



HOUSE OF LORDS

Library Note

Debate on 28 November: Policing

This Library Note provides background reading for the debate to be held on Thursday, 28 November 2013 to:

“take note of public trust in the police and its role in effective policing, and the system for investigating complaints into police conduct”

This Library Note provides a brief overview of the structure of the police service, and some statistics on the police workforce. It discusses some of the key elements of the Government’s programme of police reform, and offers information on the system which is used to investigate police complaints. Finally, it explores levels of public trust in the police force, and the recent report of the Independent Police Commission.

Dorothy Hughes
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I. Introduction

The Prime Minister, David Cameron, has stated that “we have in Britain the bravest and the best police force anywhere in the world”.¹ In a recent report, the Home Affairs Select Committee described how “every day, thousands of officers show absolute commitment to their work and go beyond the call of duty to safeguard the public, prevent crime and catch criminals”.² The Committee stated:

Trust in the excellence of British policing is projected on the international stage—the desire to work with British police shown by our colleagues in Romania, on our recent visit to Bucharest, is just one example. We have no doubt that the British police service will continue to shine as one of the most impressive police forces in the world, while maintaining its civilian character and the principle of policing by consent.

The Committee went on to suggest, however, that the police force is experiencing a number of unprecedented challenges. In October 2010, the Government announced that the central funding provided to the police service would reduce by 20 percent in the four years between March 2011 and March 2015. Her Majesty’s Inspectorate of Constabulary (HMIC) has carried out an analysis of how police forces are addressing this reduction in funding:

Forces have faced a savings requirement of £2.42 billion over the spending review period, which represents a reduction of 17 percent on their 2010–11 baseline costs. Forces have plans in place to save £2.31 billion of this (95 percent). Our inspection work indicates that the residual funding gap (of £116 million) is likely to be closed by the end of the spending review period.

HMIC suggests that forces “have borne down on goods and services expenditure, as they make up 27 percent of the savings but only 20 percent of the cost base”. However, it suggests that most of the savings will come from the workforce budget:

Forces plan to achieve the remaining 73 percent of the savings by cutting the total police workforce (ie police officers, police community support officers (PCSOs), and police staff) by 31,600 (13 percent) between March 2010 and March 2015. This comprises:

- 15,400 police officers;
- 13,400 police staff; and
- 2,900 PCSOs.³

HMIC suggests that these cuts have not had a negative impact on the service provided to the public:

HMIC is keenly aware that workforce reductions have a significant impact on individuals (both in terms of people losing their jobs, and those left behind having to do more work to cover for them). It is, however, encouraging that the service to the public remains

¹ ‘PM Deals with ‘Elephant’ in Room at Police Bravery Awards’, ITV, 17 October 2013.

² House of Commons Home Affairs Select Committee, *Leadership and Standards in the Police*, 1 July 2013, HC 67–I of session 2013–14, p 7.

³ HMIC, *Policing in Austerity: Rising to the Challenge*, July 2013, p 16.

strong, with recorded crime continuing to fall, and forces' victim surveys showing increased levels of satisfaction.⁴

The Home Secretary, Theresa May, has praised the police forces' cost saving work; in a speech to the Police Superintendents' Association of England and Wales she said "you have cut crime with fewer officers and lower budgets. You are doing more with less. That makes you the model public service in the era of budget cuts".⁵ However, the Home Secretary has recently expressed concern about public confidence in the police, following several high profile investigations into alleged police misconduct.⁶ The Home Affairs Select Committee also addressed this subject in its recent report, suggesting:

There is a flip-side to public perceptions of the police prompted by examples of misconduct and criminality within their ranks, including a number of investigations which have come about as a result of historical police failings, such as Operations Yewtree and Elveden, and there is an undercurrent of discontent within the service itself, as reform and spending cuts affect the sense of worth of ordinary officers.⁷

The Minister for Policing and Criminal Justice, Damian Green, has suggested that the Government has sought to address these challenges through its programme of police reform. In July he stated in a speech:

This has been a terrible few days of headlines for the police. They are largely historic, but still hugely damaging. The job of cleaning out the stables is key—but even that is not enough. We need to re-build confidence in the police by carrying on the reform programme [...] The government's police reforms are clearly working, helping officers do more for less; helping them speed up justice by trusting their professional discretion; helping them focus on their real purpose of crime-fighting.⁸

This Note provides a brief overview of the structure of the police service, and some statistics on the police workforce; it discusses some of the key elements of the Government's programme of police reform; it offers information on the system used to investigate police complaints; and explores levels of public trust in the police force. Finally, it provides a summary of the report published by the Independent Police Commission chaired by Lord Stevens of Kirkwhelpington QPM.

2. The Police Force

A report by the Association of Chief Police Officers (ACPO) provides an overview of the structure of the United Kingdom police force. It explains:

The structure of policing within the United Kingdom is complex. There are 44 geographic forces in England, Wales and Northern Ireland, each led by a Chief Constable who under statute has authority of "direction and control" of the force. Each Chief Constable is accountable to law, to the Home Secretary for national efficiency and effectiveness, and to local democratic oversight. From November 2012, 41 of the

⁴ *ibid*, p 16.

⁵ 'Theresa May Steps Up Campaign to End Unfair Police Use of Stop and Search', *Guardian*, 10 September 2013.

⁶ 'Theresa May Rebukes Police Over Reaction to Plebgate', *Guardian*, 15 October 2013.

⁷ House of Commons Home Affairs Select Committee, *Leadership and Standards in the Police*, 1 July 2013, HC 67-I of session 2013–14, p 7.

⁸ Home Office, 'Damian Green Speech on Police Reform', 8 July 2013.

geographic forces will have elected Police and Crime Commissioners (PCCs) responsible for discharging local democratic oversight. The two exceptions are City of London police, and the Police Service of Northern Ireland. In London, the PCC role is undertaken by the Mayor's Office for Policing and Crime.

As well as regionally based police forces, there is also British Transport Police with responsibility for policing the rail network, and specialist police forces such as the Ministry of Defence Police which serves MoD establishments, and the Civil Nuclear Constabulary, which protects nuclear sites.⁹

ACPO is responsible, in partnership with the Government and the Association of Police and Crime Commissioners, for leading and coordinating the development of the police service in England, Wales and Northern Ireland. In situations where it is necessary to coordinate a national police response, ACPO works with the National Police Coordination Centre. A new National Crime Agency, which aims to address serious and organised crime, became operational in October 2013. The NCA replaced the Serious Organised Crime Agency.

The Home Office publishes annual statistics on the police workforce. According to the most recent statistics, as at 31 March 2013:

- There were 213,620 full-time equivalent police workers in the 43 police forces of England and Wales. 61 percent of these were police officers, 31 percent were support staff, 7 percent were community support officers, and the remaining 2 percent were traffic wardens or designated officers.
- There were 129,584 full-time equivalent police officers in the 43 police forces of England and Wales. This is a decrease of 3.4 percent or 4,516 officers compared to a year earlier.
- It is the fourth consecutive annual fall in the officer total, with the 31 March 2013 figure being 14,186 or 9.9 percent lower than that for 31 March 2009. It is also the lowest total since 2002.¹⁰

Her Majesty's Inspectorate of Constabulary (HMIC) has estimated (based on workforce plans provided by police forces) that the number of police officers will stand at 128,400 by March 2015, a decrease of 11 percent since March 2010.¹¹ HMIC has made the following predictions as to changes in the number and proportion of frontline staff¹² between 2010 and 2015:

On average, forces plan to reduce frontline workforce numbers by 8 percent (13,400). However, they are reducing operational support by 20 percent (5,900), and business support by 25 percent (7,900) between March 2010 and March 2015 [...] This is expected to increase the proportion of the workforce in frontline roles from 74 percent in March 2010 to 78 percent in March 2015.¹³

The Home Office collects statistics on diversity in the police force. The latest figures suggest that, as at March 2013, 27 percent of police officers were female.¹⁴ This percentage has

⁹ ACPO, *Policing in the UK: A Brief Guide*, 23 October 2012, p 3.

¹⁰ Home Office, 'Police Workforce, England and Wales, 31 March 2013', 18 July 2013.

¹¹ HMIC, *Policing in Austerity: Rising to the Challenge*, July 2013, p 39.

¹² *ibid*, 'Annex C: Defining the Police Front Line', pp 138–46.

¹³ *Ibid*, pp 45–6.

