

# Integrity matters

An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing

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## Glossary

ACC	assistant chief constable
ACCAG	ACPO Counter Corruption Advisory Group now known as the National Policing Counter Corruption Advisory Group (NPCCAG)
ACPO	Association of Chief Police Officers
actionable intelligence	information that has been evaluated to assess its worth, and is assessed as being able to be acted upon, having practical value
ACU	anti-corruption unit
allegation	claim about the type of behaviour shown by a member of a police force resulting in a complaint; may be made by one or more complainants about the conduct of one or more people serving with the police force
anti-corruption unit	specialist team, usually part of a professional standards department, which gathers information and intelligence on police officers and staff suspected of corrupt activity and those who seek to corrupt them, and undertakes investigations
APP	authorised professional practice
appropriate authority	the senior officer in a police force responsible for dealing with conduct matters within the force area; in relation to the conduct of a chief officer or an acting chief officer, the appropriate authority is the local policing body for the area of the police force (where the officer works)

Association of Chief Police Officers	professional association of police officers of assistant chief constable rank and above, and their police staff equivalents, in England, Wales and Northern Ireland; leads and co-ordinates operational policing nationally; a company limited by guarantee and a statutory consultee; the presidency is a full-time post under the Police Reform Act 2002
audit	means of checking upon and monitoring the accuracy of recorded data in order to oversee the effectiveness and efficiency of the recording system and the accuracy of the records it contains
austerity	in this report, economic conditions resulting from government measures to reduce public expenditure
authorised professional practice	official source of standards of professional practice on policing, developed, and approved by the College of Policing, to which police officers and staff are expected to have regard in the discharge of their duties
body-worn video	recording system used to record police interactions with the public and gather video evidence
business interest	a person has a business interest if he holds any office or employment for hire or gain (other than as a member of the force) or carries on any business, as set out under Regulation 7 Police Regulations 2003, as amended by the Police (Amendment No.3) Regulations 2012. See other employment
capability	in this report, what forces are able to do to counter misconduct and corruption
capacity	in this report, the combined number of police assets and resources available to identify and respond to public complaints and misconduct and corruption issues

chief officer	in police forces outside London: assistant chief constable, deputy chief constable and chief constable. In the Metropolitan Police Service: commander, deputy assistant commissioner, assistant commissioner, deputy commissioner and commissioner. In the City of London Police: commander, assistant commissioner and commissioner. Also includes a member of police staff who holds equivalent status to a police officer of these ranks
CHIS	covert human intelligence source
CIB3	Complaints Investigation Bureau 3
Code of Ethics	code of practice setting out the principles and standards of professional behaviour. It applies to all those working in policing in England and Wales. The code was issued by the College of Policing under section 39A Police Act 1996 as amended by section 124 Anti-social Behaviour, Crime and Policing Act 2014
collaboration	arrangement under which two or more parties work together in the interests of their greater efficiency or effectiveness in order to achieve common or complementary objectives; collaboration arrangements extend to co-operation between police forces and with other entities in the public, private and voluntary sectors
College of Policing	professional body for policing in England and Wales, established to set standards of professional practice, accredit training providers, promote good practice based on evidence, provide support to police forces and others in connection with the protection of the public and the prevention of crime, and promote ethics, values and standards of integrity in policing; its powers to set standards have been conferred by the Police Act 1996 as amended by the Anti-social Behaviour, Crime and Policing Act 2014

complaint	any expression of dissatisfaction with the way a person has been treated by the police or the service he has received from them, whether it relates to an individual member of a police force or the police force more generally; it may consist of one or more allegations
complaint case	single investigation which may contain one or more linked allegations, brought by one or more complainants, against one or more persons serving with the police
Complaints Investigation Bureau 3	Metropolitan Police Service operational unit established in 1998 to tackle corruption in the Metropolitan Police Service
conduct matter	any internal misconduct matter which has not resulted from a public complaint, where there is an indication that a person serving with the police might have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings; defined in section 12(2) of the Police Reform Act 2002
confidential unit	team of officers and staff who manage highly sensitive covert human intelligence sources, the deployment of sensitive surveillance assets, and other sensitive covert techniques
covert human intelligence source	person who establishes or maintains a personal or other relationship and does so for a covert purpose in such a way that the relationship is conducted so that one of the parties to the relationship is unaware of its purpose. The powers governing covert human intelligence sources are defined in section 26 of the Regulation of Investigatory Powers Act 2000
CPS	Crown Prosecution Service



Crimestoppers	independent charity offering an anonymous service for the public to give information about crime; it works in partnership with, but is independent from, the police and the wider law enforcement community; it also offers a service for employees to pass on information about wrongdoing at work
Crown Prosecution Service	principal prosecuting authority in England and Wales responsible for prosecuting criminal cases investigated by the police and other investigating bodies, for advising the police on cases for possible prosecution, reviewing cases submitted by the police, determining any charges in more serious or complex cases, preparing cases for court, and presenting cases at court
Data Protection Act 1998	legislation that controls how personal information is used by organisations, businesses or the government
DCC	deputy chief constable
developed vetting	the highest of three levels of national security vetting designed to protect sensitive government national security assets by providing an acceptable level of assurance about the integrity of individuals who have access to protectively marked government assets and/or who require access to persons, sites, and materials at risk of a terrorist attack. The three levels are: Counter Terrorist Check (CTC), Security Check (SC), and Developed Vetting (DV)
dip-sampling	for this report, a way of selecting a random number of case files and assessing them against a set of standards
dip-sample	small sample of information which is not statistically robust but is used as an information-gathering tool by inspectors

disapproved register	register held by the College of Policing of police officers and police staff who leave the service during an investigation into an allegation of gross misconduct against them, or leave as a result of misconduct proceedings. The aim is to prevent them re-entering the service
Ellison review	independent review led by Mark Ellison QC, commissioned by the Home Secretary in July 2012, to determine whether there was: evidence of corruption in the original Metropolitan Police investigation into the murder, in an unprovoked racist attack, of black teenager Stephen Lawrence on 22 April 1993; evidence withheld from the Macpherson Inquiry, which took place between 1997 and 1999, into the matters arising from the death of Stephen Lawrence; and inappropriate undercover activity directed at the Lawrence family. The report was presented by the Home Secretary to Parliament on 6 March 2014
ethical interview	meeting between a member of an anti-corruption unit and an officer or member of staff to discuss an issue of concern about his integrity or apparent vulnerability to corruption. It is used where the issue of concern does not constitute misconduct by the individual concerned
fast-track dismissal	dismissal under fast-track misconduct procedures
fast-track misconduct procedures	procedures used in gross misconduct cases where the evidence to prove gross misconduct is not in doubt, and it is in the public interest for the police officer to leave the service without delay. Such cases are considered in special case hearings under Regulation 41 of the Police (Conduct) Regulations 2012

full-time equivalent	unit that indicates the workload of a worker in a way which enables comparisons to be made between the workloads of workers engaged in the same and different functions; for example, a full time equivalent (or FTE) of 1.0 means that the person is equivalent to a full-time worker, whereas an FTE of 0.5 indicates that the worker is part-time (working half the time of a full-time worker in this case)
governance	in the context of programme and project implementation, the logical, transparent, consistent and robust decision-making framework designed to ensure that programmes and projects are managed efficiently and effectively
gross misconduct	breach of the standards of professional behaviour so serious that dismissal from the police force would be justified
gross misconduct hearing	hearing in front of a panel of three people which considers evidence in support of allegations against a police officer where it has been assessed that there is a case to answer in respect of gross misconduct or where the police officer has a live final written warning and there is a case to answer in respect of a further act of misconduct; the maximum sanction at this hearing would be dismissal from the police service without notice
he/him/his/she/her	use of the masculine gender includes the feminine, and vice versa, unless the context otherwise requires
Home Office Guidance	in this report, guidance on the handling of police officer misconduct, unsatisfactory performance and attendance management issued by the Secretary of State under section 87(1), the Police Act 1996
HR	human resources

human resources	department responsible for the people in the organisation; its principal functions include: recruitment and hiring of new workers, their training and continuous professional development, and their benefits and performance
IAG	independent advisory group
independent advisory group	group of people or organisations brought together to provide senior police officers with the opportunity to discuss issues of concern about policing in local communities where trust in the police can be problematic; the need for such independent advice was identified in the Stephen Lawrence Inquiry Report published in 1999, which concluded more should be done to engender trust and confidence in such communities
independent investigation	investigation carried out entirely by the IPCC usually for the most serious incidents and/or those with the greatest public interest; for example, those that cause the greatest level of public concern, have the greatest potential to affect communities, or have serious implications for the reputation of the police service
Independent Police Complaints Commission	organisation established under the Police Reform Act 2002, responsible for overseeing the police complaints system in England and Wales, including monitoring the way complaints are handled by local police forces. It investigates the most serious complaints, incidents and allegations of misconduct; can call in the most serious cases from forces; can manage or supervise a police investigation into a complaint; and can deal with appeals from people who are not satisfied with the way their complaint has been dealt with by the police

integrity issues	behaviour and conduct covered by the Code of Ethics, Police Regulations and Codes of Conduct for police staff, which could adversely affect the real or perceived legitimacy of the police service in the eyes of the public
intelligence	information that is evaluated and risk-assessed to assist the police in their decision-making
intelligence-led drugs test	test to determine whether a member of a police force is using controlled drugs, sometimes referred to as a with-cause drug test. The test is carried out under the Police Regulations 2003 (as amended by the Police (Amendment No. 2) Regulations 2012)
intelligence-led integrity test	test designed to generate a reaction by an individual or individuals so that their conduct, behaviour or professional standards can be assessed
IPCC	Independent Police Complaints Commission
Leveson Inquiry	judicial public inquiry chaired by Lord Justice Leveson into the culture, practices and ethics of the press. The Inquiry published the Leveson Report in November 2012. Part G of the report examined the relationship between the press and the police
Liberty	organisation that seeks to protect civil liberties and promote human rights through public campaigns, taking on legal cases which raise civil liberties and human rights issues, and Parliamentary work including providing detailed briefings on the civil liberties and human rights implications of Bills before Parliament

local policing body	public authority which holds the chief officer of a police area to account; for police areas outside London, the police and crime commissioner for the area in question; for the City of London police area, the Common Council of the City of London in its capacity as police authority for that area; for the metropolitan police district, the Mayor's Office for Policing and Crime (section 101 of the Police Act 1996)
managed investigation	investigation carried out by a police force's professional standards department under the direction and control of the IPCC
management vetting	one of three types of vetting designed to provide a level of assurance about the integrity of individuals who have access to sensitive criminal intelligence, or financial or operational police assets or premises. The other two types are: Recruitment Vetting (RV), and Non-Police Personnel Vetting (NPPV)
mandatory referral to IPCC	referral by a police force to the IPCC in cases of the death of or serious injury to a member of the public following recent contact with the police, or in circumstances of a sufficiently serious nature as to require the automatic involvement of the IPCC. The full list of situations where a referral must be made is set out in Regulations 4 and 7 of the Police (Complaints and Misconduct) Regulations 2012, and paragraphs 4, 13, and 14C of Schedule 3 to the Police Reform Act 2002
Mayor's Office for Policing and Crime	statutory body established by section 3 of the Police Reform and Social Responsibility Act 2011, to hold the Commissioner of the Metropolitan Police Service to account and to secure the maintenance, efficiency and effectiveness of the Metropolitan Police Service

misconduct	conduct by a police officer handled under the provisions of the Police (Conduct) Regulations 2012, or conduct by a member of police staff handled in accordance with his contract of employment and the disciplinary and capability procedures and policies that apply
National Centre for Applied Learning Technologies	organisation that provides local and national e-learning training packages to police forces in England and Wales
National Crime Agency	non-ministerial department established under Part 1 of the Crime and Courts Act 2013 as an operational crime-fighting agency to work at a national level to tackle organised crime, strengthen national borders, fight fraud and cyber crime, and protect children and young people from sexual abuse and exploitation. It provides leadership in these area through its organised crime, border policing, economic crime and Child Exploitation and Online Protection Centre commands, the National Cyber Crime Unit and specialist capability teams
national decision model	risk-assessment framework and decision-making process developed by ACPO and updated by the College of Policing, to help police officers and staff make effective policing decisions
national intelligence model	method of working based on the principles of problem-solving policing and the use of community and criminal intelligence. The ACPO (2005) Code of Practice on the National Intelligence Model, issued in January 2005 by the Home Secretary under the Police Reform Act 2002, provides a statutory basis for the introduction of the national intelligence model

National Policing Counter Corruption Advisory Group	police-led group responsible for directing the development and dissemination of policy and practice to law enforcement staff involved in counter-corruption activity, in addition to its role of centrally collating – and circulating – advice to law enforcement agencies; it is chaired by the national policing lead for counter-corruption
national policing lead	senior police officer with responsibility in England and Wales for maintaining and developing standards and guidance for all police forces in respect of a particular area of policing
National Policing Professional Standards and Ethics Portfolio	police-led group which takes the lead on behalf of the police service in initiating and responding to operational and policy issues relating to professional standards and ethical conduct
national vetting policy	ACPO-developed policy document containing guidance as to the principles of vetting for police officers, police staff, partner agencies, contractors, or other non-police personnel



notifiable associations

relationships that, under force policies and the ACPO Vetting Policy 2012, must be notified to forces by officers and staff if they regularly associate with a suspected or known criminal, or associate with a group or engage in an activity which would have the potential to compromise the individual officer or staff member, operations, activity or reputation of the force. Notification allows the force to carry out a proper assessment of the risks to the individual and the force, allow control measures to be put in place where necessary, and facilitate the provision of support and guidance. Since 1 January 2005, all members of a police force have been prohibited from membership of the British National Party, Combat 18, and the National Front under a determination made by the Home Secretary made under the Police Regulations 2003 (as amended)

The College of Policing's *Guidance on Relationships with the Media* 2013 document requires officers and staff to notify their force if they have a relationship with a specific journalist on a personal basis outside their role as a police officer or member of police staff

NPCCAG

National Policing Counter Corruption Advisory Group

off-duty conduct

behaviour and actions by police officers or members of staff when not on duty. A number of restrictions are placed on the private life of a police officer by the Police Regulations 2003. In determining whether a police officer's off-duty conduct discredits the police service, the test is not whether the police officer discredits himself, but whether he discredits the police service as a whole

Operation Othona	Metropolitan Police Service intelligence-gathering exercise which ran from 1993 to 1998 to provide a high-level threat assessment of corruption within the force
Operation Tiberius	Metropolitan Police Service intelligence-gathering exercise in 2001 to examine possible corrupt associations between police officers and organised crime networks in North East London
Operation Zloty	Metropolitan Police Service covert investigation established in response to the intelligence gathered by Operation Tiberius, into suspected links between an organised crime syndicate and a number of serving and former police officers
organised crime group	group of people committing organised crime together
other employment	work undertaken in addition to a police officer's or member of police staff's role as a member of a police force; see also business interest
outsourcing	contracting out to a third party of a business process, for example the management of facilities or the provision of services concerned with human resources or finance
participating informant	a covert human intelligence source (informant) participating in a criminal activity, following an authorisation under section 27, Regulation of Investigatory Powers Act 2000
PCC	police and crime commissioner
PCSO	police community support officer

PEEL assessment	HMIC's police efficiency, effectiveness and legitimacy (PEEL) assessment; a new annual programme of all-force inspections that report on how well each force in England and Wales provides value for money (efficiency), cuts crime (effectiveness), and provides a service that is legitimate in the eyes of the public (legitimacy)
performance and development review	assessment of an individual's work performance by his line manager, usually an officer or police staff manager of the immediately superior rank or grade
performance management	actions by managers which are intended to ensure that goals are being met consistently in an effective and efficient manner; it can focus on the performance of an organisation, a department, employee, or the processes to build a service
PIP	Professionalising Investigation Programme
police and crime commissioner	elected entity for a police area, established under section 1 of the Police Reform and Social Responsibility Act 2011, who is responsible for: securing the maintenance of the police force for that area and ensuring that the police force is efficient and effective; holding the relevant chief constable to account for the policing of the area; establishing the budget and police and crime plan for the police force; and appointing and, after due process, remove the chief constable from office

police and crime plan	plan prepared by the police and crime commissioner which sets out: his police and crime objectives; the policing which the police force is to provide; the financial and other resources which the police and crime commissioner will provide to the chief constable; the means by which the chief constable will report to the police and crime commissioner on the provision of policing; the means by which the chief constable's performance will be measured; and the crime and disorder reduction grants which the police and crime commissioner is to make, and the conditions under which such grants are to be made
Police and Criminal Evidence Act 1984	one of the principle statutes concerning the legislative framework for police powers and safeguards on stop and search, arrest, detention, investigation, identification, and interviewing detainees
Police Appeals Tribunal	panel which hears appeals from police officers against the findings of internal police force disciplinary proceedings. Schedule 6 of the Police Act 1996 sets out the framework for the membership and role of the tribunal
police community support officer	uniformed non-warranted officer employed by a territorial police force or the British Transport Police in England and Wales; established by the Police Reform Act 2002
Police (Conduct) Regulations 2012	regulations made by the Home Secretary under section 50 of the Police Act 1996 concerning how forces should deal with suspected misconduct or gross misconduct by a police officer
Police Federation	national staff association established by the Police Act 1919 to represent the interests of police constables, sergeants and inspectors (including chief inspectors) in England and Wales

police officer	individual with warranted powers of arrest, search and detention who, under the direction of his chief constable, is deployed to uphold the law, protect life and property, maintain and restore the Queen's peace, and pursue and bring offenders to justice
police region	one of the nine police regions in England and Wales: London, South East, South West, Wales, West Midlands, Eastern, East Midlands, North East, and North West
police regulations	rules made by the Home Secretary under section 50 of the Police Act 1996 as to the governance, administration and conditions of service of police forces. Regulations may make provision with respect to rank, promotion, probation, voluntary retirement, the conduct, efficiency and effectiveness of police officers and the maintenance of discipline, the suspension of police officers, and the duties, hours of work, leave, pay and allowances of police officers
police staff	person employed by a chief constable or a police and crime commissioner and who is not a police officer
proactivity	activity to understand a potential crime problem, for example, through the gathering and analysis of information and intelligence to help devise and implement a strategy for preventing or tackling the problem before it manifests itself more fully
problem-solving	systematic identification and analysis of crime and disorder problems by police officers and staff to develop specific responses to individual problems, the implementation of those responses and the subsequent assessment of whether the responses have been successful
procurement	acquisition of goods or services from an external supplier

Professionalising Investigation Programme	training programme, jointly sponsored by ACPO and the College of Policing, to improve the professional competence of all police officers and staff who conduct investigations
protected characteristics	characteristics of a person which, if established to be the basis of discrimination, will render that discrimination unlawful under the Equality Act 2010. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
PSD	professional standards department
random drugs testing	method of testing for drugs misuse by individuals chosen randomly, for example, as part of a random routine testing regime in accordance with Police Regulations 2003 (as amended by the Police (Amendment No 2) Regulations 2012) or as part of a programme of random screening of officers in posts identified by the chief officer as being vulnerable to drug misuse
recording a complaint	creation of a formal record of a public complaint giving it status as a complaint under the Police Reform Act 2002. This means that it has to be handled in accordance with the Police Reform Act 2002, and the applicable IPCC statutory guidance
resourcing	arrangements to ensure the correct level of funding, officers and staff and any other requirements to provide a particular service
RIPA	Regulation of Investigatory Powers Act 2000
risk assessment	process to assist officers in decision-making on appropriate levels of intervention based on expected or forecast levels of harm to individuals, the public, offenders, or property

senior officers	police officers generally defined as those holding a rank above that of chief superintendent. Other definitions include police officers of inspector rank or above, and police officers of superintendent rank or above. In this report, we mean holding a rank above that of chief superintendent
Serious Organised Crime Agency	intelligence-led agency with law enforcement powers established under the Serious Organised Crime and Police Act 2005 with a remit to prevent and detect serious organised crime, and contribute to the reduction of such crime in other ways and to mitigate its consequences; replaced by the National Crime Agency in October 2013
severity assessment	assessment made by the appropriate authority as to whether the conduct of the officer/staff member in question– if admitted or proved – would amount to misconduct or gross misconduct, and as to which disciplinary process would be appropriate
SOCA	Serious Organised Crime Agency
special case hearings	see fast-track misconduct procedures
special constable	part-time volunteer unpaid police officer appointed under section 27, Police Act 1996 who works with and supports their local police and, when trained, has the same powers as a regular officer
staff association	association of employees or police officers that performs some of the functions of a trade union, such as representing its members in negotiations or other dealings with management on matters of pay, conditions of service or discipline, and that may have other social and professional purposes
standard of proof	in misconduct proceedings, the balance of probabilities; in criminal proceedings, beyond reasonable doubt.

supervised investigation	investigation carried out by a police force's professional standards department, where the IPCC sets out what the investigation should look at and receives the investigation report when it is complete
Taylor Review	<p>review conducted by William Taylor (a former Commissioner of the City of London Police and former HM Inspector of Constabulary for Scotland) into the effectiveness of disciplinary arrangements for police officers published as The Taylor Review of Police Disciplinary Arrangements 2005</p> <p>The review found that the system for dealing with police misconduct was overly bureaucratic and legalistic, and proposed that the new misconduct procedures should be based on Advisory, Conciliation and Arbitration Service principles which would modernise the system and make it easier for individual officers and the police service to learn lessons and improve the service to the public; the recommendations from the review were incorporated into the Police (Conduct) Regulations 2008, the Police (Performance) Regulations 2008, and the Police Appeals Tribunals Rules 2008; now replaced by the Police (Conduct) Regulations 2012</p>
ten standards of professional behaviour	the behaviours expected of all officers and staff. These behaviours form the basis of the College of Policing's code of ethics. The standards are set out at Annex I
Transparency International Integrity Report	ACPO-commissioned review of how forces promote integrity and deal with corruption. Transparency International-UK report 'Benchmarking Police Integrity Programmes', published in January 2013



vetting	security check carried out on those working for the police force, intended to provide a level of assurance as to the integrity of individuals who have access to sensitive criminal intelligence, financial, or operational police assets or premises
vulnerable staff or groups	in this report, an individual or a group of staff who have been identified as being susceptible to being tempted into misconduct or corruption; examples would be staff who are known by others to be in financial difficulty or have other personal problems, and staff who may be put under pressure by members of their community
whistleblowing	reporting, often confidentially, of misconduct in policing by officers and staff
with-cause drugs test	see intelligence-led drugs test
workforce	in relation to a non-police organisation, the people who are employed by that organisation; in the case of the police, it includes police officers, even though they are holders of the office of constable and are therefore not employees of their police forces; it also includes police community support officers and police staff

Where the masculine form he/him/his is used in this report it should be taken to include the feminine, unless the context requires otherwise. The masculine form has been adopted for the sake of simplicity only.

# 1. Foreword

- 1.1. A fundamental aspect of the British model of policing is the principle of policing by consent. For the police to be effective, officers and staff require the support and co-operation of the public and they will only receive that support and co-operation if they are trusted by the public. This trust and consent should not be taken for granted.
- 1.2. In his annual assessment of policing for 2012/13,<sup>1</sup> Her Majesty's Chief Inspector of Constabulary set out the qualities required to be a good police officer.

*"The qualities required to be a good police officer are many. They include personal bravery, intelligence, physical fitness, maturity, sound judgment, the ability to assess a situation and to deal with people, self-control, integrity, honesty, compassion, courtesy, perseverance and patience. Policing is not a job; it is a vocation, and a noble one. The work which the police do on behalf of the public is often dangerous, violent, distressing, physically and emotionally onerous and demanding, professionally risky, intellectually taxing and requiring of significant personal restraint in the face of severe provocation. A very considerable part of what the police do never appears in published statistics. If the public had a full appreciation of what the police do, every day, for their communities, only then would they know of the weight of the debt of gratitude which they owe."*

- 1.3. HMCIC also explained in the annual assessment why integrity in policing is so important.<sup>2</sup>

*"At the moment of appointment, each police officer swears to discharge his duties 'with fairness, integrity, diligence and impartiality'. The Code of Ethics recently published by the College of Policing restates and reinforces the requirement of scrupulous honesty and integrity required of all police officers. In doing so, the code re-emphasises what has always been expected and demanded of police officers; it is not new, and it is wrong to criticise its simplicity and clarity; those are amongst its strengths. The code contains the standard to which nearly every police officer – that is, all except those who should be found out and thrown out by the police service – is professionally and personally deeply committed. It is my view and that of the Inspectors of Constabulary that honest, professional police officers are disgusted and distressed at instances of police corruption –*

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<sup>1</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2012/13*, paragraphs 84-88, London, HMIC, 2014. Available from [www.criminaljusticeinspectorates.gov.uk/hmic](http://www.criminaljusticeinspectorates.gov.uk/hmic)

<sup>2</sup> Op cit, paragraph 30.

*for that is what dishonesty is – and are rightly deeply offended and hurt when the media and others attempt to disparage all on the basis of the discreditable actions of few. Police officers deserve fair treatment just as much as everyone else.*

*"The police service should be as ruthless and uncompromising with officers guilty of discreditable and dishonest conduct as are professions such as law and medicine. The police are entrusted with the safety and security of the public and its property, and hold special powers, given to them by the community, for those purposes. That bond of trust is sacred and must be honoured at all times.*

*"The same principles apply and should be operated in cases where police officers abuse or exceed their powers, for misuse of authority is also an intolerable breach of trust.*

*"Police corruption probably receives more public attention and public condemnation than corruption in other occupations because of the sanctity of the relationship of trust between the public and the police, and the most precious nature of the things which the police are charged to protect, and which they have the power lawfully to deny, namely life, safety and liberty.*

*"The public is justifiably angry also of failures in other walks of life, for example in banking and financial services, where misbehaviour and reckless conduct has had a devastating effect on the economic wellbeing of many millions of people. And they rightly expect the law, and the law enforcement agencies of the state, to deal with those who have criminally violated their rights to honest dealing. They have the same expectations in relation to the quality of medicine, education, protective services, defence, construction, conditions at work, housing, social care and many other activities and services which have or have the potential to have profound effects on their lives. But when it comes to the most basic and important functions of the state – keeping people safe from those who would intentionally do harm – the public's expectations are at their highest. With considerable power – devolved to police officers by the community they are sworn to protect – comes not only considerable responsibility, but also high expectations. Those expectations are that police officers will adhere to standards of honesty and conduct which are appreciably higher than those demanded of most others. And it is in that respect that the public feel badly let down – and perhaps afraid – when police officers are exposed as having failed. I have no doubt that that higher standard, of which very many other citizens would fall conspicuously short, is one which is today met with ease by the overwhelming majority of police officers and members of police staff."*

- 1.4. Policing by consent should guide the way in which officers and staff tackle crime, support victims, keep the peace and protect the public. Research into public trust in relation to the police<sup>3</sup> has shown that the police, through acting fairly and openly, can increase public confidence and enhance the extent to which they are seen as legitimate. The same research also shows that improving police legitimacy can lead to greater public co-operation with the police and a reduction in crime.
- 1.5. The police are in a privileged position because of the powers they have to intrude into people's lives. Often they come into people's lives at times of crisis when people are especially vulnerable, which can provide opportunities for unethical officers to take advantage of those who have a right to expect the highest standards of professional behaviour.
- 1.6. The police are also in a privileged position because of the information they hold. Information is a currency of corruption. As such the police are constantly at very high risk both through infiltration by criminal elements and through vulnerability to corruption of individuals in their workforces, not least because of unavoidable close contact with criminals. The police cannot afford to let their guard drop.
- 1.7. Increasing public confidence increases police legitimacy.<sup>4</sup> Lack of trust, a feeling that the police are not on the public's side, poor response to the public's concerns, inadequate communication with the public, and a perception that decisions or actions are not taken fairly, all serve to reduce the legitimacy of the police. The result can be that people are less willing to come forward and report crimes, are more suspicious of police activity, and are more likely to believe that they will be treated differently depending on characteristics such as their wealth, social standing, gender, sexual orientation or ethnicity.
- 1.8. In order to enhance police integrity (and, by extension, legitimacy), research literature<sup>5</sup> suggests that:
  - integrity should be treated as being central to the organisation's culture;
  - rules should be established governing misconduct, and officers and staff should be trained in the application of these rules;

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<sup>3</sup> *It's a fair cop? Police legitimacy, public cooperation, and crime reduction*, Andy Myhill and Paul Quinton, National Policing Improvement Agency, London, 2011. Available from [www.college.police.uk](http://www.college.police.uk)

<sup>4</sup> *Police Integrity and Corruption*, Newburn, T., London, 2014. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

<sup>5</sup> *Ibid*

- misconduct should be detected, investigated, and punished to show officers and staff how serious misconduct is considered to be; and
  - all officers and staff should be required to report misconduct.
- 1.9. Prevention is vital. While it is important that every force investigates and punishes misconduct, and is seen to do so, it is clearly preferable that it creates and maintains an organisational culture that has integrity at its core and makes arrangements for continuous monitoring of its 'ethical health'. That is not only the right thing to do from ethical, trust and legitimacy standpoints; it also has significant cost and resourcing advantages. If officers and staff are acting with integrity, forces need fewer resources to investigate and tackle misconduct, criminal or corrupt behaviour.
- 1.10. All leaders in the police service, especially chief constables and senior leaders, must provide strong and consistent leadership which promotes and reinforces integrity and ethical behaviour – from the policies and practices they put in place to promote integrity and tackle wrongdoing to the behaviours and values that they themselves demonstrate.
- 1.11. When misconduct and criminality, including corruption, are tackled properly in a force, it creates a culture in which people at all levels have confidence that they can challenge and report behaviour that cause officers, staff, and the wider public, concern.
- 1.12. The importance of integrity in policing is why HMIC's new annual PEEL assessments of police forces<sup>6</sup> examine how well the police provide a service that is legitimate in the eyes of the public.
- 1.13. This inspection considered all of these issues: the leadership of chief officers; the systems and processes for dealing with all forms of wrongdoing; and whether forces had a culture which encouraged officers and staff to challenge wrongdoing. On 27 November 2014, HMIC published the findings for each of the 43 police forces inspected.<sup>7</sup> The information from those individual force

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<sup>6</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2013/14*, HMIC, London, 2014. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

<sup>7</sup> Reports were published for each police force on the arrangements they had in place to ensure those working in police forces act with integrity, examining specifically four principal areas: What progress has been made on managing professional and personal relationships since our revisit in 2012? What progress has the force made in communicating and embedding ethical and professional behaviour to all staff? How well does the force proactively look for, and effectively challenge and investigate, misconduct and unprofessional behaviour? How well does the force prevent, identify and investigate corruption? Each report makes recommendations for its relevant police force about the next steps which may be taken to improve further its policies and practices in respect of integrity. The individual force reports are available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic).

reports and from this thematic report helped inform the legitimacy chapter of Her Majesty's Chief Inspector of Constabulary's annual assessment of policing in England and Wales 2013/14.<sup>8</sup>

- 1.14. This report sets out our findings on the arrangements that police forces have in place to ensure police act honestly and with integrity, and on the capability of police forces in England and Wales to respond to complaints, internal reports and intelligence about misconduct and corruption.

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<sup>8</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2013/14*, HMIC, London, 2014. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

## 2. Introduction

### Our commission

- 2.1. In our 2014/15 inspection programme,<sup>9</sup> approved by the Home Secretary under section 54 and Schedule 4A of the Police Act 1996, HMIC committed to carry out an inspection of police integrity and leadership.
- 2.2. On 6 March 2014, the Home Secretary wrote to HM Chief Inspector of Constabulary, asking HMIC to look at the anti-corruption capability of forces as part of the inspection, including the ability of professional standards departments to gather regular, actionable, intelligence on corruption matters.<sup>10</sup>
- 2.3. On 7 April 2014, the Home Secretary wrote again to HM Chief Inspector of Constabulary in relation to reports into past investigations of corruption carried out by the Metropolitan Police Service, and asked that these reports be considered fully in this inspection.
- 2.4. In order to incorporate these different elements and ensure the inspection was completed in time to inform the annual assessment of policing,<sup>11</sup> the inspection was established to answer the question: *To what extent does the force ensure its workforce acts with integrity?*
- 2.5. To answer this question, we assessed forces against the following criteria:
  - what progress has the force made on managing professional and personal relationships with integrity and transparency, since HMIC's December 2012 report?<sup>12</sup>
  - what progress has the force made in communicating required standards of ethical behaviour to all staff, including the new Code of Ethics published by the College of Policing?<sup>13</sup>

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<sup>9</sup> *HMIC's 2014/15 inspection programme*, HMIC, London, 2014. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

<sup>10</sup> Police Act 1996, section 54(2B).

<sup>11</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2013/14*, HMIC, London, 2014. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

<sup>12</sup> *Revisiting Police Relationships: A Progress Report*, HMIC, London, 2012. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

<sup>13</sup> *Code of Ethics:- A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, 2014. Available from [www.college.police.uk](http://www.college.police.uk)

- how well does the force proactively look for, and effectively challenge and investigate, misconduct and unprofessional behaviour?
- how well does the force prevent, identify and investigate corruption?

2.6. The full terms of reference for the inspection are contained in Annex A.

2.7. This report sets out our findings in relation to these four sub-questions above, and considers previous counter-corruption work in the Metropolitan Police Service.

## Methodology

2.8. In March 2014, we began to develop the inspection methodology. As part of our preparations, we convened an external reference group,<sup>14</sup> which met at regular intervals to discuss and refine the methodology. We also carried out a review of the literature and law relating to corruption, reviewed forces' policies, and gathered data in relation to professional standards departments and anti-corruption units. We hosted an online survey of police officers and staff achieving 17,200 responses, just over 8 percent of the police service in England and Wales. The survey methodology and questions are in Annex D and Annex E.

2.9. The fieldwork activity in all 43 forces took place between 2 June and 8 August 2014. During that time, our inspection teams spoke to more than 1,500 officers and staff.

2.10. We examined data on public complaints and reports of misconduct to try to gain a better understanding of the extent of alleged police corruption. However, we discovered that when allegations are recorded, police forces are not required to specify whether those allegations relate to corrupt behaviour. In addition, we discovered that most information about police corruption comes from intelligence gathered either overtly or covertly, rather than from public complaints.

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<sup>14</sup> Membership of the group included the national policing lead for ethics and integrity, and representatives from the College of Policing, the Independent Police Complaints Commission, the Police Superintendents' Association, the Police Federation, Unison, Transparency International, and Liberty.



2.11. Finally, there is currently no specific offence of 'corruption'<sup>15</sup> and there is no universally agreed definition of corruption despite attempts by the police service and others to produce one. As a result, there is no accurate way of assessing how many allegations involving corruption have been made. For that reason, we concentrated on those types of behaviour we considered to be the most likely to constitute corruption as opposed to all likely forms of misconduct, see paragraph 2.31. These included:

- drug-related offences;
- bribery;
- theft, including fraud and dishonesty;
- sexual misconduct; and
- unauthorised information disclosure.

2.12. The full inspection methodology can be found at Annex B.

## Background

### Related reports

2.13. Over the last ten years, police integrity and corruption have been the subject of a number of inspections and reports. Some of these reports are summarised below.

2.14. *Raising the standard: a thematic inspection of professional standards*, Her Majesty's Inspectorate of Constabulary, June 2006.<sup>16</sup>

- This report focused on the structures, activities and resourcing of professional standards departments. It concluded that in relation to public complaints and reports of misconduct there were disparities in police recording practices across England and Wales, and suggested the introduction of a national recording standard. The report also concluded

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<sup>15</sup> The Bribery Act 2010 replaced the offences at common law and under the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916 (known collectively as the Prevention of Corruption Acts 1889 to 1916) with two general offences. The first covers the offering, promising or giving of an advantage (broadly, offences of bribing another person). The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed). The formulation of these two offences abandons the agent/principal relationship on which the previous law was based in favour of a model based on an intention to induce improper conduct. The Criminal Justice and Courts Bill will create an offence of corrupt or other improper exercise of police powers and privileges.

<sup>16</sup> *Raising the standard: a thematic inspection of professional standards*, HMIC, London, 2006.

Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

that the training of officers and staff working in professional standards departments should be improved. In relation to anti-corruption, it noted that forces had come a long way since 1999, through the establishment of anti-corruption units. It recommended that the service standardised counter-corruption procedures across forces.

2.15. *Corruption in the Police Service in England and Wales, First Report*, Independent Police Complaints Commission, September 2011.<sup>17</sup>

- This report concluded that the public's confidence in policing was badly damaged by a number of incidents of discreditable police behaviour. This involved abuses of officers' trust and power, which the public regarded as inappropriate or corrupt. The IPCC highlighted several investigations that involved a wide range of inappropriate behaviour across all ranks, including senior ranks.
- In recent years, the IPCC has had increased oversight of corruption matters. It has also been more involved in the investigation of allegations of corruption, but, given the IPCC's available capacity, these cases have remained relatively few in number. The report makes clear that rooting out corruption is the shared responsibility of leaders in the police service and the IPCC.

2.16. *Without fear or favour: A review of police relationships*, Her Majesty's Inspectorate of Constabulary, December 2011.<sup>18</sup>

- This report identified significant inconsistencies in the ways that forces and police authorities managed the integrity of relationships between police employees at all levels and with representatives from other sectors, such as the media and suppliers of goods and services to police forces. There was a lack of clarity in relation to professional boundaries and on the appropriateness of accepting gifts or hospitality. Checks and reviews in these areas, by professional standards departments, were generally found to be weak.

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<sup>17</sup> *Corruption in the Police Service in England and Wales, First Report*, Independent Police Complaints Commission, London, 2011. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>18</sup> *Without fear or favour: A review of police relationships*, HMIC, London, 2011. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

2.17. *Corruption in the Police Service in England and Wales, Second Report*, Independent Police Complaints Commission, May 2012.<sup>19</sup>

- This report concluded that significant efforts were being made in police forces across England and Wales to root out and deal with corruption, but concluded that more could be done. It identified a number of areas for change including the need for:

- (a) clearer information on corruption to be made available to the public;
- (b) chief constables to ensure greater consistency in recording and referring corruption cases to the Independent Police Complaints Commission and/or the Crown Prosecution Service;
- (c) a more effective national system for handling allegations against senior officers; and
- (d) the IPCC to be provided with more resources and powers to increase its effectiveness in dealing with corruption-related investigations.

2.18. *Revisiting Police Relationships: A progress report*, Her Majesty's Inspectorate of Constabulary, December 2012.<sup>20</sup>

- This report found that some progress had been made since publication of the 2011 report. In particular, policies and processes had been put in place to manage threats to integrity and opportunities for corruption. However, HMIC concluded that more needed to be done to ensure the integrity of police relationships with the media and other agencies was of the highest standard. The pace of change also needed to increase, not least to demonstrate to the public that the police service was serious about managing integrity issues. HMIC identified specific areas for improvement in each force; progress on performance in relation to these areas is considered at paragraph 5.5.

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<sup>19</sup> *Corruption in the Police Service in England and Wales, Second Report*, Independent Police Complaints Commission, London, 2012. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>20</sup> *Revisiting Police Relationships: A progress report*, HMIC, December 2012. Available from [www.justiceinspectrates.gov.uk/hmic](http://www.justiceinspectrates.gov.uk/hmic)

2.19. *The Stephen Lawrence Independent Review - Possible corruption and the role of undercover policing in the Stephen Lawrence case – Summary of findings*, Mark Ellison QC, March 2014.<sup>21</sup>

- This review concluded that there was insufficient evidence to show that any of the police officers involved in the investigation had acted corruptly, using the criminal standard of proof of beyond reasonable doubt. However, it also found that the investigation had been flawed and influenced by racism and incompetence on the part of several of the officers involved, including senior officers. It also concluded that a review conducted in 1993 into the investigation had also been flawed and that the Lawrence family and the public had been presented with a largely misleading and incorrect picture that the investigation had been conducted properly and professionally.

### **Integrity-related police reform**

2.20. In her statement on police integrity to the House of Commons on 12 February 2013,<sup>22</sup> the Home Secretary indicated her agreement with HMIC's findings in *Without fear or favour* in that, while she did not believe that corruption was endemic in the police, there was a need to ensure the highest standards of integrity in the police. She explained that this should be done by making the police more transparent in their affairs; setting out clearer rules for how officers should conduct themselves; opening up the top ranks so that policing is less at risk of professional insularity; ensuring that officers who do wrong are investigated and punished; and ensuring that there is more independence in the investigation of serious and sensitive allegations made against the police.

