Policing for a Better Britain

Report of the Independent Police Commission

Contents

Glossary of Abbreviations

ACPO	Association of Chief Police Officers
AFE	Aiming for Excellence
APA	Association of Police Authorities
BCU	Basic Command Unit
BME	Black and Minority Ethnic
CAP	Community and Police
CECJS	Centre for Evidence and Criminal Justice Studies
CEOP	Child Exploitation and Online Protection Centre
CIPD	Chartered Institute of Personnel Development
COBR	Cabinet Office Briefing Rooms (often referred to as COBRA)
COPS	Community Orientated Policing Services
CPIA	Criminal Procedure and Investigations Act 1996
CPPP	Collaborative Police Procurement Programme
CrPR	Criminal Procedure Rules
CSEW	Crime Survey for England and Wales
CSPs	Community Safety Partnerships
DCLG	Department for Communities and Local Government
EHRC	Equalities and Human Rights Commission
EU	European Union
FHEQ	Framework for Higher Education Qualifications
FoSciSIG	Forensic Science Specialist Interest Group
FREDA	Flexible Resourcing Explore options Discussion Agreement
FSS	Forensic Science Service
GDP	Gross Domestic Product
GovCo	Government Owned Contractor Operated
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
HMIC	Her Majesty's Inspectorate of Constabulary
IPCC	Independent Police Complaints Commission
IPSC	Independent Police Standards Commission
ISIS	Information Systems Improvement Strategy
ISO	International Organisation of Standards
IT	Information Technology
IWF	Internet Watch Foundation
LGBT	Lesbian, Gay, Bisexual and Transgender
LPU	Local Policing Unit
MOPAC	Mayor's Office of Policing and Crime
MPS	Metropolitan Police Service
NAO	National Audit Office
NCA	National Crime Agency
NFFA	National Forensic Framework Agreement

NFF-NG	National Forensic Framework – Next Generation
NPB	National Policing Board
OECD	Organisation for Economic Cooperation and Development
PACT	Police and Community Together
PCA	Police Complaints Authority
PCB	Police Complaints Board
PCC	Police and Crime Commissioner
PCPs	Police and Crime Panels
PCSO	Police Community Support Officer
PDR	Performance Development Review
PFF	Police Funding Formula
PNB	Police Negotiating Board
PNC	Police National Computer
PND	Police National Database
PolFed	Police Federation of England and Wales
PSAEW	Police Superintendents Association for England and Wales
PSDs	Professional Standards Department
PSI	Police Studies Institute
PSNI	Police Service of Northern Ireland
PSU	Police Standards Unit
QCF	Qualifications and Credit Framework
SFJ	Skills for Justice
SMT	Senior Management Team
SOCA	Serious and Organised Crime Agency
SOCOs or CSIs	Scenes of Crime Officers
SPR	Strategic Policing Requirement
SQCF	Scottish Credit and Qualifications Framework
TICS	Offences Taken Into Consideration
TLT	Tomorrow's Leaders Today
UKAS	UK Accreditation Services
US	United States
WAG	Welsh Assembly Government
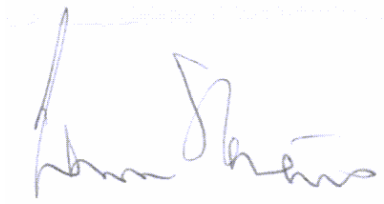
Foreword

It has been a great pleasure as well as a privilege to chair this Independent Commission into the Future of Policing. The Rt. Hon. Yvette Cooper MP, Shadow Home Secretary, set me this task at a time when the police service in England and Wales faced unprecedented change, not least the severe cuts in budget and the Government's reform agenda. In forming the Commission I assembled a team of 38 colleagues, whose outstanding specialist expertise was generously shared in our deliberations. In managing the work I sought as far as possible to mimic the workings of a Royal Commission in that we held six days of witness hearings, undertook eight surveys and held seven regional meetings to hear first-hand the views of as many people as possible. I am especially grateful to the Baroness Henig of Lancaster and the Baroness Harris of Richmond, who gave up their time to chair our regional meetings, as well as to all those who so kindly hosted and supported us in arranging them. We received survey returns from over 30,000 serving police officers and police staff, as well as over 2,000 members of the public. We are most grateful to the Police Federation of England and Wales (PolFed), The Superintendents Association of England and Wales (PSAEW), UNISON, YouGov and the survey respondents for enabling us to collect such a wealth of information from those most directly affected by policing services. All in all, we collected over a quarter of a million words in evidence and submissions all of which have been carefully analysed.

The result has been the most extensive examination of the police service in England and Wales since the Royal Commission of 1962, but we did not enjoy the powers of a Royal Commission, nor its resources. I want to record my heartfelt thanks to all the commissioners, academics, witnesses and the many other participants who gave their time freely without financial recompense because they believed in the importance of this review.[1] I have been ably assisted by my Deputy, Professor Jennifer Brown, and a core editorial team including Professor Ian Loader, Rick Muir and Peter Neyroud. Any project of this size and ambition has to be supported by a secretariat and Nerys Boswell and Ray Dance deserve a particular mention for the many hours of unstinting assistance they gave the Commission. We also greatly benefitted from collaboration with the academic community with 47 scholars from 28 different universities, some international, writing 31 position papers underpinning the work of the Commission. These papers are available in an edited collection published by Routledge as a powerhouse of current thinking and challenging ideas about the future of policing. This has been at times a daunting task, especially in trying to keep abreast of all the numerous policing issues which occurred during the lifetime of the Commission. We have tried to analyse their implications and incorporate them into our discussions to ensure our recommendations are soundly based and provide a strong foundation for future development. We have continually consulted with those at the heart of policing, namely police employees and their respective staff associations. As we demonstrate in chapter four, it is vital that staff are included in the change process. We have proposed a number of radical changes to the current structure which rely on their consent and their support. I hope that our conclusions will provide a road map for the professional evolution of our police service and will serve to guide the integrity, practice

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[1] For full details of the Commission's methodology and lists of commission members, academic contributions, witnesses, drafters and editorial team members and related submissions, as well as interviews please see appendices one to seven.

and delivery of policing in the decades ahead. The trust and confidence that the public have in their police is a mark of the health of a mature democracy. Our steer to the service is to revitalise the contract which defines British policing by consent and contributes to the well-being of all our citizens.

The Lord Stevens of Kirkwhelpington QPM

Summary and Recommendations

"Policing should contribute to the creation of a safer, more cohesive and more just society."

The police service in England and Wales is going through a period of tumultuous change and faces huge challenges in the years ahead. Today policing takes place against the backdrop of deep social transformations – a global economic downturn, quickening flows of migration, widening inequalities, constitutional uncertainty, and the impact of new social media. Crime levels have fallen, but the police and their partners face the challenge of new forms of criminal activity including cybercrime, fraud, terrorism, and the trafficking of people and goods. Endemic problems of anti-social behaviour continue to blight the lives of many people in our most deprived communities. An increasingly sceptical public make competing demands for order, not all of which the police are able to meet. Victims of crime, rightly, want a more personal, swift and just response from the criminal justice system. Public confidence in the integrity of the police has been damaged by a spate of organisational failures and high profile scandals. The police have experienced sharp budget cuts and face a period of fiscal restraint that is likely to continue for the foreseeable future. We are no longer able to improve policing by spending more money on the police service. That path has been closed off. Given this, the Commission has taken great care to develop a vision of better policing – and a set of practical proposals - which do not require additional resources.

The police have also been subject to a radical programme of reform instigated by the Government. Some of these reforms have been important and necessary – for example, changes to police officers' pay and conditions and the creation of the College of Policing. Others however have proven less successful, such as the experiment with elected Police and Crime Commissioners (PCCs) which has been riddled with failings. Whilst the introduction of PCCs has given effect to an important democratic principle, the model has fatal systemic flaws. The Government has created a stand-off with the police service that has left officer morale at rock bottom. The police have a structure of 43 separate forces that few believe to be cost-effective or adequately equipped to meet the crime challenges of today – though there is no consensus on a better alternative. The procurement of technology by the police service continues to be problematic. Indeed it was described by Sir Hugh Orde in evidence to the Home Affairs Select Committee[2] as being 'in a bit of a mess'. Furthermore the service, constrained by the lack of finances available to it, risks outsourcing key aspects of policing to the private sector in an ad-hoc and unprincipled manner. Faced with continuing budgetary constraints and repeated calls from government ministers insisting that they are 'crime-fighters', the police service in England and Wales is in danger of retreating to a discredited model of reactive policing. Neighbourhood policing that is responsive to the concerns of local communities is being threatened. In short, we believe that the Government has made the wrong calls in areas where it has acted - police purpose and governance - while failing to address key issues where reform is urgently required, such as police standards, misconduct, and structures.

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[2] House of Commons Home Affairs Select Committee (2011) New Policing Landscape

In this Report – *Policing for a Better Britain* – we set out a bold and radical vision of how to deliver fair and effective policing in straitened times. We offer a coherent, long-term model that is rooted in the Peelian tradition of British policing, but which seeks to apply Robert Peel's founding principles to the challenges the police face today. This model of policing is one grounded in values that are widely shared among the British people and informed by good evidence of how the police can, with others, contribute to the creation of a safer, more cohesive and more just society – in short, to a better Britain.

We aim to create a police service that is professional, democratically accountable and which serves the common good. Our vision is of a police service with a social purpose that combines catching offenders with work to prevent crime and promote and maintain order in our communities. It means a service that listens closely to the demands of everyone while meeting the needs of the most vulnerable in our society and protecting victims of crime. It means a service that is rooted in local communities while also possessing the capacity to tackle effectively threats of organised and cross-border crime. The 'golden thread' running through our analysis and proposals is that the local policing area is the core unit, and building block, of fair and effective policing.

The Report contains a detailed and integrated set of recommendations designed to give effect to this vision. In concrete terms, we propose a programme of reform framed around eight themes, each of which seeks to address the initial terms of reference set.[3]

A Social Justice Model of Neighbourhood Policing

1   We need to bring clarity and stability to a broader social mission for the police. The police are not simply crime fighters. Their civic purpose is focused on improving safety and well-being within communities and promoting measures to prevent crime, harm and disorder. **The Commission recommends that the social purpose of the police should be enshrined in law.** This will help to bring much-needed consensus to the question of what we expect the police to do.

This has recently been achieved, following the introduction of a single national police service, in Scotland. We believe that the national statement of purpose for Police Scotland has much to commend it as a model for enacting a legislative purpose for the police in England and Wales. Section 32 of the relevant legislation declares:

'The policing principles are —

(a) that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and
(b) that the police service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which —

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[3] Please see appendix eight for a full list of our terms of reference

<li type="i" value="1">is accessible to, and engaged with, local communities, and
<li type="i" value="2">promotes measures to prevent crime, harm and disorder.'[4]

2   The neighbourhood remains the key building block of fair and effective policing and it is vital that visible, locally responsive policing is protected in times of fiscal constraint. We need a police service that listens closely to the demands of the whole community while focusing resources where evidence suggests they are most needed and can do most good. We need local policing that treats everyone with decency and respect. Neighbourhood policing has to be distributed and delivered in ways that are substantively and procedurally fair. The protection of neighbourhood policing demands that the legislated national purpose is backed up with a set of national minimum standards of police service which everyone should be entitled to receive, and which local police forces and those who call them to account must deliver. **To this end, the Commission recommends that a Local Policing Commitment is introduced.** The substance of this Commitment will be subject to further discussion. However, it should include the following:

<ol type="a">
a guaranteed minimum level of neighbourhood policing;
emergency response or an explanation of why this demand will not be met or can be met by other means;
requests to the police for assistance, or reporting a crime will be met by a commitment to appropriate response times;
reported crime will be investigated or an explanation given of why this is not possible;
victims will be regularly updated as to the progress of the investigation; and
those coming into contact with the police whether they be victims, witnesses, offenders or complainants will be treated with fairness and dignity.

Creating Effective Partnerships

The police must build and strengthen key relationships in order to prevent crime and reduce harm in our communities – relationships with community and third sector organisations, with mental health agencies, with social work, education and training, with prosecutors, courts and probation, and with the private sector. **We recommend a series of practical measures that need to be taken in order to protect and enhance key crime prevention partnerships.**

3.   As part of a commitment to strengthening neighbourhood policing, the police and local councils should **involve ordinary citizens and those in key occupations in dealing with conflict, crime and anti-social behaviour.**

4.   To improve the effectiveness of police relationships with other actors in the criminal justice system:

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[4] Police and Fire Reform (Scotland) Act 2012.

(a) The College of Policing should review and **improve the quality of police training in criminal law and criminal procedure,** including the rules of evidence and the role of police officers and police work in the criminal justice system;

(b) All forces should **move rapidly towards enabling the electronic submission of case files** to courts and prosecutors;

(c) The Home Office should **set out a coherent set of principles for dealing with offenders and offending outside the criminal justice system** with a view to improving public confidence in such disposals.

5. Local community safety partnerships are being undermined by cuts to local government and by the shift of focus and budgets to PCCs. **The Commission recommends that the success of the Crime and Disorder Act 1998 needs to be built upon. We need to protect and extend the statutory arrangements that the Act put in place and the Commission recommends a considerable strengthening of police accountability at the so-called Local Policing Unit (LPU) which is where Community Safety Partnerships (CSPs) generally operate. These proposals are set out fully in chapter three.**

6. We consider that the UK needs a combination of police and a third party agency to act as a portal for the reporting of online crime, as an analytic filter of those reports and as a distributor to single points of contact in each force or the National Crime Agency (NCA). **We recommend that work be taken forward to develop such a third party agency supported by the industry, banking and corporate social responsibility from affected businesses.**

7. Police relationships with the private sector are important and essential. Pressures to extend these relationships are also going to increase as budget cuts continue to bite. However, it is vital that partnerships with the private sector are developed in a coherent and principled way that attends to what the private sector can more effectively deliver and to the limits of private sector involvement in police work. **The Commission recommends that when considering whether to outsource areas of police operation, PCCs and other stakeholders should adhere to the following principles:**

(a) How policing services are provided is a matter for democratic debate and political choice;

(b) The coherence and effectiveness of policing should be enhanced rather than undermined by private sector involvement;

(c) The use of the legal powers of the warranted constable should only be exercised by the public police;

(d) Functions that rely on trust and legitimacy should normally be carried out by the public police;

(e) The symbolic function of the police as guarantors of social order and legitimate governance should not be undermined.

Achieving Better Democratic Governance

The Government initiated a radical reform programme designed to enhance the democratic governance of the police. However, the 'single individual' model of accountability that has been introduced has serious deficiencies that cannot easily be fixed. **The Commission recommends an alternative path to achieving better local democratic governance** comprising the following elements:

8. **Local democratic accountability is an important value that needs to be defended and extended.** There must be no retreat from the principle of giving the public a direct voice in how they are policed. Locally elected politicians should set the strategic direction of the police and hold them to account for their performance.

9. Following a careful evaluation of the evidence, **the Commission concludes that the PCC model is systemically flawed as a method of democratic governance and should be discontinued in its present form at the end of the term of office of the 41 serving PCCs**.

10. The Commission sees no benefit in reinstating local police authorities in place of PCCs, nor does it consider it desirable to return to the days of trying to steer local policing from Whitehall. The Commission proposes to further democratise decision-making over policing by devolving greater powers to lower tier local authorities. The Commission recommends four key measures to achieve this:

    (a) The introduction of a **legal requirement on the police to organise internal force boundaries in ways that are coterminous with the lowest relevant tier of local government;**
    (b) Legislating to **give local government a say in the appointment of local police commanders;**
    (c) **Enabling lower tier local authorities to retain at least some of the police precept of the council tax which they will then use to commission local policing from their force. this funding would be ring fenced to fund the police service and could not be diverted into other local authority services**; and
    (d) **Giving those same lower tier local authorities the power to set priorities for neighbourhood policing, the local policing of volume crime and anti-social behaviour, by formulating and agreeing with local police commanders policing plans for their town, city or borough**

11. Having devolved decisions over local policing matters to a more local level, we recommend that at **force level a Policing Board comprising the leaders of each local authority within the police force are** be given the power to set the overall budget for the police force area, appoint and dismiss the chief constable and formulate and agree with the chief constable the force level policing plan setting out the strategic priorities for the force.

12. Two other options should also be considered: **relocating the powers and budget currently held by the PCC so that they are jointly exercised by an Elected Chair and indirectly-**

elected local Policing Board, or transferring to **a directly-elected Local Policing Board their powers of priority-setting, community** engagement, **commissioning services and developing close relationships with other criminal justice and community safety agencies**.

13. The Commission believes that local community engagement has to be made a routine component of police work and a core responsibility of those elected to hold the police to account. **We recommend that police forces consider establishing 'participatory budgeting units' in order to ensure greater involvement of local communities in allocating local policing resources.**

A New Deal for Police Officers and Staff

The Commission endorses elements of the Government's programme for modernising police pay and conditions. Such reforms were necessary and overdue. However, the process of implementing change has left police morale at rock bottom. These reforms also need careful scrutiny and review as they are implemented. **The Commission proposes a new deal for police officers and staff.** This is made up of the following practical proposals:

14. **We endorse the Winsor aspiration of enhancing the status of policing to a profession** and the corresponding proposals to raise the qualification standards of those entering the profession.

15. **We reject the new starting salary for police constables** and urge that a level be set commensurate with the qualifications and experiences of new recruits.

16. **The Commission recommends the setting up of an independent review of the effects of the Winsor recommendations** within two years of their implementation.

17. A new deal for police officers means, **implementing models of working which embed 'procedural fairness for all' in the routine operation of police organisations.** This requires police forces to put in place relevant structures and processes, training for senior officers and management, and high level commitment from chief officer teams. Police officers and staff must be treated as a vital resource in the development and delivery of better policing, not simply as the objects of reform.

18. **Greater use should be made of the powers within the 2006 and 2010 equalities legislation with a view to correcting the still poor representation of women and ethnic minorities in the police.** We recommend that the Equality and Human Rights Commission (EHRC) work with the police service, through the College of Policing, to review data on discriminatory treatment and disproportionate representation and that the EHRC consider initiating legal compliance action where explanations from forces are inadequate.

19. **We recommend that staff with key skills such as Crime Scene Investigators, Crime Analysts and specialist cybercrime investigators should have a route into the service via lateral entry**.

Building a Police Profession

The Commission welcomes the creation of the College of Policing and believes it has a vital leadership role to play in developing the police into an evidence-based profession. To this end, we make the following practical proposals:

20. The Commission recommends **creating a 'chartered police officer' as the basis of the police profession.** A 'chartered' police officer accountable to a strong professional body will improve public confidence and give greater competence and status to police officers and staff. All police officers must register with the College of Policing. Existing officers will be registered under 'grandfather's rights', but all must demonstrate they are properly accredited within five years. This provides a mechanism for continuous professional development and means that those without accreditation will leave the service. The College of Policing will become the authoritative voice of policing in relation to standards, procedures and training, but ACPO must maintain its position as the voice of the service on operational matters.

21. **The College of Policing would hold and make publicly available the register of all chartered practitioners.**

22. The presumption should be for total transparency –**with open, public hearings for decisions on serious misconduct** - rather than the muddled regime of partially open hearings and judgements which currently prevails.

23. Police officers found to have committed serious misconduct by the College of Policing board **should be struck off from the register.**

24. **The professional body's primary lines of accountability should be both to the Home Secretary and Parliament**.

25. **A Code of Ethics for police officers and staff should be introduced, following consultation on the current draft produced by the College of Policing that would set standards of professional behaviour. That includes honesty and integrity, authority, respect and responsibilities to the public.**

26. **The relationship between the media and the police must be improved, based on:**

    (a) new media guidelines which re-build trust and confidence and encourage, not restrict, two-way openness and contact; and

(b) streamlined and minimal requirements to record but not restrict contact with journalists.

27. **A publically available register of police practitioners should be created, that will:**

(a) incorporate all those working within public policing; and
(b) operate different levels of registration according to qualification (ordinary, advanced, chartered) and permit multiple pathways to achieve advanced and chartered registration.

Raising Standards and Remedying Misconduct

A spate of organisational failures and scandals over recent years has badly damaged public confidence in the integrity of the police. It is vital this situation is put right. Recent experience has found wanting the existing system which separates the monitoring of organisational performance from the investigation of police complaints. The Commission suggests a single significant reform to remedy the failings of current arrangements.

28. **We recommend the abolition of HMIC and of the IPCC, and the creation of a new single IPSC.** From the outset the IPSC should create a database with the necessary storage facilities to retain oversight of serious investigations (historic and current) which are or are likely to be of significant public interest. This new agency would hold police forces to account for the delivery of standards, deal with misconduct effectively and efficiently, and ensure all failings are addressed without delay.

29. to ensure that the practice standards set out by the College of Policing are being appropriately applied by individual forces we consider **that a power to impose an improvement framework akin to the Consent decree on forces where key standards fall well below an acceptable standard would provide a more active and effective regulation than the current regime of largely toothless recommendations.**

30. **The College of Policing would have responsibility for managing new 'professional competence and conduct panels'**, but the IPSC should have the duty to ensure that they are meeting the public interest.

31. **We envisage that the new body would be 'prosecution authority' for serious complaints** and the appeal body for complainants who were not satisfied with lower level complaints.

A Structure Fit for Purpose

32. The Commission found broad agreement that the present structure of 43 separate police forces for England and Wales is no longer cost effective or equipped to meet the challenges of organised and cross-border crime. In a world of greater mobility and fiscal constraint the model is untenable. **However, there is little or no consensus about a better alternative**

arrangement. Against this backdrop, the Commission makes a clear recommendation that change is essential and believes there are three serious options for finding a path out of the current impasse, namely:

(a) Locally-negotiated mergers and collaboration agreements: actively encouraging forces to group together and supporting voluntary amalgamations, enhanced cooperation learning best practice lessons from the bottom-up ;

(b) Regionalisation: A coordinated amalgamation into approximately ten regional police forces;

(c) National Police Service: The creation of a single national police service (Police England and Wales) or two separate forces (Police England and Police Wales).

We recommend that detailed proposals for structural change, with the locally-negotiated mergers and collaboration agreements, regionalisation and national police service options produced and a wide-ranging consultation undertaken with a view to securing swift implementation.

Making savings and efficiencies

The Commission is disheartened and dismayed by the recurring criticisms of the police service's inability to rationalise its procurement of Information Technology (IT) and non IT consumables and is greatly exercised by problems besetting the forensic science services. The continued failure to manage procurement is not only costly in economic terms and wasteful of human effort but it potentially compromises the efficiency and effectiveness of investigation and other policing tasks. The imminence of a new generation of procurement contracts which include the Police National Computer (PNC), the Police National Database (PND) and Airwave presents a real opportunity to achieve greater integration and interoperability of intelligence and improve means of communication. The Commission cannot emphasise strongly enough the urgent need to address these persistent problems. There should be national guidelines and, wherever possible, national frameworks for local forces to purchase goods and services, together with a robust analysis of police forces' requirements similar to those proposed by the National Audit Office (NAO), namely: appreciation of thresholds whereby back office functions can be streamlined or removed; analysis of trade–offs between supporting all forces and a staged approach; and clarity about degrees of convergence to be achieved within the service and between the criminal justice service agencies.

33. **The Commission recommends the development of a national procurement strategy co-ordinated jointly by the Ministry of Justice and the Home Office for IT, non IT consumables and forensic services; the aim being to secure integration, common standards and value for money of these services.**

    The Commission has calculated the following savings that, enacted swiftly, could save the forces an estimated £62.6 million to 2016/17. These should be only the tip of the iceberg in terms of better procurement and collaboration.

(a) According to findings published by the Public Accounts Committee and the NAO, if 80% of items were bought through the procurement hub, rather than the current 2%, potential benefits were estimated at just over £50 million to 2016-17.

(b) Forces could save an estimated £4.8 million to 2016/17 across five types of common equipment, assuming they paid the average of the five lowest prices paid.

(c) Forces have also found it particularly hard to agree common specifications for uniform, which they spent almost £8 million on in 2010-11. If forces could replicate cost reductions achieved through standardising uniforms in the prison service they could an estimated £7.8 million to 2016/17. As the NAO has said, this would not require a single national uniform or inhibit forces having customisable insignia to identify their officers.

34. **The Commission recommends that every force provides all its police officers and operational staff with all 19 basic technology operating system capabilities (as identified in the HMIC report '*Taking Time for Crime*' of 2012) as a minimum and ensures that all software updates are routinely installed**.

35. **The Commission sees real merit in seeking to ensure that officers can access intelligence remotely through a single integrated platform** and proposes achieving this through:

(a) storing the PNC, the PND and forensic support systems such as the National Fingerprints Database on a single platform;

(b) making federated systems, including national watch lists, searchable via this new platform;

(c) giving responsibility for the database to a lead force;

(d) making access to the platform available to all officers via their mobile technology capabilities as early as possible.

36. **The Commission is extremely concerned about the current provision and use of forensic science services. We consider that urgent attention should be given to ensuring that the quality of forensic service provisions meet operational requirements, thereby avoiding current and future problems.**

37. In addition to the principles underpinning relationships between the police and the private sector, outlined in recommendation seven, **we recommend that the following public interest tests are applied to the process of procuring goods and services, designing contracts, and monitoring the performance of contractors:**

(a) **consultation** - police officers, staff, stakeholders and local people should be consulted prior to any final decision being taken;

(b) **responsibility** – consideration should be given to: whether police forces have the necessary skills to procure effectively and ensure quality compliance? Are forces dependent upon a small range of suppliers? Have allowances been made for possible unforeseen changes in the landscape of policing such as, for example, further budget cuts? Have forces used their collective bargaining power to

advance wider policing and social goals such as positive action initiatives to encourage employment of black and ethnic minority (BME) staff? Have forces ensured their contractors are being paid a living wage?

(c) **transparency** – has there been sufficient transparency to ensure that the public interest is being protected? Commercial confidentiality is clearly important, but it must not be allowed to stand in the way of getting best value out of scarce public resources;

(d) **risk assessment** - have the values and practices of fair and effective policing been preserved?

(e) **accountabilities** – are staff contracted to work for the police to be subject to the same processes for remedying misconduct as sworn officers?

Introduction: Contexts, Challenges & Principles

Introduction

The police today face an uncertain future in which the only thing that can be predicted with any confidence is that hard choices will have to be made. In this report, the Commission sets out a bold and radical vision of how to deliver better policing in these demanding times. But we do not and cannot start with a blank slate. Over the last 50 years – since the Royal Commission on the Police reported in 1962 – British society has altered dramatically and it is vital to take account of the key changes in the economic, social and political contexts within which policing takes place. Through our surveys, public meetings and evidence-gathering sessions, we have heard about the problems and challenges confronting the police service today. Any attempt to make the police better, and make policing contribute to a better Britain, has to be fully cognisant of this altered context and be able to address these challenges.

In this introduction, we lay out the key elements of the social context of British policing and describe the key challenges that have emerged from, and during, the Commission's work. We then revisit the 'Peelian principles' and consider their applicability to the world of policing today, noting that ACPO in their written submission to the Commission considered the Peelian Principles:

> 'a vibrant and valid foundation for policing today ... [which] remains relevant and
> ... one of the strengths of the British Model of Policing'[5]

What is required, the Commission argues, is a revised application of those core policing principles so as to provide the basis for a police service that can meet today's challenges in ways that are effective, legitimate and committed to the common good.

Contexts

British policing takes place in an economic, social and political context that has radically changed since the Royal Commission on the Police reported in 1962. It is essential to understand this wider context and its effects upon police work if we are to appreciate the scale of the contemporary challenges faced by the police. We will refer to these changes at relevant points throughout our report. For now, it is necessary to record the most significant elements of this altered context.

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[5] ACPO written submission

A climate of austerity

There is no doubt that any change will have to take place against the backdrop of diminishing resources. While it was true that until recently 'we spent about 2.5% [of our Gross Domestic Product (GDP)] on law and order, ... considerably more ... than any other [Organisation for Economic Cooperation and Development] (OECD) member state,'[6] the situation has changed with the police in England and Wales now facing real term cuts of 20% in their budget by 2014-2015, an estimated loss of £2.1 billion across 43 police forces. In 2010-2011, there was a reduction of 5.68% in front line officer numbers across England and Wales – a loss of 6,800 officers. An overall loss of over 15,000 officers is projected by 2014-15. Further cuts to the police budget of 'up to 6%' were announced by the Treasury in the Spending Review for 2016-2017. Even on the slower scale and pace of cuts proposed by the Labour Party, at half the size and over an entire Parliament, significant savings would still need to be found. Financial austerity is likely to be part of the structuring context for policing in England and Wales for the foreseeable future. This effectively rules out the option of spending our way to improved service or performance. Police forces are going to have to prioritise demand and focus their resources more effectively. This is a challenge that the Commission has sought to meet head on. We have taken great care to develop a vision of better policing – and a set of practical proposals - which do not require additional resources.

Socio-economic transformations

The social conditions within which the police operate have been transformed over recent decades and will continue to change. The globalisation of markets for goods and services; new patterns of personal mobility and migration; the advent of the internet and social media; the fragmentation of families and communities, and increasing levels of inequality, have created a shifting landscape of criminal opportunities, threats and risks and have impacted upon public demands for order and security. There has been growing public concern about anti-social behaviour, particularly in the most deprived communities, and a consequent pressure on the police to intervene. The police also work in an environment shaped by long-term decline in deference for and trust in authority. In today's world, citizens expect more of government, are more sceptically alert to the performance of public services, and often expect to be consulted over the form and quality of provision. Effective, legitimate policing is much harder to foster and sustain in this context. It requires careful thinking about how best to manage public expectations of policing, given that not all demands can be met. It also involves more than simply delivering a professional service to the public.

Changing levels and patterns of crime

Crime levels in England and Wales have been falling since the mid 1990s and continue to do so. Figures from the Crime Survey for England and Wales (CSEW) for the year ending March 2013 show a 9% decrease in overall crime against adults compared with the previous year's survey. Crimes recorded by the police also fell by 7% for the year ending March 2013 compared with the previous year. This is not however a reason to be complacent. There are few grounds for assuming that volume crime levels will continue to fall during any prolonged economic slowdown. National trends mask the fact that criminal victimisation continues to be suffered disproportionately by the poorest and most vulnerable in society and impact detrimentally on

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[6] John Graham, Police Foundation in verbal evidence

their lives. The Commission believes there is a need to attend to alterations in criminal opportunities and behaviour – as evidenced, for example, by crime on the internet, by rising levels of fraud (frauds recorded by the police increased by 27% in the year up to March 2013) and by the propensity of criminal networks to cross force boundaries and national borders. Policing today has to be alive to these changing contours of crime.

Coalition government's reform programme

The Government has embarked on a radical overhaul of the police in England and Wales, the speed and scale of which signals a determination to engineer a revolution in British policing. Opinion differs on the coherence of this reform programme and its intended 'end-game'. Some of these reforms have been important and necessary, for example, the reform of police pay and conditions and the creation of the College of Policing. One could plausibly argue that the Government intends to create a leaner, locally responsive police service focused on the limited objective of cutting crime. Measures to cut 'red-tape' and bureaucracy, the Winsor Report proposals, support for outsourcing police services and the introduction of elected PCCs all seem designed to narrow the role of policing to an agent of deterrence, reacting to crimes rather than preventing them. Whether or not this interpretation is accepted, there is little doubt that by 2015 the police in England and Wales will have been significantly re-shaped. This means that any future government will be confronted with stark choices about which aspects of the Government's reform programme to accept, reject or extend, and what further reforms are required. The Commission's report offers a careful assessment of the Government's police reforms with a view to informing the programme of any future government.

Challenges

Over the last 24 months, the Commission has taken evidence from police officers, academics, national and local politicians, and police experts. The picture that emerges is in part a positive one containing success stories of which the police service can be proud: counter-terrorism and the policing of the Olympics merit particular mention in this regard. However, the evidence we have gathered reveals a number of problems and challenges confronting the police service in England and Wales. In this report the Commission sets out a vision, and a programme of reform, that can respond to these challenges. We turn first to describing briefly the nature and scale of the challenges the police currently face.

The threat to neighbourhood policing and the danger of retreating to reactive crime control

Faced with budgetary constraints and the Government's insistence that the police are 'crime-fighters', the police service in England and Wales is in danger of retreating to a discredited model of reactive policing. Neighbourhood policing, responsive to the concerns of local communities, is being threatened. In the Commission's view, it is vital that this 'retreat to the core' is halted. In chapter one, we show that policing which is responsive to local concerns and treats everyone with dignity and respect is the key to building public confidence, and consider how to protect neighbourhood policing during times of austerity. In chapter two, we consider

how best to build the key relationships that are necessary to deliver enhanced community safety.

The problem of PCCs and the spectre of a failed experiment

There is mounting evidence of serious difficulties in how PCCs are operating on the ground. There is little public knowledge of, or support for, this experiment in democratic policing. There have been well-documented problems with how PPCs appointed their staff and handle their relations with chief officers. It remains difficult to envisage how a single individual can provide effective democratic governance of police forces covering large areas, diverse communities and millions of people. In sum, we are confronted with the spectre of an experiment that is failing. The principle of democratic accountability that underpins the PCC experiment is sound and needs protecting – even extending. But serious thought needs to be given to finding better ways of giving practical effect to that principle. We turn to this question in chapter three.

Police morale and the damaging stand-off between police and government

Whilst the government's reform of police pay and conditions is both important and necessary, the failure to engage the service in the programme of reform has resulted in a damaging stand-off and plummeting morale. Derek Barnett, the former President of PSAEW noted in evidence to the Commission:

> 'if you want to reform an institution as valued and as important as policing, you surely must do it in a way that implements and introduces reform with those in policing, as opposed to implementing reform to policing ... [reform] is being done to us, and not with us. '

Our extensive surveys of police officers and staff highlight what is a bleak and worrying picture of anxiety and de-motivation present within the service.

Police forces also continue to fall short in efforts to make the police representative of the communities that they serve. In chapter four, we offer police officers in this country a 'new deal' – one that combines reform of pay and conditions with a serious and sustained effort to give police officers a greater say in the decisions that affect their working lives and thereby the confidence to treat the public with fairness and respect. In chapter five, we consider how these problems of morale and motivation can be addressed by building a policing profession.

Organisational failure and malpractice

Over recent months and years a litany of police organisational failures, malpractice and scandal have been revealed and widely publicised. It is instructive to list the most serious cases:

1. Improper relations between the police and the media revealed by the Leveson Inquiry;
2. Investigative failure of child sexual abuse (for example; Jimmy Savile, North Wales, Oxford and Rotherham);
3. Discrediting of victims, cover-ups and related wrongdoing revealed by the Hillsborough Enquiry;
4. The death of Ian Tomlinson following an assault by a police officer at the 2009 G20 Summit;

5. The dismissal of the chief constable and deputy chief constable of Cleveland Police for gross misconduct (and an unprecedented number of chief officers suspended under disciplinary regulations);

6. Allegations that the police 'bugged' the family of Stephen Lawrence and Duwayne Brooks;

7. Serious allegations made against police undercover teams – including developing personal relationships and fathering children under their false identities and using the names of dead children as pseudonyms;

8. Misleading reporting of crime figures and attempts to subvert the reporting of crime (for example the Southwark Sapphire Unit);

9. Criticisms by HMIC and the EHRC over the mis-use of stop and search powers; and

10. The unresolved allegations generated by the 'Plebgate' affair.

In a world of round the clock broadcasting and social media their effects reverberate rapidly and widely. These individual and organisational failures have badly dented public confidence in the integrity of the police and have come close to generating a sense that policing in England and Wales is 'out of control'.[7] It is thus vital that we obtain a clearer understanding of the conditions under which these abuses of power occur in order to be better placed to prevent their reoccurrence. We also need to take steps to rebuild trust in the police in the aftermath of these cases and address the police's self confidence in making operational judgements. In chapter five, we examine the role of the College of Policing in this regard and make the case for introducing the role of 'chartered police officer'. In chapter six, we examine ways to more effectively join up the process of investigating complaints against the police with systems for improving organisational practice and standards.

A structure of 43 police forces which appears to be dysfunctional

It was clear from our evidence-gathering that few senior police officers and politicians believe the structure of 43 separate police forces is currently 'fit for purpose'. The current structure is not well-equipped to deliver efficiency and cost savings. It creates unnecessary duplication and compromises inter-operability. It is a structure that too often obstructs effective action against cross-force and cross-border crime. There is, however, little or no agreement on the best alternative arrangements or how to bring them about, especially in the light of well-documented problems with 'top-down' force amalgamations. Added to this, there is uncertainty about the role of the NCA and how its relations with individual police forces will develop, as well as a lack of clarity about the role the Home Office should play in the new policing landscape. These questions of force structure are discussed in chapter seven with future options laid out.

Problems of technology and procurement and the risks of outsourcing

During the course of our work, the Commission encountered a consensus regarding the poor state of police equipment and technology, and the inefficiencies of existing procurement processes, notably for IT and forensic science. Here too there was little agreement on the best means of procuring the equipment the police need and widespread recognition that this is a 'wicked problem'. Yet it is clear that a way forward has to be found. Given the pressures

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[7] See the results of a poll conducted in the aftermath of the Stephen Lawrence 'bugging' allegations http://www.bbc.co.uk/news/uk-england-london-23165983

created by police budget cuts and the strong central steer to make savings, there also remains considerable pressure on forces and PCCs to increase radically the range of policing services that are outsourced to the private sector. However without serious consideration being given to the limits of what can be outsourced in policing, and principles to guide whatever outsourcing is to take place, there is a clear risk of ad hoc, unprincipled outsourcing being unleashed. We consider questions pertaining to resourcing in chapters two and eight.

Principles

The Commission's proposals will pay full heed to the social context within which policing takes place and respond to the challenges we have just described. But neither the Commission – nor the police – must become a prisoner of that context. Instead, the Commission charts a way forward showing how – against this backdrop – the police can best contribute to a safer, more cohesive and more just society. In order to do this, we have formulated some core principles of policing that provide our Report with an overarching vision of policing and guide its recommendations. These principles gave the Commission a clear sense of which aspects of our present policing arrangements are working well and ought to be preserved and identified areas of policing which require innovative thinking, fresh policy proposals, or new institutions.

Peelian Principles

One familiar step taken whenever a call is made to reform policing is to reach for what have come to be known as 'Peel's principles'. There is, as police historian Clive Emsley[8] has noted, no evidence that they were written in 1829, or by Robert Peel, or indeed by either of the Metropolitan Police's (MPS) first two commissioners. Emsley argues that they were in fact given their first formulation by Charles Reith over a century later, before subsequently becoming a cliché of twentieth century policing textbooks. These principles have, nonetheless, become the key reference point for thinking about the fundamentals of modern British policing. They are outlined in box one.

Box 1: The Peelian Principles

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
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.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of the law.
4. To recognise always that the extent to which the cooperation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.
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

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[8] Emsley, C. (2013) 'Peel's Principles, Police Principles', in J. Brown (ed) *The Future of Policing*. London: Routledge.

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 good humour; and by ready offering of individual sacrifice in protecting and preserving life.

6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

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.

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

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.

But how well do these principles serve us today? What should a contemporary application of the Peelian principles look like given the context and challenges we have described? Clive Emsley makes the further important point that it is difficult to find any modern liberal democratic state that does not subscribe to such principles for their policing institutions. This fact can be taken as an indication of the cogency and durability of the Peelian principles as a guide to what policing in a democracy ought to look like or aspire to. But it can also indicate that these principles are too general, or thin, to enable necessary distinctions to be drawn between different visions of policing that vie for attention within democratic societies. This is the view the Commission takes. Now is the time to take a long, hard look at the Peelian principles and examine whether they can be usefully updated for the times in which we live.

Peel's principles are in many respects a product of their times. For instance they take little account of modern concepts such as human rights. They make no reference, for example, to how best to organise policing in a world where crime routinely crosses national borders, or how to equip the police for the demands of a knowledge society, or how to think about police relations with other policing providers.

In short, the Commission believes that the original Peelian principles are necessary, but not sufficient to articulate a 21st century vision of effective and legitimate policing that can have some purchase on the world we inhabit today, or to set that vision apart from competing alternatives. We think that the task of applying the Peelian principles to the twenty-first century requires us to do more than simply re-state and defend them Rather, we have to revise and extend them. We need a set of fully contemporary principles that can provide a coherent account of what policing can best look like today. The remainder of the introduction is devoted to this task.

Peelian Principles Today

In this report the Commission sets out the case for a revised and compelling vision of what British policing can become – and how policing can contribute to a better Britain. We offer a coherent, long-term model that is rooted in the Peelian tradition of British policing, but which seeks to apply Robert Peel's founding principles to the challenges the police face today. This model of policing is one grounded in values that are widely shared among the British people and informed by good evidence of how the police can, with others, contribute to the creation of a safer, more cohesive and more just society.

We aim to create a police service that is professional, democratically accountable and which serves the common good. Our vision is of a police service with a social purpose that combines catching offenders with work to prevent crime and promote and maintain order in our communities. It means a service that listens closely to the demands of everyone while meeting the needs of victims and the most vulnerable in our society. This vision of policing is founded on eight key principles. These are listed in box two, and described below. In each case, we indicate how they build upon and extend the original Peelian principles.

Box 2: Peelian principles for today

1. The basic mission of the police is to improve the safety and well-being of the people by promoting measures to prevent crime, harm and disorder
2. The police must undertake their basic mission with the approval of, and in collaboration with, the public and other agencies.
3. The police must seek to carry out their tasks in ways that contribute to social cohesion and solidarity.
4. The police must treat all those with whom they come in to contact with fairness and respect.
5. The police must be answerable to law and democratically responsive to the people they serve.
6. The police must be organised to achieve the optimal balance between effectiveness, cost-efficiency, accountability and responsiveness.
7. All police work should be informed by the best available evidence.
8. Policing is undertaken by many providers, but it remains a public good.

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1. **The basic mission of the police is to improve the safety and well-being of the people by promoting measures to prevent crime, harm and disorder:** Order, security and civil peace are the basic organising concerns of the police. A key component of the police role lies, and always will lie, in investigating crime and apprehending offenders. The police also have a significant part to play as one among a range of social institutions that prevent crime. However, dealing with crime forms one aspect of a wider police mandate that is concerned with the regulation of social conflict and management of order. In respect of these tasks, the police's unique resource is the capacity, if required, to wield non-negotiable coercive force – though such force is to be used 'only when the exercise of persuasion, advice and warning is found to be insufficient'. As such, the police have a vital civic role to play in sustaining conditions that enable

people to pursue their life projects and in ensuring equal access to the basic good of social order.

2. **The police must undertake their basic mission with the approval of, and in collaboration with, the public and other agencies.**

   The police do not create order, they manage it. But they cannot do so alone. The ability of the police to perform their duties is dependent upon public approval and so far as possible the police should be representative of the communities they serve. The police must also act in partnership with other agencies. Crime and order are not matters that can be left to the police. Safe and just societies require the input of criminal justice agencies – prosecutors, courts, probation, prisons – with whom the police must collaborate. They also demand action from and partnership with other government agencies - education, health, social work, welfare, training, employment, housing and so on. Civil society organisations and citizens have an inescapable part to play in sustaining forms of informal social control on which formal policing depends and in the provision of vital public safety services. Good policing requires the police to foster and sustain collaboration in ways that galvanise social action against crime without either over-extending the reach of the police or overriding the purposes of other agencies.

3. **The police must seek to carry out their tasks in ways that contribute to social cohesion and solidarity.**

   The police are both a minder and a reminder of community. Policing is one key institution through which members of a society express concern for one another and give institutional effect to that solidarity. This means that the varied tasks police officers undertake to control crime and manage order must be guided by recognition that the police are a means of repairing the trust that is breached by criminal harms. Police work needs to be conducted in ways that reinforce people's sense of secure belonging and their capacity to live together confidently with risk. Police resources must also track the distribution of criminal harm and be used to protect the most disadvantaged and vulnerable. Civic policing – and the wider criminal justice system of which it is a part - should undertake its necessary interventions in social life with the aim of leaving victims and communities better off as a result of that intervention.

4. **The police must treat all those with whom they come in to contact with fairness and respect.**

   In a democracy it matters not only that the police control crime and maintain order, but also how they do so. Procedural fairness is an indispensable part of what it means to get the 'how' right. People's belief in the legitimacy of the police, and motivation to obey the law, depends greatly on how fairly they are treated during encounters with the police. People are also generally more concerned with the perceived fairness of such encounters – whether they 'had their say', and were treated with respect, by an impartial and open-minded officer – than with their outcomes. Every police-public interaction communicates a message about the police and what they stand for, and sends a signal to citizens about their membership of society and their place within it. These 'signals' have real (positive or negative) consequences for people's future willingness to trust and cooperate with the

police and for whether they think of the law as worthy of compliance because it represents moral values which they share. Treating people with fairness and dignity is thus a vital part of what effective and legitimate policing demands. It is a public good that can be supplied equally to all – at little cost. It is also a good whose benefits are experienced most intensely by individuals and groups whose sense of belonging is precarious and cannot be taken for granted. Procedural fairness should also inform the internal organisation of police forces – in terms of how officers and staff treat one another and are given a voice in decisions affecting their working lives.

5. **The police must be answerable to law and democratically responsive to the people they serve.**

Policing in a liberal democracy has to be transparent, accountable and responsive to the experiences and concerns of all. This requires that the police are subject to independent, impartial agencies of monitoring, oversight, inspection and redress – both official and unofficial. It demands that police work is carried out in accordance with the rule of law and basic human rights, and that enforcement mechanisms exist to protect these rights. It requires a regulatory framework that ensures minimum standards of delivery, fairness and coherence are sustained. It means that police officers have operational responsibility for their actions. But the police must not be counted solely among the 'fixed' rather than the 'moving' parts of the constitution. Police forces are public services that allocate scarce resources and choose between different priorities. These choices have real effects on the quality of people's lives. Citizens thus have a legitimate stake in how strategic decisions are made and a reasonable expectation of being the authors as well as addressees of such decisions. Given this, mechanisms are required for ensuring that all those affected by policing have a voice in shaping priorities and practice. This can be done by electing individuals to a local political office responsible for establishing priorities and holding the police to account. In addition, it requires the existence of multiple settings in which affected parties can deliberate about/debate policing issues and how best to respond to them - whether through, for example, neighbourhood panels, citizen juries or participatory budgeting. Good policing depends upon the vitality and inclusiveness of these institutions of public engagement.

6. **The police must be organised to achieve the optimal balance between effectiveness, cost-efficiency, accountability and responsiveness.**

There is no single or ideal template for determining how best to organise policing. The police service needs to be organised in institutional arrangements that take full account of all relevant factors in play and the trade-offs that exist between them. Such factors include: changing patterns of criminal organisation and the propensity of criminal activity to flow across force boundaries and national borders (it no longer makes sense to tackle crime in one locality without reference to what is happening in other places); a requirement to deliver policing in ways that are cost-effective, avoid undue repetition of tasks and achieve necessary economies of scale; the imperative to ensure the effectiveness, accountability and responsiveness of policing units functioning at different scales; the capacity to deal with critical incidents, and the transaction costs and unintended consequences of 'top-down' reorganisation. The optimum mix of local, regional, national,

international and transnational police organisations must be determined with reference to these factors. Appropriate mechanisms of oversight, inspection, redress and democratic priority-setting are required at each level of operation.

7. **All police work should be informed by the best available evidence.**

   Today the legitimacy of any public policy depends in part on being able to demonstrate that it is grounded in a reliable knowledge base. Police policies are no exception to this and nor should they be. Every police initiative can and should have to be justified in these terms. Police work must therefore be closely aligned – from the top of the organisation to the bottom – with evidence about what works to reduce crime and foster public security. Such evidence must assume a legitimate place among the range of considerations that properly inform police decision-making and become something to which officers routinely make reference. This demands a close and continuing relationship between the police and the producers and disseminators of such knowledge – in terms of training, career development, operational decision-making, priority-setting and horizon-scanning. Institutions are required which are able to foster the production, dissemination and public/expert discussion of relevant knowledge. Fair and effective policing needs an infrastructure of training, support and analysis to underpin and sustain it.

8. **Policing is undertaken by many providers, but it remains a public good.**

   Policing is a public good and a core function of democratic government. It is not a tradable commodity and access to the goods that policing supplies - order and security - must not in a democracy be determined by people's willingness or ability to pay. Policing is not a public good in the technical sense of being non-excludable in its supply and non-rival in its consumption (like street lighting). It is a public good in the deeper sense of being connected to the idea that security is the elementary DNA of society – something that citizens prioritise and pursue in common even if they disagree on how this should be achieved. How policing is carried out is a sensitive indicator of how adequately any society attends to the security and well-being of all its members. This means that core frontline roles involving the use of warrantable powers should only be performed by the public police with direct and trusted lines of accountability. It does not mean that other policing tasks can only be carried out by the police. This has never been the case and it never will be. The private and third sectors have important and indispensable roles to play in reducing crime and providing security. But in this context, there is a vital public interest in shaping the overall pattern and coherence of policing services that has to be recognised and protected. The state must be the democratic anchor of plural policing provision. This requires regulatory processes that attend to the relation between criminal harm and the social distribution of policing; deliver accountable, transparent and cost-effective commissioning/procurement processes, and put in place the mechanism of effective monitoring, oversight and redress in respect of all organisations contracted to provide policing services or services for the police.

The Commission commends these revised Peelian principles as the basis from which to think about, and deliver, policing in ways which can meet the challenges faced by the police today. In the rest of this Report, we use these principles to spell out in greater detail our vision of a

democratic, professional police service committed to serving the common good, and to guide what we think is a coherent and attractive programme of police reform. It is a vision of policing grounded in values that are widely shared among British people and the best available evidence about how to deliver effective and legitimate policing.

Chapter 1:   The Role of the Police

Introduction

The Commission believes in a broad mission for the police that should:

1. encompass both crime prevention and the detection of crime;
2. encourage proactive engagement while retaining reactive emergency responding capabilities;
3. contribute to community cohesion while maintaining order; and
4. provide a local focus while safeguarding national security.

It is through delivery across this spectrum that the police must manage public expectations and sustain public confidence.

Policing has for too long been the proverbial football between political parties in which policy emphasis swings between crime control and service orientations. The Commission argues that the resultant policy swings are unsettling for the public and destabilising for members of the service.   HMIC recently expressed concern about the reversion to a reactive emergency responding style of policing at the expense of neighbourhood teams as forces find ways to affect savings.[9] The Commission shares this concern. Clearly the police cannot do everything, so they must identify and prioritise the greatest risks and use their resources to protect the most vulnerable with the aim of leaving people better off as a result of their interventions.

We present evidence from our own and other survey data that there are reasonable levels of trust and confidence in the police. But that trust is unevenly distributed within society and is being tested by the number of instances involving police misconduct.   We find public scepticism both in the statistical reporting of crime rates and in the police's ability to catch offenders. We appreciate that forces have recognised the need for significant cultural shifts to change informal practices and behaviours that have contributed to differences in people's experience when encountering the police.   There are already moves to embrace more professional styles which the Commission acknowledges and encourages.

What are the police for?

One way to think about what the police do is to distinguish between what has been referred to as 'high' and 'low' policing.[10] The latter is the everyday protection of the citizen and largely reacts to notification that a crime or incident is underway or has taken place. The former

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[9] HMIC (2013) Policing in austerity; rising to the challenge. London: HMIC.
[10] Brodeur, J-P (1983) ' High Policing and Low Policing', *Social Problems*, 30/5: 507-20. See also Innes, M., and Thiel, D. (2008) Policing terror In Newburn, T. (ed.) *Handbook of policing*. Cullompton: Willan. pp 553-579.

relates to matters that threaten the security of the state and are often proactive, involving infiltration, surveillance and intelligence gathering and analysis. In his evidence to the Commission Peter Neyroud explained:

> 'High policing requires a different mix of skills and people who don't necessarily have to be police officers. They are in fact much more specialised. Low policing requires more generalists. The critical quality is the ability to apply the powers of law with a careful discretion with regard to the communities' needs.'

Much of what the public expect of its policing is intervention when 'something-is-happening-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now'.[11]

Disruptions in social order by the committing of crime and the occurrence of anti social or threatening behaviours create fractures within and between communities. Much police activity involves mending through conflict resolutions, rendering assistance and being a round the clock safety net. As The Rt. Hon. Jack Straw MP stated in evidence to the Commission:

> 'The primary function of policing is to ... help create a safe society to enable people to live a quiet life, to go about their business without being interfered with by others'[12]

So while crime control is part of the police mission, so too is keeping the peace, which is typically what the public want and is actually much of what the police do.[13] Only a minority of calls to the police concern crime, and most police time is spent on non-crime related matters.[14] The focus of this chapter is on that part of visible policing which services the public's needs, permitting them to go about their daily lives safely and which contribute to the construction of orderly life. Matters which are incorporated within the high policing category, and constitute the more invisible functions of national security and investigations of organised crime, are discussed in chapter seven.

We provide results of a public attitude survey, conducted on behalf of the Commission in April 2013. This comprised a representative sample of 2,020 adults from across England and Wales who took part in a telephone survey. We also make use of other published surveys such as the Crime Survey of England and Wales (CSEW).[15] The Commission's consideration of this evidence is made in the light of three of the reformulated Peelian principles namely, principle one - the basic mission of the police is to improve the safety and well-being of the people by promoting measures to prevent crime, harm and disorder, principle three - the police must seek to carry out their tasks in ways that contribute to social cohesion and solidarity, and principle four - the police must treat all those with whom they come in to contact with fairness and respect.

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[11] Bittner, E. (1974) 'Florence Nightingale in pursuit of Willie Sutton; a theory of the police' In Jacob, H. (ed.) *The potential for reform of criminal justice*. Beverly Hills, CA: Sage.

[12] The Rt. Hon. Jack Straw MP verbal evidence

[13] Reiner, R. (2010) *In praise of fire-brigade policing*. Mannheim Centre for Criminology/Howard League for Penal Reform Pamphlet

[14] Brodeur reviewed 51 studies based on various sources. Of these studies, 46 showed that the percentage of police work devoted to crime was 50% or less, two-thirds of them concluded that the percentage was 33% or less (see Brodeur, J.-P. (2010) *The Policing Web*. Oxford: Oxford University Press. 158-59).

[15] Formerly called the British Crime Survey.

What the public want from the police: expectations, confidence and trust

Expectations

Citizens living in a democracy expect their police to operate within the rule of law and to act fairly and effectively according to commonly accepted norms of behaviour.[16] They want the police to deal with matters that directly affect them and for victims of crime to get a swift and just response. They wish to have more visible patrolling officers on their streets because they see this as a deterrent to the commission of crime (our own survey results indicate that 58% of those polled declared that having the police more visible on the street would deter people from committing crime) and that visible patrolling also provides a reassuring presence.[17] Where police are seen to be doing this, communities are likely to give their support as Fraser Sampson quoting Chief Constable Sue Sim noted:

> 'the key determinant in successfully policing extended public order situations was the support of the communities affected by it, or likely to be'[18]

The work by Louise Casey reveals the public's key priorities.[19]

Box 3: Ten priorities the public want from policing from Louise Casey's report

1. A service that takes action – responsive, approachable, coming out quickly when called to incidents, acting on, following up and feeding back on progress to members of the public when they report crime and antisocial behaviour.
2. A visible, uniformed police presence, with fewer constables and PCSOs taken off patrols to perform 'administrative' tasks, and are there when needed, not just a nine-to-five service.
3. PCSOs who are clearly distinguishable as part of the police service, with uniforms, equipment and powers that match their role in patrolling communities, supporting local police and tackling anti-social behaviour.
4. Named contacts and clear information about who is responsible for what locally, and how to contact them in both emergency and non-emergency situations.
5. Face-to-face access at a police station, a surgery or a street meeting.
6. Continuity in the local policing team, with officers and PCSOs serving a minimum of two years in the neighbourhood so that they get to know areas and communities well and gain communities' respect and trust.
7. A better service for victims of crime, especially repeat victims, returning regularly to check they are alright and to help minimise further victimisation.
8. Sensitivity over reporting crime and giving evidence, protecting anonymity.
9. Good engagement with the community to identify their priorities for action and to give feedback on action and outcomes on cases of greatest community concern.
10. Clear leadership from the police on crime – with the backing of other organisations like the local council, prosecutors, the courts and probation services.

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[16] Jackson, J. et al (2013) *Trust and legitimacy across Europe*; a FIDUCIA report on comparative public attitudes towards legal authority. http://eprints.lse.ac.uk
[17] IPSOS Mori Poll conducted for the transitional board for the Association of Police and Crime Commissioners in October, 2012
[18] Mr Fraser Sampson quoting CC Sue Sim, former ACPO lead on public order in verbal evidence
[19] Cabinet Office (2008) *Engaging communities in fighting crime*; a review by Louise Casey

This is a strikingly clear message that people want a timely response from a police service that is attentive and personal, having a dedicated capacity to deal with reports of crime and threatening behaviour. However, it is equally striking that the police cannot respond to open ended demands for service. There is a distinction to be drawn between what the public ideally want and what they need. We discuss how to do this later in this chapter. There is also a view that increasingly police officer time is being used inappropriately, particularly in attempting to deal with problems which are more medical than criminal.[20] Several witnesses referred to this as 'mission creep'. John Graham, from the Police Foundation, defined this as:

> 'Where the mission of the police service expands and covers a range of areas which previously the police may not have had responsibility for. [He notes that there has been] … a shift from informal to formal sources of social control, so whereas various kinds of disorder and conflict and low level crime may have been dealt with through informal measures by people in positions of responsibility such as teachers, park keepers, shop keepers, bus conductors those kinds of interventions were replaced by formal interventions, primarily the police.'

