**Introduction**

The introduction of directly elected Police and Crime Commissioners in 2012 was motivated by the desire to increase the democratic accountability of policing – to “give the public a direct say on how their streets are policed” (Home Office, 2010:10) - and much discussion has followed as to the success of the PCC role in achieving this (and, indeed, what that actually means). Whilst there has been disagreement about the extent to which the successful candidates can claim to be representing their public (with, for example, turnouts of below 15% often cited) advocates of the changes were insistent that state-sponsored policing “ought to be responsive to and determined by the wants, needs, and aspirations of local communities” (Lister 2013:241). Such views do have a certain appeal when juxtaposed with an alternative that excludes such things in favour of completely state- or police-driven concerns. Indeed many have been supportive of the general principle over the years (for example Reiner, 1993; Goldsmith, 2000; Loveday, 2009; Lister and Rowe, 2014).

Fears about the ability of the new system to actually bring about the promised increases in democratic accountability have, seemingly, pushed into second place concerns about what exactly an empowered public might demand of its police, what might subsequently feature in Police and Crime Plans and, ultimately, what Chief Constables may be held to account for. Some commentators have, admittedly, made reference to the dangers of majoritarianism and the dubious ability of democratic arrangements to reflect minority concerns (Lister and Rowe, 2014), whilst others have questioned whether an electorate urged to think of themselves as best represented by increased ‘localism’ will give appropriate consideration to national issues such as terrorism (Raine and Keasey, 2012: 124). Additionally, concern has been expressed regarding the extent to which the public can be expected to demand, and PCCs expected to prioritise, public order policing (Lister and Rowe, 2014) on the grounds that it complicates the nature of the police/public supply/demand relationship. Whilst the policing of public order undoubtedly raises issues, such encounters are still largely peripheral to most citizens’ policing experience and any dilemmas may thus be marginal except in periods of crisis.

This paper, however, proposes that another police task – that of roads policing - is a more relevant example of policing activity for a discussion of increased democratic influence on policing. The policing of the roads occupies a more central place in citizens’ policing experience, and casts the public in the role as recipients of police discipline (as potential offenders) as well as of a police service (as potential victims). As a priority it was mentioned by very few PCC candidates in their campaign manifestos and received only limited coverage in the successful candidates’ first Police and Crime Plans[[1]](#footnote-1). This paper considers how, in the early stages of the PCC concept, and faced with uncertainties about the strength and direction of public opinion about the issue, PCCs and PCC candidates negotiated the issue of roads policing.

Roads policing, the most likely reason for an unsolicited, adversarial encounter between police and public (Corbett, 2008a, Shafer and Mastrofski, 2005), is not widely valued by the public as a policing task (IPSOS/MORI, 2012). Neither does it sit comfortably with the recent centralising of ‘crime’ as the sole appropriate focus of the police service (May, 2010) with statistics about falling traffic officer numbers seeming to evidence this marginalisation (BBC News, 2015a). However, surveys of local people’s community safety concerns routinely evidence widespread local appetite for action to be taken against anti-social driving, including inconsiderate parking and speed limit enforcement (in particular) (Poulter and McKenna, 2007).

This paper therefore considers the dilemma posed by roads policing in the era of the PCC and explores some of the ways that PCCs have, so far, engaged with an issue that constructs their electorate not just as consumers of police services, but as recipients of police discipline. Whilst Raine and Keasey have observed that the PCC model allows us to consider “the challenge of injecting more effective public accountability into policing” (2012: 131), they understand the challenge in terms of getting the public to take an interest in exercising their democratic right, rather than, as this paper argues, the challenges associated with allowing the public to determine what kinds of policing it wants to experience, both as potential victims *and* as potential offenders.

**PCCs and democratic accountability**

The increased accountability generally associated with PCCs takes two forms of relevance to this discussion[[2]](#footnote-2): With regard to the relationship between the Chief Constable and the PCC this is ‘holding to account’ by means of performance measurement, with performance judged with regard to the achievement of the priorities identified in the PCC’s Police and Crime Plans. The oversight function previously conferred onto Police Authorities is thus shifted onto a single individual, elected by the public on whom policing relies for consent.

Policing must, it has been reiterated, also be accountable to the public, who must be satisfied that it reflects their concerns and priorities. Given, then, that the PCC will need to reflect those concerns in their Police and Crime Plan, and that that plan will therefore form the basis of the performance measurement of Chief Constables, there exists a mechanism whereby the concerns of the public can potentially dictate policing activity to an unprecedented degree. This has been widely discussed in positive terms, yet some have suggested that public preferences for policing do not unproblematically translate into policing that is ‘good’ for local communities (even if such homogenous communities could be simply identified). Lister and Rowe have suggested that “faced with the inchoate nature of public demands for policing, PCCs may opt to pursue populist and ‘majoritarian’ agendas that enhance their prospects of electoral success” in doing so deliberately neglecting minority interests (2014:14). Raine and Keasey, on the other hand, suggest that “the PCC’s (democratic) interests in the policing of local communities could well be at the relative expense of neglect of other important aspects of policing work” such as “protective and security-related activities” (2012: 124) because voters are (with encouragement) not thinking nationally, but locally when they vote[[3]](#footnote-3).