2.21. The Home Secretary proposed a number of measures including:

- the publication online of national registers of gifts and hospitality, outside interests, including second jobs, chief officers' pay and remuneration packages and their contacts with the media;
- publication by the College of Policing of a new Code of Ethics and the creation of a single set of professional standards on which officers will be trained and tested throughout their careers;

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<sup>21</sup> *The Stephen Lawrence Independent Review - Possible corruption and the role of undercover policing in the Stephen Lawrence case, Summary of Findings*, Ellison, M., London 2014. Available from [www.gov.uk](http://www.gov.uk)

<sup>22</sup> *House of Commons Official Report*, 12 February 2013, Column 713. Available from [www.parliament.uk](http://www.parliament.uk)

- a national register, managed and published by the College of Policing, of officers, special constables and police staff who have been dismissed or who have resigned or retired voluntarily while subject to gross misconduct investigation, to prevent them from re-entering policing;
- misconduct hearings to be taken to their conclusion, notwithstanding the officer's departure from the force, to respond to the concern about officers who resign or retire to avoid dismissal;
- the establishment of a stronger and more consistent system of vetting for police officers, which chief constables and police and crime commissioners will have to consider when making decisions about recruitment and promotions; and
- steps to increase the capacity and capability of the IPCC, to enable it to deal with all serious and sensitive allegations against the police, including the transfer of the necessary funding from the police settlement.<sup>23</sup>

2.22. On 6 March 2014, responding to the findings of Mark Ellison QC in relation to the Stephen Lawrence Independent Review, the Home Secretary set out her continued concerns about police integrity and corruption in a statement to the House of Commons.<sup>24</sup> In that statement, she said that she had asked HMIC to look at the anti-corruption capability of police forces, including professional standards departments.

2.23. The Home Secretary also announced her intention to bring forward amendments to the Criminal Justice and Courts Bill to introduce a new offence of police corruption, supplementing the existing offence of misconduct in public office.<sup>25</sup>

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<sup>23</sup> On 18 December 2013, the Minister for Policing, Criminal Justice and Victims announced that, as part of the police funding arrangements for 2014/15, the Home Office would provide funding from the police settlement to build up the resource and capability of the IPCC so that it could deal with all serious and sensitive cases involving the police. The transfer consists of £18m made available from the police settlement in 2014/15 together with £10m in capital from the wider Home Office budget. *House of Commons Official Report*, 18 December 2013, Column 111WS.

<sup>24</sup> *House of Commons Official Report*, 6 March 2014, Column 1061. Available from [www.parliament.uk](http://www.parliament.uk)

<sup>25</sup> The Bill is completing its final Parliamentary stages at the time of the writing of this report.

- 2.24. On 22 July 2014, the Home Secretary announced measures intended to ensure the highest standards of police integrity.<sup>26</sup> The measures included:
- a fundamental review of police leadership by the College of Policing;
  - an end-to-end review of the police complaints system, including the role, powers and funding of the Independent Police Complaints Commission and the local role played by police and crime commissioners;
  - reform of the police discipline system to ensure that wrongdoing is dealt with effectively, to be informed by a review of the system chaired by Major General Clive Chapman; and
  - strengthening protections for whistleblowers, including the establishment of a single national policy setting out best principles and practices.
- 2.25. On 18 November 2014, the Home Secretary, announced<sup>27</sup> a consultation on a package of measures designed to make the police disciplinary system more robust, independent and transparent in the short term until more fundamental changes can be implemented. The proposed measures were:
- a power for disciplinary hearing panels to remove or adjust the compensation payments due to chief officers on termination of their appointment, where a disciplinary finding is made against them;
  - the introduction of legally-qualified chairs to conduct police disciplinary hearings;
  - proposals to ensure those who report wrongdoing will not be subject to disciplinary action for taking the necessary steps to report a concern, and that any reprisals against them will be taken seriously; and
  - holding police disciplinary hearings and appeals in public.
- 2.26. On 11 December 2014, the Home Secretary announced the launch of a consultation on a package of reforms intended to simplify the complaints system and make it more accessible and transparent, and to introduce greater clarity, independence and transparency to the disciplinary system,<sup>28</sup> informed

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<sup>26</sup> *House of Commons Official Report*, 22 July 2014, Column 1265. Available from [www.parliament.uk](http://www.parliament.uk)

<sup>27</sup> *House of Commons Official Report*, 18 November 2014, Column 6WS. Available from [www.parliament.uk](http://www.parliament.uk)

<sup>28</sup> *House of Commons Official Report*, 11 December 2014, Column 95WS. Available from [www.parliament.uk](http://www.parliament.uk)

by the Chapman review.<sup>29</sup> Proposals in the consultation<sup>30</sup> also aim to strengthen the rights of whistleblowers, and to make changes to the IPCC to support it in dealing with an increased number of investigations. The main proposals were:

- an enhanced role for police and crime commissioners in the police complaints system in their force areas;
- the introduction of a system of ‘super-complaints’ to enable systemic failures in the police to be investigated through the complaints system;
- a new role for the College of Policing in overseeing the police disciplinary system;
- reform of disciplinary hearings and appeals to make the system more independent;
- strengthening reporting routes for whistleblowers by increasing the power of the IPCC to investigate reports of whistleblowing; and
- providing the IPCC with additional powers to strengthen its role.

### **What do we mean by police integrity and corruption?**

2.27. There is no single legal or generally agreed definition of the terms “integrity” or “corruption”. As such, they mean different things to different people.

2.28. For the purposes of this inspection, we considered that a police officer acts with integrity if he acts at all times in accordance with the 'honesty and integrity' principle of the standards of professional behaviour for those who work in policing.<sup>31</sup> The standards of professional behaviour are described in the Code of Ethics. The principle involves officers and staff acting honestly and with integrity at all times, and not compromising or abusing their position. Acting with integrity requires more than not being corrupt. Examples of meeting this standard include:

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<sup>29</sup> *An Independent Review of the Police Disciplinary System in England and Wales*, Major General Clive Chapman, October 2014. Available from: [www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales](http://www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales)

<sup>30</sup> *Improving police integrity: reforming the police complaints and disciplinary systems*, Home Office, London, 2014. Available from [www.gov.uk](http://www.gov.uk)

<sup>31</sup> *Code of Ethics:- A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, 2014. Available from [www.college.police.uk](http://www.college.police.uk)

- being sincere and truthful;
- showing courage and doing what is believed to be right;
- ensuring decisions are not influenced by improper considerations of personal gain;
- not knowingly making false, misleading or inaccurate oral or written statements in any professional context;
- neither soliciting nor accepting the offer of any gift, gratuity or hospitality that could compromise impartiality; and
- not using one's position to coerce any person inappropriately or to settle personal grievances.

2.29. In respect of corruption, we broadly followed the approach set out in the Independent Police Complaints Commission research<sup>32</sup> which states:

*“Corruption is understood at the most basic level as doing something (morally) wrong/breaking rules, typically for personal benefit. It is normally seen as premeditated, covert and immoral. In contrast, misconduct feels less covert or considered, and may even on occasion be accidental.”*

2.30. Corrupt behaviour is likely to constitute criminal activity (for example, taking a bribe, unauthorised disclosure of sensitive information, or sexual misconduct), but this is not always the case depending on how corruption is defined.

2.31. In consultation with HMIC's external reference group, we identified a group of behaviours that could be considered to be of specific concern as they are most likely to involve an element of corruption, as set out in paragraph 2.11, or are indicative of a lack of integrity or discrimination.

- drug-related offences;
- bribery;
- theft, including fraud and dishonesty;
- sexual misconduct;
- unauthorised information disclosure;
- inappropriate relationships with the media;
- incompatible business interests or other jobs;

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<sup>32</sup> *Public Views on Police Corruption: A qualitative research study*, Solution Research. IPCC Research and Statistics Series: Paper 23, London, 2012. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)



- racial discrimination, and
  - other types of discrimination.
- 2.32. During the inspection we observed that professional standards departments and anti-corruption units often used the concepts of integrity and corruption interchangeably when discovering, investigating and dealing with behaviour. This is to be expected, given that behaviour can, over time, overlap, changing from a lack of integrity to corruption and back.

## Corruption – what the law says

- 2.33. To understand what the law says about corruption, HMIC commissioned counsel from a leading barristers' chambers to provide a review of the relevant provisions. The full legal review can be found at Annex C. The main points from the review are set out below.
- 2.34. HMIC also commissioned a literature review of research on corruption by a leading criminologist (Professor Tim Newburn), and considered research on public and police views on issues of police corruption.
- 2.35. From this research it is apparent that there is no single legal or generally agreed definition of the term “corruption”.

## The law on corruption

- 2.36. Some corrupt behaviours have traditionally been prosecuted as instances of the common law offences of bribery and misconduct in public office. Common law bribery was abolished with effect from 1 July 2011, by the Bribery Act 2010.<sup>33</sup>
- 2.37. The offence of misconduct in public office continues to be used to prosecute police officers and police staff, as well as other public officials, where the misconduct is not covered adequately by existing statutory offences.
- 2.38. Misconduct in public office is a serious offence. It is committed when a person holding public office acts – or fails to act – in a way which is contrary to his or her common law or statutory duty. A “public officer” for these purposes is any person appointed and paid to discharge a public duty.<sup>34</sup> The circumstances in which police officers have been prosecuted for misconduct in public office in

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<sup>33</sup> Historically, certain corrupt practices were also criminalised by the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906, and the Prevention of Corruption Act 1916 (collectively, the “Prevention of Corruption Acts”), until their repeal by the Bribery Act 2010.

<sup>34</sup> *R v Bowden* [1995] 4 All ER 505.

recent years include cases in which officers have misused their positions to obtain and then sell information,<sup>35</sup> cases in which they have sexually abused vulnerable people while on duty,<sup>36</sup> and cases in which they have given false evidence.<sup>37</sup>

- 2.39. Some categories of criminal behaviours, including corruption, are prosecuted under the offence of perverting the course of justice instead of, or in addition to, the offence of misconduct in public office. The offence of perverting the course of justice encompasses three types of behaviour: fabrication of evidence; threatening or intimidating a witness or juror; or providing false testimony. Both misconduct in a public office and perverting the course of justice include a wide range of activities.
- 2.40. The Criminal Justice and Courts Bill, which is completing its final Parliamentary stages at the time of writing, will make it an offence for a person who exercises the powers and privileges of a constable to use them improperly. It will supplement the existing common law offence of misconduct in public office.
- 2.41. Notably, there is no universally applicable definition of ‘corruption’ at law.

## **Literature review on police integrity and corruption**

- 2.42. In the absence of a single legal definition, and the range of views as to what constitutes corruption, HMIC commissioned a review of the literature on the topic by Professor Tim Newburn. The following is a summary of the review.<sup>38</sup>
- 2.43. The review explains that the most telling analyses of police conduct conclude that police integrity and corruption is fundamentally a matter of ethics. There will be some generally serious forms of conduct that are plainly corrupt. There are others, however, where much depends on the nature and circumstances of the conduct itself. The issue of the offer of gifts and hospitality is often used to illustrate such arguments; for example, while a free cup of coffee would be unlikely to be considered by anyone to be a serious breach of any code of conduct, it is also recognised that the offer of such gifts and hospitality may contain the potential for inducing conduct that would be considered inappropriate.

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<sup>35</sup> *R v Kasim* [2006] 1 Cr APP R(S) 12; *R v Turner* [2009] EWCA Crim 22190.

<sup>36</sup> *R v Harrington*, November 2003, unreported; *R v Wicher and Lang*, March 2005, unreported.

<sup>37</sup> *R v Burrows*, July 2007, unreported.

<sup>38</sup> The full review is available online at [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

- 2.44. When corruption is uncovered there is a tendency within organisations, including the police service, to suggest or imply that the problem is one that is confined to a few rogue members or what are sometimes referred to as 'bad apples'. However, the history of policing has too many examples of institutionalised corruption for this view to carry much credence. Moreover, the notion of 'bad apples' narrows the scope of attention, often directing concern away from others and implies that, barring the individual 'bad apples', everything in the organisation is ethically sound. The literature suggests that this is rarely the case and that maintaining such a view is damaging to the health of the police service.
- 2.45. Adopting the position that accepting any gift or hospitality is seen as corrupt would be very difficult to enforce – and is likely to catch behaviour which is not, when viewed objectively, corrupt. It would be similarly difficult to determine a particular financial value that would separate ethical from corrupt behaviour. As a consequence, the answer to the question of whether behaviour such as the acceptance of small value gifts or hospitality is appropriate is in practice rarely a clear 'yes' or 'no' but is, rather, a matter of ethical judgment.
- 2.46. Police forces therefore need to consider whether their officers and staff are trained to make, and are capable of making, such ethical judgments.
- 2.47. Officers and staff are frequently confronted with difficult ethical issues. The literature review indicates that officers and staff are more likely to make the right decisions if senior officers and staff engage them in a dialogue that both accepts the complex moral world in which they live and work, and recognises the difficult ethical decisions that they will almost certainly be asked to make.
- 2.48. The literature review points to a substantial body of work on trust and confidence in policing, which strongly suggests that the greater the extent to which citizens feel their interactions with police officers and police staff are procedurally fair, the greater the likelihood that they will not only want to comply but will also comply in practice.<sup>39</sup>
- 2.49. The implications of this are that police actions that are perceived to be illegitimate or unfair cause a great deal of damage to confidence in the police and reinforce why improving integrity and countering corruption are such important matters. Additionally, it points to the fact that police forces seeking to deal with corruption and to enhance integrity also need to be seen to operate fairly and legitimately with their officers and staff.

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<sup>39</sup> *It's a fair cop? Police legitimacy, public cooperation, and crime reduction*, Andy Myhill and Paul Quinton, National Policing Improvement Agency, London, 2011. Available from [www.college.police.uk](http://www.college.police.uk)

## The public and police perspective

- 2.50. There is plainly a spectrum of behaviour, which may amount to corruption and/or a lack of integrity, ranging from low-level misconduct (which is capable of being dealt with by management action), to far more serious conduct, including criminal behaviour. We have not found any evidence to suggest that the majority of officers and staff do not seek to behave other than in an ethical manner in the performance of their duties.
- 2.51. However, it is clear that some may behave ethically for most of the time but occasionally demonstrate low-level misconduct. Others may act in ways that demonstrate all elements of the spectrum - sometimes behaving ethically but also sometimes exhibiting a lack of integrity and/or corruption, and moving frequently from one to the other. In the absence of a legal or consensus definition of corruption, we considered recent research examining both the public's and the police's understanding of what constitutes police integrity and police corruption.

## The public's view of integrity and corruption

- 2.52. As part of our reviews of police relationships in 2011<sup>40</sup> and 2012,<sup>41</sup> HMIC sought the views of the public in England and Wales. In these two separate inspections, HMIC used quantitative and qualitative research to attempt to understand how people characterise integrity in the context of policing, their perceptions of the prevalence of police corruption, and whether attitudes had been affected by the publicity given to cases which raised questions about police integrity.
- 2.53. The 2011 results showed that, while most respondents did not think corruption was a common or significant problem, and believed officers were doing a good job, a significant minority (about a third) had some doubts about the integrity of the police.
- 2.54. We repeated the survey in 2012 to see if this picture had changed. The data indicate that overall, there was little difference between the findings for 2011 and 2012. The 2012 cohort reported similar levels of trust in the police:

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<sup>40</sup> *Without fear or favour: A review of police relationships*, HMIC, London, 2011. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

<sup>41</sup> *Revisiting Police Relationships: A progress report*, HMIC, London, 2012. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

- most (59 percent) thought the police in general were doing a good or excellent job (61 percent in 2011); and
- the majority (61 percent) did not think corruption was common in the police (63 percent in 2011).

2.55. Expectations of the police also remained high:

- 89 percent expect the police to be more honest than "the average person on the street" (89 percent in 2011); and
- three-quarters (75 percent) said they trust the police to tell the truth (74 percent in 2011).

2.56. However, the 2012 results showed that a significant minority of respondents still had doubts about the integrity of the police:

- 36 percent thought corruption was fairly or very common in the police (34 percent in 2011);
- 42 percent thought disclosure of sensitive information to the media by the police was a fairly or very big problem (43 percent in 2011).

2.57. This shows a fairly consistent picture of high expectations and trust, combined with a persistent belief (by about one in three respondents) that corruption is a problem.

2.58. The 2012 survey showed that the two most common reasons for believing corruption was fairly or very common in the service were:

- respondents said they had heard about police corruption in national media reports (81 percent of people asked chose this option);
- respondents claimed that corruption happened in all professions/sectors (73 percent).

2.59. The 2012 survey showed that 38 percent of respondents said that they had experienced police corruption personally. When we investigated this further, it was clear that the public was using a very broad definition of corruption – specifically, that it is any behaviour or action that results in a failure to treat the public fairly.

2.60. However, overall trust in and expectations of the police remained high.

2.61. A more in-depth analysis of public views on corruption was carried out by the Independent Police Complaints Commission which is summarised below.

## Independent Police Complaints Commission research

- 2.62. The Independent Police Complaints Commission carried out research in 2012<sup>42</sup> to examine the public's perception of the nature, extent and effect of corruption in the police. The research was informed by a public survey, focus groups and in-depth interviews including an examination of the distinctions that the public makes between corruption and other types of misconduct. The research found that the members of the public surveyed were concerned about police corruption, which they regarded as very serious. It also found that the belief that police officers are or might be corrupt had an adverse effect on confidence and trust in the police.
- 2.63. The IPCC research found that members of black and minority ethnic groups and young people were more concerned about police corruption, and perceived it to be more widespread, than members of other demographic groups; these same groups also had less confidence than others in the police complaints system.
- 2.64. The focus group members who were questioned as part of the research considered police corruption in more depth, and identified several types of behaviour that could be considered to be 'corruption', or circumstances where behaviour might be considered to be other types of 'misconduct'.
- 2.65. The clearest form of corruption was described by focus group members as "personal financial gain in return for something". Other themes included "perverting the course of justice"; "abuse of power and position", and, "inappropriate use of power" as well as "fiddling figures". The latter generated debate, as the element of *personal benefit* was less clear but, where it existed, the focus group members believed it should be considered as being corruption rather than misconduct.
- 2.66. The research showed that the public recognised that corruption can take different forms and may vary in its level of seriousness. It also suggested that popular conceptions of corruption tended to encompass a wider class of behaviour than that falling within the various institutional definitions used by the police service. For example, some members of the public considered that using excessive force was itself an example of corruption.

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<sup>42</sup> *Public Views on Police Corruption: A qualitative research study*, Solutions Research. IPCC Research and Statistics Series: Paper 23, London, 2012. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

2.67. The research identified that the public considered the falsifying of expenses claims as being less serious than using excessive force, as was the inappropriate acceptance of gifts and hospitality. The public expected officers to exercise sound judgment in deciding whether accepting a gift would put them in a difficult position. The public generally considered it acceptable for officers to receive free teas and coffees, free lunches at meetings, and free entry into nightclubs.

2.68. Police corruption was viewed by the public as more serious when it:

- was carried out on a regular basis;
- involved staff who hold senior positions; or
- involved substantial sums of money.

2.69. Taking these findings together, it follows that behaviour is more likely to be viewed by the public as misconduct, and not corruption, where the wrongdoing does not involve personal gain in some form and is not either regular, or involving senior staff or substantial monetary value. The IPCC research report noted:

*“Corruption is understood at the most basic level as doing something (morally) wrong/breaking rules, typically for personal benefit. It is normally seen as premeditated, covert and immoral. In contrast, misconduct feels less covert or considered, and may even on occasion be accidental.”<sup>43</sup>*

### **Police interpretation of integrity and corruption**

2.70. Integrity is part of the core values of policing and its importance is made clear to every officer. At the beginning of his service, a police officer is required<sup>44</sup> to make an attestation<sup>45</sup> to serve with fairness, integrity, diligence and impartiality.

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<sup>43</sup> *Ibid*

<sup>44</sup> Police Act 1996, section 29.

<sup>45</sup> The wording of the attestation is “I, ... of ... do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.” Police Act 1996, Schedule 4 (as amended).

- 2.71. More generally, the importance of integrity is reinforced in a number of ways, including through the standards of behaviour in the statutory guidance on police officer misconduct, unsatisfactory performance and attendance management procedures,<sup>46</sup> and more recently in the Code of Ethics published by the College of Policing.<sup>47</sup>
- 2.72. The Code of Ethics is the written guide to the principles that everyone working in policing in England and Wales is expected to uphold, and the standards of behaviour they are expected to meet at all times. The principles are: accountability; integrity; openness; fairness; leadership; respect; honesty; objectivity; and, selflessness.<sup>48</sup> The Code of Ethics is intended to help everyone in policing to do the right thing in the right way, with an emphasis on how police officers and staff behave, rather than on managing misconduct.
- 2.73. The Code of Ethics makes clear that any form of unprofessional behaviour up to and including criminal and corrupt behaviour not only detracts from the service that the police provide to victims of crime and the public, it also risks losing public trust and confidence in the police. It is also likely to damage the reputation of the police service. It makes clear that unprofessional behaviour must not be condoned, tolerated or ignored, and that officers and staff have a duty to challenge those whose behaviour falls short of the policing principles and standards of professional behaviour.
- 2.74. To support officers and staff who regularly may take decisions that involve ethical or moral considerations, the Code of Ethics complements the police national decision model. The national decision model places the code at the core of the decision-making process<sup>49</sup> and provides officers with a decision-making process consisting of different stages that officers can follow when making any type of decision.

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<sup>46</sup> *Home Office Guidance: Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures*, Home Office, November 2012.

<sup>47</sup> *Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, 2014. Available from [www.college.police.uk](http://www.college.police.uk)

<sup>48</sup> The Code of Ethics notes that the principles originate from the '*Principles of Public Life*', published by the Committee on Standards in Public Life in 1995, to which have been added 'fairness' and 'respect'.

<sup>49</sup> Available from [www.app.college.police.uk](http://www.app.college.police.uk)



- 2.75. The Code of Ethics had only recently been published at the time of the inspection. For this reason, we asked forces about the plans they had developed to inform officers and staff about it. We also asked officers and staff if they were aware of the code. Our findings are set out in paragraphs 7.33–35.
- 2.76. As we have seen, corruption is not defined in law. The Oxford English Dictionary defines corruption as: "*dishonest or fraudulent conduct by those in power, typically involving bribery.*"<sup>50</sup>
- 2.77. While bribery has always been understood to be a clear example of corruption, it is clear that the types of behaviour typically regarded as corrupt are much broader, as seen in the previous section.
- 2.78. The National Policing Counter Corruption Advisory Group (NPCCAG)<sup>51</sup> working with the Independent Police Complaints Commission (IPCC) and the Crown Prosecution Service (CPS), has developed a working definition of corruption. According to that definition, corruption exists where:
- "A law enforcement official commits an unlawful act, or deliberately fails to fulfil their role, arising out of an abuse of their position, for personal or perceived organisational advantage, having the potential to affect a member of the public".*
- 2.79. The purpose of the NPCCAG definition was to provide forces with a common understanding of which behaviours constitute corruption. However, we found that different definitions are still used in forces. Most forces have adopted the NPCCAG definition but some use other definitions or have developed their own. This has led to individuals in some forces interpreting the definition so as to include the acceptance of any gift or offer of hospitality no matter how small the value. Others consider that it includes only those actions which amount to criminal conduct involving an abuse of position for personal gain - such as selling sensitive information to criminals. It is clear that different interpretations of corruption are being used in forces, which adds to the confusion.

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<sup>50</sup> *Oxford English Dictionary*. Oxford University Press. 3rd edition, Oxford, 2010.

<sup>51</sup> NPCCAG is one of four groups that make up the national policing professional standards and ethics portfolio. It is chaired by the national policing lead for counter corruption, currently an assistant chief constable, and its attendees include the chairs of the regional counter corruption advisory groups, College of Policing, National Crime Agency, Border Force, Independent Police Complaints Commission, and Crown Prosecution Service.

## Conclusion

- 2.80. It is clear that there is no single, and agreed, definition of police integrity or corruption, but where police officers and staff act with honesty and use their position for policing purposes only, and do not gain a personal advantage that could give the impression that they are abusing their position, their integrity is much less likely to be called into question.
- 2.81. While criminal behaviour is clearly defined in law, some definitions of corruption go wider than criminal actions. For example, the National Policing Counter Corruption Advisory Group definition of corruption includes both criminality and abuse of position for personal or perceived organisational advantage.
- 2.82. The legislation currently being considered by Parliament in the Criminal Justice and Courts Bill provides a clear definition of when a person who exercises the powers and privileges of a constable uses them improperly. But this definition does not apply to members of police staff, and may be narrower in scope than those instances currently prosecuted under the offences of perverting the course of justice and misconduct in public office.
- 2.83. The complexity of the police complaints and disciplinary systems is well known and, following the review by Major General Clive Chapman,<sup>52</sup> the Home Office is currently consulting on possible changes to those systems.<sup>53</sup>
- 2.84. HMIC considers that, whatever changes are made as a result of the consultation, police forces need to have clarity about the regulations and legislation that deal with misconduct issues and issues involving corruption by officers, staff and those contracted to carry out functions on behalf of the force.
- 2.85. This will mean that there will continue to be differing approaches from force to force in respect of suspected corruption cases, and the degree of corruption in each force will remain unquantifiable.

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<sup>52</sup> *An Independent Review of the Police Disciplinary System in England and Wales*, Major General Clive Chapman, October 2014. Available from: [www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales](http://www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales)

<sup>53</sup> *Improving police integrity: reforming the police complaints and disciplinary systems*, Home Office, December 2014. Available from [www.gov.uk](http://www.gov.uk)

## **Recommendations**

### **Recommendation 1**

**The Home Office, when considering the responses to its consultation “Improving Police Integrity”, should work with the College of Policing and the relevant national policing leads to establish whether the regulatory and legislative framework allows forces to understand clearly the distinction between those activities that should be treated as misconduct and those that should be treated as police corruption.**

### **Recommendation 2**

**Within three months of the Home Office announcing its proposals in response to its consultation “Improving Police Integrity”, the relevant national policing leads should issue clear guidance to police forces and the National Crime Agency on:**

- (a) the regulations that should be used by professional standards departments to deal with any issue of police misconduct; and**
- (b) the legislation that should be used by anti-corruption units to deal with any cases of corruption.**

### 3. Discovering, investigating and tackling wrongdoing

- 3.1. This chapter explains the ways in which wrongdoing, including corruption, is discovered by forces; sets out HMIC's conclusions on the effectiveness of forces' investigative processes; and discusses how forces deal with findings of wrongdoing.

#### **Professional Standards Departments and Anti-Corruption Units**

- 3.2. Each police force has a dedicated professional standards department that also includes an anti-corruption function (although the two teams fulfilling these functions may be located separately for operational or security purposes). While less serious misconduct matters may be dealt with by local managers, professional standards departments deal with more serious misconduct including corruption in the workforce. Therefore they have an important role in ensuring misconduct is dealt with effectively which in turn contributes to creating and maintaining high standards of professional behaviour.
- 3.3. Our inspection found that some forces have collaborated to share the professional standards and anti-corruption functions. For example, Bedfordshire, Hertfordshire and Cambridgeshire have combined their professional standards departments and anti-corruption units, as have Warwickshire and West Mercia, and Norfolk and Suffolk. The inspection did not examine how well these collaborations were working, but we did have concerns about their capability and capacity to respond to integrity and corruption matters (see paragraph 10.2).

#### **Professional standards departments**

- 3.4. Professional standards departments are responsible for dealing with:
- complaints by members of the public;
  - internal reports of suspected misconduct and unethical behaviour or criminality or corruption involving officers and staff; and
  - other activity that helps support the development and maintenance of an ethical culture.
- 3.5. The role of some professional standards departments has broadened in recent years to include responsibility for matters such as information security, vetting, legal services, grievance cases, unsatisfactory performance cases,

employment tribunals, civil claims, complaints about how the force operates, and in some forces, occupational health, and health and safety. In other forces, these functions are managed within other departments, but are accessible to professional standards department staff where necessary for investigation.

- 3.6. Typically, the post of head of professional standards is held at chief superintendent or superintendent level. Heads of professional standards departments generally report to the chief officer who has been nominated as the lead officer for standards and integrity in the force. This is usually the deputy chief constable but, in some cases, it is the assistant chief constable.

### **Anti-corruption units**

- 3.7. Although we have seen in previous chapters that there is no single agreed definition of corruption, it is usually the case that anti-corruption units will focus their efforts on identifying and tackling those officers and staff that are abusing their position to commit criminal offences (usually for personal gain). Because they tend to be looking at criminal activity, they have a wide range of powers and tactics available to them, including:

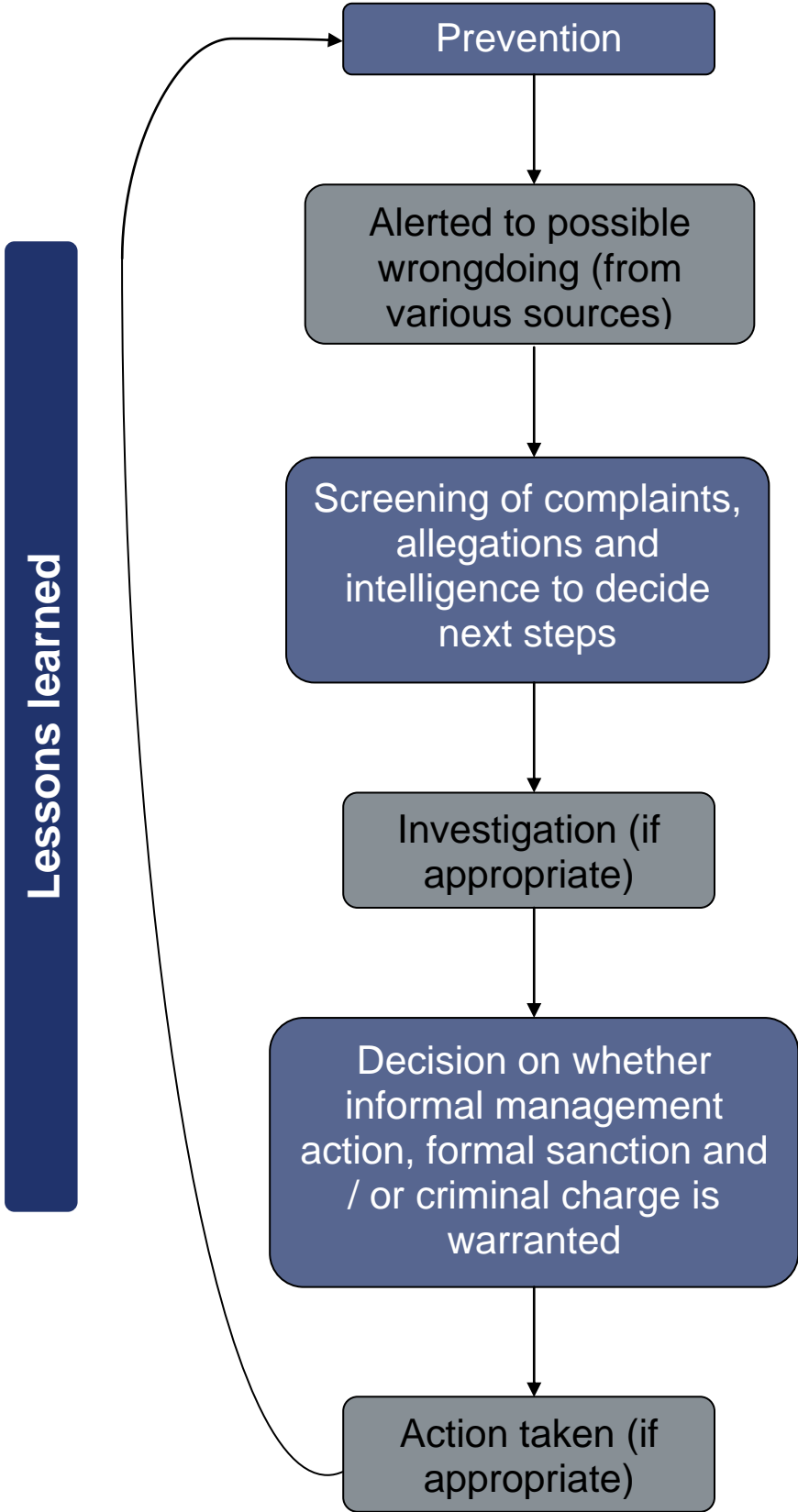
- access to communications data (e.g. itemised billing);
- active monitoring of how officers and staff use police computer systems;
- use of surveillance and deployment of technical equipment in premises; and
- powers of search and arrest.

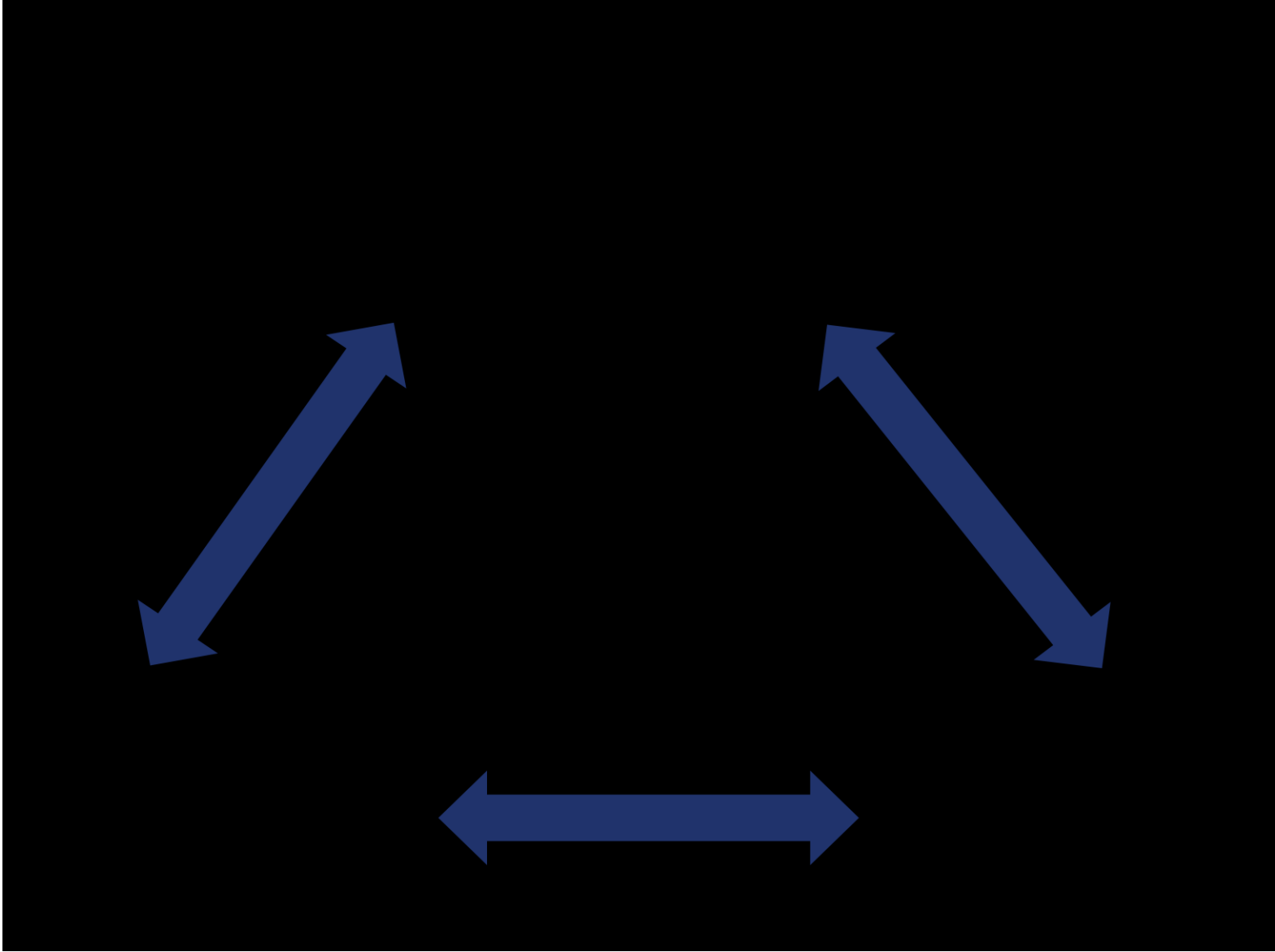
- 3.8. In many larger forces, anti-corruption investigators are established in a discrete unit, usually operating within the professional standards department's management structure, while having their own direct lines of reporting to chief officers. This enables forces to select particular staff for anti-corruption units who have the investigative skills required in tackling corruption. Some anti-corruption units also include dedicated intelligence analysts or researchers.

- 3.9. We found that nine forces had combined their professional standards departments and anti-corruption units. The remainder have separate units dedicated to anti-corruption work. A few of the larger forces also operate teams within their anti-corruption units or within their professional standards departments which provide specialist investigative skills including surveillance or technical expertise. In most forces, however, these specialist services are called in when required for a particular investigation (rather than held by the force).

3.10. The diagrams below summarise the work of professional standards departments and anti-corruption units – from seeking to prevent misconduct, criminality or corruption, to investigating allegations and taking disciplinary action against those found to have done wrong.

# Misconduct and corruption – role of Professional Standards Departments and anti-corruption units







## Discovering wrongdoing

3.11. There are four ways in which forces are alerted to, or discover, potential wrongdoing (either misconduct or corruption) by officers and staff. These are:

- public complaints concerning the actions (or inactions) of officers, staff or the force as a whole;
- internal reports either made overtly by officers or staff about their colleagues' behaviour, or from other sources (for example, referrals from the IPCC, CPS, the courts, and officers or staff reporting they have been fined or received penalties, say, for speeding);
- intelligence gathered, either in confidence from members of the public, officers or staff, through covert means (for example, following an undercover operation), or anonymously through Crimestoppers; and
- intelligence gathered by active monitoring of force systems and processes, to look for irregularities or inappropriate usage.

3.12. We consider each area in turn.

### Public complaints handling

3.13. Public complaints are recorded when a member of the public contacts the police force raising concerns about the behaviour or action of a police officer or member of police staff.<sup>54</sup>

3.14. A complaint is an expression of dissatisfaction about the conduct of someone serving with the police.<sup>55</sup> A complaint may be made by any of the following:<sup>56</sup>

- a member of the public who claims that the conduct took place in relation to him or her;
- a member of the public who claims to have been adversely affected by the conduct, even though it did not take place in relation to him or her;
- a member of the public who claims to have witnessed the conduct; or

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<sup>54</sup> There are circumstances in which the police do not have to record a complaint, for example, if the complaint is already part of another complaint that has been, or is being, dealt with through criminal or disciplinary proceedings.

<sup>55</sup> *Guidance on the recording of complaints under the Police Reform Act 2002*, paragraph 3.9, Independent Police Complaints Commission, London, 2013. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>56</sup> Police Reform Act 2002, section 12.

- a person acting on behalf of someone who falls within any of the three categories above.<sup>57</sup>
- 3.15. The main change to the handling of complaints against the police introduced by the Police Reform Act 2002, was the establishment of the Independent Police Complaints Commission. The Commission was created to increase public confidence in the way in which complaints against the police are handled. It introduced more independence to the investigation of complaints, in particular, in relation to the investigation of serious complaints and allegations of police misconduct, and through the IPCC's role in handling appeals against decisions made by police forces in complaints cases.
  - 3.16. The Police Reform and Social Responsibility Act 2011 introduced changes to the police complaints system designed to streamline and remove unnecessary bureaucracy from the system,<sup>58</sup> to ensure that complaints are handled at the appropriate level,<sup>59</sup> and to place more focus on putting right the issue which gave rise to the complaint made by a member of the public
  - 3.17. When the public complaint is received, each allegation it contains is categorised in accordance with guidance from the IPCC under the Police Reform Act 2002,<sup>60</sup> and recorded separately. Each complaint can contain a number of allegations about a single police officer or member of police staff, or one or more allegations about a number of police officers or police staff involved in the same incident or inquiry.
  - 3.18. For example, a complaint that an officer stole money from a suspect and was also rude, would be recorded as two allegations against one officer. If in the same incident, one police officer or police staff member were alleged to have committed theft and a second officer or staff member, present at the time, was allegedly rude, then separate allegations would be recorded against each party.
  - 3.19. During our inspection, we discovered that some of the categories used by forces to record allegations overlap with each other. For instance, similar allegations might be recorded by one force as 'corruption or malpractice', and

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<sup>57</sup> A person can only be considered as having been authorised to act on behalf of another for the purposes of making a complaint if he has and is able to produce written consent from that person.