The late Paul McKeever of the PolFed in his evidence to the Commission saw mission creep as the police being used as a substitute for the provision of specialist care, most notably in relation to mental health. This was a feeling echoed in an online submission received by the Commission from the PolFed in which it was stated that:

> 'over the years the police have taken on more and more tasks ... too often they are expected to take on the work of social services, mental health, various council departments etc as they are often the only people around 24/7. If the police could focus on a core set of tasks, they would be more effective, even when facing cuts.'

The need to manage the demand on the police is therefore critical and emphasis must be placed on finding solutions through partnership working as discussed in the following chapter.

Local engagement, as promoted in the Casey review, will require more imaginative means of communication in order to learn the lessons from the shortcomings of previous attempts to underwrite service provision, such as the Labour Government's policing pledge. When HMIC reviewed forces' performance against the policing pledge it found one force to be poor, seven to be good and the remainder were fair. None were rated as excellent. Forces seemed to have particular difficulties in communicating with neighbourhoods. The policing pledge was abandoned by the current government in 2011 as part of its drive to reduce bureaucracy.

The Commission is not seeking to reintroduce the policing pledge, however it does believe that to meet public expectations there should be a commitment to both a national standard of service delivery that every citizen is entitled to receive as well as a guarantee of timeliness of response. These matters should not be left entirely to localities to decide and central

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[20] Chatterton. M. (2012) Managing demand and workforce modernisation – is the police service getting it right? In Police Federation *Upholding the Queen's peace; towards a consensus on policing.*

government has a necessary and virtuous role in laying down minimum standards. Over and above this minimum, those in greatest need, as identified through measures of vulnerability and risk, should be entitled to a greater share of available resources. We discuss ways to manage demand later in this chapter and present some ideas about improving public engagement in chapters two and three.

Confidence

Confidence is an assessment of how well the police are doing their job. European data shows the United Kingdom to be in the mid-range in a comparison of 26 nations[21] in terms of effectiveness of time taken to respond to a householders' call about a burglary or violent crime, indicating scope for improvement. HMIC[22] asked forces to say whether there had been changes in their response times for emergency (grade one) and priority (grade two) calls between 2010/11 and 2012/13. Of the 20 forces that set a target time for emergency calls, half reported a reduction in the proportion of calls attended within the target. Of those that differentiate target response times in rural and urban areas there was a 60% reduction of times being met in urban areas and a 67% reduction in rural areas. This noticeable decline is of concern.

Our own survey findings show that 30% of the public thought things generally had got worse over the last few years, and only 5% of the participating public thought that the police service generally had improved. This percentage is much the same as in a recent BBC poll asking members of the public which services had got worse since the imposition of austerity cuts.[23]

The latest data from CSEW indicates two thirds of those asked, say that the performance is good or excellent, an improvement of 24% since 2003/4. Clearly a greater number of the public positively rate the performance of their local police than not, but there was variability in the favourable ratings. Looking at the CSEW in more detail, younger people (aged between 16 and 24) were less likely to agree and older respondents (aged 75 or older) more likely to say that their local police were doing a good or excellent job. Those defining themselves as black British were the least likely to give positive ratings.

Public confidence is bolstered by the visible police presence[24] and research[25] suggests that less visible police presence may actually lead to a decline in public confidence because that confidence, in part, is a result of them feeling that the police are keeping watch over communities. According to the Rt. Hon. Lord Reid of Cardowan:

> 'the public perception of the police service is shaped by probably three things; the first is visibility, the second is speed of response, and the third I would call consultation communication.'[26]

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[21] Jackson et al (2013) In Brown J. (ed.) op cit

[22] HMIC (2013) op cit

[23] BBC news Bailout Anniversary Poll: attitude towards public services, September 2013

[24] Thorpe, K. (2009) Public perceptions of the police and local partners-results from the BCS year ending September 2008. London: Home Office.

[25] Sindall, K., and Sturgis, P. (2013) Austerity policing: is visibility more important than absolute numbers in determining public confidence in the police? *European Journal of Crim*inology 10, 137-153.

[26] The Rt Hon Lord Reid of Cardowan verbal evidence

The CSEW confirms that confidence in the police is influenced by people's concerns about disorder, their sense of community cohesion and beliefs that things are under control, rather than actual levels of crime per se. A systematic review[27] on community oriented policing demonstrated that there were definite benefits in terms of citizen satisfaction and perceptions of legitimacy, although there were little effects on official crime rates.

An assessment by HMIC shows that as a reaction to austerity measures, some forces have broadened the scope of their neighbourhood officers who are now adopting a more reactive approach by answering 999 calls and investigating crime. This is eroding neighbourhood policing. There is other evidence which demonstrates a hollowing out of neighbourhood policing. The CSEW surveys show that the public are marginally less likely to see a uniformed presence than in the previous year. This may be a feature of the loss of officers overall (7% between 2010 and 2012) and a 15% loss of Police Community Safety Officers (PCSOs) during the same period. The MPS announced a reduction of 300 sergeants on the Safer Neighbourhood Teams over a period of two consecutive years.[28] Other forces, such as Devon and Cornwall and Dorset, have also announced cuts in their neighbourhood teams. However, in evidence taken we have been continually reminded of how important neighbourhood policing teams are. ACPO in their written submission stated that 'neighbourhood policing is the heart and soul of the British model'.[29] Sir Hugh Orde noted, in similar terms, that 'local policing [is] bespoke to the territory you're policing.'[30]

The public are guarded in their confidence that the police are effective in catching criminals. In 2011/12 only 10% of the public said they were very confident, 57% fairly confident while 33% were not confident. Our own survey data showed that about two-thirds of the public had confidence in the police service generally (and locally) to fight crime and deal with criminals. Younger people were the least confident (56% generally and 54% locally compared with 67% and 69% of older people).

There are variable chances that crime will actually be detected across type of crime and geographic location. Detection is most likely in murder or drug offences (over 90%) and least for offences against vehicles or burglary (11% and 13% respectively).[31] Overall detection rates varied between 18% (Warwickshire) and 50% (Dyfed-Powys). Surveys have shown public trust in crime statistics and other official statistics is low and that many people believe there to be political interference in the production of statistics.[32] Furthermore, the continued use of figures to try to address public fear often fails to reassure. At the hearing in South Wales attendees said they would like to see a shift in focus to ensure that more measures are taken locally to address issues of real concern that are heightening fear of crime within a

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[27] Gill, C., Weisburd, D., Bennett, T., Telep, C., Vittner, Z. (2012) *Community oriented policing*. Paper presented to an NPIA seminar,

[28] The London Evening Standard, 28th January 2011.

[29] ACPO written submission

[30] Sir Hugh Orde verbal evidence

[31] Taylor, P., and Bond, S. (eds) Crimes detected in England and Wales 2011/12. HOSB 08/12

[32] Maguire, M. (2012) Criminal statistics and the construction of crime in Maguire, M., Morgan, R., and Reiner, R. (eds.) Oxford Handbook of Criminology. Oxford University Press.

community.[33] We deal with this as part of building confidence in the mechanisms for ensuring police probity in chapter six.

People who have come into contact with the police as victims of crime are more dissatisfied with the police than those who have not. Fewer than six in ten victims (59%) are satisfied with their dealings with the police.[34] Victim Support finds one of the key drivers of satisfaction with the police is the extent to which victims are kept properly informed about their case.[35] They find that, as a minimum, victims want to know what is being done to investigate it, whether a suspect has been arrested or charged, and if the case is closed, when and why. Victim Support survey data revealed victims are only kept updated about what is happening in their case to a satisfactory level in around half of all reported incidents. In a third of cases the victim hears nothing more after reporting the crime to the police. Failing to keep victims properly updated about case progression left victims feeling that their case was being neglected and led to a loss of confidence. In some cases that can mean victims dropping out of a case while it is being investigated – thus harming criminal justice outcomes.

The investigation of sexual offences in particular, remains stubbornly resistant to improvement. Sanction detection rates for the rape of a female were down seven percent when comparing 2002/03 with 2011/12. The IPCC investigations into the cases of Kirk Reid,[36] John Worboys[37] and the Southwark Sapphire Unit[38] found lost investigative opportunities, disbelief in complaints and failures to identify serial sexual offending. In the Southwark case there was pressure to improve performance and management was focused on hitting targets as a measure of success thereby losing sight of the victims needs.

The Commission draws the following conclusions from the evidence we have reviewed:

1. there is a fair degree of satisfaction by the public as a consequence of an interaction with the police, but that there is clearly room for improvement;
2. there are variable standards in service delivery such that some groups are disadvantaged or feel ignored, notably younger citizens, those from visible ethnic communities and the poorer members of society who are not as well served by the police as are other groups;
3. there is a discernible trend to hollow-out neighbourhood policing;
4. while chances of being a victim of crime are declining, the chances of your crime being detected vary considerably depending on type of crime and where you live;
5. public confidence in the police's ability to deal with anti-social behaviour and solve crime is variable;
6. response times in getting to incidents is deteriorating; and

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[33] South Wales meeting findings

[34] Khan, J. (2012) Looking after victims in Police Federation Upholding the Queen's peace; towards a consensus on policing

[35] Victim Support (2011) Left in the dark' why victims of crime need to be kept informed.

[36] Independent Police Complaints Commission (2010) Independent investigation into the MPS inquiry into the allegations against Kirk Reid. London: IPCC.

[37] Independent Police Complaints Commission (2010) Independent investigation into the MPS inquiry into the allegations against John Worboys. London: IPCC

[38] Independent Police Complaints Commission (2013) Southwark Sapphire unit's local practices for the reporting and investigating of sexual offences July 2008-Sept 2009. London: IPCC

7. victims are not routinely being informed about the progress of an investigation. This variability is unacceptable and all members of the public have an entitlement to better.

Trust

The police need to demonstrate that they are deserving of the public's trust. This then confers moral authority on the police to both possess and exercise their powers for the public good. It is through public approval that the police gain their legitimacy. The validity of the police's authority is measured by the individual practices of officers and staff and of the procedures and policies of the organisation.

Figure one shows the levels of trust in the police compared to various occupations. This survey, repeated annually, indicates that levels of public trust in the police have remained constant since 1983.

Figure 1: Level of public trust in the professions and occupations
Do you generally trust these professions to tell the truth or not?

Judges			82			
Scientists			83			
Teachers			86			
Doctors			89			
	0%	20%	40%	60%	80%	100%

Source: Ipsos Mori February 2013 based on 1,018 British adults
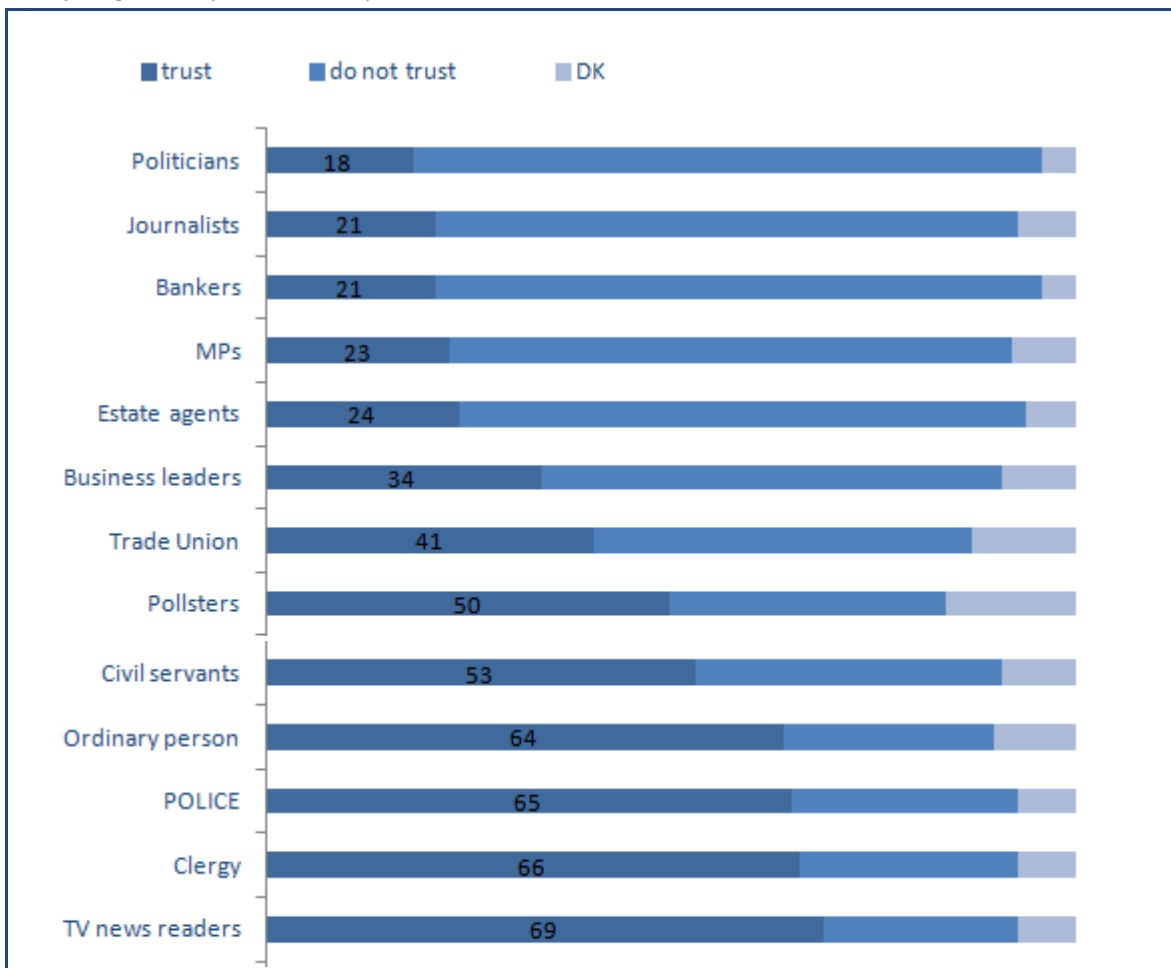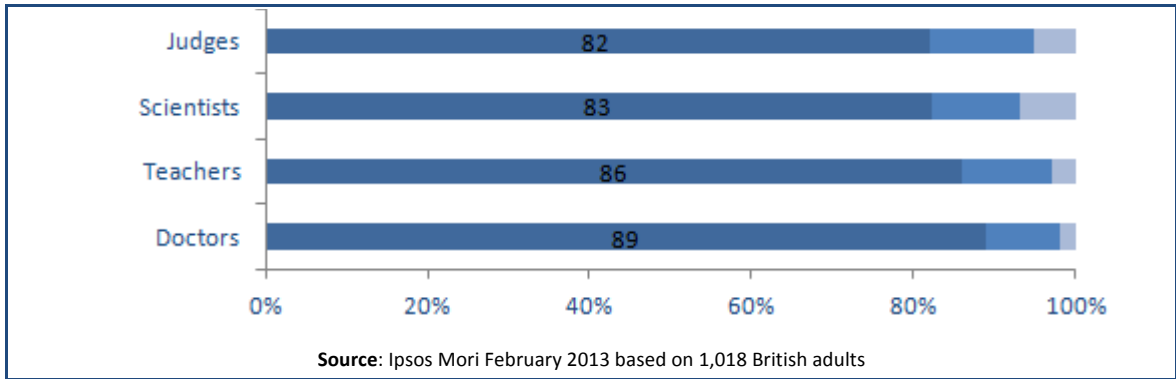
Notwithstanding these relatively high levels, the Commission notes that more recently, trust in the police has wavered.[39]   HMIC was invited by the Home Secretary to investigate police relationships in the light of the phone hacking scandal.[40] The Chief Inspector concluded:

> 'As part of the review we asked the public about the extent and nature of police integrity and corruption. The majority do not think corruption is common and trust the police to tell the truth. However, about a third of those surveyed think there is some problem with corruption. The public also told us that they associate integrity with being treated fairly; the Service must, therefore, be absolutely transparent not only in being fair but also in being seen to be fair.'

When asked who should investigate corruption, an IPCC inquiry found that the public made a distinction between serious and less serious cases.[41] The most serious types of case were viewed as requiring some form of external investigation, either by another force or by an organisation independent of the police. The less serious cases were perceived to be, the more likely they were viewed as appropriate for handling by local managers or anti-corruption specialists from the same force. An external police force or an organisation separate from the police was viewed by focus group participants as providing an unbiased approach and a fairer review of the evidence. We explore this in more detail in chapter six.

Our own survey of the public indicated that only 4% of those questioned had a great deal of confidence for a police force to deal with corruption among its officers. A total of 39% had some confidence and 51% not much confidence. However, when asked to think about the introduction of a register of police officers, from which a person could be struck off and barred from working for the police if found guilty of misconduct or incompetence, confidence levels increased to 60%. Our survey data also revealed that the increasing intensity of contact is associated with diminishing trust.

Figure 2: Trust in the police by prior contact (percentages do not add up to 100 because of the 'don't know' responses which have not been included)

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[39] Committee for Standards in Public Life (2012) Annual Report.

[40] Her Majesty's Inspectorate of Constabulary. (2011) *Without fear or favour; a review of police relationships*. London: HMSO.

[41] Independent Police Complaints Commission,(2011) *Corruption in the police service. First report.* London: IPCC.
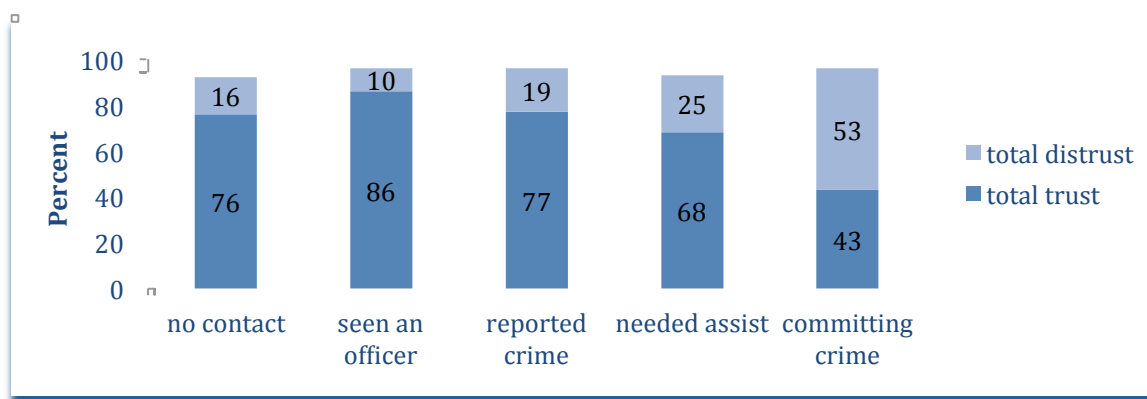
A recent poll[42] conducted on the anniversary of Stephen Lawrence's murder found 74% of all respondents trusted the police a lot or to some degree. This percentage went down to 56% among non-white respondents. In the aftermath of the bugging allegations, confidence of those from ethnic minorities in the Metropolitan Police saw a further decline in trust[43] (31% of white, 46% of Asian and 58% of Black respondents were less likely to trust the police). This was reiterated in evidence presented to the Commission by the National Association of Muslim Police who advised us that:

> 'There is a serious underreporting of Islamophobic attacks in the UK; there is a suggestion that the media is Islamophobic ... with its continuous negative stereotypes which can certainly be seen as a major catalyst for hate. There is also a considerably body of evidence which is growing all the time, which highlights the scale of Islamophobic hate crime, has grown since 9/11, in spite of the under-reporting by victims ... not reported to the police either because of a lack of confidence, or because victims are unaware of police interest. This means that evidencing the true extent of the problem is difficult to assess.'[44]

The BBC bailout survey also showed those from ethnic minorities were more likely than white respondents to think the police service had got worse in the last few years since austerity cuts had been imposed. The Commission notes that all these survey findings make for uncomfortable reading.

One particular area of disproportional treatment is stop and search.[45] Research findings concluded that the over-representation of many black and minority ethnic (BME) communities in police stop and search practices has been apparent in the ethnic monitoring data compiled since the early 1990s.[46] The Commission heard evidence from Lucy Russell, project co-ordinator for U R Boss, a community project run by the Howard League for Penal Reform, who advised us that they have a database of over 400 complaints. Giving an example Lucy stated that:

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[42] Populus Stephen Lawrence Anniversary Poll 17-19th April 2013

[43] Com Res survey April 2013

[44] National Association of Muslim Police written submission

[45] See IPCC (2013) Report on Metropolitan Police Service handling of complaints alleging race discrimination; Equalities and Human Rights Commission (2013) Stop and think again; HMIC (2013) Stop and search powers; are the policing using then effectively and fairly?

[46] Rowe, M. (2013) Race and policing in Brown, J. (ed) op cit.

'we have one young person who said they were picked up by the police in a car and said they were driven to a rival gang area. Another one was dropped off in the middle of a forest and didn't know how to get back. Another young person told us about being strip searched in the back of a police van but they kept the doors open so that all the group he was with could see him, so it was a humiliation exercise. Another one talked about being whipped with wet towels that is quite tactical because it doesn't leave marks.'

The IPCC satisfaction survey showed that young people, those from ethnic minorities and those from lower socio-economic classes were least happy after a contact with the police. The unintended consequence of disproportionate treatment is the antagonism this engenders between the police and the BME community which, at worst, can generate a vicious circle of public distrust and coercive policing. This is evidenced by the findings from research into the summer riots of 2011 by the London School of Economics and Political Sciences (LSE) and the Guardian.[47] The use of the controversial kettling[48] tactic as a means to maintain public order, and the death of Mr Ian Tomlinson during a G20 protest on 1st April 2009 after being struck by a police officer,[49] unsettle people's sense that they can exercise their democratic right to protest. Investigative failures evident in the Rochdale child exploitation cases,[50] those in Oxfordshire and the cases associated with the late Sir Jimmy Savile[51] present a picture of a police service that dis-believed some of the most vulnerable in our society.

The Commission is very concerned about these shortcomings. We think that the 'singular focus on cutting crime'[52] that has been placed at the core of the police reform programme, and the diluting of the role of neighbourhood policing, will exacerbate rather than stem these trends. We believe appropriate responses to public expectations, securing trust and sustaining confidence will be achieved through reclaiming a social purpose for the police, by treating people fairly and by managing demand so that resources are aimed at individuals and communities in greatest need.

Reclaiming the social purpose of the police

A number of recent studies have pointed to the importance of dealing with low-level disorder and building social cohesion as correlates of trust and legitimacy.[53] In essence, these studies argue that the position of the police as representative of order, stability and cohesion suffers when communities are experienced as disorderly, lacking in cohesion, and unable to regulate themselves. When order is seen to be failing, the police are seen to be failing, trust declines,

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[47]   http://www.guardian.co.uk/uk/interactive/2011/dec/14/reading-the-riots-investigating-england-s-summer-of-disorder-full-report

[48]   Rosie, M, Gorring, H (2009) What a Difference a Death Makes: Protest, Policing and the Press at the G20 http://www.socresonline.org.uk/14/5/4.html/

[49] BBC News 17th September 2012

[50] Rochdale Borough Safeguard Children's Board (2012) Child exploitation themed review. Rochdale: RBSCP.

[51] Her Majesty's Inspectorate of Constabulary (2013) Mistakes were made. London: HMIC.

[52] May, Theresa, (2013) A singular focus on cutting crime In Policing UK 2013; priorities and pressures a year of transformation edited by Peter Neyroud London Witan Media

[53] See Jackson et al (2013) in Brown J. Ed. op cit.

and legitimacy is withdrawn. What is particularly intriguing is that these concerns do not primarily revolve around crime per se so much as the wider condition of local communities, as this relates to a sense of shared goals and shared understandings of how to achieve them. People do not 'blame' the police for crime in some overall, or national sense, nor do they withdraw trust when they are worried about crime. But they do hold police responsible if they find their neighbours disorderly or 'out of control', and their trust in the police is related to experiences of crime and (dis)order in their local areas.

Good policing requires the police to foster and sustain collaboration in ways that galvanise social action against crime without either over-extending the reach of the police or overriding the purposes of other agencies. We discuss how to strengthen the key relationships that are essential to good policing in the next chapter. For now, we need to emphasise that this wider role for the police is about order maintenance, managing conflict, solving problems with the community not just reacting and absorbing more tasks better dealt with by other agencies. Of course, reacting promptly matters, as does finding out and addressing public priorities rather than determining priorities from a purely police perspective. A social role is important because, firstly, there is evidence that this is what the public expect; secondly, it reflects actual practice on the ground (for example, what the police get called to deal with and how officers spend most of their time), and, thirdly, there is a link between perception and feelings of (dis)order and confidence in the police.

What to police: Police and the maintenance of order

The academic reference group provided the Commission with a discussion of narrow law enforcement versus the wider service purposes of the police. The former is manifest through the use of coercive force and comprises 'hard' policing tactics and catching criminals - i.e. being 'tough on crime'.[54] The latter focuses on the causes of crime and locates problems in social and economic dislocation and injustice and policing solutions are found by developing a greater community focus over a longer time frame.[55] This dichotomy rests on competing understandings of why people comply with authority. On the one hand, people engage in a calculation of whether the benefits of doing wrong outweigh the risk of being caught. Crime control models respond to this by increasing penalties and directing resources at wrong doers. On the other hand, orderly communities are built upon the fact that most people voluntarily comply with the law because this is the right thing to do. The Commission broadly accepts this latter position. It follows that policing should strengthen this voluntary tendency towards compliance through active community engagement rather than simply seeking to control unlawful behaviour.

Of course, there will be times when people need to be arrested, but the Commission heard voluble criticism of an over emphasis on the crime fighting role. While there is now a considerable body of evidence[56] that demonstrates that the police may have a significant impact on local crime by targeting effectively, they lack the capacity to affect overall trends

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[54] Loader, I (2013) Why do the police matter? In Brown, J. (ed) Op cit.

[55] Millie, A. (2013) What are the police for? Re-thinking policing post austerity In Brown, J. (ed) Op cit.

[56] See chapter five of Robert Reiner (2010) *The politics of the police.*

across a society. If the police can, along with other agencies, contribute to well-being and protection of the vulnerable, this line of argument says that the police should become:

> 'embedded in regeneration, cohesion and added social value together with a new business-like appreciation of the 'market-place' of crime and vulnerability [where] the very role and essence of policing is that of order creation and not just law enforcement [deploying] resources against genuine evidence of where there is an opportunity to make a difference is greatest ... and enhance and influence like opportunities underpinning renewal, economic growth and even educational attainment.'[57]

How to police: Treating people fairly

Every police-public contact communicates a message about the police and what they stand for and sends a signal to members of the public about their membership of society and their place within it. That 'signal' can have real consequences (positive or negative) for people's future willingness to trust and cooperate with the police. Every encounter a police officer has with a member of the public is what Tyler calls a 'teachable moment'.[58] These encounters send a signal about the nature of police authority and about the moral values the police stand for and represent. Thus when officers get such encounters wrong (by being rude, closed-minded, or by failing to listen) the effects can be very damaging for public confidence in the police and people's willingness to cooperate with them.

Research examining the interactions of the police with young people[59] found two predominant styles, one emphasised crime control and asserting control over those who pose a challenge to police authority and is prevalent in high crime areas. Stop and search tends to be enthusiastically embraced by officers adopting this type of policing which neither fostered – nor valued – good relations with those who are policed in this way. Adversarial approaches to encounters with the public seem almost purpose-built to exacerbate young people's sense of disaffection by demonstrating their powerlessness and inability to command respect from authority. The alternative 'rule of law' policing that was observed tended to be characterised by strong leadership, good internal monitoring of arrests and stop and search encounters, and placing value on a positive relationship with local residents and young people.

This research, and evidence from the public surveys reviewed above, shows that not only is there scope to improve the quality of contact between the police and the public but also that the deteriorating relationships between the police and young people and those from ethnic minorities must be improved. Shifting from adversarial to professional styles of policing will require changes to policing culture and values. It is also dependent on clear and visible leadership about the quality and style of policing that senior officers expect their staff to deliver, and the standards of professionalism that are required. How to achieve this shift is the topic of chapters four and five.

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[57] Baggott, M. (2007) Neighbourhood policing; short term success or long term revolution? *Policing* 1, 142-148.

[58] Tyler, T. (2012) 'The Virtues of Self-Regulation', in A. Crawford and A. Hucklesby (eds.) *Legitimacy and Compliance in Criminal Justice* (London: Routledge).

[59] May, Tiggy et al. (2010) *Differential treatment in the youth justice system*. EHTC research Report Series. Manchester.

Where to police: Listening to all, protecting the vulnerable

Measuring demand for policing services is difficult. HMIC[60] attempted to illustrate demand by means of 'snapshot' surveys. Their report concluded that demand is very diverse; the nature of the response varied from being dealt with over the phone to the deployment of considerable resources; and that planned preventative work is not generated from calls from the public.

Demand itself is changing. The British Crime Survey, and subsequently the Crime Survey for England and Wales, has been monitoring public initiated contact with the police, which has reduced from 43% in 1993 to 23% in 2011. These include calls to report a crime, traffic accident, a missing person and so forth.

Crime levels in England and Wales have been falling since the mid-1990s and continue to do so. The CSEW for the year ending December 2012 indicates a 7% decrease in overall crime reported by adults compared with the previous year's survey and a 30% drop compared to 2001. Most of the main categories of police recorded crime fell in the year ending December 2012 compared with the previous year.

It is also important to attend to the changing contours of criminal behaviour – as evidenced, for example, by crime on the internet and the propensity of criminal networks to cross force boundaries and national borders. National trends also mask the fact that criminal victimisation continues to be suffered disproportionately by the poorest and most vulnerable in society and impact detrimentally on their lives.

A key area of demand that the Commission's attention was directed to was that involving people detained in police custody under section 136 of the Mental Health Act (1983).[61] These powers should only be used exceptionally, but a recent joint inspection report[62] found them to be exercised 'regularly'. This is a prime area where working in partnership with clinical commissioning groups, local social services and local health boards should help to manage demand. As the Association of Police Authorities (APA) noted in their written submission to the Commission:

> 'the future will present enormous scope for some police officers and staff to serve the public even better through significant up-skilling and the introduction of new technologies. If we examine the impressive trajectory of the ambulance service and mobile medical staff over relatively recent years we can see how some roles have been transformed from couriers to and from hospitals to skilled life savers and practitioners of major interventions who can work 'on the spot' to solve, not only shift the difficulties faced by a patient.'[63]

Demand and appropriate resource allocation can be matched more accurately through structured approaches towards for example:

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[60] HMIC (2011) Demanding Times. London: HMIC.

[61] Evidence from the late Paul McKeever of the Police Federation of England and Wales and Irene Curtis, President of the Superintendents Association

[62] HMIC, Her Majesty's Inspectorate of Prisons, the Care Quality Council and the Health care Inspectorate Wales (2013) A criminal use of police custody

[63] APA written submission

1. Problem Orientated Policing;
2. Intelligence Led Policing;
3. Preventative Policing; and
4. Threat, harm and risk potential.

These different tools can identify areas of high demand as in crime hot spots.[64] However, greater sophistication is required in how demand resource metrics can be developed in ways that pay closer attention to measures of social deprivation and allocate resources in ways that are distributively just. One example is the methodology currently being employed by the Lancashire Constabulary.

Box 4: Lancashire Constabulary's Demand Resource allocation model

Using the simple philosophy of resource to risk, the Constabulary takes into account not only crime indicators but wider anti social and deprivation considerations, such as liquor outlet density, educational attainment, number of those on incapacity benefit and disability living allowance claimants and incidents of hate crime. This seeks to measure personal and property risk, risk of disorder and criminogenic indicators such as income levels, unemployment, availability of alcohol and areas having poor community cohesion.

A composite index is created and a score awarded to each ward with a score of one indicating the most need and a score of 302 indicating the least. A weighting is then calculated such that high need areas get a greater proportion of the resources above a calculated minimum level of provision.

The Lancashire model has recently been enhanced and is now called NII+ because it includes new impact factors relating to harm and vulnerability. This is an example of the threat harm, risk potential approach. This model allocates greater resources to those most in need of them based on a calculation derived from objective measures of vulnerability.

A social justice model of neighbourhood policing

The Commission concludes from the evidence it has reviewed that neighbourhood is the centre piece of local delivery and has to be protected. Neighbourhood policing is not simply a desirable option that can be shaved in order to affect cost savings. Rather, it is the key building block of effective and legitimate policing and vital in responding to public expectations and building and sustaining confidence. This in turn is likely to improve and increase the public's engagement with the police in terms of giving them information and being willing to act as witnesses, essential ingredients if the police are to do more with less.

Imbuing the police with a social purpose was emphasised by former Home Secretary, The Rt. Hon. Jack Straw MP in his evidence to the Commission:

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[64] See Gloria Laycock and Nick Tilley's chapter which discusses ways in which police can become professional problem solvers in Brown,J.(ed) Op cit

'I think there is a real read across between what we know about how you change behaviour on the streets and in people's homes … a combination of dealing with the underlying factors ... the police have an important role here ... I would like to see the Police have a greater input into child protection policies and to a degree, education policies.'

Attending to the social purposes of policing is not an open mandate to do everything. Instead, it requires a principled and focussed analysis of where to direct resources and effort. We make a declaration of that tenet in our reformulated Peelian principle - i.e. the police must seek to carry out their tasks in ways that contribute to social cohesion and solidarity.

Critical to this improvement is addressing the question of how the police undertake their tasks and exercise their powers. Drawing upon the evidence we have collected and analysed, the Commission believes that procedural fairness is vital to getting the 'how' right. People's belief in the legitimacy of the police, and motivation to comply with the law for other than instrumental reasons, depends greatly on how fairly they are treated during encounters with police officers – whether they 'had their say', and were treated with respect, by an impartial and open-minded officer. There are two aspects of a social justice model of neighbourhood policing:

1. the extent to which treatment is distributed fairly;
2. the extent to which people are treated in a procedurally fair manner.

Distributive fairness - a case example from South Wales

A social justice approach, in which the community has a direct input, has been developed in the South Wales police in the form of CILP - Community Intelligence-Led Policing.[65] Developed under the umbrella of neighbourhood policing, this evidence-based approach towards the relative distribution of harm caused by incidents provides a device for triaging resources on the basis of where harm is most pronounced. In this way, local policing resources can be focussed on where they are most needed, while ensuring that all communities continue to receive guaranteed minimum standards of police service. The value of this approach is threefold: firstly, it integrates a method for democratic influence in terms of deciding how the public's problems are defined as police priorities. By using community intelligence to spot emerging trends and the precursors of more serious crimes, police can operate more effectively through influencing effects and reducing reliance upon coercive social control. Secondly, community intelligence identifies the most vulnerable people, places and events to ensure that they are supported. Thirdly, community intelligence provides the basis for more effective partnership working by providing a common picture of what are the key problems to be tackled.

> **Box 5: The South Wales CILP model of neighbourhood policing**
> *Stage one:* Systematic and structured community engagement to establish community intelligence on the crime and disorder problems causing harm within and across neighbourhoods. Rather than holding PACT meetings and waiting to see who turns up, or who responds to a postal survey, local police go and actively seek out the views of residents in a

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[65] Innes, M (2013) Police futures and legitimacy; redefining good policing In Brown J. (ed.) Op cit.

neighbourhood face-to-face, one-to-one. They use a structured interview to elicit the prevalence and distribution of different kinds of crime, physical disorder and social disorder in the local area, along with a measure of the relative harm these are causing.

Stage two: Capturing data on a qualitative GIS software package.

Stage three: Analysing data to identify those places and issues where there is a collective view that a problem exists. The analysis seeks to identify both those problems affecting a lot of people, as well as those that affect relatively small number of individuals but in an acute way.

Stage four: The analysis is played into community meetings for prioritising interventions.

Stage five: Finally, targeted interventions are designed to provide solutions to enact these public priorities.

Once analysed, the data are represented graphically showing the spatial distribution of the harm impacts of crime and disorder in Cardiff. The hot-spots are where crime and disorder is impacting negatively upon neighbourhood security, calculated not on the basis of the amount of crime or ASB, but on their aggregated impact. The utility of this approach is brought home if this is compared to a standard crime hotspot analysis. In Cardiff the recorded crime hotspot gravitates very clearly and distinctly upon the city centre area, reflecting issues to do with the night-time economy and property offences. In contrast, the mapping of impacts provides a more nuanced and variegated picture, about where neighbourhood security is being harmed. This approach allows attention to be drawn to crime and disorder 'cold-spots'. In other words, where crime and disorder is happening but where there is a greater degree of resilience. These areas do not require the same level of police resourcing.

Procedural fairness

The elements of procedural fairness are described in Box six.[66]

Box 6: Defining Components of Procedural fairness

Quality of decision-making. Are decisions made in a fair, neutral and unbiased way? Key issues here are whether people believe officers are making decisions based on the facts, not personal opinion or prejudice; whether they treat people equally and without favour; and whether they make decisions based on the law (although this last is tempered by the fact that people tend to want police to enforce the law 'sensibly', giving proper attention to circumstance and exigency). Note that this presupposes that decisions can be justified; procedural justice is not about providing an emollient for poor decisions.

Quality of treatment. Here the questions are: do police treat people with dignity and respect? Do they accord them their proper rights? Do officers explain the reasons for their actions? A lack of respect, conversely, can be communicated by discriminatory language, for example, but also by sarcasm, cynicism, superciliousness and brusqueness.

Voice. The third element of procedural justice is 'voice'. Do police allow the public a chance to 'have their say' during encounters? Do police take account of their needs and concerns, and do they make an effort to find out what these are?

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[66] The Commission thanks Dr Ben Bradford for providing this definition

As well as these components it is also important to consider the underlying processes that link procedural fairness to legitimacy, cooperation and compliance. A central idea here is that people care about procedural justice because (a) it generates/reinforces a sense of shared group membership with police and within the social groups it represents and (b) it indicates that the authority concerned is trustworthy, and in particular that it has the right intentions toward them. Particularly important in terms of the first point is the notion that there is an important, albeit complicated and multi-stranded, link between normatively justifiable, viable policing, on the one hand, and stable, cohesive and equitable communities, on the other.

While the police cannot cure all ills, they can have a positive impact on the moral fabric of society. If we look to the police in Northern Ireland, the transformation of the Royal Ulster Constabulary into the Police Service of Northern Ireland was seen as contributing to the restoration of the values of liberty, the rule of law and mutual respect, which had all been casualties of the years of violence.[67] Hence the spirit behind our reformulated Peelian principle - the basic mission of the police is to improve the safety and well-being of the people by promoting measures to prevent crime, harm and disorder. As The Rt. Rev. The Lord Eames of Armagh OM noted:

> 'A lack of trust in policing can often be a mirror image of the loss of trust a society experiences within itself. Policing cannot be expected to answer all the deficiencies a community has yet to define for itself. But policing as a reflection of the social mores a society seeks for just and fair dealing is emerging as a new concept of great importance as we define the nature of a community in the twenty first century.'

Most people in Britain have affection for the police which is tied up with their identities and national sense of fair play. So when officers treat people with respect and dignity, utilise fair decision-making processes, and allow people a voice in the interaction, that communicates a message that the individuals concerned are valued and respected. The police, by acting fairly, encourage people to accede to their requests and strengthen their moral alignment to what the police represent, thereby reinforcing the need for them to act properly. Critical to this is the idea of the stories that people tell (found to be so important in the reconciliation work in Northern Ireland[68]). This is especially so since 'The police remain one of the principal means by which English society tells stories about itself'.[69] There needs to be a transformation from the stories told by Asian and Black people being stopped and searched, which transmit experiences of oppressive and exclusory treatment across the generations, to ones in which the police are seen to have a role in repairing breaches in social order by recognising that harm has been done and play the restorative role discussed by Patten. If the police are to be mobilised as a means of repairing these breaches then police work needs to be conducted in ways that reinforce people's sense of secure belonging and capacity to live confidently with risk.[70]

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[67] A new beginning; policing for Northern Ireland. Report of the Independent Commission on Policing for Northern Ireland. 1999 (also known as the Patten Commission)

[68] Report of the consultative Group on the past: executive summary (http://www.community-relations.org.uk/fs/doc/executive_summary.pdf)

[69] Loader, I. (1997) Policing and the social; questions of symbolic power. British Journal of Sociology 48, 1-18.

[70] See Loader, I (2013) Why the police are important In Brown,J (ed.) op cit for an expanded discussion of these ideas

In terms of practical policy suggestions for implementing or encouraging such a style of policing, the Commission suggests that there should be:

1. Far greater emphasis during training on dealing with interpersonal interaction in a more positive manner – for example, on listening skills, on the need to communicate clearly, and on understanding the practical application of the law;
2. Promotion of greater openness and more discussion with the public about what constitutes risk;
3. More emphasis on the long-term implications of police activity, rather than on short-term results which ignore the bigger picture. Similarly an over emphasis on performance monitoring and targets risks ignoring the longer term issues;
4. Review performance targets and the way activity is measured and assessed. These are still (and perhaps again increasingly) too heavily focused on enforcement-related measures and modalities. This means revisiting perverse incentives that militate against procedurally fair policing;
5. More emphasis on the service-related aspects of policing: for example, on response times; on better communication with victims that continues after the initial contact with them, and on work in the community that has a wider focus than simply 'fighting crime' (although straying too far away from the core aims of policing can be counter-productive);
6. Avoiding a situation where police officers only encounter a person in enforcement contexts. Procedural justice is inevitably more difficult during such encounters but it is not impossible.

The College of Policing undertook a randomised control trial in Greater Manchester Police evaluating the effectiveness of a procedural justice training programme[71] comparing a 'treatment' group who were trained with a 'control' group who were not. The results indicate that differences are found in policing style and victim perceptions as a consequence of the training. The results, summarised in Box seven suggest that procedural justice can be taught.

> **Box 7: Results of GMP procedural justice randomised control trial**
> *Officer attitudes*: Statistically significant differences were found between the attitudes of treatment and control group officers. Officers in the treatment group on average expressed better attitudes to delivering quality of service; to the importance of building empathy and rapport with victims; and to the importance of fair decision making. A result approaching statistical significance was found for one other theme: recognising the value of procedural justice.
> *Officer behaviour*: A statistically significant difference was found between treatment and control groups in the overall quality of interaction officers had with role-actors. Blind coding of videoed role-play scenarios found interactions between role actors and officers in the treatment group were rated more highly than interactions with control group officers.
> *Victim perceptions*: Victims reported, on average, a statistically significant difference in the quality of interactions with treatment and control group officers. Victims reported better interactions with treatment group officers than control group officers across the six month

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[71] http://www.college.police.uk/en/20541.htm

period after training. No difference in likelihood of public cooperation was identified between the two groups, though this was not necessarily expected so soon, or as a result of this intervention.

Recommendations

1. We need to bring clarity and stability to a broader social mission for the police. The police are not simply crime fighters. Their civic purpose is focused on improving safety and well-being within communities and promoting measures to prevent crime, harm and disorder. **The Commission recommends that social purpose of the police should be enshrined in law.** This will help to bring much-needed consensus to the question of what we expect the police to do.

   This has recently been achieved following the introduction of a single national police service in Scotland. We believe that the national statement of purpose for Police Scotland has much to commend it as a model for enacting a legislative purpose for the police in England and Wales. Section 32 of the relevant legislation declares:

   > 'The policing principles are—
   > (a) that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and
   > (b) that the Police Service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which—
   >
   > > (i) is accessible to, and engaged with, local communities, and
   > > (ii) promotes measures to prevent crime, harm and disorder.'[72]

2. The neighbourhood remains the key building block of fair and effective policing and it is vital that visible, locally responsive policing is protected in times of fiscal constraint. We need a police service that listens closely to the demands of the whole community while focusing resources where evidence suggests they are most needed and can do most good. We need local policing that treats everyone with decency and respect. Neighbourhood policing has to be distributed and delivered in ways that are substantively and procedurally fair. The protection of neighbourhood policing demands that the legislated national purpose is backed up with a set of national minimum standards of police service which everyone should be entitled to receive, and which local police forces and those who call them to account must deliver. **To this end, the Commission recommends that a Local Policing Commitment is introduced.** The substance of this Commitment will be subject to further discussion. However, it should include the following:

   (a) A guaranteed minimum level of neighbourhood policing;

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[72] Police and Fire Reform (Scotland) Act 2012

(b) emergency response or an explanation of why this demand will not be met or can be met by other means;

(c) requests to the police for assistance or reporting a crime will be met by a commitment to appropriate response times.

(d) reported crime will be investigated or an explanation of why this is not possible;

(e) victims will be regularly updated as to the progress of the investigation; and

(f) those coming into contact with the police whether they be victims, witness, offenders or complainants will be treated with fairness and dignity.

Chapter 2:   Relationships

Introduction

Policing is the outcome of the activities of a number of different organisations and actors, not simply those of the public police service. It includes informal self-policing by the public through initiatives like 'neighbourhood watch', as well as the work of private security guards. The 'public police' are therefore just one part of this wider policing system, albeit the most professionally constituted, publicly accountable and authoritative under the law.

In this chapter we argue that the ability of the police service to prevent crime, maintain order and enforce the law depends upon the quality of their relationships with other actors and agencies. We therefore focus on five key partnerships that the police have with other actors:

1.   partnerships with the public;
2.   partnerships with the rest of the criminal justice system;
3.   partnerships with local public services;
4.   partnerships to tackle crime online;
5.   partnerships with the private sector.

In undertaking analysis of partnership working we keep in mind, and elaborate upon, two of our re-formulated Peelian principles, namely: the police must undertake their basic mission with the approval of, and in collaboration with, the public and other agencies; and policing is undertaken by many providers, but it remains a public good.

Partnerships with the public

The central relationship from the perspective of crime control is between the police and the public. If the public do not trust the police then police work quickly becomes impossible. We address how to improve public confidence in the police in chapters one, three and six of this report. Here we evaluate the degree of public involvement in the business of policing. Public participation in police work has always been vital but it is becoming increasingly so: as police resources become ever tighter, utilising the 'hidden wealth' of social networks and voluntary activity in civil society to help contain and prevent crime is critical.[73]   All societies rely on informal processes of self-policing.   Indeed this was a crucial part of how communities maintained order prior to the development of a professional public police service.

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[73] Halpern, D. (2009) The Hidden Wealth of Nations. Polity Books

We can distinguish between a number of aspects of community self-policing:

1. **Surveillance**: residents watch their streets and notice acts of crime and deviance.[74] Residents tend to have an 'area of social obligation' – a geographical area that they feel they have some responsibility for taking care of, normally their own home, the area just outside their own home, friends' homes, and their own street. Of course people's capacity to 'watch' and 'notice' depends on a number of things, including the design and layout of the street and the general level of 'hustle and bustle' in the area.[75] It also depends on how much time people have – which is why those who are retired or who work in residential areas (such as shop keepers and pub landlords) are most able to take on this role.

2. **Intervention**: once crime has been noticed there are a range of potential responses the public can take. Research shows that urban areas, where typically perpetrators are anonymous and the perceived risks of intervention much higher, the predominant response is either to ignore a deviant act – or to report it to the police. In rural areas local residents are much more likely to know the individuals concerned and so are much more confident about intervening. They are also much more likely to know their neighbours than in urban areas, so much more likely to act collectively, such as by going into the street as a group 'to have a word'. The decline of these forms of 'self-policing' as our society has become more urbanised and mobile is one of the key drivers of demand on the police.[76]

3. **Collective action**: More ambitiously groups of citizens have also adopted longer term and more formal strategies for policing their communities. The UK actually ranks highly in comparative terms when we look at the level of public involvement in organised community safety groups. A European Union (EU) survey found that in the UK people participate regularly in community safety groups to a much higher degree than in other comparable countries. 12% of British people said they 'often' participate in such groups, compared to an EU average of just 6%. In France and Germany just 3% participate often in such groups.[77]

Active participation in organised community safety groups takes a number of forms in England and Wales. The most well-known is Neighbourhood Watch. Neighbourhood Watch schemes were established during the high crime wave of the 1980s and still involves around 10 million people. The idea is that a group of committed citizens can share information and work together to prevent crime in their local street, acting as a point of contact for the local police. Nevertheless while Neighbourhood Watch groups are widespread they have been shown to be easier to establish in the leafier suburbs than in high crime areas. Moreover they are generally a rather passive form of participation, with members largely passing information back to the police and then expecting the police to take action.[78]

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[74] Shapland, J. and Vagg, J. (1988) Policing by the public. London: Routledge.

[75] Jacobs, J(1993) The death and life of great American Cities. New York: Random House.

[76] Shapland and Vagg (1988) op cit.

[77] Löffler, Elke; Parrado, Salvador; Bovaird, Tony and van Ryzin, Greg (2008), "If you want to go fast, walk alone. If you want to go far, walk together": Citizens and the co-production of public services. Report to the EU Presidency. Paris: Ministry of Finance, Budget and Public Services (available at http://www.govint.org/english/main-menu/good-practice/publications/if-you-want-to-go-fast.html).

[78] Neyroud , P. (2001) Public participation in policing. London : IPPR.

More recently there have been efforts to engage residents much more actively in local policing. As we noted in chapter one, in 2008 neighbourhood policing teams were established in each council ward in England and Wales, involving teams of police constables, PCSOs and local authority street wardens. The explicit aim has been to provide public reassurance through visible street patrols, community engagement and a problem solving approach to tackling crime.[79] The success and importance of neighbourhood policing is something that has been reiterated to us at the regional hearings notably in Preston, Leeds and Durham, with good practice being cited in West Yorkshire.

As part of the community engagement component of the neighbourhood policing programme, each team holds regular meetings with the community (whether these are open to all residents or to an invited group) which set the priorities to which each team should be working. In some areas these are called Communities and Police (CAP) and in others Police and Communities Together (PACT) meetings. Some include an open forum during which residents can raise any issue they are concerned about, followed by a closed session with councillors and residents association representatives who can then set local priorities. Success has been mixed: in Preston we heard how successful these meetings had been but Home Office research indicates that participation rates are highly variable and in some cases perilously low.[80]

These meetings have however been supplemented by a wide range of other methods through which the police have been trying to engage with residents. As neighbourhood policing was rolled out between 2005 and 2007 we saw a growth in engagement activities such as door-knocking, street briefings, surveys and environmental audits.

In addition to engagement through the neighbourhood policing programme, there have been a number of other initiatives aimed at raising public participation at the neighbourhood level. For example, the Community Crime Fighters programme was set up in 2008 and involved around 4,000 volunteers. These were generally community activists who were concerned about crime and community safety. They attended a training course to learn about what they should expect from the police, what powers local councils have to tackle crime and anti-social behaviour and the support available for victims of crime. The objective was to give them the information and training so they could become strong advocates for their area and could get things done on the ground.

Some areas introduced 'contracts' between residents groups and public services, such as the police and the local council, to try to tackle crime and anti-social behaviour.[81]

Box 8: Examples of collaborative working

'Operation Goodnight' in Redruth in Cornwall involved a voluntary child curfew, whereby parents agreed to keep their under-10s off the street by 8pm and their under-16s indoors by

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[79] Tuffin, R. Morris, J., and Poole, A. (2006) An evaluation of the impact of the national reassurance policing programme. Home Officer Research Study 296. London : Home Office.

[80] Quinton, P., and Morris, J.(2008) Neighbourhood policing; the impact of piloting and early national implementation. London: Home Office On-line report 01/08.

[81] Rogers, B. (2010) The Woolwich model. Can citizens tackle anti-social behaviour?. London: RSA

> 10pm. The initiative led to a dramatic fall in anti-social behaviour in the area. Over 90 per cent of parents supported the curfew and wanted it to stay in place.
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> *'Street Watch'* is an organisation operating in Hampshire, Surrey and Bedfordshire. It coordinates civilian street patrols, supported by the police. These are intended to provide a visible presence in open spaces where the public has retreated for fear of crime and intimidation. The idea came from Chief Inspector Phil Kedge, District Commander for East Hampshire, who saw it as a way of tackling heightened fear of crime and a sense that public spaces had become 'no go areas.' It has now spread to other areas.
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> *'Dfuse'* is an organisation that provides training for individuals enabling them to act safely to tackle crime or anti-social behaviour. This is an example of a skills-based approach to citizen participation, rather like that initiated by the first aid movement. Like first aid, Dfuse deliver a simple curriculum that allows people to respond to situations of conflict or antisocial behaviour. The skills developed include how to de-escalate situations of tension through verbal and bodily communication, how to assess the risks involved in a situation and knowledge of the law.

A number of police forces also run police volunteer programmes. The most famous of course are the Special Constables, part-time frontline officers of whom there are currently 14,000 around the country. The specials have, however, suffered as the role has become more demanding: health and safety legislation and other demanding requirements have meant that it has become more professionalised, with a higher barrier to entry. There are also 6,000 Police Support Volunteers who carry out a variety of roles including administrative tasks, computer-based work and front-desk duties.[82]

Given the growing pressures on the police to do more with less, is there anything that can be done in practical terms to increase direct public participation in tackling crime and anti-social behaviour? Based on our research and the hearings we have held with members of the public around the country, we suggest two priorities.

First, as argued in the previous chapter, **neighbourhood policing needs to be sustained as the key building block for strengthening the relationship between the police and the public.** Although levels of public engagement in neighbourhood policing have been variable, we know that overall the programme has increased the public's familiarity with their local police officers and improved levels of confidence (as demonstrated through the results of the British Crime Survey, now the Crime Survey of England and Wales). Holding regular open meetings for residents to set police priorities is crucial not just in order to hold the police to account, but also in brokering a partnership relationship between the police and communities to prevent crime and disorder. But meetings cannot be the only tool and around them traditional (door knocking) and non-traditional (technology-enabled) forms of engagement ought to be further developed. Here we note the work of the Greater Manchester Police and their use of social media as a way of communicating more directly with people (see Box nine). We return to the question of public engagement in the next chapter.

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[82] Neuberger, J.(2009) Volunteering in the criminal justice system. London: Ministry of Justice: Neyroud (2001) op.cit.

Second, our understanding of roles and responsibilities needs to shift. The police are understandably concerned that, by intervening, the public may expose themselves to risks that only trained police officers can handle. This may be true in many extreme cases, but it filters through into a wider culture of risk aversion, meaning that the default mode is that the police tend to take things on as 'police business', with the community left as onlooker. On the side of the public, we need to be realistic about people's desire to get involved, particularly in high crime urban areas where fewer people know each other and fear of crime is relatively high. To increase participation we should extend programmes for equipping citizens with some of the confidence skills learned by the police and other security professionals. **The police and local**

councils should involve ordinary citizens and those in secondary social control occupations in dealing with conflict, crime and anti-social behaviour.[83]

Partnerships with the rest of the criminal justice system

The relationship between the police and the other agencies of the criminal justice system is critical so that justice can be achieved. Within this system the police play a vital role by detecting crime, collecting information and evidence and bringing offenders to court.

There are three Government agencies concerned with criminal justice: the Home Office, Ministry of Justice and the Attorney General's Office. These departments have responsibility for the criminal justice agencies – the police, the courts, the Crown Prosecution Service (CPS), the probation service, prisons, prisoner transport, Youth Justice Board and Legal Services Commission (including publicly funded defence practitioners).

This system is under extraordinary and unprecedented financial pressure: by 2014, in real terms the Ministry of Justice budget will be cut by up to 23%, CPS by 30% and the central government grant to the police by over 25%. Handling these spending cuts while sustaining a fair and effective system will require processes to be streamlined and duplication reduced to a minimum.

We focus here on the period between arrest and final disposal at court in which the police play a crucial role, in particular working with the CPS and the courts. This process can be time consuming and complex to manage, with many agencies and professionals involved. For example, this year HMIC and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) conducted an analysis of this process, looking at the many activities that are required once a suspect is arrested and enters the criminal justice system as a defendant. They estimate that from arrest to disposal at Crown Court, a single case could entail 1,107 different steps.

The goal should be to ensure defendants can be brought to court quickly and that the information provided by the police to prosecutors is to an agreed standard. In 2008 the Director of Public Prosecutions produced guidelines relating to a Streamlined Process to reduce the information burdens on police officers and prosecutors in relation to charging decisions and first appearances in Court, which sets out a much reduced requirement.

There are three areas where there is scope for improvement in the speed and effectiveness of the process. First, there is the quality of case files provided by the police to prosecutors. In 2013 HMIC and HMCPSI conducted a joint inspection in four forces to examine the current situation relating to the processing of case files for prosecution. While it was a very small sample size the results indicate that the police are generally failing to submit files in accordance with the Director's Guidance. Of a sample size of 40 only 7.5% were assessed as 'adequate' in

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[83] See http://dfuse.org.uk for details on what such training programmes would entail.

terms of the summary of evidence, 48% adequate for the summary of interview and 31% adequate for the way additional information was described for the prosecutor.[84]

This represents a seriously low level of knowledge by front line police officers and the Joint Inspection report concluded 'that there has been no noticeable and consistent improvement in the quality of police case files submitted to the CPS'.[85] **The College of Policing should urgently review and improve the quality of police training in criminal law and criminal procedure, including the rules of evidence and the role of police officers and police work in the criminal justice system.**

Second, there is the lack of connectivity between the IT systems of different agencies. The police had started to roll out the National Case and Custody IT system however, the need for full integration has now been relaxed. Forces are now only required to have an IT system which can pass data to both the courts and the CPS. Some forces are now supplying electronic case files to the CPS and progress is also being made in ensuring that other government agencies can accept secure emails. Enabling wifi in courts across the country is well advanced, meaning that if all prosecution papers are provided electronically prosecutors can access them without having to seek adjournments to gather further information. **All forces should move rapidly towards enabling the electronic submission of case files to courts and prosecutors.**

Third, there should be further advances in dealing with perpetrators of less serious offences outside the justice system. Not all detected cases require a court disposal. The number of 'out of court' disposals varied widely between forces in 2008/9 from only 28% to as many as 49%. Out of court disposals include cautions, penalty notice for disorder, offences taken into consideration (TICs) and formal warnings. They could also include greater use of restorative justice techniques through resident led community justice panels. For example, in South Somerset the Community Justice Panel has achieved a victim satisfaction rate of 97% and a reoffending rate of just 3%.[86]

Box 10: Case study - Swindon Neighbourhood Justice Panel

Overview: The Swindon Neighbourhood Justice Panel (NJP) meets weekly to hear new cases of anti-social behaviour and low-level crime. It aims to resolve offending behaviour, enable offenders to make good the harm they have caused, and facilitate the victim having a voice in the justice process. They do so by developing a contract between the offender and victim. In doing so, the panel draws on ideas of restorative justice.