Having analysed the Police and Crime Plans of the forty-one appointed PCCs, Lister and Rowe also note the absence of public order policing as a priority, concluding that “the main intended audiences of the election debates were less the minority of citizens who have experienced or at least have concerns about police use of (excessive) force, but more the majority of the public who tend not to encounter police in adversarial contexts” (2014:12). However, this perpetuates the idea of a law-abiding majority (an ‘us’ for whom policing is a resource to be directed at ‘them’ (Girling, et al, 2000)), and for whom most everyday policing activity is uncontroversial. This representation clings to the idea that it is only a minority that have adversarial encounters with the police, with the rest of ‘the public’ *receiving* a police *service*. As indicated above, this is challenged by police activities that target road users who may at one point be thinking as potential offenders, and at another as potential victims. Roads policing is, then, perhaps a better lens through which to explore the dilemmas of democratic accountability and policing tasks with uncertain or unclear levels of popularity than public order policing. This is explored within the context of Lister and Rowe’s very valid point about majoritariansim and the presumed (but inaccurate) assumption of the entirely consensual nature of the ‘law-abiding’ publics’ encounters with the police.

Of course, it could be suggested that the influence of the PCC has been exaggerated and that the policing of certain core functions will continue regardless of whether it features in the PCCs list of particular priorities and interests. The absence of burglary as a particular focus in a Police and Crime Plan would not, for example, be assumed to mean that the relevant force would cease to investigate burglaries. For some, this may illustrate the limitations of claims of genuine democratic accountability provided by the PCC model. However, PCCs have significant power in terms of determining the level of resourcing available for particular activities and, indeed, in terms of their publicised position in relation to different issues. So, whilst there is in theory a danger that policing can carry on pretty much as it ever did despite the introduction of PCCs, by holding the purse strings, PCCs can exert considerable influence over both strategy *and* operations. Their resourcing decisions can potentially curtail the operational independence of a Chief Constable who wants to expand activities that the PCC does not endorse or (alternatively) see them commit a level of resources to a perceived public concern that the Chief Constable may see as disproportionate to its threat.

**The peculiar case of roads policing**

Roads policing is not an issue solely preoccupying minorities, it is not something that is irrelevant to the locally-thinking voter, and it is not something that affects only a minor of disorderly and disobedient citizens. Despite this it has, so far, failed to surface as an issue in discussions about democratic accountability, majoritarianism or police/public conflict following the introduction of PCCs. Despite, as stated above, a vehicle stop being the most likely source of “unaccustomed and unwelcome contact” for most citizens (Corbett, 2008a:131), roads policing has been similarly neglected in most criminological discussion to date (see Emsley, 1995; Corbett, 2008a, 2008b for notable UK exceptions). Over 29 million fixed penalty notices (endorsable and non-endorsable) have been issued for road traffic offences in the last ten years (National Statistics, 2014: FPN01), almost 100,000 road checks were carried out under PACE during the same period (ibid, table 4.3), and a further 7.1 million breath tests have been conducted (ibid, BT01). Whilst, despite this, most road traffic offences undoubtedly go undetected, it is clear that these figures represent a higher level of accountability than is associated with other ‘everyday crimes’ such as those identified by Karstedt and Farrall (2007)[[4]](#footnote-4). But whilst evidence suggests that the vast majority do engage (intentionally or unintentionally) in behaviour that could see them prosecuted and therefore are able to see themselves in the role of ‘offender’ when roads policing is discussed[[5]](#footnote-5), most individuals (when conceptualising themselves as residents rather than drivers) can probably also see themselves, or their families, in the role of ‘victim’.

Roads policing has been identified by the Home Office as being one ancillary task that could be “shed or moved to other agencies” as potentially “superfluous” (Millie, 2013:147) and identified as a potential area for cuts for police forces striving to achieve the required 20% reductions in expenditure (ibid :152). Indeed recent figures suggest that this can be witnessed in the form of a 23% reduction in traffic police in England and Wales from 2010 to 2014 (BBC News, 2015a). Instead, since2004, the British public (or at least the motorway-using public) is perhaps more likely to encounter a Highways Agency Traffic Officer (HATO) - a patrolling officer without the powers of arrest but in other ways taking over elements of the roads policing role from warranted police officers. Such developments do not appear to be out of step with public opinion, with recent surveys suggesting that less than one in five people think that roads policing is an appropriate policing activity (IPSOS/MORI, 2012) whilst earlier work reveals that the public placed the task of “control[ling] and supervis[ing] road traffic” 31st out of a list of the perceived importance of 37 tasks currently carried out by the police[[6]](#footnote-6) (Redshaw, Mawby and Bunt, 1997: 291). However, the pluralisation of roads policing though the use of HATOs may further contribute to public perceptions that roads policing has been downgraded in importance and that the roads context is not one where the ‘real’ public police have a legitimate role.

In the context of a strong national steer that the police are solely to be concerned with ‘crime’ (May 2010), and given that the public are known to prioritise this aspect of policing (Innes, 2005; Reiner, 2013: 169) roads policing has seemingly needed to justify its existence with reference to the kinds of real crime policing that the public can be expected to support (Police Foundation, 2013). For example, the 2011-2015 ACPO Policing the Roads strategy (ACPO, n.d.) reinforces the link between roads policing and ‘real crime’ with references to ‘countering terrorism’, ‘disrupting criminality’ and ‘combating anti-social road use’. When unable to draw on a convenient folk devil in support of roads policing, it seems, the emphasis shifts to reiterating the support of local communities in demanding that the rather vague but unobjectionable concept of ‘anti-social road use’ be targeted. The strategy, overall, could be considered to have rather an apologetic feeling to it, especially when it comes to admitting to an over-reliance on technology in the past and in ensuring that the future is more subtle and more reliant on discretion (ibid:4). It is not alone, seemingly, in feeling the need to justify its own existence, and this seemingly mirrors the marginalisation of roads policing even within the policing context itself.