<sup>58</sup> For example, the complainant's consent is no longer required in order to resolve a complaint locally.

<sup>59</sup> For example, minor complaints resolved by local managers.

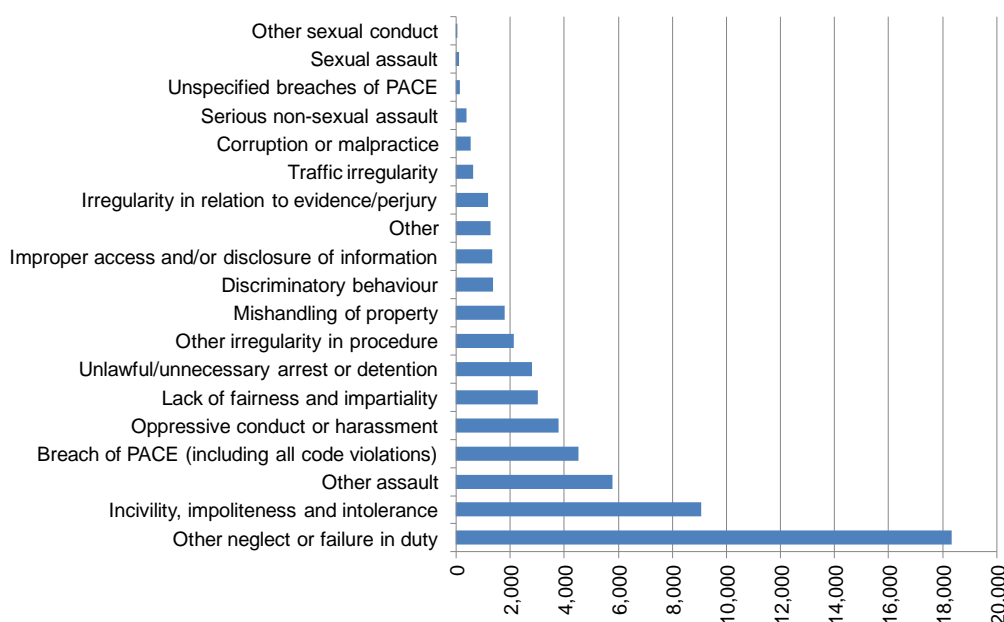
<sup>60</sup> *Guidance on the recording of complaints under the Police Reform Act 2002*, Independent Police Complaints Commission, London, 2013. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

by another force as 'irregularity in relation to evidence', or 'lack of fairness and impartiality'.<sup>61</sup>

3.20. This means that there is no definitive way of establishing the number of public complaints about certain behaviours. However, we can draw some general conclusions from the information gathered about public complaints.

### The number of public complaints

**Figure 1: Total allegations against officers and staff arising from public complaints – 12 months to March 2014<sup>62</sup>**



3.21. In the 12 months to 31 March 2014, there were 32,424 recorded public complaints against the police in England and Wales. These complaints contained 58,197 allegations (on average, approximately 1.8 allegations per complaint),<sup>63</sup> and were made against both police officers and police staff. The allegations ranged from incivility and impoliteness to criminal behaviour arising from an abuse of the police officer's or police staff member's position (categorised in Figure 1 as 'corruption or malpractice').

<sup>61</sup> The terms 'corruption or malpractice', 'irregularity in relation to evidence', and 'lack of fairness and impartiality' are defined in *Guidance on the recording of complaints under the Police Reform Act 2002*, IPCC, (undated). Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>62</sup> See *Guidance on the recording of complaints under the Police Reform Act 2002*, IPCC, (undated), for definitions of the allegation categories. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>63</sup> The data were collected in a different way to how the IPCC published statistics are collected and exclude complaints about the policies and procedures of police forces. The IPCC official statistics are not due for publication until after HMIC's report is published.

- 3.22. When a public complaint is received against a police officer or a member of police staff, the appropriate authority<sup>64</sup> is required by law to carry out an initial assessment to determine how serious the allegation is, and whether or not the complaint needs to be referred to the IPCC.<sup>65</sup> If the complaint would not justify the bringing of criminal or disciplinary proceedings against the person whose conduct is complained of and will not interfere with a person's rights under Articles 2 and 3 of the European Convention on Human Rights,<sup>66</sup> it can be dealt with at the lowest level, called 'local resolution'.
- 3.23. If a case is suitable for local resolution, the line manager of the police officer or staff member who is the subject of the complaint contacts the person who raised the complaint to agree how the issue can be resolved. This may be by way of explanation, apology, meeting, restorative conference, mediation, or anything that resolves the complaint and provides a 'proper outcome'.<sup>67</sup>
- 3.24. If the local resolution process is used, there can be no formal misconduct sanction against the person complained about, and it does not appear on his discipline record as it is not a formal disciplinary action. However, this does not prevent a manager from making a note of the action and recording it on the officer's professional development review.<sup>68</sup> Details of previous local resolutions can be taken into account by managers when considering general performance.
- 3.25. If the appropriate authority determines that the allegation is more serious, and if admitted or proved, it would justify at least a written warning, subject to any requirement to refer the complaint to the IPCC and their determination, the complaint is formally investigated as a local investigation, and an investigating officer is appointed.
- 3.26. Complaints against police officers are investigated in the same way as complaints against police staff. However, at the conclusion of a local investigation into a complaint, the appropriate authority carries out a final assessment. If the final assessment determines that misconduct proceedings should follow, then police officers are dealt with under the Police (Conduct)

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<sup>64</sup> The appropriate authority is a police officer of at least the rank of chief inspector, or police staff member who is of at least a similar level of seniority. This role is generally performed by a senior person within the professional standards department, and in larger forces by more than one person.

<sup>65</sup> Police Reform Act 2002, Schedule 3, paragraph 6.

<sup>66</sup> Article 2 protects the right to life. Article 3 prohibits torture and inhuman or degrading treatment or punishment. Police Reform Act 2002, Schedule 3, paragraph 6.

<sup>67</sup> Police Reform Act 2002, Schedule 3, paragraph 8A.

<sup>68</sup> *Home Office Guidance: Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures*, Home Office, London, 2012.

Regulations 2012, and police staff are dealt with in accordance with their contracts of employment and the disciplinary and capability procedures and policies that apply.

- 3.27. In Figure 1, we can see that by far the largest number of allegations are categorised as 'other neglect or failure in duty'. The types of activity that would be recorded under this category include officers failing to update victims of crime, failing to record actions in their notebooks, neglecting to record seized property accurately, and disobeying a lawful order. The second largest number of allegations are categorised as incivility, impoliteness and intolerance. The types of behaviour that would be recorded in this category would include swearing at, or being rude to, a member of the public.
- 3.28. Therefore, a substantial proportion of the allegations arising from public complaints in the 12 months to March 2014 (over 27,300 of the almost 58,200 allegations) involve neglect or failure of duty, or rude or disrespectful behaviour. Many of these are likely to be assessed as suitable for local resolution.
- 3.29. It is important to recognise that certain types of complaints, such as 'other assault', 'unlawful/ unnecessary arrest and detention', and 'lack of fairness and impartiality', generally arise from situations where there is tension - for example police intervention in conflict between members of the public - and/or in the exercise of police powers, such as arrest and search.
- 3.30. Forces should ensure that their deployment policies and conflict management training are designed to maximise the chances that police officers and police staff act appropriately in these situations, in an effort to reduce complaints or deal with them swiftly.
- 3.31. Effective assessment and investigation is important because, where officers and staff fail to behave appropriately, the consequences for members of the public can be significant, and the outcome for the officer or staff member can be serious in terms of criminal prosecution and/or gross misconduct proceedings. Such cases may require mandatory referral to the IPCC.
- 3.32. Some allegations, such as improper access to or disclosure of information or irregularity in relation to evidence or perjury are recognised as more serious. Effective assessment and investigation of such complaints are important because, although they form a relatively small proportion of overall complaints (the two examples above amount to 4 percent of the total), they represent a significant risk to trust and confidence in the police service, and are more likely to require referral to the IPCC.

- 3.33. Allegations concerning discriminatory behaviour can go to the heart of the legitimacy of the police service, and should be a focus for leaders within the police service. This means they should receive particular attention at the initial assessment stage, either as an individual allegation or as part of a broader complaint. In 2014, the Independent Police Complaints Commission examined how well three large forces investigated complaints of discrimination and identified widespread failings.<sup>69</sup> It found that, generally, complaints of discrimination made by members of the public were poorly-handled from beginning to end - in relation to the way the complaint was investigated, the conclusions drawn and, importantly, the contact with the complainant.
- 3.34. In our inspection, we found that most forces used the correct rank of officer or grade of staff - chief inspector or equivalent police staff - as the appropriate authority to carry out an initial assessment of all public complaints and the final decision for all locally-investigated public complaints. However, we were disappointed to find a number of exceptions where staff who were not chief inspectors or police staff equivalents were conducting the initial assessment of public complaints. Not only are these forces failing to comply with the law,<sup>70</sup> but also there is an increased risk of a successful appeal on the process, thereby increasing work and delaying resolution of the complaints.

### **Internal misconduct reports**

- 3.35. Internal misconduct reports are recorded as a result of concerns raised within police forces about the on- or off-duty conduct or behaviour of an officer or member of staff. They are likely to be made to either a supervising officer or directly to the professional standards department or anti-corruption unit. They are also raised where officers and staff self report, for example following receipt of a fixed penalty notice for speeding, or following referral from other agencies: the CPS, for example, may refer apparent neglect of duty in an investigation.
- 3.36. Internal misconduct is categorised in accordance with the ten standards of behaviour for police officers and police staff as directed by the Home Office.<sup>71</sup> Therefore, there are two different systems in use, each with its own recording categories; one which forces use to record allegations from public complaints as directed by the Police (Complaints and Misconduct) Regulations 2012,<sup>72</sup>

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<sup>69</sup> *Police handling of allegations of discrimination* Independent Police Complaints Commission, London, 2014. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>70</sup> For public complaints - Police (Complaints and Misconduct) Regulations 2012, Regulations 30 and 33. For internal misconduct - Police (Conduct) Regulations 2012, Regulation 3(5).

<sup>71</sup> See Annex I.

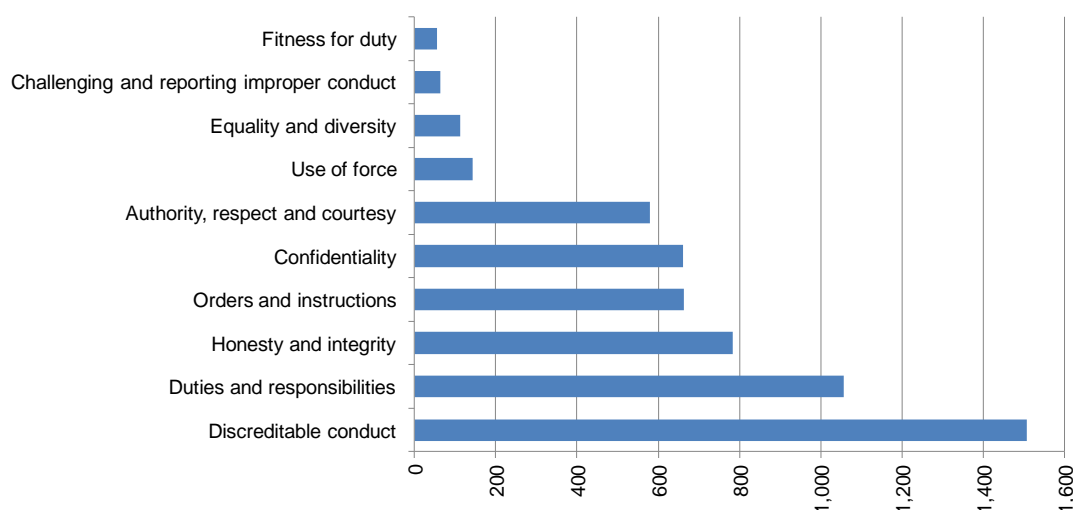
<sup>72</sup> Police (Complaints and Misconduct) Regulations 2012.

and another to record internally reported alleged misconduct as directed by the Home Office Guidance.<sup>73</sup>

3.37. In 42 forces, internally-raised misconduct reports are categorised as potential breaches of one or more of the ten standards of professional behaviour.<sup>74</sup> The Metropolitan Police Service is alone in using the categories for recording public complaints also to record internally-raised misconduct reports.

3.38. The table below shows that, in the 12 months to March 2014, there were a total of 3,685 internally-raised misconduct reports recorded in England and Wales (excluding the Metropolitan Police Service). They contained 5,628 reported breaches of the standards of professional behaviour.

**Figure 2: Total reported breaches of the standards of professional behaviour by officers and staff contained in internally-raised misconduct reports (excluding Metropolitan Police Service) - 12 months to March 2014**



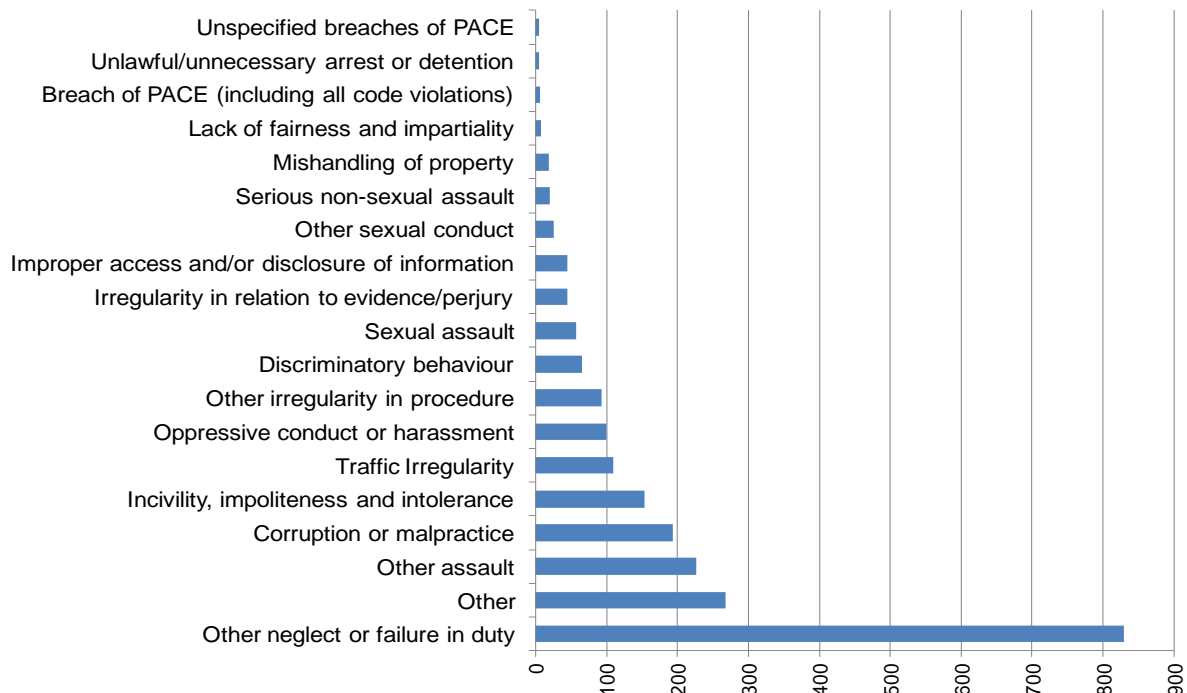
3.39. As with public complaints, the 3,685 internally-raised misconduct reports (excluding the Metropolitan Police Service) will encompass a range of police officer and police staff behaviour. The behaviour includes the blameless and proper discharge by a police officer or member of police staff of his duties that may give rise to a mistaken or malicious misconduct report. It may also include actions falling below the required standards of professional behaviour that due, for example, to a lack of knowledge of particular police procedures require performance improvement dealt with through additional training or a low level sanction. At its most serious, the behaviour may constitute criminal conduct where a police officer or member of police staff has abused his position, warranting a criminal conviction and dismissal from the police force.

<sup>73</sup> Home Office Guidance; *Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures*, Home Office, London, 2012.

<sup>74</sup> See Annex I

3.40. In the Metropolitan Police Service, we can see that in the 12 months to 31 March 2014, there were a total of 1,775 internally-raised misconduct reports recorded containing 2,274 reported breaches of conduct. Given that there are nearly twice as many categories under which allegations could be categorised, we were surprised to see that so many were categorised as 'other'.

**Figure 3: Total Metropolitan Police Service allegations against officers and staff contained in internally-raised misconduct reports - 12 months to March 2014<sup>75</sup>**



3.41. The differing criteria under which Metropolitan Police Service reported breaches are recorded makes it difficult to draw any comparison with the data from other forces. It is also not possible to add the Metropolitan Police Service data to those provided by other forces in order to establish a national picture of internally-raised misconduct reports.

<sup>75</sup> For definitions of the allegation categories, see *Guidance on the recording of complaints under the Police Reform Act 2002*, IPCC, London, (undated). Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)



- 3.42. As with public complaints, where an investigation into a conduct matter is required, the appropriate authority will appoint an investigating officer. At the end of the investigation into a conduct matter against police officers and police staff, the investigating officer is required<sup>76</sup> to provide the appropriate authority with a report giving a summary of the evidence, attaching any relevant documents, and giving his opinion as to whether there is a case to answer for misconduct, gross misconduct, or neither.

## **Intelligence**

- 3.43. In addition to public complaints and overt internal reports of misconduct, police forces also receive information about potential misconduct or criminality (including corruption) involving officers and staff from other sources. When this information is received in confidence from members of the public, police officers or staff members (for instance, anonymously through internal systems or through the Crimestoppers' website or its telephone lines)<sup>77</sup> it is recorded as intelligence.
- 3.44. It is important that the sources of intelligence are protected to ensure the public, officers and staff have the confidence to report concerns about the integrity of police officers and police staff, and to maintain the security of continuing investigations.
- 3.45. Such intelligence can range from non-specific concerns about the integrity of a particular officer or staff member, to allegations that a named or unnamed officer or staff member is engaged in corrupt activities, such as passing on police information to a criminal associate.
- 3.46. All intelligence received by anti-corruption units should be recorded against the counter-corruption categories, set out in the authorised professional practice for counter corruption.
- 3.47. Intelligence in its raw form then requires research and development work before an assessment can be made of its reliability, and a decision taken on what should be done with it. This work ranges from simple research (for example, checking that a named officer or member of staff does in fact work for the force) to much more complex and sensitive research, such as analysing access to force systems to establish whether the officer or staff member could have retrieved information to pass on to criminal associates.

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<sup>76</sup> *Home Office Guidance: Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures*, paragraph 2.138, Home Office, London 2012.

<sup>77</sup> Crimestoppers is 'an independent crime-fighting charity', which allows information about crime to be submitted anonymously via their website or by telephone. See [www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)

- 3.48. To conduct this research, dedicated staff in anti-corruption units should be able to examine force computer systems, including intelligence and human resources systems. In order to maintain the integrity of the intelligence development and ensure the security of any subsequent undercover operation, access to these systems should be undertaken covertly, so that an officer or member of staff remains unaware that he or a colleague is the subject of such research.
- 3.49. Intelligence gathered should be prioritised for development and where justified, investigation. This involves considering the potential impact of the alleged corrupt behaviour on specific members of the community, operational activity and the reputation of the force. The assessment should be informed by the national strategic assessment of the threat to UK Law enforcement from corruption produced by the Serious Organised Crime Agency in 2013.<sup>78</sup>
- 3.50. Where the development of intelligence identifies that one or more police officers may have committed misconduct, the appropriate authority must decide whether the matter should be investigated (see paragraph 3.25). The same authority must also decide whether the investigation should be conducted overtly (in which case regulatory notices should be served), or covertly (because criminal conduct is suspected).<sup>79</sup> Covert investigations will usually take place into criminal offences that are either a relevant offence<sup>80</sup> or could amount to serious corruption and should be subject to IPCC referral procedures (see paragraph 4.7).
- 3.51. These decisions are usually made with the guidance of a tasking and co-ordinating meeting (see paragraphs 8.42–43). Subject to the IPCC determination, where an investigation is instigated an investigating officer will be appointed, and it will be his responsibility to set the investigative plan to prove or disprove the alleged corrupt behaviours.

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<sup>78</sup> *The Threat to UK Law Enforcement from Corruption*, SOCA, London, 2013. The document is sometimes referred to as the national threat assessment. It is classified and was not published.

<sup>79</sup> Police (Conduct) Regulations 2012, Regulation 15 (3).

<sup>80</sup> A relevant offence is defined as any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over, who has not previously been convicted, may be sentenced to imprisonment for seven years or more (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates Court Act 1980).

- 3.52. If potential criminal offences are identified and the Crown Prosecution Service authorise charges, criminal proceedings will usually take precedence over any internal action. The potential misconduct will be reviewed at the conclusion of the criminal trial. Conviction can lead to dismissal. Where the outcome of a trial is acquittal of the accused, a final assessment of the officer or member of staff's alleged conduct will be carried out to determine whether it meets the lower burden of proof - on the balance of probabilities - used in police misconduct cases.
- 3.53. In the event that an investigation is inconclusive the appropriate authority may decide to conduct an ethical interview with the officer or staff member concerned, or to use a service confidence procedure.
- 3.54. Anti-corruption systems and processes are examined in more detail in chapter 8.
- 3.55. The way that anti-corruption units gather and develop intelligence and monitor force computer systems is considered in more detail in paragraphs 8.34–44.

## **Investigating wrongdoing**

- 3.56. We considered what systems and processes forces had established to ensure the effective investigation of public complaints and internal misconduct reports.

### **Ensuring timeliness and quality of investigations**

- 3.57. We looked at how forces ensure the timeliness and quality of their investigations, irrespective of whether those investigations were carried out by the professional standards department, the human resources department or local managers. When we spoke to some professional standards experts, they advised us that regular reviews of cases should be carried out in order that senior managers in professional standards departments, and those responsible for overseeing them, can assess and be confident in the timeliness and quality of investigations. However, we found such reviews had taken place in fewer than half of forces.

### **Continuing assessment of seriousness of behaviour during investigation**

- 3.58. We also examined whether public complaint and misconduct investigations were audited regularly to ensure that they were being dealt with at the appropriate level (i.e. misconduct, gross misconduct or criminal), as the investigation developed.

3.59. Regular audits are important to ensure that the outcome of the process, following the conclusion of the investigation, is appropriate to the seriousness of the behaviour. However, we found that fewer than half of all forces were regularly monitoring the level at which local investigations were being conducted.

### **Fairness and consistency of investigations**

3.60. HMIC expects that the decision-making and actions taken in respect of public complaints and internal misconduct investigations should be fair and consistent. However, during our inspection, some interviewees, focus group members and staff associations raised two main concerns indicating this was not the case.

3.61. The two concerns raised by some officers and staff to whom we spoke were:

- inconsistency in the assessment, quality and timeliness of misconduct investigations in those forces where local managers had responsibility for investigating some public complaints and misconduct reports. In these forces, some officers and staff told us that they considered that some local policing managers did not have sufficient training to deal with the investigations, affecting the quality and timeliness of some investigations; and
- a lack of confidence among some local managers in using the misconduct procedures. In some larger forces, we were told by some officers and staff that they believed that the lack of confidence resulted in a disproportionate number of black and minority ethnic officers or staff, or those with protected characteristics, being referred to professional standards departments for formal misconduct investigation; they felt it was easier for local managers to pass the responsibility for making decisions to professional standards departments, rather than deal with the decision-making themselves and risk accusations of discrimination.

3.62. We do not have sufficient evidence to determine if the concerns raised are valid but, as the issue of fairness is important, we will test these further as part of the new PEEL inspections.<sup>81</sup>

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<sup>81</sup> The new annual Police Efficiency, Effectiveness and Legitimacy (PEEL) inspections will, from 2015/16, provide an individual assessment for each of the 43 police forces as well as an overview of policing in England and Wales. The inspections will use the three themes of efficiency, effectiveness and legitimacy to give the public information on how well their force is performing in respect of a small number of categories of police activity. The 2014 PEEL assessment, published in November 2014, is available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

- 3.63. HMIC recognises that forces are trying to balance the need for central control, timeliness, quality of investigations, and consistency of decisions using professional standards departments staff, against local staffing levels and the need for local managers to take responsibility for the behaviour of their staff.
- 3.64. However, academic research strongly indicates that the fairness and effectiveness of internal investigatory systems are central to establishing a culture of integrity and ethical decision-making within the organisation and enhancing the trust and confidence of local communities. On this basis, it is imperative that forces have the systems, structures and processes in place to ensure the effective, timely and fair investigation of public complaints and misconduct reports.
- 3.65. The Home Secretary is currently consulting on whether police and crime commissioners should be given greater responsibility in overseeing police complaints and disciplinary procedures as part of a wider review of the police complaints and discipline system.<sup>82</sup>

### **The results of a review of a small number of case files**

- 3.66. Part of our fieldwork in each force included dip-sampling a small number of case files in respect of investigations categorised by the force as involving gross misconduct or criminal behaviour. We reviewed 360 cases to establish if forces were complying with IPCC guidance and statutory requirements.<sup>83</sup> The results from the IPCC referrals can be found at paragraphs 8.81–87.
- 3.67. The mechanics of the dip-sample were difficult as we selected only cases that had been concluded. We discovered that many files had been split and submitted for criminal and then, separately, internal misconduct proceedings. As a result, the relevant documents were, in some cases, at different geographical locations and were unavailable for consideration.
- 3.68. With that caveat, in 309 of the 360 cases, we found evidence of an initial assessment of the severity of the allegations having been carried out. We found evidence of a final assessment of the severity of the allegations having been carried out in only 229 cases.

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<sup>82</sup> On 11 December 2014, the Home Secretary published an open consultation: *Improving police integrity: reforming the police complaints and disciplinary systems*. The consultation closes on 5 February 2015. Available from <https://www.gov.uk/government/consultations/improving-police-integrity-reforming-the-police-complaints-and-disciplinary-systems>

<sup>83</sup> *Statutory Guidance to the police service on the handling of complaints*, IPCC, London, 2013. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

- 3.69. There is no requirement for supervision of criminal and gross misconduct investigations, but HMIC considers that supervision is important to ensure the effective investigation of the more serious cases. Supervision should improve the quality of casework thus reducing delays and increasing the chances of right outcome in investigations, whether that be exoneration of an individual or the imposition of a sanction as a result of a disciplinary hearing or criminal trial.
- 3.70. As part of the supervision of investigations into allegations of gross misconduct or criminality an investigation plan, directing what actions the investigator is to carry out, should be produced. However, we found evidence of supervision in only 252 of the 360 cases reviewed, and only 167 included an investigation plan setting out what actions the investigator should carry out. In line with approved professional practice and national counter-corruption investigation courses, corruption and serious crime investigations should be led by a qualified senior investigating officer and managed in a way that records the investigative actions to be carried out, and also shows the progress of the investigation.
- 3.71. Of the 360 cases reviewed, only 266 contained a record of the rationale for the decisions made during the investigation. We found 19 cases that we considered should have been referred to the IPCC but that had not been referred.
- 3.72. While the sample we examined was not statistically significant, it does indicate that in some forces the severity assessments were not completed in accordance with statutory guidance and that the forces' systems for assuring the quality of investigations of alleged gross misconduct and criminal conduct were weak. In cases where a severity assessment is missing and there is little or no supervision, there is a risk that investigative opportunities will be missed creating a risk that the guilty may escape punishment and continue to work in policing and that officers and staff who have conducted themselves properly will remain under suspicion.
- 3.73. In the light of the procedural issues identified above, we considered the training that officers and staff receive in relation to misconduct investigations.

### **Training investigators**

- 3.74. There is no nationally-accredited training for police officers and police staff engaged in complaints and misconduct recording, assessment and investigation. Therefore, it was not surprising that our inspection found an inconsistent approach among forces to the training of professional standards department staff.

- 3.75. Some forces expressed the view that, if their officers and staff had previously been accredited as detectives under the Professionalising Investigation Programme, at level 2, further training was not necessary and they could learn on the job. There were other forces that had invested in the training of staff with specific regulatory and investigative responsibilities in relation to investigating misconduct, but this tended to be focused at investigating officer level – inspector or equivalent. Some forces also sent staff on the College of Policing’s national counter-corruption training courses, although they recognise that the training is only designed for the covert investigation of criminal offences identified through intelligence.
- 3.76. The College of Policing is currently considering the development of a training programme in respect of complaints and misconduct recording, assessment and investigation. The content of such a programme will be informed by the Chapman review into disciplinary procedures and the Home Office led end-to-end review of the police complaints system and the Independent Police Complaints Commission.<sup>84</sup>
- 3.77. In 2011, the NPCCAG (then the ACPO Counter Corruption Advisory Group) commissioned a review of the existing guidance on the investigation of corruption in police forces and developed authorised professional practice for counter-corruption, which included the following modules: intelligence, prevention, enforcement, and communication and engagement.
- 3.78. The authorised professional practice for counter-corruption was completed in 2013 and approved by a College of Policing steering committee which reviews all authorised professional practice. However, at the time of this inspection, it had not been made available to forces on the College of Policing website.
- 3.79. The authorised professional practice for counter-corruption has, however, been made available to staff in anti-corruption units via the Police OnLine Knowledge Area (POLKA)<sup>85</sup> since January 2013. The information in relation to sensitive investigative tactics and online discussions concerning current investigations mean that access to those involved in counter-corruption work is limited to invitees only. The number of people with access to the counter-corruption POLKA is growing and, and at the time of writing this report, more than 200 officers and staff working in the field of counter-corruption have access to it.

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<sup>84</sup> *An Independent Review of the Police Disciplinary System in England and Wales*, Major General Clive Chapman, London, 2014. Available from [www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales](http://www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales)

<sup>85</sup> The Police OnLine Knowledge Area (POLKA) is a secure, online tool for the policing community to ask questions, share insights, discuss ideas and suggest new ways of working. Available from [www.college.police.uk](http://www.college.police.uk)

- 3.80. During the inspection, we found that some officers and staff receiving and developing corruption intelligence or investigating corruption were not aware that the counter-corruption authorised professional practice was available on POLKA and others believed it was only available in draft form.
- 3.81. The authorised professional practice is a valuable tool and it is a matter of concern that some forces reported that they had not made use of it at the time of the inspection.

## **Dealing with findings of wrongdoing**

- 3.82. At the end of a local investigation resulting from a public complaint or report of misconduct, unless it has been locally resolved, the investigating officer is required to pass to the appropriate authority<sup>86</sup> the investigation report and his recommendations as to whether the complaint should be upheld, and whether the officer or staff member has a case to answer for misconduct, gross misconduct, or no case to answer.<sup>87</sup>
- 3.83. The appropriate authority must then make the decision about whether or not to refer the case to the CPS, whether there is a case to answer for misconduct or gross misconduct, or whether the person's performance has been unsatisfactory, and what action, if any, will be taken. This is the final assessment and may be subject to appeal by the complainant.<sup>88</sup>
- 3.84. The investigating officer's report will be based upon whether the evidence (on the balance of probabilities) indicates that the police officer or police staff member has breached his respective standards of professional behaviour. Complaints against police officers are dealt with under the Police (Conduct) Regulations 2012; police staff are dealt with in accordance with employment legislation.
- 3.85. When, after investigation, an officer is deemed to have a case to answer, but that case involves allegations of misconduct that fall short of gross misconduct, it will be considered at a meeting with an officer more senior than the one who has been investigated. Where a case involves allegations of gross misconduct it will be considered by a panel at a hearing which can

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<sup>86</sup> The appropriate authority is a police officer of at least the rank of chief inspector, or police staff member who is of at least a similar level of seniority. This role is generally performed by a senior person within the professional standards department, and in larger forces by more than one person.

<sup>87</sup> Police (Complaints and Misconduct) Regulations 2012, Regulation 20.

<sup>88</sup> Police Reform Act 2002, Schedule 3, paragraph 24.



impose more severe sanctions, including dismissal.<sup>89</sup> Where potential breaches of the standards of professional behaviour were considered at meetings and hearings, our inspection found that all forces complied with the Police (Conduct) Regulations 2012<sup>90</sup> and Home Office Guidance.<sup>91</sup> To ensure consistency, many forces use the same chair for all misconduct hearings, and a number of forces provided their regular chairs with training from barristers.

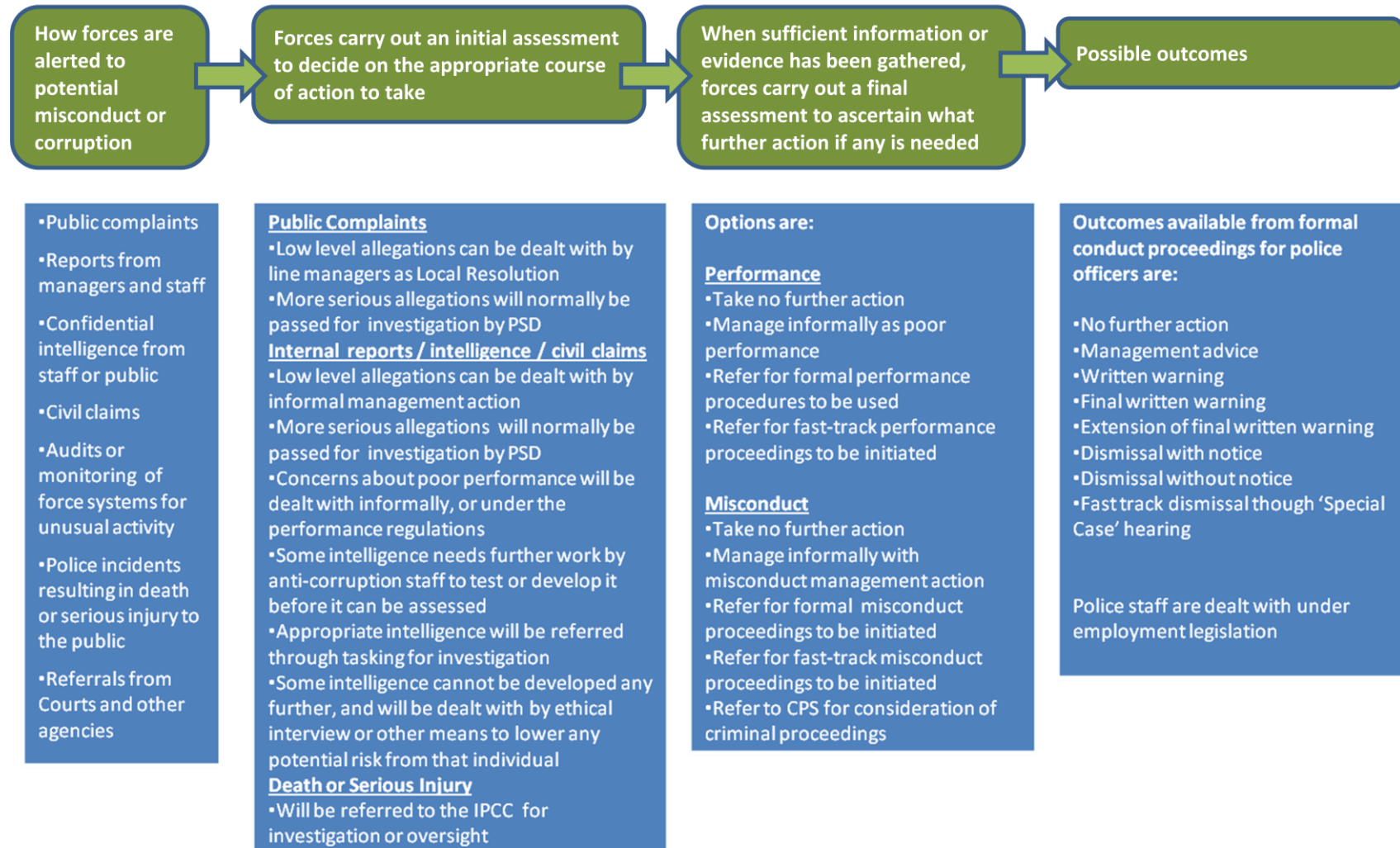
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<sup>89</sup> The panel comprises a panel chair and two other members and is appointed by the appropriate authority of the force in which the police officer is a police officer. At least one of the three panel members must be a police officer and one should be an HR professional.

<sup>90</sup> Police (Conduct) Regulations 2012.

<sup>91</sup> *Home Office Guidance; Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures*, Home Office, London, 2012.

## How PSDs and ACUs are alerted to potential wrongdoing – what it might be, and how they will deal with it



# Possible outcomes if sanctions are imposed

Performance	Misconduct Meeting	Gross Misconduct Hearing	Criminal Charges Brought
<ul style="list-style-type: none"> <li>• Informal performance measures (action plans)</li> <li>• Formal performance measures (up to 3 stage Unsatisfactory Performance Proceedings meetings)</li> <li>• Fast-track dismissal for gross incompetence straight to 3<sup>rd</sup> stage UPP meeting</li> </ul>	<ul style="list-style-type: none"> <li>• No further action</li> <li>• Management advice</li> <li>• Written warning</li> <li>• Final written warning</li> </ul>	<ul style="list-style-type: none"> <li>• No further action</li> <li>• Management advice</li> <li>• Written warning</li> <li>• Final written warning</li> <li>• Extension of final written warning</li> <li>• Dismissal with notice</li> <li>• Dismissal without notice</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Fast track dismissal though 'Special Case' hearing</li> </ul>	<ul style="list-style-type: none"> <li>• Acquittal</li> <li>• Caution</li> <li>• Conviction</li> </ul>
<ol style="list-style-type: none"> <li>1. Police officers will be dealt with under the Police (Performance) Regulations 2012. Guidance provided by Home Office Guidance 2014.</li> <li>2. Police staff will be dealt with under employment legislation.</li> </ol>	<ol style="list-style-type: none"> <li>1. Police officers will be sanctioned under Police (Conduct) Regulations 2012. Guidance provided by Home Office Guidance 2014.</li> <li>2. Police staff will be dealt with under employment legislation.</li> </ol>	<p style="text-align: center;">← corruption →</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <ul style="list-style-type: none"> <li>• An acquittal at court may lead back to an internal misconduct meeting or a gross misconduct hearing; as burden of proof is lower</li> <li>• Where there is a conviction, fast-track dismissal should be considered</li> </ul> </div>	

The diagram above shows the possible outcomes if sanctions are imposed. If the issue is one of incompetence rather than misconduct, the matter is dealt with under the Police (Performance) Regulations 2012. Gross incompetence means a serious inability or serious failure of a police officer to perform the duties of his rank or the role he is currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified. If the issue is one of misconduct, the matter is dealt with under the Police (Conduct) Regulations 2012. Gross misconduct means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

## Conclusion

- 3.86. The range of different approaches to the structure, resourcing and responsibilities of professional standards departments, and the mix of powers and tactics used (see paragraph 8.49), make it difficult to identify the most effective model of discovering, investigating and tackling wrongdoing.
- 3.87. HMIC looked at the various ways in which police forces discovered wrongdoing. This included public complaints, internal misconduct reports made by officers or staff, and intelligence given in confidence by officers or staff about suspected wrongdoing.
- 3.88. During our inspection we discovered that some of the categories used by forces to record allegations overlapped with each other. For instance, a similar allegation might be recorded by one force as 'corruption or malpractice', and by another force as 'irregularity in relation to evidence', or 'lack of fairness and impartiality'. This inconsistency undermines analysis of complaint trends within and between forces.
- 3.89. In respect of public complaints, we found that most forces used the correct rank of officer or grade of staff – chief inspector or equivalent police staff – as the appropriate authority to carry out an initial assessment of all public complaints and to make the final decision for all locally-investigated public complaints in accordance with the relevant regulations. However, we were disappointed to find a small number of exceptions to this. Not only are these forces failing to comply with the regulations governing the handling of complaints, but they are also increasing the risk of a successful appeal on the process followed, thereby increasing work and delaying the resolution of complaints.
- 3.90. An area of considerable concern to us was that, in some forces, there was a perception that a lack of confidence among local managers in using the misconduct procedures had resulted in a disproportionate number of complaints involving black and minority ethnic officers or staff, or those with protected characteristics, being referred to professional standards departments for formal misconduct investigation. We heard anecdotal evidence that some managers prefer to use the formal procedures to report the behaviour of black and minority ethnic colleagues, to avoid allegations of discrimination, rather than challenge the behaviour directly as they might with white colleagues who they would feel more comfortable challenging directly. Whatever the reason, forces need to ensure that all officers and staff are treated fairly and without discrimination. This is important, not just for those working in the force, but for the public who also require fair treatment without discrimination. This is another area that HMIC will follow up as part of its PEEL Legitimacy inspection later this year.