Administration: The panel is administered by Swindon Borough Council. It has a governance board including Wiltshire Constabulary, the HMCTS, a magistrate, and Wiltshire County Council. Clients: The panel hears cases of offenders and victims of low-level offences and anti-social behaviour from the city of Swindon. It only hears cases where offenders have accepted responsibility for their infraction.

Origin: Swindon is one of the 15 Ministry of Justice test areas for the implementation of NJPs set up in 2012.

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[84] HMIC and HMCPSI (2012) Stop the Drift 2. A continuing focus on "1st Century Criminal Justice
[85] HMIC and HMCPSI (2012) op cit
[86] http://www.southsomerset.gov.uk/community-safety/get-involved/community-justice-panel/

> *Funding*: The police and Swindon Council have contributed resources through the use of police officer and police community support officer time and Swindon Council have dedicated part of a manager and administrator to run and train the panel.
>
> *Operation*: The panel brings together offender and victim and takes them through a process of meaningful dialogue, structured around a restorative justice script. Each hearing lasts around 40 minutes. The panel seeks to facilitate the dialogue, rather than apportion blame, and uses questions such as 'who do you feel has been affected by your actions?' to draw out responses which will enable the parties to better understand each other. In addition to the offender and victims other agencies such as police, housing, social services, and substance misuse teams may be represented. Agencies will brief the panel regarding the history of the case and resources they can contribute to the panel contract. Panels result in a problem-solving contract which runs for six months. The offender attends progress panels to discuss the progress of the contract. If the offender is doing well this is celebrated, but if they are not complying, the panel has the option of referring the case on for further action, such as a formal prosecution.
>
> *Impact*: In its first 12 months of operation, Swindon's NJP has succeeded in establishing a panel of 23 volunteers which hears a significant number of cases: the Swindon panel heard over 60 per cent of the cases heard across all 15 pilot sites. It is too early to identify impact, although the period of operation has seen a reduction in anti-social behaviour in the town.
>
> *High volume of panels*: Swindon has completed over 60 per cent of all the panels that have been conducted across all 15 test areas.
>
> *Correlation of implementation with reductions in anti-social behaviour*: Implementation of the NJPs in Swindon has contributed to a 36 per cent reduction in anti-social behaviour across Swindon over the last 12-month period. It is unclear at the moment what the relationship is between the implementation of NJPs and this reduction.

In their submission to the Commission, Liberty expressed concerns relating to 'out of court' disposals and the lack of judicial oversight. While it is clear the criminal justice system is heavily burdened by its case load it is important that proper monitoring of 'out of court' disposals must take place to maintain public support and ensure that the approach is not seen to be a soft touch. The House of Commons Select Committee expressed the view that:

> 'The growth in the number of out of court disposals represents a fundamental change to our concept of criminal justice and raises a number of concerns about consistency and transparency in the application of punishment.'[87]

Establishing a coherent set of principles for dealing with offenders and offending outside the CJS would go some way to maintaining and improving public confidence.

Partnerships with local public services

At our meeting in South Wales we were reminded that partnership working is key to successful policing by consent, a given in British policing. Preventing and controlling crime and disorder

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[87] Justice Select Committee (August 2009)The Crown Prosecution Service; Gatekeepers of the criminal justice system. 9th report of session 2008-09.

cannot be carried out by the police alone. It requires collaboration across local agencies. The advent of the Crime and Disorder Act 1998 introduced the Crime and Disorder Reduction Partnerships, now the Community Safety Partnerships (CSPs), as statutory bodies under Sections 5-7 of the Act. Amended under the Policing and Crime Act 2009 the partners or 'responsible authorities' comprising a CSP include:

1. the police;
2. local authorities;
3. fire and rescue;
4. health;
5. probation.

CSPs were the product of the 1990 Morgan Report which recommended localised statutory responsibility for crime prevention but which was not acted upon until the election of the 1997 Labour government. Since their introduction CSPs have done much to bring a more coordinated approach to reducing crime, commissioning problem solving and learning lessons. At our meeting in South Wales we were told that cutting crime alone is not enough to change perceptions and make communities feel safer: rather, there is a need for the police and partners to work together. CSPs were until recently responsible for local coordination and commissioning of a range of activity to reduce and prevent crime and disorder including activities to reduce offending behaviour and also the harm experienced by individuals and communities. CSPs also coordinate activities of national policy on national drug and alcohol abuse and offender management. They also had the ability to directly commission some services.

There are some reasons to be concerned for the future of CSPs. First, as budgets shrink, the agencies involved have tended to re-focus on their core responsibilities and have less capacity to engage in partnership working. ACPO in their written submission reiterated this point:

> 'We do see in some areas partner organisations retreating back to their core statutory responsibilities as they see their own budgets reduce. This creates a growing concern as the police service has historically stepped in to fill these gaps. This could see an increase on the demands of the police into areas that are better delivered through other agencies.'[88]

Second, the introduction of PCCs has led to a shift in power from the CSPs to the new PCCs at force level. The Police Reform and Social Responsibility Act 2011 transferred the direct commissioning role to the new elected PCCs. While CSPs can coordinate spend locally, PCCs have primacy over CSPs. The PCC is not 'obliged' to sit on the CSP (many forces will have more than one CSP) but they must have regard for each other's priorities. The Police and Crime Panels (PCPs), introduced to monitor the work of the PCC, will work in partnership with CSPs to ensure needs are met. However, the Commission has heard from many expressing concern about the impact of this change. People fear that the future of current partnerships, including

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[88] ACPO written submission

for example the 'Safer Leeds' initiative in West Yorkshire and others aimed at crime reduction, will be in jeopardy as PCCs prioritise headline grabbing frontline policing initiatives instead.

The Commission considers that it is imperative that the creation of PCCs and current spending pressures do not undermine CSPs, which are generally closer to local communities, particularly within very large forces. Collaboration generally makes most sense at the borough and district level, where local authorities already have working partnerships with other agencies. We address this question further in the next chapter on governance and in our discussion of structures in chapter seven. In both respects, **the Commission recommends a considerable strengthening of police accountability at the so-called LPU level which is where CSPs generally operate. These proposals are set out fully in chapter three.**

Partnerships to tackle crime online

Local and neighbourhood policing are crucial to preventing crime and keeping communities safe, but the pace of change in the way we use technology to carry out most of our day-to-day transactions is staggering and means that safety online has become a new and urgent priority. Shopping, banking, contacting the doctor, the dentist or the local authority or booking a cinema ticket are all things we would have done by telephone or in person just a decade ago. It is probably the most radical transformation of our daily lives since the telephone and radio. But like those two, it has enormous implications for policing. Just as police were forced to change and adapt in 1937 with the launch of the new 999 system and again in the 1960's with the introduction of UHF and VHF radios, the police of the 21st century need to adapt – but even more rapidly – to the internet and cybercrime age. Clearly, there are some significant developments – force websites, computer crime units and a national e-crime unit – but the police service's approach and the citizen's perception of police presence online has become a serious issue for the police.

Anyone who has tried reporting an online crime or reporting a crime online will find that, with a number of exceptions, the police service has a long way to travel. The issues are not confined to the UK. The policing system in England and Wales – 43 police forces with 43 different crime-reporting systems – only makes this worse. All over the world police are struggling and trying to work out how a policing model that has been built and developed to police a physical geography with tangible boundaries can be transformed to cope with a world without frontiers, in which crimes can be committed remotely but are likely to be reported locally.

Yet, the UK actually has a world lead in tackling one part of this challenge. The Internet Watch Foundation (IWF) and the Child Exploitation and Online Protection Centre (CEOP) are world class in their approach to tackling online child abuse images and online child abuse. There is unique combination of a third party – charitable – agency (IWF) – supported by subscriptions from the industry - providing the public reporting portal, analytical expertise and site blocking, with a Law Enforcement agency, CEOP, delivering the enforcement and covert capability and specialist law enforcement. Both are also working to improve the capability of other countries

to tackle their problems – it is no good with online crime thinking that a UK bounded solution will prevent or deter.

The lessons that we have learnt in tackling child abuse images need to be applied to the wider world of online crime. We consider that the UK needs a similar combination of police and a third party agency as a portal for reporting, an analytic filterer of reports and a distributor to a reliable network of single points of contact in each force or the NCA. We recommend that work be taken forward to develop such a third party agency supported by the industry, banking and corporate social responsibility from affected businesses.

Partnerships with the private sector

A major issue for debate in recent years has been the role of the private sector in policing. There are two dimensions to this. One is the rise in the numbers employed to provide security in quasi-public spaces, such as late night venues and shopping centres, as well as in and around private buildings. The other is the growing number of functions provided by the public police that have been 'outsourced' to the private sector. Outsourcing has intensified as budget cuts have forced chief constables to look for ways of making efficiencies. Moreover the government argues that the private sector should be more routinely involved in the provision of policing services. This is a very contentious issue. While some people spoken with at our regional hearings felt that private sector involvement has its merits, be it on a long-term basis or to address short-term peaks in demand, others highlighted the need for more research to be carried out into the impact private sector involvement would have on the quality of service delivery.

Box 11: Examples of Outsourcing

Lincolnshire Police signed a £200 million contract with G4S in February 2012 to build and staff (for ten years) a new police station. The contract accounts for 18 per cent of the force budget, with estimated savings of £28 million. It incorporates a wide range of functions such as: custody services ('street to suite'), town enquiry officers, force control room and a crime management bureau. Under the initiative, half the civilian staff (some 575 employees) would join the private company. When the contract was put out to tender in March 2011, some 12 companies responded with submissions, highlighting the readiness of the private sector to respond to public sector outsourcing of policing.

West Midlands and Surrey Police forces followed this initiative by issuing a £1.5 billion procurement tender. This joint 'Business Partnering for Police' (BPP) initiative was supported by the Home Office. A procurement notice was published in January 2012 in the Official Journal of the European Union which led to approximately 300 'registrations of interest' from the supplier community. The scale and breadth of the areas of policing covered in the procurement documents – including supporting victims and witnesses, managing high-risk individuals, patrolling neighbourhoods, managing engagement with the public, etc. – was unprecedented.

Cambridgeshire, Bedfordshire and Hertfordshire police all announced in June 2012 that they were considering privatising some services in an attempt to tackle a £73 million funding shortfall created by government cuts. Police authority members in the three counties were

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However, this trend suffered a reverse following the failure of G4S to meet the terms of its £284 million contract with the government to provide 10,400 security staff for the Olympic Games in London, requiring some 3,500 members of the armed forces to stand in. The 'G4S fiasco' underlined that the public sector will be required to bail out private companies if they default on their contracts. Following this, Surrey Police announced their intention to withdraw from their contract negotiations in the face of active campaigns against the move by some of the declared candidates for the Surrey PCC job.[89] The West Midlands Police Authority reacted to the Surrey announcement by postponing its decision on who should get the contract until after the election of their PCC. The new PCC for the West Midlands, Bob Jones, announced that his first decision was not to proceed with the 'Business Partnering for Police' initiative.

So, can a line be easily drawn around what should be provided by the public police and what can legitimately be undertaken by the private sector? The current debate is highly polarised, with some arguing that vast swathes of policing activities can be legitimately outsourced (as proposed in Surrey and the West Midlands) while others argue that everything the police do and have traditionally done should be provided by the public police. Neither of these positions is based on a coherent set of principles.

Some have argued that the distinction should simply be made between front and back office. The Posen Enquiry[90] for example, distinguished between 'core and ancillary roles,' while HMIC has distinguished between 'visible, specialist, middle office and back office.'[91] But we question whether such concepts are easily operationalised in practice. For example, many of the services put out to tender in the West Midlands and Surrey were public facing, even where they did not involve the use of 'core' police powers.

We also need to ask if the very process of disaggregating police functions (into 'visible, specialist, middle office and back office') loads the dice in favour of further outsourcing and fails to give enough attention to the mutually-supportive relationship between these functions. Finally, we need to think about the issue of organisational coherence and pose the question of whether police forces have the necessary skills in procurement, contract monitoring and quality compliance. It is vital that we continue to think of police forces as holistic organisations whose values and civic mission are supported by all sworn officers, staff and contracted employees.

In chapter eight, we set out some of the process issues that must be addressed if procurement is to be conducted in the public interest. But there is the prior question of what should and should not be procured from the private sector. Below we set out five principles for adjudicating the claims made for and against the outsourcing of police functions.

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[89] Travis, A (12th July 2012) http://www.theguardian.com/uk/2012/jul/12/surrey-police-privatisation-g4s-olympic

[90] Home Office (1995) Review of police core and ancillary task by Ingrid Posen. London: Home Office.

[91] HMIC (2011) Demanding Times op cit

How policing services are provided is a matter for democratic debate and political choice

Some have presented outsourcing as if it were an inevitable process. This forgets that the question of how public services are provided is a democratic, rather than a bureaucratic, decision. The public ought to be involved in a full debate about the pros and cons of particular services being run by the public or the private sector. The establishment of PCCs has created an opportunity for this kind of debate that arguably did not exist under the less visible police authority system. Such a debate should at its best allow for a sensible adjudication to be made as to the risks and benefits of outsourcing in defined areas. This debate should not be trumped by cries of 'necessity'.

The coherence and effectiveness of policing should be furthered rather than undermined

Advocates of outsourcing claim that it will drive up efficiency. However, while this may be the case in individual areas, policing is an information business and it is therefore at least questionable whether dividing it up into sections will be successful. At the very least we would have to be satisfied that information flows between different parts of the service would not be undermined.

Organisational coherence is also important for driving system change: at a time of financial pressure the ability of managers to make decisions across whole organisations becomes increasingly important. It is notable that recently some local authorities have found it efficacious to 'in-source' some services, as this gives them greater latitude, free from tightly drawn contracts in individual areas, to make cross-organisational savings.

The use of the legal powers of the warranted constable should only be exercised by the public police

Warranted police constables exercise a unique set of legal powers over their fellow citizens which can lead to the deprivation of their liberty. It is therefore crucial that they are accountable for what they do. To ensure that the rule of law is enforced impartially these powers should not be outsourced to bodies accountable to private interests.

Functions that rely on trust and legitimacy should normally be carried out by the public police

It is clear that policing cannot function effectively without a relationship of trust between the police and the public. That trust rests on the knowledge that the police exist to act in the public interest, to enforce the law impartially without fear or favour and not to further private interests. The introduction of the profit motive in those public-facing areas of policing where trust is crucial would very likely undermine this relationship.

The symbolic function of the police as guarantors of social order and legitimate governance should not be undermined

A crucial but rarely mentioned role of the police in a democratic society is to act as the ultimate symbol of governance and order. The presence of the police in the public realm signifies to

citizens that we live in a free society under the rule of law and that the law will be upheld by the state through the law enforcement agencies. This provides citizens with a significant degree of psychological reassurance in their daily lives. It is highly unlikely that such powerful symbolic reassurance could be provided by a private company, without the ethics, powers and obligations of the public police service.

Decisions such as these sit with the new PCCs. We have sought here to set out a series of principles to guide decision-making in this area. The practical implications of applying these principles are likely to be that the core powers of the warranted constable should be preserved within the public police as too should public facing policing roles in which trust and legitimacy are important.

Recommendations

The police must build and strengthen key relationships in order to prevent crime and reduce harm in our communities – relationships with community and third sector organisations, with mental health agencies, with social work, education and training, with prosecutors, courts and probation, and with the private sector. **We recommend a series of practical measures that need to be taken in order to protect and enhance key crime prevention partnerships**.

1. As part of a commitment to strengthening neighbourhood policing, the police and local councils should involve **ordinary citizens and those in key occupations in dealing with conflict, crime and anti-social behaviour**.

2. To improve the effectiveness of police relationships with other actors in the **criminal justice system**:

    (a) The College of Policing should review and **improve the quality of police training in criminal law and criminal procedure**, including the rules of evidence and the role of police officers and police work in the criminal justice system.
    (b) All forces should **move rapidly towards enabling the electronic submission of case files** to courts and prosecutors.
    (c) The Home Office should set out **a coherent set of principles for dealing with offenders and offending outside the criminal justice system** with a view to improving public confidence in such disposals.

3. Local community safety partnerships are being undermined by cuts to local government and by the shift of focus and budgets to PCCs. **The Commission recommends that the success of the Crime and Disorder Act 1998 needs to be built upon. We need to protect and extend the statutory arrangements that the Act put in place and the Commission recommends a considerable strengthening of police accountability at the so-called Local Policing Unit (LPU) which is where Community Safety Partnerships (CSPs) generally operate. These proposals are set out fully in chapter three.**

4. We consider that the UK needs a combination of police and a third party agency to act as a portal for the reporting of online crime, as an analytic filter of those reports and as a distributor to single points of contact in each force or the NCA. **We recommend that work be taken forward to develop such a third party agency supported by the industry, banking and corporate social responsibility from affected businesses.**

5. Police relationships with the private sector are important and essential. Pressures to extend these relationships are also going to increase as budget cuts continue to bite. However, it is vital that partnerships with the private sector are developed in a coherent and principled way that attends to what the private sector can more effectively deliver and to the limits of private sector involvement in police work. **The Commission recommends that when considering whether to outsource areas of police operation, PCCs and other stakeholders should adhere to the following principles:**

    (a) How policing services are provided is a matter for democratic debate and political choice;
    (b) The coherence and effectiveness of policing should be enhanced rather than undermined by private sector involvement;
    (c) The use of the legal powers of the warranted constable should only be exercised by the public police;
    (d) Functions that rely on trust and legitimacy should normally be carried out by the public police;
    (e) The symbolic function of the police as guarantors of social order and legitimate governance should not be undermined.

Chapter 3:   Democratic Governance

Introduction

The governance and accountability of police has been contested territory since their inception.[92] There was a struggle for power when the first new police forces were set up in the early nineteenth century resulting in the ruling elites acquiring control in the boroughs and the magistracy and landowners seizing control of the county forces. The introduction of universal suffrage at the end of the nineteenth century and beginning of the twentieth century saw the rise of working class parties, particularly the Labour Party, and the formation of the doctrine of constabulary independence to shield the police from radical Labour authorities. For the remainder of the twentieth century the debate about police governance turned on the competing claims of two models which can broadly be described as: the 'explanatory, cooperative and retrospective' model supported by those on the political right and the 'prospective and subordinate' model advocated by those on the left.[93]

The government's reforms of policing appear to have reversed that polarity between left and right. The Commission has received considerable evidence on these changes, especially serious disquiet about the concept and workings of elected PCCs. In this chapter we analyse these problems and argue that a compelling case exists for abandoning this experiment. We then outline some options for a better way of giving practical effect to the important principle of democratic accountability and develop further our analysis of the value of public engagement. We begin, however, by outlining the key dilemmas that confront anyone who thinks seriously about the democratic governance of policing.

Challenges and Dilemmas in Police Governance

Police governance is not only a politically contested issue. It is also difficult territory conceptually. Any attempt to engage seriously with the topic has to confront a set of contradictions and carefully weigh up the dilemmas involved. In this section the Commission lays out what we think are the most pressing of the challenges to have emerged from our evidence gathering and analysis. The key questions are:

1. How to reconcile mechanisms that balance the reasonable expectation of the public to have a direct voice in the setting of policing priorities with the operational responsibility of chief constables and rights and protections for individuals, especially minorities;
2. How to handle the tension between responding to public concerns and demands and delivering policing strategies which are grounded in a reliable evidence base;

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[92] Reiner, R (2010) *The Politics of the Police (4th ed)*, Oxford: Oxford University Press.

[93] Marshall, G. (1965) *Police and Government*. London: Methuen.

3. How to make the police locally responsive while ensuring they can meet the challenges of cross border crime and terrorism, nationally and internationally;

4. How to give expression to the full range of ideals that ought to structure police practice in a vibrant democracy.

Democratic accountability, operational responsibility and protecting minorities

Policing in a liberal democracy has to be transparent, accountable and responsive to the experiences and concerns of all. This requires that the police are subject to independent, impartial agencies of oversight, monitoring, inspection and redress – both official and within civil society. It demands that police work is carried out in accordance with the rule of law and human rights, and that enforcement mechanisms exist to protect these rights. It requires frameworks to ensure that minimum standards of delivery, fairness and coherence are sustained. It means that police officers have operational responsibility for their actions. All this requires effective and responsive mechanisms of regulation. The role of regulation should be to assure organisational compliance with standards, to ensure that the organisation has mechanisms in place to cope with risks and crises, to regulate the performance and standards of individuals and also their conduct and misconduct where it arises. The regulator may, in short, be regulating conduct or performance. Regulation also needs to be independent. We take up these dimensions of accountability in chapter six.[94]

However, controlling the police is not simply about responding to individual misconduct or setting and monitoring standards of performance. Nor must the police be counted solely among the 'fixed' rather than the 'moving' parts of the constitution.[95] They are not simply engaged in enforcing the law. The police are a public service that has to allocate scarce resources and choose between differing priorities. These are inherently political decisions. The choices made have real effects on the quality of people's lives. The public thus have a legitimate claim to be involved in the governance of policing, namely in how strategic decisions are made. Given this, mechanisms for governance are required that ensure the public have a voice in shaping police priorities and practice. As The Rt. Hon. Jack Straw MP mentioned when giving evidence to us:

> 'I don't think it's possible to remove policing from politics, with a small p, because politics is about how you make difficult decisions over the competition of resources and the competition between order and liberty to take two examples, without resorting to violence. So the political process is absolutely fundamental to policing.'[96]

Getting the balance right between external governance and operational responsibility is a delicate matter requiring constant attention. It is also critical to the perceived legitimacy of the police. There has been increasing academic and police interest in recent years in the

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[94] For an extended discussion of regulation see Anja Johansen's The rise and rise of independent police complaints bodies in Brown,J. op cit

[95] As argued for in Chakrabarti, S. (2008) 'A Thinning Blue Line? Police Independence and the Rule of Law', *Policing*, 2/3: 367-374, and in Liberty's evidence to the Commission.

[96] The Rt Hon Jack Straw MP verbal evidence

importance of legitimacy as a key factor underpinning police effectiveness. This interest has developed from the work of New York University psychologist Tom Tyler[97] whose research has shown the impact of police fairness (and unfairness) on the perceptions of citizens and their willingness to comply with the law and support the police. We emphasised the importance of Tyler's work on procedural justice to public confidence in the police in chapter one. We show how it forms part of a new deal for police officers and staff in chapter four.

In an important review of the literature, Tony Bottoms and Justice Tankebe have pointed out that legitimacy is not a one-way, ruler-to-ruled relation between the police and the people. Rather, it is 'a dialogic process.'[98] This means that the police and their various audiences are engaged in a continuing debate, one that has a number of dimensions. Bottoms and Tankebe argue that the core dimensions of legitimacy include the legality of police actions, the extent to which police practice is consistent with a set of shared beliefs and values, and the extent to which the different audiences have actively consented to police strategies and actions. The question of procedural fairness cuts across all three of these.

Bottoms and Tankebe further point out that it is vital for police officers to possess 'self-confidence' in the moral rightness of their authority within a framework of both official laws and regulations and societal 'expectations'. By this they mean that it is critical for the police to believe that they are empowered to act and that they have the support of both a legal and democratic framework to carry out their work. That level of confidence is critical to police effectiveness. The police service's legitimacy therefore depends on a subtle balance between subservience, the police being controlled by a competent external authority, and separation, the police feeling confident that they can carry out their functions without interference in key decisions. It is also critical that the police are independent enough to be able to influence debates on crime and policing with objective professional knowledge.[99] Indeed as Liberty reminded us in their written submission:

> 'the political independence of the police is as important in a democracy as the political independence of the courts. Political parties come in and out of power but those responsible for delivering public services, like the police, remain in post regardless of the ebb and flow of political opinion. This is what allows every individual in a community to feel protected by the police regardless of their race, religion or political affiliation. It is, therefore, vital that the police maintain their political independence. If the police become too closely associated with any one political party it is inevitable that faith in the police will be damaged.'[100]

The question of police governance thus raises hard constitutional questions pertaining to the balance between external oversight and operational responsibility. This long-standing tension has returned to prominence in the wake of the creation of elected PCCs. The propensity of Commissioners to influence or direct operational matters has been one of many worries

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[97] E.g., Tyler, T. (2003) 'Procedural Justice, Legitimacy, and the Effective Rule of Law', *Crime and Justice* - Vol. 30. Chicago: University of Chicago Press. See also Bradford et al (2013) In Brown, J.(ed) op cit

[98] Bottoms, A. and J. Tankebe (2012) 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice', *The Journal of Criminal Law and Criminology*, 102/1: 101-150.

[99] , S. (2008) 'Tangled up in blue: conflicting paths to police legitimacy', *Theoretical Criminology*, 10, 481-504.

[100] Liberty written submission.

expressed about this reform.[101] Although apparently clear within the 2012 Policing Protocol the policy-operation distinction remains far from clear in reality.[102]

Legitimacy, public consent and evidence-based policing

This question of police legitimacy points to a second dilemma that has to be acknowledged in any serious discussion of police governance namely, the tension between the need for policing to engage with, and be responsive to, local public demands and the importance of delivering policing strategies that are grounded in a reliable knowledge base. We demonstrate later in this report that there is a growing body of evidence about 'what works, what doesn't work and what is promising' in policing. Some police strategies (such as the targeting of 'hot spots') are now supported by strong research evidence. Others (such as unfocused patrolling) either lack such evidence or have been shown not to work or to be counter-productive. In chapter five we endorse the creation of a College of Policing and argue that it has a crucial role to play is gathering and disseminating evidence about effective policing and enhancing the role that knowledge plays in setting priorities and everyday decision-making.

There is a potential tension however between the work that the College of Policing is undertaking to create an evidence base for what works in policing and the weight given to public preferences in how they are policed, including, for example, the style of community policing. Electing PCCs has been one key reform exacerbating this tension. PCCs have many incentives to give voice and effect to the demands of their 'constituents' (or, more narrowly, the voters who elected them and whose support is required for re-election).   In the development of neighbourhood policing, an emphasis is laid on seeking and listening to the experiences and concerns of local people and organising policing to respond to them. These democratic elements of police legitimacy are important. But they can also give rise to demands for the police to do things which are 'popular', or provide reassurance, but which lack good evidence that they work. This was a point highlighted at a number of our regional meetings. It is feared that PCCs will pander to popular policies at the expense of silent crimes such as domestic violence and would prioritise visual, front-line, policing at the expense of hidden policing work. In some cases it will be possible to align 'democratic' and 'effective' policing, but there will be many occasions in which they pull in different directions.   This point was highlighted by Mark Burns-Williamson OBE, the PCC for West Yorkshire, in his evidence to the Commission:

> 'you could get some people with a very narrow agenda, who pander to certain representations that are made. And, as we know, often the sort of vulnerable and underrepresented groups are the ones that don't have the ability or sometimes are not heard as loudly as some other groups in certain areas.'[103]

There are no easy ways out of this dilemma. But it is important to acknowledge the dilemma and to respond accordingly. In the short term, it means careful attention must be paid to

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[101] See evidence from Police and Police staff surveys; Stenson, K., and Silverman, D. 'Making police accountable: governance and legitimacy', in J. Brown (ed.) Op cit.

[102] This much is clear from Tom Winsor's attempt to disentangle policy and operations. T. Winsor, 'Operational Independence and the New Accountability of Policing', John Harris Memorial Lecture 2013.

[103] Cllr Mark Burns-Williamson OBE verbal evidence.

structuring the relationship between the PCCs and the College of Policing. Good policing requires that we get this relationship right. But the longer term challenge is to find ways to bring evidence about 'what works' into public debate about policing. We need to create institutions of democratic governance within which such knowledge can be assessed and its implications weighed and discussed.

Locally Responsive, Nationally and Internationally Coherent

By creating a Strategic Policing Requirement as part of the reforms introducing PCCs, the Home Secretary has acknowledged that any system of governance and accountability for the police service needs to find a way of handling a third key dilemma in police governance.[104] The Home Secretary has said police and crime commissioners have been responsible for "mistakes and errors of judgement - some possibly serious". Some commissioners have looked at ways to build partnerships with other organisations including councils and the NHS - and as we have set out in Chapter 2 partnership working it vital to our reforms. However in other areas, there is evidence that the creation of PCCs has increased fragmentation. Despite the intense pressures of austerity, the HMIC's most recent report has expressed clear frustration at the relatively slow progress of collaboration and some evidence of retrenchment. While some PCCs have pushed forward, others have withdrawn from pre-PCC arrangements. In some cases this has left partner forces with renewed financial pressures or operational gaps. This is the tension between policing that is responsive to local crime problems and demands, and a police service that is equipped to meet challenges of crime that span force and national borders. The Commission addresses this issue fully in our discussion of force structures in chapter seven. But it must also be acknowledged as a key challenge facing any system of police governance.

There are a significant number of areas of policing that require several police organisations to work together. For the purposes of tackling serious and organised crime and terrorism it is absolutely critical that policing is able to operate as a coherent body across England and Wales.[105] Forces must also be equipped to cooperate with police forces overseas, both in the EU and beyond. Turning our back on international cooperation in law enforcement is likely, in the inter-connected world we live in today, to be a serious mistake.

Any regulatory framework and governance system that fails to ensure that local policing systems are able to operate as part of an integrated national system will be failing to achieve a key component of good policing. As the Soham and Savile cases demonstrated,[106] the sharing of information across force boundaries is vital if offenders are to be prevented from moving across the country (or internationally) and continuing to offend without intervention. It is critical that police forces operate to a core set of standards which means that information can be exchanged in a form that all forces can trust and utilise. There are core services that need to be delivered to acceptable standards in a consistent fashion. As a number of recent

[104] [104] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117445/strategic-policing-requirement.pdf

[105] Grieve, J. (2013) 'The role of police in counter terrorism' and Sproat, P. (2013) 'Landscaping the policing of organised crime; some design reflections' both in J. Brown (ed.) op cit.

[106] Flanagan, Sir Ronnie (2004) A report on the investigation by Cambridgeshire constabulary into the murders of Jessica Chapman and Holly Wells at Soham on 4 August 2002; summary of conclusions and recommendations. London: HMIC; HMIC (2013) Mistakes were made. London: HMIC.

enquiries in this country and abroad have demonstrated, it is also important that police forces are capable of learning lessons from other jurisdictions in order to prevent serious instances happening in their own jurisdiction.[107] The police service today has to be nationally coherent, globally capable and supported by mechanisms that allow international lessons to be drawn into national practice.

How these tensions between the local and the national are managed is vital – and a close watch needs to be kept on how the Strategic Policing Requirement is interpreted on the ground. We have already been made aware of instances where the PCCs are seeking to disband specialist aspects of policing, such as mounted units, in favour of diverting resources to local policing priorities. Clearly such measures will seriously undermine our national capabilities. It is also necessary to attend closely to the relationship between the new NCA and local police forces. In sum, we need to think hard about how governance arrangements can best reconcile the competing demands that are made of the police today.

Democracy in Policing, Policing in a Democracy

A principal claim made by the Government about the new system of PCCs is that it has reversed a trend to bureaucratic centralism in police governance and made the police more democratically answerable to local people. This claim rests on the fact that PCCs are elected, and will have the profile, purse-strings and powers required to make the police responsive to public demands and more effective in fighting crime. These claims point to a fourth and final set of challenges. These concern the place of elections within any effective system of democratic governance and the range of values that should be enshrined and protected in a system of democratic policing.

The Commission believes that elected politicians holding the police to account has an important part to play within an effective system of democratic governance. But once this is acknowledged, difficult questions arise about how politicians are elected and to what kind of political office. The key choices are as follows:

1. Direct elections to an office for holding the police to account (PCCs, or directly–elected police authorities) or bodies composed of indirectly-elected members (police authorities made up elected councillors appointed to serve on the police authority);
2. A single individual model of accountability (PCCs, city mayors) or governance by multi-member boards or committees;
3. Electing individuals to serve whole force areas (PCCs), or to represent sub-units within police force boundaries (members of police authorities);
4. Election to a police-specific political office (police authorities and to some extent PCCs) or to a multi-service office which combines responsibility for policing with other community safety functions or wider local governance capacities (city mayors).

The PCC is a model of direct election of a single individual to serve at police force level in a largely police-specific office (though the Government is keen to stress the 'and Crime' part of

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[107] The Norwegian police are currently learning this lesson in the aftermath of the Anders Brevik massacre. See also Punch, M. (2003) 'Rotten orchards, "pestilence" police misconduct and systems failures', *Policing & Society* 13, 171-196.

the title and PCCs are required to develop relations with other community safety agencies). The model may have certain merits. This brief outline of the range of choices available indicates, however, that the PCC model is one among a number of means by which elections can be inserted into a system of police governance.

Elected politicians have a legitimate place in a system of police governance. They are an important means of giving effect to the democratic values of representation, responsiveness, and (to a limited extent) participation. But there are other democratic values one might wish to see enshrined and protected within the police service. In a careful analysis conducted by the Policy Studies Institute (PSI) in the 1990s, Jones, Newburn and Smith framed a model of 'democracy in policing' that extended beyond the question of whether or not those governing the police were democratically elected.[108] The model has seven dimensions to it. They are listed and described in Box 12. The Commission concurs with the authors that each of these dimensions is critical to an effective, democratic framework for policing.

Box 12: The PSI Framework for Democratic Policing

Participation: goes beyond the simple fact of election and includes participation both in terms of their distribution and the range of participation at all levels in policing including in consultation exercises and in meetings such as neighbourhood action groups.

Equity: the importance of the equal distribution of the public good that is policing and finding the means to resolve the tensions between an equal coverage of all citizens and the focus of policing efforts where there are significant problems, communities with higher levels of crime and deprivation.

Delivery of service: from whose standpoint is the effectiveness of the service and its efficiency being judged?

Responsiveness: Elections are a component of this but so is the way in which the public call the police for service.

Distribution of power: this includes not just how policing is structured but also how the process of arriving at priorities and delivering resources was arranged.

Information: a key criterion for any democratic public service organisation is the transparency of data and transparency of the way in which key decisions are taken. There is now some concern that the changes away from a police authority which, was required to hold meetings in public to a PCC who has a one to one relationship with the chief constable might well result in a loss of transparency of the decision making process.

Redress: it is a critical component of any democratic organisation that there should be adequate and capable redress for individual and organisational failures.

The Commission believes that the question of democratic governance of policing includes, but extends beyond, elected politicians setting priorities and hold the police to account. The nature of this elected political office is important. But the PSI framework correctly demands more of a governance framework than a system of elections. It highlights the importance of

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[108] Jones, T. et al. (1996) 'Policing and the Idea of Democracy', *British Journal of Criminology*, 36/2: 182-198. In a recent article Jones et al. have applied this model of democratic policing to PCCs and found the model wanting in important respects. See Jones, T. et al. (2012) 'Democracy and Police and Crime Commissioners', in T. Newburn and J. Peay, eds., *Policing: Politics, Culture and Control*. Oxford: Hart.

effective systems of redress for police misconduct and the setting and enforcement of core performance standards. We turn to this aspect of the regulation of the police in chapter six. But it also calls for elected politicians to be backed up with multiple settings in which people can deliberate about/debate policing issues and how best to respond to them - whether in neighbourhood panels, citizen juries, through social media, or practices of participatory budgeting etc. Good policing depends upon the vitality and inclusiveness of such institutions of public engagement.

PCC's: a Failed Experiment

The introduction of PCCs was heralded by the Government, and by many commentators, as the most radical reform of police governance arrangements since the Police Act 1964. The government claims that PCCs replaced a system that was bureaucratic and dominated by Home Office interference with a new model that hands power back to local people who now have a direct voice in how their areas are policed. For the first time, voters have been able to elect a political figure who can set priorities for the police and hold them to account. PCCs are a genuine constitutional innovation, an experiment in democratic policing.

The Road to PCCs

PCCs overhaul the arrangements put in place by the Police Act 1964 and, to some extent, the central idea underpinning them. Following the Royal Commission on the Police in 1962, the Police Act put in place a tri-partite structure for governing the police comprised of the Home Secretary, chief constables and local police authorities (then consisting of two-thirds local councillors and one-third magistrates). The tripartite arrangements gave the Home Secretary an overall duty to secure an effective police force; made local police authorities responsible for maintaining an effective police service and charged chief constables with the direction and control of their force.

That system, with some revision, survived in place until 2012. In the 1980s it came under pressure from Labour local authorities who campaigned for powers over police policy-making to be transferred to elected police authorities. The Rt. Hon. Jack Straw MP introduced two private members bills in 1980-81 with a view to effecting that change. The proposal was resisted by the then Conservative administration, and senior officers, on the grounds that it infringed what had during the twentieth century become a sacred cow of British policing – the doctrine of 'constabulary independence'. That principle was, however, partially breached by the Police and Magistrates' Courts Act 1994. This Conservative government measure revised the tri-partite arrangements so that police authorities became a smaller body of 17-19 members, partly drawn from councillors from local constituent authorities and partly from independents appointed by a process of application and selection. More importantly, it gave the Home Office powers to set national performance targets for police forces. This signalled a shift from a model of accountability that Geoffrey Marshall called explanatory, cooperative and retrospective to one that was prospective and subordinate.[109] It initiated a process of central

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[109] Marshall, op cit, n. 2.

target-setting and performance monitoring which intensified under the last Labour government.[110]

PCCs have altered these arrangements in several radical ways. They have also further intensified the drift away from a conception of constabulary independence which was used to keep the police free from political 'interference' towards a model of governance which is, in Marshall's terms, proactive and subordinate. The government's reforms have removed the Police Authority, replacing this limb of the tri-partite structure with a powerful elected figure. The new PCCs have responsibility for creating police and crime plans, have powers to set the police precept, are to commission victim and community safety services, and can appoint and dismiss chief constables. Their use of these powers are subject to scrutiny by another new institution, the PCP, with a membership that reflects not just county councils and the unitary tier of government but also district councils within the local area. Under these new arrangements the Home Office has much reduced competences and obligations. The reforms also cast further doubt on the principle of constabulary independence. Though this idea is protected by the Policing Protocol of 2012, it clearly no longer has the privileged status that it enjoyed in the deferential climate of the mid-twentieth century. The basic idea driving the creation of PCCs is that elected politicians, not chief constables, should be responsible for setting the strategic direction of 41 police forces in England and Wales.

PCCs: Assessing a Democratic Experiment

The Commission believes that the principle that effective democratic control demands those governing the police are elected politicians is a sound one. A democratic society needs to create ways to make the police responsive to the experiences and concerns of all the people they serve – and hence minimally credible to those in whose name police resources are spent and police power exercised. In a democracy, it is right that the strategic priorities of the police are established by elected politicians not by unelected chief constables. Ways of responding to the crisis of trust in democratic politics that affects contemporary British society also need to be found. Faced with an erosion of public confidence, and the reduction in the quality of democratic governance that flows from it,[111] the (small c) conservative course of doing business-as usual in established political institutions could be taken. But the crisis of trust in politics can better be responded to by innovating and experimenting with new ways of engaging a disaffected public in the political process.

PCCs are one means of responding to these challenges and judgements on the operation of PCCs must be conducted with due regard to the important principle of democratic accountability that underpins them. Any future government which seeks to reform or replace PCCs must also keep this principle firmly in mind. In the Commission's view, there must be no retreat from the idea of giving people a voice in how they are policed by electing politicians being involved in setting strategic direction of the police and hold them to account for their delivery of it.

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[110] For a detailed account of this history, see N. Walker (2000) *Policing in a Changing Constitutional Context*. London: Sweet & Maxwell.
[111] Flinders, M. (2012) Defending Politics: Why Democracy Matters in the Twenty-first Century. Oxford: Oxford University Press.

However, there is mounting evidence that PCCs are a flawed means of giving effect to that principle. The Commission has taken evidence to this effect from many sources, including those who are trying to make the new system work on the ground. We have also attended closely to how PCCs have been operating since being elected in November 2012. In our view, the problems identified thus far are not merely 'teething troubles' that can be rectified as the new system beds down, but instead are indicative of structural defects in the PCC idea. The Commission therefore believes that the PCC model is systemically flawed as a method of democratic governance and should be discontinued in its present form at the end of the term of office of the 41 serving PCCs. Before outlining a range of options for the reform or replacement of PCCs we chart the main reasons for our conclusion that the office of PCC should be discontinued in its present form. There are six such reasons: elections and turnout; composition; invisibility; appointment of staff; relationships between the PCCs and chief constables and scope of role/size of 'constituency'.

Elections and turnout

Much has been made of the problems of low turnout in the elections of November 2012. There is no doubt that the election process was extremely badly handled by the Home Office.[112] It was completely unacceptable for a major new election to be run without adequate attention being made to ensure that every voter had all the information about all candidates within their area. Every PCC started with a significant disadvantage, and a potential legitimacy deficit, as a result of inadequate preparation, poor election timing (the majority of PCCs responding to our survey felt holding the elections in November had been a mistake) and the maladministration of the process.

Composition

The process of selection and election has produced a cohort of PCCs who are predominantly male, white and middle-aged. Of the 41 PCCs elected only six are women and none are from a visible ethnic minority, an issue that has been of concern to many we have spoken to at regional meetings ahead of the elections. It is also sub-optimal, and counter to the reform's stated aim of giving the public a greater voice in policing, for the police to be held democratically accountable by those who were themselves until recently serving police officers (which is the case in eight forces) or by those who are former members of Police Authorities – which by the Government's reckoning was a discredited institution. In the words of the Home Affairs Select Committee the first PCCs are a 'monoculture'. These problems are, in the Commission's view, a structural limitation of a 'single individual' model of accountability.

Invisibility

The main charge levelled against police authorities – their relative invisibility to the public – does not seem to have been addressed by the arrival of the PCCs. There is little evidence to indicate that this new political office has captured the public imagination, or that PCCs are engaging successfully with diverse communities across their 'constituencies'. A poll conducted by Populus in January 2013 found that only 11% of people can name their PCC.[113] While a

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[112] Electoral Commission (2013) Police and Crime Commission Elections in England and Wales: Report on the Administration of the Elections held on 15 November 2012. London: The Commission
[113] Populus survey carried out for the Electoral Reform Society in January 2013

single individual may be easier for local media to engage with than a committee, there is no good reason why an elected chair of a policing board, or active members of such a board, cannot be equally visible and effective. Elected members of a board or committee will also be better placed to engage with local policing issues than a single PCC.

Appointment of staff

The process of PCCs appointing staff has been mired in controversy, lack of transparency and allegations of poor practice. These appointments have also been subject to little effective scrutiny by PCPs. There have been several occasions where PCCs have disregarded the advice of the Panel over the appointment of deputies. The role and appointment of a Deputy PCC seems especially problematic in this respect. The role is not subject to a democratic vote, does not have to be advertised and can therefore be filled by any individual appointed by the new commissioner. A panel of councillors can scrutinise the decision but has no power of veto. 16 PCCs are now believed to have appointed their own friends, former colleagues and contacts as deputies on salaries up to £65,000, leading to accusations of 'cronyism'.[114] We note the argument made by Mark Burns-Williamson OBE when giving evidence to us that a deputy:

> 'will need to be someone who's got the complete trust of the Commissioner and who can act, in virtually every way, for the Commissioner, meeting with the Chief Constable or down here in London, etc.'[115]

The appointment of staff has, however, further exposed the limits of a single individual model of police governance. PCCs have arguably been in the process of appointing what amounts to a committee - one whose members are neither elected nor accountable to the public they are supposed to serve.

Relationships between the PCC and the Chief Constable

Much was made in the debates leading up to November 2012 about the power of the PCC to dismiss and appoint chief constables. The concerns expressed about these powers have thus far proved well-founded. We judge there has been too much reliance placed on this mechanism as the principal means of coercing different behaviours from the police service. There is also justifiable concern that formerly public scrutiny processes of accountability are being replaced by opaque arrangements focused around private meetings between PCCs and chief officers. The Commission has deep concerns about the dismissal of chief officers and the (uneven and lightly scrutinised) processes that have been used to appoint new ones. PCPs have proved ineffective scrutinisers of this process.[116] The Lincolnshire PCC's decision to suspend Chief Constable Neil Rhodes was quashed by a High Court judge, who called it 'unlawful, irrational and perverse'.[117] The dismissal of the chief constable of Gwent has caused great disquiet among senior officers and parliamentarians and has prompted the Home Affairs Select Committee to launch an inquiry into PCCs this November. While there have been few

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[114]   http://www.telegraph.co.uk/news/uknews/law-and-order/9728959/Fears-of-cronyism-as-police-commissioners-appoint-deputies.html
[115] Cllr Mark Burns-Williamson OBE verbal evidence
[116] As evidenced in the Home Affairs Selected Committee hearings in the case of Mr Ian Johnstone and Chief Constable Carmel Napier
[117] UKT_2013_03_30416335.pdf

direct infringements by PCCs on the operational discretion of chief officers, the Commission believes that the new powers of dismissal risk exerting a damaging chilling effect over the leadership of the police service, and undermining the relationship that should ideally exist between a chief constable and a PCC. Future options need to consider the extent and limits of the power of elected politicians to dismiss chief officers.

Scope of role/size of 'constituency'

The electorates and the areas covered by many police forces were created for the administrative convenience of the police or as a spill-over from local government reform. For example, West Midlands Police resulted from local government changes in 1974 rather than from any careful and substantial consideration of the best and most effective shape of a police force. The reliance on existing police force boundaries gives rise to a huge variation in electoral constituencies. The Commission judges that it is particularly difficult for PCCs to be seen to be representing, or engaging with, the whole of 'their' area, especially in larger police forces. While there are mechanisms for them to do this they seem less satisfactory than those which prevailed when police authorities were in place.

The current framework for PCCs is particularly deficient in overlooking the issue of democratic engagement and public involvement at Local Policing Area or neighbourhood level. There are potentially things that PCCs can do to address this, but the nature of the model makes this an uphill task for any single PCC. For most people it is likely that their own local ward, town or village is the more meaningful unit when considering local policing than whole force areas such as West Midlands, Thames Valley or West Mercia.

The 'single individual' model of accountability also increases the likelihood that PCCs will frame their policing approach around the demands of their 'natural' support, even perhaps at the expense of minorities. If this happens policing will start to track the demands of the vocal and organised, rather than the hard-to-reach and unheard, resulting in policing resources being distributed in inverse relation to the risk of criminal harm. These outcomes are made more likely as a result of the lack of any countervailing power of the kind one finds on committees composed of members elected to represent the concerns and interests of different local areas and constituencies.

These six deficiencies are not, in the Commission's view, implementation issues that will be ironed out over time. Rather, they are design flaws, structural limitations of a single individual model of police governance organised on a force wide basis. The Commission concludes that they cumulatively amount to a compelling case for discontinuing this particular experiment in democratic policing, and for seeking better alternatives.

In the light of this conclusion we should add that we cannot find any compelling grounds for extending the reach, responsibilities and budgets of the existing 41 PCCs beyond the police service. The 'PCC Plus' model (as we might term it) would see PCCs taking on a general role coordinating the policing functions of the whole police force area. The role may also be expanded to include responsibility for community justice services including probation, criminal justice organisations and agencies of local community safety. A variant of this idea has recently

been developed by the think-tank Reform who proposed devolving to PCCs responsibility and budgets for prisons, probation, courts management, youth offending, and fire, rescue and ambulance services.[118] The Reform version of PCC Plus model envisages that the PCC will commission services in these areas of responsibility (subject to some exceptions, such as frontline policing) and hold providers to account. There is no reason, however, why the PCC Plus model has to be coupled to radical extensions of outsourcing. A PCC Plus could set the strategic direction for, and hold to account, services largely delivered by existing public providers.

There are possible advantages to PCC Plus. Given the range of agencies other than the police that now deliver policing (including the private security industry) there is much to be said for bringing the task of coordinating and holding all policing bodies to account under a single governing authority. There is also clear merit in a democratic governance arrangement capable of joining-up and providing strategic direction to the institutions of criminal justice and community safety, and hence to strengthening the key relationships we set out in chapter two. This is especially so in respect of the intersections between the police, probation services and other agencies charged with reducing re-offending in the community. There has, in recent years, been an increasing proximity between the police service and the probation service in the management of offenders. Integrated offender management is emerging as a serious discipline of joint work between the police and probation and there are clearly some advantages in bringing the governance structure of policing into closer proximity with that of the probation service.

However, in the Commission's view, these advantages are clearly outweighed by the risks. We think that great care should be taken to protect the prosecution service and the courts from being brought within the ambit of the PCC, or any other system of policing governance. The tradition of judicial separation in this country is a very real constitutional protection and there is a major benefit in keeping prosecutors and courts and their operations separate from the governance and oversight of the police. While the police can legitimately be subject to priority-setting by elected politicians, this is not appropriate for prosecutors and courts. The PCC Plus model would create governance structures for police and criminal justice that are both separate from existing local government and risk being unwieldy and remote from the people it is designed to serve. In our judgement, this model would compound the problems we have identified with the current PCC system and is not a serious candidate for further reform.

Policing and Democratic Governance: Future Options

In the previous section, we outlined the reasons why the Commission believes that the office of PCC ought to be abolished in its present form with effect from the end of the current term of office. We now outline a series of options for reforming or replacing PCCs with a better governance mechanism for producing effective and legitimate policing.

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[118] Haldenby, A. et al. (2012) Doing it Justice: Integrating Criminal Justice and Emergency Services Through Police and Crime Commissioners. London: Reform.

Before doing this however the Commission believes that two points need to be considered:

1. a clear distinction needs to be drawn between PCCs and the principle of local democratic accountability which underpins them. PCCs should not be abolished simply as a means to save money. Nor should there be any retreat from the idea of giving people a voice in how they are policed by electing politicians to set the strategic direction of the police and hold them to account for their delivery of it;

2. given this, the Commission sees no benefit in reinstating local police authorities in place of PCCs, nor does it consider it desirable to return to the days of trying to steer local policing from Whitehall. The principle of democratic accountability is best served by looking for new ways to make police forces responsive to local communities, not by seeking to revive discredited methods of accountability.

A stronger role for local authorities in setting priorities and holding the police to account

We already stated in chapter two that the commission is concerned that the vital work of CSPs at town, city and borough level has been undermined by the introduction of the PCC. We believe that decisions about 'low policing' (neighbourhood policing, the local policing of volume crime and anti-social behaviour) should be at a level that is much closer to the communities affected. We propose to further democratise decision-making by devolving greater powers to local tier local authorities.

The Commission recommends four key measures to achieve this:

1. The introduction of a legal requirement on the police to organise internal force boundaries in ways that are coterminous with the lowest relevant tier of local government;

2. Legislating to give local government a say in the appointment of local police commanders. This would further embed the local policing area as the key building block of responsive and effective police work;

3. Enabling lower tier local authorities to retain at least some of the police precept of the council tax which they will then use to commission local policing from their force. this funding would be ring fenced to fund the police service and could not be diverted into other local authority services; and

4. Giving those same lower tier local authorities the power to set priorities for neighbourhood policing, the local policing of volume crime and anti-social behaviour, by formulating and agreeing with local police commanders policing plans for their own town, city or borough.

These reforms would create a system of local police accountability that is superior to PCCs in a number of respects:

1. They provide a system of democratic governance with elected politicians setting police priorities, but they mean that these decisions are made at a much more local level;

2. They empower an existing tier of local governance that is already embedded in effective local partnership working, rather than creating parallel structures that undermine local partnerships;

3. They embed power in a collective body with effective scrutiny functions rather than handing it to a single individual.

The Policing Board: a New System of Force-level Accountability

Having localised decision-making at the town, city and borough level, there needs to be an alternative system of governance to hold chief constables to account at force level for the higher policing functions such as serious and organised crime, major incidents and public order matters.

We have argued that PCCs should be abolished and more powers handed to local authorities. The next logical step would be for those local authorities within the force area to collectively hold the chief constable to account at force-level.

This does not mean simply returning to the old model of the police authority. One of the failings of the old police authorities was that in some cases they did not involve sufficiently senior representation from the constituent local authorities. High calibre accountability would be ensured if the local authority leaders from within the force area were to collectively hold the chief constable to account in the form of a Policing Board.

We recommend that at force-level a Policing Board comprising the leaders of each local authority within the police force area be given the power to:

1. Set the overall budget for the police force area;
2. Appoint and dismiss the chief constable;
3. Formulate and agree with the chief constable the force level policing plan setting out the strategic priorities for the force.

This model has the advantage that it is flexible enough to be adapted to any proposed changes to force structures, which we address in Chapter Seven. If for example it were decided to pursue force mergers and collaboration agreements, the system of LPU level accountability set out above would remain and the constituent membership of the Policing Board would change along with the size of the force.

The Commission gave full consideration to two other options. Both of these options offer a better means of achieving effective democratic governance than PCCs and should be considered by any future Government:

Elected Chair of an Indirectly-Elected Local Policing Board

One option was to replace the 41 PCCs and PCPs with an indirectly-elected local Policing Board comprised of local councillors, led by an Elected Chair. The powers and budget currently located with the PCC would be jointly exercised by the Elected Chair and local Policing Board. This suggestion was mooted in debates during the passage of the Police Reform and Social Responsibility Act 2012. It would represent a relatively minor adjustment to the current system, leaving a key elected figure in place but re-locating their responsibilities so that they are shared.

This model has its merits. It leaves a single, publicly visible figure in place to hold the police to account, while situating them in a governance mechanism that compensates for the remoteness of the single individual model. The members of a local Policing Board can ensure better representation of different areas and interests in setting of priorities, allocation of resources, and commissioning victim and community safety services. Lodging these decisions in a Board rather than a single individual also increases the degree of experience, expertise and deliberation that goes into the making of strategic and grant allocation/commissioning decisions.

However a disadvantage of this proposal is that it creates a recipe for conflict between the elected Chair and the indirectly-elected Policing Board. The chair will have much more legitimacy, having been directly elected, than the other members of the board. In addition to this imbalance of power, the model also simply replicates many of the problems with the PCC model set out above (such as low turnout and conflict with the chief constable).

Directly-Elected Local Policing Boards

This model entails abolishing the office of PCC and transferring to a directly-elected Local Policing Board their powers of priority-setting, community engagement, commissioning services and developing close relationships with other criminal justice and community safety agencies. Variants of this proposal have in the recent past been floated by the Labour Party and the Liberal Democrats.

This model retains all the merits with respect to the roles and responsibilities of a Policing Board discussed above. However, it also dispenses with unnecessary conflict between an Elected Chair and Policing Board members and it means each member of the Policing Board will have a legitimacy flowing from having been directly elected to the Board to represent, and act as a champion for, a local area, and will be answerable to its electorate. Members of a directly-elected Policing Board will in addition be engaged on a full-time basis on policing and public safety issues (rather than the Board being one among a number of local authority committees on which they serve). This enables Board members to be more fully committed to the roles set out above: notably, being a democratic 'contact point' between local people and police commanders, being engaged in decisions about how to spend devolved police/public safety budgets in their area, and serving as an agent of continuous public engagement at neighbourhood level.

However, the principal drawback with the directly-elected Policing Board model is the amount of civic action that is required to make it work effectively, as well as the costs involved in running the new Boards. Given the experience of low turnouts in the recent PCC elections, this is a considerable drawback.

On balance the Commission believes that an indirectly elected Policing Board constituted by the leaders of constituent local authorities is the preferred option.

There are two important qualifications to this. First, there is near consensus that a system of 43 separate forces is untenable – though there is a great deal less consensus about how to effect change for the better. In Chapter seven, we discuss this issue and lay out some options for the future. If it is decided to merge existing forces then our Policing Board model could simply be adapted to accommodate these larger forces. If however consideration is given to creating national police services for England and Wales, the model would need to be adapted further.

A variant of the 'Scottish model' may commend itself at this point. In April 2013, the Scottish government created a single national police service – Police Scotland - while at the same time decentralising to 32 local policing areas and 353 wards. This means that the unit of policing has become both more national and more local at the same time. It remains to be seen how the approach will work, although it bears some comparison to the district police and partnership structure that the Patten Commission recommended as part of the reforms to the service in Northern Ireland.

Second, we need to take into account revisions to the structure of local government in England and Wales. It is important that a keen eye is kept on these wider local governance questions between now and the next election. In turn, it is vital that policies for the future organisation and role of local government are developed in close harness with thinking about the future of police governance. The wider constitutional context to police governance also has to be kept in mind. Responsibility for almost all areas of policing has already been devolved to the Scottish government, as we have seen, as well as to the Northern Ireland government in Stormont. The Silk Commission is currently giving active consideration to devolving policing powers to the Welsh Assembly. In the event of this, only the NCA will have a remit extending across all the jurisdictions of the United Kingdom (and this may change depending on the outcome of the Scottish independence referendum in September 2014). The question of police governance is thus, in all likelihood, going over the next few years to become inseparable from, and affected by, the unresolved question of how best to organise and enhance local democracy in England.