Roads policing is commonly credited with identifying the risk factor of the untaxed or uninsured vehicle, for example, which leads police to ‘bigger and better’ ‘real crime’ detections such as the presence of weapons, drugs or illegal immigrants (ibid), or is even associated with the prevention of terrorism (BBC News, 2002; Campbell and Evans 2006). The association between illegal road user behaviour and off-road criminality is not spurious by any means, as has been noted since Willett’s (1964) study, and continues to be observed in the present (ACPO, 2013), but it does serve to devalue the intrinsic contribution of roads policing in terms of its role in maintaining safe and functioning roads[[7]](#footnote-7). Discussions about roads policing have tended, therefore, to be framed in terms of the kinds of crimes that comfortably locate the average citizen-voter in the familiar position of ‘potential victim’ not ‘potential offender’ and play to an image of roads policing promoted by the popular press (Wells, 2012), rather than by evidence from local residents. Whilst the public’s ‘real’ view is likely to remain illusory, it is likely that a PCC in the early months of their term may be influenced by their perceptions of public opinion.

However, it is necessary to ask whether the potential side-lining of roads policing should actually be a cause for concern and if so, on what grounds? If the Home Office were able to identify it as superfluous activity should its potential de-prioritisation in the era of the PCC be seen as problematic? What does roads policing contribute beyond placing police and public in potentially conflict-ridden situations when, as is often heard in such debates ‘they could be out catching burglars’?

The Police Foundation noted in 2013 that dedicated traffic officer numbers had reduced by 12% in the five years to 2013 (while overall policing numbers declined by only 2%) (Police Foundation, 2013: n.p.) and more recent data demonstrates that is a continuing trend (BBC News, 2015a). Roads policing is, furthermore, not included in the Home Office Business Plan for 2012-2015 and (unlike previously) receives no ‘protection’ in the form of central targets, which the Department for Transport does not, any longer “consider…the most appropriate course for road safety…because further central persuasion should not now be needed to highlight the importance of road safety” (DfT, 2011: 17). Beyond statistical or anecdotal evidence, however, it is clear that roads policing performs a function in traffic management, reassurance, collision investigation and response, order maintenance and – no less importantly – in providing a deterrent function. Elliott and Broughton’s meta-analysis of existing research on the effects of policing on road casualty rates has reinforced the message that specific types of patrol and police presence do have significant effects on both offending and crash rates (2005) whilst Walker, furthermore, notes roads policing’s wider contribution “to the task of dramatizing a broader commitment to the maintenance of general order” (1996: 68). There is sufficient cause for concern, then, if uncertainties about public opinion within a context of increased democratic accountability results in the downgrading of unpopular aspects of the policing brief – to de-prioritise roads policing because it fails to fit unproblematically within a ‘crime fighting’ image of ‘real’ policing and because it fails to perpetuate the ‘us’ and ‘them’ dichotomy of the ‘law-abiding’ and the ‘proper objects’ (Fiske, 1993:235) of police attention. As a case study in the impact of majoritarianism in the era of the PCC, roads policing is a defensible choice.

**Methodology**

The above discussion sets out the reasons why roads policing in the era of the PCC is a) potentially difficult to reconcile with democratic accountability and b) why that matters. The data discussed below considers some of the ways in which PCCs have approached and engaged with the issue (on the occasions where they have) and attempts to explain and theorise the approaches adopted. The data explored and presented in the subsequent sections are drawn from desktop research including analysis of the manifestos of PCC candidates, the subsequent Police and Crime Plans developed by successful candidates, and three case studies exploring in more detail the representation of roads policing in combination with representation of PCCs. In the latter cases, local and national news media, as well as the websites of PCCs were trawled, with analysis both of the content of generated stories, and the responses and comments of reader-voters, conducted. The identities of the respective PCCs are not concealed as anonymisation would be pointless given the publically accessible data on which the analysis is based.

**Roads policing as a PCC priority**

This section considers the limited engagement with roads policing issues in the campaign material of PCC candidates, as well as the subsequent treatment of roads policing in Police and Crime Plans. The material considered therefore relates to the period before PCCs were elected, and the first few months of their tenure. As such it represents a period when the authors’ contacts with their publics would have been at an early stage. In total, 1900 priorities were listed across all the manifestos available (APCC, 2012). Roads-related issues received 18 mentions in total[[8]](#footnote-8) and these are detailed in the table below (reproduced from APCC, 2012), with two references relating to ‘the persecution of motorists’.

Table 1.- here

It seems safe to assume that, through the use of such pejorative language, the authors are *opposing* what they see as unfair roads policing practices used in the past, perhaps relating to the use of speed cameras. Of the remaining 16, a further 5 refer to ‘speed cameras’ and, whilst it is not possible to establish if these are ‘pro’ or ‘anti’ references, research conducted by the author previously suggests that the latter approach is more likely. Campaigning on a pro-speed cameras footing is not entirely unimaginable but it is not entirely likely either. What is certain is that campaigning *against* other policing practices such as the targeting of violent crime or burglary, for example, would be extremely unlikely priorities for anyone hoping to be elected as PCC, further reinforcing the peculiar status of roads policing. The remaining references in the table to ‘vehicle crime’, ‘dangerous drivers’ and ‘road safety’ offer more scope for analysis, as they do seem to offer support for the prioritisation of efforts to make the roads safer.