3.91. HMIC found that in all but one of the 43 forces, internally-raised misconduct reports are categorised as potential breaches of one or more of the ten standards of professional behaviour. However, the Metropolitan Police Service records internally-raised misconduct reports against the categories used to record public complaints. This makes it difficult accurately to compare the Metropolitan Police Service with other forces in respect of how allegations of misconduct are received and dealt with. This will be important for HMIC's PEEL Legitimacy inspections later this year when we consider how well forces deal with integrity and corruption issues.

## **Recommendations**

### **Recommendation 3**

**With immediate effect, all forces should ensure that the initial assessment of all public complaints is conducted by a chief inspector or police staff equivalent in accordance with:**

- (a) Police (Complaints and Misconduct) Regulations 2012, Regulations 30 and 33 – in respect of public complaints, and**
- (b) Police (Conduct) Regulations 2012, Regulation 3(5) – in respect of internal misconduct reports.**

### **Recommendation 4**

**By 31 August 2015, chief constables should review the number of officers and staff with protected characteristics who have formal allegations made against them, to ensure that force processes are operating without bias or discrimination.**

### **Recommendation 5**

**By 31 August 2015, the Home Office should ensure that all forces record reported misconduct in a consistent manner.**

## 4. Misconduct and corruption – roles and responsibilities of other organisations

- 4.1. In addition to the professional standards departments and anti-corruption units based within forces, there are a number of other organisations or individuals involved in dealing with complaints, setting standards or holding forces to account.

### The role of the Independent Police Complaints Commission

- 4.2. The Independent Police Complaints Commission was established by the Police Reform Act 2002, and became operational in April 2004.<sup>92</sup> Under section 22 of the 2002 Act, the IPCC publishes statutory guidance for the handling of complaints, with which forces are required to comply. The latest version was published in 2013.<sup>93</sup> The IPCC was established and charged with securing and maintaining public confidence in the police complaints system in England and Wales.
- 4.3. The IPCC makes decisions independently of the police, government and interest groups. It investigates the most serious complaints and incidents involving the police, as well as handling appeals from people who are not satisfied with the way police have dealt with their complaints, including those which cannot be dealt with by the force because of their seriousness.
- 4.4. In order to fulfil its duty under the Police Reform Act 2002, the IPCC monitors and reports upon the handling of complaints by forces. As part of this role, IPCC Commissioners, or their case managers, hold regular meetings with professional standards department managers and chief officers to discuss issues.

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<sup>92</sup> On 11 December 2014, the Home Secretary announced (House of Commons Official Report, Column WS95) the first triennial review of the IPCC which will examine, in particular, whether the IPCC is operating efficiently and whether its control and governance arrangements continue to meet the recognised principles of good corporate governance.

<sup>93</sup> *Statutory Guidance to the police service on the handling of complaints*, Independent Police Complaints Commission, London, 2013. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

4.5. The Police Reform Act 2002 directs that some complaints must be referred by forces to the IPCC.<sup>94</sup> A chief officer is appointed as the appropriate authority,<sup>95</sup> which must assess each complaint and refer to the IPCC any complaints and recordable conduct matters that include allegations of the following:<sup>96</sup>

- serious assault;
- serious sexual offence;
- serious corruption;
- criminal offence or behaviour which is liable to lead to misconduct proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status;
- a relevant offence, defined as any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over (not previously convicted) may be sentenced to imprisonment for seven years or more (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates Court Act 1980);<sup>97</sup> or
- a complaint arising from the same incident as one in which conduct of a type falling within the bullet points set out above, or conduct resulting in death or serious injury, is alleged.

4.6. An appropriate authority must also refer to the IPCC complaints which allege that the conduct complained of resulted in death or serious injury. This includes where someone has died or been seriously injured following direct or indirect contact with police, which may or may not involve an allegation of wrongdoing.<sup>98</sup>

4.7. The majority of public complaints against the police are dealt with by the relevant police force (through local resolution) without direct IPCC involvement. When serious cases or those involving death or serious injury are referred to the IPCC by forces, the IPCC makes a determination about

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<sup>94</sup> Police Reform Act 2002, Schedule 3, paragraph 4.

<sup>95</sup> If the person subject of the complaint is a chief officer, the local policing body is appointed as the 'appropriate authority'.

<sup>96</sup> Police Reform Act 2002, Schedule 3, paragraph 4(1)(b) and Police (Complaints and Misconduct) Regulations 2012, Regulation 4(2).

<sup>97</sup> The term 'relevant offence' is defined in the Police (Complaints and Misconduct) Regulations 2012, Regulation 1(2).

<sup>98</sup> Police Reform Act 2002, Schedule 3, paragraph 4(1)(a).

whether it will investigate the matter itself as an independent investigation, pass the case back to the force to investigate under the management or supervision of the IPCC, or pass the case back to the force to investigate with no further IPCC involvement. More details of the IPCC's work can be found on its website. See also paragraphs 8.81–87 below in relation to referrals to the IPCC.

- 4.8. The Home Office currently is working towards enabling the IPCC to deal with all serious and sensitive complaints against the police. This work has been funded by a transfer of resources from the police settlement.<sup>99</sup>

## **The role of the College of Policing**

- 4.9. The College of Policing was established In January 2013 as the professional body for policing in England and Wales. It sets standards for policing, promotes evidence-based good practice, and supports the professional development of police officers and police staff.
- 4.10. In May 2014, it published the Code of Ethics, following consultation with the public and the police service. The Code of Ethics is based on nine policing principles. Those principles are: accountability, integrity, openness, fairness, leadership, respect, honesty, objectivity, and selflessness.
- 4.11. These principles are intended to strengthen the existing procedures and regulations for ensuring standards of professional behaviour, for both police officers and police staff. The aim is to give the police and the public confidence that there is a system in place to respond appropriately if anyone believes that the expectations of the Code of Ethics have not been met.
- 4.12. These principles are also intended to inform every decision and action across policing. They are to be used, for example, in day-to-day operations as interventions are planned and debriefed, in the selection of new staff, in educational and development programmes, in annual reviews, and in promotion. The College has made clear that it expects the principles to be much more than just words on a page – they must become part of the way police officers and staff think and behave.
- 4.13. In addition to the Code of Ethics, the College is also supporting the development of greater openness and transparency in policing. For example, it publishes details of chief officers' pay, rewards, gifts and hospitality received

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<sup>99</sup> On 18 December 2013, the Minister for Policing, Criminal Justice and Victims announced that, as part of the police funding arrangements for 2014/15, the Home Office would provide funding from the police settlement to build up the resource and capability of the IPCC so that it could deal with all serious and sensitive cases involving the police.



and business interests.<sup>100</sup> Also, it maintains a national register of all officers, including special constables and staff, who have been dismissed or who have resigned or retired voluntarily while subject to investigation for gross misconduct, to ensure that they are not re-employed in policing.<sup>101</sup> It is also developing a new code of practice for vetting prospective employees and those seeking promotion, which is due to be published in 2015. The Home Office has proposed that the College could have a greater role in the disciplinary system through providing an oversight function. The proposals include carrying out a benchmarking exercise of sanctions that should apply to different types of misconduct. The proposals are currently subject to a public consultation.

## **Role of the police and crime commissioners**

- 4.14. The Police Reform and Social Responsibility Act 2011 introduced major changes to the way in which chief constables are held to account for how policing services are provided in their force areas.
- 4.15. The Act means that police and crime commissioners are involved in overseeing integrity and ethics issues. In 2013, the national policing lead and the College of Policing carried out trials of a number of ethics committee models to provide an evidence base of best practice and to offer a range of options for forces and police and crime commissioners. Suggested terms of reference for an ethics committee were made available to forces via the College of Policing. Forces and police and crime commissioners subsequently have chosen a model that they consider best suits their needs.
- 4.16. In some forces, pre-existing panels or boards, such as People Management Boards, are used to monitor and manage ethical and integrity issues at which the police and crime commissioner attends or is represented. In others, new ethics committees have been formed. We were encouraged to find that the value of independent representation within these groups was being recognised, with many including external representation. For example, in the Metropolitan Police Service area, the Mayor of London set up the independent London Policing Ethics Panel to provide ethical advice on policing issues that may have an impact on public confidence. Thames Valley Police has a panel of independent members to examine trends or significant cases and provide a

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<sup>100</sup> Police officers and police staff are required to obtain permission from their chief constable before taking on other employment for gain, or to run a business, to ensure that the other employment or business interest would not be incompatible with their remaining a member of the police force.

<sup>101</sup> The College of Policing maintains a register of people whose re-employment in law enforcement would be inappropriate, in that they have been dismissed or retired or resigned as a result of gross misconduct investigations. The register is known as the disapproved register.

different perspective in challenging the ethical basis for force policies and procedures. Nottinghamshire Police operates a bi-monthly police standards and integrity board chaired by the deputy police and crime commissioner while the police and crime commissioner holds governance meetings that are open to the public.

- 4.17. Identifying the best model for such committees or panels is not easy, and forces and police and crime commissioners have adopted models that best fit their organisational structures. It is encouraging to see that police and crime commissioners are taking an active role in police ethics and integrity matters. This contrasts with the lack of involvement of many police authorities that they replaced, as noted in 2011 in our report "*Without fear or favour*".
- 4.18. Each force needs to learn from its misconduct cases, to draw out lessons and so develop and implement new procedures or training to share those lessons. However, there is an increasing need to ensure that change is not inward-looking or isolated from the public's view of the police service. The use of independent representatives and external integrity panels provides forces with a good opportunity to become involved with integrity matters in a more public forum.

## 5. Inspection findings - “Revisiting police relationships” – progress made by forces in responding to HMIC’s 2012 report

- 5.1. During HMIC’s 2011 review of police relationships,<sup>102</sup> we found no evidence to support previously-raised concerns that inappropriate relationships between the police and the media had led to widespread or systemic failings in police integrity. However, our report also made clear that there were many areas where improvements should be made so that the systems and processes for ensuring officers and staff act with integrity, were as effective as possible.
- 5.2. We found a wide variation between police forces in their levels of understanding of the boundaries required in police relationships with others, including the media. We found similarly wide variation across police forces in the governance, oversight and ways of checking police relationships that, when properly used, help ensure that professional standards of behaviour are maintained. For example, some forces record all contact officers and staff have with the media and some cross-check registers of gifts and hospitality offered with procurement of goods and services.
- 5.3. We revisited all forces to check on progress in 2012, and our findings were published as *Revisiting police relationships: a progress report*.<sup>103</sup> We found that, despite forces making some progress, particularly implementing processes and policies to manage threats to integrity, more needed to be done. The pace of change also needed to increase, not least to demonstrate to the public that police forces were serious about managing integrity issues. As part of the inspection we also highlighted a number of areas in each force that we considered required improvement. In total, across all 43 forces, we highlighted 125 areas for improvement.
- 5.4. This section sets out our 2014 assessment of the progress made by forces in response to the areas we highlighted in 2012 as requiring improvement.<sup>104</sup>

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<sup>102</sup> *Without fear or favour: A review of police relationships*, HMIC, London, 2011. Available from [www.justiceinspectrates.gov.uk/hmic](http://www.justiceinspectrates.gov.uk/hmic)

<sup>103</sup> *Revisiting Police Relationships: A progress report* HMIC, London, 2012. Available from [www.justiceinspectrates.gov.uk/hmic](http://www.justiceinspectrates.gov.uk/hmic)

<sup>104</sup> The individual force reports, which include an assessment of each force’s progress on the areas for improvement identified in 2012, are available from [www.justiceinspectrates.gov.uk/hmic](http://www.justiceinspectrates.gov.uk/hmic).

## Progress since 2012

- 5.5. The 125 areas for improvement we identified in forces in 2012 can be put into six themes: monitoring and cross-checking registers; social media; training; gifts and hospitality; integrity-related policies; and contact with the media:
- 43 areas for improvement were highlighted relating to the monitoring and cross-checking of integrity-related registers, for instance procurement, business interests and gifts and hospitality, to identify possible misconduct or corruption. We found progress in 41 of those areas with the majority making substantial progress;
  - 20 areas for improvement were highlighted in relation to guiding officers and staff on the use of social media or monitoring such use. We found progress in 19 of those areas for improvement and substantial progress in 15. We found no progress in one force involving the development of computer technology to monitor social media use;
  - 16 areas for improvement involved the provision of integrity-related training of officers and staff and checking that the training had been understood. We found progress had been made in all 16 areas, with eight being assessed as having involved substantial progress;
  - 15 areas for improvement related to the management of gifts and hospitality offered, in particular creating a central force register and ensuring officers and staff had clarity on the rules on how to deal with offers of gifts and hospitality, and how these should be recorded. We found progress had been made in all of the areas, with seven involving substantial progress;
  - 15 areas for improvement related to reviewing or updating integrity-related policies, for example the acceptance of gifts and hospitality, or ensuring that officers and staff were aware of them. We found progress had been made in all of these areas;
  - 13 areas for improvement involved contact with the media. We found substantial progress in all of the areas;
  - the remaining areas for improvement involved reviewing staffing levels in professional standards departments and anti-corruption units. We found progress in all of these areas, although we do have concerns about the overall capability and capacity of forces to tackle misconduct, criminality and corruption - see chapter 10.

## Conclusion

- 5.6. It is clear that the 125 areas for improvement we highlighted to forces in 2012 have been considered by forces. We found progress had been made in 122 of the 125 areas for improvement, with good or strong progress being evident in the majority. This is encouraging and indicates substantial effort by forces to improve practice in this area.
- 5.7. However, we found that the progress on some of the areas for improvement was limited. For example, in too many forces we found that little progress had been made in relation to providing integrity-related training to all staff and checking that it had been understood. Similarly, in too many forces, limited progress had been made in relation to the management and monitoring of registers for recording offers of gifts or hospitality.
- 5.8. We found three examples of areas for improvement in which no progress had been made; two related to monitoring and cross-checking integrity-related registers and one involved the development of computer technology to monitor the use of social media by officers and staff to ensure it is not being used in an unprofessional way.
- 5.9. However, our overall conclusion is that, in almost all cases, forces have accepted and implemented the recommendations made in our earlier report.

## 6. Inspection findings - The role of leadership in creating an ethical culture

- 6.1. Strong leadership and governance play a significant role in ensuring that anti-corruption policies and practices are implemented properly and followed; that systems and processes for tackling corruption are used effectively, fairly and proactively; and that a strong ethical culture is promoted throughout each force. In this section we set out our findings on anti-corruption leadership and governance among forces.

### Leadership and governance

- 6.2. As highlighted by the literature review,<sup>105</sup> academic studies show that effective and visible leadership on corruption issues is crucial. Those individuals and teams responsible for ensuring the ethical health of the force need to demonstrate to all officers and staff that tackling misconduct and corruption is a priority and that, where it is found, it will be dealt with robustly. This, in turn, reduces tolerance of such behaviour and acts as a powerful deterrent. Just as important is strong day-to-day leadership and effective management within forces.
- 6.3. Chief officers are the most senior leaders in the police service. As such they have an important responsibility to lead by example, to promote integrity and ethical behaviour, and ensure that forces have arrangements in place to prevent, detect and investigate misconduct and criminal behaviour (including corruption).

### Leadership

- 6.4. We found that chief officers in all forces had placed an emphasis on ensuring that officers and staff understood the importance of integrity and the steps being taken to promote it within the force. Some have been particularly effective in engaging with their staff to develop awareness of integrity issues as explained below, and we examined some of the ways this had been achieved.
- 6.5. We found very effective examples of engagement with staff in almost half of forces where chief officers, often the chief constable, had personally hosted a series of events, or 'road-shows', to which all staff were invited with the opportunity for questions and discussion. A few forces had supplemented chief officer 'road-shows' with local commander events to work with even

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<sup>105</sup> *Police Integrity and Corruption*, Newburn, T., London, 2014. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

more of their staff. There were examples of the effective use of case studies during these live events, which were used to prompt discussion and explore ethical issues. In one force, cases involving the abuse of authority by officers pursuing sexual relationships with victims of crime were explored, and in another force the 'ethics in action' section of the chief constable's event used video excerpts from officers' body-worn camera footage to stimulate discussion.

- 6.6. About half of all forces had provided seminars or training aimed specifically at managers and supervisors to ensure that officers and staff in these leadership positions were informed, able to apply standards effectively, and, in turn, able to ensure that their own staff understood what was expected of them. For example, one force had provided training for their supervisors called '*Shaping conversations*' which focuses on how the force expects them to lead their teams on integrity, trust and honesty.<sup>106</sup>
- 6.7. We found chief officers in most forces regularly used their force intranet system to provide updates or corporate messages to their staff, sometimes in the form of a blog, which tended to be read more by officers and staff than other forms of communication. One force was using mobile phone applications as part of a wider professional standards campaign which also included e-briefings and an internal magazine.
- 6.8. However, we found that electronic communication methods including basic email circulations about integrity matters were considered by officers and staff to be less effective. Some communications involved the use of video when not all computer terminals were equipped with an audio facility.
- 6.9. More than half of forces had produced leaflets or other documents as a reference or reminders for their staff, and several produced a dedicated magazine dealing with misconduct and integrity issues.
- 6.10. About half of the forces had undertaken some form of staff survey to test attitudes and awareness and were in the process of interpreting the results within the last 12 months. A slightly larger proportion of forces published the outcomes and relevant circumstances of concluded misconduct cases to their workforce in the interests of transparency, but also to ensure that staff are aware both of the conduct and behaviours that are unacceptable, and that they will be dealt with firmly.

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<sup>106</sup> Nottinghamshire Police's '*Shaping conversations*' involves training on ethical and professional behaviour provided to first-line supervisors and managers; it focuses on leadership and includes training on unconscious bias and recognising and responding to ethical dilemmas in policing.

6.11. We concluded that chief officers were taking the issue of honesty and integrity seriously, and were pleased that there was a lot of activity to create a culture of integrity in forces.

## **Governance**

- 6.12. Governance processes in an organisation are an important way in which commitment to combating corruption can be demonstrated. They provide a means for managers to assure themselves about, for example, the gathering and assessment of intelligence, activity taken to prevent corruption and the quality and timeliness of investigations. Effective meetings to discuss governance issues identify the wider implications for the force of any high-risk intelligence, and the effect on the public and within the force of planned activity such as arrests of officers or staff.
- 6.13. We found that the majority of forces had good arrangements in place and almost all forces had clear lines of communication between the heads of professional standards departments and anti-corruption units, and the relevant chief officer with responsibility for these matters.
- 6.14. We found that some forces were using existing chief officer-led governance structures to promote change, although at the time of the inspection a number were in the process of introducing new groups to oversee integrity issues.
- 6.15. Just under half of forces had already established structures dealing specifically with ethics and integrity; some of these included staff associations and representatives from the office of the police and crime commissioner. A few of these groups were chaired by the chief constable, but most by another member of the chief officer team, usually the deputy chief constable. The majority of these groups met regularly and focused on the development of action plans in response to public or staff surveys, trends in complaints or other developments such as the introduction of the Code of Ethics. This is an encouraging indication that forces are taking integrity matters seriously in a way we did not find in our inspection of police relationships in 2011.
- 6.16. We were encouraged to find that the value of independent representation within these groups is being recognised; as indicated above, a handful of forces have set up ethics and integrity panels chaired by the police and crime commissioner, some of which include external representatives (see paragraph 4.16). Each force needs to learn from its misconduct cases, to draw out the lessons and, thereafter, to develop and implement new procedures or training to disseminate those lessons. However, there is an increasing need to ensure that change is not inward-looking or isolated from the public's view of the police service. The use of independent representatives and external integrity panels provides forces with that opportunity.



## **Learning lessons**

- 6.17. Forces that are serious about combating police corruption recognise the importance of learning lessons from cases locally and nationally. The IPCC issues regular bulletins to forces help them learn lessons from completed investigations into police complaints and misconduct matters, whether undertaken by the IPCC or by police forces.
- 6.18. We found that the majority of forces collated the lessons they had learned, either from their own experience in dealing with corruption or the experience of others, and regularly circulated those lessons to staff. However, there were very few examples of forces undertaking formal debriefs following misconduct or complaint investigations to learn the lessons and improve their processes.

## **Surveying the workforce and the public**

- 6.19. A useful way for forces to improve their understanding of whether their leaders are promoting a culture of honesty and integrity (and, by extension, tackling misconduct, criminality and corruption) is to ask both the police workforce and the public for their views.

## **Workforce perceptions**

- 6.20. We found that the officers and staff we spoke to during the inspection were aware of which chief officer acted as the lead within their force on integrity issues. There were examples in some forces where the behaviour of a small number of chief officers had been subject of investigation. In these forces, extra work needed to be done by the remaining chief officer team to reinforce messages on the importance of integrity, and to remind staff of the high standards of behaviour expected of them. Some forces have commissioned internal staff surveys which include questions canvassing opinion on senior management, and some have followed up the responses with more in-depth research to help them better understand the issues and to adjust their behaviour or communication strategies.
- 6.21. To establish what officers and staff think about integrity issues, we ran an online survey between 31 July 2014 and 31 August 2014, which sought opinions on a range of integrity and corruption issues. A total of 17,200 officers and staff responded, which equates to just over 8 percent of the service<sup>107</sup> although the response rate at force level varied considerably.

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<sup>107</sup> The survey was based on questions developed with the service and related to the inspection criteria for both HMIC's crime data integrity and police integrity and corruption inspections. Almost 17,500 responses were received, of which 17,200 identified themselves as currently-serving police officers or police staff. The spread of response rates across forces was very varied and therefore, along with the nature of the survey, the results should be taken as an indication of what officers and staff felt but should not be considered to be statistically representative.

- 6.22. We are very grateful to those officers and staff who took the time to complete the questionnaire. The survey methodology is at Annex D.
- 6.23. In general, officers and staff are aware of their responsibility to challenge and report activities or behaviours that are unethical, unacceptable, unprofessional, or illegal. In our survey, we were pleased to find that 97 percent agreed or strongly agreed that this was the case, whereas only one percent disagreed or strongly disagreed.
- 6.24. When asked if they were aware of the methods available to them if they want to report activities or behaviours that are unethical, unacceptable, unprofessional, or illegal, including the recording of crimes, it was encouraging to find that 87 percent of respondents agreed or strongly agreed that they were aware, compared to just 6 percent who disagreed or strongly disagreed that they were.
- 6.25. This could indicate that officers and staff are aware of their responsibilities and how they can report behaviours that concern them. Clear messages from chief officer teams may have contributed to this. When asked if their chief officer team currently encouraged ethical activities, behaviours, and professionalism, 73 percent of respondents either agreed or strongly agreed, while only 8 percent disagreed or strongly disagreed. To support this, when asked if their chief officer team currently encouraged officers and staff to challenge activities or behaviours that are unethical, unacceptable, unprofessional, or illegal, 76 percent of respondents agreed or strongly agreed, compared to 9 percent who disagreed or strongly disagreed.
- 6.26. However, when asked if supervisors or managers encourage the challenging and reporting of activities or behaviours that are unethical, unacceptable, unprofessional, or illegal, only 65 percent of respondents agreed or strongly agreed. Thirteen percent disagreed or strongly disagreed. This could suggest that, while it is clear that chief officers are taking seriously the issue of creating a culture of integrity and honesty, their messages are not yet being carried out by supervisors and managers as quickly as we would have liked to see. As such, there is more for chief officers to do to ensure that staff feel more able to challenge unprofessional behaviours.

## Seeking the views of the public

- 6.27. Carrying out surveys of the general public to find out how the behaviour of officers and staff affect them is likely to help forces to understand better how to influence those behaviours and, in turn, to improve public trust in the police. Carrying out surveys of youth groups in particular is likely to provide valuable insight into the issues affecting a section of the community that has substantial contact with the police. Similarly, surveying people who have used the complaints system would provide valuable information on the effectiveness of the police complaints procedure.
- 6.28. While the majority of forces carry out surveys of their staff to help them understand integrity issues, fewer survey the general public in order to do so. We found that fewer than half of all forces carry out surveys of the general public to seek their views on integrity and, disappointingly, only a small number survey youth groups. This is a missed opportunity.

## Leading by example – openness and transparency

- 6.29. Making detailed information about work carried out by the force to combat corruption available to both the public and the workforce is important, as noted in the literature review,<sup>108</sup> as it helps to reassure people that the force is taking its responsibilities seriously. It also provides guidance to the workforce on what sort of behaviour is acceptable and is unacceptable.
- 6.30. We found that the majority of forces published the details of gifts and hospitality offered to officers and staff. However, some of those did not publish details of offers of gifts and hospitality that were made but declined by officers or staff. Some published only details of offers made to junior officers and staff, while some published only those made to senior officers and staff. HMIC is clear that the publication of the details of all gifts and hospitality offered, including where the offer is declined, should be recorded and made available to the public.
- 6.31. We found that the majority of forces publish details of the expenses claims of chief officers, senior officers and equivalent staff. However, some published only chief officer expenses while others published only senior officer and equivalent staff expenses. Some of the details we found on force websites were not up-to-date which, rather than reassuring the public that the force is taking its responsibilities seriously, suggests the opposite.

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<sup>108</sup> *Police Integrity and Corruption*, Newburn, T., London, 2014. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

- 6.32. We found that the majority of forces also published details of the business interests or other employment in respect of which officers and staff had applied for approval or permission, including where the application had been refused. These details were generally, and understandably, restricted to the rank of officer making the application and a description of the relevant business interest or other employment.
- 6.33. We found that over half of forces published the details of misconduct hearings internally so that officers and staff could see (and learn from) those that had been punished for misconduct and/or criminal behaviour. However, some forces do not circulate the results of misconduct hearings to their staff, despite previous encouragement to do so from the National Policing Professional Standards Complaints and Misconduct Working Group.<sup>109</sup> Our reality testing found that officers and staff welcomed information about the outcomes of misconduct hearings, as it reinforces knowledge as to the types of behaviour that are acceptable and those that are not.
- 6.34. Public confidence in the operation of the misconduct system is more likely to be enhanced where the outcomes of misconduct hearings, including a description of the behaviour involved, are made available to the public and the workforce to promote transparency and increase confidence that appropriate action is being taken when the standards of professional conduct are breached. The proposal announced by the Home Secretary on 18 November 2014<sup>110</sup> to hold police disciplinary hearings in public with independent, legally-qualified, chairs should provide greater transparency leading to increased confidence in the discipline system.

### **Training on ethical behaviour**

- 6.35. During our inspection of police relationships in 2011, we looked at the extent to which police officers and police staff understood the boundaries between acceptable and unacceptable behaviour, particularly in the context of contact with the media, the acceptance of gifts and hospitality, and acceptable other employment or business interests. We found a general lack of understanding among many officers and staff about what was and was not appropriate in these areas. We made several recommendations in relation to training and the briefing of officers and staff on professional standards of behaviour.

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<sup>109</sup> The National Policing Professional Standards Complaints and Misconduct Working Group reports to the National Policing Professional Standards and Ethics Group. It is chaired by a chief officer and its membership includes regional police force professional standards leads.

<sup>110</sup> *House of Commons Official Report*, 18 November 2014, Column 6WS.

- 6.36. We re-examined these issues in 2012, and found that while some progress had been made, training was still insufficient; there was a need for more work to increase awareness of integrity issues; a need for more work to demonstrate that the service was working with its staff on these issues; a need for renewed efforts to strengthen governance and oversight arrangements to ensure that officers and staff understand how to act with integrity in carrying out their duties.
- 6.37. We recommended that the College of Policing should develop standards for training in connection with integrity issues, and identified some forces where communication and training were required to improve understanding and awareness among their officers and staff.
- 6.38. In our 2014 inspection, we looked at the progress made by forces to provide practical, effective guidance and training to ensure that officers and staff understand professional boundaries and acceptable behaviour.
- 6.39. About half of forces had provided seminars or training aimed specifically at managers and supervisors to ensure that officers and staff in these important leadership positions were informed, able to apply standards effectively, and, in turn, were able to ensure that their own staff understood what was expected of them.
- 6.40. Most forces included integrity matters in their training for newly-recruited staff, those being promoted, and those undergoing training for specialist roles. Just over half of forces used professional standards departments staff to provide this training, usually in the form of structured input or briefings using examples from within the force or elsewhere to reinforce past lessons learned.
- 6.41. A few forces provided face-to-face or classroom-based learning to all of their staff. One force provided a half-day classroom course linked to a computer-learning package. Just over half of forces provided a form of training to all their staff using computer-based learning packages. About half of those using this training material also made it a requirement for their staff to complete the process and had means in place to check they had done this. However, there was limited evidence to indicate that the usefulness of this training was also being assessed.
- 6.42. During visits to forces and interviews with staff and their managers, we found consistently that computer-based learning packages were considered as being ineffective by most people using them for integrity training, especially where this was the only form of training available.

- 6.43. A picture emerges of a few forces investing in imaginative and effective integrity training for their staff, but of a significant proportion relying on limited and less effective methods, with the result that their training will not be sufficient to reduce the risks connected with misconduct or corruption as effectively as might otherwise be the case.
- 6.44. While we understand and appreciate the difficult financial climate that forces are operating in, we consider that the cost-effectiveness of preventing misconduct through improved training is likely to justify the up-front expense.

## **Conclusion**

- 6.45. Chief officers are taking seriously the issue of creating and fostering a culture of honesty and integrity in their forces. This was demonstrated through the wide number of ways in which chief officers communicated messages about standards and expectations to officers and staff. Additionally, HMIC was pleased to find that the majority of forces had surveyed their own officers and staff to obtain feedback in relation to integrity and corruption issues. Despite the obvious efforts of chief officers, the results of our survey and our inspection findings suggest that these positive messages have not filtered down as quickly as we (and indeed, chief officers) would have liked. We encourage chief officers to continue discussions with their officers and staff; the Code of Ethics will undoubtedly assist in those discussions.
- 6.46. Over half of forces published the details of misconduct hearings so that the public and officers and staff could see (and learn from) those that had been punished for misconduct and/or criminal behaviour. HMIC considers this to be good practice and encourages all forces to publish the appropriate details of the outcomes of all misconduct cases including those involving criminal and corrupt behaviour.
- 6.47. We found significant variation across forces in the effectiveness and availability of the training provided to officers and staff. HMIC understands why forces use desk-based training rather than other, more expensive, methods. However, desk-based training is unlikely to be effective on its own, and we consider that investing in a mix of training methods to ensure that all officers and staff act with integrity is likely to be more cost-effective in the long term.
- 6.48. Finally, we were disappointed that only about half of forces seek the views of the public on how well they are performing in respect of integrity and corruption. Public surveys are a useful way for forces to understand how their actions are perceived by those they serve. This is an area that HMIC will return to as part of its legitimacy inspection later this year.

## **Recommendation**

### **Recommendation 6**

**By 31 August 2015, all forces should have systems in place to publish the outcomes of all misconduct cases including those involving criminal and corrupt behaviour.**

## 7. Inspection findings - Policies and practices to promote integrity

- 7.1. We asked for, and reviewed, policies and practices in each force relating to a wide range of issues including business interests, use of social media, gifts and hospitality and reporting of wrongdoing. As explained at paragraph 3.4, these are issues which fall within the remit of professional standards departments.
- 7.2. In almost all forces, policies and guidance were clear and easy-to-follow, although not all were up to date. However, reality testing showed that officers and staff were, in the main, operating on their own understanding of what is right and wrong, rather than consciously taking decisions with reference to force policies. More work is needed by forces to inform and train staff in the practical application of their policies, not least to guard against inadvertent breaches of the policies through ignorance.
- 7.3. Our assessment of force policies on reporting wrongdoing, gifts and hospitality, business interests and social media is set out below.

### Systems for reporting wrongdoing

- 7.4. Where an individual becomes aware of, or has concerns about, wrongdoing, he has a duty under the standards of professional behaviour to report it. Where a person feels that, for whatever reason, he cannot report it to his own organisation, he may disclose the information to certain other organisations and is afforded protection when he does so.<sup>111</sup> Such a disclosure is termed 'making a disclosure in the public interest', although it is often referred to as 'whistleblowing'.
- 7.5. A person who makes such a disclosure is protected by law if he suffers detriment because of it, for example if he is dismissed. The Home Office is currently reviewing the ways in which forces enable members of their workforce to report wrongdoing.<sup>112</sup> On 18 November 2014, the Home

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<sup>111</sup> Under the Public Interest Disclosure Act 1998 (as amended), a police officer can make a disclosure to his employer, or where the information relates to the conduct of another person or to matters for which a person other than the employer has responsibility, then to that person, to a legal adviser, or to a person prescribed by the Secretary of State, including, for certain matters, the IPCC, police and crime panels and elected local policing bodies.

<sup>112</sup> On 22 July 2014, the Home Secretary announced to Parliament (*House of Commons Official Report*, Column 1266) that the Government intended to create a single policy for police forces on whistleblowing to replace the current patchwork approach, setting out the best principles and practices to ensure consistency of approach.



Secretary announced that, as part of a package of measures designed to make the police disciplinary system more robust, independent and transparent in the short term (until more fundamental changes can be implemented), the Home Office was starting a public consultation on new measures to strengthen protection for police whistleblowers. In particular, the proposed changes would ensure that those reporting wrongdoing would not be subject to disciplinary action for taking the steps necessary to report a concern, and that reprisals against those who report wrongdoing would be treated as a conduct matter.<sup>113</sup>

- 7.6. Our inspection found that all forces had facilities for staff to report wrongdoing, but these varied across England and Wales. Some forces relied on staff coming forward and making personal reports to line managers or directly to professional standards departments, or using the public Crimestoppers' telephone line. Others provided an independent confidential telephone line, plus an anonymous internal email system enabling a dialogue between the reporter and anti-corruption unit staff. The email system allowed the anti-corruption unit staff to develop the information into intelligence through follow-up questions, and to gain the trust of the anonymous reporters. There were many instances where this trust resulted in the anonymous staff member revealing his identity and agreeing to meet anti-corruption unit staff. In some forces, the chief officer teams openly commended staff who had reported wrongdoing to ensure that all staff understood the standards, and to reinforce positive behaviour. Provided that staff are willing for their identity to be disclosed, this is an effective way of endorsing and strengthening a culture of integrity.
- 7.7. There was a difference in approach among forces as to how they protected staff who reported wrongdoing. Some forces considered them to be a form of police informant and put measures in place to protect their identities; others considered that, as it is the duty of staff to report wrongdoing, only moral support needed to be provided. Some officers and staff we spoke to told us that they did not have confidence that their anonymity would be protected if they reported wrongdoing and they feared adverse consequences as a result. While we acknowledge that it is not always possible to maintain the anonymity of a person reporting wrongdoing, we are concerned if some forces have not attempted to protect the identities of those who have not only given information in confidence, but have also suffered as a result.

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<sup>113</sup> House of Commons Official Report, 18 November 2014, Column 6WS

- 7.8. Officers have a professional responsibility to report wrongdoing.<sup>114</sup> While it is good practice for forces to have procedures that allow the anonymous reporting of wrongdoing, it may not always be possible to protect anonymity, where, for example, an individual may be required to give evidence in court in support of criminal proceedings.
- 7.9. In a small number of forces, junior staff indicated they were reluctant to report suspected wrongdoing by more senior staff for fear of the adverse consequences they might experience, although they did not provide specific evidence of cases where reporting such wrongdoing had led to adverse consequences. However, in general terms, staff across all forces were very aware of their duty to report wrongdoing, and were confident to challenge directly or to report, no matter what the rank or seniority of the individual they were reporting. This was supported by our online survey of about 17,200 officers and staff in which 87 percent of respondents agreed or strongly agreed that they were aware of the methods available to them if they want to report activities or behaviours that are unethical, unacceptable, unprofessional or illegal. Six percent of respondents disagreed or strongly disagreed.
- 7.10. While 76 percent of respondents agreed or strongly agreed that the chief officer team encourages officers and staff to challenge activities or behaviours that are unethical, unacceptable, unprofessional or illegal, only 65 percent agreed or strongly agreed that supervisors or managers encourage the challenging and reporting of those activities or behaviours.
- 7.11. As part of our survey, officers and staff were asked whether they trusted the confidentiality of the reporting methods available to them to report activities or behaviours that are unethical, unacceptable, unprofessional or illegal. We were concerned to find that only 57 percent of respondents agreed or strongly agreed while 21 percent disagreed or strongly disagreed.
- 7.12. This could suggest that a large proportion of the respondents do not trust the confidentiality of the reporting methods, and so may not be using them to report suspected wrongdoing. This is likely adversely to affect reporting rates, and forces may not be receiving intelligence about misconduct and corruption that might otherwise be available.

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<sup>114</sup> *Home Office Guidance: Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures: Guidance on Standards of Professional Behaviour*, Home Office, London, 2012.

## Gifts and hospitality

- 7.13. Gifts and hospitality offered to officers and staff can range from a box of chocolates offered by a victim of crime in recognition of the service they have received, to corporate hospitality offered to senior staff in the hope of preferential treatment, for example the award of a contract.
- 7.14. In December 2012, ACPO issued guidance<sup>115</sup> to help forces determine the boundaries of what it is appropriate for officers and staff to accept when offered gifts or hospitality. The guidance also drew attention to two general offences in the Bribery Act 2010 of offering, promising or giving a bribe and requesting, agreeing to receive or accepting a bribe. The standards of professional behaviour in the Code of Ethics outline the need for all those working in policing to be honest and act with integrity at all times
- 7.15. We found that all forces had a form of gifts, gratuities and hospitality register, but the approaches to this varied greatly. Some forces complied fully with the ACPO guidelines on gifts, gratuities and hospitality by having a central register and details published on their public websites, while others did not publish the register or failed to record any refused gifts.<sup>116</sup> We found that some forces had introduced a set value below which gifts did not have to be reported, whatever the gift was. We also found an inconsistent approach to the acceptance of alcohol, for instance refusing to allow a gift of alcohol made to a constable, but accepting a gift of alcohol made to the chief constable. Such inconsistency sends the wrong message.
- 7.16. The level of understanding among officers and staff about the principles underlying the policy varied. Some officers had a good understanding of the considerations set out in the ACPO guidelines on gifts, gratuities and hospitality to assist officers and staff decide whether to accept a gift or offer of hospitality by asking themselves the questions - Is it genuine? Is it independent? Is it free? Is it transparent?
- 7.17. We also found examples of staff who refused to accept anything from members of the public including, for example, cups of tea when on foot patrol, because they thought that it was prohibited. That is an unfortunate result. HMIC is concerned that the focus on ensuring officers and staff act with

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<sup>115</sup> *ACPO Guidelines on Gifts, Gratuities and Hospitality*, ACPO, London, 2012. Available from [www.acpo.police.uk](http://www.acpo.police.uk)

<sup>116</sup> While gifts or hospitality that have been refused should be recorded, there may be good reason why forces may sometimes have good reason not to publish the details, for example, where doing so might embarrass someone who has made an honest offer but might wrongly be perceived by someone not knowing the full circumstances of the offer as having tried to influence or bribe an officer or member of staff.

integrity may be misconstrued by some officers and staff who believe that no gift or hospitality can be accepted, leading to some staff not interacting with the public as they normally would and being seen as distant. This could adversely affect police relationships with communities and lead to a reduction in information being passed by the public to the police. Clear guidance to officers and staff to ensure consistent and full reporting is required but, nevertheless, this is an issue that the College of Policing and chief officers will need to keep under review.

## **Business interests and other employment**

- 7.18. In order to preserve public trust in the police, it is vital that police officers and staff are not engaged in other employment or other business interests which are incompatible with their work in the police, and which could undermine public confidence or adversely affect the reputation of the officers or staff members concerned or the police service itself. A conflict of interest would arise, for example, where an officer owned or managed licensed premises and his position in the force was such that he could be seen to have an influence over the granting of licences or policing at the premises. Vulnerability to conflicts of interest may also arise where an officer or a member of staff or family member wishes to own or manage a business or undertake other employment that is likely to bring them into contact with criminals. In such cases, the officer or member of staff is required<sup>117</sup> to inform his chief officer who, in turn, will determine whether or not the business interest is compatible with the individual remaining a member of the force.
- 7.19. In 2012, the National Policing Professional Standards and Ethics Portfolio also introduced revised national guidance on the management of business interests and additional occupations for police officers and police staff<sup>118</sup> which set out a framework for the application for, and approval or otherwise of, a business interest or other employment outside the police service.