Against this uncertain backdrop, we can highlight two more concrete possibilities with potential consequences for policing. One option is the extension of city mayors beyond London such that it becomes the preferred model of big city governance in England. In the event of this, attention will minimally need to be given to how best to structure the relationship of city mayors to mechanisms of police governance, and there may in this context be a case for transferring policing responsibilities to city mayors. This is already the model in London, with the Mayor of London having a deputy whose role is to be head of the mayor's office of policing and crime (MOPAC). If city mayors were more widely rolled out, a powerful case could be made for bringing policing and community safety under the umbrella of an elected figure able to engage in joined-up urban governance. This option is discussed at some length by Barry Loveday and Anna Reid in a Policy Exchange paper.[119] This would of course leave unresolved the question of what accountability arrangements to put in place outside of the major English conurbations. A second option arises from the emergence at city region level of combined local authorities, which begin to act as a kind of regional assembly 'from below'. Such an

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[119] Loveday, B., and Reid, A. (2003) Going local: Who should run Britain's Police? London: Policy Exchange/Localis.

'assembly' has already been created in Greater Manchester and the idea may spread to other big city regions. If this development takes hold, it may again start to make sense to transfer strategic policing and public safety responsibilities to combined urban authorities – especially where there are corresponding forces or where relevant forces could move towards merger and collaboration agreements.

These are uncertain developments. However, in the Commission's view, they underline the importance of treating the reform of police governance as an integral part of a bigger question concerning the future of local government/democracy in general.

Embedding and Extending Public Engagement

The Commission thinks it is of great importance to put robust and clearly defined arrangements in place to ensure the police are democratically accountable. It is also vital for the police to be held to account by politicians who are elected by those the police serve and who are answerable to people for their decisions. We have also set out some options for reforming or replacing the current PCC model which we believe to have failed. However, politicians elected to an office designed to hold the police to account – whether they are PCCs or members of any future Policing Board – do not occupy a political office of a conventional kind. They hold a position that is constitutionally novel. This means that they are not merely in a position of being elected on a platform which they then spend their term of office implementing and being judged upon. The role is of course partly of this kind, but it is distinct in two ways:

1. politicians governing the police are constrained by principle of operational responsibility (as defined by the Patten Commission[120]) and must take great care not to interfere with the operational independence of the chief constables. This places significant – if not always clear – limits on what they can do;
2. democratically legitimate policing requires that politicians who hold the police to account conceive of themselves as catalysts for inclusive and continuous local public engagement about matters of crime and policing. Such engagement is an essential means by which the police service listens seriously to the demands of everyone while meeting the needs of the most vulnerable in our society.

The police in England and Wales have been under a statutory obligation to consult the communities they serve since 1984. Prior to that, consultation was often judged not to be necessary or helpful, either because the police felt they knew best how to police local areas, or because they considered themselves to have an 'organic' connection to the British people which enabled them to discern what the public wanted the police to do. The urban disorders of 1980/1981 radically upset these assumptions. Lord Scarman's enquiry into the Brixton riots found that a breakdown in communication between the police and the Black-British community was an important contributory factor leading to the disturbances.[121] His recommendation that consultation be made a key element of improving police-community relations was given statutory effect by s.106 Police and Criminal Evidence Act 1984.

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[120] Patten, C. (1999) A New Beginning for Policing in Northern Ireland: The Report of the Independent Commission on Policing for Northern Ireland. Belfast. HMSO.
[121] Scarman. L. (1982) *Report on the Brixton Disorders*. Harmondsworth: Penguin.

Consultation with local communities has been a permanent feature of police accountability arrangements in England and Wales ever since. Such arrangements have taken different forms. In the 1980s several Labour local authorities, in collaboration with 'left-realist' criminologists, used the 'democratic instrument' of the local victimisation survey to document the experiences and demands of different constituencies (especially those, such as women, young people and those in poverty who were found to be most highly victimised). The survey findings were used to argue that police priorities ought to be aligned with those experiences.[122] In the 1990s the public came to be thought of as 'consumers' of policing and a variety of instruments for measuring 'customer satisfaction' were added to the standard diet of local consultation meetings. Over the last several years efforts have been made to supplement community meetings with additional mechanisms aimed at consulting so-called 'hard-to-reach groups'. Under the last Labour government, the neighbourhood policing programme gave rise to further efforts to engage local communities in the policing of their areas, whether through Neighbourhood Action Groups or PACT meetings. We discussed these developments and their importance to building good police relationships with the public in chapter two.

The task today is to build upon these three decades of experience. The Commission believes that local community engagement has to be considered as a routine component of police work and a core responsibility of those elected to hold the police to account. It is an indispensable part of what is required to deliver and sustain good policing.

1. **Listening**. Public engagement is the means by which local police forces listen to, and demonstrate that they are listening to, the experiences and demands of all the people they serve. Electing politicians to represent local people and hold the police to account is one means of doing this, but elections are never enough on their own. Police officers can also tap into people's experiences and concerns during the course of routine encounters with the public, but this again is insufficient taken on its own. Listening to local communities also requires a serious and sustained effort to create spaces in which dialogue about crime and disorder problems can take place on a routine basis.

2. **Tracking harm.** Directing resources to the most vulnerable in our society is a key component of the Commission's vision of good policing, but this can only be done if police forces take steps to acquire knowledge of the distribution of crime risks in their area. Calls to the police are one measure of this distribution, but we know that many of the most vulnerable in our society do not report their victimisation to the police – violence against women and children is a clear case in point. Serious and continuous engagement with vulnerable groups is thus one of the proactive measures that police forces can take to ensure that they are better informed about the victimisation risks faced by the communities they serve.

3. **Doing justice**. We demonstrated in chapter one that the legitimacy of the police depends greatly on how people feel they are treated during contact with police officers. Encounters that are procedurally fair – in which people are given a voice, and treated with respect, by officers who are open minded – generate and sustain public confidence in the police. These lessons can be extended to the processes through which local police priorities are set

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[122] R. Kinsey et al. (1986) *Losing the fight Against Crime*. Oxford: Blackwells.

and resources allocated. Not everyone can be a winner in these decisions – a fact about public service provision that is exacerbated during times of austerity. People are more willing to accept the outcomes of such decisions if they have been given an opportunity to take part in the making of that decision. This is why public engagement about policing at neighbourhood level is so important. It enables people to feel that they are authors of a decision, not just the passive recipients of it. The process of engaging in discussion about crime and disorder can also galvanise local civic action to make communities safer.

In the Commission's view, it is crucial that police forces, and politicians who bring them to account, recognise the value of continuous and inclusive local public engagement about crime and policing. Those holding the police to account should be actively and constantly seeking to experiment with new ways of engaging people in a dialogue about policing and be committed to learning from these experiments and disseminating their lessons widely.

The Commission does not wish to prescribe a list of how this is best done. We are in no position to do this and it would be inappropriate to do so. Good community engagement has to be accomplished on the ground. There are however some pointers that can be given to ways in which progress can be made:

1. there are now a variety of mechanisms of public engagement and deliberation that have been tried and tested throughout the world and about which lessons have been learned. These include citizens' juries, assemblies of mini-publics, and deliberative polling.[123]   The Commission thinks that further work can be done to extend the use of these practices of democratic engagement in policing;
2. greater use needs to be made of social media and digital technologies as a means of extending public participation in dialogue about local policing. This can range from 'streaming' of community meetings, to (open and restricted) online discussion forums, to online polling. Technology is not a panacea for the problem of how to deepen and extend local democracy, but experience of how to make good use of new media for the purpose of citizen participation in public services is growing and needs to be incorporated into the practice of making the police locally responsive and accountable;
3. much greater use can be made in policing of participatory budgeting. The practice of directly involving local people in debate and decision-making about how to spend resources has been growing in recent years. Some experiments in participatory budgeting have taken place in policing, organised by the Home Office, police authorities and community safety partnerships, often with the assistance of the 'Participatory Budgeting Unit'.[124]   The Commission believes there is scope for significantly extending the role of participatory budgeting in policing, especially if budgets are devolved to a local policing area or to neighbourhood level. We recommend that police forces consider establishing 'participatory budgeting units' in order to ensure greater involvement of local communities in allocating local policing resources.

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[123] See, Smith, G. (2009) Democratic Innovations: Designing Institutions for Citizen Participation. Cambridge: Cambridge University Press.
[124] http://www.participatorybudgeting.org.uk/

Recommendations

The Government initiated a radical reform programme designed to enhance the democratic governance of the police. However, the 'single individual' model of accountability that has been introduced has serious deficiencies that cannot easily be fixed. **The Commission recommends an alternative path to achieving better local democratic governance** comprising the following elements:

1. **Local democratic accountability is an important value that needs to be defended and extended.** There must be no retreat from the principle of giving the public a direct voice in how they are policed. Locally elected politicians should set the strategic direction of the police and hold them to account for their performance.

2. Following a careful evaluation of the evidence, the Commission concludes that the **PCC model is systemically flawed as a method of democratic governance and should be discontinued in its present form at the end of the term of office of the 41 serving PCCs**.

3. The Commission sees no benefit in reinstating local police authorities in place of PCCs, nor does it consider it desirable to return to the days of trying to steer local policing from Whitehall. The Commission proposes to further democratise decision-making over policing by devolving greater powers to lower tier local authorities. The Commission recommends four key measures to achieve this:

    (e) The introduction of a **legal requirement on the police to organise internal force boundaries in ways that are coterminous with the lowest relevant tier of local government;**
    (f) Legislating to **give local government a say in the appointment of local police commanders;**
    (g) **Enabling lower tier local authorities to retain at least some of the police precept of the council tax which they will then use to commission local policing from their force. this funding would be ring fenced to fund the police service and could not be diverted into other local authority services**; and
    (h) **Giving those same lower tier local authorities the power to set priorities for neighbourhood policing, the local policing of volume crime and anti-social behaviour, by formulating and agreeing with local police commanders policing plans for their town, city or borough**

4. Having devolved decisions over local policing matters to a more local level, we recommend that at **force level a Policing Board comprising the leaders of each local authority within the police force are** be given the power to set the overall budget for the police force area, appoint and dismiss the chief constable and formulate and agree with the chief constable the force level policing plan setting out the strategic priorities for the force.

5. Two other options should also be considered: **relocating the powers and budget currently held by the PCC so that they are jointly exercised by an Elected Chair and indirectly-elected local Policing Board, or** transferring to **a directly-elected Local Policing Board their powers of priority-setting, community** engagement, **commissioning services and developing close relationships with other criminal justice and community safety agencies**.

6. The Commission believes that local community engagement has to be made a routine component of police work and a core responsibility of those elected to hold the police to account. **We recommend that police forces consider establishing 'participatory budgeting units' in order to ensure greater involvement of local communities in allocating local policing resources.**

Chapter 4: A New Deal for Police Officers and Staff

"How to deliver the workforce to best equip the police to cut crime and increase public confidence"

Introduction

In this chapter we argue that the ideals embedded in procedural justice should and can be extended to relationships within the Police Service. Of paramount importance is the confidence that officers and members of police staff have in the institutions that support them and their own internal management processes. The Commission is aware of adverse reaction to the proposals for changing the pay and conditions of police officers and staff presented in the Winsor Reports. Consequently, we undertook several surveys to gather contemporary views from both police staff and police officers about change and the state of morale in the service.

We present evidence that demonstrates a relationship between how officers and police staff are treated within their forces or constabularies and how this can influence their behaviour towards the public. We draw attention to bullying and harassment experienced by women officers and those from black and ethnic minorities who also suffer disproportionately in discipline procedures. We believe these are inimical to getting the best out of people, are injurious to harmonious working relationships and inhibit the provision of a quality service to the public.

The Commission supports some of the huge changes currently taking place within policing stemming from the Winsor proposals but is of the view that these changes have not been accompanied by adequate discussion or engagement with those most affected. Their implementation also needs to be subject to independent review in due course. Our own survey evidence reveals a disturbing loss of morale. This chapter sets out the reasoning and evidence for a set of interlocking proposals designed to equip the police workforce to deal with crime and their other tasks.

The foundation for any change must begin, and end, with the workforce itself and the organisational culture that supports it. The Commission believes that creating a fair and supportive working environment is the bedrock upon which the modern profession of policing will be built. To that end the Commission proposes three strands of reform. The first is through a commitment to standards of services and partnership and governance arrangements to build fair and effective policing. This was outlined in chapters one to three. The second is about constructing fair and just internal processes and procedures to promote the welfare and well-being of staff. This is the subject of this chapter. The third is the development of a

professional model of policing based on ethical and evidenced based practice. This is discussed in the next chapter.

Reforming pay and conditions

Far reaching changes in police officer and staff remunerations and conditions have been formulated in the Winsor proposals.[125] Part One of the report concluded that the pay budget should be redistributed. This will be affected by a two year freeze on pay increments but with officers youngest in service being exempt; abolishing Special Priority Payments; introducing unsociable hours allowance; retaining time and a third rate for casual overtime; introducing a new £50 overnight allowance for officers held in reserve away from home. The majority of the Part One recommendations have now been accepted by the Home Secretary.[126]

A further raft of proposals was published in Part Two of the Winsor review. The Commission is supportive of Winsor recommendations seeking to enhance entry level qualifications, raising the pass mark for the assessment centre process and improving basic training. We share with Winsor the aspiration of making service in the police an attractive career choice for young people. The development of a policing profession incorporates these ideas and is discussed in chapter five.

The Commission thinks it is appropriate that consideration of some proposals have been extended to July 2014 – for example, The 'Foundation Skills Threshold' test for constables and the 'Specialist Skills Threshold' test for constables, sergeants and inspectors to permit progression to higher pay points. The new deadline will allow the College of Policing to design and trial the tests and allow sufficient time for consultation.

However, we have severe doubts about limiting starting salaries for constables at £19,000 and we believe that this is unlikely to attract the appropriately qualified recruits the service is looking for and needs. Indeed Hampshire Police and Surrey Police have already raised this threshold to £21,500 and £22,000 respectively. We also have concerns about the multiple entry point proposals. The arguments for direct entry are well rehearsed.[127] There have been several experiments in fast tracking officers to higher rank including the Trenchard scheme which left lingering resentment of blocked promotion opportunities for others and confirmed the belief that operational police officers should have had appropriate field experience. There is already a cadre of highly qualified professionals, who are not warranted officers, heading Administration, Finance, HR, IT and Corporate Development Departments in forces.   The arguments supporting direct entry into operational policing suggests this may advance diversity and effect desirable cultural shifts that will hasten innovation and changes in management practices. These proposals are given fuller attention in chapter five.

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[125] Independent review of police officers' and staff remuneration and conditions, Volume 1 &2" (known as the Winsor report)
[126] https://www.gov.uk/police-pay-winsor-review
[127] Leishman, F., and Savage, S. (1993) Officers or manager? Direct entry into British police management. *The International Journal of Public Sector Management* 6, 4-11.

Given the range of issues and their importance for the police service the Commission believes that an independent review of the impact of the Winsor reforms should be established within two years of their implementation.

Necessary change, but a damaging process

The Commission agrees with the Home Affairs Select Committee of the necessity for changes in police pay and pension arrangements. They are an inevitable result of the present economic conditions. However the Commission recognise the strong feelings among police officers and staff that were aroused by the proposals. This was acknowledged by Mr Tom Winsor in his evidence to the Commission. In their written submission to the Commission UNISON said that they were:

> 'disappointed that the second [Winsor] report did not agree with our ambition to create a more level playing field between police officer and police staff by creating a national pay and grading structure.'

When asked in evidence whether the Winsor proposals had any merit, the late Paul McKeever of the Police Federation of England and Wales said:

> 'I can't think of any. I think we have to look at how it all fits together, rather than individual proposals. And it does change the shape I think ... dramatically and takes us in a very different direction ... it's going to change the values that people have as they move through the service and we must keep those values based on the British model of policing.'

The Commission wished to examine for itself the nature and extent of the workforce's concerns. Accordingly we undertook three surveys, with women officers (N=3,410) with serving officers up to the rank of superintendent (N=14,167) and with police staff (N=5,455). When we asked the degree to which police officers and police staff felt supported by the present Government only 4% of police officers said they felt 'somewhat supported' and none felt 'very supported'. Only 8 police officers in the survey agreed with the statement that they felt very supported by the present government. Of the Police staff we surveyed 3% said they felt very supported and 35% somewhat supported.

Survey respondents were asked if they are currently giving serious consideration to leaving the Police Service. This question does not necessarily mean people will leave, but it is an indication of morale and their concerns about what is happening to the Police. Over half the officers questioned (56%) said that indeed they had seriously considered leaving. Male officers were slightly more likely to say they were contemplating leaving than female (58% compared with 52%). There was significant variation in answers to this question across the different forces. In three forces over 70% of respondents gave this reply. Just over a third (38%) of PCSOs and 42% of police staff said they too were thinking of leaving the service. Four out of ten PCSOs and support staff were very worried by the threat of being made redundant.

Evidence from a survey of 1,400 officers serving in the Avon and Somerset Constabulary[128] conducted in December 2012 provides further indications of adverse responses to the Winsor proposals. When asked whether the aim of the Winsor recommendations is not to save money but to create a more efficient, productive police service, 94% disagreed. 91% disagreed with the proposition that the proposals are fair in light of the present economic conditions. However, 82% did agree that some reform of the police was needed and 96% thought that this should be done in collaboration with the police.

Members of the police service are not against reform, but they would like to be part of the conversation in terms of the shape that it takes. Serving police officers feel strongly that the proposals broke the 'covenant' and those restrictions on their employee rights should be met by a reciprocal responsibility in the way they were treated by Government.[129] When the Home Affairs Select Committee expressed its concern about the impact of the Winsor proposals on morale they asked what more could have been be done to mitigate this.[130] The Government's response was to say that while officers' concern was understandable the police service must take its share of the burden created by the present fiscal crisis. The Government felt that the ready reckoner on the Winsor Review website and the seminars with Staff Associations represented sufficient engagement with officers and staff.[131]

The evidence we cite shows that not only was this an inadequate response to address members of the police service's concerns but also that the manner in which the reforms were introduced resulted in a damaging stand-off between the service and the Government. The academic literature on workplace relations[132] tells us that low morale weakens people's job commitment and willingness to 'go the extra mile'. Critical to job engagement is mutual trust between employer and employee. Research has established that organisational commitment of police officers was strongly predicted by the quality of their treatment by supervisors and relationship with peers.[133] A relationship has also been established between stressed officers and their disengagement from work.[134] Maintaining and developing staff commitment during periods of change when they are highly likely to be under pressure due to fiscal restraint is crucial especially when those working for the police are being asked to alter their behaviour and work within new institutional arrangements.

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[128] Hoggett, J., Redford,P., Toher,D., and White, P.(2013) Police identities in a time of rapid organisational, social and political change; a pilot study in Avon and Somerset Constabulary. Project report University of the West of England.

[129] Neyroud, P. (2013) Fair play on pay and conditions. In Neyroud, P. (ed.) op cit

[130] Home Affairs Select Committee (2011) *Policing Landscape*

[131] Lowe, G. (2000) *Quality of work*. Oxford: Oxford University Press.

[132] Lowe, G. (2000) *Quality of work*. Oxford: Oxford University Press.

[133] Bradford, B. et al (2013) Why do 'the law' comply? Procedural justice, group identification and officer motivation in police organisations. *European Journal of Criminology,* x 1-22.

[134] Sawang, Sukanlaya and Brough, Paula and Barbour, Jennifer (2009) *Curvilinear relationships between the job demands-resources (JD-R) model, and work engagement: a police service case study*. In: 8th Industrial & Organisational Psychology Conference (IOP), 25 – 28 June, 2009, Sydney, Australia.

Organisational health check

UK-based research on the legitimacy of the police found that alignment with the values represented and enacted by the police is the most important aspect of the relationship between police and public.[135] The Commission was interested to find out what police officers think about the values of their organisation and how close they felt to these. The results show a disappointing disconnect, with fewer than a third overall feeling aligned to their force's values. When the responses from the staff and police officer survey are broken down by role we can see that those more closely associated with public service delivery are the least likely to feel close to their force's values.

Figure 3: Affirmative responses in answer to the question "how closely do you feel aligned to the Force's stated values?"
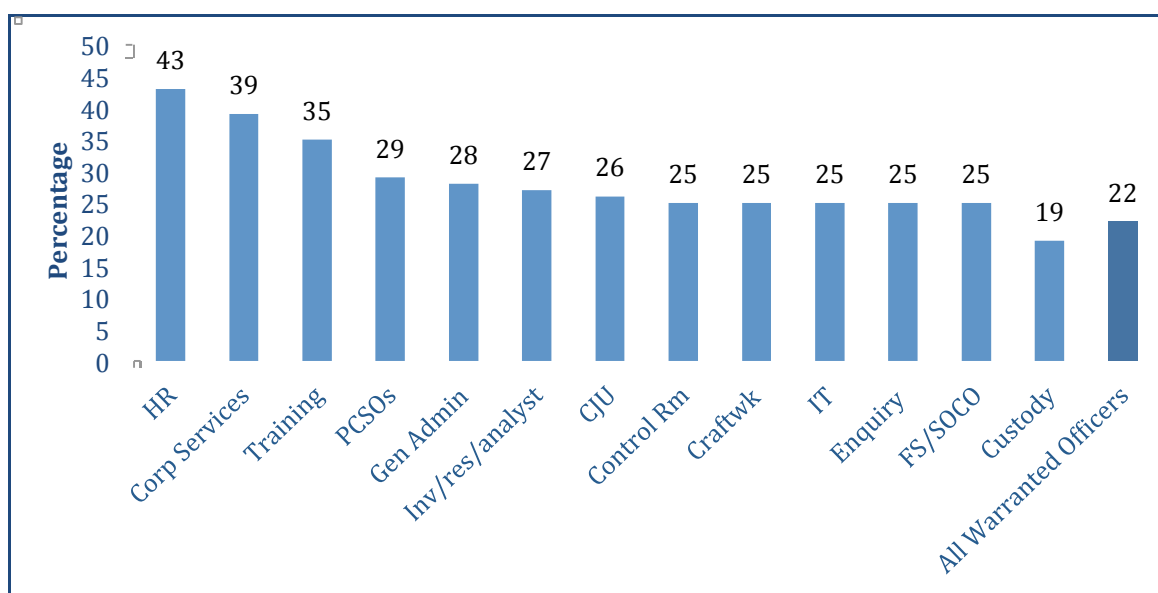
A suite of questions probed the respondents' sense of procedural and other aspects of organisational justice. Results from these questions are shown in Figure four. Police officers were least happy with fairness of promotion exercises. PCSOs and police staff are mostly exercised by the extent to which they feel excluded from having a voice in decision making. The responses make for disturbing reading with significant numbers of officers and police staff indicating that they do not believe they have been treated fairly.

Figure 4: Responses to being treated fairly by the organisation

Experienced little or none of the time	Police Officers	PCSOs	Police Staff
Promotion being achieved purely on merit	65%	39%	43%
Have the sense you can influence decisions	62%	68%	71%
Good quality communication within the	57%	52%	50%

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[135] Bradford et al (2013) Police futures and legitimacy; re-defining good policing in J.Brown, (ed.) op cit

organisation			
Explanations for decisions made by managers	53%	47%	50%
Equal distribution of work such that no one is carrying a fair load	44%	25%	31%
Openness and honesty in way managed	41%	35%	38%
Fair, consistent and impartial decision making	39%	30%	34%
Fair and respectful interpersonal contact among officers and staff	18%	21%	15%

Questions were also asked in the survey about bullying at work, an issue faced in the police service as much as in any other workplace, the results show that over half of police officers, PCSOs and police staff were bullied at least some of the time.

Figure 5: Percentage of officers, PCSOs and Police staff reported being bullied

Bullied	Police Officers	PCSOs	Police Staff
All of the time	2%	2%	2%
Some of the time	18%	22%	20%
Little of the time	33%	26%	27%
None of the time	47%	40%	43%

We found that the proportion of officers in a force reporting bullying correlated with the number of complaints per head of population that the force received in 2010/11. The association between bullying and complaints was positive (and statistically significant), suggesting that forces that allow their staff to be treated badly also garner more complaints from the public. We also found a similar statistically significant relationship between the number of public complaints and how fair the internal processes of forces were perceived to be. One interpretation of these results might be that more results- or performance-driven forces generate more complaints because their emphasis is on 'getting a result' and not on the quality of interactions with members of the public (or other aspects of performance). This generates stress within their workforce that leads to a greater level of bullying.

Figure 6: Association between being bullied and number of incivilities complaints
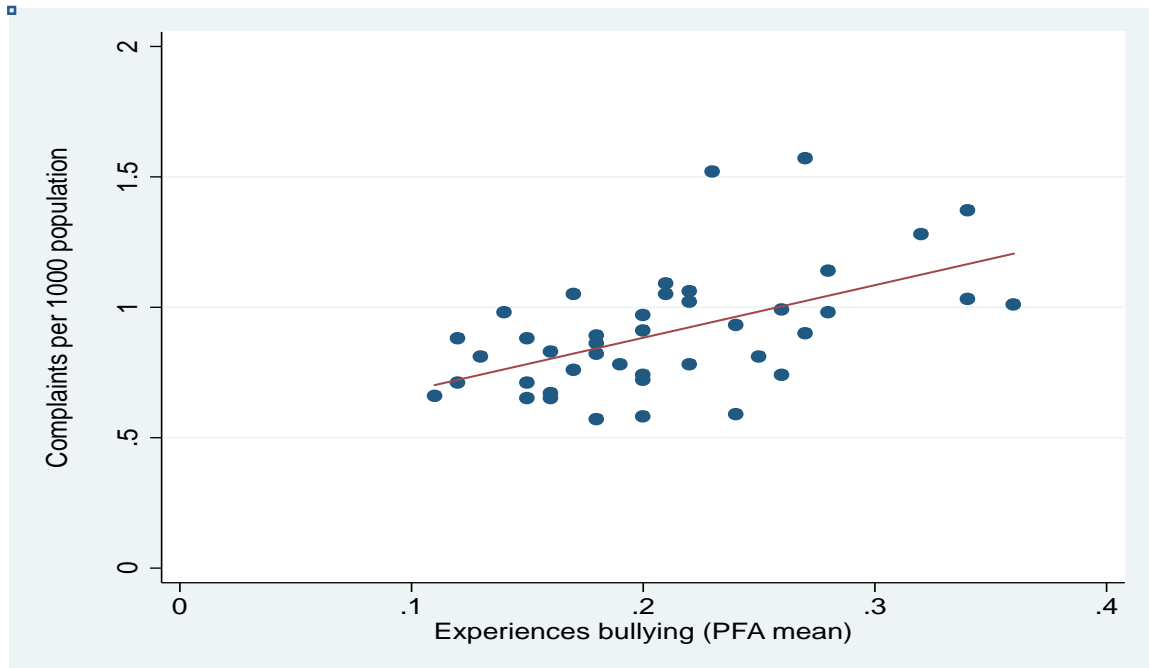
What do the survey results tell us?

Our survey findings have important implications for the police service. They show that fair decision-making and positive public interaction are not only important in their own right, but are also crucial for crime reduction in the longer term. The way officers behave is central to policing as it can encourage greater respect for the law and foster social responsibility. As the effect on crime would be largely preventive and rely on voluntary public cooperation, improved public encounters could help the police avoid the financial costs associated with enforcing the law, detecting crime, and processing offenders.

There are three discernible steps in the logic justifying the creation of fairer working environments that can be discerned from the survey findings. First, the number of respondents to our surveys who indicated that they were fairly treated by managers had a direct correspondence to the number that believed the force/constabulary was legitimate. Second, that belief was associated with how the police treat the public. Third, when respondents believed police officers 'did the right thing', were free of corruption, and did a good job overall they were also more likely to believe that the public received fair treatment. Identification with the organisation is linked to organisational citizenship (i.e. a willingness to take risks, initiate new activities, and take on extra roles). Respondents who reported being bullied scored lower (worse) on average on both the right behaviour and corruption questions, while those who reported unfair relationships between staff were also more likely to think their colleagues were corrupt. It seems that difficult relationships between staff may indeed, at times, damage the legitimacy of the organisation and in turn undermine organisational citizenship. One of the most consistent findings relating to public support was that police staff who believed the public supported the police were likely to grant the police more legitimacy.

The police's nature as a disciplined organisation, whose work is carried out by those who hold the office of constable, places limits on the extent of workplace democracy that is possible in

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the service. There are restrictions on employee rights enjoyed by other workers such as the right to strike accompanied by privileges such as not being made redundant. While the Commission did receive some evidence for bringing employment rights of warranted officers into the mainstream of employment legislation,[136] there was little support for abolishing or changing the office of constable status which was widely seen as being the most important rank to the public and the future of the police service.

However, this is not to say that those working within the police service should not enjoy a greater measure of organisational democracy.[137] The findings from our surveys demonstrate that there are threats to the conditions which promote active engagement in good citizenship within the service such as:

1. a lack of belief in support from the service's senior management;
2. distancing of staff from the organisational values;
3. reported unfairness in organisational procedures;
4. presence of bullying in the workplace; and
5. linkage between how people are treated within the organisation and how members of the public are treated.

Some general principles for a new deal

If the police have a role to play in protecting the public and are to behave in ways that are procedurally fair, then it is important that the experience of being managed within the service should model the way in which we, as a society, would wish officers and staff to treat us. This is taken to mean the extent to which:

1. staff are treated in a procedurally fair manner (i.e. with dignity and respect, explaining decisions, acting in a neutral and transparent manner and allowing staff an input into decision-making processes);
2. treatment is distributively fair (for example in relation to the distribution of work tasks and the fairness of promotion procedures);
3. supervisors and managers act ethically and with integrity - i.e. supervisory fairness;
4. information about decisions and outcomes are conveyed clearly, truthfully and accompanied by explanations - i.e. information integrity.

These are the constituent elements of a fairness-at-work approach. Procedural and distributive fairness in particular have been shown to be key influences not only on 'staff-satisfaction', but also in relation to people's readiness to work on behalf of organisations, comply with rules and regulations, and their attitudes towards those they serve.[138] These findings also hold true

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[136] Interview with Ailsa Beaton, John Shaw

[137] Marks, M., and Fleming, J. (2006) The rights to unionise, the right to bargain and the right to democratic policing. *The Annals of the American Academy of Political and Social Science*, 605,178-199.

[138] Colquitt, J., Conlon,D., Wesson, M., Porter, C and Ng, K. (2001) Justice at the millennium; a meta analytic review of 25 years of organisational justice research. *Journal of Applied Psychology* 86 425-445.

within police organisations.[139] Perceived fairness and the quality of interactions between staff and their managers/supervisors are strongly linked to their compliance with organisational goals and to 'citizenship behaviours', such as going the extra mile. Perception that rewards within the organisation are unfairly distributed has been shown to link with counterproductive behaviours such as withdrawal of effort and even stealing from the organisation.

If processes of management are fair, then it is more likely that members of the workforce will regard senior officers and managers as legitimate, will defer to their authority, and will feel that the power they wield is justified. If the public are to regard the police to be legitimate authority, it seems reasonable to argue that those working within the Police Service should also experience their own organisation as legitimate. Procedural organisational justice promotes the idea that one should comply with directions and strengthens people's identification with the moral ethos of the organisation, thereby engendering feelings that management and rank and file are 'on the same side' – i.e. feel that they belong to and are valued by the organisation, and that the organisation is worth valuing.

A further consideration relates to where police officers locate their own sense of legitimacy and how this may shape their confidence as authoritative figures within the service.[140] A powerful predictor of such confidence is identification with the core values of the organisation and the perception that senior managers are procedurally just. It also appears that officers gain confidence from the idea that they enjoy the support and co-operation of the public and that they, the police, are necessary to protect the public from crime as opposed to identifying with the internal informal occupational culture and seeing their authority as deriving from a separation between themselves and the public by virtue of their law enforcement role.

Keen to explore these issues further, the Commission invited the Chartered Institute of Personnel Development (CIPD) to offer their expert advice on how to create procedurally fair working practices and to identify essential elements in managing change. The results of this consultation can be found at appendix nine together with two examples of putting organisational justice into practice taken from Durham and Lancashire police.

Doing better on diversity

There is a clear link between internal workplace diversity and external service provision.[141] Having the police reflect the society they serve is also one key part of securing public consent, as stated in the second new Peelian Principle: namely, The police undertake their basic mission with the approval of, and in collaboration with, the public and other agencies, and so far as possible the police should be representative of the communities they serve.

 A more diverse workforce will result in: a broader range of information for decision making and a wider range of possible solutions; a willingness to challenge established ways of thinking and consider new options; improvements in the overall quality of the team; better staff

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[139] Myhill,A., and Bradford,B. (2013) "Overcoming cop culture? Organisational justice and police officers' attitudes toward the public", Policing: An International Journal of Police Strategies & Management, Vol. 36 Iss: 2, pp.338 - 356

[140] Bradford and Quinton, personal communication

[141] ACPO, APA and the Home Office (2010) Equality, Diversity and Human Rights Strategy for the Police Service (2010)

management, leading to improvements in staff satisfaction; a reduction in the number of employees leaving the service, and fewer grievances and complaints; better relationships with the community, resulting in a more effective service and better quality services, leading to increased public confidence.

The harassment and disproportionate treatment experienced by sections of the population when in contact with the police are mirrored inside the organisation. From our survey data we looked at self-reported harassment on grounds of being a member of a legally protected category. Asian or Asian British officers were the most likely to experience harassment on the grounds of race or religion and 24% of women experienced harassment on the grounds of gender. Furthermore, 11% related to pregnancy or maternity issues. Police staff also reported harassment.

A critical element in managing a motivated workforce is leadership. We know from organisational psychology that leadership style has an influence on morale and effectiveness.[142] The Home Secretary[143] has drawn attention to the fact that the current police leadership model has not delivered a diversity of backgrounds and experience at the most senior levels of the service. This is certainly true in the case of women officers and those from ethnic minorities who are over-represented at constable rank and under-represented in every other.

Figure 7: Percentage of women and ethnic minority officers currently serving at different ranks in police forces in England and Wales
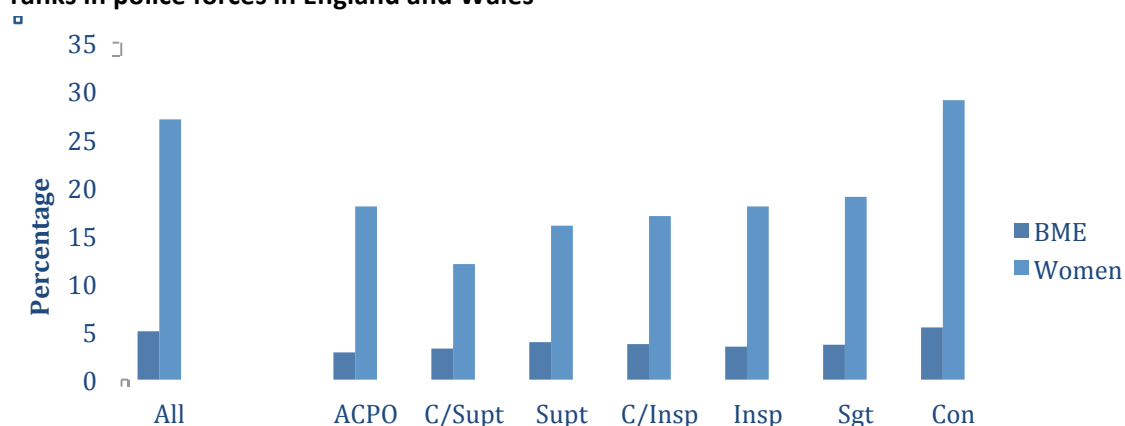
At ACPO rank 37% (16) forces currently do not have any women officers in their senior management teams with the situation being even worse for black and minority ethnic (BME) officers. Only five ACPO teams in the country have ethnic minority representation. At chief superintendent level 16 forces have no women and 33 have no ethnic minority officers.

The EHRC drew on some previous unpublished findings of an HMIC report ' Duty calls'[144] showing several other areas of concern:

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[142] Millward, L. (2005) Understanding occupational and organisational psychology. London: Sage p234.

[143] May, Theresa (2011). Speech Police reform: Home Secretary's speech to the Police Superintendents' Association Conference. 13th September

[144] Equalities and Human Rights Commission (2009) Police and racism, by Jason Bennetto. London. EHRC

1. Key post holders had a notable lack of training and understanding of race equality as it relates to progression;
2. Black and minority ethnic officers described a lack of role models and support;
3. Ethnic minority officers experienced difficulties if they wanted to join specialist squads such as firearms, robbery and anti-terrorist units;
4. The sense of unfairness towards BME officers in specialist selection and promotion processes was very strong;
5. More black police officers resign or are sacked, proportionally, than their white colleagues.

Explanations offered as to why so few ethnic minority officers join these squads include the belief by some that they are dominated by white, middle-aged men, old-fashioned work practices and a high level of 'canteen' culture.

A related issue of perceived fairness is that of over-representation of BME officers and staff in internally raised misconduct investigations and treatment.[145] In Greater Manchester Police a statistically significant over-representation was identified in counter corruption intelligence where Asian officers were 2.79 and Asian staff 3.39 times more likely to be identified. In West Midlands Police, Asian officers were 2.08 times more likely to be represented in internally raised misconduct investigations. In the British Transport Police Black officers were 2.41 and Black staff 2.73 times more likely to be involved in internally raised misconduct investigations. Interview data from the forces concerned revealed a perception from BME officers and staff that a two-tier misconduct system was in operation in which they were subject to unjust and punishing treatment while white officers were dealt with informally. There was a sense that managers preferred to refer BME officers to the force's Professional Standards Departments, possibly through a lack of confidence and fears of being accused of racism. The effect of this was to create a belief that in fact this is a subtle form of racism.[146]

> **Box 13: The make-up of British society – His Honour Sir Mota Singh QC LLD**
> The UK is now unquestionably a society permanently characterised by a multiplicity of religions and cultures. It is a microcosm of world society. The debate in Britain now is on social cohesion and integration rather than on multi-culturism. Multi-culturism has run its course and it is time to move on. It was a fine, even noble idea in its time. It was designed to make ethnic and religious minorities feel more at home in society, more appreciated and respected, better equipped with self-esteem, and therefore better able to engage and connect with the larger society as a whole. It gave dignity to difference. And in many ways it achieved its aims. Britain, for example, is a more open, diverse, multi-coloured, energising, cosmopolitan environment. There were, however, limits to multi-culturism. It was supposed to be not a celebration of division but of diversity. The right to be in a multicultural society was always implicitly balanced by a duty to integrate, to be part of Britain. Those who shun integration, contradict the fundamental values that define Britain today: tolerance, solidarity across the racial and religious divide and duality for all, between all. If Britain is to be a successful community of

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[145] Smith, G., Hagger Johnson, H., and Roberts, C. (2012) Dis-proportionality in police professional standards
https://www.escholar.manchester.ac.uk/api/datastream?publicationPid=uk-ac-man-scw:170650&datastreamId=FULL-TEXT.PDF
[146] Further details relating to Professional Standards Departments can be found in chapter 7 of this report.

communities it will need to combine the values of equality and diversity, liberty and solidarity. For black and Asian communities, contacts with the police are a microcosm of their contact with the state, for the police has more impact on the everyday lives of communities than any other single agency. They can engender a sense of security and justice, but also much distrust. All public services should reflect the society. Progress has clearly been made but more needs to be done. There is a wealth of talent and ambition that is overlooked - a terrible waste that blinkered recruitment represents; all that talent and ambition overlooked. It is not necessary to argue that Police should mechanically reflect society to understand that unfair exclusion from appointment is damaging to society at large. Prejudice is often unconscious. It must, nevertheless, be acknowledged that the Police has made strenuous efforts to combat prejudice and in time that will be reflected in its higher ranks. It is simply a matter of fairness, acknowledging the remarkable strengths that all communities can bring to the Police force.

Women are also under represented in traffic, special branch, firearms, dog handling, and other specialist areas such as underwater, drugs and surveillance units for much the same reasons as their BME colleagues.[147] They are over-represented in public protection units dealing with child protection and safeguarding issues.

Our survey of women officers revealed that half of them care for children, 6% care for an ageing parent and 4% had other caring responsibilities. Some 20% of women are primary carers. If this last figure is factored up for the Service as a whole (latest data from the Home Office indicate there to be 36,617 police women) this equates to 7,320 officers, or an average of 170 officers per force. These figures alone suggest that the Service does need to be flexible to accommodate those managing complex domestic lives as well as undertaking the demands of the job. Over half of the officers in the survey indicated that changes in shift patterns present difficulties and 43% said that on-call duties were also potentially problematic. Yet 18% of survey respondents indicated flexible working is either discouraged or not tolerated in their forces while only 7% said flexible working is positively encouraged. Most (50%) were of the view that flexible working was 'tolerated'.

In 2012 the equal pay audits conducted by the Police Negotiating Board (PNB)[148] showed that at virtually every rank, women earned less than their corresponding male officers. Women officers were fearful that the special payments recommended by the Winsor report would disadvantage them because of their greater difficulties of achieving these while in service due to their caring responsibilities.   Since the introduction of the Police Reform and Social Responsibility Act 2011 the responsibility to promote and ensure equality within the police service has transferred to the PCCs. By law, PCCs need to:

1. eliminate discrimination, harassment, victimisation;
2. advance equality of opportunity; and
3. foster good relations between such groups.

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[147] Home Office (2010) Assessment of women in the police service. London: Home Office.
[148] Monkhouse, J. (2012) Keeping up appearances; women in the police service In Police Federations Keeping the Queen's peace

Yet an analysis of the PCC intentions found only one who specifically mentioned police diversity[149] in their policing plan.

The Chief Constable is also subject to the specific equality duties. These include:

1. Publishing information to demonstrate compliance with the general equality duty;
2. Evidencing how policies and practices have (or would) further the aims of the general equality duty;
3. Evidencing that they fully considered equality implications when making decisions;
4. Carrying out and evidencing engagement with people who have an interest in furthering the aims of the general equality duty; and preparing and publishing equality objectives.

Notwithstanding these obligations, two recent reports[150] have been extremely critical of the police service's record in its stop and search activities. While the College of Policing has instigated the Dashboard initiative attempting a comprehensive monitoring of force numbers and trends in recruitment and promotion, there are no powers of enforcement obliging forces to take action.

The EHRC has duties specified in the 2006 Equalities Act to:

1. Monitor the effectiveness of equality and human rights enactments (section 11)
2. Conduct enquiries (section 16)
3. Instigate investigations (section 20)
4. Issue unlawful act notices (section 21)
5. Require action plans (section 22)
6. Enter agreements (section 23)
7. Make applications to courts (section 24)

None of these have as yet been applied to the police service in terms of the composition of the workforce. The EHRC did exercise its section 23 powers in relation to an intervention in the police service's use of stop and search. Following a review five forces did not have adequate explanations for disproportionally stopping those from ethnic minorities. The EHRC initiated legal compliance against two forces, Leicester and Thames Valley, which was succeeded by a formal agreement to deal with a programme of action under the section 23 powers.[151]

In addition there is a schedule for public sector equality duties within the provision of the 2010 Equalities Act, which states that a public authority must eliminate harassment, discrimination victimisation and remove or minimise disadvantage. These duties are enforceable by judicial review or by order of a Minister of the Crown.

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[149] http://www.apccs.police.uk/fileUploads/PCC_election_results_2012/APCC_analysis_of_PCCs_priorities_201112.pdf

[150] HMIC (2013) Stop and Search Powers: Are the police using them effectively and fairly? London: HMIC and Equality and Human Rights Commission (2010) Stop and think; a critical review of the use of stop and search powers in England and Wales. London: EHRC.

[151] Equality and Human Rights Commission (2013) Stop and think again; towards race equality in police PACE stop and search.

While there is little enthusiasm for radical action, such as the 50/50 policy introduced in Northern Ireland to increase the number of Catholic officers joining the Police Service of Northern Ireland (PSNI), there are sufficient, as yet, unused powers within the current legislation to hasten equality of deployment and promotion within the service.

Multi-tiered or direct Entry?

One other solution that has been advanced to support diversity, particularly at senior level, has been to change the single point of entry at the rank of constable. The Winsor report proposed two new points of entry at Inspector (through a variation on the existing High Potential Development Scheme) and at Superintendent. However, Winsor dismissed the arguments for Direct Entry as a vehicle for greater diversity as 'unpersuasive' and reminds his readers that the positive action provisions of UK employment law (which we have emphasised in the preceding section) are already available to forces. While the Commission were themselves unconvinced by Winsor's arguments for Direct Entry at Superintendent, we agree with the substance of his analysis from a diversity perspective. Direct Entry is not a convincing vehicle for achieving significant advance in the diversity of the service.

The Commission also received a considerable amount of evidence on the need for the police service to have access to different sets of skills. The most pressing example of this is the need for the police to have the necessary skillset to effectively address online crime, an area in which the police service is currently being left behind. The Shadow Home Secretary announced that Labour would develop a 'Teach First' model to provide police with access to highly skilled young technologists. The problem for a range of highly skilled staff such as Crime Scene Investigators (who frequently have good science degrees) and Crime Analysts is the lack of a career path that allows them to progress or cross over into core policing roles. This seems to the Commission to be a promising area for the College of Policing to develop a form of lateral Direct Entry through professional qualification. We recommend that staff with key skills such as Crime Scene Investigators, Crime Analysts and specialist cybercrime investigators should have a route open to them that does not require them to go back in as a recruit. This could and should include a move across from a senior role into an Inspector's role.

Recommendations

The Commission endorses elements of the Government's programme for modernising police pay and conditions. Such reforms were necessary and overdue. However, the process of implementing change has left police morale at rock bottom. These reforms also need careful scrutiny and review as they are implemented. The Commission proposes a new deal for police officers and staff. This is made up of the following practical proposals:

1. **We endorse the Winsor aspiration of enhancing the status of policing to a profession** and the corresponding proposals to raise the qualification standards of those entering the profession.

2. **We reject the new starting salary for police constables** and urge that a level be set commensurate with the qualifications and experiences of new recruits.

3. **The Commission recommends the setting up of an independent review of the effects of the Winsor recommendations** within two years of their implementation.

4. A new deal for police officers means, **implementing models of working which embed 'procedural fairness for all' in the routine operation of police organisations.** This requires police forces to put in place relevant structures and processes, training for senior officers and management, and high level commitment from chief officer teams. Police officers and staff must be treated as a vital resource in the development and delivery of better policing, not simply as the objects of reform.

5. **Greater use should be made of the powers within the 2006 and 2010 equalities legislation with a view to correcting the still poor representation of women and ethnic minorities in the police**. We recommend that the EHRC work with the police service through the College of Policing to review data on discriminatory treatment and disproportionate representation and that the EHRC consider initiating legal compliance action where explanations from forces are inadequate.

6. **We recommend that staff with key skills such as Crime Scene Investigators, Crime Analysts and specialist cybercrime investigators should have a route into the service via lateral entry.**

Chapter 5: Building a Police Profession

"How to deliver the workforce to best equip the police to cut crime and increase public confidence"

Introduction

If there has been one common element running through the on-going story of police reform, it has been calls for greater professionalism.[152]   In the United States, in the mid-twentieth century, virtually every effort at police reform marched under the banner of police professionalism, which has recently been re-invented as 'new' professionalism.[153]   In the United Kingdom, the term 'professional' is often used to sum up what was distinctive about the style of law enforcement pioneered by Sir Robert Peel. Its modern re-invention can be found in Peter Neyroud's recent review of police leadership and training which placed heavy emphasis on the importance of developing 'a new and vibrant professionalism in policing.'[154]

On the other hand, professionalism has also enjoyed something of a mixed reputation among many police reformers, particularly in the United States. For much of the past three decades the professional project has been taken by many American police reformers to encapsulate what they are against. The 'police professional model' was advanced by key reforming police chiefs such as O.W.Wilson[155] whose interpretation of the idea of 'professionalisation' was most strongly linked to the development of higher educational standards and occupationally relevant qualifications.   However, he also advanced a technologically driven policing encompassing what became known as the '3R's': rapid response to 911 calls, random patrol of public space and reactive investigation of crime. The strategy was based on a presumption that police would thereby provide an effective deterrent to crime. The presumption was challenged by a major wave of field experiments in the mid-1970s. Moreover, the perceived backfire effects of an approach that produced an over-reliance on stop and 'frisk' and arrest, encouraged a new wave of reformers to look for a different style of policing. The result was the development of 'community policing', the enormously influential if often frustratingly en vogue reform agenda that took root in the United States (US) in the 1980s and became something of an orthodoxy in the 1990s. It was to a great extent conceived and defined both as a rejection of police professionalism and in recognition of a broader social role for police beyond narrowly defined crime-fighting.

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[152] See Sklansky, D. (2013) The Promise and Perils of Police Professionalism and Fleming, J. The pursuit of professionalism; lessons from Australasia in Brown, J. (ed). Op cit.

[153] Sone, C., and Travis, J. (2011) Towards a new professionalism in policing. Harvard Kennedy School. National Institute of Justice. New Perspectives in policing. March

[154] Neyroud, P. (2011) review of police leadership and training https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118222/report.pdf

[155] Bopp, W.J. (1977) 'O.W.': O.W. Wilson and the search for a police profession. New York: Kennikat Press.

In Britain, the identification of Peel's Metropolitan Police as 'professional' has always been in some tension with the notion, attributed to Peel, that the police are merely citizens in uniform—that 'the police are the public and the public are the police.' Yet, the US debate around professionalism and community policing has played out in the UK. The 1962 Royal Commission in 1962 took an O.W.Wilson-like view of the importance of raising educational standards to enhance professionalism. The tensions between crime-fighting and community policing advocates was also evident in the debates in the 1980s between two former Chief Constables, John Alderson, an ardent proponent of community policing and James Anderton, a die-hard crime fighter.

Defining professionalism

There have been several distinct meanings attributed to the idea of professionalism:

1. **High expectations**: Professional police are police who are held to demanding standards of conduct. It means a police service in which slack performance, unkempt appearance, rude manners, and loose ethics are not tolerated. This is the sense in which Peel's Metropolitan Police are often said to be the first 'professional' law enforcement service;
2. **Self-regulating**: In the manner of the legal profession, the medical profession or the accounting profession – ensuring institutional autonomy and freedom from political interference;
3. **Expertise**: Professional policing, in this sense, means policing that is reflective and knowledge-based, rather than a matter of common sense, intuition, or innate talent;
4. **Internalised norms**: Rather than by rules enforced through a bureaucratic command structure or a formalised system of external oversight.

These four meanings are not mutually exclusive. The Commission has drawn on all these aspects in developing its approach in order to promote the Police Service as a body of practitioners who bring meaning and dignity to their work through dedication, self-improvement, and ethical commitment, aligning their own interests with the interests of those they serve. Professionalism offers an antidote to corruption and underperformance, and a way of emphasising that the police have, or should have, special skills and knowledge that can be written down, taught, and continually improved. It offers, too, an avenue of reform that promises to enlist the police themselves in the cause of reform, by offering them pride, respect, and status. Developing a recognised body of evidence based practice may also act as a defence against the temptation of elected PCCs to stray into operational territory of policing, more rightly the province of the chief constable.[156]

Claims for special expertise are more credible today because more is now known in law enforcement about how to fight crime: the state of knowledge about effective crime control is undeniably better today than it was in the mid-to-late twentieth century. The police can improve their effectiveness by careful, objective analysis of crime and operational data and a more systematic, scientific approach to testing and revising their practice.[157]

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[156] Neyroud, P.W. and Sherman, L.W. (2013). Dialogue and Dialectic: Police Legitimacy and the new professionalism. In Tankebe, J. and Liebling, A. (Eds). Legitimacy and Criminal Justice. Oxford: OUP.

[157] Sherman, L.W. (2013). The Rise of Evidence-based policing: Targeting, testing and tracking. In Tonry, M. (ed.). *Crime and Justice in America 1975-2025. Crime and Justice, Vol. 42*. Chicago: University of Chicago Press.

> **Box 14: Police officer training and competencies – The Lord Carlile of Berriew CBE QC**
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> The training and competencies of police officers have been variable, affected by size of force, geography and the style and quality of leadership. The College of Policing is addressing these issues, and should be allowed to develop. Important as the Office of Constable is, consideration should be given to further professionalisation of police officers and their activities. One possibility might be to enable officers, irrespective of rank, to become 'chartered' or otherwise readily recognised through national standards of generic and specialist training and qualification. There is no reason why good officers should be seen as lesser professionals than lawyers, accountants, doctors, teachers and others who are regarded as professionals. Nationally recognised qualifications would enable greater levels of transfer between forces and regions.

Another attraction of police professionalism is fiscal. As the police face tighter and tighter budgets, professionalism holds the promise of greater efficiency: doing more with less. A self-motivated, self-regulated professional should require less supervision, fewer bureaucratic checking systems and be able to exercise discretion more efficiently and effectively within the boundaries of defined professional standards. Professional policing places an emphasis on the quality more than the quantity of policing.

The Commission believes that the College of Policing is a fundamentally positive development that can help realise the aspiration of the police service to become more professional. However, in order for the College to realise this ambition, it must be allowed and encouraged to go beyond the aspirations of its predecessor organisation, the National Police Improvement Agency (NPIA).[158] NPIA was conceived as a national agency to support improvement from the centre with a Board on which only ACPO of the police ranks was represented. The College of Policing, uniquely in the history of British policing, has members from all ranks and roles in the police service. This should enable improvement to come from within the service rather than being perceived as imposed from outside.

Higher education has an important role to play in helping the College be successful. But in order for this assistance to be meaningful, the engagement with police services in developing the professionalism and professional status of policing cannot be partial, selective and limited to specific roles or ranks within the police service. The engagement needs to be all encompassing. It cannot be treated as optional or as additional to requirements.

The Commission recognises the importance of what is at stake here, the enormity of the change and what is needed to achieve this. The Commission is proposing a durable, long-term model of development. It is imperative the College of Policing be at the centre of this developmental plan. However, if it is to be successful further and higher education needs to sit closely alongside police services and the various police associations will need to be engaged in a full and meaningful way. The College's independence from Government is thus a welcome development as a bulwark against party political influence over these developments.

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[158] Bryant, R. , Cockcroft, T., Tong, S., and Wood, D. (2013) Police Training and Education: Past, Present and Future in Brown, J. (ed.) op cit.

Skills and qualifications

Policing is not currently a regulated profession in the UK - i.e. one 'where access to or practice of a profession is restricted by national law to those holding specific qualifications.'[159] The Commission advocates closing the gap that exists between research and practice, and researcher and practitioner, in order to professionalise and thereby improve the policies and practice of policing.[160] Reflecting on practice, whether during or after incidents or events, permits consideration of what was done. What information was called upon that informed decision-making? What were the crucial decision points in order to make sense of and learn from what happened? Insights gained allow learning to take place and be incorporated into the process of standard setting, adjustment and adaption. We return to these issues of regulation and oversight in chapter six.

Qualifications framework

The College of Policing has been established by the Government as a stage towards formal professional status for policing. A coherent, robust and demanding set of qualifications underpins a claim to professionalism. The Qualifications and Credit Framework (QCF) for England, Wales and Ireland and the Scottish Credit and Qualifications Framework (SCQF) are the official accrediting bodies for qualifications from 'entry' level to level eight. For example, level three qualifications on the QCF include 'A' Levels and NVQ Level three. The QCF accredits three sizes of qualification: an 'Award' (1-12 credits), a 'Certificate' (13–36 credits) and a 'Diploma' (at least 37 credits). Awarding bodies (such as City and Guilds and Skills for Justice (SfJ) Awards) are accredited by QCF and in turn authorise organisations to deliver QCF-approved qualifications.

In higher education there is the Framework for Higher Education Qualifications (FHEQ) covering level four (Certificate of Higher Education), level five (Foundation Degree), level six (Bachelor's degree with honours), level seven (Master's degree) and level eight (Doctoral degree). Higher education institutions and some further education colleges have the right to award their own qualifications within the FHEQ. There is thus some overlap in levels between the two Frameworks, at least in terms of notional level.

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[159]   ECCTIS   (2012)   *Regulated   Professions*   [Online]   Available   at: http://www.ecctis.co.uk/uk%20ncp/individuals/Coming%20to%20the%20UK/Regulated%20Professions.aspx
[160]   Fleming, J. (2012) Changing the ways we do business; reflecting on collaborative practice. Police Practice and Research; International Journal 13,375-388.

