by cases where someone is prosecuted for their zealous response to law breaking. What is new is the 'official' endorsement of such a response. Within a month of the interview above The Observer reported that

the Ministry of Justice were seeking to enhance the powers of homeowners to tackle burglars{ Townsend 2010] As well as the proposed developments above, the current Metropolitan Police Commissioner broke with the customary neutrality normally expressed on such topics and actively encouraged greater public intervention{McClatchey 2009}.

There are though obvious reasons why such a development would seem compelling at this time. The police are not immune from cuts along with all other public bodies as demonstrated in the Comprehensive Spending Review cited above; funding is expected to be reduced by a fifth over the next four years and it is anticipated there will be fewer police as a consequence Extending the policing role to incorporate community resources is not new {e.g. Loader 2000} and recent concerns about the 'civilianisation ' of the police were countered with arguments that it allowed more effective use of resources{ Whitehead p14}.No doubt the recent study highlighting the increasing cost of police overtime {Mills et al 2010} coupled with record police numbers will have prompted renewed demands for financial restraint. Granting greater legal powers to citizens is one cost effective response.

It cannot be discounted that there is possibly a public appetite for such developments. One outlet for this is the emergent pressure group 'Witness Confident' {1} which is campaigning for the powers outlined by the Home Secretary above. They attracted public attention last year when they proposed 'staged muggings' in order to highlight the rights of citizens to intervene in crime {BBC 09/09/09}. Interestingly such a proposal did not go ahead owing to practical and ethical issues. It could not be determined how the public would actually react to witnessing a perceived real criminal act.

Of course there is a legitimate and necessary debate to be had about the legal powers pertaining to private citizens and police officers but there are clear reasons why caution needs to be the defining

principle. Egon Bittner's much celebrated definition of policing centres exclusively on their power: he says that the police { unlike the public } are , "*equipped, entitled and required to deal with every exigency in which force may have to be used*" {2005 p165} A 'Samaritan's Law' could give unregulated licence to those who need very little encouragement to 'intervene' and whose motives may not be as altruistic as the proverbial Samaritan. There could be other unintended negative consequences.

What about the rights of those who wish not to intervene in the face of a criminal act? The Guardian reported an incident of '*black youth worker arrested and charged for watching at a distance as police detained a teenager at a London railway station*'. He '*saw a group of police arresting a young black man and stood where he could observe in case he was needed as a witness. But despite [his] insistence that he was within his rights to stay where he was he was marched across the station in handcuffs*' {Guardian 14/10/09 p8}; admittedly the charge was dropped and he was awarded compensation for unlawful arrest [Walker 2010] but could the new proposal presage a shift towards some form of compulsory response from witnesses? We could be looking at the emergence of witness blaming to put alongside that of victim blaming.

What would be the implications if one believed they were witnessing a police officer abusing their power? Suppose there was a future demonstration or public control event where it was interpreted excessive force was being used. What would the 'Good Samaritan law permit in such circumstances? Would it give legal authority to confront the police using force? Rather than cement police and public relations it could be used to break them.

The possible emergence of vigilantism within criminal justice policy has been noted fairly recently {Sharp et al 2008}. The current proposals are consistent with the broader cultural and political outlook as presciently described by David Garland {2001}: it is populist, neo-liberal and devolves legal authority. It also has the virtue of being cheap while promoting the value of civic responsibility.

However such a proposal could give a whole new meaning to one of the central tenets of policing, namely the police are the public and the public are the police. The 'good Samaritan' could turn out to be 'Harry Brown'.{2]

Notes

1} 'Witness Confident' is a registered charity founded in 2009 and their central aim is to campaign for ways to engage witnesses in dealing with crime. Last September they encouraged the staging of 'mock muggings' to test the public's willingness to respond to crime. The proposal garnered some publicity for the organisation but it appears no such events actually took place.

2} 'Harry Brown' is a recent British film starring Sir Michael Caine as an ex-serviceman and widower who undertakes his own form of retribution justice against those people whom he regards as responsible for the death of his friend. As an entertainment the film mainly extols the virtues of vigilantism and follows in the spirit of the 'Death Wish' films of the 1970s/80s.

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