¹⁴ Home Office, 'Police Workforce, England and Wales, 31 March 2013', 18 July 2013.

increased since 1997, when 16 percent of police officers were female.¹⁵ In March 2013, the proportion of police officers who consider themselves to be from a minority ethnic background was 5 percent.¹⁶ This has increased from 2 percent in 1997.¹⁷ Further information on the police workforce is available in the House of Commons Library Note, [Police Service Strength](#).¹⁸ The Association of Police and Crime Commissioners (APCC) also offers a map which illustrates the number of police officers in each of the 44 forces in England, Wales and Northern Ireland.¹⁹

3. Police Reform

3.1 Police and Crime Commissioners

Under the Police Reform and Social Responsibility Act 2011, Police Authorities outside London have been replaced with 41 Police and Crime Commissioners (PCCs). Police and Crime Commissioners are elected by people who live in their police area, using the supplementary vote system. Three police areas do not have PCCs: in London, the Mayor's Office for Policing and Crime took over from the Metropolitan Police Authority in January 2012, while the City of London retains a police authority. The Police Service of Northern Ireland is overseen by the Police Ombudsman for Northern Ireland and the Northern Ireland Policing Board.

The Association of Police and Crime Commissioners (APCC) defines the role of the PCC as follows:

PCCs must:

- secure an efficient and effective police for their area;
- appoint the Chief Constable, hold them to account for running the force, and if necessary dismiss them;
- set the police and crime objectives for their area through a police and crime plan;
- set the force budget and determine the precept;
- contribute to the national and international policing capabilities set out by the Home Secretary;
- bring together community safety and criminal justice partners;
- make sure local priorities are joined up.²⁰

The APCC also offers a more detailed briefing on [PCC Statutory Responsibilities](#).²¹

PCCs are scrutinised by Police and Crime Panels (PCPs); these are made up of at least one representative from each local authority in the police area, and at least two independent members co-opted by the panel. PCPs have a veto over the appointment of chief constables and the setting of the precept; exercising this veto would require a two-thirds majority of the PCP membership. The roles of the PCC, the Police and Crime Panels and the Chief Constable are set out in the [Policing Protocol Order 2011](#). This states that the PCC “must not fetter the

¹⁵ Home Office, [Police Service Personnel](#), 3 September 1998.

¹⁶ HMIC, [Policing in Austerity: Rising to the Challenge](#), July 2013, p 39.

¹⁷ Home Office, [Police Service Personnel](#), 3 September 1998.

¹⁸ House of Commons Library, [Police Service Strength](#), 12 September 2013, SN00634.

¹⁹ APCC, [Police Service Strength in England and Wales at March 2013](#), September 2013.

²⁰ APCC website, [The Role of the PCC](#), accessed 21 November 2013.

²¹ APCC, [PCC Statutory Responsibilities](#), November 2012.

operational independence of the police force and the Chief Constable who leads it”.²² The APCC has published a briefing on [Police and Crime Panels: Composition, Role and Functions](#).²³ The first PCCs were elected on 15 November 2012. The APCC has stated that “when PCCs took office on the 22 November 2012, they became responsible for a combined police force area budget of £8 billion”.²⁴ The Government has suggested that PCCs “will give local people a strong voice in how their communities are policed and provide a powerful boost to the fight against crime”.²⁵ Sir Hugh Orde, President of the Association of Chief Police Officers, has described the replacement of Police Authorities with PCCs as “the most significant change to policing since 1829”.²⁶

The results of the first elections for PCCs were as follows:

- 16 Conservative PCCs were elected
- 13 Labour PCCs were elected
- 12 Independent PCCs were elected²⁷

Of the 41 successful candidates, six were women (14 percent). There were 192 candidates. The APCC has conducted an analysis of the backgrounds of these candidates, concluding that: 52 percent were or had been elected politicians; and 50 percent had experience of working in the fields of policing or criminal justice.²⁸

The Electoral Commission has published an analysis of the first PCC elections. This states:

Just over 36 million people were registered to vote in the November 2012 PCC elections. A total of 5.49 million votes were cast in these elections, representing a turnout of just 15.1 percent—the lowest recorded level of participation at a peacetime non-local government election in the UK.²⁹

Jenny Watson, the Chair of the Electoral Commission, has suggested that the turn-out figures “must be a concern for anyone who cares about democracy”.³⁰ The Electoral Commission’s report suggests that “the most commonly cited reasons for not voting in the PCC elections related to a lack of awareness (37 percent), primarily a lack of information about the elections and not knowing who the candidates were or where to find information about them”;³¹ the report also criticises the Government’s decision to promote the elections through a Home Office website, rather than fund a printed mail-out for each candidate.³² Minister for Policing and Criminal Justice, Damian Green, addressed this subject in a recent speech, stating:

We introduced democracy into the system for the first time, to give people a direct say in how their communities are policed. Yes, of course we would have liked more people to exercise their democratic rights in the first elections. But Police and Crime

²² Policing Protocol Order 2011, SI 2011/2744, schedule 1, article 18.

²³ APCC, [Police and Crime Panels: Composition, Role and Functions](#), November 2012.

²⁴ APCC website, [The Role of the PCC](#), accessed 21 November 2013.

²⁵ Home Office, [New Act Puts Public at the Heart of Policing](#), press release, 15 September 2011.

²⁶ Sir Hugh Orde, [The Policing Puzzle](#), [Upholding the Queen’s Peace](#), Police Federation, 2012.

²⁷ APCC website, [PCC Candidates and Candidate Surveys 2012](#), accessed 21 November 2013.

²⁸ *ibid.*

²⁹ Electoral Commission, [Police and Crime Commissioner Elections in England and Wales](#), March 2013, p 6.

³⁰ *ibid.*, p 3.

³¹ *ibid.*, p 7.

³² *ibid.*, p 3.

Commissioners are here to stay and they will become stronger as people become more used to their existence and see the impact they have on their local areas.³³

Commissioners are paid between £65,000 and £100,000 per year depending on the police force area. This salary range was based on the recommendation of the Senior Salaries Review Body, and approved by the Home Secretary.³⁴ The Home Affairs Select Committee has surveyed PCCs as to their total earnings, including second jobs, and the total hours they work, and suggested that PCCs should be obliged to sign a register of interests.³⁵

The APCC has published a report, [Police and Crime Commissioners One Year On](#), in which the 41 PCCs provide examples of the measures which they have taken to cut crime, improve policing and provide value for money. The introduction provides a summary:

Some PCCs are calling for a review of the Proceeds of Crime Act 2002 so that communities benefit from criminals' ill-gotten gains; many are investing in new services for victims and working with the NHS to manage mental health detainees. PCCs are also tackling rural crime, one example being by funding special constables to work with farming communities.³⁶

Two polling companies conducted surveys about public opinion on PCCs, a year on from the first elections: a YouGov poll for the *Times* found that 11 percent of people were able to name the Police and Crime Commissioners for their local area. Asked about what difference the PCC had made to their local police force, 64 percent said that they had made no difference to how effective the local police were at fighting crime, while 3 percent said that they made the police more effective.³⁷ A ComRes poll for the BBC found that 7 percent of people said they could name their PCC, and 41 percent said they had had a positive effect on policing.³⁸

The Home Affairs Select Committee has examined the relationship between the PCC and the Chief Constable. The PCC has the power to suspend the Chief Constable or to call for his or her resignation or retirement. PCCs have used this power on several occasions, for example: Alan Hardwick, PCC for Lincolnshire, took the decision to suspend Lincolnshire Chief Constable, Neil Rhodes in February 2013. Following a judicial review of the PCC's decision, Mr Rhodes was reinstated as Chief Constable. In Gwent, Commissioner Ian Johnston asked Chief Constable Carmel Napier to retire. He indicated that he was willing to initiate the statutory process for her removal if she did not do so. The Home Affairs Select Committee has suggested that:

Suspension or removal of a chief constable is a radical step, and not one which should be undertaken lightly. It is potentially operationally disruptive and costly, and damaging to the reputation of the force and individuals concerned.³⁹

³³ Home Office, '[Damian Green Speech on Police Reform](#)', 8 July 2013.

³⁴ HC *Hansard*, 7 March 2012, [cols 60–1WS](#).

³⁵ House of Commons Home Affairs Select Committee, [Police and Crime Commissioners: Register of Interests](#), 23 May 2013, HC 69 of session 2013–14, p 7.

³⁶ APCC, [Police and Crime Commissioners One Year On](#), November 2013, p 5.

³⁷ YouGov, '[YouGov/Times Survey Results](#)', November 2013.

³⁸ ComRes, '[BBC Sunday Politics Police and Crime Commissioner Study](#)', October 2013.

³⁹ House of Commons Home Affairs Select Committee, [Police and Crime Commissioners: Power to Remove Chief Constables](#), 20 July 2013, HC 487 of session 2013–14, p 4.