Box 15: FHEQ framework
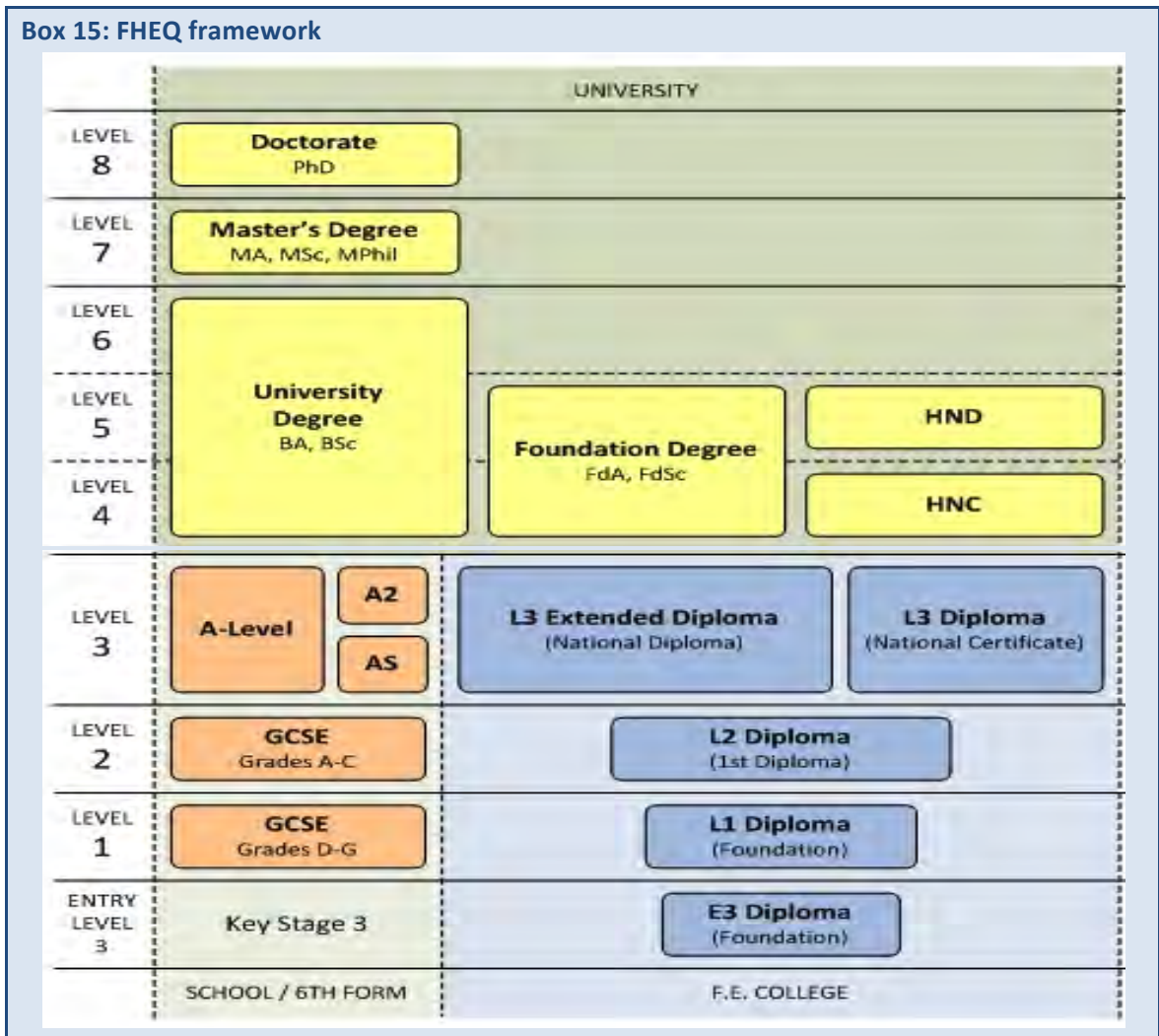
Winsor recommendations

The Winsor report drew attention to the present arrangement through which people may join the Service. Each force runs its own recruitment in compliance with the national framework which establishes minimum qualification criteria and a series of national minimum standards. The qualification criteria are governed by Regulation 10 of the Police Regulation, 2003.

Potential applicants must complete an initial application form with evidence of their competencies in community and customer focus, effective communication, problem solving, personal responsibility, resilience, respect for race and diversity and team working. Candidates scoring the highest are selected to attend the police SEARCH recruitment centre. Candidates participate in a range of job-related exercises, an interview and tests of numerical and verbal reasoning.

There is no mandatory pre-entry qualification. Responses to a consultation through the Winsor review showed that ACPO was in favour of pre-entry qualifications, the former APA favoured a minimum of five GCSEs at grade C or higher, the Police Federation and PSAEW supported the

existing SEARCH process. The 2011 Neyroud Review proposed a new Police Initial Qualification (PIQ) at Level four.

The Winsor review concluded that the police service has recruited from too narrow a stratum of society and that formal intellectual attainment has played too little part in recruitment. It also argued that the lack of formal educational attainment may operate as a deterrent to intellectually able young people.

Box 16: Winsor recommendations on entry eligibility qualifications

Policing today is more complex and demanding than it has ever been. It should be a career and a vocation which is attractive to the brightest and the best in our society, as well as the people of considerable quality who are already part of it. Policing, including its criteria and procedures for entry, should be reformed so that all young men and women of intelligence and character consider a policing career on a par with law, medicine, the clergy, the armed and security services, finance and industry. It should no longer be dismissed, or even unconsidered, by anyone as the preserve of any particular stratum of society, ill-befitting anyone, of whatever background or origin, of good education and high aspiration.

Existing recruitment practices miss too many people who might make highly effective police officers. With few pre-application eligibility criteria, including no academic qualification requirements, forces are overwhelmed by prospective applicants, or introduce arbitrary strategies to reduce the numbers of candidates. Eligibility criteria should be introduced, requiring prospective recruits to hold at least A-level standard qualifications, a recognised police qualification or have service as a special constable or member of police staff.

The best of the police service and the best from outside it should be provided with the opportunity and the means to advance quickly to senior ranks. The police service should take steps to attract the best graduates from the best universities to be its future leaders, and actively to manage their careers. The current High Potential Development Scheme should be replaced with a scheme open to exceptional graduates, police staff and internal candidates, which enables the most promising to progress from constable to inspector in three years (two in the case of serving officers).

By recommending level three entry qualifications, the Winsor report showed that this will actually improve the performance of BME candidates selected through the SEARCH process. With generally improving levels of educational attainment, by 2020 63% of all young people will have obtained level three qualifications.

Post- Winsor Developments

In July 2012 the Police Advisory Board for England and Wales (PABEW) considered Winsor's (2012) recommendations and agreed that from April 2013, an additional qualification should be added to Regulation 10: candidates eligible for appointment to a police force should have either a Level three qualification, or a police qualification (such as the Certificate of Knowledge in Policing (CKP)) which is recognised by the sector skills council (Skills for Justice (SfJ)), or service as a special constable or as a PCSO (or equivalent). The PABEW also decided that a chief officer could exercise discretion in terms of which of these requirements should apply to applicants for initial training in his or her force. In January 2013 the Home Secretary endorsed the recommendations of the PABEW.

In 2012, the College of Policing introduced a (CKP) as a pre-entry qualification at Level three on the QCF. It has been developed from the Initial Policing Curriculum and has 10 Knowledge based assessment modules. Universities offering pre-service policing programmes are required to incorporate the CKP, or harmonize its learning requirement with their programmes in order to give them currency as a pre-service entry programme into a police service. There is thus a further requirement to obtain a licence from the College of Policing in order to gain access to the materials underpinning the CKP. The CKP is accredited by awarding bodies such as City and Guilds, OCR and SfJ Awards. A number of universities are in the process of applying for the College of Policing Licence alongside further education (FE) colleges and private providers.

While a useful step forward, the content of the CKP still falls short of requiring students to understand the key research and social science evidence on policing. The core content has shifted only marginally from the traditional model of law, procedure and some behavioural skills. For the CKP to provide a proper underpinning to an emerging police professional qualification framework, it needs to encompass a substantial treatment of the evidence on the effectiveness and impact of police strategies and tactics.

Outstanding issues

There are a number of key formal stages within initial police training that need to be associated more formally with qualifications and professional status – for example, attestation, independent patrol, confirmation. The timing of attestation varies across forces but is normally very soon after joining. In most cases it occurs before an officer could possibly understand fully what it means to be a sworn officer in any meaningful sense. More thought needs to be given to how individuals can be given the opportunity to perform certain policing tasks prior to being given the full powers of a warranted officer.

The current selection process is entirely independent of any partnerships a police force may have (including potential recruitment) with external education or training partners, including joint pre-entry schemes with further and higher education. Many of these pre-service programmes require students to sign up as special constables. However, when it comes to being selected, each candidate is judged independently of any current position held within a police organisation, and so a special constable may fail the assessment centre (and hence be deemed unsuitable for appointment as a police officer) but still retain the office and powers of a special constable.

Importantly, special constables are sworn officers with the same powers as a serving police officer. It is therefore possible to have a situation in which someone is deemed qualified to have police powers if unpaid, but does not meet the requirements of becoming a paid warranted officer.

Professionalism in policing is now being articulated through reference to a unique policing corpus of knowledge and there is a need for police officers to demonstrate the acquisition of a set of professional reasoning and cognitive skills. The task of 'policing' is no longer an example of a general purpose job, if it ever was, but initial training is still very much geared towards the

'generalist'. All police officers, irrespective of what role they will go on to perform, share the same initial police learning experience.

Figure 8: Suggested model for entry level qualifications[161]:

Professional Status/in-service opportunities	Police Function/Role		Academic Level of Achievement
Support role; no discretionary powers; no powers of arrest. Opportunity to gain employment in policing while undertaking further study to progress to warranted officer status	Initial Employment in Policing (paid or voluntary)		A policing qualification at level three, for example, an amended CKP ← potential point of entry
Linked with the Office of Constable and omni-competence - attestation following demonstration of appropriate knowledge, understanding, skills, attitude & Behaviour. Opportunities to develop specialist and/or supervisory knowledge/practice	General Duties of a Warranted Police Officer		Demonstrates level four learning in appropriate subject matter (recognised and sanctioned by the College of Policing) linked, for example, to a Cert HE in Policing ← potential point of entry
Officer is working in more specialised police and/or supervisory function (at constable or sergeant level). Opportunities to undertake further in-service training/education to develop specialist and/or supervisory knowledge/skills	Specialist policing functions	Supervisory police function (Sergeant)	Demonstrates level five learning in appropriate subject matter (recognised and sanctioned by the College of Policing) linked, for example, to Foundation Degrees, Higher National Diplomas, Higher National Certificates ← potential point of entry
Officer is operating more as a leader at a supervisory level (inspector/chief	Specialist Lead at BCU/Force Level	Supervisory police function (Inspector+)	Demonstrates level 6 learning in appropriate subject matter (recognised

[161] The Commission thanks Dr Dominic Wood and colleagues from Christchurch Canterbury for developing this model

inspector) and/or is a point of contact at a BCU/Force level for officers working within appropriate specialist teams. In-service opportunities to gain further knowledge/skills to develop a supervisory or specialist lead role.			and sanctioned by the College of Policing) linked, for example, to undergraduate degrees, Professional Diplomas ← potential point of entry
Officer is operating in a senior role in a supervisory capacity at Superintendent and above or as a specialist point of contact at a regional/national level.	Specialist Lead at Regional/National Level	Supervisory police function (Superintendent+)	Demonstrates level seven/eight learning in appropriate subject matter (recognised and sanctioned by the College of Policing) linked to postgraduate qualifications, e.g. PG Cert, Diploma, Masters, PhD ← potential point of entry

There is concern that the requirement of an academic qualification could create an unnecessary barrier for those wishing to join the police. This argument is often developed in a particular way that emphasises the potential impact upon the diversity of officers recruited into the police. We are not convinced by this argument. As we stated in chapter four, the police have achieved only a modest success in attracting people from diverse ethnic backgrounds and problems have been identified regarding the cultural bias of the psychometric tests used by police as part of the police application process. There is also a suggestion that parents from some ethnic backgrounds discourage their children from joining the police because it is seen to lack professional credentials (when compared to say, law or medicine). A reasonable assumption is that moving to a norm in which academic qualifications are required would enhance the professional status of policing and make it more likely for parents from these ethnic backgrounds to welcome their children's choice to pursue a career in policing.

Policing is undoubtedly a highly practical and applied occupation that requires skills that are not exclusively academic. These practical components that inform what makes someone a good police officer are of equal importance and recognising the academic qualities of serving police officers is not the same as suggesting police officers need to become more academic. Policing programmes should primarily enhance policing, not produce policing academics.

It seems to the Commission that working towards level four learning and above within policing is necessary if the various attributes required of a police officer, in terms of knowledge, skills, attitudes and behaviours are to be taken seriously. Importantly, academic qualities are

required for a person to be able to demonstrate that they have the appropriate knowledge and attributes to be a police officer.

The Commission recognises that it will take time to realise this recommendation and we suggest a ten year time frame for it to be achieved. Entry requirements should remain broad-based and open to as wide a range of people as possible, but with the ability to develop greater learning within policing. Much can be done now. For example, there is a buoyant market for pre-service policing programmes in universities. There is not a shortage of those wanting to be police officers who are willing to commit their own time and money to studying on an academic programme at a university prior to joining the police. There has been a substantial increase in the number of pre-service policing programmes despite the recent hiatus in police recruitment, and despite the fact that these qualifications are not formally recognised within police services or the police recruitment procedures.

The process of establishing appropriate professional standards for all police roles leads to a transformation in policing, away from a preoccupation on rank, towards a much more explicit focus on the roles performed by officers. This represents a shift towards a form of police authority based on skills and knowledge. The more this happens, the more there is a role to be played by universities in helping the police to develop appropriate levels of knowledge required at various levels of policing and within a variety of policing specialisms. This also reinforces the idea that an individual can attain the required knowledge for a particular policing role, or for generic policing functions, prior to being employed by the police. There are opportunities here on pre-registration programmes for students to begin developing a specialist area of policing from the outset.

However, we would want to emphasise that it is just as important for the police service to draw in applicants from disadvantaged communities as it is for it to build and sustain an ethnic diversity. There has been a largely unhelpful debate about "degree cops".

What the Commission is advocating is a new threshold qualification, which would provide the initial qualification to become a "Chartered" police officer. We are very clear that forces and the National College of Policing will need to ensure that there are a several routes to achieve this qualification. For some, going to a Higher Education institution or Further Education college will be the right route to the qualification. The police service and the National College of Policing must ensure that HE and FE pay careful attention to equal access and consider providing bursaries and grants to broaden access where appropriate. But, equally, others may chose a route via the role of Police Community Support Officer or the Special Constabulary, combining operational learning with part-time study for the qualification. Given the lower threshold for initial entry, these routes should ensure a broad mix of applicants.

Finally, the police service needs to pay careful attention to the way that the new "profession" is marketed to potential applicants. The police service we propose would be a new profession but not an exclusively graduate profession. High quality graduates are very important for the police service, but people joining the police service will not be required to obtain a degree, but rather to meet the new initial qualification, demonstrate integrity and prove that that they have the range of skills required to perform well in this challenging occupation. A wide

representation of skills and social and ethnic backgrounds is, in the Commission's view, an important dimension of the police service's legitimacy.

Leadership

The police service is experiencing a huge amount of change and the context within which policing takes place is itself turbulent (see Introduction). The question the Commission considered was: is the leadership of the service up to the challenges presented by the new styles of working that will be required and is it responding to the exigencies of doing so in a period of financial austerity? In a recent conference paper, the present Commissioner of the Metropolitan Police recognised that the lapses in ethical standards, exemplified by resignation or sacking of chief officers, creates a negative impression that may adversely impact the public's trust and confidence in police leadership.[162]

The Winsor Review[163] concluded that the process for identifying leaders was inadequate. Experiential learning by learning on the job was thought an inadequate method to train officers for the demands of the leadership and management complexities required for a modern police service.

> **Box 17: Winsor on police leadership**
> '..The system of promotion of police officers relies almost exclusively on officers putting themselves forward for promotion. The police service has for too long failed to take proactive and effective steps to identify officers with strong promotion potential and actively to manage and develop their careers. In addition, in too many respects managers in the police service have failed to provide adequate appraisals of officers' suitability for promotion, and have permitted officers to take the promotion examinations even though there are insufficient numbers of available posts. Such a system is both an inefficient use of public funds and damaging to morale in the police service. Leadership training for officers being considered for promotion to supervisory ranks has also been irregular and variable. To the extent that the police service fails adequately to train its supervisors and leaders in the skills needed for management and leadership, it fails itself and the public, who need and deserve the best.'

There has been an on-going debate over the last decade about the appropriate qualifications for leaders and managers. In the evidence taken from the PSAEW we heard that:

> 'The police service has produced some outstanding leaders, at all ranks, and must
> continue to do so in order to meet the challenges [of today]. We would like to see
> a greater emphasis on promoting innovation and instilling a learning culture that
> welcomes informed risk-taking. There should also be more emphasis on leaders
> throughout the service, not just those at the highest ranks.'[164]

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[162] Hogan-Howe, Sir Bernard. (2013) Speech to the International Conference on Leadership and Standards in the Police Service - 14 January.
[163] Winsor, T. (2011) Independent Review of Police Officer and Staff Remuneration and Conditions Final Report – Volume I. London: Home Cm 8325-I
[164] Police Superintendents' Association of England and Wales written submission

Since Victorian times, the main route to promotion has been through an examination that has been heavily dominated by law and procedure. Since the early 1990s the promotion examination (OSPRE 1) has been supplemented by a requirement to pass the 'OSPRE 2' assessment centres. All forces then provide a further requirement that candidates pass an internal promotion board to assess their readiness and suitability. These arrangements were criticised in the Neyroud Review for failing to provide an effective programme of training and qualification for managers. In Scotland, a more specifically management based qualification linked with Higher Education has been substituted for the traditional law examination. Given that it is just as important that managers are professionally qualified in a professional organisation, the College of Policing should give very early consideration to an overhaul of the promotion and qualification structure for managers.

The College of Policing

The Commission received a substantial amount of evidence about the College of Policing and its potential role. We see the development of the College as an absolutely critical part of the future development of the British police service. The Commission regards the independence of the College of Policing as key and considers placing the organisation on a proper statutory footing as crucial to ensuring it is an effective system of governance and accountability in policing. This system is one in which the subservience of the police to elected political governance (see chapter three) is counterbalanced by the separation of police practice and standards. This requires a properly established independent professional body which is accountable to the Home Secretary and to Parliament for its operation.

The Commission believes in building the core role of the College of Policing around the research and development of more effective standards in policing and their dissemination through guidance, advice and training to the service. These standards should form the basis of the required knowledge that police officers and key police staff need in order to perform their role.

It is very important that the right legislative framework required to support the new body is put in place. The present temporary arrangement by which the College has been set up as a company with a single shareholder, the Home Secretary, is unsatisfactory. Rather, legislation should require the new body to register all practitioners in policing and empower it, as with other professional bodies, to oversee the standards of competence and conduct in practice of those registered through its system, including the ability to remove people from the register or require them to retrain or be mentored in improving their practice, as would be the case with for example a medical body or college.

At present the College of Policing has taken over all research, training and knowledge functions from the NPIA with the result that it also has a very substantial role at present in the delivery of training. The Commission thinks it is very important in the medium term, that the core of the body responsible for standards, qualification and registration is separated at the very least by a clear firewall from the direct delivery of training. This was recommended by the Neyroud review.

The Government's view is that police officers may only exercise their powers under the direction and control of a chief constable, so that the College of Policing does not need to duplicate this and maintain a licence to practice register. The Commission disagrees with this, as the register is about competency as well as conduct. The register will be a publically available document allowing the public to see for themselves the qualifications of all those working within the Police Service.

Registration

The Commission carefully considered the extent to which those working in public policing should be embraced by the new body and recommends that all those working in public policing should have either a full or associate membership of the College. Moreover, we believe that there is the potential, as the relationship between the police and the private sector develops over time, for the College of Policing to create a category of membership associate or otherwise which would embrace those contractors who were delivering key services within policing.

Box 18: The Private Security Industry's chartered scheme for security professionals – The Baroness Henig of Lancaster

The private security industry has recently embarked on a drive to raise standards across its different sectors by creating and licensing a chartered scheme for security professionals. A joint initiative in 2010 between the Worshipful Company of Security Professionals and the Security Institute established a register of chartered security professionals, and a working group drew up a list of recommendations for certification, based largely on criteria for chartered engineers.

Successful candidates need to demonstrate their competence in terms of knowledge of the subject, practical skills in security and risk related issues, leadership, communication and professional commitment. They can do this either by citing relevant higher-education qualifications, five years' operational security experience (with at least two years at the chartered competence level), and undergoing an interview including a presentation, or by presenting a career portfolio of security-based activities, with ten years' operational experience (at least half at chartered competence level) and undergoing an interview including a presentation.

The first ten successful chartered security professionals were admitted in a ceremony at Drapers Hall, City of London, in 2011. The number on the register has since grown to around 50. In addition to the Security Institute, other security bodies such as the UK Chapter of ASIS international will be licensed to admit individuals to the register. A registration authority has since been set up to manage the register of chartered security professionals, and is responsible for maintaining standards and practices in the scheme. It is currently headed by Lord Alex Carlile, QC.

In this way current problems with contracted staff - such as those employed in detention centres who are not currently subject to the oversight of the IPCC – might be overcome. The Commission envisages that in future the core requirement for a police officer to police will be

their membership of the professional body and their attainment and sustaining the standard of a chartered police officer. The Commission recommends creating a 'chartered police officer' as the basis of the police profession. A 'chartered' police officer accountable to a strong professional body will improve public confidence and give greater competence and status to police officers and staff. All police officers must register with the College of Policing. Existing officers will be registered under 'grandfather's rights', but all must demonstrate they are properly accredited within five years. This provides a mechanism for continuous professional development and means that those without accreditation will leave the service. The College of Policing will become the authoritative voice of policing and will supersede the need for the Association of Chief Police Officers to serve this purpose.

Registration of those providing policing services raises questions about the relationship between the College of Policing, the IPCC and the HMIC. In short the College of Policing, if fully empowered as the professional body, queries the necessity of two other regulating bodies. In the Commission's view, the College of Policing, once placed on a firm statutory footing, should take responsibility for the competence and conduct of individuals and in particular for their continued ability to practice. We discuss this issue in chapter six.

Much as a health professional would have to appear before a professional standards committee for breaches of standards, the Commission thinks that a police officer and police staff (as well as private contractors working for the police) should appear before a professional practice committee for failures in their standards of policing.

In the case of the police service, the College of Policing will need to ensure that the process of regulating competence is run in a very independent fashion with independent advice. Those whose competence is brought into question would, in another sector, be given the opportunity to re-train and retain their chartered status by meeting the requirements of the competence panel. It seems to the Commission that such a model would provide a strong capability for the Police Service to improve the performance of individual officers, and would embed a culture of improvement at an individual practitioner level.

The College of Policing would therefore also hold and make publicly available the register of all chartered practitioners together with their qualifications and such information about prior misconduct as is important for the public to be aware of. The presumption should, however, be for total transparency rather than the muddled regime of partially open hearings and judgements, which currently prevails. In the light of this, the Commission see a very different role for the investigative activities of the IPCC, though there is still clearly a need for an independent investigator. We discuss this issue in chapter six.

The creation of the College of Policing also raises questions about the future funding of the professional body. There was a debate arising from the Neyroud review of police leadership and training as to whether members of the organisation should pay for their membership. The Commission thinks it vitally important that professionals contribute to their own professional body. There is a need for a membership fee system, however modest, in order to provide a base or core funding for the body which would allow it to perform its fundamental duties of

registration and regulation of conduct. The Commission also see a role for PCCs and the Home Office to contribute and for the professional body to secure revenue by providing services, charging for accreditation and by the provision of training and other services. The Commission is of the view that the professional body requires lines of accountability both to the Home Secretary and to Parliament.

Police and the media

In the summer of 2011 the relationship between the police and the media became the subject of much concern and has led to criminal investigations (some of which are still ongoing), the Leveson Enquiry and the report Commissioned by the Metropolitan Police undertaken by Dame Elizabeth Filkin. The nature of the relationship is well documented in these reports.[165] It is vitally important that the police have, as far as possible, an open and transparent relationship with the media and there is evidence that the police have retreated from this in recent times. The media is essential for informing the public about the work of the police and the consequences of the police not engaging with the media can cause serious problems with ensuring public confidence.

In 2000, whist Commissioner of the MPS, I established 'a new policy for relations with the media' which we as a Commission fully support and believe that, if properly adopted by police forces would alleviate some of the tensions which currently exist. The policy states:

> 'We therefore, need to take a new approach to our working with the media by developing more effective and positive relationships with journalists. This is a job for us all, not just the Directorate of Public Affairs. Over the years, I have seen the Met become increasingly cautious in its media relations and become far too reactive. This cautiousness can breed suspicion and contempt, while an open approach tends to breed confidence and respect. If we are able to gain the goodwill, confidence and support of the general public and achieve our aim of making London a safer place, we need to re-engage with the media and seize every opportunity to be much more proactive. I want to see Metropolitan Police officers and civil staff representing the service through the media, speaking up about their achievements, correcting inaccuracies and just as importantly, explaining why things may not have gone as we would have liked.'[166]

The Commission believes this approach offers the police service a positive framework for engaging with the media. Dame Elizabeth Filkin in her report also made a number of recommendations which the Commission supports. Recommendations one and five are particularly relevant:

> 'A new approach to communication based on more extensive, open and impartial provision of information to the public is needed. Relationships with the media need to be part of this but not the driving force. I recommend that the Commissioner delegates responsibility and resources to a member of his senior

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[165] For a broader discussion of ethics and policing see Westmarland's chapter in Brown, J. Op cit.
[166] 'A new policy for relations with the media'. MPS Special Notice 19-00 September 2000

team to champion a new approach to providing public information. Increasing openness with the public should be monitored through performance indicators.' (Recommendation one)

'The MPS must establish the core principles which should underpin contact with the media. I recommend that contact with the media is permissible but not unconditional. This should be the overarching principle. Police officers and staff need to have new guidance that helps them understand the value of providing information to the public and supports them in making ethical decisions when doing so. Advice on contact with the media is an essential part of this. So are improved training, supervision and appraisal to ensure the principles become embedded.' (Recommendation five)[167]

The introduction of PCCs will have changed the dynamics in the relationships between the police and the media. The role of the PCC and the chief constable are different and clearly one cannot be an alternative to the other. However, one has the power to determine the future of the other. As a result there exists a tension which seems to have created a vacuum where senior police officers no longer feel able to engage with the media and lead debates on the future of policing. The situation is wholly unsatisfactory and a way forward must be agreed.

Recommendations

The Commission welcomes the creation of the College of Policing and believes it has a vital leadership role to play in developing the police into an evidence-based profession. To this end, we make the following practical proposals:

1. The Commission recommends **creating a 'chartered police officer' as the basis of the police profession.** A 'chartered' police officer accountable to a strong professional body will improve public confidence and give greater competence and status to police officers and staff. All police officers must register with the College of Policing. Existing officers will be registered under 'grandfather's rights', but all must demonstrate they are properly accredited within five years. This provides a mechanism for continuous professional development and means that those without accreditation will leave the service. The College of Policing will become the authoritative voice of policing in relation to standards, procedures and training, but ACPO must maintain its position as the voice of the service on operational matters.

2. **The College of Policing would hold and make publicly available the register of all chartered practitioners**

3. The presumption should be for total transparency – **with open, public hearings for decisions on serious misconduct** - rather than the muddled regime of partially open hearings and judgements which currently prevails.

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[167] 'The ethical issues arising from the relationship between the police and the media' Dame Elizabeth Filkin January 2012

4. Police officers found to have committed serious misconduct by the College of Policing board **should be struck off from the register**

5. **The professional body's primary lines of accountability should be both to the Home Secretary and Parliament**.

6. **A Code of Ethics for police officers and staff should be introduced,** following consultation on the current draft produced by the College of Policing, that would set standards of professional behaviour. That includes honesty and integrity, authority, respect and responsibilities to the public.

7. **The relationship between the media and the police must be improved, based on:**

   (a) new media guidelines which re-build trust and confidence and encourage, not restrict, two-way openness and contact; and

   (b) streamlined and minimal requirements to record but not restrict contact with journalists.

8. A publically available register of police practitioners should be created, that will:

   (a) incorporate all those working within public policing; and
   (b) operate different levels of registration according to qualification (ordinary, advanced, chartered) and permit multiple pathways to achieve advanced and chartered registration.

Chapter 6: Improving Standards & Remedying Misconduct

"How to ensure the police are both held to account but unencumbered by bureaucracy"

Introduction

The regulation and oversight of the police is a critical component of an effective policing system. The police are entrusted with a unique responsibility in our civic life to use force, to maintain order and prevent harm, as well as extensive powers to arrest, search and deploy surveillance. These powers require balancing with intrusive regulation, transparent standards of practice and effective oversight. Moreover, studies of the police have concluded time after time that the nature of police work and the police role provide a constant risk of corruption and misconduct. Democracies need to create effective systems of regulation and oversight that not only respond to problems as they are disclosed but proactively deter and systematically encourage good behaviour(s) and improvement. In evidence to the Commission former Home Secretary, the Rt. Hon. Jack Straw MP stated that:

> 'there is a lot of opportunity in the police service for improvement in delivery and one of the things that I think has still not been pinned down properly … is how you raise the performance of underperforming forces'[168]

In this chapter, we look at the strengths and weaknesses of the present arrangements for regulation and oversight through the HMIC and the IPCC. We also consider the impact of the Government's reforms and examine lessons to be learned from other jurisdictions. We conclude with recommendations for a radical overhaul of existing arrangements. It is important to read this chapter and its recommendations in conjunction with the previous chapter in which we develop the role of the College of Policing. In our judgement, the new role for the College is the single most important change in this landscape of regulation and oversight. But its creation demands a root and branch reassessment of the other players.

The history and limits of current arrangements

Inspection and standards

There is a long history to the regulation of the police in the UK. The principal regulator, HMIC, began its work in the mid Victorian times in response to concerns that the rapid expansion of local police forces in the 1830s and 40s had led to problems of inefficiency, corruption and poor practice. The HMIC model has undergone a number of major changes along the way. Initially, it was a very military model of inspection and parade. Through the 1980s it evolved to take in a much greater focus on performance frameworks, with the development of a matrix of

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[168] The Rt Hon Jack Straw verbal evidence

performance. During the 1990s and 2000s, it evolved to take a more intrusive interest in the way in which performance was delivered.

There have been two short-lived attempts to supplement the HMIC's role of regulation with models of intrusive or collaborative improvement. The first such initiative was the introduction by the Labour government of the Police Standards Unit (PSU); a body that was focussed on police performance and methods of driving that performance up, supported by potentially significant powers to take over the running of forces. This produced a number of examples of centrally directed interventions in a small number of 'badly performing police forces'. The interventions proved to be a two-edged sword: while securing extra attention and some additional resources, the tag of 'failing force' proved stubbornly resistant to change in certain forces, such as Nottinghamshire. Furthermore, the over-focus on quantitative performance targets as the yardstick for success or failure accentuated game-playing and a mind-numbing bureaucracy of recording and detecting nugatory events as crimes to drive up increasingly complex statistical tables. There was little evidence that the improved statistics contributed to public confidence and much evidence that the public's confidence in the statistics declined in inverse proportion to their apparent rise.

The second initiative was the NPIA. In contrast to the PSU, NPIA was developed with a more collaborative approach to performance improvement. Its model was much more closely aligned to a business improvement model, working with forces to focus on the ways in which people, process and technology could support the force, combined with how professional standards and support for management could improve performance. NPIA's mission was, however, very diverse and, initially, it struggled to make headway in the face of competition from the PSU, HMIC and, at times, ACPO and the APA. However, although some of the early work was too detailed and bureaucratic, NPIA did lay the foundations of a body of practice standards and underpinning research that was an important foundation for the new College of Policing.

With the phasing out of the Police Standards Unit, the abolition of the NPIA and the Governments' re-emphasis on local accountability, the national performance improvement role has been left largely in abeyance (although the HMIC's own website appears to suggest that the role has, to some extent, now fallen on them). However, as has been the case throughout much of its recent history, the HMIC's business model is framed around inspection and recommendations whose force and impact on the ground varies. Even with improvements in recent years, HMIC's recommendations are rarely costed or prioritised and any force that tried to implement all the outstanding recommendations would rapidly find itself overwhelmed by change management. Moreover, in light of the introduction of PCCs, HMIC's role has shifted significantly. It has gone from an organisation that was responsible for providing the Home Secretary with the confidence that each force was fit for purpose, to an inspector of a small number of national priorities with a specific role in respect of the framework of national priorities set out in the Strategic Policing Requirement (SPP). The latter was seen by the Government as being critical to ensuring the national collaborative effectiveness of the policing framework in the UK. It remains unclear what would happen if the HMIC ever declared a force to be failing in its SPP requirements. However, given that the

SPP is so vaguely drafted, it seems unlikely that this eventuality will occur, raising further questions about the role and viability of the inspectorate, which costs around £13 million per annum.

A further important development is the abolition of the Audit Commission, which has, since the late 1980s provided a national and local audit function for policing. Local audit will become the responsibility of the PCCS. For the national role, it appears that HMIC has assumed the Audit Commission's mantle. HMIC has, as a result of its inspections of the impact of the budget cuts, also taken on the role of ensuring that forces are financially stable. It is not clear how far HMIC is really equipped to undertake such a role based as it is still on a staff largely seconded from police forces from middle management positions.

Misconduct and complaints

The oversight of police misconduct, and the regulation of an individual officer's behaviour, has had a shorter national history than that of inspection. But it has also been the subject of a fairly vigorous debate about issues of effectiveness and independence from the police. The first relatively independent Complaints oversight body, the Police Complaints Board (PCB), was set up in the 1960s. It was introduced in the teeth of resistance from the police. By the early 1980s it had made some but not sufficient headway, something noted by Lord Scarman in his report on the 1981 Brixton riots. Scarman recommended the creation of a much more independent body which led to the creation of the Police Complaints Authority (PCA). The PCA was responsible for overseeing the effectiveness of the police complaints framework in each individual police force, and acquired enhanced powers to insist on certain types of investigation being pursued to the point of a misconduct hearing. However, the PCA did not enjoy the powers to investigate cases itself. It was only with the recommendations of the Macpherson Enquiry, the report into the death of Stephen Lawrence in 1999, that the direction of policy moved towards what in the US would be described as the civilian investigation and oversight of police complaints.

The IPCC was set up in 2004 following the Macpherson Report and was provided with independent powers of investigation undertakes independent investigations into the most serious cases of police misconduct, deaths and serious injuries and other human rights breaches; and has the power to manage or supervise police investigations. It also acts as an appeal body for some locally handled complaints and issues statutory guidance on complaints handling to police forces. In addition, its statutory role involves an obligation to measure, monitor and where necessary, seek to improve the current system. Since January 2012, the IPCC has been responsible for deciding whether any criminal allegations relating to the occupant of the Mayor's Office for Policing and Crime (MOPC) or his Deputy should be investigated. Since their election in November 2012, the IPCC has had a similar remit over Police and Crime Commissioners (PCC) and their deputies. The IPCC is headed by a board of commissioners, none of whom have any prior direct involvement with policing, and has approximately 480 staff. Around 180 of these are responsible for investigations (including

support staff) and 140 are responsible for dealing with appeals and direct contact with complainants.[169]

In 2012/13, the IPCC started 113 independent investigations and it dealt with 6,333 appeals, the majority of which were against the outcome of a local force-led investigation. In respect of most police complaints against the police, the IPCC performs an appellate function. This gives complainants the opportunity to appeal the local police force's decisions and their attempts to resolve their complaint in a case where they are not satisfied. Given that this is a largely paper based approach, it has been criticised for being more of a post box than a genuine oversight function. A number of commentators, including some of those involved in the leadership of the IPCC have observed that the organisation was never properly resourced to achieve the promises that were made when it was created in 2004. Furthermore, although its creation was given a cautious welcome by the Staff Associations within the service, this was on the understanding that the new organisation would remedy the problems associated with the PCA supervised system, such as the extraordinary delays in resolving serious complaints against police officers. However, the IPCC has not been able to overcome this problem, which remains a very serious challenge. The impression was that the PCA was more concerned with counting scalps than with focussing on the key issues. Furthermore, there was the sense that the PCA had added little to the level of public confidence in the system because its powers were so weak that they didn't appear to provide a strong enough oversight.

At the heart of the criticisms of the PCA and the IPCC model is the extent to which any complaints investigation system in policing can be seen to be independent of the police. In an analysis of the concept of independence, in respect of a number of police oversight bodies including the Northern Ireland Ombudsman, Professor Steve Savage[170] has concluded that independence is a complex, significant and problematic issue. Professor Savage argues that police oversight bodies, however independent that they are seeking to be, still require the cooperation of the Police Service to do their job effectively, and a significant degree of police knowledge is necessary in order to be able to investigate in an effective fashion. Furthermore, while independence may seem a simple concept, the necessity of not being 'of the police' is more complicated when considered carefully and due consideration is given to the purpose of independence. Is, for example, the aim of independence to be acting on behalf of the complainant? Savage argues this is not independence, but advocacy. Similarly, is it the purpose of independence to achieve a mutually satisfactory outcome for the complainant and the police force, and the police officers involved? If so, in more contentious cases this is often simply not possible. Likewise, if the end in sight is to expose the objective truth, then this may prove equally problematic in some of the more contentious cases where there are strong emotions, a complex history, and competing accounts.

There is currently a vigorous debate about the effectiveness of the IPCC, whose profile has been raised by the emergence of a series of historic enquiries; in particular the Hillsborough and Savile enquiries which have provided challenges that are simply beyond the resources of

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[169] This excludes the staff specifically recruited for and working solely on the Hillsborough investigation.

[170] Savage, S. (2013). Thinking Independence: Calling the Police to Account through the Independent Investigation of Police Complaints. *British Journal of Criminology,* 53: 94-112.

the IPCC. As a result, instead of these matters being directly investigated by the IPCC they have been investigated by a mixture of the NCA, a chief constable led review with some IPCC oversight, the HMIC, and wholly force based enquiries. The latter has included the inquiry into the so-called 'Plebgate' affair in the Metropolitan Police, which has been the subject of an internal investigation. Furthermore, the Home Secretary has chosen to respond to one particularly long running case - the murder of a private detective in London in 1987 - with a judge led enquiry, quite separate from the existing regulatory and oversight function.

It is extraordinary that the statutory body charged with the responsibility of exercising oversight of police misconduct and complaints against the police has not been the principal organisation investigating many, if not most, of the recent problems that we have alluded to in this Report. The IPCC's solution to that dilemma has been to call for additional resources, to which the Home Secretary has responded by announcing a potential transfer of resources from Professional Standards Departments (PSDs) in police forces to the IPCC, an announcement that has been extremely controversial with local police forces. It has also raised some significant concerns from external observers, and indeed from the IPCC itself, since the original announcement appeared to imply that the transfer of resources would involve members of staff moving from local police forces' PSDs to the IPCC. Any such move would add to the number of IPCC staff previously employed by the police and significantly compromise its independence. Moreover, police forces have pointed out that they themselves would need to replace the staff in the PSDs since they perform a vital function in sustaining the integrity of each local police force, and were largely set up in response to the HMIC's Inspection on Police Integrity in June 1999. The latter, drawing on a wide body of international research, found that police forces required an effective, proactive professional standards capability to ensure that problems were identified early and before major harm.

The proposed transfer of resources, whether individual staff members or budget, to the IPCC, raises a question of what the end game of an effective IPCC would look like. Even if the transfer of resources was very substantial it seems unlikely that it would stretch to the investigation of all 2,000 or so serious complaint cases every year, as that would appear to require staffing of at least ten times the existing staffing numbers, taking the IPCC to the size of a large police force. Given the wider constraints of austerity in policing, which are becoming more and more pressing on each local police force (as the HMIC has recently shown[171]), it seems extraordinary to suggest that the public interest is served by creating such a large resource in the centre to investigate all serious cases.

The debate around the scale and size of the IPCC's resource base and the extent to which it would be required to investigate all cases raises hard questions about the IPCC model itself. It seems inherently unlikely that the IPCC investigating all 2,000 or so serious cases would result in more successful prosecutions of police officers. By the very nature of these cases they are often reliant on the word of a police officer, or group of police officers against a complainant with limited external evidence. The numbers of officers found guilty of serious misconduct in a criminal court, or in a misconduct hearing, has changed only marginally over recent times.

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[171] HMIC (2103). *Policing in Austerity: rising to the challenge.* http://www.hmic.gov.uk/programmes/value-for-money/policing-in-austerity-rising-to-the-challenge/

Even the Home Secretary's addition of powers compelling police officers to attend as witnesses is unlikely to make more than a marginal difference to this outcome, not least because the experience in just about every other major jurisdiction is very similar. It is difficult to secure the evidence to prosecute police officers, and an outcome set in terms of a higher percentage 'success rate' seems unlikely to result in significant change. It is important to consider the framework of regulation and oversight with reference to its overall impact on the confidence of the public in the police and, internally, with the confidence of the police in the fairness of the system, rather than focussing narrowly on the internal equivalent of crime-fighting measures.

Furthermore, given that the public's view of the independence of the IPCC has remained virtually constant throughout that period since 2004, it seems unlikely that the introduction of additional investigators to the IPCC would result in a greater perception by the public that investigations were carried out independently. This would also weaken the infrastructure of police force PSDs, many of which have a strong focus on the prospective investigation of officers who appear to present a high risk. PSDs also focus on the early resolution of complaints as close as possible to the point of the complaint being made, which has been consistently demonstrated to provide the best likelihood of satisfaction for the complainant and for the police officers involved. Expansion of the IPCC at the expense of PSDs seems more likely to have the reverse impact, in that it stands a fairly good chance of reinventing some of the structural weaknesses that the HMIC identified in 1999[172], and reducing the capacity to resolve significant complaints at an early stage.

There is a further fundamental weakness to the current system which has been accentuated by the abolition of the NPIA, and only partially addressed by the creation of the College of Policing, namely the need for the police service to learn rapidly from error, mistakes and misconduct cases. The lack of such a system was one of the most serious weaknesses of the PCA model, where there was consistent criticism from the service about the extraordinary time it took for the recommendations of significant enquiries into, for example, police shootings, to become available to the service in a way that they could be absorbed into practice quickly. There has been a laudable attempt to rectify this with a 'lessons learned' committee, which contains representatives from ACPO, the PSAEW, the Police Federation, NPIA (when it was in existence), and now the College of Policing, the HMIC and the IPCC. From time to time the lessons are published; and a supplement in the 'Police Professional' appears on an occasional basis. However this remains an ad hoc committee designed to bridge the functions of, in particular, the HMIC and the IPCC. There is no systematic approach to learning lessons and embedding them into practice. This problem is compounded when one takes account of other bodies - such as the EHRC - that from time to time have lessons that need to be absorbed by the service, and indeed the powers to investigate and require action.

The regulation and oversight of the police service and its ability to learn and embed good practice remain haphazard and poorly structured. For most complainants, the main requirement beyond the immediate redress of their own position is to feel that lessons have

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[172] HMIC (1999). Police Integrity: securing and maintaining public confidence. London: HMIC.

been learned and that their experience will not be repeated. Such a haphazard approach is a significant problem for the Police Service and the public it serves.

Re-framing inspection and complaints

There is increasing interest in the study of police complaints in moving beyond the issues that dominated the setting up of civilian oversight and independent oversight bodies towards the question of the systems and structures that the Police Service should have in place in order to learn from error. In 2005, Patrick O'Hara[173] applied lessons from other organisational sectors to policing to demonstrate that there is a set of entirely predictable accidents, as he put it, that the police service experience.   He called them the 'reasons' why 'law enforcement organisations fail'. O'Hara's categories of failure are described in Box 19:

Box 19: O'Hara's reasons 'why law enforcement fails'

A normal accident - when complex technological elements malfunction and human operators misjudge what is happening, responding with actions that can accelerate the deterioration of the situation. O'Hara highlighted the potential for this to occur in high speed pursuits in the Police Service.

Structural failures - when operations, procedures and processes with the function according to design leads to failure. An example of this would be the barbecue shootings in Thames Valley where the subsequent investigation report found the systems and processes designed to protect police officers entering a potentially harmful scene had failed to be balanced against the procedures to protect victims.

Oversight failures - when operational supervision and oversight staff fail to detect and/or address organisational conditions that depart significantly from the norm. A recent example of this would be the failure to exercise oversight over crime recording procedures in some forces.

Cultural deviation - when elements of the organisation increasingly operate according to their own standards. The recent findings about problems in the deployment of undercover officers could be seen as an example of this problem.

Institutionalisation - when an organisation increasingly bases its approach to customers or clients on what best serves the comfort or preferences of the employees. The approach of some forces to screening crimes out and victim care in minor crime cases might well be illustrative of this problem.

Resource diversion - when organisational resources end up being used for something other than their intended purposes through illicit schemes, or legal but exploitative manipulations by employee beneficiaries.   An old example of this might well be the Chief Constable of Derbyshire who spent an inordinate sum of money on his own shower and private rooms as opposed to investing that money in the front line of the force.

In a study supported by the NPIA, Jon Shane[174] has applied organisational accident theory to the same set of issues. Shane analysed a case involving the misidentification of a suspect that led to a miscarriage of justice in a volume crime case. He analysed the lessons, and in particular the reasons, why the problem had occurred.

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[173] P. O'Hara (2005). *Why Law Enforcement Organisations Fail.* Durham, NC: Carolina Academic Press.
[174] Jon Shane (2013). Learning from Error in Policing: a Case Study in Organisational Accident Theory. Heidelberg: Springer.

Organisational accident theory is a familiar form of analysis in industry or medicine but has received far less attention in criminal justice. Rather than the more traditional focus in policing on weeding out bad apples or correcting single policies, which has tended to be the approach of most of the UK enquiries into problems in the service, Shane's work shows the need for a much more systematic approach that explores four dimensions: namely, the latent conditions, the organisational factors, and active and passive failures. Shane shows how these conditions have a tendency to interact with each other; highlighting the need for any reviews or enquiries into significant failures in the police service to explore all four dimensions. Furthermore, one needs to do so in a way that looks not just at the acts of an individual, or indeed a group of individuals, which might in itself amount to misconduct and therefore fit into the terms of reference of an IPCC. Rather, one needs to explore the planning, organisation, staffing, direction, coordination, reporting and budgeting of the organisation, or the organisational factors, which are more often the focus of the HMIC.

Within the current UK model these elements are almost consciously separated, coming together only on an ad hoc basis. The result is that in recent times we have seen reports around stop and search issued by the EHRC, the HMIC, and for individual cases and the handling of discrimination within the Metropolitan Police by the IPCC - with only limited connections made between the ensuing findings and recommendations. Moreover, the issue of discrimination in the handling of complaints ended up as an academically run enquiry commissioned by a chief constable rather than a systemic national study commissioned by an oversight body. In short, there is a real danger in the current separated model of oversight of regulatory and investigative activity competing rather than being complementary - each with a distinct and isolated focus. One is through the regulation by HMIC resulting in lists of recommendations, and the other falls to the IPCC leading to the investigation, disciplining and prosecution of individuals. The system process management and leadership issues which are critical to driving the long-term improvement of the problem fall between these poles and are frequently neglected.

A New Way Forward

Once the College of Policing receives statutory underpinning (the measure is contained in the Anti-social Behaviour, Crime and Policing Bill) it will be able to disseminate good practice standards with secondary regulation. This will be in the form of codes of practice and police regulations. These will combine with the College's role in regulating the competence of individual officers through their education, training, and the maintenance of a register of police officers. Taken together, this offers the opportunity for a radical shift in the nature of regulation and oversight of policing in the UK. But the lessons of the past – the competing jungle of what one Home Secretary called the 'alphabet soup' of agencies (HMIC, PSU, IPCC, NPIA, ACPO, APA, EHRC and more) – is that the College of Policing will succeed only if the undergrowth of historic and pre-existing agencies are also radically reconfigured and simplified.

Up to now the standards of practice could be said to be the product of a number of different organisations. On the whole, prior to the College of Policing these standards were the product of the ACPO, in itself an unregulated private limited company which derives its authority from the collective decisions of chief constables. Their perceived intrusion into policy-making provoked a strong reaction from the Government and many commentators concerned about the appropriateness of an unregulated body having the lead on police standards. The resultant transfer of the practice standards to the professional committee of the College of Policing, a transparent publicly regulated company with a level of accountability to the Home Secretary, is a significant step forward. Furthermore, the Home Secretary has already made announcements that the College of Policing will be responsible for the guiding code of ethics and work on applying those ethics in practice.

In any model of regulation and oversight, encouraging and building the self-regulation of the profession and its practitioners is a critical component. Self-regulation plus regulation for compliance and targeted enforcement provides the basis of a model of good regulation. It is therefore absolutely essential in the new world to see the College of Policing as the core foundation of the regulation of the police service, and all those practitioners who are employed and function within it, including private contractors who perform work for the police service under contract.

As we have said in the previous chapter, all those who work within the police service should be registered appropriately with the College of Policing, and their standards of practice registered and regularly tested to ensure they meet the necessary standards for them to be allowed to retain their right to practice. Furthermore, the College of Policing should, as in other sectors, be the body empowered to regulate competence, and to judge whether a practitioner remains competent when, as a result of a complaint from a member of the public, their competence is brought into doubt. Such a model which charges the professional body with the duty to regulate competence is normal practice in professional models.

Having established that the College of Policing should be responsible for the regulation of the individual practitioner and their competence, the Commission then considered whether there remains a need for two separate bodies to inspect the organisation and to regulate the most serious misconduct. The main options we considered were:

1. maintaining the status quo but strengthening the systems and processes to learn lessons and bolstering the capability of the IPCC to deliver faster and effective independent investigation and oversight. On balance, we judged that this was unlikely to produce a significant improvement for the reasons we have set out in detail above;
2. in order to strengthen the existing framework, we considered drawing on the lessons of the US 'Consent Decree' approach, in which the Federal courts are granted powers to step in and impose a legally sanctioned framework of improvement where police forces have fallen below standards (measured against compliance with the constitution). Consent decrees have been imposed on major forces such as Los Angeles and, most recently, New

Orleans. According to the Police Executive Research Forum[175], the consent decree has clearly contributed to change and improvement in individual agencies and more widely across forces. They have also encouraged the development of a pre-consent decree voluntary model of improvement in partnership with the Community Oriented Policing Services (COPS) Office. However, while there are undoubtedly lessons to be learnt from the consent decree model, the approach requires a more interventionist role for the courts versus the executive than we are accustomed to in the UK;

3. the abolition and replacement of the HMIC and IPCC with a single agency responsible for the regulation and oversight of the police. Given the central importance of the regulation and oversight function in providing the basis for identifying systemic processes and learning in a way that ensures improvement follows rapidly from failure, we judge that the moment has come for a radical realignment of the regulation and oversight mechanisms in policing.

We therefore recommend the abolition of HMIC and of the IPCC, and the creation of a new single IPSC. The IPSC should have the following core functions:

1. to ensure that the practice standards set out by the College of Policing are being appropriately applied by individual forces. In this duty, we consider that a power to impose an improvement framework akin to the Consent decree on forces where key standards fall well below an acceptable standard would provide a more active and effective regulation than the current regime of largely toothless recommendations;

2. to ensure that those practice standards are fit for purpose and make recommendations to the College of Policing for any changes;

3. to make judgements as to the efficiency, effectiveness and value for money of individual local police forces, and of the police force as a whole in meeting national objectives;

4. to oversee the professional standards frameworks that deal with individual police forces to ensure that they meet the necessary standards to satisfy public confidence. The College of Policing would have responsibility for managing new 'professional competence and conduct panels', but the IPSC should have the duty to ensure that they are meeting the public interest. We develop this model in more depth below;

5. to investigate the most serious misconduct breaches or to provide oversight and regulation of the police force, or other organisations investigations of misconduct. We envisage that the new body would be 'prosecution authority' for serious complaints and the appeal body for complainants who were not satisfied with lower level complaints and failures of professional standards that would be prosecuted by the relevant chief officer.

In respect of these tasks, the IPSC should ensure that lessons of individual and organisational failures are embedded in practice for the future as quickly as possible and in such a way as to ensure the continuous improvement of the police force. This would be a big step towards building public confidence in the integrity of policing in England and Wales.

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[175] Police Executive Research Forum (2013). *Civil Rights Investigations of Local Police: Lessons Learned.* Washington, DC: PERF.

The Commission acknowledges that this would be a major change. However, we judge that the HMIC model, which has remained largely static even with the introduction of non-Police Inspectors and the Complaints Investigation Model which has evolved from the PCA days, has reached a point where such a change is now required.

Bringing some of the core functions of the two organisations together carries certain risks and will require strong leadership from the Independent Commissioners of the body. We think the following principles should be applied to the transition. Firstly, the Commission should be entirely independent from the police service. We find this feature of the IPCC's organisational structure to have considerable merit. Secondly, that the investigative arm of the body should also be as independent from the police service as possible, but with some embedded experienced policing advisors who provide advice but are not directly involved in the management of investigations. This will help ensure as high a degree of independence as possible, but with strong, practical investigative support. Thirdly, that there should be a managed period of transition between the two pre-existing bodies and the new body. The lessons of the creation of new national bodies are that it takes around three years for the creation of the body to be complete. A plan that sets out that transition in a structured way right from the outset with key milestones is therefore required. This should include the effective transition of staff, the alignment of budgets, and the creation of medium and long term organisational and financial plans as key precursors to the 'go live' date of the new organisation. Fourthly, the new relationship between the College of Policing and the IPSC should be set out in an open and published memorandum of understanding which is regularly reported on to Parliament and adjusted in the light of experience.

In conclusion, we judge that this area – regulation and oversight of police – is ready for a radical overhaul. The future model should be one where the public should expect that the standards of practice and the regulation of an individual officer's competence to practice will be the responsibility of the College of Policing. The regulation and oversight of the police organisation will be for the IPSC.

Competence and misconduct: Modelling the new arrangements

Developing clear and robust relationships and responsibilities between the different parts of the new system is of crucial importance. The Commission believes that the current system suffers from both a lack of clarity and a lack of transparency to the public. There are three types of problem that need to be dealt with: 1) failures of competence or skills that can be rectified by advice, guidance or professional development, but do not require sanction or formal recording. These can be exposed either by supervision or as a result of a public complaint; 2) failures of competence or skills or a misconduct that require sanction, formal recording on the register of practice and a clear plan of action; and 3) serious failures or gross misconduct which are such as to require consideration of resignation or removal from both the office of constable and the register of practice.

The first – failure of competence or skills – is a matter for the force. We would expect them to be dealt with as quickly as possible and as close to the frontline as possible. The action and the officers response should normally only be recorded within the Performance Development

Review (PDR). Where the issue was brought to light by a complaint from the public we would, equally, expect a full and transparent explanation to the complainant, who will have a continued right of appeal (but in the future to the IPSC), where they remain unhappy with the process. We would encourage forces to use restorative justice based approaches as widely as possible, given the strong evidence from research that these are most likely to ensure that the victim, or complainant, emerges satisfied and reengaged.

In the case of a more significant failure of competence or misconduct (two above), we see the central role in investigation and prosecuting the matter lying with the chief constable and the force's PSD. Where an officer accepted the evidence of failure and agreed to a professional development plan, the matter and the resolution would be passed to the College of Policing to record on the register, which will be a public register. Where the officer decided to contest the matter, the force would refer the case to the College of Policing, which would be responsible for convening an independently chaired professional panel of three members.

The IPSC's role should normally be that of ensuring that every force has an effective professional standards approach in place. Where the IPSC judges that a force's approach was below an acceptable, published standard, they would have powers to require specified improvements and to enforce them through the courts or by direct intervention.

Finally, where the matter is a serious one, resulting from a complaint or an investigation (three above), we would expect the IPSC to be notified from the outset, as soon as it clear that the matter is serious. In such cases we would envisage the IPSC deciding upon the appropriate route for investigation – internal, external force, or IPSC – and determining the subsequent disposal, whether by referral to CPS as a criminal matter or to a full powers panel. In serious matters we consider it essential for public confidence that the decisions are taken independently of the force. Likewise it would be the IPSC's decision to refer the case to a full powers panel, which, as with a simple misconduct panel, would be convened by the College of Policing. The full powers panel would be independently chaired, be comprised of five members and hold its hearings in public, unless there are exceptional reasons for a hearing in camera. The College of Policing would ensure that the outcome, where it included a finding of guilt, is recorded on the register of practice.

Overall, the Commission considers that both the register and the full powers panel hearings should be public, unless there are exceptional reasons for not doing so. We do not, however, envisage a tier of appeal panels beyond the panels, as is the case with the present arrangements. As with many other professions, the Commission believes that appeals should be made to the courts.

Recommendations

A spate of organisational failures and scandals over recent years has badly damaged public confidence in the integrity of the police. It is vital this situation is put right. Recent experience has found wanting the existing system which separates the monitoring of organisational

performance from the investigation of police complaints. The Commission suggests a single significant reform to remedy the failings of current arrangements.

1. **We recommend the abolition of HMIC and of the IPCC, and the creation of a new single IPSC**. From the outset the IPSC should create a database with the necessary storage facilities to retain oversight of serious investigations (historic and current) which are or are likely to be of significant public interest. This new agency would hold police forces to account for the delivery of standards, deal with misconduct effectively and efficiently, and ensure all failings are addressed without delay.

2. to ensure that the practice standards set out by the College of Policing are being appropriately applied by individual forces we consider **that a power to impose an improvement framework akin to the Consent decree on forces where key standards fall well below an acceptable standard would provide a more active and effective regulation than the current regime of largely toothless recommendations.**

3. **The College of Policing would have responsibility for managing new 'professional competence and conduct panels'**, but the IPSC should have the duty to ensure that they are meeting the public interest.