With the previous discussions about the role of the ‘law-abiding public’ in mind, it is noteworthy that each description locates the potential voter on the side of the police and invokes the spectre of the dangerous other, reinforcing the “crude dichotomy between those who commit crime and threaten security and those who do not” (Walker, 1996:65). In the first instance this is the car criminal (the thief, the joyrider perhaps) from whom the police can protect ‘us’. The offender here is less a road user than a property criminal who happens to target cars. Their existence reinforces the accepted and comforting roles of offender and victim respectively, placing the police firmly on the side of the imagined electorate of law-abiding potential victims. In the second case, the ‘dangerous driver’ is a construction which it would be hard to oppose the policing of, foregrounding ‘danger’ and being nonspecific enough to allow the reader-voter to imagine a range of dangerous behaviours that they deem worthy of police attention - whether that be someone who the reader-voter deems drives too fast, too slowly, is too young or too old, who is drunk, who tailgates or who is too hesitant at junctions, for example (Wells, 2007). This does not, therefore, signal un-caveated support for the concept of roads policing, but suggests that the framing of the issue needs to take account of the sensitivities of its audience. As good drivers themselves (and 80-90% do consider themselves to be better than average: Svenson, 1981; Delhomme 1991) all are able to imagine worse drivers who deserve the attention of traffic police and who, through that attention, will make the roads safer places for the rest of us. It is also sufficiently vague for us all to exclude behaviours which we do not see as dangerous, do not think worthy enforcement targets, and potentially engage in ourselves, leaving us free to support enforcement against ‘dangerous drivers’ however we may conceptualise them (Wells and Wills, 2009: 270).

The construct of the ‘dangerous driver’ shows many similarities to the use of the term ‘road safety’ (chosen by 6 potential candidates, making it the most popular choice of term within this broader category). Road *safety* may be seen, in these complex waters, as a relatively uncontroversial public good which few voters would take issue with. At the level of broad priority setting, it has intuitive appeal in a similar fashion to the previous concept of ‘dangerous driving’ and avoids discussions of specific targets, actions or policies that may propel a wannabe PCC into more awkward and non-consensual territory. Such discussions can be saved for the publication of Police and Crime Plans, once the successful PCC has had time to assess exactly what his/her mandate is on the subject.

Analysis of those 41 Plans reveals that, of 434 priorities mentioned, only eleven were related to road use, with eight commitments to ‘improve road safety’ and three to ‘reduce the impact of dangerous driving’ (APCC, 2013: n.p.). Whilst it is appropriate that the plans make only strategic, rather than operational, commitments, and whilst much intellectual energy has been devoted to concerns over maintaining that distinction (for example Gilmore, 2012; Raine and Keasey, 2012; Lister, 2013; Raine, 2014) three further points can be made: Firstly, the number of mentions for these broad areas of policing is low. It is higher than the proportion of mentions to the total in the pre-election manifestos, but it is still low. Secondly, the same language has been carried forward to this more specific priority-setting context. That language is vague and largely unobjectionable, focussing the mind onto the problematic “dangerous” behaviour of others and onto the desirable shared goal of “safety”. Thirdly, neither of the terms used makes reference to policing and, as such, leaves the metaphorical policy door open for the other two, less controversial approaches, of the ‘three E’s’ of road safety – education and engineering – and the preventative ‘and crime’ part of the ‘Police and Crime Plan’ (Gillmore, 2012). In doing so, the role of the multiple partner agencies involved in achieving these aims (through Safer Roads Partnerships for example) is perhaps implied, and the enforcement side of things (and its attendant spectre of punishment of the law-abiding) is obscured. Roads *policing* perhaps raises many spectres and uncertainty that road *safety* does not, making the latter the more appealing descriptor for a PCC anxious not to alienate his/her electorate.

Given the limiting of PCCs to strategic level recommendations, and the much discussed separation of ‘what’ from the ‘how’ of policing (Lister, 2013), it may not matter too much that the PCCs do not specify the methods by which they intend to make the roads safer, leaving the option of enforcement on the table for Chief Constables to choose. PCCs will also, however, have an eye on re-election and may well have views on how road safety is to be achieved. Whilst, theoretically, that is the province of the Chief Constable, the PCC retains significant powers that can, in the end, determine what methods are used (Lister, 2013). Furthermore, it should not be overlooked that three quarters of the Police and Crime Plans produced did not contain any reference to road-based risk and harm at all. With Chief Constables’ performance judged according to their fulfilment of the PCCs plan, and the relatively weak position of roads policing generally as discussed above, the absence of roads policing as a PCC priority may be a factor in, if not the absence, then the deprioritisation of roads policing as a practice.

**Case studies**

As noted above, the absence of a strong central government steer on roads policing’s importance means that there is ample room for local character to play out in its provision. A case study methodology has therefore been adopted to explore the way that road traffic offending has been engaged with in three such local contexts. Although roads policing did not, as demonstrated above, feature heavily in the initial thoughts of many PCCs and candidates, it is apparent that some of those elected into the role at the first opportunity have nonetheless had to confront issues of road related offending once in office. Three examples of PCCs confronting (willingly or unwillingly) the subject of roads policing are explored here to test out the ideas put forward above. They originate from the counties of Suffolk, Norfolk, and Humberside. In the first case, the PCC of Suffolk chose to re-engage his electorate via a survey given that he had discovered that “[s]peeding is a subject which clearly splits public opinion” resulting in a desire to “gauge the strength of feeling across the county” (OPCC for Suffolk, 2013a). I have called this case study ‘Putting it out there’ to signify the PCCs desire to ensure that he is reflecting his voter’s views by attempting to decipher a consensus (or at least a mandated course of action) on the subject. The second case study – “Playing to the crowd” - comes from Norfolk. It explores the reaction to a PCC who voiced concerns about the usefulness and desirability of speed limits and other road traffic “clutter” (East Anglian Daily Telegraph, 2013a). The third and final case study – “Caught in the act” - considers the inevitable situation (given the mainstream nature of road traffic offending) where a PCC themselves experiences roads policing in the role of offender.