Police and Crime Panels have a statutory role in the process, since a PCC is required to consult the panel on this matter. The panel may decide to hold a scrutiny session with the PCC and the Chief Constable. The Home Affairs Select Committee has urged members of Police and Crime Panels to take an active part in the process.⁴⁰ However, the Committee has noted that the PCC is under no obligation to accept the panel's recommendation. The Committee suggests that:

Early indications are that it is very easy for a police and crime commissioner to remove a chief constable, even when the stated concerns of a PCC are about operational policing matters or are of an insubstantial nature. The statutory process provides little safeguard, since there is nobody—not the police and crime panel, not the Inspectorate of Constabulary, not even the Home Secretary herself—who can over-rule a commissioner who has set his face to dismissing a chief constable.⁴¹

The Committee has suggested that it will return to this matter in another enquiry.⁴² The Independent Police Commission, chaired by Lord Stevens of Kirkwhelpington QPM, has recommended that the PCC system should be abolished. For more information please see section 6 of this Note.

3.2 Association of Chief Police Officers

In November 2013, General Sir Nick Parker published an independent review on the Association of Chief Police Officers (ACPO). This review was commissioned by the Association of Police and Crime Commissioners (APCC). The review concluded that there remained a need for an “overarching management structure”, however, it questioned whether ACPO was the most cost-effective model, suggesting instead that “a model is developed based on a properly supported Chief Constables’ Council, with a full-time chair elected by the membership”.⁴³ The APCC is consulting on the review's recommendations.⁴⁴

3.3 Recruitment, Pay and Conditions

In October 2010, the Home Office announced that there would be an independent review of police pay and conditions in England and Wales, led by Tom Winsor, who is a lawyer and the former Rail Regulator. It would be the “most comprehensive review of police pay and conditions in more than 30 years”. The review was conducted in two stages. Mr Winsor published his first report, in March 2011, and a second report in January 2012. In October 2012, Tom Winsor was appointed as Her Majesty's Chief Inspector of Constabulary.⁴⁵

The first report, [Independent Review of Police Officer and Staff Remuneration and Conditions: Part I](#)⁴⁶, made a number of shorter-term recommendations on police pay and allowances; it called for an end to the £1,212 competence-related threshold payment, the special priority payment of up to £5,000 and recommended that no police officers should move up the pay scale for two years. The Home Secretary, Theresa May, directed the Police Negotiating Board and the Police Advisory Board for England and Wales to consider these proposals.⁴⁷ The Police

⁴⁰ *ibid*, p 5.

⁴¹ *ibid*, p 4.

⁴² *ibid*, p 5.

⁴³ General Sir Nick Parker, [Independent Review of ACPO](#), November 2013, p 16.

⁴⁴ APCC, [Independent Review of the Association of Chief Police Officers](#), 14 November 2013.

⁴⁵ HMIC website, [Her Majesty's Chief Inspector of Constabulary Tom Winsor](#), accessed 21 November 2013.

⁴⁶ HMIC, [Independent Review of Police Officer and Staff Remuneration and Conditions: Part I](#), 8 March 2011, Cm 8024.

⁴⁷ HC Hansard, 31 May 2011, [cols 37–8VWS](#).

Negotiating Board failed to reach agreement, and the decision was referred to the Police Arbitration Tribunal. The tribunal agreed with most of the recommendations, including the abolition of the special priority payments and the two-year freeze on pay scale increments. However, the tribunal recommended that the competence-related threshold payment should be retained for existing officers. The Home Secretary accepted the recommendations made by the tribunal. The Government has estimated that “the total savings from part I of the review once fully implemented will be around £150 million per annum initially”.⁴⁸ A list of all the changes made as a result of part I of the review is available in [Home Office Circular 010/2012](#).⁴⁹

Tom Winsor’s second report was published in two volumes in March 2012: [Independent Review of Police Officer and Staff Remuneration and Conditions Final Report—Volume 1](#) and [Volume 2](#). His second report recommended that: the starting salary for new police constables should be cut by £4000, to £19000; a system of compulsory severance should be introduced for police officers; the pension age should be increased to 60; fitness tests for police officers should be introduced; and a direct entry scheme to allow applicants to join the force at the rank of superintendent. The Home Secretary, Theresa May, directed the Police Negotiating Board and the Police Advisory Board for England and Wales to consider the proposals for police pay and conditions.⁵⁰ The decision was subsequently referred to the Police Arbitration Tribunal. The tribunal submitted its decision in December 2012; it accepted a number of the report’s recommendations, including the reduction in starting salary, the annual fitness test for police officers and said that competence-related threshold payments should be phased out over three years, but delayed its decision on compulsory severance.⁵¹ Theresa May accepted the tribunal’s recommendations. A list of all the changes made as a result of part 2 of the review is available in [Home Office Circular 1/2013](#).⁵² The tribunal suggested that the proposed direct entry route should be subject to further consultation.⁵³ The Minister for Policing and Criminal Justice, Damian Green, announced in October 2013 that the Government would be implementing a three-year fast track to inspector scheme, starting in 2014.⁵⁴

Mr Winsor’s second report also recommended that the Government should abolish the Police Negotiating Board, and replace it with a more independent review body. The Government accepted this recommendation, and conducted a consultation about it.⁵⁵ Clauses 112 and 113 of the Anti-social Behaviour, Crime and Policing Bill would abolish the Police Negotiating Board and replace it with a Police Remuneration Review Body. The Secretary of State would be required to consider advice from the Review Body before making changes to pay and conditions for officers below the rank of chief superintendent; for officers above that rank the Secretary of State would be required to consider advice from the Senior Salaries Review Body.⁵⁶

The Minister for Policing and Criminal Justice, Damian Green addressed the Winsor review in a recent speech, suggesting that Mr Winsor’s recommendations signified “a fundamental cultural reform of policing, a way of ensuring the brightest and best in the force are given the opportunity to rise to the top more quickly, more fairly and in a more competitive

⁴⁸ GOV.UK, [‘Police Pay: Winsor Review’](#), 26 March 2013.

⁴⁹ Home Office, [Home Office Circular 010/2012](#), 16 April 2012.

⁵⁰ HC Hansard, 27 March 2012, [cols 126–8WS](#).

⁵¹ Police Arbitration Tribunal, [Decision of the Police Arbitration Tribunal](#), December 2012.

⁵² Home Office, [Home Office Circular 1/2013](#), 26 March 2013.

⁵³ Police Arbitration Tribunal, [Decision of the Police Arbitration Tribunal](#), December 2012.

⁵⁴ HC Hansard, 14 October 2013, [cols 39–40WS](#).

⁵⁵ Home Office, [Implementing a Police Pay Review Body: The Government’s Response](#), April 2013.

⁵⁶ [Anti-social Behaviour, Crime and Policing Bill Explanatory Notes](#), 16 October 2013, paras 36–8.

environment which will sharpen skills across the board”.⁵⁷ Tom Winsor has suggested that the reforms are necessary to attract the most “intellectually able” to the police force.⁵⁸ The Police Federation has suggested that “the £4,000 reduction in the starting rate for new officers is ill conceived and fails to reflect the dangers and demands inherent in the job”.⁵⁹ In May 2012, it was reported that 30,000 police officers had marched through London in protest against the changes recommended by Winsor.⁶⁰ Under current law, police are not permitted to take part in industrial action. The Police Federation balloted its members earlier this year, seeking views about whether to pursue the right for officers to take industrial action; although 45,651 voted in favour, this did not reach the necessary level of half of its 133,108 total membership.⁶¹ It has been reported that half of police officers are considering leaving, in the wake of the Winsor reforms.⁶²

3.4 College of Policing

In 2010, the Home Office published a document which set out the Government’s plans for police reform, *Policing in the 21st Century*.⁶³ This proposed that the National Policing Improvement Agency (NPIA) should be phased out. Among the functions undertaken by the NPIA was the provision of learning and development services to police forces. The Home Secretary commissioned Chief Constable Peter Neyroud to carry out a review of police leadership and training. Peter Neyroud published a review which recommended that a professional body should be created for the police in England and Wales.⁶⁴

The Home Secretary published her response to this review in December 2011⁶⁵ and stated that she intended to create a professional body called the College of Policing. On 1 December 2012, some of the functions, assets and staff members at the NPIA transferred to the College of Policing. The NPIA was formally abolished on 7 October 2013 when section 15(2) of the Crime and Courts Act 2013 was brought into force. The College of Policing has been established as a company limited by guarantee. Clauses in the Anti-social Behaviour, Crime and Policing Bill would set out the statutory basis for the work of the College of Policing.⁶⁶

The College of Policing website sets out its main functions:

- Setting standards of professional practice.
- Accrediting training providers and setting learning and development outcomes.
- Identifying, developing and promoting good practice based on evidence.
- Supporting police forces and other organisations to work together to protect the public and prevent crime.
- Identifying, developing and promoting ethics, values and standards of integrity.⁶⁷

⁵⁷ Home Office, ‘[Damian Green Speech on Police Reform](#)’, 8 July 2013.