4. **We envisage that the new body would be 'prosecution authority' for serious complaints** and the appeal body for complainants who were not satisfied with lower level complaints

Chapter 7:   Structures

"Striking the right balance between the need for the police service to meet both local and national priorities, and the national structures to support that effort"

Introduction

The question of devising the right structure for policing in England and Wales has been a recurring theme of the evidence that we have received. This is hardly surprising given that the structure debate has been a major theme within and among the profession of policing, between policing and government, and in the wider policy network around policing, for much of the last decade. The most important contribution to that debate was the HMIC report written by Sir Denis O'Connor entitled 'Closing the Gap: a Review of the Fitness for Purpose of the Current Structure of Policing in England & Wales.'[176]

The report was commissioned by the Home Secretary, Rt. Hon. Charles Clarke in 2005 in response to concerns about the capability of police forces to meet the challenges of what the report called 'protective services'. These were defined as the more serious and complex end of policing above the level of neighbourhood and local command units. In his report, Sir Denis O'Connor identified three significant considerations that needed to be faced in making the judgment about the structure of policing.

In the future, policing would place a huge premium on intelligence because of the need for police forces to counter threats that were both cross border and transnational. These included crimes such as terrorism, extremism, serious and organised crime, cybercrime and fraud, which were no respecters of the geographic boundaries of local policing. Furthermore, in responding to the perceptions of risk there was an overwhelming need for intelligence. This has sadly been confirmed by recent events concerning the exploitation and trafficking of children and young women (see Box 20).

Box 20: Tackling Organised Crime: Human Trafficking Across Borders – Baroness Mary Goudie of Roundwood

Approved Human trafficking is the second largest component of organised crime, second to arms, and the third being drugs. Human trafficking is a £30billion business with the UK having identified potential victims in over 90 countries. In addition to the sex trade and forced labor, there are also the devastating issues of baby trafficking, where babies are bought or stolen for adoption and body part trafficking, where desperate individuals are paid for organs such as kidneys or eyes and under horrid medical conditions relinquish their organs to be sold in the black market.

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[176] O'Connor, D. Sir.(2005). Closing the Gap: a Review of the Fitness for Purpose of the Current Structure of Policing in England and Wales. London: HMIC.

In 2000 the Palermo Convention was passed. This was followed in 2005 by The Council of Europe's Convention on Human Trafficking and in 2011 by the European Union Directive on Human Trafficking; all these conventions have been signed and ratified by the British government. The ratification of the later two conventions by the British government was the correct measure to take, and has dramatic implications for the British Police Service and international organisations.

Human trafficking is organised crime occurring at local, national and international levels. Public cases and recent publicity have now cast a light on this often hidden issue as a result people are now starting to take the trade of human beings seriously and are learning about the scope of this issue. Furthermore, at every level, this is a cash industry.

An integrated local, national and international policy approach is the only way to eliminate human trafficking. It will take the combined efforts of multiple agencies including banks, border controls, ports, airports and Eurostar to provide the extra resources and necessary skill set required to tackle a problem of this magnitude.

It is critical for each constabulary to become involved in identifying the elements of human trafficking, preparing the evidence from crimes and obtaining successful prosecution. This will require the police to recruit experts from within the UK and ensure that training and funds are appropriately allocated, ensuring individual officers receive training to increase their awareness of this issue and the knowledge needed to know what to look for in and around human trafficking which is not limited to the sex trade for women, girls and boys, but also encompasses enforced labour, which is prevalent in the construction, domestic, and food industries.

We know in the past that there have been problems with the Serious and Organised Crime Agency. We wait to see whether funds and political support will be appropriated for the new National Crime Agency to adequately address this matter. In a time of austerity, it is public services that are the front line for budget cuts with policing, health and education the first to be impacted. Governments are bringing these services to a breaking point. We must make a financial commitment to human trafficking that will in turn provide police forces with the tools necessary for training, development and execution of action plans.

The police require, simultaneously, the capability to deal effectively with local and volume crime – the more obvious aspects of policing and those that tend to dominate local debates about priorities (see chapter one), as well as the complex and volatile threats which are much more difficult to encapsulate than local priorities and performance indicators. As the Rt. Hon. Charles Clarke noted in evidence to the Commission:

> 'the effect of 43 different forces was that there was insufficient attention paid to serious organised crime such as drug dealing, people trafficking and counterterrorism in some parts of the country. I felt it was much more important to get a coherent effort at strategic level ... [and] believe now the case has been made more strongly by the position of economic austerity.'

The need for 'a more efficient, integrated platform above Basic Command Unit (BCU)'.

The BCU was promoted as the basic building block of local policing by the Audit Commission and the Home Office in the early 1990s. Forces were encouraged to create largely autonomous units of local policing and to hollow out their force level support services and specialist teams. In O'Connor's analysis, this strategy had provided insufficient robustness to the 'protective services' to tackle issues of serious harm and complexity that crossed BCU boundaries. He recommended that forces required both BCU and 'strategic force' support and protective services.

Sir Denis O'Connor's analysis follows the logic set out in a series of reports since the 1960s which have raised concerns about the localised structure of policing and its capability and capacity to meet the whole range of policing challenges. Fundamentally that structure was a product of the 1962 Royal Commission.[177] The Royal Commission examined a system comprising no fewer than 158 separate forces varying in size from the Metropolitan Police, which then had an establishment of 20,000 to the Shetland Police Force with 18. There was a serious debate within the Royal Commission and the evidence presented to it favoured a single unified police force. Eventually, however, the Commission concluded that:

> 'the improvements which the advocates of such a change wish to see can be achieved without seriously disturbing the local basis on which the present police system rests and thus sacrificing much that is valuable.'

They also remarked that:

> 'we have born in mind that it is in the tradition of this country to allow institutions to evolve and change gradually, encouraged, guided and supported by public opinion.'[178]

The Royal Commission's work, the consequent Police Act 1964 and the subsequent amalgamations that were undertaken in the late 1960s, and adjusted slightly in 1974 in line with local government boundaries, produced a system of policing consisting of the present 43 police forces in England and Wales and eight in Scotland. The 1962 Royal Commission had had a serious debate about the case for a "'Royal English and Welsh Police' and a 'Royal Scottish Police'. But the majority of the Commission rejected these arguments, which were advanced in a minority report by Dr Arthur Goodhart. Instead, the Commission chose to rely on the tradition of using the MPS as a default national lead force. This made a certain amount of sense at a time when the MPS was under direct governance from the Home Secretary. This approach makes far less sense today, given the devolution of authority over the MPS to the Mayor of London.

In this chapter, we assess the key debates about structure that have taken place in this country and abroad since the 1960s. We do so in the light of the Governments' reforms and budget

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[177] Royal Commission on the Police, 1962
[178] Royal Commission on the Police, 1962. (p.49)

cuts and the likely future financial position of the police service in England and Wales. We conclude by returning to where Goodhart left off in 1962 – namely, to the question of how best to deliver local policing while achieving a more effective strategic, national and international service.

Does police size matter?

Does it matter how large or small police forces are, and if it does, why? Relatively little work has been conducted on these questions. The clearest exception was a substantial programme of research led by Ostrom and Mastrofski in the US in the 1970s which focussed on the advantages and disadvantages of the size of police forces.[179] This research was framed around two opposing arguments. One was a call for the amalgamation of small departments to achieve greater efficiency. The other was an argument that sought greater community control by breaking up large police departments into smaller areas that could be more easily controlled democratically. The 'small is beautiful' argument was evidenced by the perceived advantages of a reduced organisational hierarchy, closer supervision and oversight by elected officials, and a greater emphasis on local priorities. The alternate 'consolidation' argument was based around cost, the ability to deploy resources to deal with the major challenges and the capability to deal with more complex matters. The ensuing studies of different force sizes, and subsequent research carried out by Langworthy and Hindelang in 1983[180], resulted in the classic researcher's conclusion: 'well, it depends.' In this case, it depends upon what one is trying to achieve.

What was clear is that no 'one size fits all' primarily because there was the very obvious requirement to provide policing in very different sorts of communities. On the whole smaller departments tended to be in rural areas with a high degree of sparsity, whereas the larger departments tended to be located in the larger cities where there was a different set of demands and a greater demand for the more complex, specialist responses of the kind that larger forces are better able to provide. The research did not identify any strong causal relationship between size and performance. It should also be noted that in this context, where we talk about a large police department in US terms, we might still be talking about a department that would be only the size of a British basic command unit, whereas a small police department would almost be a neighbourhood policing team for UK purposes.

The Commission believes that this research offers empirical support for the new Peelian principle on which we are resting our analysis of force structures, which states that:

> 'the police must be organised to achieve the optimal balance between effectiveness, cost-efficiency, accountability and responsiveness.'

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[179] See e.g. Whitaker, G.P., S. Mastrofski, E. Ostrom, R.B. Parks, and S.L. Percy. *Basic Issues in Police Performance*, 203 pp. National Institute of Justice, U.S. Government Printing Office, Washington, DC (1982).
[180] Langworthy, R.H., and Hindelang, M.J.(1983) Effects of Police Agency Size on the Use of Police Employees - A Re-Examination of Ostrom, Parks, and Whitaker Journal: Police Studies , 5, 11-19.

Evolving models since 1962

The policing system that O'Connor was analysing in 2005 was not simply one based around police force boundaries. Alongside the development of the BCU in the 1990s, there was also a strong movement to encourage a high level of co-terminosity between the BCU boundaries and the boundaries of other local agencies and local councils. The impetus towards co-terminosity took on an extra dimension with the passing of the Crime and Disorder Act 1998 when the responsibility for crime and disorder locally became a shared responsibility between the local authority and the police service. This created obvious opportunities for greater partnership working between the police force and the local authority and other local services. In addition, at a micro level, at the time when Sir Denis O'Connor was inspecting, the government was also encouraging forces to make significant investment in neighbourhood policing. The neighbourhoods based within the local basic command unit structure, in effect created a four tier system of policing within England and Wales: neighbourhood, basic command unit, police force and national support.

The national dimension of policing had also been evolving since 1962. While the 1962 Royal Commission saw no requirement to create a national Criminal Investigation Department, by the 1970s the need to respond to a growing perception of risk from cross border crimes and organised crime provided a spur to the creation of shared regional crime units. Throughout the 1980s and into the 1990s these units gradually became amalgamated into the National Crime Squad (NCS) supported by an intelligence arm, the National Criminal Intelligence Service (NCIS). In 2005, the NCS and NCIS were replaced with a new organisation, the Serious and Organised Crime Agency (SOCA), which incorporated both the intelligence function and the operational capability of a national unit.

There has been a lot of focus over the last two decades among police commentators on the trend towards nationalisation and central control of the police.[181] There is no doubt that in terms of performance management and force priorities or 'objectives' the Home Office and the Home Secretary have assumed a greater role in the direction and control of local policing priorities. However, it is important not to ignore the equal pressure for greater localisation which gave rise to basic command units with considerable degree of local autonomy and to local neighbourhood policing. It is not true to say that policing had become simply a national organisation by 2005. The picture is more complicated and defies any simplistic generalisation.

It is important when considering policing in the UK to remember that there are three very different policing systems in operation. One, the PSNI has been through a dramatic and radical reform within the last 20 years as a result of the peace process supported by a significant internationally supported Commission. The Patten Commission's[182] recommendations are relevant beyond the island of Ireland. Patten's vision for the PSNI placed a high value not only

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[181] Loveday, Barry and Reid, Anna . (2003) , *Going Local who should run Britain's Police?* Policy Exchange, and Reiner, R.(2013) Who governs? Democracy, plutocracy, science and prophecy in policing. *Criminology and Criminal Justice*, 13, 161-180.
[182] Patten Commission op cit

on local accountability structures and on independent oversight of the police force, but also on training and professionalisation, on ethics, and on building a specifically local focus through local police partnership boards and neighbourhood policing. It is widely perceived that despite all the countervailing pressures, the PSNI has been through a remarkably successful transformation that has replaced the RUC with a police force which enjoys a much greater degree of consensual support across the divide in Northern Ireland.[183]

In Scotland the eight-force model created after the 1962 Royal Commission remained in place, with the addition only of the Scottish Police Services Agency within the last decade. However, from 1st April 2013, a new national Scottish police force superseded that structure. In reactions to this development, there has been rather too much focus on the shift from eight to one and not enough on the way the legislation divides Police Scotland into 32 local units and places a requirement on the force to police at a local level. The new Scottish model will have three tiers: a national police force with national support functions; 32 local units with commanders; and, within those units, 353 local 'neighbourhoods' covering the whole of the country.[184]

Lessons from abroad

The Scottish approach could also be described as the Nordic or Northern European model. Many commentators who have been focused on developments in English and Welsh policing have failed to pay attention to the very relevant and significant reforms going on in the rest of Northern Europe. Norway, Sweden, Denmark, Finland and the Netherlands have all moved or are moving to a single national structure that is remarkably similar to that which the Scottish government put in place north of the border: a single national force, with local units and a form of local neighbourhood policing.

The transformations appear to be driven by very similar considerations: firstly, the requirement to make the police force more efficient; secondly, the need for policing to be more capable in dealing with international and cross border crime; thirdly, a drive to professionalise the force's activities (in each case organisational reforms are being accompanied by reforms of the training estate and structure); and, finally, the need for a clearer relationship between the police force and national parliament and politicians, particularly in respect to national policing priorities.

The push for reform of police structures is being felt, not just in Northern Europe, but in many other parts of the world. In Canada the state, provincial and territorial authorities responsible for policing at those three levels, have commissioned the Canadian Council of Academies to conduct an independent review of Canadian models of policing with a view to recommending reforms and changes to Canadian policing. The Commission has been given a very open brief by Public Safety Canada (the equivalent of the Home Office and Ministry of Justice in England

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[183] See Mulcahy, A. (2013) Great expectations and complex realities; the impact and implications of the police reform process in Northern Ireland in Brown, J. (ed) op cit.

[184] See Fyfe, N (2013) A different and divergent trajectory? Reforming the structure, governance and narrative of policing in Scotland in Brown, J. ed op cit for a detailed exposition of the Scottish model

and Wales) and it is driven by a number of considerations; firstly, a recognition that the burgeoning costs of policing in Canada are not fiscally sustainable; secondly, some serious incidents in recent years which have challenged the perception of legitimacy within the force; and, finally, a sense that the current models are complex and not necessarily geared towards the best available practice.[185]

There is, furthermore, a group of countries with a federal state and written constitution (for example, the US, Switzerland, India and Australia) where the key responsibility for policing does not lie at the national level. In these cases the responsibility for setting the model of policing is at the level of state, province or municipality. The national state takes responsibility only for terrorism and national threat or in the case of the US for the policing of last resort where local police forces appear to be in significant breach of the constitution.

Federal policing models are of potential relevance to the current structures debate because it is likely that the UK is likely to see significant constitutional change over the next few years, whatever the outcome of the Scottish independence vote. For example, as mentioned in chapter three, there is a live debate in Wales about whether the Assembly should assume responsibility for home affairs. If that change were to take place – and it is not within the Commission's terms of reference to express a view on this subject - the UK would have four separate entities responsible for policing; Scotland, Northern Ireland, Wales and England. These developments make it more likely that policing in the UK will in future have to carefully examine, and learn lessons from, federal models – particularly in respect of the division of policing responsibility between "federal" or, in this case, UK-wide authorities and local government and national assemblies. Within our terms of reference, we feel the need to flag up the implications of such changes, whose impacts are not confined to any one part of the UK but will have consequences for the whole structure of law enforcement.

Different models – the 'Policing Web'

It is also important in considering the questions of structure to recognise that the police sit within what Jean-Paul Brodeur called 'the policing web':[186] a complex, interwoven net of public and private agencies responsible for policing and security within any given society. Brodeur and the English historian of policing, Clive Emsley,[187] have suggested that there are three basic models of policing which evolved during the nineteenth century and which underpin all current national policing systems around the world.

1. **The State Military model**: such as the French Gendarmerie, the Royal Irish Constabulary or the Indian Police Service. In this case the policing system springs from a need to sustain security in the State, has evolved from fundamentally military or paramilitary origins, and is controlled nationally.

2. **The State Civilian model**: arguably Peel's original conception of the Metropolitan police was a State civilian model, in that the police in London were accountable directly to the

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[185] http://www.scienceadvice.ca/en/assessments/in-progress/policing.aspx

[186] Jean-Paul Brodeur (2010). *The Policing Web.* Oxford: OUP. See also Peter Manning's chapter in Brown J. (ed.) op cit.

[187] Emsley, C. (2009). Crime, Police and Penal Policy: European Experiences, 1750-1940, Oxford: Oxford University Press.

Home Secretary as its Police Authority until the responsibility was handed over to the Mayor of London within the last decade.

3. **The Municipal Civilian model**: this was the dominant model in England and Wales as Victorian policing evolved and was the model that transferred across the Atlantic to form the basis of the American policing model. Here responsibility for policing lies not at the national level but at the municipal, state or provincial level.

In both the civilian models of policing the police service was set up quite deliberately to be separate from the military. The MPS service and the new police in England and Wales were quite consciously a substitute for the military and assumed from them the role of managing order in society.

In an earlier paper, Brodeur developed an important division between 'low' and 'high' policing.[188] In Brodeur's taxonomy, high policing encompassed the 'invisible' functions of the police responsible for security and driven by the priorities of the nation state. Functions such as intelligence, dealing with organised crime and cyber crime could be seen as central to the high policing approach. On the other hand, visible, local policing functions Brodeur categorises as low policing. This is driven by local concerns and priorities, accountable to local governance, and responsible for order maintenance, road safety, the handling of crime and providing both reassurance and local order. Brodeur and the O'Connor report both recognise that wherever the divide is made between low policing and high policing, the two elements have to hang together. The need for this 'laminated approach' can be seen in the report of the 22nd July events in Norway when Anders Breivik perpetrated his horrific bomb and massacre on Oslo and Utoeya.[189] The report of the event highlights the need for the low policing, whose officers were called to respond to events in Utoeya, to be intimately connected with the high policing world of intelligence and counterterrorism.

Other examples would be, from the UK, the events of 7/7 and 21/7 in London and from the US, 9/11. When the state and its citizens are under severe threat, it matters enormously that policing is not subdivided so deeply that all its parts cannot cohere to prevent critical events and to restore order thereafter.[190] The persistent challenge of creating effective policing structures and policing models that are both accountable locally and capable nationally is the essence of the challenge facing every nation state.

The three parts of the UK have chosen different routes to accomplish that task. In Northern Ireland the military state policing that accompanied the troubles and the Patten reforms that sought to create a more accountable and consensual police force have produced a civilian state police force subject to civilian control and oversight. In Scotland a long history of municipal and local civilian policing has been shed in favour of a state civilian model because of the pressures of finance and the perceived advantages of national capability. In England and Wales, the previously mixed State civilian and municipal civilian model has moved to a

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[188] Brodeur, J-P (1983) 'High Policing and Low Policing', *Social Problems*, 30/5: 507-20.

[189] http://www.regjeringen.no/smk/html/22julikommisjonen/22JULIKOMMISJONEN_NO/EN.HTM

[190] See the essay by John Grieve in Brown, J. ed. Op cit for which presents a detailed argument for this articulation

municipal civilian model for the delivery of most police functions supported by a small national state civilian agency in the form of the NCA. Each of these models has their advantages and disadvantages when judged against four key tests of an effective structure. These are:

1. the extent to which the policing structure is accountable and exists within a clear framework of purpose and mission;
2. the system's capability and capacity to meet risks and needs both locally and nationally, and in particular to cope with some of the more complex and specialist interventions such as child protection, cyber crime and major crime;
3. the economy, efficiency and effectiveness of the system, which given the pressures of austerity, has become a critical criterion; and
4. whether the arrangements between low and high policing, and the other local agencies and organisations both public and private who perform part of the 'policing web', constitute a coherent and effective coalition of effort.

National Standards for Policing

The reference just made to an effective coalition of effort emphasises the fact that an appropriate structure and model of policing in England and Wales does not just depend on the police force. It also depends on the effectiveness of the crime and disorder partnership arrangements, the relationships between the police force and the probation service to deliver integrated offender management, and between the police force and local and national private sector.

However, it also depends on the professional mechanisms that ensure that there are consistent standards, where such standards are operationally critical and the effectiveness of the coordinating mechanism. With 43 police forces in England and Wales, there are frequent requirements to work together to deal with a national or cross border problem that is greater than the capability of the individual local police forces. In the case of standards, as we discussed in chapter five, the role of the new College of Policing is critical. In the past the police service has been open to criticism for having too many practices and policies that were not adhered to consistently across boundaries.

The Commission calls for a smaller body of approved practice that is consistently applied when and where it matters. It is critical, for example, that there is a consistent approach to the police use of firearms, the equipment and training for dealing with public disorder and the ways in which serious crime and intelligence is handled. The requirement to create a consistent body of practice and to ensure that it is coherently implemented across the country is a major task for the College of Policing.

It is equally important that there is an effective mechanism for coordinating the supra-police force requirements for dealing with major events, problems and incidents. At present that responsibility lies with the national coordinating arm of the ACPO. This was subject to a recent review by Sir Dennis O'Connor and Sir David Omand. Their report to the Home Secretary reinforced the importance of such coordination. They debated the options for where the

responsibility should lie and focused their arguments on two options: the Commissioner of the MPS or the Chair of the Council of Chief Constables. They were clearly not wholly convinced by either option and also suggested that, in the long term, it would be worth considering whether the Chief Executive of the College of Policing might be a more suitable choice. The key dilemma lay in finding a Chief Officer who could be seen as sufficiently independent and national in their remit to be able to influence local chief constables, while also being separate enough from localism to take a national view of issues. ACPO, prior to the creation of the full time president role a decade ago, had tried to overcome the localism problem by having an inner group of four chiefs, but this solution seems ill adapted to the greater requirements of national business in 2013. Moreover, it is not, in the Commission's view, desirable for such an important national function to lie within the responsibility of a body whose organisational governance is framed around that of a limited company. ACPO has, for a considerable period of time, been seeking a clearer, more accountable statutory framework and agreement on such a framework is overdue. Whatever the structure is chosen for the future, it is essential that chief officers are provided with a clearer statutory means to coordinate forces. The need to put ACPO on a firmer and clearer footing and provide it with greater public accountability is a necessary concomitant of the approach that we consider appropriate to developing the structure of policing in England and Wales.

Time to act on police structures

We have sympathy with the Royal Commission's exhortation in 1962 to allow institutions to 'evolve and change gradually encouraged, guided and supported by public opinion'. But in respect of police structures, we also need to bear in mind Martin Luther King's maxim that when the need for change is pressing one cannot afford the luxury of taking the tranquilising drug of gradualism. Ignoring the urgent need for change in this area is neither a risk nor cost free option. The answer to the question 'what is the best structure for the policing of England and Wales?' is, according to almost all those who gave the Commission their evidence and advice, 'not 43'. It is a remarkable finding of our work that next to no one supported the current structure. Consider, by way of example, the following submissions:

> 'I don't think 43 separate forces is sustainable.'[191]

> 'We've argued for some years now, that actually to have 43 police forces with 43 chief constables, 43 deputies, 43 headquarters, 43 sets of estates is getting less and less appropriate in the current climate ... what our paper alludes to is a structure of policing that is based on basic command units, commanded by a superintendent or a chief superintendent and is co-terminus with, and identifiable with, local authority boundaries. And that would still give you localised policing, it would still allow you to brigade the resources at a police force level, maybe not 43, but would have that thread leading up to the national policing arrangements.'[192]

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[191] The Rt Hon Jack Straw MP in verbal evidence to the Commission

[192] The Police Superintendents Association of England and Wales in evidence to the Commission

'In our current climate we cannot afford to ignore the question of force structures ... we must ask whether the current structure of 43 forces is either most efficient or most effective. Whilst mergers are off the political table, the suggestion of strategic forces or alliances, perhaps drawing on the work of Counter Terrorism Units, have much to teach us. My own belief is that we should not rule reorganisation out, as long as the neighbourhood policing which for most people constitutes 'their' police retains its steady role as the absolute bedrock of the British model of publically-trusted policing.'[193]

Despite this consensus, we found little agreement on potential solutions. This is largely because, in answering the question, each of our witnesses emphasised different and competing criteria including efficiency, democratic oversight, local responsiveness and inter-operability. Each of these, accorded primacy, will lead in a different direction. Solving this conundrum requires finding arrangements that pay heed to the importance of them all, and the inescapable trade-offs between them, as our new Peelian principle acknowledges. The 1962 Royal Commission also recognised just such a need for compromise between principles.

The O'Connor report gave us a set of proposals for amalgamations of the 43 forces. The final structure would have been around 12 to 14 police forces across England and Wales, most of them comprising approximately 10,000 officers. There are clearly some potential merits economically in a reduction of police forces (we return to this below). But there are also great risks to local democratic accountability in reducing the number of forces unless our proposals for making local policing areas the basic building block of policing are treated as the starting point (see chapters one to three). One of the concerns aired at the time of the proposed mergers in 2006 was the potential cost of change weighed against the potential benefits. It will be very important to see how far the new Scottish police force is able to draw out the benefits of amalgamation from the sale of headquarters, the reduction in ranks and the reduced duplication of functions across different police forces. If the progress of similar changes to brigade specialist functions and shift emphasis to local care in the NHS is anything to judge by, such changes require careful management and clear strategic intent.

Some of these changes have already been put in train south of the border in England and Wales through the process of cross force collaboration. Following the 2005 'Closing the Gap' report police forces were encouraged by the Home Office, as a price for not going forward with the amalgamations, to collaborate with each other and to demonstrate, as consortia, their capability to meet the protective services test that had been set by the HMIC.[194] As part of the latest Government reforms, the Home Secretary has put in place the SPR[195] as a means of embedding a set of national priorities within each PCC's policing plan. It remains to be seen how far the SPR will be successful in sustaining services that the 2005 'Closing the Gap' report had identified as critical to an effective national policing capability.

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[193] Association of Police Authorities in evidence to the Commission

[194] We note however that this also causes problems with one witness advising us that 'times of austerity are driving collaboration in a way that never happened before, but it is ad hoc collaboration, each force is deciding, ... so each force is doing it differently.'

[195] Home Office (2012) Strategic Planning Requirement

In a context marked by severe and continuing financial restraint however changing operational challenges, such as, the growing significance of cyber-based crime, the major changes to the workforce and erosion of neighbourhood policing, it is imperative that bold and clear judgements are made about the future structure of policing. A programme of structural reconfiguration will be a major change for the police service to absorb. But we judge that change is now essential. We have, therefore, considered the structure of the police service against the four levels we have identified:

1. below the force level, in particular neighbourhood and local policing area levels;
2. the force level;
3. between forces; and
4. above forces nationally and internationally.

In some cases, such as our approach to local policing, we recommend that any current or future government should act with expedition. In the case of our more radical suggestions on the national structures of policing, we recommend that sufficient time should be allocated to shape our proposals into a robust model, including a fuller articulation of the costs and benefits before launching a national consultation. The nature and structure of our policing is too important to be left to Whitehall and Westminster alone. It is vital that care is taken to develop principled and robust proposals and that a consensus is built around arrangements for the future structure of policing that can meet the crime and policing challenges of today.

A Future on Four Levels

Below the 'Force' Level

It is quite clear from the evidence that the Commission has reviewed that the most important level in determining the public's confidence in policing is the most local level and, in particular, the level of neighbourhood and 'local policing area' (by which we mean the area coterminous with the lowest level of local government – district or unitary council). This was the key plank of our analysis of democratic governance in chapter three.

Recent research looked at the data from the CSEW in order to assess the relative importance of police numbers and police visibility in determining public confidence.[196] They found that the extent to which police are visible in local areas (by which they meant at a neighbourhood level) had by far the strongest correlation with sustained public confidence. By implication, reducing police numbers at that local level was likely to erode public confidence in the police. As shown in chapter one, research has established the central importance of neighbourhood policing to both reassurance and public confidence. Critical to that public confidence is the level of perceived engagement by local people in the setting of local policing priorities.

The mechanisms that were set in place by the last Labour government in developing the neighbourhood policing programme were designed to encourage a variety of local forums and beat meetings. The growing body of research supporting neighbourhood models suggests it

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[196] Sindall and Sturgis (2013) op cit.

would be worth putting fresh effort into providing a more formal mechanism of engagement at a very local level. The Government has already set a precedent for this in the way that it has encouraged neighbourhood forums to play a role in local planning decisions. It seems to us that a mechanism that could work effectively to plan for local services could equally be effective in setting the priorities of local public safety. Whether that mechanism be within a relationship of a parish council, town council or within a local urban ward seems to us to be worthy of careful exploration and testing.

We also think it is vital that neighbourhood policing is set within a stable and clearer structure of 'local policing areas'. We have deliberately used this term rather than the term BCU because we think the lessons of the last 20 years suggest a need to move away from the Audit Commission's BCU model, which is essentially a semi-autonomous unit within a police force, provided with devolved budgets and all the local services, apart from those strategic services that are based within the force.

The advantage of the BCU was that it made measuring local performance easier. The disadvantage was the duplication of support structures. We are more concerned about providing a local policing structure that supports neighbourhood policing and the local policing of volume crime and anti-social behaviour. This should be undertaken in partnership with the local authority linked to the responsibilities under the Crime and Disorder Act. This was something for which there was very strong support voiced during our regional meetings in Durham, Preston, Leeds and Cardiff.

The most recent reforms of policing, by moving the responsibility for crime and disorder to a strategic force level and making the PCC responsible, has been to the detriment of local CSPs. In contrast, the Patten Commission placed a strong emphasis on the development of the district police partnership board and its link to a local commander. Developing our analysis in chapter two and three, we believe that placing a greater emphasis at this level will give rise to clearer and enhanced local accountability. As we argued in chapter two, this should include a shared responsibility for the appointment of local commanders - shared between the CSP and the chief officer and engaging with local people. Such shared responsibility and engagement should also extend as far as possible to decisions to renew an appointment and to transfer or remove a Commander.

We understand the concerns of chief constables about sharing some of their power to appoint and move local commanders but we feel, on balance, that it is more important for there to be an obviously accountable local commander responsible for an area coterminous with local authority boundaries, whose appointment derives, at least partly, from the local community. We also see this new, embedded sharing of responsibility for policing at a local level as an opportunity for local police commanders and local authorities to extend the sharing of service and co-delivery of community safety.

The Strategic or Force level

In his 2005 report 'Closing the Gap', Sir Denis O'Connor drew on work that had been carried out by ACPO recommending the creation of more strategic forces[197]. We endorse this direction of travel at the force level. Our proposed local structures need to sit within a strategic organisation that coordinates local police forces and provides a level of specialist service to the local units – particularly support services such as finance and ICT and operational specialist support in areas such as firearms, public order and investigations. It could achieve those specialist services either by direct delivery (in this case by the larger police forces) or by shared delivery between local police forces or by contracts with the private and voluntary sector, particularly in the case of support and offender management services. As we will suggest below, this 'strategic force' support could be provided in a number of ways – by an existing individual force structure, by cross force collaborations such as those between West Mercia and Warwickshire, by a smaller number of regional forces or by a single national police force (or separate national forces for England and for Wales).

There is also the possibility that, for financial and operational reasons, some of the existing police forces in England and Wales may wish to amalgamate voluntarily. Hertfordshire and Bedfordshire came close to agreeing such an amalgamation following the merger debate in 2006. West Mercia and Warwickshire appear to be close to such an arrangement, in reality if not in legal fine print, with the amalgamation of support and strategic infrastructure. If the overall philosophy of policing is to decentralise, deferring to strong and independent local forces, then a voluntary merger and collaboration agreement approach has much to commend it. However, the voluntary approach seems unlikely to produce significant or rapid change, without real incentives and supportive encouragement, given that there have been no voluntary amalgamations since the last adjustment to police force boundaries in 1974. It would be very important for the new forces created by voluntary mergers to benefit from improved efficiencies, ensuring real gains at local level, thereby improving credibility with local communities. Assistance with programme management, human resource management and ICT merger would also overcome some of the obvious barriers.

Alongside voluntary mergers and collaboration agreements, the creation of the National Police Air Service, which has been a long journey, has highlighted how difficult it is to merge national services within a framework of empowered local decision makers. However, it has also highlighted one other potential route to overcoming the problems of the '43' – the creation of a series of mandated national services. Forensic investigation, the provision of ICT and the support for the vehicle fleet, to name but three, could all be aggregated into national services provided to the local police services. The Home Secretary almost certainly has the powers within existing legislation to develop this approach. Combined with the voluntary merger and collaboration agreements of forces this could be used to change the police structure 'organically' over a five to ten year period.

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[197] ACPO Response to the Green Paper (2005)

Between forces

The key issues for the relationships between forces are the need to share information effectively; to be able to coordinate responses to major events; to be interoperable in communications, strategies and tactics for dealing with such events; and be in a position to tackle problems for which local structures cannot deliver an integrated response. The recent concerns about sexual exploitation and people trafficking of young women across the UK highlight these issues in acute ways.

Ensuring that these issues are effectively dealt with seems to us to be a major part of the Home Secretary's role and the SPR confirms that. It is too early to say whether the SPR will prove to be an effective framework. It is important to find this out and we would strongly encourage a substantial, independent reassessment of the state of protective services following on from the O'Connor report in 2005. It is critical to take stock of where England and Wales are following the significant reductions in resources due to the most severe budget cuts in the police service's history, the development of collaboration, and the arrival of the PCCs.

Such a review is also important given a major test of interoperability which is looming. By 2020, the police and emergency services will need to have adopted a coherent approach to the renewal of the current Airwave contract for the provision of communications to the service. The challenge of dealing with this contract has become much greater as a result of the government's reforms. The original contract was a tortuous and delicate one to negotiate and a number of police forces found difficulty in signing up because it offered limited advantages over their existing infrastructure. For the vast majority it was a huge improvement and for the nation as a whole it has offered an emergency services system covering police, fire and ambulance and 400 other sharers that created an interoperable platform for dealing with critical incidents and cross border work. However, as the contract's point of renewal approaches the greater emphasis on localism (with the consequence that one has to reach agreement with 41 PCCs at a time of stretched budgets) seems likely to stretch to breaking point the existing mechanisms for coordination.

Above forces and beyond

The major development above the force level in England and Wales is the creation of the NCA, which was launched in October 2013. The NCA supersedes the existing organisation, the Serious and Organised Crime Agency (SOCA). It provides for the first time an organisation overtly responsible for being 'the National Crime Agency' for England and Wales. However the Serious Fraud Office remains outside the structure for the time being. Cybercrime and fraud are divided among a number of different players. There has been an on-going debate as to whether counterterrorism should be part of the new organisation and the Bill seems likely to contain enabling provisions. We support the development of the NCA model and consider it important that it is given a chance to build its capability effectively. The experiences of SOCA and the NPIA highlight that such bodies require at least two to three years to be properly established and as such it would be disastrous if rapid evolution or organisational change followed imminently. As the Royal Commission said in 1962:

'we would encourage the institution to evolve and change gradually, encouraged, guided and supported by public opinion and in this case by the politicians responsible for its direction and accountability.'

Box 21: Mr Khoo Boon Hui, President of INTERPOL from 2008 to 2012

International police cooperation plays a key role in addressing the threat posed by transnational crime– ranging from international terrorism, illicit drugs, organised crimes, illicit trafficking of humans and goods to the misuse of technologies in cyber space. As criminal organisations become more sophisticated and pervasive, fuelled by new technology, globalisation and geo-politics, they will not hesitate to take advantage of global gaps in policing. Police forces must therefore cooperate in areas beyond intelligence exchange and solving crime. They must also understand the socio-political conditions of countries where transnational crime stems from, and support the source countries' efforts to eradicate crime. Advanced police forces such as those in the UK can play a key role in providing thought leadership and capacity building, and ensuring the development of such efforts.

The UK recognises the need to ensure that its local agencies are able to cater to citizens' needs. At the same time, it has recognised the need for a national agency to leverage on international resources for prompt and coordinated responses to international threats and has reconstituted its national crime fighting agency to form the National Crime Agency (NCA) to explicitly embrace a 'Local to Global' response. It offers a coordinated and prompt response to international threats and through its vast network of overseas liaison officers offers a cost-effective engagement mode.

In capacity building, through training, attachments and sharing of best practices, British policing can play a key role in enhancing global policing standards. However much of the expertise lies in the individual police forces which may not have the resources to respond to requests for assistance. A coordinated national approach is likely to be more cost-effective.

The same argument can be made in the development of cutting edge technologies, which may need the private sector's involvement. This is because today's criminals are sophisticated, intelligent and technologically savvy and policing needs to move in tandem with global developments and leverage on technology to combat criminals.

By offering a more coherent and compelling voice at the global level, British policing will continue to exert its positive influence on international policing and thus contribute to a safer world and a safer Britain.

Options for a future structure

The evidence that we received and the challenges of finding a consensus on structure, encouraged the Commission to return and revisit the idea debated by the 1962 Royal Commission – a National Police Force. Our review of the reforms, adjustments and readjustments to the 1960's settlement of policing has shown that despite there being at least half a dozen major episodes of reform since 1962, none of them, apart from the O'Connor review, has had the courage to address the question of structure. Yet, the reforms in Scotland, which have led to the creation of a single national force, Policing Scotland, have provided clear encouragement to return to the issue. The folding of eight police forces into a single force,

with a radical slimming of senior management, but with a reinforced local structure, is no longer an experiment but a reality. Similar change has been happening across northern Europe, most recently in the Netherlands, with similar drivers of economy, efficiency and local, national and international effectiveness.

Recent developments in collaborations between police forces have also underlined the apparently irresolvable tensions inherent in expecting a 43-force structure with a new localism agenda to deliver wider efficiencies and effectiveness through collective efforts. Despite the intense pressures of austerity, the HMIC's most recent report has expressed clear frustration at the relatively slow progress of collaboration and some evidence of retrenchment. While some PCCs have pushed forward, others have withdrawn from pre-PCC arrangements. In some cases this has left partner forces with renewed financial pressures or operational gaps. Furthermore, as the National Audit Office has observed, national procurement has not made the headway required to deliver significant savings even in basic areas such as the provision of uniform. It remains to be seen whether the 'Police ICT' company can achieve credibility or indeed rationalisation of IT procurement, but the conditions on the ground – more than 43 decision-makers with conflicting budget pressures and priorities – suggest that this is highly unlikely.

The Commission believes that it is difficult, even impossible, to sustain the argument that 43 police forces is the most economic, efficient or effective way to deliver strategic policing support and protective services to complement the local policing structure that we have set out. Given that there seems no prospect in the foreseeable future that policing will be operating in anything other than a very tight fiscal environment, we judge that this is the moment to consider more radical options to create a sustainable future structure and delivery model. We are of the view that any future government taking office in 2015 will be duty bound to review the alternatives we set out especially given the likely fiscal position and the limited ability of a structure designed in the 1960's to meet twenty-first century challenges.

Such arguments have tended to be countered by proponents of localism who contend that any such reorganisation would lose touch with local people and suffer from a democratic deficit. However, our recommendations on structures must be considered in the light of the proposals outlined in chapters one to three, where we argue for a radical localisation of policing. In the Commission's view, 'local policing areas' (aligned with the lowest tier of local authorities) should be the basic unit and key building-block of policing. In that context, underpinned by a new legislative framework, we have concluded that there should be renewed and serious consideration of the idea of transferring the strategic support and protective services role performed by the 43 forces to a new structure, either a much smaller number of larger, strategic forces or a new national police force (or two national police forces one for England and one for Wales). If the national police force is preferred then the new force(s) would be accountable to a NPB, to the Home Secretary and to Parliament (or the Assembly). In any future shaping of the force, a number of key questions would have to be confronted.

1. **The nature of the relationship between the 'local policing areas' and a larger force:** there would be options to allow the primary responsibility for local policing to rest at local

authority level and under the oversight of local democracy. This has the attraction of removing another tier of accountability. Equally, the strategic forces or national police force could, as is the case in Canada with the Royal Canadian Mounted Police, provide the local policing service under contract to the Local Authority. A contractual relationship might provide the opportunity for choice and some element of competition thereby encouraging innovation and local experimentation. However, the key would be to maintain a set of national standards that would ensure consistency on critical functions and core service delivery and inter-operability.

2. **The special needs of policing London:** Maintaining the MPS as a strategic force, because of its special status in the metropolis.

3. **The relationship between the strategic forces or the national police force and the NCA:** this would need to be carefully debated. Some might argue that the NCA would fold into the national police force, but, given that the NCA provides a UK-wide capability to coordinate the UK state's approach to serious and organised crime, while the national police force would be responsible for England (and Wales), the NCA should remain separate and a UK institution. In this context, it also makes sense for the NCA to take on the responsibility for UK wide policing of terrorism and security.

4. **The relationship between the College of Policing and the strategic police forces or national police force:** the College, as the professional body, would, in our arguments set out above, be responsible for the registration of all practitioners in policing, their regulation and the standards to which they work. Given the framework we have suggested for a national police force, we think that the College should stand as a separate, independent organisation.

Our analysis of the options for the future starts from the firm assumption - outlined in chapters two and three - that the primary responsibility and accountability for local policing should be devolved to 'local policing areas'. These are the basic building blocks of effective and legitimate policing. With this starting point, the options for a future structure becomes a debate about the most effective arrangements for delivering strategic support and protective services, including such functions as specialist firearms and public order support, major and serious crime investigation, strategic roads policing and cybercrime policing. These functions, as opposed to local policing functions such as neighbourhood policing, are not fundamentally dependent on the policing of bounded geography. **We believe there are three serious options for finding a path out of the current impasse.** We have called these the 'locally-negotiated mergers and collaboration agreements', 'regionalisation' and 'a national police service' options.

> **(a) Locally-negotiated mergers and collaboration agreements: actively encouraging forces to group together and supporting voluntary amalgamations, enhanced cooperation learning best practice lessons from the bottom-up ;**
> **(b) Regionalisation: A coordinated amalgamation into approximately ten regional police forces;**
> **(c)National Police Service: The creation of a single national police service (Police England and Wales) or two separate forces (Police England and Police Wales).**

The Commission believes that change is essential and that all three approaches deserve serious consideration. This is especially so when considered in the light of our proposal to make local policing areas the foundation stone of our model of policing – a measure that will radically localise British policing. **We recommend therefore that detailed proposals for structural change, including the locally-negotiated mergers and collaboration agreements, regionalisation and a national police service options are produced and that a wide ranging consultation is undertaken with a view to securing swift implementation.**

Additional Considerations: national critical incidents and terrorism

In the event that the chosen model is a national police force, it would seem clear that a future national commissioner would be charged with this responsibility. However, a lesson from the current arrangements is that there is also strength in ensuring a wide national engagement in owning the problem of national coordination. Simply creating a single force would not, of itself, achieve this. Whatever the new structure, a strong collective model, which is currently the role of ACPO, has considerable benefits in providing a wide range of views and skills.

On the other hand, it is also clear that ACPO cannot continue in its current form. It is not, in the Commission's view, desirable that such an important national function lies within the responsibility of a body whose organisational governance is framed around that of a limited company. ACPO has, for a considerable period of time, been seeking a clearer, more accountable statutory framework and it would seem overdue that such a framework is agreed as part of the decision about a future structure.

Box 22: ACPO's operational role: Sir Hugh Orde, ACPO President

The focus of policing is primarily local but there are important areas where Chief Constables and their forces need to act together to protect the citizen and provide value for money. The National Crime Agency acts at the national and international level to tackle serious and organised crime, while the new College of Policing has assumed responsibility for developing and delivering national training, standards and guidance.

But within the British model of policing based upon operational or constabulary independence, coupled with strong accountability, there remains a place for the *operational* coordinating role played by the Association of Chief Police Officers (ACPO), as a part of a national structure which maintains a uniform police service against a backdrop of independent police forces. National coordination of operational policing relies on this structure in areas including counter-terrorism, vehicle crime, ballistics intelligence, criminal records management, disaster victim identification and wildlife crime. The National Police Coordination Centre, which coordinates and provides support to local police forces when required, also operates with the agreement of local police forces through ACPO.

Policing doctrine and guidance has long been developed at ground level through practitioners under chief officer leadership – 'bottom up' rather than 'top down' – but the College of Policing formalises such roles, drawing its membership from all in policing. Encompassing the whole of policing, the College of Policing cannot represent police leaders as ACPO does or allow itself to become 'ACPO by proxy'.

The office of President of ACPO is recognised under statute by the Police Reform Act 2002. The organisation serves police accountability and legitimacy by providing a national voice for operational police leaders and it supports Chief Constables' Council, which supplies the collective decision making on which common approaches, standards and guidance depend. For a system based on local forces to continue adequately to meet the needs of the time, the case for supporting and strengthening the links between forces far outweighs the costs. Given the devolved nature of British policing there is no body other than ACPO which can provide national operational coordination.

Whatever the chosen structure is, it is essential that chief officers are provided with a clearer statutory means to coordinate policing and a mechanism to ensure that when an emergency is significant enough for the Chief Officer Briefing Rooms (COBR, often referred to as COBRA) coordination to be triggered, the police service is properly represented by an individual or organisation which has the power to act and the support of Chief Officers to do so.

A parallel dilemma arises with the coordination of Counter-Terrorism (CT) activity. The Home Secretary has already opened the debate about future CT arrangements by suggesting that CT should, at some point in the future, move under the NCA. The Commission can see a natural logic to this proposal but, given our comments about the necessary time for the NCA to get properly established, regard such a move as reckless in the short term. Furthermore, the relationships between the Security Services and police CT is so vital to national security that any migration of CT to the NCA would need to be managed as part of a shared programme. Careful consideration would need to be given as to how CT would remain a central part of the responsibility of all local policing areas and of the strategic police forces or national police force. It is one of the strengths of the UK response that we have managed to create an approach to CT that it is embedded at all levels of policing, rather than it being a mystery shared only by a security apparatus. Neighbourhood policing is central not just to local delivery but also to an effective approach to CT. However, it is worth rehearsing how this network has been developed organically in response to threats and lessons, rather than by legislation or a specific design at a moment of time.

Box 23: Policing and counter-terrorism - John D Parkinson OBE, M.St. (Cantab), Comp. I.M.S., former Chief Constable and Head of Counter Terrorism Unit, ACPO TAM
Tackling terrorism has been a key aspect of policing in the UK since Victorian times, primarily from Irish Republican origins with the 'troubles' in Northern Ireland spilling over into the UK mainland targeting government, business and the military. The police and intelligence agency structures had evolved over many years to deal with these threats and attacks, but essentially the only responsive capability came from within the Metropolitan Police with local intelligence being handled by individual Special Branches in forces.
The events of 9/11 significantly shifted the focus to international terrorism. Working through the ACPO business area responsible for counter terrorism and allied matters (ACPO TAM) Regional Intelligence Cells (RICs) were created across the nine ACPO regions with a central 'National Coordinator of Special Branch' (NCSB). The Security Service developed relationships with the RICs and intelligence coordination improved significantly. The investigative response

to terrorism remained primarily in London, but a network of regional Counter Terrorism Senior Investigating Officers was trained and local capabilities were developed.

Following several foiled planned attacks in the UK, the London bombings of July 2005 provided evidence of a need for a step change. The new approach built on the neighbourhood policing model, supporting and protecting local communities with additional locally available specialist resources. A joined up network of Counter Terrorism Units (CTUs) and smaller Counter Terrorism Intelligence Units (CTIUs) became 'hubs' strategically placed across the UK effectively replacing the previous arrangements. The CTUs gave regions a full police CT capability working directly in partnership with the Security Service who had already embarked on establishing a regional footprint.

Alongside this, the Home Office had established a national counter terrorism strategy called CONTEST, which set out a multi-agency approach across the four strands of Prevent, Prepare, Protect and Pursue. This enabled the nascent counter terrorism structures to develop operational strategy, tactics and governance arrangements around a framework that other agencies were already familiar with. The Security Service and other intelligence partners were linked closely to the new police structures.

There was substantial additional investment in CT policing. The Home Office based Office for Security and Counter Terrorism was set up to provide the oversight and scrutiny of the working arrangements across organisations in this domain and the additional investment. The mechanism for achieving this in the police remained with the ACPO TAM Business Area in conjunction with individual police forces. This included the agreement of a 'Lead Force' approach, whereby these national assets were 'housed' within strategically placed local forces in the Midlands, North-East and North-West. This was designed to maintain the connection between the national and the neighbourhood. Coordination takes place through strategic national leadership focussing on the strands of CONTEST and in an operational context through established executive arrangements. Although constitutionally Chief Constables have direction and control of operational policing in their area, Chief Constables, through agreement at Chief Constables' Council, have accepted that the specialism and resource required to effectively deal with terrorism cannot be done by one force or organisation alone. Operating protocols have been established that formally acknowledge the national coordination and response by the Senior National Coordinator Counter Terrorism (SNCCT), which has been agreed as a role based within the MPS at Deputy Assistant Commissioner level.

The Strategic Policing Requirement introduced in 2012 reinforces the responsibilities expected from individual forces to meet the demands from national threats such as those CONTEST is designed to address. The need for responses to CT incidents to be highly coordinated and appropriately resourced has also meant that in this area local Chief Constables and the PCCs have been provided with clear direction on the requirements that they need to meet. This includes training and accreditation and national and regional Joint exercising led by the OSCT. Interoperability is critical to the police CT network. This includes the training for investigators, equipment supplied, forensic evidence recovery, intelligence gathering and local engagement officers through to senior officers involved in the direct command of the most high threat critical operations.

The importance of coordination, standards, interoperability and sharing of information between police forces and other agencies in a secure and consistent are common between CT and tackling serious and organised crime, where the application of common approaches is less

well established. The arrangements for tackling terrorism have required significant investment, a substantial ceding of local operational control and a high level of national coordination. Managing the tensions between these and local police forces that are under huge financial pressure is unlikely to get any easier.

The current arrangements remain, at least partly, a compromise between a national structure to tackle a national and international structure and the need to recognise the existing 43 force structure. CT has, in reality, already moved far away from that structure and a considerable distance towards a regionally based national approach, which should be readily aligned to either a more regional or a national policing structure.

Recommendations

1. The Commission found broad agreement that the present structure of 43 separate police forces for England and Wales is no longer cost effective or equipped to meet the challenges of organised and cross-border crime. In a world of greater mobility and fiscal constraint the model is untenable. **However, there is little or no consensus about a better alternative arrangement.** Against this backdrop, the Commission makes a clear recommendation that change is essential and believes there are three serious options for finding a path out of the current impasse, namely:

   (a) Locally-negotiated mergers and collaboration agreements: actively encouraging forces to group together and supporting voluntary amalgamations, enhanced cooperation learning best practice lessons from the bottom-up ;
   (b) Regionalisation: A coordinated amalgamation into approximately ten regional police forces;
   (c) National Police Service: The creation of a single national police service (Police England and Wales) or two separate forces (Police England and Police Wales).

We recommend therefore that detailed proposals for structural change, including the negotiated mergers and collaboration agreements, regionalisation and national police service options are produced and that a wide ranging consultation is undertaken with a view to securing swift implementation.

Chapter 8: Resources & Efficiencies

"Management of resources and the efficiencies to be found to get the most out of police spending"

Introduction

When considering the financial implications and potential for efficiencies by the police service in England and Wales, we need to keep in mind our re-formulated Peelian principle that: The police must be organised to achieve the optimal balance between effectiveness, cost-efficiency, accountability and responsiveness. The present fiscal climate means that the police service, like many other public sector bodies, is experiencing a real term cut in its funding. There is no scope at present or in the immediate future to buy in solutions or buy our way out of problems. The Commission has tried as far as possible to make recommendations that are cost neutral, or will permit re-directing of present funds.

We note the considerable work undertaken by HMIC in reviewing the service's response to spending cuts[198]. On balance most forces seem to be in a position to balance their books by the end of the spending review period, although five forces will find this difficult to achieve.

We consider the extent and effectiveness of collaborative and partnering arrangements as a means to secure efficiencies and save money. The Commission notes HMIC's assessment in which 'deep disappointment' was expressed at the progress of collaboration[199]. Forces are making less than 10% of savings by collaborating with other forces, local partners and the private sector. Further, the Commission shares the frustration shown by the House of Commons Committee of Public Accounts with police forces' apparent intractability in both making data available and in user friendly formats to enable comparative unit costs of equipment to be made.[200]

We tackle the difficult and troublesome areas of information technology and forensic science. These are vital services for the conduct of efficient and effective policing. The Commission notes the thorough work undertaken previously by the House of Commons Home Affairs Select Committee[201] and the Science and Technology Committee whose enquiries together with the reports by the Comptroller and Auditor General on police procurement and mobile technology[202] present a woeful picture of inadequacy and failure in information technology

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[198] Adapting to Austerity: A review of police force and authority preparedness for the 2011/12-14/15 CRS period, HMIC, July 2013; Policing in Austerity: one year on, HMIC, June 2012; also its reports Mind the Gap and Closing the Gap published in 2005.
[199] HMIC (2012) Increasing efficiency in the police service; the role of collaboration
[200] House of Commons Committee of Public Accounts (2013) Twenty-first report of session 2013-14 on police procurement. HC 115
[201] Home Affairs Select Committee 2011 New landscape of policing; Science and Technology Committee (2013) Forensic Science report vol I published 25th July.
[202] National Audit Office (2013) Police procurement: HC 1046 Session 2012-13; National Audit Office (2012) Mobile technology in policing. HC 1765 session 2010-2012.

("IT") and forensic science services. We note these concerns and the importance of being able to learn the lessons from their criticisms.

Finally, we review the role of the public sector in the delivery of policing bearing in mind our re-stated Peelian Principle: Policing is undertaken by many providers, but it remains a public good. In this chapter we lay out a series of public interest tests we consider need to be addressed when identifying rules for engaging commercial providers with policing.

The Commission has taken a broad brush approach and has therefore not presented a fully costed plan for procuring and efficiency savings. Instead we have drawn on the projected costings undertaken by HMIC in its report 'Closing the Gap' published in September 2005 and have looked at the Scottish Government's estimated savings resulting from the creation of a national police force for Scotland and also the Dutch Government's projected savings arising from the re-organisation of the police in the Netherlands.

The current position

Brief background

The current economic crisis and the financial implications for the public sector in general has already been the subject of a report by HMIC[203] which states that:

> "The police service, along with all other parts of the public sector, is facing its biggest financial challenge in a generation…The October 2010 Comprehensive Spending Review (CSR) outlined a 20% cut in the central government police funding grant for all 43 forces in England & Wales by 2014/15…. Across England & Wales, [it is estimated that police forces] will need to save £2.1bn cash by 2014/15."

During 2010-2012, there was a reduction of 7% in front line officer numbers across England and Wales – a loss of some 7,000 officers. An overall loss of 30,000 officers is projected by 2014-15. It is likely that even on the slower scale and pace of cuts proposed by the Labour Party, significant savings would still need to be found. Financial austerity is likely to be an important part of the environment in which policing in England and Wales will operate in the foreseeable future. This effectively rules out the option of spending our way to improved service or performance. Police forces are going to have to prioritise their resources more effectively. Figure nine shows the decline and projected reduction in staffing levels.

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[203] Her Majesty's Inspectorate of Constabulary

Figure 9: Police and staff numbers 1995-2015
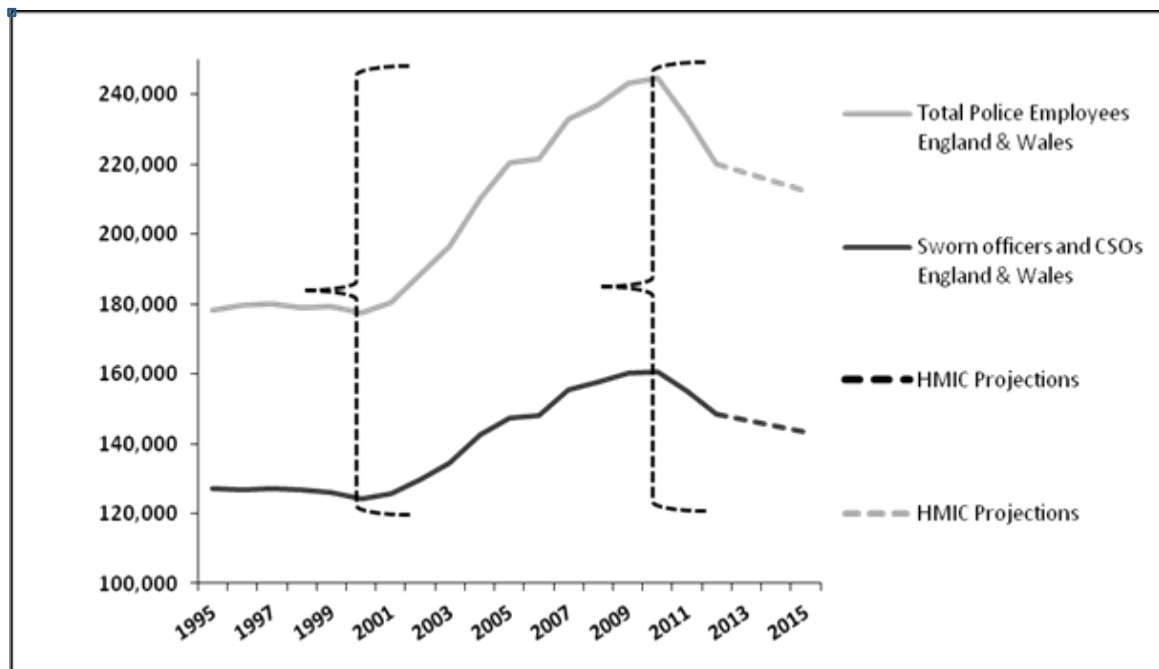
The key elements in financing the police are staff spending and spending on equipment and services. Spend on staffing is being addressed through a pay freeze as recommended by the Winsor Review and reductions in numbers through redundancies or the operation of Police Pension Regulation 19A which permits forces to require officers including and up to the rank of Chief Superintendent to retire if they have accrued their full pension entitlement of 30 years. The substitution of private contractors for police staff and some officer functions has also been introduced to try and affect efficiency savings.