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<sup>117</sup> The Police Regulations 2003, Regulation 7.

<sup>118</sup> *Guidelines on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff*, ACPO, London, 2012. Available from [www.acpo.police.uk](http://www.acpo.police.uk)

- 7.20. The guidelines seek to ensure that there is consistency in decision-making surrounding such applications by setting out six principles to be taken into account when a decision is being taken on whether to approve an application.<sup>119</sup> The guidelines apply to all police officers (including special constables), all members of police staff and those applying to become a police officer or a member of police staff.
- 7.21. The case study below is an example of the risk involved in officers and staff having incompatible business interests or other employment.

### Case study

X, a detective constable, owned and managed a sun bed company. The company brought him into contact with Y, a sex worker. Y sent a text to the contacts in her phone informing them that a case against her ex-boyfriend for assault was being discontinued; she sought advice about what she could do. The contacts included X who offered to plant a gun on the ex-partner and secure his arrest and imprisonment. Y paid X £19,000. The next day Y changed her mind and sought repayment. Y subsequently pleaded guilty to committing an act/series of acts with intent to pervert the course of justice. She received a suspended prison sentence. The investigation also identified that X was an associate of organised crime gang members who were engaged in money laundering and had emailed a bogus charging decision form to one member with a view to demonstrating his ability to influence the CPS. Whilst on bail, X fabricated a threat to his life as a defence of duress. X pleaded guilty to perverting the course of justice and two counts of misconduct in public office and received four years' imprisonment.

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<sup>119</sup> The six principles are **impartiality** - the risk that the business interest or additional occupation will interfere with or be perceived to interfere with the individual's impartiality in discharging his duties; the **impact on the force** - the risk that the business interest or additional occupation might discredit the police force or undermine confidence in the police service; **the current performance of the applicant** - the risk of a decline in the performance of the individual if he were to pursue a business interest or undertake an additional occupation; **proportionality in relation to seniority and role of the applicant** - to ensure that each case is decided on its merits taking account, for example, of whether the individual is an officer or member of police staff; **equality and diversity** - to ensure that all decisions comply with equality and diversity legislation; **health, safety and wellbeing** - recognising the force's duty of care to the individual and the risk of injury or increased stress and fatigue that could impair the individual's ability to perform their police duties to a satisfactory standard.

- 7.22. We examined whether forces were offering guidance to officers and staff about business interests and whether officers and staff knew their obligations.
- 7.23. The issue of business interests was generally well-understood by officers and staff. However, there were examples where forces had not recorded those applications for business interests that were refused by line managers, meaning that the professional standards departments or human resources departments were unaware of them. In those forces, this gave the misleading impression in their public register that all applications had been granted.
- 7.24. Reviews of business interests varied across forces, with some forces requiring all staff to confirm that there had been no change in their circumstances on an annual basis at the time of their professional development reviews. Others gathered information by email survey, and we found that some did not carry out a formal review at all. Most forces did, however, review authorised business interests if they received intelligence about them, or if sickness or disciplinary records indicated the authorisation may no longer be appropriate.
- 7.25. As the above case study shows, business interests and other employment can make officers and staff more vulnerable to misconduct and corruption. There is a need not only to ensure all staff are aware of their responsibilities to report such interests and employment, but also to record and review all applications to ensure that the circumstances of approved applications have not changed and that refusals have been heeded.

## **Social media**

- 7.26. As we made clear in the 2011 and 2012 HMIC reports on police relationships, the increased use of social media can bring significant benefits, both as an intelligence and investigative tool, and as a means for officers and staff to engage with their communities.
- 7.27. However, it can also pose risks which forces need to understand and manage. ACPO issued guidelines<sup>120</sup> in 2013 for police officers and police staff on the safe use of the internet and social media for both work purposes and in a person's private capacity. The guidelines noted the many benefits of the effective use of the internet and social media, such as more effective communication with communities, more informed consultation and local engagement, and the opportunity to demonstrate greater accountability and transparency. It also noted that there are risks to personal and organisational security or reputations and that, although significant, the risks can be managed if officers and staff are aware of them and act responsibly.

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<sup>120</sup> *Guidelines on the Safe use of the Internet and Social Media by Police Officer and Police Staff*, ACPO, London, 2013. Available from [www.acpo.police.uk](http://www.acpo.police.uk)

- 7.28. The media continue to report cases involving police officers and staff misusing social media, for example, by making racist and threatening comments on social networking sites, sending 'friend' requests to victims of crime and uploading inappropriate images of colleagues or incidents. Some of this activity could be corruption if it involves an abuse of position, for example, where an officer or staff member uses social media to intimidate someone, say, by threatening to have him arrested.
- 7.29. Misuse of social media by officers and staff can lead to associations which may make them susceptible to corruption, either directly or indirectly. Criminals seeking information are likely to try to befriend officers and staff through social media and build a relationship with the intention of gaining access to unauthorised information. Indirectly, officers and staff may inadvertently post information on social media, for instance about forthcoming operations, that would be beneficial to criminals.
- 7.30. We found that the response to social media monitoring varied across forces. Most, but not all, had a form of monitoring system in place for their own Twitter and Facebook sites and so were able to ascertain which member of staff uploaded which comment. Some also used software to monitor all social media, scanning for certain key-words or phrases that might indicate inappropriate use.
- 7.31. We found that just over a quarter of forces monitored the use of social networking sites by officers and staff authorised to use it as part of their roles. Fewer than a quarter regularly monitored wider social media for indications of misconduct or corruption by officers and staff on their private accounts.
- 7.32. Given that inappropriate use of social media can damage the reputation of the force and that one of the biggest corruption threats involves the inappropriate disclosure of information, it is disappointing to find such limited monitoring of social media use. More work is needed in many forces to prevent misconduct and corruption by monitoring social media to identify inappropriate use by officers and staff.

## **Forces' plans to incorporate the Code of Ethics in policies and procedures**

- 7.33. In May 2014, the College of Policing published a Code of Ethics for the police service.<sup>121</sup> As our inspections in forces started in early June 2014, it was unrealistic to expect that, at the time of the inspection, forces would have developed a full, comprehensive plan to incorporate the code in policies and procedures. We acknowledge that this is work in progress for forces and our inspection examined whether they had started to develop those plans.
- 7.34. At the time of the inspection fieldwork, most forces had previously introduced their own set of values that are at the heart of how they operate and help to shape their culture. These can differ slightly from force to force. Our inspection fieldwork found that officers and staff understood their set of force values. In addition, all forces had signed up to introducing the new Code of Ethics and had begun to make plans for its introduction.
- 7.35. Some forces had well-developed plans to make sure that the Code of Ethics is accepted or understood by staff, and had begun to promote it through initiatives such as road shows led by the chief officer, video messages, posters, booklets for all staff, blogs, and the use of video clips to draw out ethical dilemmas or examples from previous misconduct investigations.

## **Other force practices to ensure integrity**

### **Vetting arrangements**

- 7.36. The Association of Chief Police Officers (ACPO) and the Association of Chief Police Officers in Scotland (ACPOS) introduced a national vetting policy in 2010, to establish consistency in vetting procedures across all forces.<sup>122</sup> The policy specifies the minimum standards that forces should adopt and sets out the two types of vetting process:
- force vetting, which includes recruitment vetting, management vetting and non-police personnel recruitment vetting; and

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<sup>121</sup> *Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, 2014. Available from [www.college.police.uk](http://www.college.police.uk)

<sup>122</sup> *ACPO & ACPOS National Vetting Policy for the Police Community*, ACPO and ACPOS, London, 2010. Available from [www.acpo.police.uk](http://www.acpo.police.uk)



- national security vetting, which includes counter-terrorist checks, security checks and developed vetting. Developed vetting is the most thorough method of security vetting; it includes a check of a person's financial security, identity documents and employment and education references.
- 7.37. This process requires forces to consider carefully the risks posed by an individual applying to join or seeking or holding a particular post in a police force. This would include any matters that may impair the individual's judgment, any unauthorised associations with people suspected of being involved in crime, and any previous convictions or disciplinary breaches.
- 7.38. All members of a police force subject to any level of vetting clearance should undergo an aftercare process, during which any changes in an individual's circumstances or associations are considered.
- 7.39. All forces carry out a degree of vetting. However, we found that some do not comply with all elements of the current national vetting policy. Those forces that do not fully comply with national vetting policy may be vulnerable to corrupt behaviour by staff.
- 7.40. The national vetting policy has now been adopted by the College of Policing and is currently being updated and revised with a view to it being published as a formal code in 2015.

### **Preventing the inappropriate re-employment of former officers and staff**

- 7.41. The College of Policing manages a register of police officers and police staff who have left the service and who should not be re-employed, similar to the medical profession's 'struck off' list. This is known as the 'disapproved register'.
- 7.42. Since 1 December 2013, police forces in England and Wales have been providing details to the College of Policing for inclusion on the disapproved register of those police officers, special constables and police staff who have been dismissed or who have resigned or voluntarily retired following service of a notice to attend a gross misconduct hearing, or at the discretion of the chief officer lead for professional standards during a gross misconduct investigation.
- 7.43. The register is updated regularly and assists in ensuring that individuals whose lack of integrity has shown them to be unsuitable to serve in a police force do not re-join the police service. The register, as at September 2014, contained the names of 261 former officers and staff. The creation and maintenance of the national register is a positive step and supports forces' vetting activity.

## **Preventing the inappropriate re-employment of serving officers and staff**

- 7.44. Forces hold considerable information about their staff in the form of human resources records, complaint and misconduct histories and counter-corruption intelligence. This may include material that means that an individual is not currently suited to promotion, to participate in the Police National Assessment Centre<sup>123</sup> or to transfer to a particular role.
- 7.45. Where this information is not held in confidence, decisions about potential course attendance, transfers or promotion should be discussed with the staff member involved. Where a concern is based upon intelligence, it should be considered in accordance with the force's service confidence policy.<sup>124</sup>
- 7.46. Most forces conduct a vetting check before promotion is confirmed. Some forces use all the information held to help assess the integrity of an individual before he receives training in confidential tactics, promotion or transfers. HMIC considers that these forces are ensuring that the force's ethical principles are at the forefront of selection and transfer processes, helping it better serve and protect the public and also protecting its reputation and operational security.

## **Conclusion**

- 7.47. The arrangements for staff to report wrongdoing vary considerably between forces. Our survey results and inspection findings indicate that internal confidential reporting methods are not trusted by a substantial proportion of officers and staff. More needs to be done to ensure that forces not only provide a means to report wrongdoing confidentially, but also that they ensure their officers and staff know that it exists; know how to use it; are encouraged to use it and trust it sufficiently to use it. The more independent the route for reporting wrongdoing is seen to be by staff, the more likely it is that it will be used.
- 7.48. Additionally, we found different levels of support offered to those who report wrongdoing. Our survey results indicate that some officers and staff who have challenged or reported wrongdoing, have suffered adverse consequences as a result. If officers and staff do not feel supported in reporting wrongdoing they will be less likely to do so. Some chief officer teams openly commended or rewarded staff who had reported wrongdoing to ensure that all staff

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<sup>123</sup> The Police National Assessment Centre provides a standardised assessment process to observe and assess a candidate's potential to perform chief officer roles.

<sup>124</sup> A service confidence policy sets out how intelligence about a staff member is used to safeguard the individual, force or operational security in circumstances where the content cannot be disclosed to the individual concerned.

understood the required standards of behaviour. Those forces that do not offer support to those who report wrongdoing should do so.

- 7.49. More needs to be done by chief officers, and particularly by supervisors and managers, to encourage officers and staff to challenge and report unethical, unacceptable, unprofessional or illegal behaviour. Despite the confidential nature of the reporting methods, a considerable proportion of the respondents do not trust them and so may not be using them to report suspected wrongdoing. This is likely adversely to affect reporting rates, and forces may not be receiving the intelligence about misconduct and corruption that might otherwise be available to them.
- 7.50. There are inconsistent approaches among forces in relation to recording the offer of gifts and hospitality. Such inconsistencies could lead the public to believe that standards of integrity are being applied differently by forces.. We also found differences in the levels of understanding of the principles and force policies among officers and staff. The guidelines on gifts, gratuities and hospitality should be complied with by all forces and more needs to be done to inform officers and staff of their obligations.
- 7.51. The issue of incompatible business interests and other jobs was generally well understood by officers and staff. However, not all forces record details of applications that have not been approved and some do not carry out subsequent reviews of the circumstances of approved applications to ensure that they are still appropriate. Most forces reviewed authorised business interests based on intelligence received, or if sickness or disciplinary records indicated that the authorisation may no longer be appropriate. However, not enough forces are reviewing regularly the appropriateness of approved business interests and other employment and few are reviewing rejected applications to ensure that the officer or staff member is not engaged in or holding an interest in a business or has another job regardless of the rejected application.
- 7.52. The extent to which forces monitored the use of social media varied. Most, but not all, had a form of monitoring system in place for their own Twitter and Facebook sites and so were able to ascertain which member of staff uploaded a particular comment. Some also used software to monitor all social media, looking for certain key words or phrases. However, we found that too few forces monitored the use of social networking sites by officers and staff authorised to use them and even fewer monitored wider social media for indications of misconduct or corruption by officers and staff on their private accounts.

- 7.53. All forces had committed to incorporate the College of Policing's Code of Ethics in their policies, procedures and practices and we saw evidence in each force of plans to promote it and make sure it was understood by officers and staff. As the Code of Ethics had only recently been published when we carried out our inspections of forces, we were not surprised to find that those plans were at differing stages of development. At the time of the inspection fieldwork, most forces had already introduced their own versions of their statements of values and behaviours, and we found that officers and staff understood them.
- 7.54. All forces carry out a degree of vetting. However, we found that some do not comply fully with all elements of the current national vetting policy. Those forces that do not fully comply with national vetting policy may be vulnerable to corrupt behaviour by staff and should now ensure they are compliant.

## **Recommendations**

### **Recommendation 7**

**By 31 August 2015, all forces should have in place a confidential means of reporting wrongdoing, in which officers and staff have confidence.**

### **Recommendation 8**

**By 31 August 2015, the College of Policing and the relevant national policing lead should issue guidance to all forces about the support that forces should provide to those officers and staff who report wrongdoing.**

### **Recommendation 9**

**By 31 August 2015, all forces should ensure that their policies on the acceptance of gifts and hospitality comply with the national guidelines. By the same date, all officers and staff should be reminded of the policies.**

### **Recommendation 10**

**By 31 August 2015, all forces should comply with national vetting policies.**

## 8. Inspection findings - Anti-corruption systems and processes

- 8.1. In this section we set out our findings on the systems and processes available to forces to prevent and tackle corruption, and the ways in which those systems and processes are being used currently.
- 8.2. The policies and procedures set out in the previous chapter are used to promote integrity, which falls within the remit of professional standards departments. By contrast, anti-corruption units tend to focus on identifying and investigating suspected criminal activities of officers and staff (such as providing information to organised crime groups, or stealing drugs that were to be used as evidence).
- 8.3. Anti-corruption units may also look at other behaviours that might result in an officer being dismissed for gross misconduct (for example, stealing while off-duty).
- 8.4. As a result, anti-corruption units can operate differently to professional standards departments. As many of the activities under investigation will relate to criminal activity, the tools and techniques used for identifying and tackling these officers or staff may include more covert and intrusive tactics than those used by professional standards departments investigating non-criminal misconduct.

### **Assessing the extent of corruption in police forces**

- 8.5. Obtaining and assessing reliable data about possible and proven corruption is difficult. This is due (i) to the absence of a universally-applied definition of corruption, (ii) the different processes for recording public complaints, internal misconduct reports and corruption intelligence within police forces, (iii) the fact that forces currently are not required to record whether allegations potentially involve corrupt behaviour and (iv) the recording of outcomes of corruption related investigations is inconsistent, meaning that it is hard to determine precisely the levels of proven corruption within the police service.
- 8.6. This not only limits our understanding of the extent of the problem of corruption faced by the police, it also reduces a force's ability to understand the extent of corruption it faces or identify patterns of corrupt behaviour at an early stage, which would allow the allocation of appropriate resources, and the development of effective prevention plans.

8.7. Every three years, the National Counter Corruption Advisory Group commissions a strategic assessment of the threat to law enforcement from corruption. The most recent national assessment was completed in June 2013 by the Serious Organised Crime Agency.<sup>125</sup> The assessment was based upon three years of intelligence reports on possible corruption gathered by forces in England and Wales, supplemented by information from the Police Service of Northern Ireland, British Transport Police and other agencies, including the Border Force and HM Revenue and Customs.

8.8. The 2013 assessment highlighted that:

- corrupt activities carried out in support of criminals are the most harmful type of corruption, and have severe consequences for UK communities;
- criminals seek information about themselves, competitors, investigations, tactics, prosecutions, witnesses, and intelligence sources to undermine law enforcement operations;
- corruption for the purposes of sexual gratification is a major concern. The number of reported incidents has been increasing nationally since 2009;
- steroid abuse and supply among law enforcement officers is not an entrenched problem. However, abuse and supply of class A and B controlled drugs<sup>126</sup> is occurring more frequently among a greater number of forces than was reported in 2010;
- financial constraints are not resulting in significant degrading of anti-corruption activity, but are preventing forces from increasing their capability to deal with corruption. Current resource levels for anti-corruption investigation may not be consistently proportionate to the threat; and
- effective control measures, most notably positive leadership and vetting, are important in managing corruption.

8.9. The National Crime Agency and the National Policing Counter Corruption Advisory Group encourage forces to use the 2013 national assessment to assist them in understanding the local threat from corruption, and in the development of local counter-corruption plans. The NPCCAG expects

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<sup>125</sup> *The Threat to UK Law Enforcement from Corruption*, SOCA, London, 2013. The document is sometimes referred to as the national threat assessment. It is confidential and was not published.

<sup>126</sup> Misuse of Drugs Act 1971, section 2. Controlled drugs are categorised as Class A, Class B or Class C. Parts I, II, and III of Schedule 2 of the 1971 Act specify the substances or products that fall into each category. The most common controlled drugs in Class A include cocaine and opium (heroin) and in Class B include amphetamine and cannabis.

counter-corruption plans to make clear how forces will improve their understanding of the threat, prevent corruption, and improve their intelligence gathering and investigative capability.

- 8.10. We found that forces that used the national assessment of the threat from corruption in this way within clear governance structures (see paragraph 6.15) had carried out a greater range of prevention activities, intelligence-gathering and investigations than those who had not used the assessment. These forces are in a better position to understand the nature of the corruption threat they face and how best to respond to it.
- 8.11. Disappointingly, we have found that fewer than half of all forces have an effective counter-corruption plan which demonstrates their understanding of the threat to their force from corruption, and their proposed activities to improve not only the prevention and identification of corrupt behaviours, but also their investigative capability.

## **Preventing corruption**

- 8.12. Like professional standards departments, anti-corruption units have a range of tools available to them to prevent or discourage criminal activity or corruption from taking place. Our inspector considered the policies that were in place for ensuring that threats from organised crime groups were mitigated, and the policies and practices in respect of notifiable associations and random drug testing.

### **Identifying individuals who are corrupt or susceptible to corruption**

- 8.13. Actively identifying individuals who are corrupt or susceptible to corruption is an important part of preventing corruption. Forces have a great deal of information available to them to assist with this, including data about individuals' performance,<sup>127</sup> and their complaints and misconduct history held by professional standards departments and anti-corruption units. They can use information held on human resources systems such as attendance records. They can also make use of information held on other systems relating to applications for approval of business interests and second jobs, gifts and hospitality, notifiable associations and procurement.

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<sup>127</sup> This can include, for example, the proportion of a staff member's stop searches that do not result in a recovery, say, of a weapon, drugs or stolen property, and discretionary arrests that do not result in a charge being brought against the person arrested.

- 8.14. HMIC considers that those forces that analyse the full range of data and information available to them have the best chance of identifying, at the earliest opportunity, those police officers and police staff who are corrupt. Such analysis also provides the best chance to identify those officers and staff who are susceptible to corruption so that action can be taken, and support and advice offered, in order to prevent the corruption occurring.
- 8.15. HMIC found that there was a mixed picture among forces in this respect. A number of forces made good use of this information and fed it into analytical tools or into a formal meeting at which all of the intelligence held on individuals was considered by managers. These forces tended to be those with an analyst working in their professional standards department. In other forces, we were unable to find any evidence that they had a process in place to make best use of this information. Those forces that do not have a process for using the range of information that they hold miss opportunities to identify and prevent or investigate members of staff breaching the professional standards of behaviour or those susceptible to corruption.

### **Identifying corruption trends**

- 8.16. Analysing information and intelligence allows forces to identify possible corruption trends. These could include trends in corrupt behaviours, such as the abuse of drugs by individuals or groups of officers. The national assessment produced by SOCA in 2013 of the threat to UK law enforcement from corruption includes the results of analysis that forces can use to identify and prevent local threats, and is a useful starting point for forces.
- 8.17. Analyst capability within forces' professional standards departments enables the early identification of trends, for example, the use of mood altering substances sometimes referred to as 'legal highs' and the development of appropriate prevention measures. However, some forces have little analytical capability within their professional standards departments and we were concerned to find that only about a third of forces are carrying out regular analysis to identify corruption trends.

### **Assessing notifiable associations**

- 8.18. As police officers and staff are drawn from the communities they serve, it is inevitable that some will join the police service with existing associations, or will form associations after recruitment, which may present a risk to public protection, to the security of policing operations, and to the reputation of the force. Given that police corruption often involves the unauthorised disclosure of information by police officers and police staff to criminals, it is vital that forces are aware of such associations, in order that they can assess and prevent any corrupt activity.



- 8.19. The College of Policing's Code of Ethics provides that those working in policing must not have associations with groups or individuals, or membership of groups or societies, which would create an actual or apparent conflict of interest with police work and responsibilities. The test is whether a reasonably informed member of the public might reasonably believe that the association or membership could adversely affect the ability of the officer or staff member to discharge his policing duties effectively and impartially.<sup>128</sup>
- 8.20. While restrictions may be placed on the private lives of all members of a police force under the Police Regulations 2003,<sup>129</sup> there is currently no national notifiable association policy. However, authorised professional practice for counter-corruption contains advice on the most important elements of a notifiable association policy.
- 8.21. Information about notifiable associations is provided by officers and staff in confidence. It is held securely on anti-corruption intelligence databases and used to advise, support or challenge the officer or staff member, to ensure that he knows the appropriate boundaries in the particular relationship and is able to act with integrity.
- 8.22. HMIC was encouraged to find that all forces have a notifiable association policy setting out which associations must be brought to the attention of the force and how such associations should be managed. All forces maintain registers of such associations notified to them. Some officers and staff with whom we spoke mistakenly felt that there was a prohibition on having a friendship with anyone who had a criminal record. While that may be the case in some circumstances, the policies are intended to ensure officers and staff know the boundaries, act with integrity and are able to maintain associations in a way that will not be corrupt or perceived as being corrupt.

### **The importance of auditing registers**

- 8.23. It is important that registers are checked or audited to identify patterns of behaviour which might indicate corruption. We found that only just over a quarter of forces conduct regular audits of their various registers holding entries on gifts and hospitality, applications for approval of business interests and second jobs, expenses claims and the procurement of goods and services, in order to identify potential corruption.

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<sup>128</sup> *Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, paragraphs 6.3 and 6.4, College of Policing, London, 2014. Available from [www.college.police.uk](http://www.college.police.uk)

<sup>129</sup> Since 1 January 2005, all members of a police force have been prohibited from membership of the British National Party, Combat 18, and the National Front under a determination made by the Home Secretary under the Police Regulations 2003, Schedule 1, paragraph 1.

- 8.24. It is good practice for the content of these registers to be examined alongside counter- corruption intelligence, and complaints and misconduct data. HMIC is concerned that the majority of forces are missing an opportunity to identify individuals engaged in, or susceptible to, corruption.

### **Threats posed by organised crime groups**

- 8.25. In paragraph 3.49 we considered the role of the National Crime Agency in relation to the 2013 national assessment of the threat to UK law enforcement from corruption, which specifies the types of threat posed by organised criminals who try to corrupt police officers and staff. It is essential that the security of information about investigations into organised crime groups is maintained.
- 8.26. The authorised professional practice for counter-corruption contains information on how forces can improve the security of investigations into organised crime.
- 8.27. During our inspection, HMIC was pleased to find that most anti-corruption units were taking action to prevent the compromise of organised crime investigations, and were working closely with serious crime investigators to identify and tackle weaknesses in operational security. This included considering the security of offices and buildings, corruption intelligence about officers or staff working on (or linked to the subjects of) investigations, and the security of information on police computer systems.

### **Random drug testing**

- 8.28. SOCA's national assessment of the threat to UK law enforcement from corruption identified an increasing threat from the use and supply of Class A and B controlled drugs by police officers and police staff (see paragraph 8.67).
- 8.29. Chief officers may carry out random drug tests on members of their workforce.<sup>130</sup>
- 8.30. However, some forces have stopped carrying out random drug tests on the basis that they rarely yielded positive results and, as such, were not cost-effective. Other forces believe that random drug testing helps to prevent misuse, irrespective of the number of tests carried out or the limited number of positive results. HMIC's report on undercover policing in England and Wales<sup>131</sup> said that random drug testing was also an important safeguard for officers working undercover.

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<sup>130</sup> Police Regulations 2003, Regulation 19A.

<sup>131</sup> *National police units which provide intelligence on criminality associated with protest; progress review*, HMIC, London, 2013. Available from [www.justiceinspectrates.gov.uk](http://www.justiceinspectrates.gov.uk)

- 8.31. We found that just over half of forces used random drug testing. Between 1 April 2013 and 31 March 2014, nearly 1,800 random drug tests were carried out by these forces.
- 8.32. The evidence that random drug testing is an effective prevention measure is largely anecdotal, it being very difficult to prove that it acts as a deterrent. However, HMIC considers that, on the basis of the evidence that is available, forces that elect not to undertake random drug tests and circulate the results to their workforces are missing an opportunity both to identify and to discourage criminal activity.
- 8.33. HMIC considers that all forces should have a comprehensive policy on substance misuse and drug testing to identify and deter substance misuse, and forces should communicate the existence of the policy and the results of any drug tests to all staff. Given that random drug testing has a cost, chief officers need to know the effectiveness of such activity and whether it will provide good value for money in their forces. We are, therefore, pleased to note that in January 2015 the National Policing Counter Corruption Advisory Group commissioned research on the effectiveness of random drug testing.

## **Gathering and developing intelligence**

- 8.34. In Chapter 2, we discussed how forces discover, investigate and tackle wrongdoing. This section looks in more detail at the approaches used by anti-corruption units in relation to the sensitive information they receive.
- 8.35. HMIC expects each police force in England and Wales to have the capability and capacity to receive and record sensitive intelligence concerning alleged police corruption. Sensitive intelligence contains, for example, details of the source of the information and the circumstances in which it was obtained. The intelligence function should be kept separate from investigation teams to protect the confidentiality of the sources and the tactics used to gather intelligence. The authorised professional practice on counter-corruption provides forces with information on the variety of intelligence sources available and forces should gather corruption intelligence from a wide range of sources including, but not limited to:
- force confidential units<sup>132</sup> (larger forces often have a dedicated confidential unit within their anti-corruption units);
  - information provided in confidence by members of the public;

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<sup>132</sup> Confidential units manage support to counter-corruption operations in forces using communications data. They can also manage highly sensitive covert human intelligence sources, the deployment of sensitive surveillance assets, and the dissemination of information from these and other sensitive covert techniques.

- information provided in confidence by police officers and police staff within the organisation;
- anonymous internal reports;
- Crimestoppers;
- covert human intelligence sources;
- the National Crime Agency;
- other police forces or law enforcement agencies;
- information confidentially provided by partner or voluntary agencies; and
- software used to monitor police and staff use of computers to pick up suspicious use of force computer systems.

8.36. Dedicated staff in anti-corruption units should have the ability to conduct initial research on force computer systems including crime, intelligence and human resources systems, without the subject of the research realising that it has been carried out.

8.37. We found a small number of forces had anti-corruption units that were not staffed sufficiently to allow them actively to seek and gather intelligence about corruption. Some forces were able actively to seek intelligence on corruption some of the time, and others had such capacity most of the time. Only a small number of forces maintained a permanent capacity that could routinely and actively seek and gather intelligence about corruption.

8.38. As at 31 March 2014, fewer than half of forces had, within their anti-corruption units, at least one member of staff whose main role involved developing intelligence. In some forces, anti-corruption units merely managed the flow of intelligence, whereas some others were able to carry out investigations but only in reaction to intelligence they received.

### **Developing and assessing intelligence**

8.39. The authorised professional practice for counter-corruption provides guidance on the development and assessment of intelligence. The guidance makes clear that the intelligence received should be assessed and prioritised, taking account of:

- the seriousness of the corruption;
- any previous intelligence concerning identified officers, staff or potential corrupting influences;

- factors that make officers and staff susceptible through national and local assessments of susceptibility to corruption, including:
  - financial solvency;
  - linked business interests;
  - similar public complaints or internal misconduct reports;
  - domestic difficulties;
  - disaffection;
  - the assessment of how reliable the intelligence is likely to be, in line with the national intelligence model;<sup>133</sup> and
  - the potential for the corrupt behaviour adversely to affect the safety of any individual, operational security, the organisation's reputation, legal liability or finances.

8.40. We found that some forces were not routinely developing and assessing intelligence they have received in this way. These forces may not understand properly the significance of the intelligence, leaving them potentially more susceptible to corruption.

8.41. Each item of intelligence should be evaluated, analysed and developed before action is taken. This allows each item to be dealt with in order of priority, and analysed to establish if and how it relates to other intelligence. Developing the intelligence helps to create the fullest picture possible. We found that the majority of forces were routinely developing and analysing intelligence in this way. However, this was not the case for a small number of forces that, as a consequence, are unlikely to have the fullest picture of corruption in their force.

### **Covert tasking and co-ordination meetings**

8.42. In order to monitor the development of all higher-risk intelligence, emerging trends, and oversee continuing corruption investigations, it is good practice for forces to have confidential meetings at which corruption intelligence and covert investigations are discussed.

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<sup>133</sup> The model has two elements: (i) evaluating the source of information/intelligence as 'always reliable', 'mostly reliable', 'sometimes reliable', 'unreliable', or 'untested'; and (ii) evaluating the information/intelligence as 'known to be true without reservation', 'known personally by the source but not to the person reporting', 'not known personally to the source but can be corroborated by other information', 'cannot be judged' or 'suspected to be false'.

- 8.43. At these meetings, decisions are taken on whether specific intelligence justifies a formal investigation and whether the investigation should be conducted in secret or openly (and known about by the suspected officer or member of staff). A record is kept of decisions made and actions to be undertaken.
- 8.44. We were encouraged to find evidence of covert tasking and co-ordination meetings in all forces. We found evidence of regular consideration, recording and review of progress on corruption issues in approximately three-quarters of forces. In the remainder, the tasking and co-ordinating meetings did not involve a regular review of the progress of agreed actions, and those responsible for carrying out the actions were not routinely held to account.

## **Investigating corruption**

- 8.45. Officers and staff involved in investigating corruption, including senior investigating officers, should be trained how to investigate corruption and have the requisite skills to carry out the role.
- 8.46. Corruption investigations into suspected criminal activities should be well-structured. The senior investigating officer sets clear objectives for the investigation and plans effectively how those objectives will be achieved using the powers available.
- 8.47. An investigation into alleged corruption seeks to prove or disprove the existence of corruption and the involvement or otherwise of police officers, police staff and those who wish to corrupt them. It is important to identify all the people involved in corrupt behaviour so that the force can be confident that any corrupt activity will not be repeated. For example, in failing to identify and deal with those who attempt to corrupt officers and staff (for example an organised crime group), there is a risk that they may look to exploit a different police officer or police staff member to gain information or to interfere in the criminal justice process.
- 8.48. Achieving these objectives will require forces to have the necessary capability to use a range of intelligence and evidence-gathering powers. We were pleased to find that the majority of forces, when they suspected that a police officer or police staff member had acted corruptly, did not restrict their investigation to that individual or that particular circumstance. Those forces, as part of their intelligence development or investigation strategies, looked more widely to establish if there were other suspects involved, or if the officer or staff member had committed other offences. Those forces that do not investigate in this way are unlikely to be identifying the full extent of corruption, or preventing its recurrence.

## **Powers and tactics for tackling corruption**

### **Monitoring police computer systems**

- 8.49. The security of intelligence, operational plans and the personal details of officers and staff is critical to effective policing; safeguarding the security of these systems from those who would use them for criminal purposes is paramount. SOCA's 2013 national assessment of the threat to UK law enforcement from corruption makes clear that: *'Criminals at all levels seek primarily information about themselves, competitors, investigations, tactics, prosecutions, witnesses, and intelligence sources including the identities of police officers and informants. This information is used to undermine law enforcement operations, evade arrest and facilitate serious criminal activity.'*
- 8.50. The overwhelming majority of corruption investigations involve some element of unlawful access to data and information held on computer systems or disclosure of the information held on those systems. Monitoring the use of force computer systems is therefore vital in countering corruption. Communicating to the workforce that such monitoring takes place will help to discourage unauthorised access.
- 8.51. There are a number of software systems that encrypt and record data about the use of force computers by police officers and police staff. Used openly with appropriate warning to police officers and police staff, these systems may have the effect of deterring unauthorised access to data.

### Case study

Information was received which suggested a police inspector had an off-duty association with a member of an organised crime group. An audit of force systems showed that the inspector had conducted a check on force systems relating to an arrest of a relative of the criminal. Itemised telephone billing showed telephone contact between the two parties at the same time as the officer was accessing the information from force systems.

The inspector was convicted of offences under the Data Protection Act 1998 and dismissed from the force. Additionally, during the course of the investigation, it was established that the inspector was causing the wholesale misuse of police vehicles by using them as a 'blue light' taxi service while off-duty. This resulted in a number of officers being subject to misconduct proceedings.

- 8.52. Forces provided data to HMIC on their use of powers and tactics in investigations. Routine monitoring of computer systems can assist in identifying and preventing corrupt behaviour. However, disappointingly, in the 12 months to March 2014, over half of forces told us that they monitored computer use as a matter of routine, despite this being highlighted by the IPCC in May 2013, in its bulletin to forces called *Learning the Lessons*.<sup>134</sup> All forces monitor and audit computer use if it forms part of an investigation.
- 8.53. Whilst monitoring and auditing force computer systems has a cost implication, the extent of the threat and the value of such systems in deterring and identifying corrupt behaviour should not be underestimated.

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<sup>134</sup> The Learning the Lessons bulletin is issued by the IPCC to help the police service learn the lessons from completed investigations into police complaints and conduct matters undertaken by the IPCC or by the police service locally.



## **Accessing specialist resources**

- 8.54. Investigating corruption requires the use of specially-trained staff, such as surveillance teams, and access to specialist technical equipment. Those professional standards departments without a permanent specialist capability, usually the smaller forces, must request those resources from within their own force, from other forces in their local region or from national agencies.
- 8.55. HMIC was pleased to note that all forces reported that they were able to access such resources in at least one of these ways.
- 8.56. The NCA is an important provider of specialist support to forces. It categorises the operational assistance provided to forces under six headings:
- tactical advice and guidance;
  - deployment of NCA anti-corruption unit assets, such as surveillance;
  - deployment of NCA technical resources;
  - co-ordination of NCA intelligence;
  - enhanced intelligence research to ensure that there is no risk of compromise with other police operations; and
  - co-ordination of international enquiries.
- 8.57. The data provided by the NCA show an increase in the instances of operational support to forces. In 2012/13, the NCA provided operational support to forces on 45 occasions and, in 2013/14, it provided support on 69 occasions. It is clear, therefore, that the NCA plays an important role in providing operational support to forces.

## **Use of communications and location data**

- 8.58. Data from communications devices such as telephones and computers are important to the corruption investigator's understanding of how often, for how long and in what form contact occurs between people suspected of involvement in corruption. Information about the location of a telephone can assist investigators in understanding where a suspect has received or made calls. The data can be used to provide a greater understanding of instances of corruption and to plan future tactics.
- 8.59. In the 12 months to March 2014, 35 forces had obtained telephone usage data and 25 had obtained information about the locations of telephones and calls during investigations of officers and staff.

- 8.60. The case study below provides an example of how telephone usage data and associated telephone location information assists investigations into corruption-related offences.

### **Case study**

Intelligence was received that police constable X and his son Y were involved in the purchase of controlled drugs. Intelligence further suggested that constable X was providing police information to criminals.

Telephone call and location data assisted the senior investigating officer to prove X and Y were supplying controlled drugs to sergeant W, who himself was involved in their onward supply. The data also provided evidence of association with Z, X's cousin who ran the premises from which the drugs were supplied. The investigation also proved that constable X provided police information and disclosed police tactics and procedures to a criminal associate.

Following a trial, the individuals were sentenced as follows:

- constable X – 7 ½ years imprisonment
- sergeant W – 3 years 9 months imprisonment
- constable X's son Y – 14 months imprisonment
- constable X's cousin – 9 months imprisonment
- criminal associate – 10 months imprisonment.

Constable X was dismissed and sergeant W resigned before being sentenced. A further constable, subject to misconduct proceedings, was dismissed following a misconduct hearing.

- 8.61. HMIC is reassured to see that the majority of forces are using some form of communications data as part of their investigation plans.

## Intelligence-led integrity tests

- 8.62. If a force receives intelligence that an individual officer or staff member or group of officers or staff members may be acting corruptly, it may carry out an 'intelligence-led integrity test',<sup>135</sup> whereby the integrity of those under investigation is tested (for instance, where an officer is suspected of stealing property, a valuable item may be left in an apparently abandoned car to which the officer is then despatched to see whether, in dealing with the car, he brings back the valuable item to the police station for processing and storage or whether he steals it). Surveillance which is often used in such tests will require authorisation under the Regulation of Investigatory Powers Act 2000.

### Case study

An investigation involved a number of complaints relating to two police constables, regarding the theft of money and property during searches of addresses. An intelligence-led integrity test was instigated, which involved both officers searching premises under covert control of officers from the anti-corruption unit. Both officers were seen to steal money during the search and were subsequently arrested and later charged. One pleaded guilty to one count of theft and one count of handling stolen goods, and was sentenced to five months' imprisonment. The other was found guilty of theft and sentenced to 12 months' imprisonment.

- 8.63. Thirty-one forces told us that they had used intelligence-led integrity testing between 1 April 2013 and 31 March 2014 - many on more than one occasion.
- 8.64. HMIC were encouraged that this number is so high, as it indicates that the majority of forces are actively using the means available to them to tackle wrongdoing.
- 8.65. While eight forces had not used surveillance during the 12 months to 31 March 2014, HMIC recognises that this is not always required in order to prove or disprove corruption. Further, it is justified only in serious cases, requires a high level of authorisation and is, in any event, not always possible in practice.

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<sup>135</sup> Because such tests generally require the use of covert tactics, they must be conducted in accordance with both the Regulation of Investigatory Powers Act 2000, and the force's obligations under the Human Rights Act 1998 – in particular, the right to respect for private and family life (Article 8 of the European Convention on Human Rights).

8.66. This inspection did not examine investigations in detail to establish the effectiveness of the use of these tactics or whether opportunities to deploy surveillance had been missed. We do not consider it to be significant, therefore, that not all forces had conducted intelligence-led integrity tests or surveillance within the 12-month period reviewed.

### **With-cause drug testing**

8.67. SOCA's 2013 national assessment of the threat to UK law enforcement from corruption highlighted the increased risk of corruption among police officers and staff who use and supply cocaine, heroin or cannabis. If forces receive intelligence that an officer or staff member is misusing such controlled drugs, they can use 'with-cause' drug testing. Such tests require prior authorisation from an officer of at least the rank of assistant chief constable.<sup>136</sup>

8.68. All forces reported that they employ with-cause drug testing when they have the intelligence to support its use. In the period from 1 April 2013 to 31 March 2014, a total of 105 with-cause drug tests were conducted by 27 forces. Our inspection also identified good examples of the use of this tactic.