⁵⁸ ‘[Tom Winsor Defends Police Reform Programme](#)’, *Guardian*, 12 July 2011.

⁵⁹ Police Federation of England and Wales, [Federation Response to Home Secretary’s Written Ministerial Statement](#), 15 January 2013.

⁶⁰ ‘[Police Officers March in Protest Against Cuts](#)’, *Guardian*, 10 May 2012.

⁶¹ Police Federation of England and Wales ‘[Police Federation Announces Results of Ballot on Pursuing the Right for Officers to Take Industrial Action](#)’, 4 March 2013.

⁶² ‘[Most Officers “Considering Leaving” in Wake of Police Reforms](#)’, *Telegraph*, 25 February 2013.

⁶³ Home Office, *Policing in the 21st Century*, July 2010, Cm 7925.

⁶⁴ Peter Neyroud, *Review of Police Leadership and Training*, 2010.

⁶⁵ HC Hansard, 15 December 2011, [cols 125–7WS](#).

⁶⁶ *Anti-social Behaviour, Crime and Policing Bill Explanatory Notes*, 16 October 2013, paras 296–310.

⁶⁷ College of Policing website, ‘[What We Do](#)’, accessed 22 November 2013.

The website describes how the College will achieve these objectives:

To deliver these objectives, we are strengthening the links between the police service and other organisations. We are working with universities to share and develop the underlying evidence base for policing practice, and with other organisations (including the private sector) to ensure that, where appropriate, the police service can access the very best training from outside policing. And we work closely with international partners to ensure that the police service can share and access the very best thinking from across the world.⁶⁸

The College is governed by a board which is made up of: an independent chair; a chief executive; three chief constables; a member nominated by the Police Superintendents' Association of England and Wales; a member nominated by the Police Federation of England and Wales; a member nominated by police staff representatives; three Police and Crime Commissioners and the Chair of a police authority; and three other independent persons appointed by the Home Secretary.⁶⁹

Sir Hugh Orde, President of the Association of Chief Police Officers, has set out his aspirations for the new body:

The College of Policing is in my view a great opportunity for the service to be recognised once and for all as the profession it has become. Its strength is its inclusivity, with a broad membership of the policing family. Whilst a matter for the new Board, I do believe that over time it should develop towards a Royal College to which all colleagues actively belong and contribute to. Although I acknowledge this may take some time.⁷⁰

3.5 National Crime Agency

The Home Office's July 2010 plan for police reform, [Policing in the 21st Century](#), proposed that a new National Crime Agency (NCA) should be established to lead the fight against serious and organised crime and strengthen border security. Further details of the Government's proposals for the creation of the NCA were announced by the Home Secretary in June 2011.⁷¹

A document published on the same day, [The National Crime Agency: A Plan for the Creation of a National Crime-Fighting Capability](#)⁷² set out the proposed structure of the NCA which would comprise four commands:

- Organised Crime Command
- Border Policing Command
- Economic Crime Command
- Child Exploitation and Online Protection Centre

The four commands would be underpinned by an intelligence hub and a National Cyber Crime Unit. The NCA assumes the functions of the Serious Organised Crime Agency (SOCA) and

⁶⁸ *ibid.*

⁶⁹ College of Policing website, '[Governance](#)', accessed 22 November 2013.

⁷⁰ Sir Hugh Orde, '[The Policing Puzzle](#)', *Upholding the Queen's Peace*, Police Federation, 2012.

⁷¹ HC *Hansard*, 8 June 2011, [cols 232–4](#).

⁷² Home Office, [The National Crime Agency: A Plan for the Creation of a National Crime-Fighting Capability](#), June 2011, Cm 8097.

some of the work of the National Police Improvement Agency. The establishment of the NCA is part of the Government's wider organised crime strategy, [Local to Global: Reducing the Risk from Organised Crime](#).⁷³ The Crime and Courts Act 2013 provided for the establishment of the NCA and the abolition of SOCA and the National Policing Improvement Agency. The NCA became operational in October 2013.

The NCA is a non-ministerial government department. It publishes an annual plan, setting out how it will meet its strategic and operational priorities in the year ahead, and an annual report summarising its performance against that plan. The Director General of the NCA has is accountable for the agency's performance to the Home Secretary.⁷⁴ The NCA website sets out how it carries out its work:

The NCA responds on a 24/7 basis, targeting the criminals and groups posing the biggest risks to the UK. It does this in three ways:

- by conducting its own operations
- by providing operational and specialist support to its partners' operations
- by providing clear national leadership which ensures that UK law enforcement makes the best use of its collective resources and targets those most effectively

We build a single comprehensive picture of serious and organised crime affecting the UK, drawing on information and intelligence from a wide range of sources, which drives our own and partners' operational activity.⁷⁵

4. Complaints into Police Conduct

4.1 How are Complaints Investigated?

Police forces deal with the majority of complaints against police officers and police staff. If a member of the public is not satisfied with how their complaint is dealt with by the police, they may appeal to the chief officer of the police force. Or, if the complaint is serious, they may appeal to the Independent Police Complaints Commission (IPCC). Some complaints are considered so serious (for example, allegations that police conduct led to a death or serious injury), that they are automatically referred to the IPCC.⁷⁶ The IPCC is an independent body, which, in addition to handling appeals, also oversees the police complaints system in England and Wales and sets the standards by which the police must handle complaints. A [history](#) of the IPCC is provided on its website.⁷⁷

The Police Reform and Social Responsibility Act 2011 introduced changes to the complaints system. Previously, the IPCC handled all appeals against police complaints; under changes introduced by the Police Reform and Social Responsibility Act 2011, the new requirement (as described above) was introduced that only serious complaints and appeals are considered by the IPCC. This change was intended to “streamline and remove unnecessary bureaucracy from the system ensuring that complaints are handled at the lowest appropriate level”.⁷⁸ The Police (Complaints and Conduct) Act 2012 gave the IPCC the ability to investigate historic cases and

⁷³ Home Office, [Local to Global: Reducing the Risk from Organised Crime](#), 28 July 2011.

⁷⁴ NCA website, [How We Are Run](#), accessed 22 November 2013.

⁷⁵ NCA website, [About Us](#), accessed 22 November 2013.

⁷⁶ IPCC website, [Referral](#), accessed 22 November 2013.

⁷⁷ IPCC website, [History](#), accessed 22 November 2013.

⁷⁸ IPCC, [Statutory Guidance to the Police Service on the Handling of Complaints](#), 2013.

gave the IPCC the power to compel police officers and staff to attend interviews as witnesses. The Anti-social Behaviour, Crime and Policing Bill proposes to introduce a power for the IPCC to investigate private contractors who have been employed to do police work.⁷⁹

Police forces must record all complaints which are made against their officers or staff. The police force must then address the complaint in one of two ways: through local resolution, which may involve the police force apologising for the complaint but cannot result in misconduct proceedings being taken or through local investigation, in which the police force must conduct an investigation, which may result in action being taken, and the complainant must be informed through a letter of the result of this investigation.⁸⁰

If the IPCC takes on a serious complaint or an appeal against the investigation of a complaint by a police force, the IPCC decides which form the investigation should take:

- Supervised investigations are carried out by police force Professional Standards Departments, under their own direction and control. The IPCC will set out what the investigation should look at and receive the investigation report when it is complete. Complainants have a right of appeal to the IPCC following a supervised investigation.
- Managed investigations are carried out by police force professional standards departments, under the direction and control of the IPCC.
- Independent investigations are carried out by the IPCC's own investigators and overseen by an IPCC Commissioner. In an independent investigation, the IPCC investigators have all the powers of the police themselves.