There has been considerable discussion about the use of procurement to make substantial savings in the public sector generally and in the police service in particular. By procurement we mean long range plans to ensure the timely supply of goods and services which are essential to the organisation's ability to fulfil its core objectives.[204] In 1999, the Office of Government Commerce was set up following the publication of Sir Peter Gershon's report, 'Review of Civil Procurement in Central Government'. This was created as a one-stop shop central procurement agency. It has since played a key role in delivering over £8 billion efficiency savings from public procurement through cutting the cost and making it easier for bodies to access existing good practice through framework agreements.

The work that was done after the Gershon review focussed heavily on local and central government, health and fire and rescue services. The police were engaged but not fully part of these processes and indeed it was not until 2008 that the NPIA undertook a spend analysis for policing based on a successful model in the North West. Some of the processes designed to make savings for the police were based on successful outcomes for the local government

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[204] Miranda Carruthers Watt personal communication

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sector and since 2007 there have been a number of improvements within police procurement. However these have not been enough to satisfy the House of Commons Committee of Public Accounts who reported:

> "Despite some efforts by police forces to collaborate with each other, there remains an unacceptable variation in police forces' approaches to procurement. For example, prices paid range from £14 to £43 for standard-issue handcuffs and £25 to £114 for standard-issue boots. Even where items are identical, prices paid vary substantially, for example, by 33% for one type of high-visibility jacket... some items that would clearly suit national approaches, such as uniforms (the Prison Service saved 30% through moving to a national approach for uniforms) are not yet covered by national frameworks because forces have not been able to agree on simple items like shirts and uniforms"[205]

With the closure of the NPIA, non Information and Communications Technology (ICT) procurement was transferred to the Home Office in October 2011. One argument which has been put forward[206] is that the government should move towards a Tesco-style approach in its procurement policy. Such a move towards increased centralisation, made possible by the creation of a national integrated procurement organisation would reduce duplication, increase specialist procurement knowledge and in particular develop a centre of excellence approach which could deal with major contracts, strategic partnering and outsourcing and support major projects. This is in fact the argument at the heart of the creation of the Government ICT Co for Policing. A team of this kind would provide commercial support for policy development and would also be able to specify and to procure both goods and services that were better if they were bought nationally. However such an approach has also been widely criticised. The main issue is that there is an inherent conflict between organisations being able to derive local benefits from spending such as local accountability, flexibility supporting small medium enterprises (SMEs) and start-ups and having the economies of scale and reduced prices which come with it. The House of Commons Committee of Public Accounts noted that the current level of police force procurement from local SMEs stands at some 40% and efforts to improve the effectiveness of the national arrangements should not be at the expense of limiting opportunities for SMEs to be approved national suppliers to police forces.

Funding arrangements

Funding mechanisms for the 43 forces in England and Wales are probably the most complex of any mainstream public service, with at least 20 separate funding elements.[207] The majority of monies are made available to forces by means of a police funding formula (PFF) and in all they contribute just over a third with local council taxes accounting for about a fifth, specific grants about 10% and the Department of Communities and Local Government (DCLG) and the Welsh Assembly Government (WAG) contributing just under a third (see Figure ten).

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[205] House of Commons Committee of Public Accounts (2013) op cit.
[206] Cram, C.(2010) Towards Tesco-improving public service procurement
http://www.marc1ltd.com/downloads/articles/Towards%20Tesco,%20IOD%20Article.PDF
[207] Brain, T. (2011) Police funding (England and Wales) 2011-12. Cardiff: Universities Police Science Institute

Figure 10: Police Revenue funding[208]

Total formula funding	2011/12 £ million	2012/13 £ million	2013/14 £ million	2014/15 £ million
Home Office Main Grant	4,579	4,251	4,515	4,429
National, International, Capital City grant (MPS only)	200	189	185	183
DCLG	3,345	3,151	3,093	3,051
WAG	161	138	149	147
Welsh top up	13	13	20	20
Neighbourhood Policing Fund	340	338		
Counter Terrorism Specific Grant	567	564	563	562
Council tax Freeze grant	75	75	75	75
PCC election funding		50		
PFI grants	54	54	60	79
Total Govt funding	9,341	8830	8,660	8,546

Introduced in the mid 1990s, the PFF relies on population data and differences in costs and adjustments for workload and ostensibly was designed to reflect need. In reality the calculations produced quite dramatic swings in grant allocation so a dampening mechanism was introduced to even out the allocation. Nevertheless, this still produces 'winners' such as Cumbria and Dyfed Powys and 'losers' such as Avon and Somerset and Nottinghamshire. In 2008 HMIC suggested abolishing the dampening mechanism and the present Government is committed to its revision, but have indicated that this will remain in operation for the present. There remains a problem of an excessive swing in grant distribution which has a knock-on effect with regard to the size of cuts or compensating rises in council tax.[209]

The proportion of central Government's contribution to forces varies from 49% (Surrey Police) to 86% (Northumbria Police) from the 2012/13 estimates. Reciprocally this means that the contributions made by council tax vary between 51% and 24%. Each force area raises money to pay for policing through the council tax, i.e. the police precept. In 2012/13 this was around £3 billion. The level was previously set by the Police Authority but now this responsibility has been given to PCCs. As implied above, the proportion of police funding raised by the precept varies with Surrey having to raise the most and Northumbria the least. Moreover, the Secretary of State for Communities and Local Government can cap locally levied tax increases. Under the Localism Act (2011) if council tax is increased by an 'excessive' amount a local referendum can be held.

Given the cut in central government funding from £9.3 to £ 8.5 billion there was a presumption that there would be an increase in council tax contribution of £0.4 billion so that by 2014/15 local taxation would account for 30% of funding (compared to 24% in 2010/11). The newly elected PCCs have tended to raise, or in some cases freeze the precept for 2013/4. In a survey available on the Association of PCCs web page it was evident that 12 forces had frozen the

[208] House of Commons Home Affairs Committee Police Finances 6th report of session 2010-11
[209] Brain (2011) op cit.

precept and 23 had raised the precept from just under 2% to 7%. Freezes were as a consequence of election pledges. Thus it is difficult to see how the projected increased proportion of local funding can be met.

The overall cost of policing per 1,000 population is £225.73 (MPS is the highest at £422.59 and Lincolnshire the lowest at 158.68).

Balancing the books

The Police Service, along with other public sector organisations, faces a significant financial challenge. The October 2010 Comprehensive Spending Review (CSR) outlined a 20% cut in the central Government funding grant for all 43 forces in England and Wales by 2014/15.[210] This translates into the need to save £2.1 billion cash by 2014/15 and varies between forces from 8% to 19% of their budget. Forces that rely more on central government funding will need to make greater cuts regardless of their ability to make them and how far they have already made savings.[211]

Given that 71% of the police budget is spent on salaries and 16% on pensions it is inevitable that some of these savings will have to be achieved by a reduction in the size of the work force. Further reduction on spend will be through reducing goods and services. Just under 20% of police budgets is spent on IT, facilities management, uniform and equipment and Forces plan to make £185 million savings from these budgets initially and by a further £474 million by 2015.[212] Forces also intend utilising £28 million from their reserves. However there is a shortfall of £302 million in the total amount of savings required.

The HMIC, House of Commons Committees including Home Affairs, Science and Technology and Public Accounts have all commented on the difficulties in obtaining accurate information on various aspects of police spend. This is exacerbated by unpredicted demand arising from major incidents to pay for significant increases in overtime or supporting mutual aid. HMIC notes that staffing levels in relation to forces' IT and HR departments vary between 0.7% and 2.7% of total staff. In 2005, maintaining 43 separate IT departments was thought unsustainable by Police Information and Technology Organisation ("PITO" later subsumed by NPIA which was itself replaced by the College of Policing). Variations are evident in forces' expenditures on supplies and services as well as premises and transport costs. Relying on 2005 figures, HMIC estimated that merging two police forces with gross revenue expenditure of £100 million each would save between 1 and 2% of their combined budget.

The Scottish Government undertook an outline business case to cost out the potential savings arising from three alternative models of re-organisation;
1. preserving the eight existing forces with an enhanced national capability;
2. a regional model; and
3. a single national service.[213]

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[210] HMIC (2011) Adapting to Austerity
[211] National Audit Office (2013) Report by comptroller and auditor general HC 1046
[212] HMIC (2012) Adapting to austerity, a year on
[213] Scottish Government (2011) Police reform; outline business case

Their conclusion was that the single national service model affected the greatest savings:

1. Total net present value [of savings] of £1,364 million over 15 years and annual recurring cash savings estimated at £106 million from the end of the programme of change;
2. Requires up to £161 million of one-off transitional investment over the programme of change (compared with up to £145 million for the regional force model) the main investment costs being for programme management, voluntary redundancy, ICT convergence; and
3. Delivers greater quantifiable and qualitative benefits relative to the regional and eight force enhancement model

Figure 11 shows the potential for operational savings and efficiencies available through the creation of a national police force.

Figure 11: Operational savings estimated by the Scottish Government from the creation of a national police service

Function	Potential efficiency £000	Potential saving %	Examples of Efficiency Levers Identified for each function
Local Policing	16,500	3%	• Reduced abstractions • Management de-layering • Rationalised span of command • Reduced support staff
Dealing with the Public	18,000	25%	• Rationalisation / streamlining • Economies of scale
Criminal Justice	6,800	10%	• Rationalisation (custody) • Optimisation of existing contracts • Shared processing • Process improvement
Roads Policing	8,200	15%	• Rationalisation (shared service) • Improved asset utilisation • Management de-layering • Consolidation of training and contracts
Specialist Operations	7,100	17%	• Rationalisation (shared service) • Improved asset utilisation • Management de-layering
Crime/Counter-Terrorism	6,200	3%	• Rationalisation • Centralised intelligence function • Management de-layering • Consolidation of resources and assets
Investigative Support	4,000	14%	• Current target efficiency from SPSA Forensics Modernisation Programme
Support Functions	46,900	23%	• Rationalisation (shared service)
Force Exec	5,100	45%	• Rationalisation within Target Operating Model
Police Boards	2,000	80%	• Rationalisation within Target Operating Model
ACPOS	5,300	100%	• Not required for Target Operating Model
Cross-Functional Savings	27,800	n/a	• Reductions to overtime • Agreed changes to Staff shift allowance • Agreed Removal of SPP adjusted for increases to other allowances[17] • Reduction to excess mileage rates • Removal of some bonus schemes
TOTAL	153,900		

But these figures from the Scottish Government seem far out of scope from HMIC's England merger figures. This demonstrates the need for a proper analysis of what can be saved from these enhanced cooperation, collaboration and merger ideas before thorough public consultation. The gap in the evidence in this area remains patchy data.

On 1st January 2013 the Dutch police became one force under one chief for the whole of the country. There was a reduction from 25 regional forces and one national unit, to ten regional units, one national unit and one central headquarters. The estimated saving in 2013 is just over £25 million, almost £43 million in 2014 and £68.5 million in 2015.

Comparisons of these potential savings to those that might be achievable in England and Wales are complicated by the different sizes of population and ratios of police to population, as well as policing requirements. Nevertheless, these figures do indicate the realistic possibility of considerable savings by rationalising police structures.

Procurement

At present non ICT procurement responsibilities lie with the Home Office. The Home Office assumed responsibility for the Collaborative Police Procurement Programme (CPPP) in October 2011 and seeks to proceed through a combination of mandatory and voluntary procurement arrangements.

The National Police Procurement Hub was funded initially by the NPIA. Forces started paying a subscription to use the Hub at the beginning of the financial year 2012/13. There are currently thirteen forces using it. The Hub is expected to save the service £69 million over the next six years by supporting collaboration across multiple forces and reducing the cost of purchases through their joint buying power and managing suppliers better. So far, 3,700 orders have been placed through the Hub at a value of over £3.2 million. There are more than 900 suppliers. The Hub was intended to streamline procurement and payment processes, improve take up of nationally approved framework agreements, standardise approaches and improve interoperability. The NAO indicates that the level of spending and savings recorded through the hub were below the predicted levels. This is because forces thought original savings were estimated to be too high, integration costs were higher than predicted; some forces found it difficult to integrate their financial systems into the hub. Because take up has been patchy, the hub is not producing useful information on what police forces are procuring. The House of Commons Committee of Public Accounts noted in its recent report on police procurement that only 2% of items were being bought through the hub, compared to the Department's target of 80% by the end of this parliament. The Committee commends to the Home Office the need to develop its evidence base to demonstrate to police forces and PCCs the potential benefits and savings from more collaborative procurement and from using the Police Procurement Hub.

Collaboration and partnering

Some forces have engaged in collaborative arrangements but the achievement and success of these partnerships are patchy. The Chiltern Transport Consortium provides an innovative cross-border shared service which attends to the fleet requirements of the Civil Nuclear Constabulary, Bedfordshire Police, Hertfordshire Constabulary and Thames Valley Police. The

Consortium currently manages in excess of 2,300 vehicles and operates from a main office in Bicester with workshops in Bicester, Aylesbury, Sulhamstead, Kempston and Welwyn Garden City.

Devon and Cornwall Police are part of the Devon Procurement partnership in which a range of public sector organisations engage in collaborative procurement. Southwest One is another public/private joint venture partnership formed in 2007 between Somerset County Council, Taunton Deane Borough Council, Avon and Somerset Police and IBM. The organisation's goal is to improve services and save money for the authorities, through a combination of managing back office and transactional services using a single shared service arrangement, and delivering major strategic projects to transform and modernise the way the authorities work.

Project Athena is also intended to improve levels of ICT convergence. Currently involving nine police forces, it aims to facilitate the sharing of information in four key areas:

1. intelligence;
2. crime investigation;
3. managing offenders; and
4. preparing court files.

Collaboration also occurs through framework arrangements often co-ordinated by a lead force, such GMP on vehicle lubricants.

The NAO found that forces find it difficult to agree common standards and problems which inhibit common purchasing include:

1. Existing contracts with suppliers make changing arrangements too expensive;
2. Existing collaborative arrangements tie forces in and make it difficult for them to renegotiate more beneficial arrangements; and
3. Forces disagree over specifications.

As evidenced in the witness hearings, there is a lot of unease about this method of securing savings:

> 'where we have a problem is that we are seeing far too often contracts and services going out on price, as opposed to price and quality, and you've got to have both ... when people want to outsource issues to do with policing and other parts of the criminal justice system, you've got to make sure that the people that are letting those contracts fully understand the implications.'[214]

> 'I'm not accountable to a Board of Directors and I'm not concerned about the profit margin either, as a shareholder would be ... there are warts within any model [referring to the British policing model] ... but it's one that we have built up over, almost 200 years now and it's one that we shouldn't discard too readily

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[214] Dr Peter Carter in verbal evidence to the Commission

> ... we lose that accountability, we lose a degree of independence as well, if we go
> too far down the road of outsourcing or privatisation.'[215]

Cleveland and Lincolnshire police have contracted out elements of their operational support services including control room and counter services. Savings achieved by Lincolnshire Police were estimated to be £5 million, within the first year, with a predicted £36 million saving over the lifetime of the G4S contract.[216]

HMIC concluded that planned savings from collaborations amount to £169 million or 11% of the savings requirement, although this is hugely variable across forces and will only amount to 17% by 2015. HMIC also notes that public–private sector partnerships have generated considerable debate, which we discussed in chapter two. Risks that have been identified with such arrangements include resilience in the face of industrial action, loss of in-house expertise, contract default or failure, and public attitudes.[217] Later in this chapter, we set out a number of tests that we consider important when thinking about involvement of the private sector.

Forensic Science Services

The Commission is mindful of the considerable work undertaken by the House of Commons Science and Technology Committee reviewing the provision of forensic science services in the aftermath of the closure of the Forensic Science Service (FSS) in March 2012. In coming to its conclusions about the future direction of forensic science provision the Commission has drawn heavily on the work of the Committee, as well as engaging in consultations of its own. The Commission shares the concerns of the Science and Technology Committee.

Forensic Science Service

High quality forensic science services are critical to the investigation of crime and the firm and fair administration of justice. In 2012, forensic science was used in relation to 1.4 million people processed by the police service within the UK.[218]

Established in December 1991, the FSS was the largest supplier of forensic science services to the police and other investigatory agencies. However by 2005 the FSS was turned into a Government owned, Contractor operated (GovCo) service, in an attempt to improve efficiencies and drive down costs. At that time FSS Ltd. held around 60% of market share. Incidentally, Scotland and Northern Ireland retained models of public funding for their forensic services.

Notwithstanding three business plans in 2008, 2009 and 2010, these failed to stem the flow of the FSS's operating losses – latterly said to be of the order of £2 million pounds a month

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[215] Verbal evidence given by the late Paul McKeever
[216] Annual report of the G4S Lincolnshire police strategic partnership-one year on. June 2013
[217] See chapter by Mark Roycroft A blended model for the public-private provision of policing for England and Wales in Brown, J. (ed.) op cit.
[218] Association of Chief Police Officers (2012) Harnessing science and innovation for forensic investigation in policing: live-time forensics

(although they were actually nearer £1.58 million[219]). Those losses, together with a projected shrinking of the forensic market and an increase in in-sourcing forensic activity by police forces led to the Government decision on 14th December 2010 to support the wind down of FSS Ltd, transferring or selling off as many of its assets and operations as possible by March 2012.

Post FSS

The wind down of the FSS Ltd was followed by the closure of the NPIA in October 2013, which had been responsible for forensic procurement. A national forensic framework agreement (NFFA) had been introduced, run by the NPIA, which categorised services into 14 work packages open for tender. By the time responsibility for procurement of forensic services had moved from the NPIA to the Home Office (in October 2013) the NFFA had been superseded by the National Forensic Framework – Next Generation (NFFNG). This is designed to run until July 2016. Regional competitions allow forces to select their preferred forensic science provider from the 13 who are within the framework following the tendering exercise. There are between two and six providers for each work package.

The present arrangement then comprises different models. Some forensic work is undertaken by a number of forces themselves. The MPS re-acquired its Lambeth Laboratory (which had latterly been subsumed by the FSS) and several other forces undertake varying amounts of in-house analyses. Scientific support managers within forces oversee use of forensic science by their forces including contributing to Senior Investigating Officers development of forensic strategies for individual cases, collection and securing of evidence by Scenes of Crime Officers (SOCOs or CSIs) and submissions to forensic science provider laboratories. They also ensure compliance with the essential statutory obligations relating to the disclosure of unused material as defined by the Criminal Procedure & Investigations Act (CPIA) 1996.

There are collaborations such as Hertfordshire and Bedfordshire and the North East regional forces (representing a fifth of the police service who entirely outsource their forensic work).

It is difficult to be precise about the monetary value of the present forensic services market. The Science and Technology Committee offered estimates of between £70 million and £100 million which is a substantial decline from the projected £170 million in 2009. In summary the 2011 report drew attention to the following problems:

1. Lack of an obvious national strategy for forensic science;
2. The robustness of the market to absorb the forensic work;
3. Threats to research and development;
4. Maintenance of forensic archives;
5. Continuity of evidence;
6. Impartiality of forensic interpretation; and
7. Quality and independence of forensic evidence.

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[219] House of Commons Science and Technology Committee (2013) Forensic Science report vol I published 25th July

The Committee then recommended that the Government should consult in order to determine a clear strategy for Forensic Science provision, that efforts be made to stabilise the market, police laboratories should achieve accreditation at least to a minimum of ISO 17025 standard and that the Forensic Science Regulator be given statutory powers to ensure compliance with quality standards. The Committee was also concerned about the problems in securing funding for forensic science research and the future of FSS archive materials.

Despite substantial investment, the FSS failed to respond to the disciplines of commercial competition, and the Commission is in agreement that something needs to be done. We are also of the view that opening up forensic services to the market has achieved some notable successes in previous intractable cases, reduced turnaround times and eliminated backlogs and resulted in a reduction in pricing of services.

However, the experts consulted by the Commission and the participants to Northumbria University's Centre for Evidence and Criminal justice Studies (CECJS) seminar were mixed in their assessment of the present quality of services and they were concerned about the quantum capacity of the market. Our experts painted a worst case scenario in which there will be a loss of momentum in research and development, little to attract and retain skilled staff, and fragmented effort in individual cases – all increasing the potential for error in an undefined and unstable market. The gloomiest prognosis is that without a research and development capability, this country will be relegated from its world class status in forensic science innovation and perhaps even more importantly, there will be serious lapses in the quality of forensic interpretation potentially leading to lengthier less successful police investigations and miscarriages of justice. There is considerable danger in failing to learn the lessons from the recent past and one outcome, that of a private supplier becoming virtually a monopoly, takes us back to the risks prompting the demise of the FSS.

The outstanding and unresolved matters are:

1. Instability of the market;
2. Slow progress on Quality Assurance of both organisations and individuals;
3. Resolution of the research and development capability;
4. The status of all archived materials; and
5. Absence of an integrated strategy for forensic science

For further information on this subject please see appendix ten.

Information Technology

> 'It is very clear that the nature of policing is changing and that the technology developed must facilitate the need to drive efficiencies, facilitate the redeployment of officers from the back office to the front-line and enable better integrated and higher quality of service.'[220]

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[220] AIMTech Consultancy (20130 The future of the forces; Police technology and serving the public

This analysis suggested that the police service will, in the future, need to develop:

1. social media as a tool of communication, intelligence gathering and data management;
2. a move into the next generation of mobile devices such as smart phones and in vehicle computing; and
3. high bandwidth and universally available wireless networks; increased spread of sensor networks providing new sources of data.

Yet the Service is not well placed to capitalise on these development areas. The House of Commons Home Affairs Select Committee concluded that:

> "IT across the police service as a whole is not fit for purpose, to the detriment of the police's ability to fulfil their basic mission...The Home Office must make revolutionising police IT a top priority. This is one area of policing where direction from the centre is not only desirable but vital in order to effect change."

The ACPO submission to the Commission recognised the need to streamline IT business processes within the police service and that work is currently on-going within ACPO to address these problems.   They highlighted the danger of the opposing approaches of national consistency with enhanced buying power on the one hand and the localism agenda resulting in a divergence in ICT on the other.   The Government sees the solution as lying in the new ICT company, which will be expected to draw together the collective buying power of the service and secure the best deal at a national level with PCCs having local responsibility. That said the ICT company will not take on the Information Systems Improvement Strategy (ISIS) previously owned by NPIA. The Commission agrees with the findings of the Home Affairs Committee that there is little detail available about the new IT Company and therefore the Commission is sceptical about how the proposed IT Company will work in practice.

The Commission is keen to learn from past experiences such as the recent roll out of mobile technology where the National Audit Office identified a number of inadequacies concluding that value for money was not achieved. They recommended that in the future there should be a robust analysis of police force requirements including: appreciation of thresholds whereby back office functions can be streamlined or removed; analysis of trade–offs between supporting all forces and a staged approach; clarity about degrees of convergence to be achieved within the service and between CJS agencies; and using the opportunity of Airwave[221] replacement to examine the merits of further convergence of infrastructure and improving business processes and clarify the development of the ISIS suite of programmes identifying areas for potential efficiency savings.

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[221] At a cost of £1.3 billion, The Airwave Service is part of Her Majesty's Government (HMG) Critical National Infrastructure and is designed to stay working during major incidents. In 2000, Airwave won a competitive bid to design, build and operate the communications network for police forces across England and Wales. In 2001 Lancashire Constabulary became the first police force to use the Airwave Network operationally with a further 10 police forces going live on the network in 2003. In 2005 the network was completed giving 100% population coverage and 99.9% geographical coverage across Britain

There have been several reports published recently that cover issues pertaining to the use of technology in policing. John Biggs, chairman of the London Assembly Budget and Performance Committee noted that the Metropolitan Police currently have:

> "poor technology and shrinking budgets [meaning that] implementing the [force's new IT] strategy successfully will be difficult."[222]

The Home Secretary herself is on record as saying that between them the 43 forces in England and Wales have 2,000 different IT systems in place, 100 data centres and 4,000 members of staff employed to operate the systems at a cost to the service of £1 billion a year.[223] In light of this the Commission feels that it would be more beneficial to focus on two areas in which we believe the use of new technology could enhance police operability. The first relates to police mobility and the second to intelligence fusion.

Officer Mobility

The Commission recognises that policing needs have changed and it is important that this is adequately reflected in police service delivery throughout England and Wales. As a result the Commission considers that the future of policing in England and Wales must be delivered through a truly mobile service with the technological capabilities in place to support officers in their role wherever they are working. This would enable police officers and PCSOs to spend more time within the communities they serve and less time at the station, generating enormous productivity gains. To achieve this goal we must seek to provide officers and operational staff with the technology needed to facilitate working remotely, whether they are away from the station or involved in an operation across force boundaries. At present however, we note that this is not an option service-wide with HMIC in their report 'Taking Time for Crime' published in 2012 stating that the service:

> 'has not adapted rapidly enough to enable the individual professional to operate independently and effectively in the field.'[224]

In their report, HMIC identified 19 basic technology operating systems that were key to facilitating officers and support staff working away from the station and noted that where such mobile computing capabilities existed, substantial benefits in terms of remote working were to be gained over conventional capabilities. This is illustrated in Figure 12.

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[222] London Assembly Budget and Performance Committee . How the metropolitan Police Service can make better use of technology. GLA August 2013
[223] Keynote speech delivered by The Rt Hon Theresa May MP at Reform's 2013 Annual Dinner http://reform.co.uk/resources/0000/0807/Reform_speech11.pdf
[224] HMIC report: taking time for crime 2012

Figure 12: Mobile computing benefits

Legend:
- ● Fully functional (all officers in a team can use)
- ◐ Partially functional (some officers in a team can use)

	Force A			Force B		
	Investigation	Neighbourhood	Response	Investigation	Neighbourhood	Response
Mobile Telephony	●	●	●	◐	●	●
Email		●	●			
Receiving images		●	●			
Read / update incidents		●	●			
Check electoral roll			●			
Search Intelligence		◐	●			
Mobile fingerprint IDs		◐	◐		◐	◐
Police National Computer		●	●			
Sending images			●			
Mobile ANPR		◐	◐			◐
PS/Satnav			●			
Access policy / guidance			●			
Record Stop and Search			●			
Crime recording system			●			
Submit intelligence			●			
Use mapping			●			
Electronic case files						
View resource location						
File a Witness Statement						

Source: HMIC report: 'Taking Time for Crime' 2012

The increased opportunity this provides for police officers and operational staff to work remotely would ensure that they can spend the maximum amount of time policing the frontline. Thus, the Commission recommends that every force provides all its police officers and operational staff with all 19 basic technology operating systems capabilities (as identified in the HMIC report 'Taking Time for Crime' of 2012) as a minimum and ensures that all software updates are routinely installed.

Intelligence Fusion

While it is important to ensure officers and operational staff have access to improved mobile technology capabilities, we recognise that in isolation this is not enough to generate real improvement. For this reason we see real merit in seeking to ensure that officers can access intelligence remotely through a single integrated platform. To achieve this we would want to see the Police National Computer (PNC), the Police National Database (PND) and forensic support systems such as the National Fingerprints Database stored on a single platform with federated systems, including national watch lists, searchable via the new platform.

Storing all intelligence on a single platform would facilitate:

1. **officers searching one intelligence database**: as opposed to running multiple searches;
2. **far greater data analysis:** through the use of analytical tools a number of benefits could be accrued, such as being able to identify actionable insights thereby ensuring resources can be appropriately targeted and provide police officers with timely insights about the communities that they are policing;
3. **improved access to data**: not only would officers be able to access greater data remotely, the victims or perpetrators of a crime as well as partner organisations that require access to a specific case file could, by means of a secure login code, access data pertaining to a specific case.

The Commission notes that with the contracts for the PND and PNC due for renewal within the next five years there is a real opportunity to make meaningful change and proposes achieving intelligence fusion in two stages. The first stage would be to import all data from existing forensic databases into the PND and secure federated access to additional data sources. The second stage will be to procure a single storage platform in place of the existing PNC and PND. Owing to the confidential nature of the data that would be stored, and the need for a high degree of configurability the Commission believes that the police would need to use either:

1. **a private cloud:** as opposed to either the public cloud or a hybrid model, this offers improved security through operating on a 'virtual private cloud' benefiting from multiple layer security and remote access by means of authentication and encryption. Many web service companies well known for their public cloud infrastructure, offer private cloud infrastructure for government organisations. However, the Commission notes that vulnerabilities still exist with this relatively new technology;
2. **a stand-alone server:** the advantages of using an in-house server as opposed to the cloud, range from the speed of operability to control of and access to data. However, cloud does offer advantages including the fact that it is highly scalable in terms of additional capacity and provides the service with the option to move away from in-house computer rooms.

In terms of management of the database the Commission recommends that a lead force should be appointed with responsibility. Access to the platform should be made available to officers via their mobile technology capabilities as early as possible following its launch.

This platform offers an opportunity to provide the police service of England and Wales with a fully integrated database, providing a single searchable intelligence source, saving officers time, enhancing operability as well as realising potential cost savings for the service as a whole.

Procurement in the public interest

All PCCs have recently given thought to what services are to be provided and by whom during Stage two discussions with chief officers. PCCs are the employers of all police civilian staff and have been looking at what those services are and how they are to be provided. Some PCCs may seek to share services with other public sector bodies to save costs. Others are reviewing outsourcing decisions, while there are those considering whether they can support the police by removing the distractions of administrative functions and either managing them from within the Commissioner's office or through other methods.

These are functions that the public are used to having delivered by a mixed provision, for example ICT, Finance, HR, Procurement and Legal services. It is often the case that outsourcing relies on staff being paid less to do the same or a very similar job. It is a matter for the organisation letting the contract to determine whether that approach is one with which they are comfortable.

In chapter two we emphasised that outsourcing police services to the private sector is a matter of political choice, not of necessity. We also argued that caution is needed before the police travel in the direction of greater outsourcing and have outlined some key principles that can be used to determine whether or not police services should be contracted out to the private sector. The Commission believes that the application of these principles is likely to result in less outsourcing than currently envisaged.

However, there are always going to be certain goods and services that police forces contract from the private sector. Such procurement must be conducted using processes that are robust and transparent and fully cognizant of the range of value-for-money and accountability issues that are involved. Good policing not only requires principled limits on what can be outsourced to the private sector, it also requires that forces attend closely to the processes used to procure goods and services once outsourcing has been judged appropriate. This point is well made by Ayling et al. in a detailed international study of this issue:

> 'How well the public police perform as shoppers will be indicative of their ability
> to manage the broader structural shifts occurring in policing. Can they rise to the
> greater challenge of performing in, as well as directing, a play with many
> performers? In a sense, the future of policing will be foreshadowed in the
> competence of police as consumers.'[225]

In the view of the Commission, procurement in the public interest requires detailed consideration by police forces of the following four issues.

1. **Who decides?** Consideration needs to be given first to who is, or can be, authorised to make decisions about whether and how to procure. It is vital that such matters are not left to senior officers or PCCs alone. They may legitimately take the final decision on these

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[225] Ayling, J., P. Grabosky and C. Shearing (2009) *Lengthening the Arms of the Law: Enhancing Police Resources in the Twenty-first Century* (Cambridge University Press, pp. 103-4)

matters, but it is important to engage police officers, staff, stakeholders and local people in wider debate before any final decisions are taken.

2. **On what terms?** This issue concerns some obvious questions to do with price, quality of service, penalties for poor performance and length of contract. It is important that police forces are equipped with the skills needed to procure effectively and ensure quality compliance thereafter. But wider considerations are also at stake. It is important to ensure that the police do not become dependent upon a small range of suppliers. It is vital that the terms and duration of contracts make allowance for possible unforeseen changes in the landscape of policing (such as further budget cuts). One of the dangers of outsourcing is that the police 'mortgage the future' and steps must be taken to anticipate and minimise future risk. More ambitiously, police forces might consider using their bargaining power to advance wider policing and social goals. In particular, procurement decisions could be deployed as an instrument to bring about desired change in their forces (e.g., by positive action initiatives to encourage employment of BME staff). Another consideration here is that organisations within the public sector are looking at issues such as becoming living wage employers, with the effect that they seek to ensure that any contractors they worked with also paid a living wage. Organisations might not benefit from a reduction in costs if the living wage would need to be factored in.

3. **Who needs to know (what)?** Public services may be faced with a conflict when procuring services. Mainly, between the legitimate interest of firms in ensuring the commercial confidentiality of their transactions (some of it enshrined in company law) and the public interest in making tendering processes and contracts transparent in order to ensure best value for the public. This conflict is especially apparent in policing and not easily resolved and becomes more pronounced. The more policing activity is outsourced to the private sector, the more it is shielded from robust democratic oversight and from the legitimate expectation that the public should know how their money is being spent. Police procurement processes must be open and transparent. There must be effective oversight to ensure best value and that the public interest is protected. This needs to be balanced against the need to protect commercial confidentiality.

4. **New risks and accountabilities.** Procurement of policing services potentially generates a gamut of new risks for the police and calls for a new range of accountability mechanisms. If outsourcing is practised too extensively (i.e., without reference to the principles we outlined in chapter two) or without regard for proper process, it can undermine the values and practice of fair and effective policing. This needs to be kept closely in mind, especially during times of fiscal constraint when pressures to outsource are at their greatest. In particular, the police need to remember that services may be outsourced, but any failure or shortcomings cannot be outsourced – the police are likely to be held at least partly responsible for misconduct or poor performance by staff contracted to provide services for them. Mitigating this risk requires that staff contracted to work for the police are subject to the same processes for improving standards and remedying misconduct as sworn officers. It requires constant vigilance against fraud and corruption and against outsourcing decisions taken for parochial or short-sighted reasons that are not in the long-term strategic interest of forces. It also requires a regime of rules to govern a system of 'revolving doors' between police forces and the companies that compete for their

business. The Commission recommends that the whole system of police procurement is subject to inspection and overview - under our proposals by the new IPSC.

Recommendations

The Commission is disheartened and dismayed by the recurring criticisms of the police service's inability to rationalise its procurement of IT, non IT consumables and is greatly exercised by problems besetting the forensic science services. The continued failure to manage procurement is not only costly in economic terms and wasteful of human effort but it potentially compromises the efficiency and effectiveness of investigation and other policing tasks. The imminence of a new generation of procurement contracts which include the PNC, PND and Airwave presents a real opportunity to achieve greater integration and interoperability of intelligence and improve means of communication. The Commission cannot emphasise strongly enough, the urgent need to attend to and solve these persistent problems. There should be national guidelines and wherever possible, national frameworks for local forces to purchase goods and services, together with a robust analysis of police forces' requirements similar to those proposed by the NAO, namely: appreciation of thresholds whereby back office functions can be streamlined or removed; analysis of trade–offs between supporting all forces and a staged approach; and clarity about degrees of convergence to be achieved within the service and between the criminal justice service agencies.

1. **The Commission recommends the development of a national procurement strategy co-ordinated jointly by the Ministry of Justice and the Home Office for IT, non IT consumables and forensic services; the aim being to secure integration, common standards and value for money of these services.**

    The Commission has calculated the following savings that, enacted swiftly, could save the forces an estimated £62.6 million to 2016/17. These should be only the tip of the iceberg in terms of better procurement and collaboration.

    (a) According to findings published by the Public Accounts Committee and the NAO, if 80% of items were bought through the procurement hub, rather than the current 2%, potential benefits were estimated at just over £50 million to 2016-17.
    (b) Forces could save an estimated £4.8 million to 2016/17 across five types of common equipment, assuming they paid the average of the five lowest prices paid.
    (c) Forces have also found it particularly hard to agree common specifications for uniform, which they spent almost £8 million on in 2010-11. If forces could replicate cost reductions achieved through standardising uniforms in the prison service they could an estimated £7.8 million to 2016/17. As the NAO has said, this would not require a single national uniform or inhibit forces having customisable insignia to identify their officers.

2. **The Commission recommends that every force provides all its police officers and operational staff with all 19 basic technology operating systems capabilities (as**

identified in the HMIC report '*Taking Time for Crime*' of 2012) as a minimum and ensures that all software updates are routinely installed.

3. **The Commission sees real merit in seeking to ensure that officers can access intelligence remotely through a single integrated platform** and proposes achieving this through:
   (a) storing the PNC, the PND and forensic support systems such as the National Fingerprints Database on a single platform;
   (b) making federated systems, including national watch lists, searchable via this new platform;
   (c) giving responsibility for the database to a lead force;
   (d) making access to the platform available to all officers via their mobile technology capabilities as early as possible.

4. **The Commission is extremely concerned about the current provision and use of forensic science services. We consider that urgent attention should be given to ensuring that the quality of forensic service provisions meet operational requirements thereby avoiding current and future problems.**

5. In addition to the principles underpinning relationships between the police and the private sector outlined in recommendation six, **we recommend that the following public interest tests are applied to the process of procuring goods and services, designing contracts, and monitoring the performance of contractors**:

   (a) **consultation** - police officers, staff, stakeholders and local people should be consulted prior to any final decision being taken;
   (b) **responsibility** – consideration should be given to: whether police forces have the necessary skills to procure effectively and ensure quality compliance? Are forces dependent upon a small range of suppliers? Have allowances been made for possible unforeseen changes in the landscape of policing such as, for example further budget cuts? Have forces used their collective bargaining power to advance wider policing and social goals, such as positive action initiatives to encourage employment of BME staff? Have forces ensured their contractors are being paid a living wage?
   (c) **transparency** – has there been sufficient transparency to ensure that the public interest is being protected? Commercial confidentiality is clearly important, but it must not be allowed to stand in the way of getting best value out of scarce public resources;
   (d) **risk assessment** - have the values and practices of fair and effective policing been preserved?
   (e) **accountabilities** – are staff contracted to work for the police to be subject to the same processes for remedying misconduct as sworn officers?

Closing remarks

I began this report by outlining the task we had been set and describing how the Commission went about addressing this task. The contents of this report reflect the vast amount of evidence and material we received during the project and demonstrate the strength of feeling on what can only be described as a very emotive subject. We have carefully analysed all the evidence we gathered to ensure that this is reflected in our proposals. Furthermore we have tried to ensure that all recommendations are both achievable and in the best interest of not only the police service but also the public. We hope they will offer a clear steer as to what changes are needed to ensure the police service is able to meet the demands of the twenty first century.

Policing, like any other public service, is often a compromise between competing demands. We believe that success will depend upon the ability of forces to achieve a balance, whether locally at neighbourhood level as well as regionally, nationally and internationally. We hope that our revised Peelian principles, together with our recommendations will form an effective framework from which to work.

The police service of England and Wales is respected worldwide, not least by the very communities it serves. It is imperative that this continues, especially in times of great economic and social change. It is for this reason that the Commission has recommended greater coherence and coordination, increased professionalism, organisational rationalisation, democratic governance and new arrangements to enhance the delivery and integrity of the police service. Our recommendations seek to set out a programme of radical reform, all of which are interdependent and designed to improve performance, increase trust and affect efficiencies in which policing contributes to the making of a better Britain.

The Lord John Stevens of Kirkwhelpington

Appendix one: Commission members

Chairman

The Lord Stevens of Kirkwhelpington – Former Commissioner of the Metropolitan Police and member of the House of Lords

Deputy Chairman

Professor Jennifer Brown – Co-Director of the Mannheim Centre for Criminology, London School of Economics and Political Science

Ms Adele Anderson – Former CFO of KPMG, Non-Executive Director of Easyjet plc and board member of Intu Properties plc

The Lord Balimoria of Chelsea DL CBE – Entrepreneur and a member of the House of Lords

The Lord Carlile of Berriew CBE QC – Former independent Reviewer of Terrorism Legislation and of the Government's current PREVENT policy and a member of the House of Lords

The Lord Condon of Langton Green – Former Commissioner of the Metropolitan Police and a member of the House of Lords

Sir Richard Dearlove – Master of Pembroke College, Cambridge and former Head of MI6

The Rt Hon The Lord Dholakia of Walham Cross OBE PC DL – President of NACRO, the Crime Reduction Agency and a member of the House of Lords

The Rt Revd and Rt Hon The Lord Eames of Armagh OM – Former Anglican Primate of All Ireland and Archbishop of Armagh and a member of the House of Lords

Mr Jeff Edwards – President, Crime Reporters Association

Mr Nick Ferrari – Presenter on LBC Radio Ltd

Professor Angela Gallop – Forensic Science Expert and Chief Executive of Axiom International Ltd

The Baroness Goudie of Roundwood – Chair of the Women Leaders' Council and member of the House of Lords

The Lord Grabiner QC – Deputy High Court Judge and member of the House of Lords

Ms Jessica De Grazia – Former First Assistant District Attorney in the Manhattan District Attorney's Office in New York City
Mr Chris Gregg QPM – Policing Director at Axiom International Ltd and Former Head of West Yorkshire CID
The Baroness Harris of Richmond – Patron of the National Victims Association and member of the House of Lords
The Baroness Henig of Lancaster – Former Chair of the Security Industry Authority and member of the House of Lords
Mr Alphus Hinds – United Nations, UNICRI, IPO Associate Expert on Security During Major Events and the former Head of Security Glasgow 2014 Commonwealth Games Organising Committee
Professor Alex Hirschfield – Institute of Criminology, University of Huddersfield
Professor Martin Innes – Director of the University Police Science Institute at the University of Wales, Cardiff
The Honourable Paul de Jersey AC – Chief Justice of Queensland, Australia and Chair of the Judicial Section of the Law Association of Asia and the Pacific
Professor Ian Loader – Professor of Criminology at the University of Oxford
Ms Juliette N. Kayyem – Lecturer in Public Policy at Harvard's Kennedy School of Government and former Assistant Secretary for Intergovernmental Affairs at the Department of Homeland Affairs
Professor Sharon Mavin – Dean of Newcastle Business School, Northumbria University
Mr Rick Muir – Associate Director for Public Service Reform at the Institute for Public Policy Research (involved in a personal capacity)
Mr Peter Neyroud QPM – Former Chief Constable of Thames Valley Police and former Head of the National Policing Improvement Agency
Pastor Nims Obunge – Chief Executive Officer of the Peace Alliance
Ms Kathleen M. O'Toole - Chief Inspector of the Garda Síochána Inspectorate and former Commissioner of Boston Police
Sir Keith Povey QPM BA - President of the British Security Industry Association and Former

Inspector of Constabulary in England and Wales
Mr Max-Peter Ratzel – Former Director of Europol
Mr Tom Riordan - Chief Executive of Leeds City Council
Mr David Robinson OBE – Senior Advisor, Community Links
Professor Mike Rowe – Professor of Criminology, Northumbria University
Mr Peter Ryan – Chairman and Principle Consultant at Citadel International Business Developments Ltd and former Commissioner of New South Wales Police and International Expert on Policing
Mr Howard Safir - former Commissioner of the New York Police Department
Mr Laurence Sherwood – former Director of Corporate security for Diageo plc
His Honour Sir Mota Singh QC LLD – Judicial member of the Parole Board
The Baroness Young of Hornsey OBE – Founder of Cultural Brokers and member of the House of Lords

Secretariat

Ms Nerys Boswell – Head of Due Diligence and Corporate Intelligence, Quest Global Ltd and Parliamentary Advisor to Lord Stevens of Kirkwhelpington
Mr Raymond Dance – University of Huddersfield

Appendix two: Methodology

The Commission was chaired by Lord Stevens who was assisted by a deputy, secretariat, project manager and an editorial team who made up a core group. In addition there was an advisory panel of Commissioners and a reference group of academic advisors who supported the core group.

Figure 1A: structure of the Commission
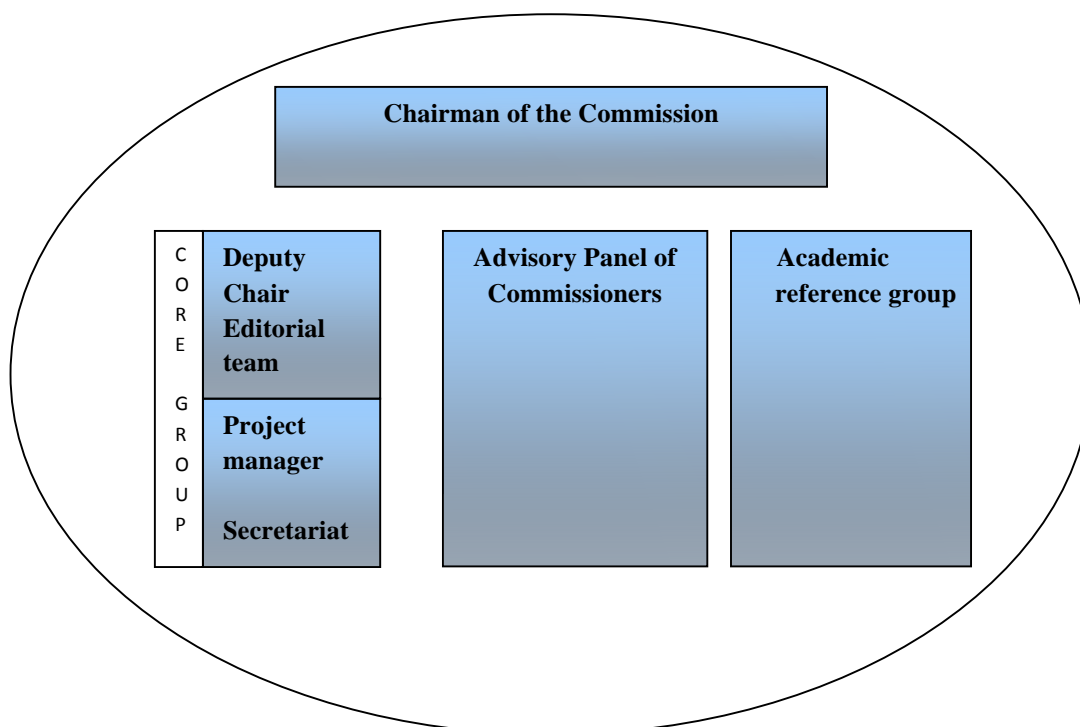
Who we consulted

1. **The public:** by means of a public attitude survey (conducted April 2013 by YouGov), internet submissions and radio phone-in held in London on 20th March 2012 and in Newcastle on 18th September 2012.

2. **Members of the police service**: by means of three attitude surveys totalling 23,152 police staff and police officers currently working for the Service. These surveys were undertaken by Professor Jennifer Brown, London School of Economics and analysed by Dr Ben Bradford, University of Oxford. A further survey of 9,219 consulted police officers about their preferred working procedures and processes.

    In addition police organisations provided statements to the witness hearings and several key informants provided additional commentary through one to one interviews.

Lord Stevens chaired meetings with the Sergeants Central Committee of the Police Federation of England and Wales.

3. **Police and Crime Commissioners:** a survey of PCCs in England and Wales was also undertaken in April 2013.

4. **Policing partners and stakeholders**: hearings were held in Lancashire, Northumbria (chaired by Lord Stevens of Kirkwhelpington), West Yorkshire, Durham, North Yorkshire, North Wales and South Wales. These meetings, chaired by the Baroness Henig of Lancaster and the Baroness Harris of Richmond providing the Commission with an opportunity to gain a better understanding of local and regional issues.

5. **Academics:** 31 commissioned papers deriving from 44 scholars from 29 academic institutions on key topics provide the academic underpinnings to the work of the Commission (these papers have been published as an edited collection by Routledge edited by Jennifer Brown).

6. **Informed commentators:** evidence was heard from 24 witnesses during two rounds of hearings held on 20th, 21st, 27th and 29th March 2012 and 3rd and 4th July 2012. Witnesses were representatives of organisations who have a direct or an allied interest in policing.

   Additional one to one consultations were also conducted to discuss particular issues such as inter-operability, IT provision, the new police professional body and the organisational structure of the police.

   Two Delphi consultations[226] were conducted (one with members of the Chartered Institute of Personnel Development and another with forensic science experts). Delphi is a structured process which utilises a series of questionnaires in order to achieve 'group' consensus about issues and priorities.

7. **The private sector:** meetings were held with private sector organisations including Steria, G4S and KPMG to obtain the views of commercial providers of policing services. In addition two members of the consultancy Blue Lamp were interviewed.

All the materials gathered from consultations undertaken were subjected to a qualitative content analysis by a team at the University of Northumbria, led by Professor Mike Rowe. The relevant evidence was brought together and broken down into themes which were the subject of small group meetings held between the 7th and 14th January 2013.

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[226] The Commission should like to express their thanks to Dr sue Woolfenden and Bill Stevenson for their assistance in relation to the Delphi surveys

Surveys

Women police officers

This was an on-line survey sent to all serving police women officers up to the rank of Chief Inspector in August 2012.

In all, 3344 officers responded out of 35,811 giving a response rate of 9.3%.

Rank	Total number	Survey number	Response rate %
Chief inspector	305	76	32%
Inspector	1,165	270	23%
Sergeant	4,019	631	16%
Constable	30,322	2,356	7%
All federated ranks	35,811	3,344 (includes 11 respondents who declined to give their rank)	9.3%

The figure below shows the percentage of women serving in each rank and the corresponding percentage who responded to the survey. It is noticeable that as the number of women in each rank declines, the response rate increases. So whilst about one in ten serving police women responded to the survey, it is not representative in terms of ranks held, with constables under represented and supervisory ranks over represented.
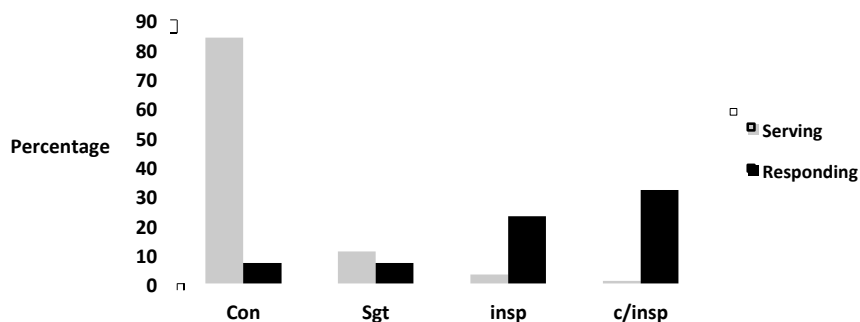
Role	%	(N)
Uniform patrol	27.8%	(930)
Neighbourhood	11.8%	(396)
Investigation	30.7%	(1025)
Roads	1.8%	(60)
Dogs	0.5%	(18)
Firearms	0.9%	(31)
Seconded	3.2%	(106)
Other	23.3%	(778)

Most of the women were full time (78.1%) with 21.9% serving part time. A third (33.3%) had a university degree. The average length of service was 14.1 years and the average age of respondents was 38.7 years. Most were married or living as married.

Marital status	%	(N)
Single	17.8%	(591)
Living with partner/married	73.3%	(2439)
Divorced	8.6%	(285)
Widowed	0.4%	(12)

Warranted police officers

This was an on-line survey sent to all serving officers up to the rank of Chief Superintendent during the last two weeks of September and first two weeks of October, 2012.

In all 16,267 people responded. Of these 14,167 indicated they were serving police officers. The remainder were members of police staff. For present purposes they were excluded from the present analysis as this group are the subject of a separate survey.

The response rate represents one in ten of all officers serving up to the rank of Chief Superintendent. The response rates are given in the table below:

	Total number	Survey number	Response rate in %
Men	98,352	11,410	11.6
Women	36,014	2,686	7.5
BME	6,673	602	9.0
Chief Superintendent	404	42	10.4
Superintendent	942	105	11.1
Chief Inspector	1,780	224	12.6
Inspector	6,657	1,020	15.3
Sergeant	21,457	3,057	14.2
Constable	103,126	9,698	9.4
All	134,366	14167	10.5

In terms of representativeness, then men are over represented (73.2% serving 81% responding) and women under-represented (26.8% serving and 19% responding). Those from BME groups are numerically representative of the 4.9% serving. As the figure below shows, proportionately more officers at sergeant rank and fewer constables replied to the survey than are presently serving. Also proportionately more inspectors and superintendents responded.

Percentage of officers serving at each rank and survey response rate
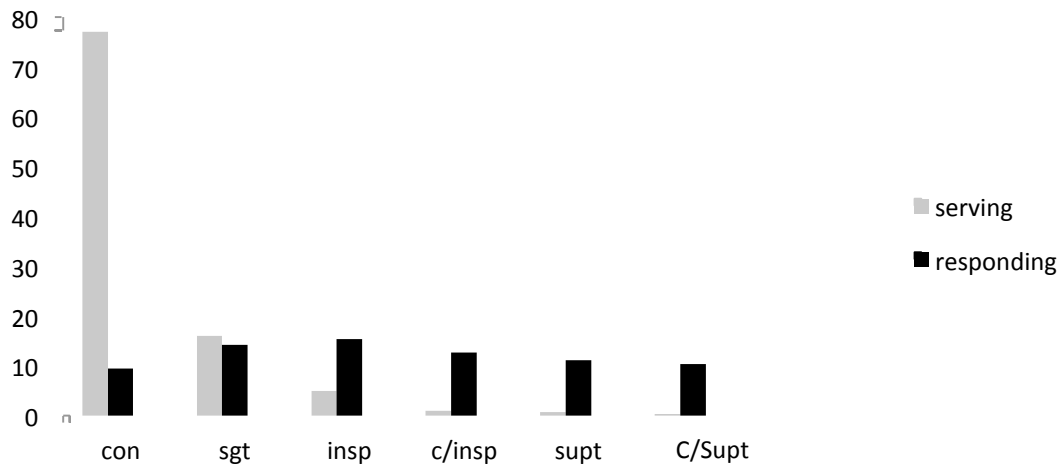
So overall this is not a scientifically representative survey, nevertheless, with such a large survey, this does reflect 10% of the workforce, this itself is a large number of officers, and as will be shown in the text, it is not simply the responses of the disaffected.

Most served as uniformed officers on response or neighbourhood teams which is reflective of the high proportion of constables answering the survey.

Role	%	(N)
Uniform patrol	36.3%	(5142)
Investigation	28.2%	(3991)
Neighbourhood	16.2%	(2296)
Specialist duties	12.0%	(1698)
Roads	7.0%	(994)
Command	5.9%	(831)
Special projects	2.2%	(317)
Admin	1.8%	(249)

The median age range for the respondents is between 40 and 50 years of age.

		Frequency	Valid Percent
Valid	16-20	2	.0
	21-30	1548	11.0
	31-40	5328	37.8
	41-50	6187	43.9
	51-60	1002	7.1
	60+	17	.1
	Total	14084	100.0
Missing	System	83	

		Frequency	Valid Percent
Valid	16-20	2	.0
	21-30	1548	11.0
	31-40	5328	37.8
	41-50	6187	43.9
	51-60	1002	7.1
	60+	17	.1
	Total	14084	100.0
Missing	System	83	
Total		14167	

Police staff

This report comprises data collected via an on-line survey (using Survey Monkey) sent to all Unison members serving in England, Wales and Scotland during November 2012.

A total of 5455 members of police staff completed the survey (43 did not indicate whether they worked in England and Wales or Scotland). Also not all respondents answered all the questions so that there will be a difference in the sample size for particular questions.

The table below gives the numbers in the workforce, Unison membership and response rates by jurisdiction:

	No in workforce Sept 2012	Unison Membership	% of Unison members	Survey response	Response rate as % of total workforce	Response rate as % of Unison membership
E+W	65992	34884	51.7%	5068	7.6%	14.5%
Scotland	7400	3297	44.5%	344	4.6%	10.4%
All	73390	38161	51.9%	5412	7.3%	14.2%

Over half the respondents were women and nearly all are white with only 3% coming from an ethnic minority group. This is an older group with over 60% being forty years of age or above and having an average age of 44 years. As might be expected most are married although over a quarter had been divorced at some time.

Demographic details of survey respondents

Gender	%	N
Male	46%	2469
Female	53%	2875
Ethnicity		
Asian	1%	67
Black	0.5%	31
Chinese	0.1%	6

White	97%	5147
Mixed heritage	0.1%	9
Other	1%	57
Age		
Under 20 years	0.1%	7
20-29	13%	689
30-39	21%	1102
40-49	28%	1465
50-59	30%	1538
Over 60	7%	380
Average age		44 years
Marital status		
Single	16	844
Partnered/married	76	4024
Separated/divorced	8	442

Over 40% of all respondents can be accounted for by posts in the control room, serving as PCSOs or working as analysts. There were some differences between the respondents working in Scotland and those working in England and Wales with 29% working in control rooms in Scotland compared to 15% of those in England and Wales. Twice as many survey respondents from England and Wales worked as investigators or analysts compare to those working in Scotland (15.3% and 7.9% respectively).

Role	%	N
Control room/coms	15%	804
PCSO	14%	782
Investigator/researcher/analyst	14%	775
General admin	11%	585
Criminal Justice Unit	8%	445
Forensic/ Scenes of Crime	6%	346
Station enquiry/ Reception/security	6%	302
Corporate Services	5%	294
Custody	4%	242
IT	4%	198
HR	3%	182
Training	3%	169
Craftwork	0.5%	27
Traffic warden	0.3%	16
Catering	0.1%	7

The average length of service for respondents was nearly thirteen years with those from Scotland serving slightly longer (14.2 years) compared to an average of 12.9 years served by those from England and Wales.

The Delphi surveys

The Delphi method was developed in the late 1940s by the RAND Corporation as a way to solicit expert opinion (actually the original study was conducted to look at Soviet policy in order to estimate the number of Atomic bombs the USA would need for its defence). The method has since been adopted many thousands of times on a whole range of problem areas.