8.69. Some forces published the results of drug testing to the workforce, to act as a deterrent. HMIC considers this to be good practice.

8.70. There are however limitations to this kind of testing. For instance, drugs remain detectable in the body for only a limited time, and it is therefore important to carry out tests as soon as possible after the intelligence that justifies a test has been received. However, the officer or staff member in question may not be on duty at the time the intelligence is received - and forces have no authority to recall the officer or staff member to duty in order to undergo a with-cause drug test.

8.71. Because of this limitation, and dependent on the content and quality of the intelligence, some forces elect instead to apply for and execute a search warrant at the police officer or police staff member's home address. This often increases the chances of proving or disproving the misuse of controlled drugs, and also raises the possibility of gathering evidence to identify the drug supplier, and/or others who may be attempting to corrupt the police officer or staff member. However, forces are unlikely to use a search warrant in this way when the intelligence on drug misuse forms part of a continuing investigation. This is because such an intervention would obviously alert the police officer or staff member to the fact that he or she is under investigation, and so frustrate the covert gathering of further evidence.

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<sup>136</sup> Police Regulations 2003.

## Arrest and search

- 8.72. The preceding paragraphs in this section describe powers that anti-corruption investigators may employ to gather evidence of an offence or offences involving one or more police officers or staff members, and their criminal associates. In investigations using surveillance and similar tactics, this evidence-gathering phase can take a year or more.
- 8.73. Irrespective of the length of an investigation, the evidence-gathering phase will usually culminate in either the conclusion that the allegations were without merit; proof that the staff member did not commit crime; or with evidence that would require those suspected of corruption-related offences to be interviewed under caution, either under arrest or by invitation.
- 8.74. Frequently, a decision to make an early arrest means that the evidence-gathering period is truncated before all the potential evidence required to prove serious offences to the criminal standard of proof can be obtained. This situation usually arises where an officer or member of staff is employed in a sensitive role, such as intelligence-gathering, surveillance-based investigations or major incident security and search. In these cases, the risk to the public and operational activity from leaving a potentially corrupt officer in his role is significant, and is often judged as greater than the risk of missing opportunities to gather further evidence.
- 8.75. The table below details the number of forces (out of a total of 39)<sup>137</sup> which reported that, in the 12 months to 31 March 2014, their professional standards departments and anti-corruption units had made arrests; obtained search warrants; conducted searches either with or without a warrant; and interviewed officers and staff voluntarily without arrest.

**Figure 4: Professional standards/anti-corruption unit use of arrest and search powers, and voluntary attendances in the 12 months to 31 March 2014**

Use of power	Number of forces
Arrests	37
Search warrants obtained	24
Search warrants executed	23
Searches undertaken without a warrant	29
Voluntary attendances (interviews without arrest)	33

<sup>137</sup> Forces that are collaborating are counted as one force for the purposes of the table, hence the total of 39 as opposed to 43 forces.

- 8.76. This shows that the majority of forces had arrested police officers and/or police staff for criminal offences in the 12 months to March 2014. This is consistent with HMIC's expectations in this regard. The majority of forces also reported that they had interviewed police officers and staff without arrest over the same period. In HMIC's judgment, these data indicate that forces are taking corruption seriously.
- 8.77. However, given the high number of forces that made arrests in this period, HMIC is concerned that only just over half of forces reported that they had conducted searches (either under the authority of a warrant, or with consent) over the same 12 months. Searches are a primary investigative tool in all types of corruption investigation. It is therefore unusual that if an offence is considered so serious that arrests were made, no searches had been conducted to look for evidence that could assist the senior investigator in proving or disproving the subject's involvement in the criminal activity (or in similar or connected offences).
- 8.78. HMIC recognises that specific grounds are required to obtain a warrant or exercise a power of search, and these may not exist in all cases. However, the difference between the number of forces that reported making arrests, and the number who reported that they conducted searches suggests that opportunities to gather evidence about corruption are being missed.
- 8.79. There is a disparity between how forces use police powers when undertaking corruption-related investigations. Just over half of forces reported using the full range of powers available to them to prove or disprove criminal offences that are either reported against their officers and staff, or identified through intelligence. This indicates that these forces are taking those investigations seriously. There is, though, a minority of forces that are not using the full range of police powers.
- 8.80. Given the serious nature of corruption-related offences, if the evidence suggests such activities are taking place, HMIC would expect forces to use their powers of arrest, search, and interview under caution at an appropriate time in their investigations.

## Referrals to the Independent Police Complaints Commission

- 8.81. Referral to the IPCC is an important part of ensuring public confidence in the independence, accountability and integrity of the police complaints system. Forces must always refer some types of complaints to the IPCC, including cases involving serious corruption.<sup>138</sup>
- 8.82. In 2012/13, the IPCC received a total of 2,547 referrals from forces, and 3,176 in 2013/14. Upon receiving a referral, IPCC staff identify the main elements of a case and categorise it by applying what they term 'case factor' labels<sup>139</sup> (one of which is corruption). Use of these labels helps to identify the nature and circumstances of the case, and allows staff to search for cases with similar labels on the IPCC database.
- 8.83. IPCC staff then decide what level of involvement it should have in any investigation of the matter.<sup>140</sup> The IPCC may choose to conduct its own independent investigation; to manage or supervise a police investigation; or to decide that the matter can be dealt with locally by the police, without IPCC involvement.
- 8.84. The table below shows the number of referrals made by forces to the IPCC in the last two years which have been categorised by the IPCC as corruption-related investigations.

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<sup>138</sup> Police (Complaints and Misconduct) Regulations 2012, Regulations 4 and 7.

<sup>139</sup> Case factor labels are applied at the discretion of individual IPCC operational staff members, and may not have been checked to ensure the correct labels have been chosen. This means some cases may have been categorised incorrectly. Further, some referrals may be linked to continuing investigations, re-determinations or previously received referrals. Therefore, case factor statistics do not give an accurate record of the number of cases or new cases falling within a particular category of referral.

<sup>140</sup> Known as the 'mode of investigation'. Police Reform Act 2002, Schedule 3, paragraph 5.

**Figure 5: Referrals categorised by the IPCC as containing a corruption factor in the 24 months to March 2014**

<b>Mode of investigation decision</b>	<b>Number of referrals 2012/13</b>	<b>Number of referrals 2013/14</b>	<b>Difference between 2012/13 and 2013/14</b>
Independent investigation	19	26	+7
Managed investigation	5	8	+3
Supervised investigation	70	111	+41
Local investigation	152	210	+58
Return to force	39	17	-22
Unknown	1	1	0
<b>Total</b>	<b>286</b>	<b>373</b>	<b>+87</b>

8.85. This shows that there were 30 percent more referrals identified as containing a corruption factor in 2013/14 than in 2012/13. This may be evidence of an increased focus on tackling corruption by both the IPCC and forces. However, there has also been an increase in the IPCC's independent oversight of corruption matters through supervision and management of investigations which are conducted by forces. These are generally criminal investigations that have already been started by the force, or which require covert investigation that the IPCC is not equipped to undertake.

8.86. While HMIC's dip-sample of files only looked at a small percentage of complaints, misconduct, and death or serious injury incidents, it showed that most forces were complying with their legal obligation to refer those incidents to the IPCC.

8.87. There were, however, a small number of forces that had not made appropriate referrals to IPCC in a small number of cases. The main failure appears to relate to the requirement to refer complaints or internally-raised misconduct reports which contain allegations of a 'relevant offence'.<sup>141</sup>

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<sup>141</sup> A relevant offence is defined as any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over, who has not previously been convicted, may be sentenced to imprisonment for seven years or more (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates Court Act 1980).



## Conclusion

- 8.88. In Chapter 1 we set out the difficulties that can arise from the absence of a single, clear and universally-accepted definition of police corruption. This means it is impossible to make either an accurate assessment of the extent of corruption in forces, or a comparison of corruption between forces.
- 8.89. HMIC found considerable variation in the capability of forces to analyse effectively the information and intelligence available to them in order to develop trends or identify risks and threats to individuals or the force.
- 8.90. Only a third of forces demonstrated a detailed understanding of the current and emerging corruption threats they faced; these forces had a more comprehensive approach to tackling corruption. Some forces, predominantly those with little analytical capability, did not understand their corruption threats, and did not carry out a regular analysis to identify trends. The approach to the prevention, identification and investigation of corruption in these forces was inconsistent.
- 8.91. The most effective way to tackle corruption and minimise the harm it causes is to prevent it occurring in the first place. All forces carry out vetting of potential police officers and staff before recruitment, and have policies that encourage ethical behaviour (while both on- and off-duty). The majority of forces also make stringent efforts to prevent the compromise of investigations into organised crime groups. However, the success of this work relies on systems to monitor and audit access to sensitive information, and some forces have only a limited capability to do this.
- 8.92. The prevention of corruption also relies upon the early identification of police officers and staff members who may be susceptible to it. Making use of the full range of data which a force already holds about individuals in its workforce (for example, registers of business interests or notifiable associations) will increase its chances of identifying both corrupt officers and staff, and those who are susceptible to corruption. However, not all forces are making full use of this information (for instance, by analysing information and intelligence to identify corruption trends, or regularly auditing registers of information about gifts and hospitality, applications for approval of business interests, expense claims and procurement activity). These forces run the risk of missing opportunities to prevent and identify corruption at the earliest point.
- 8.93. While some forces have strong processes to grade and assess intelligence routinely (in line with the national authorised professional practice for counter-corruption), some do not, and lack a dedicated resource to develop the intelligence they receive. This leaves those forces more vulnerable to being unable to prevent, identify and investigate corruption.

- 8.94. Where corruption is suspected, forces have a range of powers and tactics that they can use, and HMIC found examples of very good investigations leading to the prosecution and conviction of officers, staff and their criminal associates for serious offences. However, while it is for investigating officers to decide which powers and tactics will likely be the most effective in each case, a substantial minority of forces are not making use of all the powers and tactics available to them.
- 8.95. In addition, although a number of forces use it, it is not clear to HMIC whether random drug testing is an effective tool. Further analysis of this is required.
- 8.96. HMIC concludes that forces have the necessary capability to deal with most corruption that is brought to their attention, but many lack the capability to seek out corrupt practices actively.

## **Recommendations**

### **Recommendation 11**

**By 31 August 2015, in order to identify potential corruption, all forces should have systems in place to assess annually:**

- (a) whether information on approved business interests remains up to date, and is appropriate;**
- (b) where business interests have not been approved, that this decision has been complied with;**
- (c) whether information in respect of notifiable associations remains up to date and is appropriate; and**
- (d) registers concerning procurement of services.**

### **Recommendation 12**

**By 31 August 2015, all forces should ensure they have the necessary capability and capacity to develop and assess corruption-related intelligence in accordance with the authorised professional practice.**

## 9. Focus on the outcomes of investigations into specific areas of concern

- 9.1. To mark the official launch of the Code of Ethics in July 2014,<sup>142</sup> the College of Policing asked over 2,000 members of the public how they would deal with some of the ethical dilemmas faced by the police on a daily basis. More than two-thirds of respondents (68 percent) said they would not want to be in the position of a police officer or staff member when making those decisions, and 40 percent of those surveyed felt that the challenges facing the police when making decisions were harder than they previously thought. This work also revealed there was not always a clear consensus among respondents on the best thing to do in the various scenarios put to them, and that most respondents did not always find it easy to decide what to do.<sup>143</sup>
- 9.2. A principal function of the police involves dealing with those who commit crime or take part in anti-social behaviour. While many of their encounters and interactions with the public are uneventful, it is inevitable that officers and staff will often find themselves in situations where conflict and/ or provocation may arise.
- 9.3. Effective training provides officers and staff with the means to maintain a professional approach in all circumstances. It also helps them to resist any temptation to respond inappropriately to provocation (for example, by being rude or using unnecessary force).
- 9.4. Nonetheless, in carrying out their duties police officers and staff may find themselves the subject of unwarranted allegations in respect of misconduct, corruption or criminal behaviour.
- 9.5. Some of these allegations may result from nothing more than a misunderstanding between the member of the public and the police officer or member of staff concerned. Other allegations may be directed towards an individual, but in fact relate to policies or practices outside the control of that individual (for example, where the allegation against an individual is actually about the call handling policy of the force in question). Finally, some unwarranted allegations may be made with malicious intent.
- 9.6. Nevertheless, in order to maintain public confidence in policing, it is important that all allegations are investigated thoroughly and to a high standard.

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<sup>142</sup> *Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, July 2014. Available from [www.college.police.uk](http://www.college.police.uk)

<sup>143</sup> 'Code of Ethics Launched', GOV.uk news story, 15 July 2014. Available from [www.gov.uk](http://www.gov.uk)

9.7. Research indicates that the use of body-worn video improves the behaviour of both police officers and the public, and increases police accountability and public confidence.<sup>144</sup> As set out in HMIC's annual assessment of policing for 2012/13,<sup>145</sup> body-worn video can record officers' interactions with the public and can provide high-quality evidence. This can help improve results for victims, because it enables the circumstances of the crime and the condition of the victim to be recorded and used in evidence, even when the victim does not support a prosecution (as sometimes happens in cases of domestic abuse, for instance). Its use can also reduce pressure on the criminal justice system, as the evidence often leads to offenders entering early guilty pleas, and provide officers and members of the public with valuable protection where the facts of an encounter with the public are in called into question.

## Specific areas of concern

9.8. HMIC, in consultation with its external reference group (see paragraph 2.8), identified the following categories of police criminal conduct or breaches of the standards of professional behaviour as likely to be of greatest concern to the public:

- drug-related offences;
- bribery;
- theft, including fraud and dishonesty;
- sexual misconduct;
- unauthorised information disclosure;
- inappropriate relationships with the media;
- incompatible business interests or other jobs (conflict of interest);
- racial discrimination, and
- non-racial (i.e. other forms of) discrimination.<sup>146</sup>

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<sup>144</sup> See, for example, *Guidance for the Police Use of Body-worn Video Devices*, Home Office (Police and Crime Standards Directorate), July 2007; 'Picture This: Body worn video devices ("headcams") as tools for ensuring fourth amendment compliance by police', David A. Harris, *Legal Studies Research Paper Series*, Working Paper Number 2010-13, London, April 2010, available from [www.nlg-npap.org](http://www.nlg-npap.org).

<sup>145</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2012/13*, HMIC, London, 2013.

<sup>146</sup> Referred to in figures 5 and 6 as 'non-racial discrimination'.

9.9. HMIC asked forces to report the outcomes of investigations into allegations of behaviour falling within one or more of these categories that had concluded between 1 April 2012 and 31 March 2013, and between 1 April 2013 and 31 March 2014.<sup>147</sup>

9.10. In cases where the investigation involved more than one of the behaviours or had more than one outcome, we asked forces to record the most serious outcome against what they considered to be the most serious aspect of the behaviour under investigation.

## Outcomes from investigations

Figure 6: Total outcomes from investigations into specified types of behaviour in the 12 months to 31 March 2013

	No further action	Management action	Written warning	Final written warning	Dismissal with/ without notice	Retirement/ resignation	Other	Total
Drug related offences	84	16	0	1	12	40	9	<b>162</b>
Bribery	17	1	0	1	1	1	2	<b>23</b>
Theft, fraud and dishonesty	634	112	35	28	44	111	105	<b>1,069</b>
Sexual misconduct	190	58	17	12	25	66	22	<b>390</b>
Information disclosure	798	263	57	45	28	74	95	<b>1,360</b>
Relationships with the media	20	1	0	1	5	1	24	<b>52</b>
Secondary occupations	81	84	13	2	6	18	11	<b>215</b>
Racial discrimination	840	65	10	8	11	6	73	<b>1,013</b>
Non-racial discrimination	227	44	2	5	5	6	38	<b>327</b>
<b>Total</b>	<b>2,891</b>	<b>644</b>	<b>134</b>	<b>103</b>	<b>137</b>	<b>323</b>	<b>379</b>	<b>4,611</b>

<sup>147</sup> To note: there is not necessarily a direct correlation between investigations and outcomes recorded in the same period, as (for instance) outcomes recorded in 2013/14 may result from investigations conducted in 2012/13.

**Figure 7: Total outcomes from investigations into specified types of behaviour in the 12 months to 31 March 2014**

	No further action	Management action	Written warning	Final written warning	Dismissal with/ without notice	Retirement/ resignation	Other	Total
Drug related offences	87	17	1	2	11	27	18	<b>163</b>
Bribery	22	0	0	1	0	1	1	<b>25</b>
Theft, fraud and dishonesty	644	97	33	26	43	92	243	<b>1,178</b>
Sexual misconduct	166	44	13	26	36	72	49	<b>406</b>
Information disclosure	766	236	39	30	26	60	141	<b>1,298</b>
Relationships with the media	26	3	2	1	3	1	11	<b>47</b>
Secondary occupations	49	21	5	1	2	23	8	<b>109</b>
Racial discrimination	816	55	8	8	6	12	138	<b>1,043</b>
Non-racial discrimination	236	32	4	6	7	5	21	<b>311</b>
<b>Total</b>	<b>2,812</b>	<b>505</b>	<b>105</b>	<b>101</b>	<b>134</b>	<b>293</b>	<b>630</b>	<b>4,580</b>

- 9.11. Figures 6 and 7 show that forces reported the outcomes of 4,611 cases in 2012/13 which started as investigations into one of the types of behaviour set out at paragraph 9.8, and 4,580 cases in 2013/14.
- 9.12. These include investigations originating from intelligence, public complaints, and misconduct reports raised internally. The outcomes relate to offences that may be criminal behaviour and/or misconduct. Prosecutions and convictions have not been included here due to the risk of double counting (i.e. an outcome may be recorded as both a conviction and another outcome, such as dismissal from the force).
- 9.13. Similarly, the number of outcomes is not necessarily the same as the number of allegations recorded by the force, as more than one allegation can be made against an individual but result in just one investigation. Therefore, a direct link cannot be made between the data shown here, and that in Figure 1 at paragraph 3.21 above.
- 9.14. Figures 6 and 7 show broad consistency in the pattern and volume of outcomes between 2012/13 and 2013/14. The greatest change is the steep decline in investigations linked to incompatible other employment between the two years. Our inspection findings did not provide an explanation for this, but it

may be related to an increased concern in forces about the business interests and other employment in which officers and staff either are currently engaged or in which they wish to be engaged, with the result that forces are putting more effort into ensuring that those with business interests and other employment have obtained prior approval for them.

- 9.15. As a result of the investigations which concluded between 1 April 2013 and 31 March 2014, the data show that a total of 134 officers and staff were dismissed; a further 293 left the service through retirement or resignation; and 711 received misconduct sanctions ranging from management action to written warning and final written warnings. As it is possible that individual officers and staff will have received more than one of the sanctions, caution is needed in interpreting the data; but with the caveat that there may be some double counting, they do show that up to 1,138 officers and staff either left the service or received a disciplinary sanction as a direct result of these investigations.
- 9.16. The outcomes data for both periods also appear to indicate that there were a large number of cases where no further action was taken, or low-level sanctions were issued after investigations into what would appear to be serious matters. This may be partly explained by the fact that the data in the table show how the alleged behaviour was categorised at the initial assessment stage. As the investigation progresses and more information comes to light, a force's understanding and assessment of the alleged behaviour can often change. For example, during an investigation into alleged theft it might be established that the behaviour was not dishonest, but that it should instead lead to management action for neglect of duty, because the individual failed to deal with the property correctly.
- 9.17. Other explanations for the data showing a large number of cases where the outcome was to take no further action include:
- that the police officer or police staff member was exonerated;
  - that the complaint or misconduct report was malicious or mistaken;
  - that the person making the complaint did not support the subsequent investigation, so the matter could not be progressed;
  - that there was a conflict of evidence between the person reporting misconduct or making the complaint and the officer or staff member(s), with no independent evidence that could provide the necessary corroboration of either party;
  - that the investigations were not conducted properly; or



- that appropriate decisions were not made about disciplinary action at the conclusion of the investigation.
- 9.18. Further research needs to be undertaken before any firm conclusions can be drawn.
- 9.19. Specifically, the data suggest that racial discrimination investigations are more likely to result in no further action than other types of investigation - approximately three-quarters compared to approximately one half. The reason for this apparent disparity is not clear and HMIC will explore this further in future PEEL assessments.
- 9.20. HMIC has also identified that as a proportion of investigations undertaken, in 2013/14 a higher number of investigations resulted in no further action for police officers (65 percent) than for police staff (44 percent).<sup>148</sup>
- 9.21. This is not reflected in overall conviction outcomes, where police officers have higher conviction rates than police staff.
- 9.22. HMIC did not track the complaints from origin to outcome so the cause of the disparity in cases against police officers and police staff that were identified as requiring no further action is unclear. Possible explanations may be that different structures or processes used in investigations into allegations against officers and staff yield different results, or that officers and staff are treated differently by the force.
- 9.23. Any possibility that discrepancies in the processes (be they conscious or not) are tending to result in police officers being given a lesser sanction than police staff for equivalent offences is obviously a cause of concern. Further analysis is required to identify the reasons for the potential disparity, and we will be looking at this issue in more detail in our future PEEL assessments. However, in the meantime, forces should assure themselves that their processes are equally strong for both officers and staff.

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<sup>148</sup> This was not identified until after fieldwork stages of the inspection had concluded, and so we were unable to investigate reasons for this while in force.

## Corruption-related offences

9.24. Whilst it is not possible to establish definitively which of the cases detailed in Figures 6 and 7 involve corruption, the following subset of categories are those that we consider to be the most likely to involve corrupt behaviour:

- drug-related offences;
- bribery;
- theft, including fraud and dishonesty;
- sexual misconduct; and
- unauthorised information disclosure.

9.25. HMIC therefore examined this subset of the data in more detail.

9.26. In the 12 months to March 2014 there were 3,070 investigations into offences in these five categories, as Figure 8 shows.<sup>149</sup>

**Figure 8: Total outcomes of investigations into corruption-related offences in the 12 months to March 2014**

	No further action	Management action	Written warning	Final written warning	Dismissal with/ without notice	Retirement/ resignation	Other	Total
Drug related offences	87	17	1	2	11	27	18	<b>163</b>
Bribery	22	0	0	1	0	1	1	<b>25</b>
Theft, fraud and dishonesty	644	97	33	26	43	92	243	<b>1,178</b>
Sexual misconduct	166	44	13	26	36	72	49	<b>406</b>
Information disclosure	766	236	39	30	26	60	141	<b>1,298</b>
<b>Total</b>	<b>1,685</b>	<b>394</b>	<b>86</b>	<b>85</b>	<b>116</b>	<b>252</b>	<b>452</b>	<b>3,070</b>

9.27. As a direct result of investigations into corruption-related offences, 116 officers and staff were dismissed, a further 252 left the service through retirement or resignation, and 565 received a disciplinary sanction. As it is possible that individual officers and staff received more than one of these

<sup>149</sup> See paragraph 9.12 for an explanation of why the number of allegations of corrupt behaviour may not be equal to the number of investigation outcomes shown here.

sanctions, caution is needed again in interpreting the data, but they do show that up to 933 officers and staff either left the service or were given a disciplinary sanction as a result of investigations into corruption-related offences, a substantial proportion of the up to<sup>150</sup> 1,138 who did so as a result of the investigations into the full range of areas of concern. In HMIC's judgment, this indicates that forces are taking corruption seriously.

### **Resignation or retirement pending resolution of investigation**

- 9.28. Figure 7 shows that a total of 293 police officers and police staff had retired or resigned either during or at the conclusion of a misconduct investigation, in the 12 months to March 2014. Public disquiet has been reported in the media, which has also been expressed within the police service, about officers and staff being allowed to do so, with the concern being that the police officers and staff are thereby avoiding responsibility for their actions and that the complainants and their families are denied a proper understanding of the events leading to the misconduct proceedings. Moreover, some consider that misconduct hearings, particularly those held in public, improve confidence in the complaints system. HMIC agrees with this view.
- 9.29. Interviewees from the majority of forces were of the view that it is often preferable for a police officer or member of police staff to be allowed to leave the service, should they wish to do so. HMIC does not share this view if the public perception is that corrupt officers are "getting away with it".
- 9.30. The Police (Conduct) (Amendment) Regulations 2014 came into force on 12 January 2015, and prevent an officer from resigning or retiring where an allegation has been made against him which could amount to gross misconduct or misconduct if the officer has a current final written warning recorded against him.

### **Criminal prosecution outcomes**

- 9.31. We identified that a total of 65 police officers and police staff were convicted of criminal offences involving behaviours that we considered to be likely to involve corruption (as identified above) in the 12 months to 31 March 2014. Many of these offences would have included behaviours that meet the NPCCAG definition of corruption.
- 9.32. There is a small fall in the number of police officers convicted of criminal offences and an increase in the number of police staff when comparing the 12 months to March 2013 and the 12 months to March 2014.

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<sup>150</sup> See paragraph 9.15.

- 9.33. While the number of police officers and police staff convicted is a small proportion of the total number of police officers and police staff in England and Wales, forces must remain ever vigilant and ensure that they are sufficiently resourcing and supporting their professional standards departments and promoting ethical practice among staff.
- 9.34. The table below shows the convictions for corruption-related offences for the two years to March 2014.
- 9.35. When looking more broadly, as a result of investigations into areas of greatest concern to the public, in the 12 months to March 2014 there were a total of 73 convictions against police officers and staff in England and Wales. During the previous 12 months, to March 2013 there were 71 convictions against officers and staff.

**Figure 9: Number of convictions against officers and staff, as a result of investigations into corruption-related offences - 24 months to March 2014**

	Convictions (officers) 2012/13	Convictions (officers) 2013/14	Convictions (police staff incl. PCSOs) 2012/13	Convictions (police staff incl. PCSOs) 2013/14
Drug related offences	5	3	1	2
Bribery	1	0	0	0
Theft, fraud and dishonesty	13	14	5	7
Sexual misconduct	15	14	6	4
Information disclosure	20	13	1	8
<b>Total</b>	<b>54</b>	<b>44</b>	<b>13</b>	<b>21</b>

**Figure 10: Number of convictions against officers and staff, as a result of investigations into behaviours of specific areas of concern - 24 months to March 2014**

	Convictions (officers) 2012/13	Convictions (officers) 2013/14	Convictions (police staff incl. PCSOs) 2012/13	Convictions (police staff incl. PCSOs) 2013/14
Drug related offences	5	3	1	2
Bribery	1	0	0	0
Theft, fraud and dishonesty	13	14	5	7
Sexual misconduct	15	14	6	4
Information disclosure	20	13	1	8
Relationships with the media	4	5	0	0
Secondary occupations	0	1	0	0
Racial discrimination	0	2	0	0
Non-racial discrimination	0	0	0	0
<b>Total</b>	<b>58</b>	<b>52</b>	<b>13</b>	<b>21</b>

- 9.36. The Criminal Justice and Courts Bill, which is completing its final Parliamentary stages at the time of writing, contains provisions<sup>151</sup> covering the corrupt or other improper exercise of police powers and privileges, supplementing the existing offence of misconduct in public office. The provisions will make it an offence for a person, who exercises the powers and privileges of a constable, uses them improperly for personal benefit or to the detriment of others. It is important to note that just under a third of convictions for behaviours likely to be of most concern to the public involve police staff, who will not be covered by the new offence.
- 9.37. The increased involvement of private sector companies in the provision of what traditionally have been policing services, including call handling and custody responsibilities, means that the complexity of the professional standards landscape is increasing. It is highly likely that employees of private companies engaged in contracted-out services will be subject to complaints, misconduct reports or intelligence, individually or alongside police officers and police staff. This could lead to variation between forces in the way complaints against contractors are investigated and resolved.

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<sup>151</sup> Clause 26.

## Conclusion

- 9.38. At 4,580, the number of investigations relating to the specific areas of concern, some of which may also involve corruption, has remained broadly similar in 2013/14 compared to 2012/13.
- 9.39. The dismissal in 2013/14 of 134 officers and staff, and disciplinary sanctions imposed on a further 711, indicates that misconduct is being taken seriously and that forces are taking action against those officers and staff who do not display the standards of behaviour expected of them. However, the relatively large proportion of investigations resulting in no further action being taken is a cause for concern.
- 9.40. In addition, the possible disparity between the proportions of cases where no further action is taken in relation to officers when compared to staff is concerning. While HMIC is not able to determine the reasons for these disparities, we are committed to carrying out further research as part of our continuing PEEL assessments. In the meantime, HMIC considers that forces should review their procedures and outcomes to ensure they are fair.

## Recommendation

### Recommendation 13

**By 31 August 2015, all chief constables should satisfy themselves that they have processes in place to ensure that investigations into misconduct by officers and staff resulting in “no further action” are fair and free of any form of discrimination.**

## 10. Capacity and capability of professional standards departments and anti-corruption units

- 10.1. HMIC encouraged forces to create anti-corruption units in the late 1990s, and in the early 2000s, we recommended that they merge these with complaints and discipline departments to create professional standards departments. With the introduction of a new police disciplinary system in 2008 (following the publication of the Taylor Review in 2005),<sup>152</sup> the emphasis changed from one of solely punishing wrongdoing, to a system that encourages the development of a culture of learning and development for the individuals concerned (and/or the organisation) where appropriate, but with sanctions, including fast-track dismissal, where the circumstances of the case require it.

### Forces working in collaboration

- 10.2. Some forces collaborate with others to meet their professional standards and anti-corruption responsibilities: Bedfordshire, Hertfordshire and Cambridgeshire collaborate in this way, as do Warwickshire and West Mercia, and Norfolk and Suffolk. While this inspection did not examine how these collaborations between forces were working, HMIC found evidence that some of these forces had initially reduced staff levels in their PSDs, but were now revisiting the decision and considering returning to previous levels. Other challenges faced by collaborating forces which could affect their ability to make the best use of the benefits of collaboration included: the extra work needed to amalgamate integrity-related policies and procedures; how to foster a single culture from different force cultures; and the difficulties of identifying computer use monitoring procedures when several different computer systems were being used.

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<sup>152</sup> *Review of Police Disciplinary Arrangements*, William Taylor, Home Office, January 2015.

## Resources in professional standards departments and anti-corruption units

- 10.3. The professional standards department and anti-corruption units in each force carry out different functions. For example, the professional standards departments within some forces only deal with public complaints and internal misconduct reports assessed as likely to lead to gross misconduct proceedings at which the police officer or police staff member concerned could be dismissed. Professional standards departments in these forces require fewer staff, as some complaints and misconduct allegations are dealt with by supervisors in the area or the department where the relevant staff member works. In other forces, there is a section of the anti-corruption unit or combined professional standards department and anti-corruption unit, where a team is dedicated to receiving and developing corruption intelligence.
- 10.4. Regardless of the organisation of PSDs and anti-corruption units, in order for forces to be able to tackle misconduct and combat corruption they need to have adequate resources (or access to them), and to use those resources effectively.
- 10.5. The Minister for Policing, Criminal Justice and Victims announced on 18 December 2013<sup>153</sup> that, as part of the police funding arrangements for 2014/15, the Home Office would provide funding from the police settlement to build up the resource and capability of the IPCC, so that it could deal with all serious and sensitive cases involving the police. As a result, £18m has been made available from the police settlement in 2014/15, together with £10m in capital from the wider Home Office budget. On 17 December 2014, the Minister announced<sup>154</sup> that, as part of the police funding arrangements for 2015/16, the Home Office would provide funding from the police settlement of £30m to enable the IPCC to focus on dealing with significantly more independent investigations, together with £4.5m from the wider Home Office budget to cover capital investment costs.
- 10.6. HMIC found that, despite the transfer of funds from the police settlement (i.e. from forces) to the IPCC, the majority of forces have preserved the resources in their professional standards departments and anti-corruption units. Those forces that had reduced their resources in these areas had either increased them again or were planning to do so. This is a positive indication that forces take seriously the need to deal with misconduct and to counter corruption.

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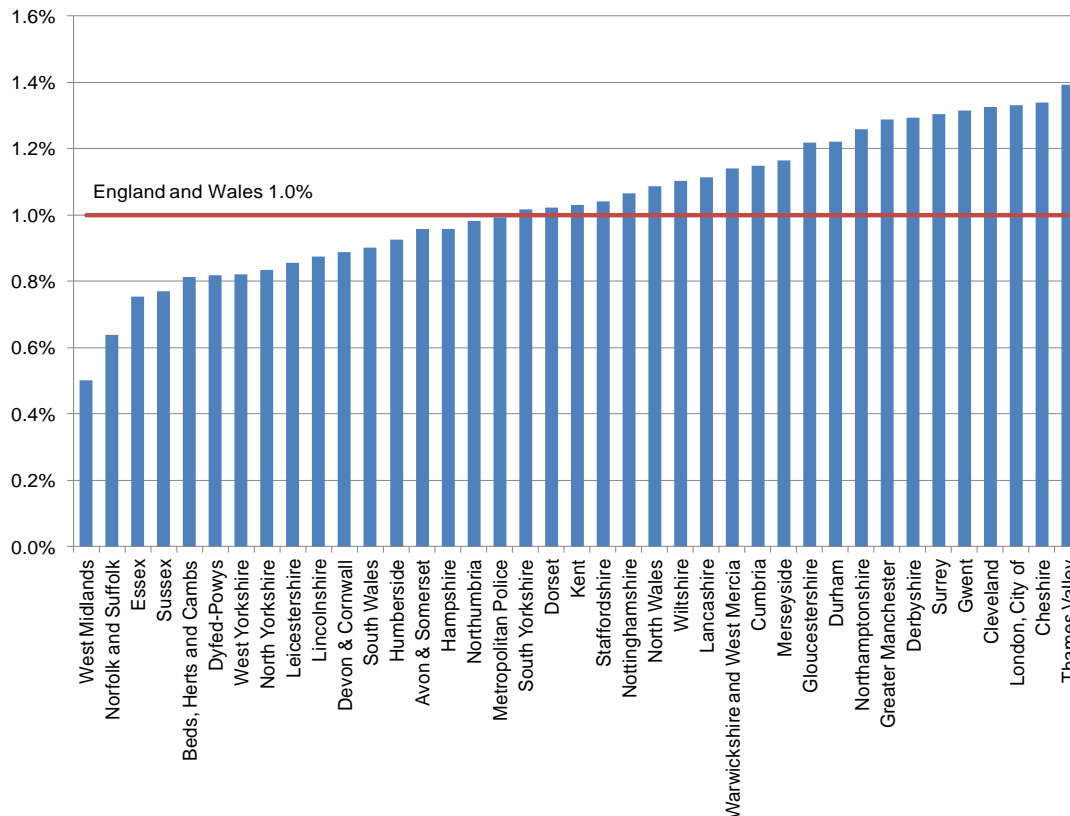
<sup>153</sup> House of Commons Official Report, 18 December 2013, Column 111WS. Available from [www.parliament.uk](http://www.parliament.uk)

<sup>154</sup> House of Commons Official Report, 17 December 2014, Column 129WS. Available from [www.parliament.uk](http://www.parliament.uk)



10.7. The chart below shows the proportion of the workforce working in a professional standards and/or anti-corruption unit for the majority of their role. This includes those in civil litigation, vetting and information security who perform an anti-corruption role. Those forces that collaborate and share professional standards and anti-corruption units (see paragraph 10.2) are shown together in the chart (see, for instance, Norfolk and Suffolk).

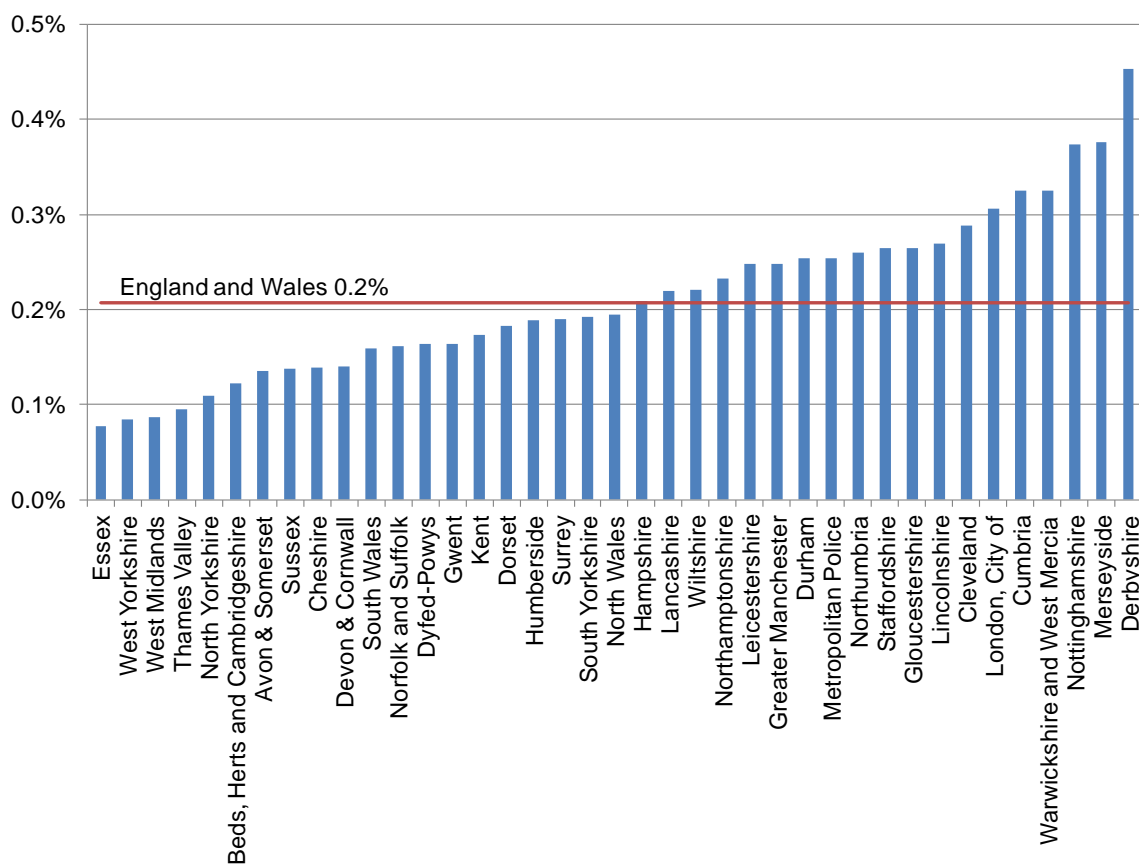
**Figure 11: Proportion of total workforce in professional standards department/anti-corruption unit (including civil litigation, vetting and information security) as at 31 March 2014**



10.8. The range of the proportion of the workforce designated to professional standards departments and anti-corruption units is between 0.5 and 1.4 percent. This range may reflect the differences in structure and approach to complaints, misconduct reports and anti-corruption intelligence. It should also be noted that several forces pool their professional standards department and anti-corruption unit capacity.

10.9. The chart below shows the proportion of the workforce working primarily within anti-corruption units. Again, those forces that collaborate and share professional standards and anti-corruption units are shown together in the chart. Nine forces have combined their professional standards departments and anti-corruption units, but nevertheless have dedicated full-time equivalent staff working on countering corruption.

**Figure 12: Proportion of total workforce working primarily within anti-corruption units, as at 31 March 2014**



10.10. Some staff in professional standards departments, who are not dedicated specifically to anti-corruption units, also investigate corruption as part of dealing with public complaints and internally-generated misconduct reports. Indeed, some of the serious allegations that could constitute corrupt behaviour, such as sexual offences, might be investigated by specialist officers outside the professional standards department or anti-corruption unit.

10.11. HMIC analysed the information on resourcing professional standards departments and anti-corruption units but has not been able to establish any correlation between the structures and approaches to investigations adopted by forces, and the range of outcomes achieved as a result of investigations. We cannot establish, for instance, whether merging professional standards departments with anti-corruption units, or collaboration between forces and sharing resources, are likely to provide the most effective models. The absence of accurate data on corruption exacerbates this. It is therefore not possible at this time to determine the most effective operating model for tackling misconduct and corruption.