The IPCC publishes annual statistics on police complaints. According to the most recent figures, 31,771 police officers were subject to a complaint in 2011–12.⁸¹ In total, there were 134,101 full-time equivalent police officers in the police force in March 2012.⁸² During 2011–12, 6,339 appeals were made to the IPCC about the handling of a complaint by a police force, and 38 percent of all appeals finalised were upheld by the IPCC.⁸³

4.2 Examples of Investigations

Key recent examples of investigations into complaints against the police include:

Hillsborough Investigation

On 15 April 1989, 96 people died as a result of events at Hillsborough Stadium, home of Sheffield Wednesday Football Club. The original investigation into these events has been called into question by bereaved relatives.⁸⁴ In January 2010, the Hillsborough Independent Panel, chaired by the Bishop of Liverpool, James Jones, was appointed, to look at the events in Hillsborough again. In September 2012, the panel published a report.⁸⁵ The report made a number of allegations about police misconduct; in October 2012, the IPCC launched an

⁷⁹ *Anti-social Behaviour, Crime and Policing Bill Explanatory Notes*, 16 October 2013, paras 332–6.

⁸⁰ IPCC website, '[Complaints](#)', accessed 22 November 2013.

⁸¹ IPCC, *Police Complaints: Statistics for England and Wales 2011–12*, October 2012.

⁸² Home Office, *Police Service Strength England and Wales, 31 March 2012*, 26 July 2012.

⁸³ IPCC, *Police Complaints: Statistics for England and Wales 2011–12*, October 2012.

⁸⁴ An account of the original investigation, including a timeline, is available on the Hillsborough Independent Panel [website](#).

⁸⁵ *Hillsborough Independent Panel Report*, September 2012.

investigation in order to “review allegations surrounding amendments to statements, the actions of the police officers after the disaster and the role of West Midlands Police and those who investigated what happened at the time”.⁸⁶ This investigation is ongoing; the IPCC has suggested “this is the largest investigation ever undertaken by the IPCC—and the biggest criminal and misconduct investigation ever conducted into the police in England and Wales. We expect our investigation to take two years”. The IPCC webpage ‘[Hillsborough](#)’ provides information on recent developments.⁸⁷

Investigation Relating to Andrew Mitchell (Operation Alice)

The IPCC is investigating the actions of police officers involved with an incident which took place in Downing Street in September 2012. Andrew Mitchell, the then Government’s Chief Whip, was told that he was not allowed to cycle through Downing Street’s main gate. The story was revealed in the *Sun* newspaper, which reported that Mr Mitchell called the police officers “plebs”, an allegation that he has denied. In October 2012, Mr Mitchell resigned, claiming that the poor publicity associated with this event was preventing him from carrying out his job. The IPCC supervised a West Mercia Police investigation into the actions of three Police Federation representatives from the West Midlands, West Mercia and Warwickshire forces; this investigation concluded that none of the officers involved had a case to answer for misconduct, a conclusion which the IPCC has disputed.⁸⁸ The IPCC is conducting a further, ongoing investigation, which is being carried out by the Metropolitan Police and is known as Operation Alice.

Mark Duggan Investigation

Mark Duggan was fatally shot by a Metropolitan Police Service officer on Thursday, 4 August 2011 in Tottenham, North London. The IPCC started an independent investigation into the circumstances surrounding the shooting shortly afterwards. That investigation is ongoing. In September 2011, Mark Duggan’s family lodged a formal complaint with the IPCC that his relatives had not been officially informed of his death. This investigation was concluded in February 2012 and the complaint was upheld.⁸⁹

4.3 Is the System for Investigating Complaints Effective?

Competency

The Home Affairs Select Committee has published a report on the Independent Police Complaints Commission, which suggests that the level of appeals upheld by the IPCC demonstrates that police investigations of complaints are incompetent:

The frontline of the police complaints system is not working effectively. In the past year, the number of appeals to the Commission about police forces’ handling of complaints has grown and the proportion of appeals upheld has increased significantly. During 2011–12, 31 percent of appeals into investigations conducted by police forces were upheld and 61 percent of appeals into a police force’s decision not to formally record a

⁸⁶ IPCC website, ‘[Hillsborough](#)’, accessed 22 November 2013.

⁸⁷ IPCC, *Annual Report and Statement of Accounts 2012/13*, 11 July 2013, HC 351 of session 2013–14, p 18.

⁸⁸ IPCC, ‘[IPCC Disagrees with Findings of West Mercia Investigation into Conduct of Police Federation Representatives Over a Meeting with Andrew Mitchell MP](#)’, 15 October 2013.

⁸⁹ IPCC website, ‘[Mark Duggan—Metropolitan Police Service](#)’, accessed 22 November 2013.

complaint were also upheld: in other words, the police do not appear to be very good at investigating themselves.⁹⁰

The Committee recommended that where the proportion of appeals upheld for a police force reached 25 percent, measures should be taken to investigate and redress problems in that police force's complaints investigation system:

Where a threshold of 25 percent of appeals are upheld, the Commission must demand a written explanation from Chief Constables and Police and Crime Commissioners, which should be followed by a six month probation period. After that time, if the proportion of appeals upheld is not reduced below the threshold, a "complaints competency investigation" must be held into the reasons for the inaccuracy of decisions made at the local level. This should involve a joint report by the IPCC, HMIC and the local Police and Crime Commissioner, which would lead to proposals that would be binding on Chief Constables. If applied now, these measures would affect all but four forces.⁹¹

The competence of the IPCC's own investigations has been questioned by a report into the IPCC's investigation of the death of Sean Rigg in police custody. Sean Rigg, a 40 year old man, who had schizophrenia, died at Brixton police station in August 2008. The IPCC's report on the case found that officers had acted reasonably and proportionately and ruled out disciplinary action for police. But an independent review, led by Dr Silvia Casale, was ordered after an inquest found officers used "unsuitable force". The IPCC's original report had concluded there was no evidence to contradict the officers' account that they had not realised Mr Rigg was mentally ill. Dr Casale's report concluded that "the review considers that there was ample evidence at the time to suggest that this assertion was improbable".⁹² The IPCC issued a statement in which the Chair of the IPCC, Dame Anne Owers, said that the review had "produced telling and important findings which the IPCC has accepted". The statement reported that the IPCC would be taking on the following recommendations from the report:

- Independently investigating all deaths in custody at the outset;
- Interviewing officers and staff involved as early as possible with transcripts produced of interviews in which officers' accounts are probed;
- Ensuring IPCC Commissioners take a proactive role during investigations;
- Taking a multi-disciplinary approach both internally and externally;
- Exploring the use of non-police experts in areas such as mental health, restraint and CCTV;
- Taking a more analytical approach in investigation reports;
- Taking a broader approach in deaths investigations rather than focusing just on criminality or misconduct;
- Providing better support to bereaved families.⁹³

⁹⁰ House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494 of session 2012–13, p 18.

⁹¹ *ibid*, p 21.

⁹² Dr Silvia Casale, [Report of the Independent External Review of the IPCC Investigation into the Death of Sean Rigg](#), IPCC, 16 May 2013.

⁹³ IPCC, [IPCC Publishes Findings of Independent External Review of Investigation in Sean Rigg's Death](#), 16 May 2013.

Timeliness

It has been suggested that the IPCC takes too long to investigate complaints. Writing in the *Times*, Lord Macdonald of River Glaven, a former Director of Public Prosecutions, suggested that the investigation of the case of Andrew Mitchell MP should have been completed more quickly:

We are talking here about the resignation of a British Cabinet minister, a resignation forced upon him at the height of his career by police allegations that are now seriously called into question. An expeditious and thorough investigation should have been perfectly possible. We are told that no fewer than 30 officers are on the case and that they are being supervised by the Independent Police Complaints Commission. It seems quite outrageous that, in the face of the simplicity of the allegations and this significant commitment of public resources, the investigation rambles on, with no apparent end in sight. As the public remains locked in blissful ignorance of the truth, the suspicion must grow that the police find themselves blinded like rabbits in the face of an approaching storm, paralysed by fearful anticipation.⁹⁴

The IPCC released a statement, in which IPCC Deputy Chair, Deborah Glass, defended the amount of time which the enquiry had taken:

This police investigation which the IPCC is intrusively supervising has been provided with new information over the last few months, and as a result further lines of enquiry are being followed. While the incident which sparked this investigation is on the face of it simple—it took less than a minute to unfold—what has evolved are allegations of a conspiracy which by its very nature is complex.⁹⁵

Frustration has also been expressed about the speed of the investigations into the events at Hillsborough; it was announced in March 2013 that the investigations could take two more years. Sheila Coleman, spokeswoman for the Hillsborough Justice Campaign, was quoted in the *Independent* newspaper saying that “with the length it’s taking, one of the biggest concerns is that more people will die waiting for things to happen and that blame will be placed on officers where there can be no consequences—dead officers, officers that have resigned or retired already”.⁹⁶

Independence

The Home Affairs Select Committee has suggested that “one of the most significant challenges faced by the Commission has been its ability to demonstrate independence from the police service”.⁹⁷ Partly, the Committee has suggested that this is because most complaints are handled by the police force themselves using local, supervised or managed investigations, and relatively few are independently investigated by the IPCC:

The vast majority of complaints are investigated by the police force involved or by a neighbouring force: in 2011–12 the Commission completed 130 independent

⁹⁴ ‘[Mitchell’s Long Wait for Justice is an Outrage](#)’, *Times*, 18 September 2013.