**‘Putting it out there’ - the Suffolk PCC and his uncertain roads policing mandate**

Six months after taking office the Suffolk PCC was keen to tell his electorate what he would *not* be doing in respect of roads policing. He observed that:

There are still a lot of people getting caught but we don’t want to alienate people. The prospect of raising fines is not even on the agenda. We need to keep the public on board and it’s really important we get the balance right while people are struggling and are under financial pressure. (East Anglian Daily Telegraph, 2013b)

In a clear nod to both the debate about revenue raising activities which has dominated the roads policing agenda in recent years (Wells, 2012), and the tough financial climate, the Suffolk PCC was keen to let it be known that he would not tolerate an increasing financial burden for his electorate. At the forefront of his mind was clearly his democratic position and the quote is notable for the absence of any reference to the reasons behind the detections and fines that risk ‘alienating’ people. The public-that-must-not-be alienated is clearly the imagined potential offender, not the imagined potential victim of a speeding driver who may be alienated by a perceived lack of attention to protecting their safety. The quote suggests the need to ensure a balance of acceptability is struck between what the law entitles the police to do and what the voting (or at least ‘entitled to vote’) public will tolerate. The quote also highlights the PCC’s willingness to make statements on enforcement practice – something that, it might be suggested, strays into the realm of operational policing reserved for Chief Constables. Whilst he does, perhaps cleverly, refrain from making overt pledges about intended policing activity, he does so by default by closing down certain avenues, such as attempts to increase deterrence by increasing fines. In effect, only certain, more palatable, avenues remain open to the Chief Constable.

By the August of the same year, the PCCs public pronouncements on the same topic had become slightly less confident and ‘speeding’ had become a ‘Passmore priority[[9]](#footnote-9)’ without a particular ‘side’ being taken in making it so. The launch of a large survey open to the residents of Suffolk demonstrates the PCCs efforts to determine exactly what his public want to him to do on the subject, based on an admission that all is not perhaps quite as simple as he first thought:

Speeding enforcement is a highly emotive and complex issue so I set up this speeding survey to gauge the strength of feeling across the county…The huge response to the survey speaks volumes about the issue …Speeding is a subject which clearly splits public opinion. It’s an issue that comes up regularly as I speak to people across the county and it dominates my mail bag and that is why I chose this as a Passmore Priority. (OPCC for Suffolk, 2013a)

Analysis of the results of the survey (made available on the PCC’s website) confirms that the issue divides opinion. On the one hand, 46% of respondents favoured increased enforcement in villages (with 23% specifically mentioning enforcement outside schools). However, there was also support for reduced enforcement (8%), the suggestion that enforcement be restricted to areas of community concern and crash hot spots (8%) and a plea for enforcement against a wider range of problematic driver behaviour (7%). The analysis of the figures provided also notes that “[a] key perception was that camera vans and speed guns are used as an income generation opportunity, and not in the areas where there is strong evidence that there is a risk to vulnerable people” although it is not entirely clear from the presentation of the data where this observation has come from (OPCC for Suffolk, 2013b:3). Generally, non-enforcement options (such as SIDS[[10]](#footnote-10) – which nearly 40% of respondents supported) were favoured above those that penalised motorists, with the favouring of a ‘police presence’ (by 28%) seemingly more about deterrence than enforcement (which received only 8% support). What the survey does confirm is that there are mixed views about speed, the police’s role in influencing motorists in respect of the limit and the need for enforcement. The responses certainly do support the existence of speed limits, but favour non-punitive responses when they are broken. This perhaps reflects the earlier discussions about the dangerous ‘other’ on the road (the driver that necessitates limits being in place) but also the ability of drivers to imagine themselves in the position of offender and thus to favour responses that allow them, as better-than-average drivers to learn from their mistakes rather than be penalised.

Given that the survey was designed to assist the PCC in working out his strategic approach to speeding (specifically) it is worth, then, considering his subsequent statements on the subject. By October 2013, the local news media reported that “Police waging war on speeding motorists in Suffolk are set to change their enforcement strategy in response to public concerns” with proactive enforcement only taking place at “high-risk sites” and “hot spots” (Ipswich Star, 2013). In response to the survey findings, the Chief Constable had been “asked to come up with an enforcement plan which demonstrated the force is listening to the concerns of the public” (ibid). In some senses this suggests that the distinction between strategic and operational decisions is being observed, though the findings of the survey clearly foreground the operational preferences of drivers. The subsequent review authored by the Chief Constable notes that:

There is no doubt that the risk of harm inflicted upon our communities by drivers who speed is significant. Failure to deal appropriately with the issue of speeding could lead to this harm being elevated, with an increased number of people who are either injured or killed on our roads. This fact has to be paramount in the decision making process. However, this needs to be balanced against the need to ensure policing remains legitimate in society so that we retain the respect and consent of our communities. (Paxton, 2013)