In essence there are four key features of the method:

1. anonymity of the expert participants in order that they may freely express their opinions;
2. permission to refine views in the light of information received;
3. receipt of controlled feedback to inform participants of the collective's views; and
4. statistical collation of responses.

In the first instance there is a requirement to focus on the research problem. In the present case:

1. identification of processes and procedures to create a fair working environment for police officer and police staff and formulation of a framework in which change can take place effectively;
2. identification of problems and solutions to the procurement of forensic services.

The first research problem (referred to as problem a) derived from the procedural justice literature and the empirical findings of the three surveys conducted by the Commission. Through these a set of survey questions were compiled to tap into the research problem. These included a set of questions asking how the police as a working environment could create greater fairness around promotion, distribution of workloads, flexible working, participation in decision making and being given explanations for decisions made. Professor Sharon Mavin from Northumbria University provided some guidance for this survey.

The second research problem (referred to as problem b) was as a consequence of concerns about and criticisms of forensic science services to the Police. A set of questions were formulated through consultation with forensic science experts and included an assessment of service quality and the workings of the forensic science market. Professor Angela Gallop, a Commission member, guided this consultation.

Next, a pilot study is advised in order to refine the proposed questions and to ensure completeness of questioning to best address the problem. In the case of problem a) this was undertaken by:

1. presenting the questionnaire to a member of the Police Federation to look at the style and type of questioning;

2. seeking the views of an expert in organisational psychology (i.e. Professor Mavin who was not a participant in the survey).

In the case of problem b) this was undertaken by:

1. constructing the questionnaire by taking soundings from forensic science experts;
2. seeking the views of a forensic science expert who did not complete the survey (i.e Professor Gallop).

In the light of feedback received the surveys were amended.

A sample of experts is selected. In the case of problem a) these were specialists who were members of the CIPD Police reference group and in the case of problem b) a list compiled by Professor Gallop of key scientists and police users.

The requirements of expert selection are:

1. knowledge and expertise of the issues under investigation;
2. capacity and willingness to participate;
3. sufficient time to participate;
4. effective communication skills.

Background of expert group a)

	Area of expertise
Expert one	HR generalist, culture and change management, employee engagement, internal communication
Expert two	Organisational design, leadership development, change management
Expert three	Strategic HR, change management, structural and cultural, employee relations, learning and development, performance management
Expert four	All areas of HR and learning and development, resourcing and recruiting, learning and development, HR Systems, performance and talent management, Business transformations and culture change
Expert five	Change management, business transformation, strategy, leadership,
Expert six	Head of change, organisational development, service improvement and performance
Expert seven	Employee relations,, change management, employee engagement, workforce planning
Expert eight	Learning and development, occupational health, organisational development, change design

In the case of problem b) the survey responses were anonymous.

In addition, a survey was prepared from the experts' suggestions to create a fairer workplace and sent to members of the Police Federation in March 2013. A total of 9,219 officers responded 65.5% were constables, 20% sergeants, 7.5% inspectors and 1.4% chief inspectors. About a fifth 25.4% were women officers and 74.6% were men.

Public attitude survey

The survey data were collected by YouGov during 26th-29th April 2013.

Demographic details of the sample:

Demographic	%	N
Gender		
Male	48.8	986
Female	51.2	1034
Age		
18-24	12	244
25-39	25.5	517
40-49	34	687
60+	28.3	572
Marital status		
Married	46.3	936
Living as married	14.2	288
Separated	1.4	29
Divorced	8.0	162
Widowed	2.6	54
Never married	26.0	527
Civil partnership	0.7	16
Social class		
ABC1	58	1172
C2DE	42	848
Region		
London South	14.8	299
Midlands	37.6	760
North	19.1	386
	28.5	576
Party identification		
Con	26.9 (45.5)*	545
Lab	29 (45.8)	587
Lib	7.3 (11.5)	148
None	36.6	740
Total	100	2020

* percentage of those with a party affiliation

Appendix three: Witnesses

Name of Witness	Representative of.
Chief Supt Derek Barnett & Chief Supt Irene Curtis	Police Superintendents Association of England and Wales
Rt. Hon. David Blunkett MP	Former Home Secretary
Mr Mark Burns –Williamson	Former Chairman of the Association of Police Authorities
Dr Peter Carter	Royal College of Nursing
Ms Shami Chakrabarti & Ms Isabella Sankey	Liberty
Rt. Hon. Charles Clarke	Former Home Secretary
Professor Michael Clarke	Royal United Services Institute
Commander Ian Dyson	City of London Police
Ms Jane Furniss	Independent Police Complaints Commission
Mr John Graham	Police Foundation
Mr Dale Bassett	Director of Research, Reform
Sir Bernard Hogan Howe	Commissioner of the Metropolitan Police
Mr Peter Neyroud	Member of the Commission and author of the Review of police leadership and training 2011
Rt. Hon. Alan Johnson MP	Former Home Secretary
Mr Paul McKeever (deceased)	Police Federation
Sir Dennis O'Connor	Her Majesty's Inspector of Constabulary
Sir Hugh Orde	Association of Chief Police Officers
Mr Ben Priestley	National Officer – Unison
Rt. Hon. Lord Reid of Cardowan	Former Home Secretary
Mr Fraser Sampson	Association of Police Authority Chief

	Executives
Mr Keir Starmer QC	Director of Public Prosecutions
Rt. Hon. Jack Straw MP	Former Home Secretary
Chief Constable Andy Trotter	British Transport Police
Mr Tom Winsor	Author of the Winsor Reports

Appendix four: Written submissions

In advance of the Expert Witness hearings submissions were received from the following witnesses/organisations and the full submissions are available from the College of Policing.

- Association of Chief Police Officers
- Association of Police Authorities
- Association of Police Authorities Chief Executives
- British Transport Police
- The Rt. Hon. David Blunkett MP, 'A People's Police Force'
- City of London Police
- Civitas
- The Rt. Hon. Charles Clarke, 'The EU and migration: A call for action'
- Crown Prosecution Service
- Independent Police Complaints Commission
- Kent and Essex Police Authority 'Collaboration Business Plan 2009-2012'
- Liberty
- Metropolitan Police Service
- National Association of Muslim Police
- Nick O'Brien, Associate Professor of Counter Terrorism at Charles Sturt University
- Police Federation of England and Wales
- Police Superintendents' Association of England and Wales
- Reform
- Royal United Services Institute
- Mr Tom Scholes-Fogg, 'Police and Social Media'
- University of Newcastle, 'Challenges faced by policing and cybercrime'
- UNISON

Appendix five:
Academic submissions

Peel's principles, police principles	Clive Emsley
Policing: privatizing and changes in the policing web	Peter K. Manning
Why do the police matter? Beyond the myth of crime fighting	Ian Loader
What are the police for? Re-thinking policing post-austerity	Andrew Millie
Reinventing the office of constable: progressive policing in an age of austerity	Martin Innes
Police futures and legitimacy: redefining good policing	Ben Bradford, Jonathan Jackson & Mike Hough
Police culture and the new policing context	Matthew Bacon
Race and policing	Michael Rowe
Women police: potential and possibilities for police reform	Penny Dick, Marisa Silvestri & Louise Westmarland
A diversity stone left unturned? Exploring the occupational complexities surrounding lesbian, gay and bisexual police officers	Matthew Jones
The police, policing and the future of the extended policing family	Adam Crawford
A blended model for the police–private provision of policing in England and Wales	Mark Roycroft
Playing nicely with others: lessons from successes in partnership working	Megan O'Neill
Beyond rhetoric: establishing academic–police partnerships that work	Robin S. Engel, Samantha Henderson & Matthew Jones
From Sir Robert Peel to PLTs: adapting to liaison-based public order policing in England and Wales	Clifford Stott & Hugo Gorringe

Landscaping the policing of organised crime: some designs and reflections	Peter Sproat
The role of the police in counter terrorism	John G. D. Grieve
Intelligence-led policing and the national intelligence model	Karen Bullock
Holding the line: the sustainability of police involvement in crime prevention	Alex Hirschfield, Paul Ekblom, Rachel Armitage & Jason Roach
Hate crime	Paul Johnson
The promise and perils of police professionalism	David Alan Sklansky
The pursuit of professionalism: lessons from Australasia	Jenny Fleming
The police as professional problem solvers	Nick Tilley & Gloria Laycock
Police training and education: past, present and future	Robin Bryant, Tom Cockcroft, Steve Tong & Dominic Wood
Leading by example: the untapped resource of front-line police Supervisors	Robin S. Engel & Samuel Peterson
Engaging the citizen	Adrian Barton & Nick Johns
Making police accountable: governance and legitimacy	Kevin Stenson & Dan Silverstone
The rise and rise of independent police complaints bodies	Anja Johansen
Ethics and policing	Louise Westmarland
Great expectations and complex realities: the impact and implications of the police reform process in Northern Ireland	Aogán Mulcahy
Different and divergent trajectories? Reforming the structure, governance and narrative of policing in Scotland	Nicholas R. Fyfe.

Appendix six: Editorial team

Editorial team

Professor Jennifer Brown

Professor Ian Loader

Mr Peter Neyroud QPM

Mr Rick Muir

Drafters

Ms Sue Hall

Mr Mick Free

Mr Phil Read

Mr Neil Wain

Appendix seven: Consultees

Name of Interviewee	Position	By whom
Aisla Beaton	IT - Metropolitan Police	J. Brown
Lord Ian Blair	Former Commissioner Metropolitan Police	J. Brown
Jan Berry	Former Chairman Police Federation	J. Brown
Dr Eileen Cahill Canning	Occupational Health Lead- Metropolitan Police	J. Brown
Miranda Carruthers Watt	Chief Executive- Office of PCC Lancashire	J. Brown
Steve Corkerton	Home Office	J .Brown
Catherine Crawford	Former Chief Executive – Greater London Authority	J. Brown
ACC Tony Dawson	Former Assistant Chief Constable – NPIA	J. Brown
Nick Deynes	Ex Head of Information Technology – NPIA	J .Brown
Cressida Dick	Assistant Commissioner - Metropolitan Police	J. Brown
Sir Peter Fahy	Chief Constable- Greater Manchester Police	J. Brown
John Flatley	Office for National Statistics	R. Dance
Dr Marion Fitzgerald	Criminologist	J. Brown
Karen Grayson	Equalities and Human Rights Commission	J. Brown
Alfred Hitchcock	Chief Constable - Ministry of Defence	J. Brown
Ian Hopkins	Deputy Chief Constable – Greater Manchester Police	J .Brown
Adrian Jackson	Skills for Justice	J .Brown
Paul Kinsella	Superintendent seconded to ACPO	J. Brown
Julie Lawrence	Police Federation	J. Brown
Tony Melville	Former Chief Constable- Gloucestershire	J. Brown
Aileen Murphy	National Audit Office	N. Boswell & R. Dance
Julie Nesbit	Police Federation	J. Brown
Carly Nobbs	UNISON	J. Brown
Lynne Owens	Chief Constable- Surrey Police	J. Brown
Dame Anne Owers	Chair - Independent Police Complaints Commission	J. Brown
Simon Parr	Chief Constable - Cambridge Constabulary	J. Brown
Colette Paul	Chief Constable - Bedfordshire Police	J. Brown
David Peacock (and others)	Assistant Chief Constable- NPIA	J. Brown
Sir David Philips	Formerly Chief Constable- Kent Police	J .Brown
Bob Quick	Formerly Assistant Commissioner- Metropolitan Police, Bluelight consultancy	J .Brown
Mark Rowley	Assistant Commissioner- Metropolitan Police	J. Brown
Lucy Russell	Howard League for Penal Reform	J. Brown
Rosemary Scully	KPMG	J. Brown
John Shaw	G4S	J. Brown
Professor Betsy Stanko	Metropolitan Police	J .Brown
Bill Stevenson	Strategic Direction	J. Brown

Sarah Thornton	Chief Constable - Thames Valley Police	J .Brown
Rachel Tuffin	Formerly NPIA now College of Policing	J. Brown
Sue Wolfenden	Strategic Direction	J. Brown

Appendix eight: Terms of Reference

1. The Challenges for Policing in the 21st Century – what is the role of the police and what is expected of them?
2. The police's relationship with the wider criminal justice system and the agencies of the state;
3. Governance and accountability – how to ensure the police are both held to account but unencumbered by bureaucracy;
4. How to deliver the workforce to best equip the police to cut crime and increase public confidence;
5. Striking the right balance between the need for the police service to meet both local and national priorities, and the national structures to support that effort; and
6. Management of resources and the efficiencies to be found to get the most out of police spending.

Appendix nine: Workforce's preferred interventions for building a fair working environment

Keen to explore further issues pertaining to procedural fairness the Commission engaged in a consultation process involving two steps. The first was to invite a group of key specialists through the police forum of the Chartered Institute of Personnel Development (CIPD). These experts were asked two key questions: firstly, how to create fair working practices in relation to distributing work and rewards, shared decision making, open distribution of information and respectful treatment of staff. Secondly, they were asked to identify essential aspects of managing change.

Having elicited the experts' views, their suggestions were put to members of the Police Federation in a further survey of staff. What follows is the analysis of the survey respondents' (N=9,219) preferred options in terms of how effective they thought the proposed interventions were and what aspects of the change process resonate best with them.

The CIPD experts presented their views on how to design, implement and consolidate change. Their suggestions were also put to the police officers and the following table presents the results of their preferred ways of managing change.

Figure 2A: Workforce preferred model for change

	Tools	Response and adjustment	Presumptions
Design	Fast response to challenges Good communication	Generate range of options Identify needed skills Secure right people (from outside if necessary) Good feedback	Honest belief in purpose of the change Provision of an honest rationale Key drivers for change will be identified Desired outcomes will be clearly stated
Implement	Identify quick wins Clear plan with bite size achievable goals Identify levers having	Willingness to involve all levels of staff in change Use positive stories about value of change and achievements	Right people will be appointed to key roles

	most impact		
Consolidate	Use influencing skills of leaders	Treat people who may be disadvantaged fairly and humanely	Good change management systems will be introduced
	Create sense of urgency about the need to change	On development of individuals and managers	Personalise solutions will be found for individuals going through change
		Continuous re-enforcement of positive outcome	There will be constant review and response to change

These results also showed that survey respondents thought the key ingredients of any change programme were: inspiring leadership, support for managers and staff and transparent processes allowing everyone to contribute.

A key issue at the design stage of change, which often goes wrong, is the giving of consistent and clear reasons/explanations for why change has to happen which people can 'believe and buy into'. This is a stage where organisations think they have accomplished change but have not in reality done so. They take a top-down approach, leaving the communications at risk of mediation by others and abandoning front-line 'managers' to defend change. This creates a space for more widespread resistance.[227] The table below indicates the top four priorities for how to inculcate fairness in each area of work.

Figure 3A: Work force preferences for management interventions to create a fairer working environment

Creating fairness in promotion procedures
Training for those involved in the promotion process
Giving ethical feedback to both successful and unsuccessful candidates
Mentoring
Having a process to identify talent junior staff in order to develop them
Flexible working
Managing expectations balancing personal need against those of the organisation
Making decisions without fear of discrimination claims
Training for senior managers in flexible working
Looking at examples of other organisations using flexible working successfully
Distribution of workloads
Better management of poor performers
Mangers ensuring they make time to monitor and evaluate workloads
Use of a transparent workload allocation model
Being clear about priorities

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[227] Professor Sharon Mavin, personal communication.

Impartial decision making
Monitoring outcomes and making decisions transparent
Investing in management/leadership training
Building decision-making style into a managers appraisal
Performance manage the managers
Explain decisions
Making time for briefings and de-briefings
Team meetings
Reduce macho perspective that managers know all the answers
Build in consultation with the workforce
Participate in decision making
Supporting people who make mistakes
Have good induction and development programmes for managers
Build trust
Ensure messages from staff surveys are acted upon

Our organisational change preference survey also asked respondents to volunteer initiatives from their experience that represented good practice. We use two forces that were nominated to demonstrate how to turn these preferences into sustainable deliverables.

Case study 1 – Organisational Justice in Durham Police

Durham Constabulary (in conjunction with NPIA and now the College of Policing) has run and evaluated a trial operationalising an organisational justice approach. The Constabulary wanted to initiate a significant structural re-organisation, and as a consequence, faced making reductions in staffing and shifting the weight of supervision by reducing the numbers of inspectors and chief inspectors. The Constabulary turned to the organisational procedural justice model to provide the concepts and tools for change. Space does not allow the full ambition of this programme to be described, so here we confine our reporting of the aspects of the change process that were identified in Figure four A.

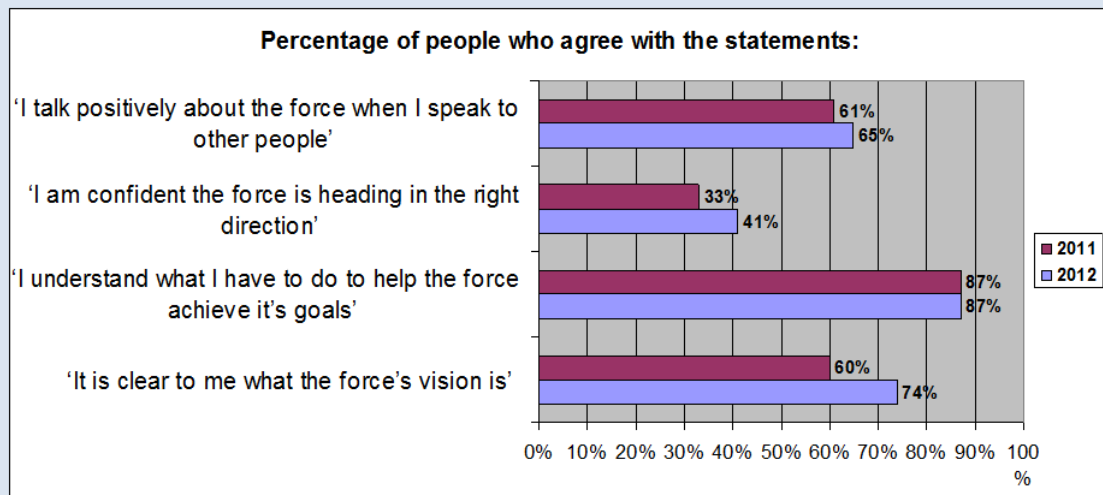**Figure 4A: Examples of the Durham Constabulary change model**

Raison d'etre	A new policing paradigm, was formulated as the aiming for excellence (AFE) programme to 'deliver excellent policing to inspire confidence in the people we serve by protecting neighbourhoods, tackling criminals and solving problems around the clock'.[228]
Design	Each area has an AFE representative who sits on a force forum chaired by elected member of the forum members. The AFE group considered the new operating model and its potential impacts and pitfalls – they visited four other forces that had already moved to a functional model, held focus groups with practitioners from those forces to find out how they felt during the changes, what worked, what didn't and how they were consulted and communicated with during the process of change. The group brought back key findings and presented back to management.

[228] https://www.durham.police.uk/About-Us/Our-commitment-to-you/Pages/Aiming-for-excellence.aspx

	The learning was then embedded within the project.
Implementation	Ensure people receive and think they receive, a fair share of the pie; Engage people in the decision-making process; Make sure decisions are consistent, reviewable, accurate and neutral; Inform people about decisions & explain how they were reached; Adopt transformational leadership as default but be situational (there is still a need for command and control in policing).
Consolidation	Identifying people who were the 'translators and drivers' and instigating the 'Altogether Different' programme of support; Providing leadership development programme to skill up people to take change forward and giving staff the confidence to think differently, remove barriers (real and imaginary), innovate ways to facilitate better working practices; Using experiential learning and energiser exercises, involving actors to play out scenarios; A 'Project me' book for each employee – self-development process and plan which included 360 feedback – to work alongside organisational development ensuring that staff take some responsibility, with support from their managers, for their own development; Consultation with staff - key request was more senior management team (SMT) visibility, timely messages and communication via IT. The Chief Constable is regularly recorded on a video blog when he is out and about, is recorded and distributed the same day and followed up with 'Team Durham Brief' on the intranet; Embracing modern methods of home working to allow staff more flexibility; put in place support schemes; Changing language from crime reduction to victim focus, talking about fewer victims, victim's rights, giving victims a voice. There is also still a clear focus on tackling criminals but this is with preventing offending or re-offending in mind.

The first year survey focussed on empowerment, discretionary effort, citizen focus and compliance. The second year looked at service quality, views on the public and wellbeing of staff. Box one A shows the results of a pre and post implementation survey indicating the positive results of the programme.

Box 1A: Durham Constabulary Staff evaluation of the organisational justice approach

Percentage of people who agree with the statements:

Statement	2011	2012
'I talk positively about the force when I speak to other people'	61%	65%
'I am confident the force is heading in the right direction'	33%	41%
'I understand what I have to do to help the force achieve it's goals'	87%	87%
'It is clear to me what the force's vision is'	60%	74%

		Percentage 2011	Percentage 2012
Feeling empowered	I feel trusted to make important work decisions on my own	77%	83%
	I am confident about using my own judgement at work	92%	94%
	I have the flexibility in my job to try out new ways of doing things	70%	71%
Positive views on the public	Some victims of crime are more deserving of a good service than others	32%	32%
	It's a waste of time trying to help some victims of crime	26%	19%
	Some victims do little to deserve the respect of the police	47%	32%

The evaluation[229] concluded: organisational justice was strongly and positively associated with identification with the force (and negatively associated with canteen cultural beliefs). Officers who felt loyal to and proud of Durham Constabulary were significantly more likely to feel confident in their own authority and comfortable with their position in society than those identifying with the informal culture. Officers subscribing to the canteen culture perceived a greater sense of separation between themselves and the public implying that it does not matter what the public think. The experiences of organisational justice within the police foster positive identities based on a culture of co-operation and fair process that will influence the way that officers view and interact with the public.

Case Study 2 - Lancashire Police's Sustaining Excellence Programme

The Sustaining Excellence programme has six strategic principles – namely, investing in people; transformation in service delivery; prioritising the front line; resources to risk; managing demand, locally owned and delivered and focus on quality; focus on victims and vulnerability. Key to the programme's success are, firstly, engagement with staff and stakeholders and,

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[229] Bradford, B., Quintom, P., Myhill, A., and Porter, G.(2013) Why do "the law" comply? Procedural justice group identification and officer motivation in police organisations. European Journal of Criminology available at http://euc.sagepub.com/content/early/2013/07/02/1477370813491898

secondly, being able to deliver the cost savings through demand reduction. The latter is being developed and delivered through a 'systems thinking' approach/programme designed to transform the way the Constabulary works, to improve customer service and satisfaction, maximise productivity at lower cost and create a continuous improvement culture, leading to an increase in morale. It also provides a clear direction by stripping out demand and freeing up time.

The people strategy combines Human Resources, Learning and Development and Professional Standards portfolios consisting of eight strategic components: organisational development; quality of service; resourcing, recruitment and retention; learning and skills development; leadership development; health and well-being; performance, reward and recognition; standards and integrity. Space precludes giving full justice to this programme. A snapshot will be provided to illustrate how this force has turned the change innovation preferences described above into tangible practices.

Figure 5A: Examples of practice from Lancashire Constabulary's People Strategy

Fairness in promotion e.g. Having a process to identify talent junior staff in order to develop them	Flexible working e.g. Managing expectations balancing personal need against those of the organisation	Distribution of workload e.g. Better management of poor performers
Police Staff Talent Management Scheme. Tomorrow's Leaders Today (TLT) - aimed at BME staff and officers and those from lesbian, gay, bisexual and transgender (LGBT) groups Next Generation Programme (follow up to TLT)	Flexible Resourcing Explore options Discussion Agreement (FREDA) which the request is assessed in terms of impact on community or other affected people or groups, needs of the Constabulary, impact on earnings, pension etc with the aim of seeking a workable solution	Performance Improvement Unit set up as a result of the staff survey and advises line managers, and assigns a caseworker to effectively manage the performance, attendance and well-being of staff-through support, learning and development within an improvement plan
Impartial decision-making e.g. Investing in management/leadership training	Explaining decisions Build in consultation with the workforce	Participation in decision making Ensure messages from staff surveys are acted upon
Leadership Development Training delivered as modules (leading change, authentic conversations, leading on performance and quality) to first line supervisors and middle managers supported by a mentoring and coaching	The Buzz-an internal microsite running on a 4 week cycle of SMT posting issuing, 2weeks for discussion week 4 collation of views and feedback from SMT	Development of well-being strategy stimulated by results of staff survey, data was analysed by consultant organisational psychologists whose suggested interventions evaluated by officer undertaking doctoral

network and aligned to College of Policing Leadership Programme		studies

Both Lancashire and Durham have shown an increase in public satisfaction over the period of the introduction of their respective programmes.

Figure 6A: Public satisfaction in Lancashire and Durham Constabularies March 2010-March 2013
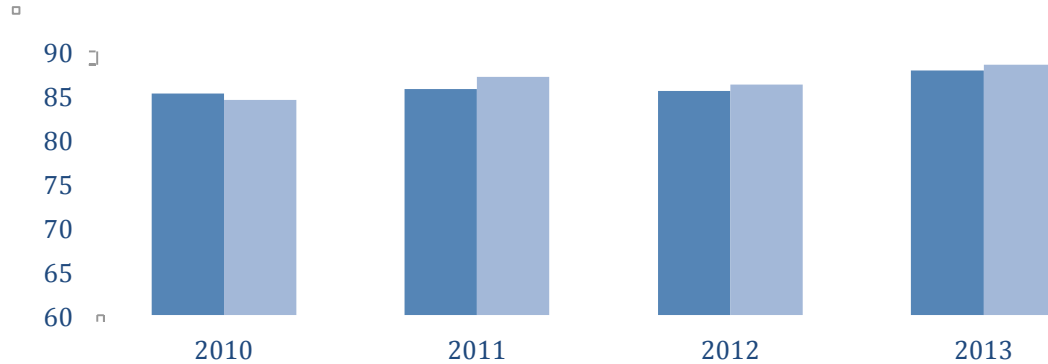
What is striking about these two examples is that they represent different ways to achieving the end of creating fairer working environments. Lancashire and Durham Constabularies have a philosophy and a framework, the former systems thinking and the latter organisational procedural justice. Both use evidence and are entirely in keeping with two of the reformulated Peelian principles: Procedural fairness should also inform the internal organisation of police forces – in terms of how officers and staff treat one another and are given a voice in decisions affecting their working lives, and police work (and practice) should be informed, from top to bottom, by the best available evidence.

Appendix ten: Forensic science services for the Criminal Justice System of England and Wales[230]

Introduction

High quality forensic science services are critical to the investigation of crime and the firm and fair administration of justice. The Commission believes it is essential that both organisations and individual forensic practitioners operate to high quality assurance standards to ensure reliability of evidence and preservation of confidence by the public, the courts and the criminal justice system in general.

Forensic science plays a crucial role in many criminal investigations through recovery and scientific analysis of physical evidence[231]. The secure packaging of evidence and ability to demonstrate unbroken chains of custody during handling and whilst in transit to the laboratory are all extremely important for confidence. It is vitally important for example to ensure that the right item has been tested and there has been no opportunity for it to have become contaminated with anything which might then be mistaken for evidence. Also important is the interpretation by the forensic scientist of their findings within the context of the particular circumstances of individual cases ensuring that traces that could have been left by legitimate means are not confused with potential evidence of criminality.

In 2012, forensic science was used in relation to 1.4 million people processed by the police service within the UK.[232]

The Commission is mindful of the considerable work undertaken by the House of Commons Science and Technology Committee reviewing the provision of forensic science services in the aftermath of the closure of the Forensic Science Service (FSS) in March 2012. In coming to its conclusions about the future direction of forensic science provision the Commission draws heavily on the work of the Committee as well as engaging in consultations of its own. The Commission shares the concerns of the Science and Technology Committee.

The experts we consulted painted a worst case scenario in which there will be a loss of momentum in research and development, little to attract and retain skilled staff, and fragmented effort in individual cases – all increasing the potential for error in an undefined and unstable market. The gloomiest prognosis is that without a research and development capability, this country will be relegated from its world class status in forensic science innovation and perhaps even more importantly, there will be serious lapses in the quality of

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[230] This appendix was kindly prepared for the Commission by Professor Jennifer Brown and Professor Angela Gallop

[231] Jackson, R.W. and Jackson, A. (2004) Forensic Science. Harlow: Pearson

[232] Association of Chief Police Officers (2012) Harnessing science and innovation for forensic investigation in policing: live-time forensics

forensic interpretation potentially leading to lengthier, less successful police investigations and miscarriages of justice. There is considerable danger in failing to learn the lessons from the recent past and that one outcome, that of a private supplier becoming virtually a monopoly, takes us back to the risks prompting the demise of the FSS.

Background

The FSS had been the largest supplier of forensic science services to the police and other investigatory agencies. It had been established in December 1991 from regional laboratories previously run by the Home Office Forensic Science Service to enable them to charge police on a case by case basis in the hope that this would inspire better alignment between supply and demand for their services. These had been out of kilter for some considerable time. In 2005 the FSS was turned into a GovCo service, in an attempt to improve efficiencies and drive down costs, improving its ability to compete in what by then had become a commercial market. At that time FSS Ltd. held around 60% of market share. Incidentally, Scotland and Northern Ireland retained models of public funding for their forensic services.

Notwithstanding three business plans in 2008, 2009 and 2010, these failed to stem the flow of the FSS's operating losses – latterly said to be of the order of two million pounds a month (although they were actually nearer £1.58 million[233]). Those losses, together with a projected shrinking of the forensic market and an increase in in-sourcing forensic activity by police forces, led to the Government decision, announced on 14th December 2010, to support the wind down of FSS, transferring or selling off as many of its assets and operations as possible by March 2012. Furthermore there had been a number of shortcomings in the quality of FSS analyses in several high profile criminal investigations such as Rachel Nickel and Damilola Taylor, and private firms had shown they were more than capable of providing forensic services at this level.

The closure of the FSS was followed by the demise of the NPIA in October 2013, which had been responsible for forensic procurement. A NFFA had been introduced, run by the NPIA, which categorised services into 14 work packages open for tender. By the time responsibility for procurement of forensic services had moved from the NPIA to the Home Office (in October 2013) the NFFA had been superseded by the NFFNG. This is designed to run until July 2016. Regional competitions allow forces to select their preferred forensic science provider from the 13 who are within the framework following the tendering exercise. There are between two and six providers for each work package.

Following a report of the Forensic Science Working Group in 1997, the Council for the Registration of Forensic Practitioners (CRFP) was established in 1999. The reasoning was that it was in the public interest to have a clear and accessible way of determining the competence of individual practitioners in order to ensure quality of forensic science evidence presented at court and preserve confidence in the justice system.

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[233] House of Commons Science and Technology Committee (2013) Forensic Science report vol I published 25th July

By 2008 the CRFP had 2,730 individual registrants and covered 26 specialities ranging from forensic archaeology to volume crime scene examination.[234] However, as explained by the Forensic Regulator in his evidence to the first Science and Technology Committee in 2011, Ministers took the view that the register was not serving the purpose for which it was designed. For his part, the Regulator's own consultation concluded that the CRFP was seen as a burden on many forensic scientists, that the registration form did not meet the competency requirements of ISO 17025 and that the time and effort to complete the CRFP registration created a parallel system to other professional societies' registers thereby duplicating efforts.[235] He concluded that the CRFP assessment did not provide direct evidence of competence, its accreditation procedure was:

> 'haphazard, poorly managed with very long delays in the process and very little in
> the way of communication from the CRFP with regard to the accreditation.'

The views expressed by the Crown Prosecution Service and Attorney General were that membership of the CRFP was essentially a self-referral mechanism with no meaningful independent scrutiny. As such, practitioner membership of the CRFP was irrelevant to evaluating the quality of the evidence that the individual could give.

There was also an unrealistic expectation that the register would become self-funding. This was largely because the 'end user' of the expertise, namely, the prosecution and court system, placed no value on membership. What this meant was that there was no onward demand beyond individual forces using the idea of membership as a means of offsetting the chief constable's responsibility to sign off each individual applicant for 'expert status' within the force, and forensic science providers' desire to distinguish their own properly qualified staff from others who merely claimed to be forensic scientists. Accordingly the register was wound up.

Current state of affairs

The present arrangement then comprises different models. Some forensic work is undertaken by a number of forces themselves. The MPS re-acquired its Lambeth Laboratory (which had latterly been subsumed by the FSS) and several other forces undertake varying amounts of in house analyses. Scientific support managers within forces oversee use of forensic science by their forces including contributing to SIO's development of forensic strategies for individual cases, collection and securing of evidence by Scenes of Crime Officers (SOCOs or CSIs) and submissions to forensic science provider laboratories. They also ensure compliance with the essential statutory obligations relating to the disclosure of unused material as defined by the Criminal Procedure & Investigations Act (CPIA), 1996.

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[234] CRPF Submission to the Forensic Science Regulator Review of the optimal national approach to the registration of forensic practitioners, 2008
[235] Forensic Science Regulator (2009) Summary of the responses received for the forensic science Regulator's consultation paper on a "review of the options for the accreditation of forensic practitioners." July 2009

There are collaborations such as Hertfordshire and Bedfordshire and the North East regional forces (representing a fifth of the police service who entirely outsource their forensic work).

It is difficult to be precise about the monetary value of the present forensic services market. The Science and Technology Committee offered estimates of between £70 and £100 million which is a substantial decline from the projected £170 million in 2009.

In 2010 the Association of Forensic Science Providers (AFSP) was constituted to represent the common views of commercial providers of forensic science services, whose founding members included the larger private companies such as LGC Forensics and Cellmark Forensic Services. It has to be said that the private providers have a primary responsibility to their shareholders and contractual obligations with their customers. This is a critical difference in the CJS context as the customers (i.e. police) are not the end users (i.e. prosecution and courts).

Professional exchanges and continuing professional development (CPD) opportunities are available through a number of organisations including some of the private forensic services suppliers, The Forensic Science Society, and also the British Academy of Forensic Science. These seek to facilitate communication between practitioners, academics and interested parties, to provide CPD events and convene conferences, all to enhance the rigour of scientific practice.

In addition the Forensic Science Special Interest Group (FoSciSIG), was set up in June 2011, following a recommendation by the Home Office Chief Scientific Advisor. Funded by the Technology Strategy Board (TSB) the group seeks to build a forensic science community and enable closer networking and better communication between forensic science end users, suppliers of products and services, academics and other researchers, and policy makers, for improved R&D[236].

There is a residual FSS entity, Forensic Archive Ltd, that looks after the FSS archive material and is presently engaged in cataloguing several million items but which is not accepting material deriving from new investigations. These newer materials are currently being kept by a combination of forces and commercial providers responsible for the analyses. (Some material goes back to forces such as the actual items, whereas some subsamples taken during analytical processes are retained by the forensic service provider). The DNA data bases, formerly run by NPIA, have been taken into the Home Office. The Biometrics Commissioner has responsibility for the National DNA data base and also IDENT 1 the fingerprint database.

The office of the independent Forensic Science Regulator was established in 2008. The Regulator's office comprises a team of four, three of whom are civil servants, and is responsible to the Home Secretary. There is an annual budget of £896.000.[237]

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[236] https://connect.innovateuk.org/web/forensics
[237] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/143740/business-plan-2012-2017.pdf

The remit of the Regulator is:

1. identifying the requirement for new or improved quality standards;
2. leading on the development of new standards;
3. where necessary, providing advice and guidance so that providers of forensic science services can demonstrate compliance with common standards.

The work of the Regulator is supported by the Forensic Science Advisory Council (FSAC) whose membership of advisors is drawn from amongst others the CPS, Police Services, The Forensic Science Society and the Association of Forensic Science Providers. The FSAC concerns itself with quality of academic and educational standards, accreditation issues and the discussion of new technologies.

Research and development in forensic science had been conducted previously by a number of public bodies such as the MOD as well as the FSS. Dr Gillian Tully in her evidence to the Science and Technology Committee explained that the FSS spend on R&D over the last several years had been in the order of £3 million to £4 million a year. Added to which several million pounds were devoted to IT development as well as research conducted in the operational laboratories. She said in her evidence that the FSS spent £4.01 million on R&D in 2008–09, £4.11 million in 2009–10 and an estimated £3.3 million in 2010–11 although in the aftermath of the closure announcement, the spend reduced.

Other sources of research are the Universities where it is difficult to estimate the total amount of monies available, and private forensic providers. University based researchers compete for public funding from the various research councils. In her evidence Dr Tully gave some (g) estimates of the contribution to research that the private providers spend as a percentage of turnover. Thus LGC Forensics, the UK's largest private forensic science provider, spent 'between 5% and 10% of [its] forensics revenues on research every year' (exact figures were not publicly provided) and Cellmark, one of the next largest forensic providers, spent 'about £1 million last year on R&D.'

In June 2011 the Chief Scientific Advisor made some recommendations in relation to Forensic Science R&D.[238] The report concluded that the FSS had made significant contributions to the development and practice of forensic science. The point is made that forensic science is, by its nature, multi-disciplinary and applied which disadvantages the discipline in the competition for academic research funding. The report saw the office of the Regulator as the focal point for bringing together a consortium to organise regular conferences and that the Home Office should facilitate contact with the UK Research Councils with a view to establishing forensic science as a strategic priority.

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[238] Silverman, B. (2011) Research and Development in Forensic Science; A Review

The House of Commons Science and Technology Committee Enquiries

In 2011 The Home Affairs Science and Technology Committee undertook an inquiry into the FSS closure[239] and published a follow up in 2013.[240] The initial inquiry concluded that whilst there was no intrinsic merit in retaining the FSS as a public agency and clearly something had to be done about the operating losses, there were a number of matters of 'grave' concern.

In summary the 2011 report drew attention to the following problems:

1. Lack of an obvious national strategy for forensic science
2. The robustness of the market to absorb the forensic work
3. Threats to research and development
4. Maintenance of forensic archives
5. Continuity of evidence
6. Impartiality of forensic interpretation
7. Quality and independence of forensic evidence.

The Committee then recommended that the Government should consult in order to determine a clear strategy for Forensic Science provision, that efforts be made to stabilise the market, police laboratories should achieve accreditation at least to a minimum of ISO 17025 standard and that the Forensic Science Regulator be given statutory powers to ensure compliance with quality standards. The Committee was also exercised about the problems in securing funding for forensic science research and the future of FSS archive materials.

In the follow up report, the Committee commended the management of the direct cost savings in the closure of the FSS but remained highly critical of the lack of transparency of police expenditure on in-house forensic science, which makes it impossible to determine whether savings have actually been achieved or whether more expense has been incurred in the procurement of forensic services. The Committee was also concerned that not only had some police forensic laboratories failed to achieve (and were not willing to apply for) accreditation to the ISO 17025 quality standard, but also the status of archived materials remained unresolved. The Committee was disappointed that insufficient progress has been made in achieving statutory provision for the forensic science Regulator. The Committee noted that it is as difficult as ever for forensic science researchers to obtain funding and that the forensic market remains unstable. In short, in the absence of a strategy for forensic science, and given the present 'pattern of short-sighted decision–making that led to the demise of the FSS and the creation of an unstable market for the remaining commercial providers', the present state of affairs jeopardises public confidence in the criminal justice system.

The Commission made its own, more modest, enquiries with 12 forensic experts and also took note of the conclusions of a seminar held on 12th March 2013 by the Northumbria University Centre for Evidence and Criminal Justice Studies (CECJS) on expert scientific and medical evidence. The Commission also consulted the Forensic Science Society, the professional body

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[239] House of Commons Science and Technology Committee (2011) Forensic Science Service
[240] House of Commons Science and Technology Committee (2013 op cit)

for forensic science practitioners. The Commission's analysis and conclusions are now presented.

The Commission's view

Despite substantial investment, the FSS failed to respond to the disciplines of commercial competition, and the Commission is in agreement that something needs to be done. We are also of the view that opening up forensic services to the market has achieved some notable successes in previous intractable cases, reduced turnaround times and eliminated backlogs and resulted in a reduction in pricing of services.

However, the experts consulted by the Commission and the participants to the CEJCS seminar were mixed in their assessment of the present quality of services and they were concerned about the quantum capacity of the market. The Commission is of the view that there are potential threats to the interests of justice and public confidence in the existing arrangements.

The outstanding and unresolved matters are:

1. Instability of the market;
2. Slow progress on Quality Assurance of both organisations and individuals;
3. Resolution of the research and development capability;
4. The status of all archived materials;
5. Absence of an integrated strategy for forensic science.

Instability of the market

The FSS Ltd. was closed on commercial and legal grounds, and the projected reduction of police resources directed towards forensic science analyses exacerbated the FSS's financial viability. The Science and Technology Committee commented in their second report that this shrinking of the market whilst posing a risk to the FSS also presents a risk to private commercial providers. The situation is complicated by the expansion of in house forensic services provided by the police themselves. As the Science and Technology Committee appositely observe there is an internal market and an external market that operate under different rules. Their efforts to determine the scale of the police spend were unsuccessful. Lower crime rates, forces cutting back on their forensic science analyses, their own evidence screening (triaging) and other in-sourcing activities, and introduction of national Streamlined Forensic Reporting (SFR) - a key element of CJS reform to facilitate 'proportionate' prosecuting, have all contributed to a shrinking of the market.

The Next Generation procurement framework (NFFANG) was supposed to help stabilise the market. This has not proved to be the case because of the relatively large size of many of the contracts and the short term over which they extend, combined with little or no coordination in the timetabling of tenders, and uncertainty about actual volumes of work and timetables for transfer of work to successful tenderers. In any event, all this results in regular shifts of substantial amounts of work between suppliers reflecting tender awards and at the same time

makes investment decisions very challenging, exacerbated by financial penalties for late delivery of services. This has had an impact on the employment of forensic scientists because there is a reluctance to give highly qualified professional staff full time contracts and a tendency to employ younger, less experienced and thereby cheaper staff on short term contracts. The Science and Technology Committee concluded notwithstanding some streamlining of the procurement process, the new procurement framework was actually adding to the instability of the market. Rather than using NFFNG, they recommended adopting the North East collaborative model of regional cooperation.

The North East model involves the entire outsourcing of all forensic services for forces in the region, managed through a central facility. The bulk of the work has been awarded to a single supplier. The Commission is concerned that if repeated around the Country, this could in time dramatically reduce choice of suppliers, and therefore richness and resilience for the future and destroy many of the benefits of a competitive market. The single supplier could give rise to the same problems as experienced with the FSS as a monopoly provider and history would have come full circle.

Quality Assurance

There are several elements to ensuring the quality and integrity of forensic science services: accreditation, holistic strategy setting and interpretation of results, integrity and security of the supply chain in relation to both evidence and relevant unused material (cf: the CPIA), registration and regulation of organisations as well as individual practitioners.

1. Looking first at accreditation, the United Kingdom Accreditation Service (UKAS) accredits against International Organisation for Standardisation (ISO) 17025 and increasingly 17020 standards as an integral part of the forensic science quality framework, and there is an expectation that those supplying forensic science services to the police and the Criminal Justice System will have been accredited to these standards. The CPS has not included ISO accreditation as a requirement in the application of the Code for Crown Prosecutors in assessing the quality of the evidence passed to them by police forces.

The CECJS seminar participants concluded that the time scale for closing the FSS and winding down its work was too tight. One of the consequences was that work was transferred from accredited to unaccredited in-house laboratories. The Government relied on Police laboratories to conform to ISO 17025. Not only have some police laboratories failed to gain this accreditation, but as Dr Gillian Tully in her evidence to the Science and Technology Committee said:

> 'although ISO 17025 is necessary, it is not sufficient to ensure quality because it is very much a standard that is around laboratory testing. It does not really cover issues like setting the forensic strategy for a case, working out which items to examine and which not. It certainly does not cover the complex interpretation of the results and the presentation of the evidence in court. It is part of a wider framework that is not in place and is certainly not in place as a standard across all laboratories'

When we consulted the Forensic Science Society their response was also that ISO 17025 on its own was inadequate. They seek a more holistic approach combining what they as a Society can do to set standards for individual practitioners, complementing the work of the Forensic Regulator in his role when assuring the quality control at organisational level. They said:

> 'ISO accreditation is an essential starting point in that all laboratories should have
> consistent, independently assessed process and quality management systems,
> including a meaningful route for communicating breaches to end users and taking
> swift corrective action so that public confidence can be maintained'

The Forensic Science Regulator stated in his evidence to the Science and Technology Committee [241] that all police forensics would be working to quality standards by 2020. Yet the Minister for Crime Prevention in his evidence to the Committee[242] asserted that police laboratories not achieving accreditation to ISO 17025 standard by November 2013 will be required to outsource their work, which he was confident would be picked up by the private commercial providers.

2. The CECJS seminar drew attention to the problem of fragmentation i.e. different suppliers being asked to undertake tests on different aspects of the same case. Seminar participants were concerned that this might result in lines of enquiry being missed or different probative weight being attached to separately commissioned pieces of work. Moreover some reports may be being prepared by the less experienced working in isolation from other scientists engaged in different aspects of the investigation. There is also a potential absence of contextual information which can make the difference between relevance and irrelevance to a case. This was exemplified by a witness to the second Science and Technology Committee hearings[243] who said that previously the laboratory might have been sent a whole jacket to undertake analysis but now they will simply be sent a "snip from the jacket with a bloodstain on it and asked tell me what blood that is. Give me a DNA profile. Those are fundamentally two different tasks from a scientific point of view." Put simply DNA might tell the police who but without context the analysis would not be able to provide an interpretation of the relevance.

The implicit criticism of fragmentation is that this affects every level of forensic service from a strategic deficit at the outset - because no one forensic provider has a full understanding of the case to be able to help develop science strategy, a results assessment deficit - because it can be difficult to be sure what an individual finding is likely to mean out of context, and an interpretation deficit - because no one provider knows about all of the scientific findings in the case and how they relate to one another.

The Science and Technology Committee heard from the CPS headquarters[244] witness who thought, whilst there may be fragmentation in provision of services, she and other witnesses

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[241] March 6th 2013
[242] March 13th 2013
[243] Mr Richardson of LGC
[244] Karen Squibb-Williams

were not detecting negative consequences of this appearing in the co-ordination of an investigation to the extent that there was no evidence that prosecutions were affected. The CECJS seminar participants were however anxious that holistic interpretations (in the context of each case) are increasingly becoming unavailable through the sort of fragmentation described above, lack of contextual information, budgetary constraints which restrict the time available in many cases, and commercial sensitivities inhibiting information sharing in product development and processes in a competitive tendering environment. Various witnesses to the Science and Technology Committee were of the view that the procurement process commodified tests and that really the results from different tests should be brought together holistically and that the present arrangements inhibited partnership working. For example, in a criminal case an FSP will be expected to make available to the defence the validation records of the development of a particular product or service; in the new commercial era, many organisations have struggled with this as they do not want to reveal their 'competitive edge', although they do ultimately have to comply with demands here.

3. Supply chain issues and preservation of evidence and records of unused material continuity were examined by Dr Tully at the request of the Forensic Regulator.[245] She identified a number of (potential) weaknesses: validation (statistical calculation software), handover issues (multiple handovers between SOCOs, police labs, FSPs etc), bias and interpretation issues, sub-standard laboratory practices, issues on court presentation of evidence and training. Mr Rennison, the Forensic Science Regulator, recommended to the FSAC that, under his sponsorship, a 'light-touch' programme of audits be undertaken as well as tracking of a small number of key cases.

4. With the demise of the CRFP register (in 2009), we are in the position of once again having no authoritative, or independent, listing of forensic science practitioners and their professional credentials. Clearly there is some dual credentialing because of the variety of professional expertise amongst forensic science practitioners, individuals may be registered with and subject to the Regulatory regimes of their respective professional bodies.

The Forensic Science Regulator deals with complaints (against organisations, but not individuals) amongst the range of activities ascribed to the office but given the modest staffing, in the terms of reference it states:

> 'The Regulator will not be expected to deliver all these activities directly. It will be the function of the Regulator to ensure that the standards exist, that they are fit for purpose, that they are subject to accreditation and that they are monitored. Where organisations exist to deliver the above activities, the expectation will be that this will continue and that the Regulator will operate through the established processes unless these processes are unable, for some reason, to deliver the required outcome.'

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[245]

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225516/Forensic_Science_Advisory_Council_Minutes_of_Mtg_14_February_ 2013.pdf

This implies that some individuals, i.e. those registered with a professional body, reported for misconduct or incompetence may be dealt with by that body. This leaves a vacuum for those practitioners not registered through a professional body. The CECJS seminar participants also raised the problem of the standing and expertise of expert witnesses. Finally there is the question of how to ensure the standards of the SOCOs responsible for collecting evidence and of forces' scientific managers.

The Science and Technology Committee advised the move to statutory powers of enforcement for the Regulator. The present Regulator himself told the Science and Technology Committee[246] that he has done all he can on the basis of voluntary consensus. He would like to incorporate regulation of defence forensic science expertise, expansion of the codes of practice, inclusion of medical forensics - such as the examination of victims and suspects in sexual offences, underpinned by the force of statute and within a twelve month time-table. The CJS, in terms of the prosecution and the courts service, has not had the opportunity to consider the impact upon their business of this proposal; there will be significant concerns of the downstream costs of implementing such a move.

The advice the Commission received from the Forensic Science Society suggested that there were already powers in relation to improving the quality of expert evidence available through proper compliance with the obligations imposed by the Criminal Procedure Rules (CrPR). The Society's view is that statutory enforcement will not solve the present shortcomings.

The CECJS paper identified the large swings in workload between private suppliers, uncoordinated procurement decisions, price competitive tendering for criminal legal aid, exacerbated by a lack of quality assurance including of clinical evidence provided by forensic medical examiners as current risks. They thought these could be offset by having something equivalent to a kitemark to assert that there are no threats to the integrity of the analysis through insufficient contextual information, application of professional standards as presently apply to forensic pathologists, that these be extended across the civil, family and coroner's courts, and to engage with some form of peer review verification. This was thought achievable through a minor amendment to the Criminal Procedure Rules 2012 as a new obligation of 'professional candour' as a complementary approach to increasing the statutory powers of the Forensic Science Regulator.

Research and development

The FSS had a cadre of approximately 60 multi-disciplinary research scientists and a research and development budget. The Silverman report acknowledges that their efforts had contributed significantly to developments in research and practice. But Kings College London (KCL) explained to the Science and Technology Committee that:

> 'the FSS was unwilling to enter into research partnerships or share information
> with academia' [and that because] research carried out by the FSS prior to its
> closure was directed at the FSS as a business and not shared with the community

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[246] In evidence on March 6th 2013

as a whole [the Government was essentially] 'funding research for a private company.'

In any event, this group has been broken up by the wind down of the FSS and the intellectual property rights of some of the significant DNA work sold off.

Dr Tully in evidence[247] to the Science and Technology Committee explained:

> 'that there is some research and development in the private sector, but not all research will produce a commercial return, or the return on investment will be far too far in the future on which to make a sensible investment decision. Without some centrally sponsored focus on research and development, I don't think the private sector or the police will take up the range of research and development that needs to be done. There will be work done on improving efficiency of internal processes at individual laboratories, but there will be little work done on providing improved data sets, improved methods of interpretation and those areas of innovation that are aimed more at courts and less at operational efficiency.'

Some may disagree with this assessment, but what is unarguable is that there is a need for some of the funding that used to go to the FSS to continue to be made available for forensic science. It could be administered via the Research Councils but for this to be effective, there would have to be a requirement for forensic science providers to be included in the projects otherwise the funds would be more likely to end up with academic institutions who are much better versed in making successful applications yet less likely to ensure that the work is kept practice relevant. Some research is also being undertaken by other government agencies in this field, such as DSTL and those working in the covert environment.

The archive

Alison Fendley, executive director of the archive explained to the Science and Technology Committee[248] that the archive is funded by around £2 million per year for a three year tenure with nothing yet decided about its future thereafter. There is at present a help desk to assist in assessing material but there is no facility to offer scientific support which has to be commissioned by the enquiring force. The archive cannot be directly assessed by defence solicitors, research scientists or private forensic science providers. The present task of the archive is cataloguing which will take about a year. Most private companies are sending current materials back to forces to archive and certainly in the future are unlikely to wish to bear the cost of archiving. At present there is no charge levied to access the archive and in Alison Fendley's view not only will it never be self-sustainable under present circumstances but also there will be a need for some of the materials to be held in perpetuity.

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[247] 30th January 2013
[248] 30th January 2013

Dr Tully also drew attention to the matter of the archive:

> 'an equally important issue for me is the many research papers and validation papers locked up in that archive which have never been published. They have to remain accessible and available. We might even look at opportunities for publishing some of those in the future. The archive covers a lot more than just case files.'

The Forensic Science Society was mindful of the loss of scientific advice to help with archive enquiries and that there is no clear way forward in building a sustainable national repository of materials.

Strategy

The Minister for Crime Prevention, Jeremy Brown, was repeatedly asked by the Science and Technology Committee as to whether the Government had a strategy for forensic science provision. He described "the basis" of provision whereby the police use high quality forensics, whether in house or bought in, that were cost effective and solved crime without being determined by Central Government which was as close as he came to describing a strategy. Moreover, the Minister seemed unclear as to his remit and that of his counterpart, the Police Minister in the Home Office. The Committee was highly critical of the Minister's laissez faire attitude and were not persuaded by his reassurances that the market was either working well or was self righting.

The Forensic Science Society thought the issue may be less to do with strategy and more to do with whether the Government was willing to put any money or structures in place specifically for forensic science, to which the answer appears to be 'no'. Their contention is that if there is in fact a strategy, it is that the Government intends that a privatised market will take care of supply and quality through market forces. However they also observe that supply and demand principles do not operate in the same purely commercial manner when providing services to the CJS, particularly in an adversarial legal system such as exists in the UK. Although they do note the setting up of the Forensic Strategy working group reporting to the Forensic Policy Group has the potential towards developing a more appropriate long term strategy.

Conclusions

The Commission believes that the market remains unstable and does not share the Minister's optimism that there are self righting mechanisms such as the release of new work by the failure of police laboratories to achieve accreditation standards. Moreover there remains the inherent paradox of the police being both customer (but not the overall 'end-user') and supplier operating its own internal market. Our expert consultation suggested that procurement is too price focussed based on cost rather than a high quality service approach which, together with short term contracts and an inability to predict volume of work, is likely to put further pressure on a shrinking market. Moreover there is a reasonable prediction that the market may become dominated by one major supplier.

On the matter of accreditation, firstly ISO 17025 is a minimum standard, that even if police laboratories achieve, this is considered necessary but insufficient to fully service the CJS by professionals in the field. Secondly, there are no contingency arrangements should the axe fall on police laboratories not achieving the required standards. Thirdly there seems to be a confusion of timescales for accreditation between the Minister and the Forensic Science Regulator.

The Regulator conceded in his evidence to the Science and Technology Committee that regulation of standards is very fragmentary and whilst there is work being done in the different fields covered by forensic science none of it is co-ordinated or joined up and further that there are some areas out with the remit of the Regulator, such as oversight of individual practitioner standards. The light touch approach he is advocating may not be sufficiently stringent.

There is an accumulation of concerns about what might be called the holistic deficit. Notwithstanding the CPS' view that this was not affecting the co-ordination of cases in a fragmentary sense, there is a compelling strength of opinion that suggests problems in setting a forensic science strategy and the absence of contextual analysis in more complex cases, and threats to the continuity and quality of evidence. It might be helpful here to make a distinction between major crime and what is commonly referred to as volume crime, as they have rather different requirements. Major crime will suffer far more from the holistic deficit than volume crime.

There is not a clear cut focal point that can take the lead in driving standards of individuals whether they be forensic scientists, in house analysts or scenes of crime examiners and evidence collectors, or those from the academic community and allied disciplines. This is exacerbated by the lack of a consolidated register, although this may be in the process of being resolved. The Forensic Science Society's (FSSoc) 'Register' is primarily a searchable list of members by speciality. As a response to previous Science and Technology Select Committee recommendations, over the last 18 months, the Society has been establishing an upgraded version of the Register specifically for Professional Members, Accredited Forensic Practitioners and Fellows which is due for full public launch at the research and development Conference in November 2013. It is called The Roll and at present The Society is uploading appropriate members' professional details where they meet the specified criteria. From early November 2013, the Roll will be publically searchable against speciality. At present there are between 2-3,000 on the Roll.

All applications are considered by the Membership and Ethics, and Standards Committees and the processes are set down in The FSSoc Constitution. There are different categories of registrants – both for students and academics, and for forensic practitioners where they include specifically accredited practitioners.

Such accredited practitioners in particular will have gone through a very rigorous process involving individual elements testing their theoretical knowledge, practical skills and peer review of a portfolio of their work. Combined with what appears to be a fairly robust

procedure for dealing with complaints against experts – enhanced by the presence of the Society's new in-house Counsel, this could be a very useful tool for ensuring standards of individual practitioners. If there is a concern about all of this, it relates to the funding necessary for the accreditation process to become the norm – the tests are expensive to develop. Arguably, the Regulator should provide some assistance here as it augments his role in assuring quality of organisations.

There continues to be a research and development deficit with the hope that this can be met through access to public funds administered by the research councils. ACPO[249] for example, presents an optimistic picture of partnership working and collaboration between the police, industry and academia but with little focus on how this may be achieved. The advice from the panel of consulted experts suggested that at present there is little incentive for commercial providers to engage in research and development other than that which potentially has a commercial spin off. The Science and Technology Committee note little progress has been made in persuading the research councils to set forensic science as a strategic priority. Here there is a stark choice, invest in research and development or accept that standards may slip and Britain will no longer be a leading exponent in forensic science.

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[249] ACPO (2012) op cit