⁹⁵ IPCC, ‘[Update on IPCC Supervision of Operation Alice and Linked Investigation](#)’, 18 September 2013.

⁹⁶ ‘[Hillsborough Families Have to Wait Two More Years for Investigations to be Concluded](#)’, *Independent*, 31 March 2013.

⁹⁷ House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494 of session 2012–13, p 24.

investigations. Of course, the IPCC could not be called upon to investigate all police complaints. However, many of our witnesses believed that the Commission ought to take on a greater proportion of the more serious cases. One witness said that her complaint had been “recycled by the IPCC back to the original people who abused the system in the first place”. Frustration that the police were left to investigate themselves even in relatively serious cases was widespread.⁹⁸

The Committee therefore recommended that “more cases should be investigated independently by the Commission, instead of referred back to the original force on a complaints roundabout”.⁹⁹ The Committee has also suggested that the number of former police officers employed by the IPCC contributes to a perceived lack of independence from the police:

About 11 percent of all staff and 33 percent of investigators are former police officers. As a result, several witnesses believed that the police thought that they were “untouchable”. A number of organisations raised concerns that the Commission was biased in favour of the police.¹⁰⁰

In evidence to the Committee, the IPCC drew attention to a training scheme which it had launched in 2011, to “help candidates from a range of backgrounds become IPCC investigators”.¹⁰¹ The Committee welcomed this initiative, but suggested that more should be done:

The Commission must improve its in-house investigative resources and move to a target of 20 percent of investigators who have moved directly from a career as a police officer, or fewer, so that the number of former officers investigating the police is significantly reduced.¹⁰²

Others have suggested that the public perception of bias in the IPCC is so ingrained that the Commission should be replaced. The Independent Police Commission, chaired by Lord Stevens of Kirkwhelpington QPM, has recommended that the PCC system should be abolished. For more information please see section 6 of this note.

In an article published in the *Telegraph*, Lord Stevens argued that:

It is not enough to simply reform or strengthen the IPCC. It needs to be replaced with a new body that can wipe the slate clean. There is duplication with HMIC and no system to learn lessons from inspections and complaints. Current arrangements for accountability—involving the IPCC, the HMIC, forces investigating themselves and each other, Police and Crime Commissioners, the Home Office—are too fragmented and confused, so no one is clear who is responsible for investigating or putting things right

⁹⁸ *ibid* p 8.

⁹⁹ *ibid*, p 10.

¹⁰⁰ *ibid*, p 24.

¹⁰¹ House of Commons Home Affairs Select Committee, ‘[Written Evidence Submitted by the Independent Police Complaints Commission](#)’, 31 January 2013.

¹⁰² House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494 of session 2012–13, p 25.

when something goes wrong. The Commission believes a new coherent framework of standards and accountability is badly needed.¹⁰³

Another proposal has been put forward by Sir Hugh Orde, President of the Association of Chief Police Officers. In an interview on BBC Radio 4's *Today* programme, he spoke of the IPCC's decision to refer the investigation of Andrew Mitchell's case back to the Metropolitan Police, and suggested that a Police Ombudsman could be a more effective model:

When I took over service in Northern Ireland, the key success factors for me was I had a completely independent policing board to hold me to account, we now have PCCs in this country who hold police to account, I had a police ombudsman who would investigate every complaint from the public independently of me. I had absolute confidence in that system as did the public. I think it's a very good model; it is of course a very expensive model, so we have to ask some hard questions about how important this is, I see it as very important.¹⁰⁴

Resources

The work of the IPCC is primarily funded through grant-in-aid from the Home Office. This funding is due to fall from £35.365 million in 2010–11 to £30.741 million in 2014–15. The IPCC has suggested that this equates to a real-terms budget reduction of 21 percent.¹⁰⁵ In its annual report, the IPCC describes how:

We have achieved the savings to date through reducing the scale of our estates, staff redundancies and securing better value for money through procurement.¹⁰⁶

The IPCC has suggested that a lack of resources influences its decisions about which complaints should be handled independently by the IPCC and which should be referred to police forces:

Deaths and serious injuries are among those cases that have to be referred directly to the IPCC; as well as cases of alleged serious corruption, assault or aggravated discrimination. In 2011–12, 2,100 such cases were referred to us. We began independent investigations into only 130. The remainder were dealt with through managed, supervised or local investigation. There is clearly scope for the IPCC to investigate more of these cases itself, and we can identify some that, given the resource, we would have wished to take on.

We have examined a sample of five weeks' referrals (175 cases) in the latter half of 2012. Of those, 13 were independently investigated and 12 were supervised. Of the cases we returned to force, we would have preferred to investigate independently many more of the cases that potentially engage Article 3 ECHR (inhuman or degrading treatment)—particularly those alleging use of excessive force, and cases alleging corruption or failure of duty.¹⁰⁷

¹⁰³ [‘The IPCC Should be Scrapped, Says Former Met Police Commissioner Lord Stevens’](#), *Telegraph*, 10 February 2013.

¹⁰⁴ [‘Plebgate Scandal: Police Chief Calls for Creation of New Police Ombudsman’](#), *Guardian*, 16 October 2013.

¹⁰⁵ House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494 of session 2012–13, p 12.

¹⁰⁶ IPCC, [Annual Report and Statement of Accounts 2012/13](#), 11 July 2013, HC 351 of session 2013–14, p 42.

¹⁰⁷ [IPCC Response to the Home Secretary's Proposals on Police Integrity](#), March 2013.

The IPCC submitted illustrative costs to the Home Affairs Select Committee on the amount which it costs the IPCC to undertake the different types of investigation, suggesting that a supervised investigation costs £3,000; a managed investigation costs £14,000; and an independent investigation costs £120,000.¹⁰⁸

The Home Secretary, Theresa May, announced in February 2013 that she would transfer funds from the professional standards departments of individual police forces to increase the capacity of the IPCC:

I believe that the main difficulty for the IPCC is its capacity to investigate complaints itself. Last year, the Commission investigated just 130 of the 2,100 serious or sensitive cases that were referred to it independently, while supervising or managing another 200. Individual police forces investigated the remainder, but 31 percent of appeals against forces' handling of complaints were successful. That is simply not acceptable. I will therefore transfer to the IPCC responsibility for dealing with all serious and sensitive allegations. I also intend to transfer resources from individual forces' professional standards departments and other relevant areas to the IPCC in order to ensure that it has the budget and the manpower that will enable it to do its work.¹⁰⁹

Powers

The Home Affairs Select Committee has suggested that the IPCC cannot hold police officers to account because it lacks the necessary powers: in particular, the Committee criticised the IPCC's inability to compel police officers who have retired or resigned to provide evidence, and the fact that police forces are under no obligation to follow the IPCC's advice. The Committee suggested that "every year, around 200 police officers facing disciplinary panels retire or resign in order to avoid misconduct proceedings".¹¹⁰ In particular, the Committee regretted that:

Retired officers involved in the Hillsborough disaster could not be obliged to attend an interview. One way to achieve the co-operation of retired officers would be to amend officers' contracts to include a clause that requires them to have a continuing duty, even after retirement, to assist in any police or IPCC or other investigation, since evidence of police misconduct can often surface years after a police officer has retired.¹¹¹

The Government's response to the report suggested that it would not be appropriate to compel retired officers to attend interviews, but said that it intended to "keep the situation under review".¹¹² The Home Affairs Select Committee has also suggested that an arrangement should be put in place to oblige police forces to respond to the IPCC's recommendations:

It is a basic failing in the system that there is no requirement for forces to respond to recommendations from the IPCC, still less to implement them. We recommend that the Commission be given a statutory power to require a force to respond to its findings. In the most serious cases, the Commission should instigate a "year on review" to ensure

¹⁰⁸ House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494 of session 2012–13, p 13.

¹⁰⁹ HC *Hansard*, 12 February 2013, [col 714](#).

¹¹⁰ House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494 of session 2012–13, p 3.

¹¹¹ *ibid*, p 28.