Clearly Chief Constables, and not just PCCs, have a vested interest in securing positive public opinion about their work, as the reference to the need for consent demonstrates. The offender’s tolerance for enforcement against their actions is given as a legitimate reason for modifying those enforcement practices, at least when those offenders are part of the presumed consenting majority. It is notable, also, that the PCC’s response to the changed enforcement plan reassures the public that ‘revenue raising’ is not an issue, with proceeds used for *educational* road safety activity such as “the Community Speedwatch Initiative or mobile warning signs” for which he has witnessed popular support (Ipswich Star, 2013). Overall, the message of the enforcement review and the news article is that enforcement will only take place where it is popular with the local population, with the rest of the network receiving ‘advisory’ or ‘educational’ alternatives. As such, the “thorny issue” (OPCC for Suffolk, 2013a) of speeding is resolved with a compromise that is designed to keep both the concerned local, and the wider motoring, public happy and reassured that their PCC is reflecting their concerns – whichever side they may fall. The peculiar outcome is a compromise that has to reflect the level and type of enforcement that is acceptable to the offenders being targeted, with both the PCC and Chief Constable understandably implicated in this.

**‘Playing to the crowd’ – The Norfolk PCC and his populist presumption**

In the second case study example, the PCC for Norfolk caused controversy by suggesting that skilled drivers could safely “go flat out” in some circumstances and that road signs are “mesmerising” (BBC News, 2013) rather than conducive to safety. In an interview with his local radio station he advocated abolishing speed limits on motorways and other major roads, with a blanket speed limit in villages.He suggested that "[w]e ought to drive to road conditions rather than set limits. The problem nowadays is there's so many damn signs.” (ibid). It is worth noting that such suggestions are not, by any means, unusual in the wider debates about speed limit enforcement particularly, being a staple criticism of both drivers and motoring groups, not to mention motoring journalists (Wells, 2012) but they nonetheless sparked controversy when proffered by a PCC. Whether or not the readership, or even the media reporting the comments, agreed with the general tone of the observations, the reaction suggests that it is inappropriate for anyone in a position of authority such as this to express views that contradict the policy line on traffic enforcement. Unlike the ‘real crime’ issues mentioned frequently in PCC manifestos and Police and Crime Plans, where there is little question of public support for action against these ‘real’ criminals, the PCC may have been reflecting the ambiguous position of the general public in relation to road traffic laws when making his comments. Interestingly our PCC from the first case study came out to oppose these views, noting (in a way that perhaps reflects his own experience of a divided mail bag on the subject) "I think we have got to be very careful about anything like this", (BBC News, 2013) regardless of whether or not ‘we’ PCCs believe it.

Following the initial reporting of his comments, the PCC ‘clarified’ his comments in a statement on his website. Whilst maintaining his stance with regard to his less controversial claim in relation to signage (insisting that less ‘road furniture’ would mean “we would all be safer”), the PCC stated that his comments, whilst “tongue in cheek” and “flippant” were also “designed to provoke debate”. He then promised:

I fully acknowledge that speed is regarded as a contributory factor in determining the outcome of collisions.
My comments were not meant to be offensive.
I have been out with roads policing officers, and I have lost a close personal friend in a collision, and therefore understand the misery and heartbreak that follow loss of life and serious injury on our roads. (East Anglian Daily Telegraph, 2013b)

Whilst the statement notes that it is agreed that some people regard speed as problematic, it stops short of confirming the author’s agreement with this and, indeed, separates possible cause and effect further by stating that speed is regarded as a *contributory*, rather than causatory factor. The ‘outcome of collisions’ is a particularly neutral way of phrasing what might otherwise be called ‘road death and injury’, and the observation that offense was not intended is a strategic way of avoiding actually issuing an apology (the author regrets offence caused but does not disassociate themselves from their statement). The final sentence ensures us that, much like an individual with ethnic minority friends might use this fact to counter an accusation of racism, the PCC has close personal experience of road death and therefore, it is implied, cannot possibly be trivialising road safety. What he stops short of saying is that he agrees with speed limit enforcement, whilst simultaneously being seen to empathise with the victims of road collisions and their families.

The careful balancing act of imagining the audience as comprised of both offender-voters and victim-voters is reminiscent of the efforts of the Suffolk PCC to adopt a middle ground compromise position. Both seem to have discovered, as Lister and Rowe have suggested, that far from serving communities with “coherent and consistent demand[s] for police and community safety services that can be easily translated into operational policing or crime reduction priorities”, the reality is that the public’s views – on some issues at least – are “diverse, contested and messy [and] frequently do not articulate a clear or linear agenda” (2014: 13)

**‘Caught in the Act’ – the Humberside PCC becomes an offender**

Perhaps inevitably, given the nature of offending under discussion, within a year of the first round of PCC elections, one successful candidate was caught breaking the road traffic law. The Humberside PCC, was detected by a speed camera driving at 36mph in a 30mph limit. He was, like the majority of such offenders now, offered a place on a Speed Awareness Course as an alternative to prosecution - an offer that he accepted.

The Humberside Police and Crime Plan was one of the minority that, OPCC research suggests, featured ‘road safety’ and the phrasing and detail of his commitment is worthy of further analysis. Firstly, in choosing the phrase ‘road safety’ the PCC (as discussed above) embraces responses to road traffic offences that encompass more than simply the punishment of offenders. Indeed, in the detail of his commitment to “improving safety on our roads” he states “there is a need to reduce the number of road casualties still further, be this through education, engineering or enforcement, and particularly community involvement” (OPCC for Humberside, 2013a: 16). He pledges “a review of road safety covering, amongst other things, road safety cameras, unnecessary traffic signs, anti-social driving and speeding” (ibid: 15), a phrasing that clearly suggests he appreciates that his public may have issues with some of these examples[[11]](#footnote-11). Whilst ‘anti-social driving’ fits the construction of a non-specific dangerous driving ‘other’ discussed above, the other three priority areas are sufficiently vague as to appeal to a range of public views on the enforcement of road traffic law. His general commitment to “mak[ing] the roads of East Yorkshire and Northern Lincolnshire safer” (ibid: 15) is unlikely to meet opposition from his electorate, whilst the (more controversial and divisive) nature of the action that will be supported to achieve this is, largely, undiscussed.