- 10.12. Gathering information and turning it into usable intelligence is an essential capability that forces need to have if they are to deal effectively with corruption. We were concerned to find that in half of forces, anti-corruption units had insufficient staff to allow them actively to gather and develop intelligence about corruption.
- 10.13. Forces that do not allocate sufficient resources to anti-corruption units to work actively with organisations and individuals and gather, process and develop intelligence, miss opportunities to identify corrupt behaviours. This was reinforced by the responses of officers and staff during our interviews and meetings with them.
- 10.14. We found that a greater range of prevention activities, intelligence-gathering and investigation tended to take place in forces that have used the 2013 assessment of the corruption threat to UK law enforcement to develop a local plan to counter corruption. This range of activity gives forces a better opportunity to combat corruption.

## **Conclusion**

- 10.15. There is a wide variety of approaches taken by forces in preventing, identifying and dealing with misconduct and corruption. Some forces have entered into collaboration with other forces to share professional standards departments and anti-corruption units. The benefits of such collaborative approaches are yet to be fully realised. Further research is required to understand the relative merits of the various models.
- 10.16. It is encouraging that forces have, in the main, maintained resourcing levels in their professional standards departments and anti-corruption units, despite recent budget cuts. However, chief constables require the structures and resourcing to be in place not only to act effectively on information coming in to forces, but also actively to look for threats, risks and trends on misconduct and corruption issues. This requires forces to have sufficient analytical capability to maintain and regularly review intelligence about potential corrupt activity, registers of gifts and hospitality, expenses claims, business interests, procurement arrangements and notifiable associations. Our inspection found that the lack of sufficient analytical capability in many forces was a weakness, and made forces more likely to miss opportunities to identify and prevent misconduct and corruption.

## **Recommendation**

### **Recommendation 14**

**By 31 August 2015, all forces should ensure that there is sufficient analytical capability to analyse threats, risks, harms and trends in respect of misconduct, criminality and corruption in support of professional standards departments and anti-corruption units.**

## 11. Corruption investigations by the Metropolitan Police Service

- 11.1. Following the Home Secretary's request of 7 April 2014 that HMIC should fully consider reports into past investigations of corruption carried out by the Metropolitan Police Service (MPS), HMIC, with the full co-operation of the MPS, accessed relevant available material about past investigations, including those referred to in the Ellison review.<sup>155</sup> This section sets out the background to the approach now taken by the MPS to tackling police corruption, and gives details of some of the work that has informed it.
- 11.2. As the nature of police corruption and the police service's appetite to tackle it has changed over the years, so the response to it has evolved. In the early 1970s, Sir Robert Mark, the then commissioner of the Metropolitan Police, took action to tackle corruption among detectives in London. As there were concerns about corruption in the anti-corruption squad itself, Sir Robert set up a special unit, known as A10, comprised of officers specially selected from uniform and detective branches to investigate corruption in the force. The work of A10 led to the prosecution of a significant number of officers, including some at senior level, and the removal of nearly 500 officers through dismissal or forced resignation. Work in the late 1980s and early 1990s to tackle corruption in parts of the MPS using officers from provincial forces to investigate MPS officers (Operation Countryman) was less successful.
- 11.3. The use of a specialist unit which is part of, but which operates outside, existing force structures to reduce the risk of its work being compromised by corrupt staff members was used again in the anti-corruption work in the MPS in the 1990s. One example is Operation Othona, which informed Operation Tiberius.
- 11.4. Operation Othona was commissioned in 1993 by the then commissioner, Sir Paul Condon, following concerns about corruption in the South East Regional Crime Squad and other specialist teams in the MPS. Although it was called an operation, it would be more accurate to describe Othona as a high-level intelligence-gathering exercise to provide a strategic threat assessment of corruption within the MPS.

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<sup>155</sup> *The Stephen Lawrence Independent Review - Possible corruption and the role of undercover policing in the Stephen Lawrence case, Summary of Findings*, Ellison, M., London 2014. Available from [www.gov.uk](http://www.gov.uk)

- 11.5. Previous work to tackle police corruption in the MPS was believed to have been compromised by breaches of security. Therefore, Operation Othona employed the highest levels of secrecy and used the tactics normally deployed against serious and organised crime networks to target those in the MPS believed to be acting corruptly.
- 11.6. A secret unit was formed with the sole purpose of collating intelligence on individuals believed to be involved in corrupt practices. This unit had all the covert and intelligence capabilities of a police force and was, in effect, a force within a force. In addition, the unit had its own financial and communications investigation experts. The unit received assistance with specialist covert training from the military. Crucially, Othona was able to operate independently of the MPS – it was later referred to in the media as the 'Ghost Squad' – and was based in a secure location outside the identifiable MPS estate, with its own standalone IT system.
- 11.7. Operation Othona made extensive use of covert tactics, including the use of informants working within the squad and gathering intelligence from corrupt officers who were working for the squad as informants. Tactics such as 'sting' operations (known as intelligence-led integrity tests) and surveillance techniques were used to identify corrupt networks and then to gather and develop intelligence relating to those networks. So-called “supergrass” informants were also identified and de-briefed to determine their knowledge and understanding of corruption within the MPS.
- 11.8. Operation Othona uncovered evidence of wrongdoing by police officers including the theft of drugs; the fabrication of reward payments to informants (and the sharing of such payments among officers); drug trafficking; the destruction or fabrication of evidence; and the sale of sensitive operational intelligence. As the Ellison review noted,<sup>156</sup> some of the files relating to the operation are no longer available, and the extent of its work may never be fully known.
- 11.9. Operation Othona ran until 1998, when CIB3 (part of the Metropolitan Police Service’s Complaint Investigation Bureau) was established as an overt operational unit to tackle corruption in the MPS. Its work was generated and informed by the work of Operation Othona. However, because the provenance of the intelligence was fed through a separate intelligence channel to protect the source and the methods used, it is now difficult to identify proactive operations which were derived directly from the intelligence gathered by Operation Othona.

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<sup>156</sup> Op cit, p16

- 11.10. Identifying corrupt officers is only part of the response to corruption. It also needs to include successful prosecutions not least to deter others from engaging in corrupt activity. The Crown Prosecution Service (CPS) established a special casework unit to deal with police corruption cases. There was close working between CIB3 and the CPS, which led to identified areas of learning following the conviction and, in some cases, acquittal of defendants identified by Operation Othona. The challenges of working with participating informants specifically and with informants in general, whose credibility and motivation was at times called into question during criminal proceedings, were identified as a material risk.
- 11.11. In 2001, the MPS established the Special Operations Unit within CIB3 in order to identify the next steps for the MPS anti-corruption investigation, named Operation Tiberius. Like Operation Othona, it was not a proactive investigation but was established in October of that year to make use of the learning from the work of Operation Othona. This would inform and direct future CIB3 activity in view of continuing concerns about corrupt relationships between police officers and organised crime networks, and concerns that proactive and reactive operations were often being compromised. Operation Tiberius was, however, limited to possible corrupt associations with organised crime networks in north-east London.
- 11.12. An internal MPS report on the work of Operation Tiberius was written in March 2002 and presented to senior officers. This included intelligence documents identifying corrupt serving and former MPS officers and staff across the force who were associated with a number of organised crime syndicates.
- 11.13. The report found the corruption to be widespread, and included the bribery of officers to obtain confidential information (such as live intelligence on criminal investigations as well as on policing techniques, knowledge of which would have been of assistance to members of the crime networks in seeking to avoid detection). The report proposed allocating more anti-corruption resources to deal with these networks. As a result of the report and associated intelligence, a number of covert operations were undertaken which identified organised crime syndicates with associations to corrupt current and former MPS officers in north-east and east London.
- 11.14. Operation Zloty, which was initiated in 2001, is an example of the sort of covert investigations that were undertaken at this time. Its aim was to investigate suspected links between an organised crime syndicate and a number of serving and former police officers. Operation Zloty investigated these criminal associations and sought evidence of the extent of the spread of the network in London.

- 11.15. As a result of the operation, nine officers were identified as being part of the network, two of whom were convicted. A further six faced police gross misconduct procedures, resulting in four dismissals and two findings of misconduct.
- 11.16. Police corruption in the MPS in the past can be characterised as involving pockets of officers in specialist squads who had corrupt associations with criminals. Today, the MPS Directorate of Professional Standards considers that the primary threat faced by the MPS is exploitation of staff through inappropriate relationships with journalists, private investigators and criminals. These relationships can lead to both intentional and inadvertent disclosure of information. All grades of officers and staff in the MPS are susceptible. This threat has evolved over time and differs from the intelligence picture in 1993, which indicated that corruption was primarily focused in larger squads and involved more direct acts of criminality. However, the commission of offences similar to those being carried out in the 1990s has not been eradicated. Members of the MPS workforce continue to be investigated, arrested and convicted for serious criminality and improper disclosure of information.
- 11.17. As the nature of corruption has changed over the years, so the response of the MPS has evolved to tackle it, building on historical approaches. The MPS has retained and developed the intelligence-gathering and investigative capability that was created in the 1990s to tackle serious police corruption, including the use of covert tactics by its own dedicated team within the counter-corruption command. This recognises that the threat to the MPS of corrupt activity remains significant, with some corrupt police officers and staff members involved in serious and organised criminality.
- 11.18. The MPS also undertakes preventive activity and has invested significantly in this approach. The Directorate of Professional Standards works with other units in the force to identify risks and implement safeguards so that corrupt activity can be identified and mitigating steps taken. It also continues to work closely with the IPCC and CPS to ensure that cases are prepared and presented to the highest standard to help increase the likelihood of successful prosecutions. Mindful of the methods used by criminals who seek to corrupt those in law enforcement work, the MPS has also worked with other forces and law enforcement agencies, for example collaborating with the National Crime Agency and Her Majesty's Revenue and Customs in recent covert operations.
- 11.19. From 1 April 2013 to 31 March 2014, the MPS Department of Professional Standards carried out 419 investigations into reports of behaviour HMIC considers are likely to involve corruption: drug-related offences, bribery, theft, including fraud and dishonesty, sexual misconduct, and unauthorised information disclosure (see paragraph 9.24).



11.20. These investigations resulted in 69 officers and staff leaving the service through dismissal or retirement/resignation.

11.21. HMIC's inspection of the MPS in 2014 found that it identifies and manages threat, risk and harm from corruption actively and effectively. It has strong systems to monitor social media use and carries out random and with-cause drug testing of its officers and staff, and conducted over 600 such tests between 1 April 2013 and 31 March 2014. We found that there is a good capacity to develop intelligence and actively search for and investigate corruption, and put in place precautions to reduce the risk of compromise of operations.

## **Conclusions**

11.22. The lessons learned by the MPS's experience over the years include the acknowledgement that, notwithstanding how many officers and staff are caught behaving in a way that constitutes misconduct or corruption, others will continue to do so. The need to promote the highest standards of integrity and to remain vigilant in order to detect and deal with misconduct and corruption when it occurs remains undiminished.

## 12. Conclusion

- 12.1. Public interest in issues surrounding police integrity is unlikely to diminish. There will continue to be both concerns about institutional shortcomings, and cases where the conduct of individual members of police forces falls below the standard that the public (and their colleagues) have the right to expect.
- 12.2. In addition to this inspection, there have been a number of other announcements and reports related to police integrity over the last 12 months.<sup>157</sup> At the time of writing, the Home Office was consulting on potentially substantial changes to the police complaints and disciplinary systems.<sup>158</sup> We have therefore limited our recommendations to those areas that are not affected immediately by these proposals.
- 12.3. This inspection examined: the extent to which progress had been made since our 2012 integrity inspection;<sup>159</sup> the efforts made by chief officers to create a culture of integrity; the systems in place to promote integrity and tackle misconduct; and the systems in place to tackle corruption. We also addressed the Home Secretary's commission to consider reports into past investigations of corruption carried out by the MPS (see paragraph 11.1).
- 12.4. In general, it is clear that the arrangements that police forces have in place to promote integrity are in appreciably better shape than when we carried out our reviews of integrity in police relationships in 2011<sup>160</sup> and 2012,<sup>161</sup> during which we identified 125 areas for improvement. This inspection found progress had been made in 122 of those areas, although some forces had made less progress than others.

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<sup>157</sup> For example, on 12 February 2014, the Home Secretary made a statement to the House of Commons about the Hillsborough stadium disaster, see House of Commons Official Report, 12 February 2014, Column 851, and on 6 March 2014, she made a statement to the House of Commons on the Ellison Review, see House of Commons Official Report, 6 March 2014, Column 1061.

<sup>158</sup> *Improving Police Integrity: Reforming the police complaints and disciplinary systems*, Cmnd 8976, December 2014.

<sup>159</sup> *Revisiting Police Relationships: A progress report*, HMIC, December 2012. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

<sup>160</sup> *Without Fear or Favour: A review of police relationships*, HMIC, December 2011. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

<sup>161</sup> *Revisiting Police Relationships: A progress report*, HMIC, December 2012. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

## Leadership and systems

- 12.5. HMIC was pleased to see that chief officers were demonstrably taking seriously issues of police integrity, and taking steps to create an ethical culture. This was evident from the wide range of efforts made to meet with officers and staff and to discuss such issues; this included discussions about the new Code of Ethics (see further paragraph 12.7 below). This finding was reinforced by our survey of some 17,200 police officers and staff, where approximately three-quarters of respondents agreed or strongly agreed that chief officer teams were sending clear messages about the importance of integrity. Additionally, HMIC was pleased to find that, in a time of austerity, the resourcing levels in most professional standards departments and anti-corruption units had been protected.
- 12.6. However, we also found that officers and staff continued to rely on their own sense of right and wrong, for example, in deciding whether to accept the offer of a gift or hospitality, rather than referring to the guidance provided by the force.
- 12.7. The publication of the Code of Ethics provides a clear opportunity to put integrity issues uppermost in the minds of all officers and staff.<sup>162</sup> The new HMIC PEEL programme<sup>163</sup> provides a further such opportunity, as it will see HMIC inspecting the legitimacy of forces every year, building on many of the issues covered in this inspection.
- 12.8. Whilst not within the scope of this inspection, we were pleased to note that many police and crime commissioners had established ethics panels. Such panels reinforce the importance of forces both acting with integrity, and having robust systems in place to promote ethical behaviour and deal with misconduct and corruption.
- 12.9. Our inspection found that forces were using a wide range of structures and resourcing models for their professional standards departments and anti-corruption units. In part, this reflected the range of force sizes across England and Wales, and the different challenges they face – but this was not always the case. Our inspection did not consider which structure or model provides the best approach to tackling misconduct and combating corruption, as this will be affected by local circumstances.

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<sup>162</sup> *Code of Ethics:- A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, 2014. Available from [www.college.police.uk](http://www.college.police.uk)

<sup>163</sup> The Police Effectiveness, Efficiency and Legitimacy (PEEL) programme is where HMIC draws together evidence from its all-force inspections. See [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

- 12.10. While we were pleased that all forces have systems in place to enable officers and staff to report concerns about integrity-related issues, more needs to be done by chief officers to encourage officers and staff to challenge and report unethical, unprofessional or illegal behaviour. Despite the confidential nature of the reporting methods, a large proportion of those who responded to our survey said that they do not trust them, and so are unlikely to use them to report suspected wrongdoing. This is likely to affect reporting rates, and means that forces may not be receiving all the information and intelligence about misconduct and corruption that might otherwise be available to them.
- 12.11. Wrongdoing is also less likely to be challenged if individuals feel that they will not be supported, or fear that they will suffer adverse consequences by raising a concern. Chief officers have more to do to reassure the workforce of the confidentiality of the ways of reporting wrongdoing, and to support fully those who have the courage to report it by preventing any resultant adverse consequences.
- 12.12. Chief constables should have the structures and resources in place not only to deal effectively with the information their force receives, but also actively to look for threats, risks and trends on misconduct and corruption issues. This requires forces to have sufficient analytical capability to maintain and regularly review intelligence about corruption, registers of gifts and hospitality, expenses claims, business interests, procurement activity and notifiable associations. Our inspection found that the lack of sufficient analytical capability in many forces was a weakness and made forces more vulnerable to corruption as a result of not having a fuller understanding of the nature and extent of the problems they face.

## **Outcomes of investigations**

- 12.13. From 1 April 2013 to 31 March 2014, there were 32,424 public complaints recorded against police officers and staff in England and Wales, comprising 58,197 separate allegations. A large proportion of these allegations (over 27,300) were categorised as either 'other neglect or failure in duty' or 'incivility, impoliteness and intolerance'. Such allegations are predominantly at the lower end of the scale of misconduct, and therefore can be resolved by local managers, rather than professional standards departments.
- 12.14. As we said at the start of this report, many of these complaints relate to genuine concerns about police conduct; but others are unfounded or malicious. Therefore, the number of public complaints cannot be used on its own as an indicator of how well the police interact with the public, which would require further analysis on the nature and outcomes of the complaints.

- 12.15. At 4,580, the number of investigations relating to the specific areas of concern, and which may also involve corruption, remained broadly similar in 2013/14 compared to 2012/13. However, the lack of a single legal or generally agreed definition of corruption makes comparisons problematic.
- 12.16. The dismissal in 2013/14 of 134 officers and staff, and the disciplinary sanctions imposed on a further 711, indicates that misconduct is being taken seriously and that forces are taking action against those officers and staff who do not display the standards of behaviour expected of them. However, the relatively large proportion of investigations resulting in no further action being taken is a cause for concern.
- 12.17. Similarly, the disparity between the proportion of cases where no further action is taken in relation to officers when compared to staff needs further analysis to ensure that both sections of the workforce are being treated fairly.
- 12.18. An area of concern was that, in some forces, we were told by some officers and staff that they believed managers referred a disproportionate number of complaints involving black and minority ethnic officers or staff to professional standards departments for formal misconduct investigation. It was suggested to us that this was because those managers lacked confidence in using the misconduct procedures that would allow them to deal with such cases locally. However, we found no evidence during our inspection to support or refute this suggestion. We also found anecdotal evidence that some managers preferred to use the formal procedures to report the behaviour of black and minority ethnic colleagues in order to avoid allegations of discrimination, rather than challenging the behaviour directly, as they might with white colleagues.
- 12.19. Whatever the reason, forces need to ensure that all officers and staff are treated fairly and without discrimination. This is, of course, important not just for those working in the force, but also for the public, who need to be reassured that in all its actions their police force acts fairly.

## **Capability and capacity**

- 12.20. At the start of this report, we highlighted the complexity of the framework for dealing with misconduct and corruption. The various regulations and offences that govern this area, coupled with the lack of an agreed definition of corruption, make it extremely difficult to determine accurately the scale of misconduct and corruption in forces.
- 12.21. As noted above, it is encouraging that despite budget cuts, forces have in the main maintained resourcing levels in their professional standards departments and anti-corruption units. However, while it is clear that the majority of forces have the capability to deal with the misconduct and corruption reported to them, too few are able actively to seek intelligence about misconduct and

corruption, and communicate to their workforce and the public that they are doing so. Those forces that do not look for such activity are missing opportunities to prevent and detect misconduct and corruption.

## **Next steps**

12.22. The coming years will present further challenges for police forces. Additional efficiencies will be needed, while the public, police and crime commissioners and Government will continue to expect the police to maintain standards in tackling crime and anti-social behaviour effectively, and for them to do so with integrity and honesty. These are issues that our PEEL inspections will consider throughout 2015.

12.23. The findings of this report will assist HMIC in the development of the legitimacy inspection.

12.24. We are very grateful to all those who took part in this inspection.

## 13. Summary of recommendations

1. The Home Office, when considering the responses to its consultation “Improving Police Integrity”, should work with the College of Policing and the relevant national policing leads to establish whether the regulatory and legislative framework allows forces to understand clearly the distinction between those activities that should be treated as misconduct and those that should be treated as police corruption.
2. Within three months of the Home Office announcing its proposals in response to its consultation “Improving Police Integrity”, the relevant national policing leads should issue clear guidance to police forces and the National Crime Agency on:
  - the regulations that should be used by professional standards departments to deal with any issue of police misconduct; and
  - the legislation that should be used by anti-corruption units to deal with any cases of corruption.
3. With immediate effect, all forces should ensure that the initial assessment of all public complaints is conducted by a chief inspector or police staff equivalent in accordance with:
  - Police (Complaints and Misconduct) Regulations 2012, Regulations 30 and 33 – in respect of public complaints, and
  - Police (Conduct) Regulations 2012, Regulation 3(5) – in respect of internal misconduct reports.
4. By 31 August 2015, chief constables should review the number of officers and staff with protected characteristics who have formal allegations made against them, to ensure that force processes are operating without bias or discrimination.
5. By 31 August 2015, the Home Office should ensure that all forces record reported misconduct in a consistent manner.
6. By 31 August 2015, all forces should have systems in place to publish the outcomes of all misconduct cases including those involving criminal and corrupt behaviour.
7. By 31 August 2015, all forces should have in place a confidential means of reporting wrongdoing, in which officers and staff have confidence.

8. By 31 August 2015, the College of Policing and the relevant national policing lead should issue guidance to all forces about the support that forces should provide to those officers and staff who report wrongdoing.
9. By 31 August 2015, all forces should ensure that their policies on the acceptance of gifts and hospitality comply with the national guidelines. By the same date, all officers and staff should be reminded of the policies.
10. By 31 August 2015, all forces should comply with national vetting policies.
11. By 31 August 2015, in order to identify potential corruption, all forces should have systems in place to assess annually:
  - whether information on approved business interests remains up to date, and is appropriate;
  - where business interests have not been approved, that this decision has been complied with;
  - whether information in respect of notifiable associations remains up to date and is appropriate; and
  - registers concerning procurement of services.
12. By 31 August 2015, all forces should ensure they have the necessary capability and capacity to develop and assess corruption-related intelligence in accordance with the authorised professional practice.
13. By 31 August 2015, all chief constables should satisfy themselves that they have processes in place to ensure that investigations into misconduct by officers and staff resulting in “no further action” are fair and free of any form of discrimination.
14. By 31 August 2015, all forces should ensure that there is sufficient analytical capability to analyse threats, risks, harms and trends in respect of misconduct, criminality and corruption in support of professional standards departments and anti-corruption units.



## Annex A

### Police Integrity and Corruption 2014 - Terms of Reference

#### Purpose

Her Majesty's Inspectorate of Constabulary (HMIC) inspects policing in the public interest.

This inspection has been commissioned by the Home Secretary following several revelations of wrongdoing by police, and specifically police leaders, together with previous HMIC reports on the subject. The Home Secretary has further requested, in a letter to HMCIC dated 6 March 2014, that the inspection should specifically examine each force's capability in relation to anti-corruption, including force professional standards departments (PSD), and the capability of forces to gather regular actionable intelligence on corruption matters.

There are a number of considerations for this inspection, the starting point being integrity concerns raised by the Home Secretary. These were referenced in the Home Secretary's statement to Parliament and subsequent letter to HMIC on 12 February 2013, and some of them are replicated below:

*"The new measures are designed to ensure the highest standards of integrity in the following ways:*

- *ensuring the police become more transparent in their business;*
- *setting out clearer rules for how officers should conduct themselves;*
- *opening up the top ranks so policing is less at risk from professional insularity;*
- *ensuring that officers who do wrong are investigated and punished;*  
*and*
- *ensuring that the organisations we ask to police the police, like the IPCC, are equipped to do the job."*

The bullet points highlighted in bold are the three in which we are principally interested for the purposes of this inspection. These are transparency, clarity (and understanding) of rules around professional conduct and standards, and (looking for) investigating and punishing those that do wrong.

HMIC has conducted a number of inspections in the last two years which will be used to underpin this work:

1. *Without Fear or Favour*, published in December 2011. This inspection identified significant inconsistencies in the way forces and police authorities managed relationships, with little governance and oversight in place. There was a real lack of clarity on boundaries, and on the appropriateness (or otherwise) of gifts and hospitality. Checks and balances in these areas were generally found to be weak.
2. *Revisiting Police Relationships: A Progress Report* published in December 2012. This found that while some progress had been made, particularly by putting in place processes and policies to manage threats to integrity, more needed to be done. The pace of change also needed to increase, not least to demonstrate to the public that the police service is serious about managing integrity issues. In particular, our findings showed that more needs to be done by the police service to establish and intensify high degrees of conscious self-management of integrity issues.
3. *Review of the Capability and Capacity of Police Professional Standards Departments*. This was prepared in response to the Home Secretary's commission in her letter of 12 February 2013. This report was not published.

The first two of the above inspections identified the importance of leadership in promoting ethics, standards and integrity as well as in ensuring that systems and processes are in place to enforce the standards.

The purpose of this inspection is to determine, on behalf of the public, whether each force's workforce acts with integrity.

**Overarching Question:**

Does the force's workforce act with integrity?

**Underpinning questions:**

*What progress has the force made on managing professional and personal relationships with integrity and transparency, since HMIC's December 2012 report?*

- (a) What progress has the force made in communicating and embedding ethical behaviour to all staff, including the new Code of Ethics?*
- (b) How well does the force proactively look for, and effectively challenge and investigate, misconduct and unprofessional behaviour?*
- (c) How well does the force prevent, identify and investigate corruption?*

## Inspection approach

Inspection activity in forces will consist of three distinct phases:

### *(d) Pre-fieldwork phase*

This will include a requirement for forces to provide documentary details of policies and strategies to identify any documentary evidence of systems and processes. It will also include a requirement for forces to provide relevant data to inform the fieldwork phase.

### *(e) Fieldwork phase*

Fieldwork will be broken down into:

- interviews of relevant staff, focus groups, reality testing, and a dip-sample of a small number of professional standards department files. The current planning assumption is that the fieldwork phase will be conducted by a team made up of staff from the regional HMIC office, and at least one specialist member of staff provided from the core project team or a suitably experienced associate inspector. Peer inspectors from forces and Transparency International UK will also be used where possible.
- survey work. This will consist of a survey of police officers and police staff. Consideration will also be given to surveying members of the public.

### *(f) Post-fieldwork phase*

- Quality assurance of reports will be conducted centrally by the specialist staff officer with specialist support and internal moderation led by the senior responsible owner. The current planning assumption is that HMIC will make judgments, but the detail of this has yet to be finalised.
- HMIC will publish individual force reports for each force visited. .
- In addition, HMIC will produce a national report on corruption drawing out the key issues. The report will contain judgments and observations reflecting strengths and areas for improvement enabling all forces to improve their effectiveness and capability in this area.

## Methodology

HMIC will write to all chief constables and police and crime commissioners to introduce the police integrity and corruption inspection. The business area lead, Chief Constable Jacqui Cheer, is already aware of the proposal details of which have also been published in the HMIC business plan for 2013/14.

A project board, chaired by the senior responsible owner, has been set up to oversee the progress of the project. The board will meet every two weeks at the start of the project, every month through the fieldwork phase, and every two weeks during the post-fieldwork phase.

The pre-fieldwork phase will include a data request to forces, updating previous requests made for *Revisiting Police Relationships: A Progress Report* in 2012 and the *Review of the Capability and Capacity of Police Professional Standards Departments* in 2013. Relevant policy documentation has also been requested ahead of the fieldwork.

The fieldwork phase will consist of:

- interviews and focus groups of relevant staff;
- a dip-sample of a small number of PSD files to determine the appropriateness of actions taken, i.e. level of supervision and referral to the Independent Police Complaints Commission; and
- a policy document review.

The following will be interviewed:

- chief constable or chief officer lead;
- head of professional standards department;
- head of procurement;
- head of specialist/major crime;
- head of communications/media;
- head of information management/data protection;
- head of intelligence;
- head of human resources;
- police constables, sergeants, and police staff (focus group);
- detective constables, detective sergeants and specialist squads/professional standards department (focus groups).

The inspection team will need access to the force's gifts and hospitality register and may also require access to individual officers' diaries in order to identify meetings with external agencies.

### **Staffing**

Each inspection team will consist of at least four members of staff, including one staff member from the relevant region (lead staff officer or staff officer), and one member of the core inspection team, reinforced by suitably experienced members of the national team and/or associate inspectors and peers.

### **Fieldwork schedule**

For each force, three days were allocated for completion of the fieldwork.

Forces were notified of the inspection in an email sent during May 2014; the inspection began in June 2014. Following completion, the findings were debriefed in force to allow for initial comment.

## Annex B

### Inspection methodology

<b>Pre-fieldwork phase – March to May</b>	
Documentary review	A research exercise of policies, procedures and guidance to determine the direction, influence and control that organisations have on operational officers in respect of integrity and anti-corruption.
Stakeholder/partner consultation	Consultation with partners and stakeholders at regular intervals to ensure the methodology is effective. The external reference group includes partners such as the College of Policing, the business area lead for integrity, the Independent Police Complaints Commission, the Police Superintendents' Association, the Police Federation and Unison. The external reference group also includes those organisations with an interest in integrity and anti-corruption, i.e., academics, Transparency International, Inquest and Liberty.
Methodology pilot	The methodology will be piloted in Cleveland at the end of April to assess if it provides the required evidence to answer the high level questions sufficiently.
Data analysis	Drawing on information already held to produce comparative analysis of integrity and anti-corruption data, at force level and nationally.
Public and police perception	<p>We will draw information from existing public surveys on police integrity and corruption.</p> <p>We will carry out a staff survey to seek the views of officers and staff on integrity and corruption matters</p>

<b>Fieldwork phase – May to July</b>	
Leadership and governance	Interviews in each force with key staff such as the chief officer lead for integrity and corruption, the head of the professional standards department, the head of procurement, the head of communications, crime managers and intelligence managers. The aim is to assess the level of governance, control, direction and influence that leaders exert. A meeting will also be offered to the police and crime commissioner to discuss the issue.
Officer perception	We will carry out focus groups with operational officers and supervisors to understand how well leadership messages in relation to integrity and corruption are communicated to staff.
Reality testing	This will involve unannounced visits to stations to seek officer and staff opinion, particularly about the messages received from leaders. It will also include checking relevant registers and a dip-sample of some professional standards department and anti-corruption unit cases to check on timeliness, supervision and record-keeping of decision making.
<b>Post fieldwork phase – August to October</b>	
Evidence assessment	<ul style="list-style-type: none"> <li>We will draw together the various strands of evidence, including data, documents, surveys, interviews and reality testing.</li> </ul>
Report drafting and publication	<p>To include:</p> <ul style="list-style-type: none"> <li>drafting and publication of a published report for each of the inspected forces, outlining our findings to the public;</li> <li>drafting and publication of a national thematic report for the public, outlining the findings across the service in relation to corruption; and</li> </ul>

	<ul style="list-style-type: none"><li>• drafting and publication of a national thematic report for the public, outlining the findings across the service on the progress made since HMIC's 2012 report, and the forces' ability to identify and deal with integrity issues.</li></ul>
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## Annex C

### The law relating to corruption

The Criminal Justice and Courts Bill, currently proceeding through Parliament, will introduce a new offence of corrupt or other improper exercise of police powers and privileges. Before now, there has been no prohibition aimed specifically at corrupt behaviour by police officers, though such behaviour has been subject to criminal sanction by a number of routes, as set out below.

Corrupt police officers are subject to such sanction because they are public office holders in whom Parliament and the public have vested trust. The essential principle underlying the law in this area, both historic and current, has been expressed by the authors of *Corruption and Misuse of Public Office*,<sup>164</sup> as follows:

*“Many public office holders are given extensive powers in the expectation that these will be exercised for the public good. Such privilege of power brings with it obligation: it must be exercised conscientiously, without fear or favour, and without being used as a tool for illicit gain. In the event that the position of trust is breached, the common law therefore singles out the public office holder for sanction in a way in which the holder of a non-public office or position is not” (§6.15).*

This passage identifies a number of themes that recur in those statutes and parts of the common law that are addressed to corruption, as summarised below: first, a focus on public office holders; secondly, the concept of the conscientious exercise of public power as the standard by reference to which illegality is to be judged; and thirdly, the notion of a breach of public trust by such an office holder as the hallmark of corruption.

### The Prevention of Corruption Acts

Until their repeal by the Bribery Act 2010, certain corrupt practices were criminalised by the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916 (collectively, the “Prevention of Corruption Acts”). The offences so prohibited had several elements applying, in broad terms, to those who:

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<sup>164</sup> 2nd edition (2011), Oxford University Press.

- (a) on one hand *solicited, received or agreed to receive*, or on the other, *gave, promised, or offered to give*, gifts, loans, fees, rewards or advantages;
- (b) did so as an *inducement or reward* for doing or forbearing to do something;
- (c) and did so *corruptly*.

However, none of the three Prevention of Corruption Acts contained a definition of what it is to do something “corruptly” for these purposes. The Court of Appeal has held that, in the context of these statutory offences, “corruptly” is “an ordinary word, the meaning of which would cause a jury little difficulty”, that it means “*purposefully doing an act which the law forbids as tending to corrupt*”, and that the mischief aimed at is “*to prevent agents and public servants being put in positions of temptation*” (*R v Wellburn* (1979) 69 Cr App R 254, 265 per Lawton LJ). It has also held that the word “corruption” is to be construed in terms of deliberately offering money or other favours with the intention that it should operate on the mind of the offeree so as to encourage him to enter into a corrupt bargain (*R v Harvey* [1999] Crim LR 70). In the recent case of *R v J* [2013] EWCA [2013] Crim 2287, Lord Thomas CJ, approving *Wellburn*, stated simply that “*it is an ordinary word with an ordinary meaning*” (§25).

The Prevention of Corruption Act 1906 extended the scope of the offences defined in the 1889 Act to include ‘agents’, which, by section 1(3) include “a person serving under the Crown”. Police officers serve under the Crown for these purposes, and were thus subject to prosecution under the Prevention of Corruption Acts before their repeal (see *Fisher v Oldham Corporation* [1930] 2 KB 364 and *R v Donald* [1997] 2 Cr App R (S) 272). Offences committed before 1 July 2011 may still be prosecuted under these Acts.

### **The Common Law offences**

In addition to the historical statutes, certain sorts of corrupt behaviour have traditionally been prosecuted under the venerable common law offences of bribery and misconduct in public office. The offence of bribery was abolished with effect from 1 July 2011 by the Bribery Act 2010. However, the offence of misconduct in public office continues in effect.

*Bribery*, for these purposes, has been defined in academic commentary as “the receiving or offering of any undue reward by or to any person whatsoever, in a public office, in order to influence his behaviour in office, and incline him to act contrary to the known rules of honesty and integrity”<sup>165</sup>. As in the case of the statutory offences, it was an offence at common law to *give*, to *receive*, to *offer* or to *solicit* a bribe. The offence could be committed by any persons acting in an official capacity or performing public functions, including police officers when acting in discharge of their

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<sup>165</sup> D Lanham, *Bribery and Corruption, Criminal Law: Essays in Honour of JC Smith*, P Smith (ed) (London: Butterworths, 1987).

public duties (*R v Gurney* (1867) 10 Cox 550; *R v Richardson* 111 Cent Crim Ct Sess Pap 612). However, the behaviour in respect of which the bribe was given, received, offered or solicited had to relate to the public duty of the person receiving the bribe (see *R v David* 1931 2 QWN 2, and *AG for Hong Kong v Ip Chiu* [1980] AC 663 PC). It was not an offence to bribe a public officer to do something unrelated to his public duties.

The offence of *misconduct in public office* similarly applies only to public office holders and is committed when such a holder of such office acts (including by omission) in a way which is contrary to his or her common law or statutory duty. A “public officer” for these purposes is any person appointed to discharge a public duty who is paid compensation therefore (*R v Bowden* [1995] 4 All ER 505). This offence (in evolving form) has constituted a basis for proceeding against corrupt and otherwise disreputable police officers for more than 400 years (see for instance *Mackalley’s Case* (1611) 9 Co Rep 656 and *Crouther’s Case* (1600) Cro Eliz 654; 78 ER 893).

The elements of the offence are that the person in question, acting in his capacity as a public office holder:

- (a) wilfully neglects to perform his duty and/or wilfully misconducts himself
- (b) to such a degree as to amount to an abuse of the public’s trust in the office holder
- (c) without reasonable excuse or justification<sup>166</sup>.

The offence is thus broader in scope than the more specific common law offence of bribery, or indeed the offences defined in the Prevention of Corruption Acts, and may encompass conduct that, while clearly wrong, would not classically be regarded as “corrupt”. In *R v Llewellyn-Jones* [1968] 1 QB 429, the Court of Appeal held that the offence could include activities of oppression, extortion, corruption, partiality and fraud. In *R v W* [2010] EWCA Crim 372, the Court of Appeal similarly recognised that the offence may encompass a wide range of types of wrongdoing, and noted at §8 that its “principal applications are said to include: (a) *frauds and deceits (fraud in office)*; (b) *wilful neglect of duty (nonfeasance)*; (c) *“malicious” exercises of official authority (misfeasance)*; (d) *wilful excesses of official authority (malfeasance)*; and (e) *the intentional infliction of bodily harm, imprisonment, or other injury upon a person (oppression)*.”

The misconduct in question must in any event be serious, the touchstone being whether the behaviour is such as to abuse the public’s trust in the office holder. As the Court of Appeal emphasised in *AG’s Reference (No 3 of 2003)* [2004] EWCA Crim 868:

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<sup>166</sup> [2004] EWCA Crim 868 at §61, per Pill LJ

*“There must be a serious departure from proper standards before the criminal offence is committed; and a departure not merely negligent but amounting to an affront to the standing of the public office held. The threshold is a high one requiring conduct so far below acceptable standards as to amount to an abuse of the public’s trust in the office holder. A mistake, even a serious one, will not suffice. The motive with which a public officer acts may be relevant to the decision whether the public’s trust is abused by the conduct” (§58).*

Cases in which police officers have been prosecuted for misconduct in public office in recent years include cases in which officers have misused their position to obtain and then sell information (*R v Kasim* [2006] 1 Cr App R(S) 12; *R v Turner* [2009] EWCA Crim 2219), cases in which they have sexually abused vulnerable persons while on duty (*R v Harrington*, November 2003, unrep.; *R v Witcher and Lang*, March 2005, unrep.), and cases in which they have given false evidence (*R v Burrows*, July 2007, unrep.), among others.

### **The Bribery Act 2010**

The Bribery Act 2010 abolished and replaced both the historical statutory offences under the Prevention of Corruption Acts and the common law offence of bribery.

Section 1 makes it an offence for a person to offer, promise or give a financial or other advantage to another person either (1) intending that the advantage will (a) induce that person to perform improperly a function or activity, or (b) reward that person for the improper performance of such function or activity, or (2) knowing or believing that the acceptance of the advantage would itself constitute the improper performance of a function or activity.

Section 2 makes it an offence for a person to request, agree to receive or accept a financial or other advantage where (1) the person intends that, in consequence, a relevant function or activity should be performed improperly, (2) the request, agreement or acceptance itself constitutes improper performance by the person of a relevant function or activity, or (3) the advantage is a reward for the improper performance of a relevant function or activity. Under section 2(5) it is also an offence where, in anticipation of or in consequence of a person requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly.

Unlike common law bribery, the offences under the Bribery Act are not restricted to holders of public office, or the performance of their public duties, and “relevant function or activity” for the purpose of section 2 includes in principle (a) any function of a public nature, (b) any activity connected with a business, (c) any activity performed in the course of a person’s employment, and (d) any activity performed by or on behalf of a body of persons. Under s. 3, such activities and functions are “relevant” if they meet one or more or three conditions, namely (1) that a person

performing the function or activity is expected to perform it in good faith (“Condition A”), (2) that a person performing the function or activity is expected to perform it impartially (“Condition B”) and (3) that a person performing the function or activity is in a position of trust by virtue of performing it (“Condition C”).

Section 4 defines “improper performance”, for the purpose of sections 1 and 2, as follows:

*(1) For the purposes of this Act a relevant function or activity –*

*(a) is performed improperly if it is performed in breach of a relevant expectation, and*

*(b) is to be treated as being performed improperly if there is a failure to perform the function or activity and that failure is itself a breach of a relevant expectation.*

*(2) In subsection (1) ‘relevant expectation’ –*

*(a) in relation to a function or activity which meets condition A or B, means the expectation mentioned in the condition concerned and*

*(b) in relation to a function or activity which meets condition C, means any expectation as to the manner in which, or the reasons for which, the function or activity will be performed that arises from the position of trust mentioned in that condition.*

*(3) Anything that a person does (or omits to do) arising from or in connection with that person’s past performance of a relevant function or activity is to be treated for the purposes of this Act as being done (or omitted) by that person in the performance of that function or activity.”*

Under section 5, the test of what is expected is a test of “*what a reasonable person in the United Kingdom would expect in relation to the performance of the type of function or activity concerned*”.

In summary, and in broad terms, the Bribery Act makes it an offence to bestow (or offer) or to receive (or request) an advantage where such act is designed to induce, or will result in, a breach of good faith, impartiality or trust.