¹¹² [Government Response to the Eleventh Report from the Home Affairs Committee Session 2012–2013: The Independent Police Complaints Commission](#), 15 April 2013, p 20.

that its recommendations have been properly carried out. Any failure to do so would result in an investigation by HMIC and the local Police and Crime Commissioner, as a professional conduct matter relating to the Chief Constable.¹¹³

The Government have introduced clauses in the Anti-social Behaviour, Crime and Policing Bill which would mean that police forces would need to respond in writing to the IPCC's recommendations.¹¹⁴

5. Trust in the Police

5.1 Levels of Trust in the Police

A report published by the Ministry of Justice in 2013 considered levels of trust in the police and the criminal justice system. The report analysed data from the 2010–11 Crime Survey for England and Wales (CSEW), suggesting:

Public responses to the overall measure of confidence in the police (“taking everything into account I have confidence in the police in this area”) are positive: approximately three-quarters of the sample agreed with this statement, only 13 percent disagreed and 15 percent expressed no opinion. Ratings of the dimension of respectful treatment are most positive: approximately 85 percent agreed that the police “would treat you with respect if you had contact with them for any reason”; with just over one quarter strongly agreeing. However, only half the respondents agreed with the statement that the police “can be relied on to deal with minor crimes”, and most of these respondents chose “tend to agree” rather than “strongly agree”.¹¹⁵

The report went on to consider long term trends from the CSEW, suggesting that, from the early 1980s until 2001, there was “a gradual decline in public ratings of the police”, however, “more recently public ratings of the police have improved”.¹¹⁶

A report published by a team of academics and funded by the European Commission uses data from the European Social Survey to compare levels of trust in the police across Europe.¹¹⁷ An article summarising this report suggested that:

Levels of trust largely mirror population beliefs about the legitimacy of legal authorities. Switzerland, Finland and Denmark all score high levels of trust and legitimacy in the police and courts. Public assessments of the legitimacy of these authorities are markedly lower in southern and Eastern Europe, and most notably in Greece, Portugal, Russia, the Ukraine, Bulgaria and Israel. In the UK and Ireland, residents consistently trusted, and

¹¹³ House of Commons Home Affairs Select Committee, [Independent Police Complaints Commission](#), 1 February 2013, HC 494, of session 2012–13, p 23.

¹¹⁴ [Anti-social Behaviour, Crime and Policing Bill Explanatory Notes](#), 16 October 2013, paras 353–60.

¹¹⁵ Ministry of Justice, [Revision to Attitudes to Sentencing and Trust in Justice: Exploring Trends from the Crime Survey for England and Wales](#), 16 August 2013, pp 34–5.

¹¹⁶ *ibid*, p 36.

¹¹⁷ FIDUCIA, [Trust and Legitimacy Across Europe: A FIDUCIA Report on Comparative Public Attitudes Towards Legal Authority](#), 2013.

legitimised, their police and court systems at well above average levels, although to a less extent than their Scandinavian counterparts.¹¹⁸

The Ministry of Justice’s report also considered levels of trust in the police among different genders, ethnic groups and socio-economic groups. It suggested that:

Opinions of the police tended to be more favourable among women than men and among younger and older people compared with those who were middle-aged (although age was not a significant predictor of trust in police/council engagement). There was relatively little variation by ethnicity, although those with Mixed Black and White and Black Caribbean ethnicities expressed lower average levels of trust on some measures, while non-Muslim Asians tended to report higher levels of trust in the police. People born in the UK had consistently lower levels of trust across all four measures. Turning to employment status and class, the only consistent pattern was that the unemployed and economically inactive tended to have lower average levels of trust than those in full-time employment.¹¹⁹

5.2 Does Trust Matter?

The Ministry of Justice’s report on trust in the police suggests that there is a link between citizens’ levels of trust in the police and their willingness to cooperate with the police. It says:

Cooperative acts are important to the functioning of the criminal justice system. Many criminal offences become known to the police through being identified first by a member of the public. Cooperation from citizens—whether as witnesses, jurors or in other roles—is then required throughout the criminal justice process. An absence of cooperation impairs the efficiency of the police and other criminal justice agencies, and erodes the fairness of their operations. For example, if crimes are less likely to be reported by people living in certain areas, then police resources will be allocated in ways that do not reflect the “true” distribution of crime, favouring those areas where people are more likely to report (even if the incidence of crime is lower).¹²⁰

The report considers evidence from the European Social Survey on how willing respondents would be to cooperate with the police (measured using questions about their likelihood to report a crime, or to give evidence against a suspect). The report concludes that “the three things that matter most in predicting preparedness to cooperate is contact with the police, trust in police procedural fairness and police legitimacy (obligation to obey and moral alignment)”.¹²¹

A report published by the Economic and Social Research Council used evidence from the European Social Survey to suggest that levels of trust in the police and criminal justice system

¹¹⁸ LSE blog, [‘Trust in European Justice Institutions is Markedly Lower in Southern and Eastern Europe, but Legitimacy also Requires that Institutions Meet Substantive Requirements to Legitimise their Power and Structure’](#), 1 August 2013.

¹¹⁹ Ministry of Justice, [Revision to Attitudes to Sentencing and Trust in Justice: Exploring Trends from the Crime Survey for England and Wales](#), 16 August 2013, pp 43–4.

¹²⁰ *ibid*, p 48.

¹²¹ *ibid*, p 50.

are a greater predictor of levels of compliance with the law, than any perceived deterrent effect of the criminal justice system:

We have shown that perceptions of legitimacy are stronger predictors of compliance with the law than perceptions of deterrent risk. Moreover, people are more likely to cooperate with legal authorities when those authorities behave fairly and respectfully towards those they govern. When the police act according to principles of procedural justice, citizens regard such activity as legitimate; they defer to its authority and recognise and justify the power that it wields.¹²²

The Home Affairs Select Committee has suggested that the British police system is based on a tradition of “policing by consent” which is dependent upon trust in the police: “Effective policing relies on the assumption that police officers will be of the highest integrity”.¹²³ An article in the *British Journal of Criminology* offers an account of the development of the concept of “policing by consent”.¹²⁴

5.3 Drivers of Trust in the Police

The Home Secretary, Theresa May, has suggested that allegations of police misconduct may have damaged trust in the police, saying “the police need the trust of the public. These sorts of incidents will strike at the heart of that issue of trust”.¹²⁵ The BBC published an article which suggested that public levels of trust in the police had fallen following the incident involving Andrew Mitchell.¹²⁶ The IPCC has conducted research on public perceptions of police corruption, and has concluded that perceived corruption has an impact on trust: “the issue of police corruption is considered very serious (even if it is not widespread) as it concerns trust. It is vital to have trust in the police force—both in terms of integrity and in commitment to good policing”.¹²⁷

Some commentators have argued that perceptions of fairness are an important predictor of trust in the police, and also of compliance with the law. An article published in the *British Journal of Criminology* used evidence from Australia to suggest that, where ethnic minority groups feel they are treated unfairly by the police, they experience lower levels of trust in the criminal justice system, and can therefore be less likely to comply with the law, suggesting that “some groups will not cooperate with institutions if they question the legitimacy of the laws they enforce. In fact, such views can generate social distancing and can undermine the very strategies that are seen as effective in building support for institutional authorities such as the police”.¹²⁸ The IPCC has suggested that ethnic minority groups in the UK experience lower levels of trust in the police because of “perceived excessive” use of the ‘stop and search’ system.¹²⁹

Others have suggested that trust may be related to the extent to which the police force is perceived as representative of the society which it serves. In particular, it has been suggested

¹²² ESRC, [Policing by Consent: Topline Results \(UK\) from Round 5 of the European Social Survey](#), October 2012.

¹²³ House of Commons Home Affairs Select Committee, [Leadership and Standards in the Police](#), 1 July 2013, HC 67–1 of session 2013–14, p 16.

¹²⁴ Ben Bradford et al, [‘Why Do People Comply With The Law?’](#), *British Journal of Criminology*, July 2012.

¹²⁵ [‘Theresa May Rebukes Police Over Reaction to Plebgate’](#), *Guardian*, 15 October 2013.

¹²⁶ [‘Plebgate Poll Suggests Dip in Police Trust’](#), BBC News, 22 October 2013.

¹²⁷ IPCC, [Public Views on Police Corruption: A Qualitative Research Study](#), May 2012, p 4.

¹²⁸ Adrian Cherney et al, [‘Understanding Cooperation with Police in a Diverse Society’](#), *British Journal of Criminology*, 2012.