Prior speeding convictions, like convictions for any other non-imprisonable offences, are deemed entirely compatible with the office of Police and Crime Commissioner (The Electoral Commission, n.d.:3) - an exemption that helps to perpetuate its status as ‘not real crime’. There cannot be many offences that are compatible with a continuation in the role of PCC and which do not make the position untenable, placing speeding in the (perhaps unique) position of needing to be reconciled with ongoing PCC status for the benefit of the electorate. The offence must be acknowledged in a way that engages with its seriousness as a breach of the law but also which constructs a status for the PCC which is viable and legitimate going forward. In the Humberside case, the response of the PCC was as follows:

I have driven over 20,000 miles this year and have a clean driving licence. I am therefore disappointed my driving was not to the required standard on this occasion. (OPCC for Humberside, 2013b)

There is much that can be said about this response which echoes the ‘deresponsibilisation’ narratives which have been observed elsewhere (Wells, 2007). Firstly, the reference to a clean driving licence serves to suggest that this was an out-of-character driving mistake: the driver is not a dangerous or persistent offender as otherwise their licence would not be ‘clean’. The implication is that the owner of a clean licence has not offended before, whilst the reality is more likely that they have not been detected breaking a speed limit before. The reference to “the required standard” distances the fact of a numerically determined limit from any connection to harmful or risk-producing behaviour, presenting the ‘standard’ as perhaps arbitrary and the breach of it certainly not connected to a specific act of wrongdoing or the posing of danger. There is also a distancing of himself from the action: he is disappointed that his driving was not up to the standard, he is not ‘disappointed that *I drove* at less than the required standard’, or even that he ‘drove at a dangerous speed’. His “disappointment“ is also rather nonspecific and may or may not be interpreted as being directed at the self as opposed to the system that put him in this position.

In a final reference to the offer of a Speed Awareness Course in place of prosecution, the PCC noted that he would “welcome this opportunity to use the course to reflect on my standard of driving." (OPCC for Humberside, 2013b). For the respectable, (otherwise) law-abiding individual, such courses have been observed as popular, offering as they do the chance for the offender to be treated as educatable, with the potential to learn from their mistakes (Wells, 2012: 181). The potential to avoid penalty points and the associated increase in insurance costs is also, of course, part of the attraction.

As is becoming increasingly common, when reported in the local online press the statement received comment from readers via a ‘comments’ option at the bottom of the page. The observations of readers reflect the split nature of public opinion in this case, with a mixture of suggestions that the PCC ‘should be sacked’, ‘should know better’, or was a ‘hypocrite’, as well as a good number suggesting that he had ‘not really done anything wrong’ or that it was the law that was wrong in this case. As a snapshot of the views of the public the PCC (indeed any PCC) is representing, this is further evidence that supports the logic of adopting a relatively non-specific position in relation to road traffic offending. The strong statements of intent and commitment to action are, perhaps, best saved for the traditional targets of, for example, violent offenders and burglars.

**Conclusions**

The initial reforms that brought about the introduction of the PCC “conceive[d] of citizens as active co-participants in the construction of policing by consent, respectfully accepting the authority of the police but also helping to improve police effectiveness to ‘fight crime’” (Lister, 2013: 241). It does not seem to have been envisaged that this ‘active co-participation’ in producing acceptable policing would stretch as far as potentially resulting in the minimisation of encounters that place the public on the uncomfortable receiving end of police power – even where those encounters are necessary. Whilst it is clear that negative encounters can harm the legitimacy of the police (Sunshine and Tyler, 2003), it is not clear that removal of those encounters is a desirable way of achieving consent, nor what the implications for road casualty figures are of doing this.

As directly elected individuals, PCCs have shown, in the early part of their tenure, a consistent preoccupation with the views (or assumed views) of their electorates. Roads policing in the form of speed limit enforcement particularly, is a topic that receives frequent, and not particularly positive, media coverage. It will be interesting to observe whether, as their time in office lengthens, PCCs are able to act with more confidence in respect of the views of their electorate as directly communicated to them, rather than having to rely in part on the views that appear in the media. The invitation to think locally that underpins the PCC approach may well manifest in community demands for *more* roads policing, if the electorate thinks of themselves primarily in the role of resident rather than in their role as driver. But, in 2012 and 2013, it seems PCCs were more comfortable deploying a ‘real’ crime fighting narrative than they are engaging with topics about which a consensus cannot be assumed.