### **The new offence of corrupt or improper exercise of police powers and privileges**

In her speech to Parliament on 6 March 2014, the Home Secretary explained that the new offence is intended to supplement the existing offence of misconduct in public office, and to focus clearly on those who hold police powers. A Home Office Fact Sheet states that:

*“The new offence carves out of the existing common law offence of misconduct in public office cases where a police officer exercises his or her powers or privileges for either their own benefit or to the benefit or detriment of someone else, and that a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.”*

As currently drafted, the salient parts of the relevant clause of the Criminal Justice and Courts Bill provide as follows:

*Corrupt or other improper exercise of police powers and privileges*

*(1) A police constable listed in subsection (3) commits an offence if he or she –*

- (a) exercises the powers and privileges of a constable improperly, and*
- (b) knows or ought to know that that exercise is improper.*

...

*(3) The police constables referred to in subsection (1) are -*

- (a) a constable of a police force in England and Wales;*
- (b) a special constable for a police area in England and Wales;*
- (c) a constable or special constable of the British Transport Police Force;*
- (d) a constable of the Civil Nuclear Constabulary;*
- (e) a constable of the Ministry of Defence Police;*
- (f) a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable.*

*(4) For the purposes of this section, a police constable exercises the powers and privileges of a constable improperly if –*

- (a) he or she exercises a power or privilege of a constable for the purposes of achieving –*
  - (i) a benefit for himself, or*
  - (ii) a benefit or a detriment for another person, and*
- (b) a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.*

*(5) For the purposes of this section, a police constable is to be treated as exercising the powers and privileges of a constable improperly in the cases described in subsections (6) and (7).*

*(6) The first case is where –*

*(a) the police constable fails to exercise a power or privilege of a constable,*

*(b) the purpose of the failure is to achieve a benefit or detriment described in subsection (4)(a), and*

*(c) a reasonable person would not expect a constable to fail to exercise the power or privilege for the purpose of achieving that benefit or detriment.*

*(7) The second case is where –*

*(a) the police constable threatens to exercise, or not to exercise, a power or privilege of a constable,*

*(b) the threat is made for the purpose of achieving a benefit or detriment described in subsection (4)(a), and*

*(c) a reasonable person would not expect a constable to threaten to exercise, or not to exercise, the power or privilege for the purpose of achieving that benefit or detriment.*

...

As may be seen, the proposed new offence shares certain elements with the statutory offence of bribery under the 2010 Act. In each case, the offence is defined by reference to a notion of “improper” behaviour (“improper” performance of a relevant function or activity in the case of bribery; “improper” exercise of powers and privileges in the case of police corruption), and in each case, “improper” is defined by reference to a reasonable person’s expectations as to behaviour in the relevant sphere.

The new offence has a number of notable features.

First, as drafted, it is an offence that only those police constables set out at subsection (3) can commit. In this regard, it differs from existing and historic anti-corruption legislation, which is or was designed to capture conduct in a much wider range of spheres.

The focus on police constables may reflect the fact that police officers enjoy far-reaching powers to interfere with the individual that are not afforded to any other citizens, including powers to stop and search, powers to deny a person his liberty, powers to invade a person's privacy and person, and powers to access sensitive information. Police constables are subject to special obligations of trust, which the new offence is designed to enforce.

Secondly, subsections (6) and (7) expressly bring cases both of *failure* to exercise and of *threat* to exercise a police power or privilege within the ambit of the offence.

Thirdly, the "improper" exercise of powers and privileges is defined in subsection (4) in terms of (a) the *purpose* for which the power/privilege is exercised (the purpose must be the achievement of a benefit for the constable in question, or of a benefit or detriment to another), and (b) whether a reasonable person would *expect* the power/privilege to be exercised for that purpose. Although it remains to be seen how courts will interpret these provisions, this definition suggests a contrast, in cases of "improper exercise" between the purpose for which a power or privilege is conferred, and the purpose for which it is exercised. For instance, a reasonable person would expect the police power of stop and search to be used only for the prevention or detection of crime, which is the purpose for which it was conferred.

Where that power is instead used in order to cause harm to the person subject to stop and search (for instance, where it is used to intimidate), or to achieve a benefit for the constable in question (for instance, in order to extract a payment from that person), then the purpose to which it is being put differs from the expectations of a reasonable person.

### **The meaning of corruption**

As is evident from the above survey, "corruption" has no universally applicable meaning, in law or in ordinary English. The Oxford Dictionary of English defines corruption as 'dishonest or fraudulent conduct by those in power, typically involving bribery...'<sup>167</sup> Bribery has always been understood to constitute a central case of corruption; however, the forms of behaviour naturally classified as "corrupt" go wider than this. On the other hand, "corruption" is a narrower category than "wrongdoing" or "misconduct" generally.

The authors of *Corruption and Misuse of Public Office* have understood it to encompass all those situations where agents and public officers break the confidence entrusted to them<sup>168</sup>. Similarly, Transparency International – an anti-corruption NGO – defines corruption as 'the misuse of entrusted power for private

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<sup>167</sup> 3<sup>rd</sup> edition, 2010

<sup>168</sup> Nicholls, *Corruption and Misuse of Public Office*, 2<sup>nd</sup> ed. §1.01



gain<sup>169</sup>. In a policing context, the Association of Chief Police Officers (ACPO) defines corruption as *“the abuse of one’s role or position held in the service for personal gain or gain for others”*, and in a paper of May 2010, The Serious Organised Crime Agency together with the ACPO Counter Corruption Advisory Group defined corruption as *“any activity carried out by an individual for gain, favour, advancement or reward that is inconsistent with the proper practice of their office, employment or responsibility”*<sup>170</sup>. Meanwhile, the IPCC/NPCCAG 2012 working definition provides that corruption occurs when: *“[a] Law Enforcement official commits an unlawful act or deliberately fails to fulfil their role, arising out of an abuse of their position, for personal or perceived organisational advantage, having the potential to affect a member of the Public...”*.

The Police Reform Act 2002, Schedule 3, paragraph 4(1) (b) provides that the police must refer a complaint to the IPCC where the conduct comes within a description set out in regulations. The regulations currently in force are The Police (Complaints and Misconduct) Regulations 2012, regulation 4(2) (iii) of which includes complaints of “serious corruption, as defined in guidance issued by the Commission” within those that must be referred to the IPCC. The IPCC’s 2013 Statutory Guidance to the police service on the handling of complaints states at §8.13 that “serious corruption” includes the following:

- *any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system;*
- *payments or other benefits or favours received in connection with the performance of duties amounting to an offence for which the individual concerned, if convicted, would be likely to receive a sentence of more than six months;*
- *abuse of authority;*
- *corrupt controller, handler or covert human intelligence source (CHIS) relationships;*
- *provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under section 55 of the Data Protection Act 1998;*
- *extraction and supply of seized controlled drugs, firearms or other material; or*
- *attempts or conspiracies to do any of the above.*

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<sup>169</sup> [www.transparency.org/whoweare/organisation/faqs\\_on\\_corruption/2/](http://www.transparency.org/whoweare/organisation/faqs_on_corruption/2/)

<sup>170</sup> SOCA/ACCAG assessment of the threat to UK law enforcement from corruption – May 2010

Drawing together the common threads of the multiplicity of definitions here referred to, HMIC proceeds on the basis that corruption by police officers is likely to involve some or all of the following (overlapping) elements:

- (a) conduct that is abusive of the trust which the public places in the police;
- (b) the exercise of police powers or privileges for purposes other than those for which they were conferred, or for which a reasonable person would expect them to be exercised, and which is to this extent “improper”;
- (c) the deliberate and self-serving misuse of a police power or failure to perform a police duty;
- (d) the exercise of police powers or privileges for personal gain, or in order to confer benefits or disbenefits on others.

## Annex D

### Survey methodology

A survey was designed to gather the views of police officers and police staff.

HMIC ran an online survey between 31 July and 31 August 2014, based on questions developed with the police service which related to the inspection criteria for both this integrity inspection, and HMIC's 2014 crime data integrity inspection.<sup>171</sup> HMIC sent the survey to all police forces in England and Wales and the Police Federation of England and Wales, with a request that they circulate it to serving officers, staff, PCSOs and special constables.

HMIC monitored response rates from forces throughout the duration of the survey. Where response rates were low (i.e., less than five percent of the workforce), HMIC made further requests to the relevant force to make officers and staff aware of the survey and encourage their engagement with it.

HMIC received over 17,000 responses (excluding respondents who stated that they were not working for a police force in England and Wales). HMIC is delighted with the uptake from the majority of police forces, with eight percent of the service offering us their view.

Because the survey was not designed to be statistically representative, the results need to be considered with the following points in mind:

- completing the survey was voluntary, so there is a risk that those with biased opinions feature disproportionately;
- HMIC does not know how the survey was promoted by forces or to whom it was sent;
- response rates varied significantly between forces (between 0.3 percent and 36 percent of the workforce); and
- as with all surveys, we cannot guarantee the integrity of each response. In particular, it is possible some respondents completed it several times or answered untruthfully, including about their involvement with the police.

As such, the results should be taken as indication of what is felt by officers and staff, but are not statistically representative.

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<sup>171</sup> *Crime Recording: Making the Victim Count*, HMIC, London, 2014. Available from [www.justiceinspectrates.gov.uk/hmic](http://www.justiceinspectrates.gov.uk/hmic)

## Annex E

### Police officer and police staff survey questions

This survey provides you with an opportunity to have your say on issues which HMIC is considering as part of its inspections of crime data integrity, and police integrity and corruption.

These are important issues for the police service and have the potential to materially affect the confidence that the public has in policing. The views and experiences of officers and staff are essential to producing a fully informed overview of these issues.

Your willingness to contribute by completing this survey is greatly appreciated and your views are valuable.

The survey should take no more than ten minutes to complete.

Please note these inspections, and therefore this survey, only cover the police forces in England and Wales (including the British Transport Police).

1) Please enter the code which was sent to you with the link to this survey.

If you were not sent a code please enter NOCODE. \*

2) Which of the following best describes you? \*

- Police officer
- PCSO
- Police staff member
- Special constable
- Member of staff for the office of the PCC

- Contractor working with police force
- Retired police officer
- Retired police staff member
- Member of public (none of the above)

3) Please indicate your rank \*

- Police constable
- Sergeant
- Inspector
- Chief inspector
- Superintendent
- Chief superintendent
- Assistant chief constable
- Deputy chief constable
- Chief constable

4) Which of these best describes your role? \*

- Police/PCC staff member
- Police/PCC staff supervisor
- Police/PCC staff manager
- Police/PCC staff senior manager

5) Which police force do you work for?

(Answers given here will only be used by HMIC to determine the geographical spread of responses and not to report on individual forces.) \*

- Avon and Somerset
- Bedfordshire
- Cambridgeshire
- Cheshire
- City of London
- Cleveland
- Cumbria
- Derbyshire
- Devon and Cornwall
- Dorset
- Durham
- Dyfed Powys
- Essex
- Gloucestershire
- Greater Manchester
- Gwent
- Hampshire
- Hertfordshire
- Humberside
- Kent

- Lancashire
- Leicestershire
- Lincolnshire
- Merseyside
- Metropolitan Police
- Norfolk
- North Wales
- North Yorkshire
- Northamptonshire
- Northumbria
- Nottinghamshire
- South Wales
- South Yorkshire
- Staffordshire
- Suffolk
- Surrey
- Sussex
- Thames Valley
- Warwickshire
- West Mercia
- West Midlands
- West Yorkshire
- Wiltshire

- British Transport Police
- Prefer not to say
- Other police force
- I do not work for the police

6) In which ACPO region is your force?

(Answers given here will only be used by HMIC to determine the geographical spread of responses and not to report on ACPO regions.)\*

- Eastern
- East Midlands
- London
- North East
- North West
- South East
- South West
- West Midlands
- Yorkshire and the Humber
- Wales
- Prefer not to say
- Other



7) What is your gender? \*

- Male
- Female
- Prefer not to say

8) Which of these best describes your ethnic origin? \*

Asian or Asian British

- Bangladeshi
- Indian
- Pakistani
- Any other Asian background

Black or Black British

- African
- Caribbean
- Any other black background

White

- British
- Irish
- Other

Mixed

- White and Black Caribbean
- White and black African
- White and Asian
- Any other mixed background

Other Ethnic Group

- Chinese
- Any other ethnic group

I do not wish to disclose my ethnic origin

9) Which of the following best describes your faith, religion, or beliefs? \*

- |                                            |                                      |
|--------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Buddhist          | <input type="checkbox"/> Christian   |
| <input type="checkbox"/> Hindu             | <input type="checkbox"/> Jewish      |
| <input type="checkbox"/> Muslim            | <input type="checkbox"/> Sikh        |
| <input type="checkbox"/> Other religion    | <input type="checkbox"/> No religion |
| <input type="checkbox"/> Prefer not to say |                                      |

10) Which of the following best describes your sexual orientation? \*

- Bisexual
- Lesbian
- Gay
- Heterosexual
- Prefer not to say

11) Do you currently consider yourself to have a disability? \*

- Yes
- No
- Prefer not to say

12) Which area of policing do you work in?

(Select all that apply.) \*

- Neighbourhood
- Response
- Investigation
- Control room
- Admin
- Finance
- Building services
- Professional standards
- Crime recording bureau
- Crime Management Unit
- Force Auditing Team
  
- Other (please specify):

13) How long have you been working in policing? Please give your answer to the nearest year. \*

The following four questions are being asked of the public as part of the Crime Survey of England and Wales and we would value your answers to them too. To what extent do you agree or disagree with the following statements:

14) I trust the police to record all crimes (when they should). \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

15) It is important that all crimes reported to the police are recorded accurately. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

16) It doesn't really matter if less serious crimes are not recorded, as long as the most serious are recorded. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

17) It is important for the public to be able to access accurate information about the number of crimes recorded in their local area. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

To what extent do you agree or disagree with the following statements:

18) Currently the chief officer team in my force encourages ethical activities, behaviours, and professionalism. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

19) Currently the chief officer team in my force clearly communicates the need for ethical crime recording. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

20) Currently the chief officer team in my force encourages officers and staff to challenge activities or behaviours that are unethical, unacceptable, unprofessional, or illegal. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

21) I am aware of my responsibility to challenge and report activities or behaviours that are unethical, unacceptable, unprofessional, or illegal. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

22) I am aware of the methods available to me if I want to report activities or behaviours that are unethical, unacceptable, unprofessional, or illegal, including the recording of crimes. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

23) Supervisors or managers encourage the challenging and reporting of activities or behaviours that are unethical, unacceptable, unprofessional, or illegal. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree



24) Apart from the recent publication of the Code of Ethics by the College of Policing, I last received guidance, briefings or training on what constitutes unprofessional and professional behaviour, and how they affect both the public and colleagues; \*

- In the last year
- Between a year and two years ago
- Between two and five years ago
- More than five years ago
- I don't remember
- Never

25) Does your role include taking reports of crimes, recording crimes, reclassifying crimes or making the decisions to 'no-crime' crimes?\*(Select all that apply to your job role)

- I take reports of crimes
- I record crimes on the crime system
- I reclassify crimes
- I make 'no-crime' decisions
- I supervise the recording of and/or classification of crimes
- I supervise 'no-crime' decisions
- None of the above

26) On average how often do you take reports of crime, record crimes, reclassify crime or make decisions to 'no-crime' crimes? \*

- Every day
- Several times a week
- Less than once a week

Thinking now specifically about crime recording within your force, to what extent do you agree or disagree with the following statements?

27) My force takes an approach to crime recording which focuses on the needs of the victim. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

28) Incident reports in my force contain sufficient information to allow us to record crime accurately. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

29) Checks or audits are made by my force to ensure that crimes are recorded accurately. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

30) I understand the process of crime recording to a level that is appropriate to my role. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

31) When did you last receive training or guidance on crime recording? \*

- In the last year
- Between a year and two years ago
- Between two and five years ago
- More than five years ago
- Never
- I don't remember

32) Have you ever experienced pressure (of any sort) not to record crime accurately? \*

- Yes
- No

33) What pressure have you experienced? \*

- Workload pressure
- Local performance pressure (from supervisors)
- Force level performance pressure (from senior management)
- Peer pressure (from colleagues)
- Timing within shift (i.e., end of shift)
- Pressure to focus on 'more serious crime' (not based on performance reporting)
  
- Other (please specify):

34) When did you last experience **workload** pressure? \*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember

35) When did you last experience **local performance pressure** (from supervisors)?  
\*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember

36) When did you last experience **force level performance pressure** (from senior management)? \*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember

37) When did you last experience **peer pressure** (from colleagues)? \*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember

38) When did you last experience **timing within shift** (i.e., end of shift)? \*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember

39) When did you last experience **pressure to focus on 'more serious crime'** (not based on performance reporting)? \*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember

40) When did you last experience **other pressure**? \*

- In the last 6 months
- Between 6 months and a year ago
- Between a year and two years ago
- Over 2 years ago
- I don't remember



Thinking about all aspects of policing, to what extent do you agree or disagree with the following statement?

41) I trust the confidentiality of the reporting methods available to me to report activities or behaviours that are unethical, unacceptable, unprofessional, or illegal \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

42) In the last two years, have you seen activities or behaviours in colleagues that are unethical, unacceptable, unprofessional, or illegal? \*

- Yes
- No

43) How many times have you seen these activities or behaviours in the last two years? \*

- One to four times
- Five to nine times
- More than ten times
- I don't remember

44) The last time I was aware of activities or behaviours of colleagues that were

unethical, unacceptable, unprofessional, or illegal, I: \*

Challenged the activity or behaviour (Definition of challenge: where a member of staff makes another member of staff aware that their behaviour is unacceptable).

Reported the activity or behaviour (Definition of reported: where a member of staff reports behaviour via a confidential reporting line or to any supervisor/manager with the expectation of an outcome).

Challenged and reported the activity or behaviour

Neither challenged nor reported the activity or behaviour

45) Why not? Please outline the reasons you did not challenge or report the activities or behaviours. \*

Did you feel supported in challenging this activity or behaviour?

46) Did you feel supported in challenging this activity or behaviour? \*

Yes

No

47) Please describe why did you not feel supported? \*

48) Did you suffer adverse consequences from confronting the activity or behaviour?  
\*

Yes

No

I don't remember

49) Please describe the adverse consequences.  
\*

50) Did you feel supported in reporting this activity or behaviour? \*

Yes

No

51) Please describe why did you not feel supported? \*

52) Did you suffer adverse consequences from reporting the activity or behaviour? \*

- Yes
- No
- I don't remember

53) Please describe the adverse consequences. \*

Considering all the questions you have answered, please reply to the following questions again.

To what extent do you agree or disagree with the following statements:

54) I trust the police to record all crimes (when they should). \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

55) It is important that all crimes reported to the police are recorded accurately. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

56) It doesn't really matter if less serious crimes are not recorded, as long as the most serious are recorded. \*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

57) It is important for the public to be able to access accurate information about the number of crimes recorded in their local area. \*

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

### **Comments**

58) If you have any other concerns not addressed in the rest of the survey please comment here.

Please note that fully anonymised quotes may be used in our national reports.

## Annex F

### **The nine policing principles in the Code of Ethics**

#### **Accountability**

You are answerable for your decisions, actions and omissions.

#### **Fairness**

You treat people fairly.

#### **Honesty**

You are truthful and trustworthy.

#### **Integrity**

You always do the right thing.

#### **Leadership**

You lead by good example.

#### **Objectivity**

You make choices on evidence and your best professional judgement.

#### **Openness**

You are open and transparent in your actions and decisions.

#### **Respect**

You treat everyone with respect.

#### **Selflessness**

You act in the public interest.

## Annex G

### The 10 standards of professional behaviour in the Code of Ethics

#### 1. Honesty and integrity

*I will be honest and act with integrity at all times, and will not compromise or abuse my position. According to this standard you must:*

- *act with honesty and integrity at all times*
- *use your position, police identification or warrant card for policing purposes only, and not to gain a personal advantage that could give the impression you are abusing your position.*

#### **Examples of meeting this standard are when you:**

- are sincere and truthful
- show courage in doing what you believe to be right
- ensure your decisions are not influenced by improper considerations of personal gain
- do not knowingly make false, misleading or inaccurate oral or written statements in any professional context
- neither solicit nor accept the offer of any gift, gratuity or hospitality that could compromise your impartiality
- do not use your position to coerce any person inappropriately or to settle personal grievances.

In abiding by this standard you gain and maintain the trust of the public, your leaders, your colleagues and your team. You are dependable and a role model.

The more senior in rank, grade or role you are, the greater the potential for harm as a consequence of any misuse of your position or any failure to meet the standards required by the Code.

#### ***Covert policing***

The police service operates on the basis of openness and transparency. This is essential to maintaining and enhancing a positive relationship between the policing profession and the community.



To achieve legitimate policing aims, it is sometimes necessary to use covert tactics. This is recognised in law.

Covert tactics must be appropriately authorised and any deployments must be shown to be proportionate, lawful, accountable, necessary and ethical.

Officers who authorise or perform covert policing roles must keep the principles and standards set out in the Code of Ethics in mind at all times.

## **2. Authority, respect and courtesy**

*I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.*

*I will use my powers and authority lawfully and proportionately, and will respect the rights of all individuals.*

According to this standard you must:

- carry out your role and responsibilities in an efficient, diligent and professional manner
- avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing
- ensure your behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public or your policing colleagues.

The reasons for your actions may not always be understood by others, including the public. You must, therefore, be prepared to explain them as fully as possible.

### **Examples of meeting this standard are when you:**

- remain composed and respectful, even in the face of provocation
- retain proportionate self-restraint in volatile situations
- recognise the particular needs of victims and witnesses for policing support
- step forward and take control when required by the circumstances
- keep an open mind and do not prejudge situations or individuals
- use your authority only in ways that are proportionate, lawful, accountable, necessary and ethical

## ***Relationships***

According to this standard you must:

- ensure that any relationship at work does not create an actual or apparent conflict of interest
- not engage in sexual conduct or other inappropriate behaviour when on duty
- not establish or pursue an improper sexual or emotional relationship with a person with whom you come into contact in the course of your work who may be vulnerable to an abuse of trust or power.

### **3. Equality and diversity**

*I will act with fairness and impartiality.*

*I will not discriminate unlawfully or unfairly.*

According to this standard you must:

- uphold the law regarding human rights and equality
- treat all people fairly and with respect
- treat people impartially.

#### **Examples of meeting this standard are when you:**

- show compassion and empathy, as appropriate, to people you come into contact with
- treat people according to their needs
- recognise that some individuals who come into contact with the police are vulnerable and may require additional support and assistance
- take a proactive approach to opposing discrimination so as to adequately support victims, encourage reporting and prevent future incidents
- act and make decisions on merit, without prejudice and using the best available information
- consider the needs of the protected characteristic groups of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation
- actively seek or use opportunities to promote equality and diversity.

#### 4. Use of force

*I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances.*

This standard is primarily intended for police officers who, on occasion, may need to use force in carrying out their duties.

Police staff, volunteers and contractors in particular operational roles (e.g., custody-related) may also be required to use force in the course of their duties.

According to this standard you must use only the minimum amount of force necessary to achieve the required result.

You will have to account for any use of force, in other words justify it based upon your honestly held belief at the time that you used the force.

#### 5. Orders and instructions

*I will, as a police officer, give and carry out lawful orders only, and will abide by Police Regulations.*

*I will give reasonable instructions only, and will follow all reasonable instructions.*

According to this standard police officers must obey any lawful order that is given and abide by Police Regulations.

**For police officers, examples of meeting this standard are when you:**

- give orders which you reasonably believe to be lawful
- follow lawful orders, recognising that any decision not to follow an order needs to be objectively and fully justified
- support your colleagues, to the best of your ability, in the execution of their lawful duty
- accept the restrictions on your private life as described in Regulation 6 and Schedule 1 to the Police Regulations 2003 and determinations made under those Regulations.

According to this standard everyone in policing must give or carry out reasonable instructions only.

There may be instances when failure to follow an order or instruction does not amount to misconduct. For example, where a police officer reasonably believes that an order is unlawful or has good and sufficient reason not to comply.

Any decision to not obey orders or follow instructions, or that transgresses policing policies and other guidance, must be able to withstand scrutiny.

### ***Use of discretion***

Police discretion is necessary, but must be used wisely. When making decisions about using your discretion you must:

- use your training, skills and knowledge about policing
- consider what you are trying to achieve and the potential effects of your decisions
- take any relevant policing codes, guidance, policies and procedures into consideration
- ensure you are acting consistently with the principles and standards in this Code.

## **6. Duties and responsibilities**

*I will be diligent in the exercise of my duties and responsibilities.*

According to this standard you must:

- carry out your duties and obligations to the best of your ability
- take full responsibility for, and be prepared to explain and justify, your actions and decisions
- use all information, training, equipment and management support you are provided with to keep yourself up to date on your role and responsibilities.

### **Examples of meeting this standard are when you:**

- are aware of the influence that unconscious biases (such as stereotypes or 'group think') can have on your actions and decisions
- support your colleagues, to the best of your ability, in their work
- demonstrate an efficient and effective use of policing resources
- ensure that accurate records of your actions are kept – both as good practice and as required by legislation, policies and procedures
- consider the expectations, changing needs and concerns of different communities, and do what is necessary and proportionate to address them

### ***Business interests***

People working in policing in England and Wales can have business interests as long as those interests are authorised and there is no conflict with an individual's police work and responsibilities.

### ***Associations***

Membership of groups or societies, or associations with groups or individuals, must not create an actual or apparent conflict of interest with police work and responsibilities.

The test is whether the 'reasonably informed member of the public might reasonably believe' that your membership or association could adversely affect your ability to discharge your policing duties effectively and impartially.

### ***Political activity – police officers only***

Police officers must not take any active part in politics. This is intended to prevent you from placing yourself in a position where your impartiality may be questioned.

## **7. Confidentiality**

*I will treat information with respect, and access or disclose it only in the proper course of my duties.*

According to this standard you must:

- be familiar with and abide by the data protection principles described in the Data Protection Act 1998
- access police held information for a legitimate or authorised policing purpose only
- not disclose information, on or off duty, to unauthorised recipients
- understand that by accessing personal data without authorisation you could be committing a criminal offence, regardless of whether you then disclose that personal data.

**Examples of meeting this standard are when you:**

- ensure that information you enter onto police systems and into police records is accurate
- share information with other agencies and the public when required for legitimate purposes
- maintain the confidentiality of commercial and other sensitive information.

You must be mindful of risks such as:

- increasing your vulnerability to harassment, corruption and blackmail by revealing personal information about yourself or information held for a policing purpose
- prejudicing investigations by revealing operational material or tactics.

***Social media***

This standard also relates to the use of any platform of web-based or mobile communications, social networking sites and all other types of social media.

While there are benefits of social media to policing, there are also potential risks.

According to this standard you must:

- use social media responsibly and safely
- ensure that nothing you publish online can reasonably be perceived to be discriminatory, abusive, oppressive, harassing, bullying, victimising, offensive or otherwise incompatible with policing principles by the public or your policing colleagues not publish online or elsewhere, or offer for publication, any material that might undermine your own reputation or that of the policing profession or might run the risk of damaging public confidence in the police service.

## **8. Fitness for work**

*I will ensure when on duty that I am fit to carry out my responsibilities.*

According to this standard you must:

- be fit to carry out your role in policing and fulfil your responsibilities
- not consume alcohol when on duty
- not use illegal drugs
- not misuse legal drugs or other legal substances.

If you believe you are unfit to undertake your role or you are somehow impaired for duty, you must immediately declare this to your line manager, Human Resources department or other relevant person.

If you are absent from work through sickness or injury:

- you may be required to consult appropriate health professionals and must follow any advice given unless there are reasonable grounds not to do so
- you must not engage in activities that are likely to impair your return to work.

If you let your police force or organisation know that you have a drink or drugs misuse problem, you will be given appropriate support as long as you demonstrate an intention to address the problem and take steps to overcome it. You may, however, still be subject to criminal or misconduct proceedings.

Chief officers should ensure that there are appropriate systems to support a police officer or staff member who discloses a drink or drugs problem.

Making a self-declaration of substance misuse after you have been notified of the requirement to take a test for possible illegal substances may not prevent criminal or misconduct proceedings following a positive test result.

## **9. Conduct**

*I will behave in a manner, whether on or off duty, which does not discredit the police service or undermine public confidence in policing.*

As a police officer, member of police staff or other person working for the police service, you must keep in mind at all times that the public expects you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty.

You should ask yourself whether a particular decision, action or omission might result in members of the public losing trust and confidence in the policing profession.

It is recognised that the test of whether behaviour has brought discredit on policing is not solely about media coverage and public perception but has regard to all the circumstances.

**Examples of meeting this standard are when you:**

- avoid any activities (work-related or otherwise) that may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public
- avoid any activities that may compromise your or any colleague's position in policing or compromise a police operation
- start work on time and are punctual while at work
- maintain a high standard of appearance when at work, whether in uniform or plain clothes – unless your role requires otherwise.

**For police officers and special constables**

*I will report any action taken against me for a criminal offence, any conditions imposed on me by a court and the receipt of any penalty notice.*

According to this standard you must report, as soon as reasonably practical, any occasion in the UK or elsewhere where you have been subject to one or more of the following:

- arrest
- a summons for an offence
- a penalty notice for disorder
- an endorsable fixed penalty notice for a road traffic offence
- a charge or caution for an offence by any law enforcement agency.

You must report to your supervisor or your professional standards department as soon as reasonably practical all convictions, sentences and conditions imposed by any court, whether criminal or civil (excluding matrimonial proceedings, but including non-molestation orders or occupation orders). 'Conditions imposed by any court' would include, for example, orders to deal with antisocial behaviour, a restraining order, or a bind-over. When you are in doubt as to whether to make such a report, it is best to report.

You must report as soon as reasonably practical any legal proceedings taken against you for debt recovery, or any other adverse financial judgments.



You must report any serious criminal conviction against a member of your immediate family or a close friend so that appropriate safeguards can be put in place. When you are in doubt as to whether to make such a report, it is best to report.

A police officer being subject to any of these measures could bring discredit on the police service, and this may result in action being taken for misconduct, depending on the circumstances of the particular matter.

### **For police staff and others working in policing who are not police officers**

*I will report any caution or conviction against me for a criminal offence.*

According to this standard you must report as soon as reasonably practical all convictions, sentences and conditions imposed by any court, whether criminal or civil.

For legitimate policing purposes, such as vetting or the nature of your particular role, you may be required to disclose other legal matters affecting you.

### **10. Challenging and reporting improper conduct**

*I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.*

According to this standard you must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role.

You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.

If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting route or other appropriate channel.

The police service will protect whistleblowers according to the law.

Nothing in this standard prevents the proper disclosure of information to a relevant authority in accordance with the Public Interest Disclosure Act 1998.

You will be supported if you report any valid concern about the behaviour of someone working in policing which you believe has fallen below the standards expected. You will not be supported, and may be subject to disciplinary procedures, if your report is found to be malicious or otherwise made in bad faith.

The police service will not tolerate discrimination or victimisation or any disadvantageous treatment against anyone who makes a valid report of unprofessional behaviour or wrongdoing.

Given the overriding duty to report wrongdoing, genuine concerns in this respect can never be deemed to bring the police service into disrepute.

### ***Supervisors***

According to this standard you must:

- ensure that your staff carry out their professional duties correctly
- challenge and address any behaviour that falls below the standards in this Code, and report it where appropriate
- assess, take positive action, or otherwise escalate appropriately any report of unprofessional behaviour or wrongdoing made by someone for whom you are responsible.

## Annex H

### National decision model<sup>172</sup>

Understanding and practising the national decision model (NDM) will help police officers and staff to develop the professional judgment necessary to make effective policing decisions. It will also help them learn from decisions that have a successful outcome, as well as the small proportion that do not.

#### Application

The NDM is suitable for all decisions. It can be applied to spontaneous incidents or planned operations by an individual or team of people, and to both operational and non-operational situations.

Decision makers can use it to structure a rationale of what they did during an incident and why.

Managers and others can use it to review decisions and actions taken.

The inherent flexibility of the NDM means that it can be easily expanded for specialist areas of policing (such as firearms, public order and child protection). In every case the model stays the same, but users decide for themselves what questions and considerations they apply at each stage.

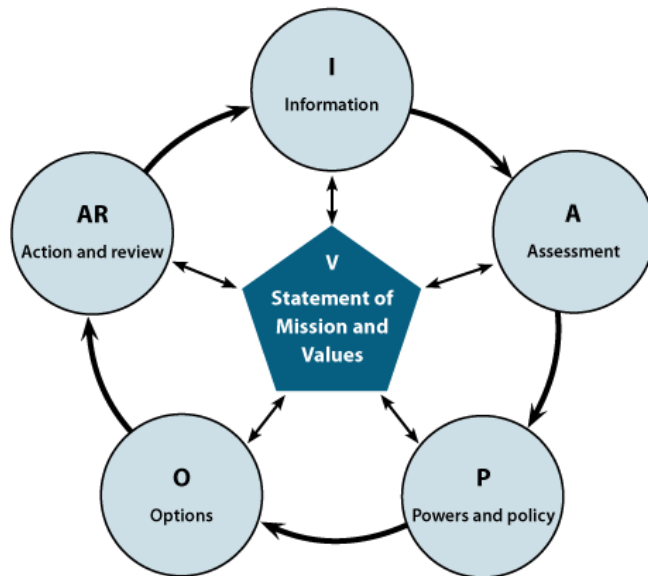
In a fast-moving incident, the police service recognises that it may not always be possible to segregate thinking or response according to each phase of the model. In such cases, the main priority of decision makers is to keep in mind their overarching mission to protect and serve the public.

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<sup>172</sup> *National Decision Model*, College of Policing, 2013. Available from: [www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/](http://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/)

## The model

The NDM has six key elements. Each component provides the user with an area for focus and consideration



### Six key elements (VIAPOAR)

The mnemonic VIAPOAR will help users to remember the six key elements of the NDM. It also acts as an aide-memoire in aspects of decision making.

### Values – statement of mission and values

The pentagon at the centre of the NDM contains the statement of mission and values for the police service.

Throughout the situation, officers could ask themselves:

- Is what I am considering consistent with the statement of mission and values?
- What would the police service expect of me in this situation?
- What would any victim(s), the affected community and the wider public expect of me in this situation?

## Statement of mission and values

- The mission of the police is to make communities safer by upholding the law fairly and firmly; preventing crime and antisocial behaviour; keeping the peace; protecting and reassuring communities; investigating crime and bringing offenders to justice.
- We will act with integrity, compassion, courtesy and patience, showing neither fear nor favour in what we do. We will be sensitive to the needs and dignity of victims and demonstrate respect for the human rights of all.
- We will use discretion, professional judgment and common sense to guide us and will be accountable for our decisions and actions. We will respond to well-founded criticism with a willingness to learn and change.
- We will work with communities and partners, listening to their views, building their trust and confidence, making every effort to understand and meet their needs.
- We will not be distracted from our mission through fear of being criticised. In identifying and managing risk, we will seek to achieve successful outcomes and to reduce the risk of harm to individuals and communities.
- In the face of violence we will be professional, calm and restrained and will apply only that force which is necessary to accomplish our lawful duty.
- Our commitment is to deliver a service that we and those we serve can be proud of and which keeps our communities safe.

It is the need to keep the statement of mission and values – with its integral recognition of the necessity to take risks and protect human rights – at the heart of every decision that differentiates the NDM from other decision making models.

### **Information – gather information and intelligence**

During this stage the decision maker defines the situation (i.e., defines what is happening or has happened) and clarifies matters relating to any initial information and intelligence.

Officers could ask themselves:

- What is happening?
- What do I know so far?
- What further information (or intelligence) do I want/need at this moment?

### **Assessment – assesses threat and risk and develops a working strategy**

This stage involves assessing the situation, including any specific threat, the risk of harm and the potential for benefits. Among other things officers should consider the objectives of preventing discrimination, promoting good relations and fostering equal opportunities.

Develop a working strategy to guide subsequent stages by asking:

- Do I need to take action immediately?
- Do I need to seek more information?
- What could go wrong? (And what could go well?)
- How probable is the risk of harm?
- How serious would it be?
- Is that level of risk acceptable?
- Is this a situation for the police alone to deal with?
- Am I the appropriate person to deal with this?
- What am I trying to achieve?

### **Powers and policy – consider powers and policy**

This stage involves considering what powers, policies and legislation might be applicable in this particular situation.

Officers could ask themselves:

- What police powers might be required?
- Is there any national guidance covering this type of situation?
- Do any local organisational policies or guidelines apply?
- What legislation might apply?

It may be reasonable to act outside policy as long as there is a good rationale for doing so.

## **Options – identify options and contingencies**

This stage involves considering the different ways to make a particular decision (or resolve a situation) with the least risk of harm.

Officers should consider:

- the options that are open
- the immediacy of any threat
- the limits of information to hand
- the amount of time available
- the available resources and support
- their own knowledge, experience and skills
- the impact of potential action on the situation and the public
- what action to take if things do not happen as anticipated

If officers have to account for their decisions, will they be able to say they were:

- Proportionate, legitimate, necessary and ethical?
- Reasonable in the circumstances facing them at the time?

## **Action and review – take action and review what happened**

This stage has two distinct steps. At the action step, decision-makers are required to make and implement appropriate decisions. The review step requires decision-makers to review and reflect on what happened once an incident is over.

### **Action**

Respond:

- implement the option you have selected
- does anyone else need to know what you have decided?

Record:

- if you think it is appropriate, record what you did and why.

Monitor:

- what happened as a result of your decision?
- was it what you wanted or expected to happen?

If the incident is continuing, go through the NDM again as necessary.

## **Review**

If the incident is over, review your decisions, using the NDM. What lessons can you take from how things turned out and what might you do differently next time?

### **Recording decision making**

Decision-makers are accountable for their decisions and must be prepared to provide a rationale for what they did and why. In some circumstances the need to document decisions is prescribed by statute, required by organisational strategies, policies or local practices, or left to the decision-maker's discretion.

Whatever the circumstances, the police service recognises that it is impossible to record every single decision and that not all decisions need to be recorded. In most instances, professional judgment should guide officers on whether or not to record the rationale, as well as the nature and extent of any explanation.

The record should be proportionate to the seriousness of the situation or incident, particularly if this involves a risk of harm to a person.

Decision makers may find the mnemonic VIAPOAR provides a useful structure for recording the rationale behind their decisions (e.g., brief notes in notebooks against individual letters). Any notes should be proportionate to the situation.

V – the values kept in mind during the decision making situation

I – what was known about the situation

A – how it was assessed; what the working strategy was

P – any powers, policies, legislation that applied

O – the main options considered

A – the decision made or action taken

R – what happened as a result

VIAPOAR may also be useful when describing a decision (e.g., to a supervisor or in the witness box) or reviewing a decision (e.g., a supervisor, senior manager or the Independent Police Complaints Commission).



## **Reviewing decision making**

The NDM is useful for examining decisions made and action taken, whether by a supervisor or during an informal investigation or a formal inquiry.

The key words of the mnemonic VIAPOAR provide a structure for any review.

### Values

- How were the police mission and values (including risk management and the protection of human rights) kept in mind during the situation?

### Information

- What information or intelligence was available?

### Assessment

- What factors (potential benefits and harms) were assessed?
- What threat and risk assessment methods were used (if any)?
- Was a working strategy developed and was it appropriate?

### Powers and policy

- Were there any powers, policies and legislation that should have been considered?
- If policy was not followed, was this reasonable in the circumstances?

### Options

- How were feasible options identified and assessed?

### Action and review

- Were decisions proportionate, legitimate, necessary and ethical?
- Were decisions reasonable in the circumstances facing the decision maker?
- Were decisions communicated effectively?
- Were decisions and the rationale for them recorded as appropriate?
- Were decisions monitored and reassessed where necessary?
- What lessons can be learnt from the outcomes and how the decisions were made?

## **Questions for supervisors**

In reviewing decisions, additional questions that supervisors might ask themselves include:

- Did you recognise and acknowledge instances of initiative or good decisions (and were they passed to managers where appropriate)?
- Did you recognise and challenge instances of poor decisions?

Even where the outcome was not what was hoped for, if the decisions the officers and staff made were reasonable in the circumstances, they deserve the support of their supervisor and that of the organisation.