¹²⁹ IPCC, [Public Views on Police Corruption: A Qualitative Research Study](#), May 2012, p 3.

that the low representation of ethnic minorities within the police workforce contributes to lower levels of trust in police among ethnic minority groups. Academics Imran Awan, Brian Blakemore and Kevin Simpson have conducted qualitative research on this subject, interviewing people from the Hindu community in Cardiff and the Muslim community in Birmingham; they suggested that “a number of the Muslim communities we interviewed in Birmingham told us that they did not trust the police and viewed the police force as a ‘closed’ shop for white males”.¹³⁰

5.4 Efforts to Improve Trust in the Police

In 2010, the Home Secretary, Theresa May, announced, in a speech to the Association of Chief Police Officers, that she was abolishing two targets which police forces in England and Wales had previously been obliged to work towards: the confidence target, and the policing pledge.¹³¹ In July 2008 the then Government published a Green Paper, *From the Neighbourhood to the National: Policing Our Communities Together*.¹³² This paper introduced the policing pledge, a set of ten standards for the police, such as treating the public with “dignity and respect”, and spending 80 percent of the time “visibly working” in the neighbourhood. Chief Police Officers agreed to deliver the pledge from 1 January 2009.¹³³ The Green Paper also announced that all previous national targets for the police would be abolished, except one; this would be known as the ‘single confidence target’, whereby police forces would be expected to achieve an improvement in public confidence, as measured by the British Crime Survey (BCS). The confidence target was introduced in March 2009. Academics Jonathan Jackson and Ben Bradford offer a history of the confidence target.¹³⁴

Announcing the abolition of the confidence target and the policing pledge, Theresa May said:

I am scrapping the confidence target and the policing pledge with immediate effect. I know that some officers like the policing pledge, and some, I’m sure, like the comfort of knowing they’ve ticked boxes. But targets don’t fight crime. Targets hinder the fight against crime. In scrapping the confidence target and the policing pledge, I couldn’t be any clearer about your mission: it isn’t a 30-point plan; it is to cut crime. No more, and no less.¹³⁵

In October 2013, the Home Secretary, launched a draft Code of Ethics for the police. In a speech to the College of Policing, she said:

It is astonishing that the police have not had an explicit code of ethics—an equivalent to the Hippocratic Oath for doctors—but, until now, there has not been any such code. The College is publishing the code of ethics for consultation today. I think it will prove vital for establishing and maintaining fundamental ethical standards for all police officers.¹³⁶

The College of Policing is currently conducting a consultation on the [Draft Code of Ethics](#).¹³⁷

¹³⁰ *Policing Today*, ‘[Why Ethnic Minority Communities Fail to see the Police Force as a Career](#)’, March 2013.

¹³¹ Home Office, ‘[Police Reform: Theresa May’s Speech to the National Policing Conference](#)’, 29 June 2010.

¹³² Home Office, *From the Neighbourhood to the National: Policing Our Communities Together*, July 2008, Cm 7448.

¹³³ HMIC, *Responsive Policing Delivering The Policing Pledge*, October 2009.

¹³⁴ *Policing*, ‘[What is Trust and Confidence in the Police?](#)’, May 2010.

¹³⁵ Home Office, ‘[Police Reform: Theresa May’s Speech to the National Policing Conference](#)’, 29 June 2010.

¹³⁶ Home Office, ‘[Speech Given by Home Secretary Theresa May at the College of Policing](#)’, 24 October 2013.

¹³⁷ College of Policing, *[Draft Code of Ethics](#)*, 24 October 2013.

The Home Secretary has also ordered a number of reviews into police practices, aimed at improving trust. In December 2011, the Home Secretary commissioned Her Majesty's Inspectorate of Constabulary to carry out an inspection into the use of stop and search legislation by police forces in England and Wales. The HMIC analysed a sample of 8,783 instances of stop and search and found that "27 percent did not include sufficient grounds to justify the lawful use of the power".¹³⁸ The report argued that incorrect use of stop and search damaged legitimacy:

Apart from the fact that it is unlawful, conducting stop and search encounters without reasonable grounds will cause dissatisfaction and upset, and whilst some may think it will help to control the streets in the short-term, it may lead to major disorder in the long-term.¹³⁹

HMIC made a number of recommendations to improve training and monitoring of police officers and improve communication with the public.¹⁴⁰ HMIC has also undertaken research into undercover operations in the police force. HMIC published a report in 2012 on long-term undercover operations, and made recommendations for the Association of Chief Police Officers, the Metropolitan Police Service and the Office of Surveillance Commissioners. HMIC published a progress report on this subject in June 2013.¹⁴¹ The Home Secretary has commissioned HMIC to conduct a more wide ranging review on undercover operations.¹⁴²

The Government has also recently addressed the issue of diversity within the police force. The Minister for Policing and Criminal Justice, Damian Green, addressed this subject in his speech to the annual Superintendents' Conference:

More can and should be done within existing legislation. Police legal departments are naturally risk averse; when it comes to diversity, they shouldn't be. It is unlawful to have recruitment quotas based solely on race or gender, but recruitment quotas are not the only means to achieving diversity. Forces can, for instance, in addition to using the usual pre-requisites for recruits, use specific occupational or operational requirements in recruitment and promotion exercises, such as being able to speak a particular language, or have specific knowledge of cultural issues. This doesn't happen enough.

Nor are positive action provisions used enough. The tipping point provisions in the Equality Act 2010 allow employers to take account of the gender or ethnicity of candidates where they are judged to be equally qualified as each other for a particular post, where the employer has identified under-representation in the workplace.¹⁴³

In 2009, a report published by the Equality and Human Rights Commission looked at changes which had been made since the publication of the Macpherson inquiry into the death of Stephen Lawrence. The report found that much progress had been made in terms of improving diversity in the police force, but raised concerns, suggesting that twice as many ethnic minority recruits

¹³⁸ HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 9 July 2013, p 8.

¹³⁹ *ibid*, p 9.

¹⁴⁰ *ibid*, pp 9–10.

¹⁴¹ HMIC, [A Review of Progress Made Against the Recommendations in HMIC's 2012 Report on the National Police Units Which Provide Intelligence on Criminality Associated With Protest](#), 27 June 2013.

¹⁴² HMIC, [Undercover Policing Review—Terms Of Reference](#), 8 July 2013.

¹⁴³ Home Office, [Damian Green Speech to the Annual Superintendents' Conference](#), 11 September 2013.

dropped out in their first six months of service compared to white recruits.¹⁴⁴ More recently, in April 2013, the Metropolitan Black Police Association has suggested that the police force remains “institutionally racist”.¹⁴⁵

David Davis (Conservative MP for Haltemprice and Howden), has recently suggested that police officers should wear cameras and microphones when on duty, in order to improve levels of trust. He has suggested this model has had a positive impact on the interaction of the police with the public when it has been used in California.¹⁴⁶

6. Report of the Independent Police Commission

Lord Stevens of Kirkwhelpington QPM, a Crossbench Peer and former Commissioner of the Metropolitan Police, is chairing an Independent Police Commission, which has published a report containing a number of recommendations for police reform.¹⁴⁷ The Labour Party has suggested that these recommendations will form the basis of manifesto commitments on the police at the next election.¹⁴⁸ The report recommended that the system of Police and Crime Commissioners should be abolished, proposing to give greater powers instead to “lower tier local authorities”.¹⁴⁹ The report suggested that the Independent Police Complaints Commission and Her Majesty’s Inspectorate of Constabulary should be abolished and replaced by an Independent Police Standards Commission. The new body would have the power to “impose an improvement framework” on forces “where key standards fall well below an acceptable standard”.¹⁵⁰ The Commission supported some of the recommendations made by the Winsor review, suggesting “we endorse the Winsor aspiration of enhancing the status of policing to a Profession”, but stated that “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”.¹⁵¹ The report recommended that some police forces should be merged, stating that the current 43-force structure in England and Wales is “untenable”.¹⁵²

¹⁴⁴ EHRC, [Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?](#), January 2009.

¹⁴⁵ [Metropolitan Police Still Institutionally Racist, Say Black and Asian Officers](#), *Guardian*, 21 April 2013.

¹⁴⁶ [Plebgate: David Davis Calls for Surveillance of Police](#), *Guardian*, 23 October 2013.

¹⁴⁷ Independent Police Commission, [Policing for a Better Britain](#), 25 November 2013.

¹⁴⁸ [Labour Vows Reform of “Flawed” Police and Crime Commissioner System](#), *Guardian*, 25 November 2013.

¹⁴⁹ Independent Police Commission, [Policing for a Better Britain](#), 25 November 2013, p 92.

¹⁵⁰ *ibid*, p 135.

¹⁵¹ *ibid*, p 18.

¹⁵² *ibid*, p 20.