However, as recently as February 2015, the PCC for Essex has continued this approach. When responding to reports of cuts of over 20% in traffic officer numbers (presented alongside evidence of rising road casualties) he revealed a very particular interpretation of which harms were significant and which were less so, and attempted to refocus attention onto more uncontroversial police targets:

It's awful that nearly 100 young people were killed or seriously injured on our roads and we must continue to police that and we will. But it has to be balanced against the other harms to young people. We're often talking about child sexual exploitation or online grooming. We need to use our resources where the most harm is. (BBC, 2015a)

Interestingly, the tactic is used here to divert the public’s attention away from reductions in traffic officers, suggesting that this may not be an entirely popular development amongst the public who, when funds are particularly limited, are encouraged to choose which situation produces the harm most in need of minimisation. The publication of data demonstrating recent reductions in traffic officer numbers does suggest that, in straightened economic times, certain policing functions are taking a disproportionate ‘hit’ and it will (since 2012) have been PCCs that have signed off on the resourcing decisions that have produced the witnessed reductions in traffic officers (whether supported by the Chief Constable or not). Providing a roads policing presence is, as all PCCs would no doubt agree, necessary, but the breadth and scale of that commitment is certainly something that a PCC can exert influence over via decisions about resource allocation. Certain understandings of what types of harm the police should, and should not, prioritise are evident and may well be informed by PCC beliefs about what the(ir) public want.

As a case study on the impact of majoritarianism in the new democratic accountability era of the Police and Crime Commissioner, roads policing is a potentially cautionary tale. The use of a single, directly elected, individual to represent the views of the public on crime generates a situation where the problematic (and at times fatal) behaviour of that public may cease to receive the attention it deserves, whilst stereotyped and less ontologically unsettling ‘others’ will continue to be on the receiving end of punitive populist pronouncements about ‘real crime’ from powerful individuals flexing their muscles in ways that make re-election more likely. Certainly, the preference for focusing on the usual suspects, rather than more potentially controversial targets seems to underpin the comments made by a PCC about the relative importance of road death as opposed to Child Sexual Exploitation considered above (BBC, 2015a).

The PCCs in the case studies considered here have adopted a non-committal stance to roads policing where possible, foregrounding the desirable end of ‘safety’ and supporting the needs of victims, whilst being more hesitant with regards to the means of achieving this. This is compatible with their remit in terms of strategic direction and it would, indeed, be inappropriate for them to be specific on operational matters, but the analysis here suggests that it is fear of alienating voter-drivers, rather than simply respect for that ‘what’ and ‘how’ divide (Lister, 2013) that is motivating them. Whether or not the ‘public’ that PCCs seem at pains to keep on-side is as divided in its views about roads policing as PCCs seem to think is therefore difficult to determine, but exercises such as the survey carried out by the PCC in Suffolk do suggest that mixed views exist and that a strong position in favour of an enforcement-based approach may alienate a certain, vocal, part of the electorate. It is such perceptions that, in the absence of conclusive data one way or the other, will feed into the Police and Crime Plans that are subsequently used to hold Chief Constables to account. Real or not, defensible or not, PCCs perceptions about voter perceptions are likely to produce real and tangible effects on the roads policing reality that the UK experiences.

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Table 1. References to roads-related issues in the manifestos of PCC candidates (adapted from APCC, 2012: 7-8)

|  |  |
| --- | --- |
| **Motoring** | **10** |
| Speed cameras | 5 |
| Vehicle Crime | 3 |
| Persecution of motorists | 2 |
| **Improving road safety** | **8** |
| Road safety | 6 |
| Dangerous drivers | 2 |

1. Details and analysis can be found below. [↑](#footnote-ref-1)
2. Raine and Keasey (2012) suggest that there are multiple forms of relevance to the creation of PCCs, including accountability to the media, to HMIC and to the Home Secretary for example, but these are not discussed here. [↑](#footnote-ref-2)
3. The dangers of this do seem to be mitigated, however, by the role that central government has retained for itself with regard to issues of national security. The Strategic Policing Requirement focuses on serious and cross-boundary criminality and ensures that capability exists at local level to respond to national issues, regardless of their local prioritisation. [↑](#footnote-ref-3)
4. Karstedt and Farrell’s research documents the high level of law breaking associated with the middle classes, but the offences considered are unlikely to ever propel their perpetrators into the criminal justice system. Objections are seldom, if ever, heard to the overly-enthusiastic enforcement of laws against VAT avoidance by ordinary consumers (for example), because such practices are not routinely focussed upon. Certain roads policing practices, such as efforts to detect speeding drivers, are routinely criticised in these terms. [↑](#footnote-ref-4)
5. The percentage of drivers admitting speeding various from 79% (Stradling et al, 2003), to 85-99% (Corbett, 2003:111), to 85% (Silcock et al, 2000, self-report data) to 98% (ibid, observation data), but always exceeds 50% making it clear majority behaviour, even though many instances are reported as unintentional by their perpetrators (Corbett, et al, 2008:50). [↑](#footnote-ref-5)
6. Although “patrolling motorways” secured 20th spot and “dealing with traffic accidents” 10th. See below for discussion about why the latter occupies a high position (reinforcing, rather than undermining, the perception of the police as a source of help rather than discipline). [↑](#footnote-ref-6)
7. Indeed, as has been observed elsewhere, the introduction of ANPR was deliberately marketed as being about using minor offences as a method of detecting more serious crimes (Wells and Haines, 2012) as though its role in detecting the uninsured, the unlicensed and the untaxed was not sufficient in and of itself. [↑](#footnote-ref-7)
8. In comparison, for example, to ‘cutting bureaucracy’ - 107, ‘protecting front line policing’ – 113. [↑](#footnote-ref-8)
9. Named after the PCC, Tim Passmore [↑](#footnote-ref-9)
10. Speed Information Devices, such as flashing signs that advise drivers of their speed but do not initiate any enforcement action. [↑](#footnote-ref-10)
11. The Suffolk survey suggests that he may correct in selecting these examples as ones that preoccupy the road using electorate. [↑](#footnote-ref-11)