

Police Accountability in the United Kingdom



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Part 1: The importance of police accountability

In order to understand the complex nature of police accountability in the United Kingdom, it is necessary to map out the terrain of policing across three separate jurisdictions and to highlight a number of themes.

From the outset, it is necessary to be clear about what we are referring to when talking about 'the police' of the United Kingdom. The UK police are not a unitary body similar to the national police forces that exist in many parts of the world.¹ In England and Wales, 43 forces undertake territorial policing on a geographical basis. In Scotland there are eight regional police forces. In Northern Ireland, The Police Service of Northern Ireland (PSNI) came into being in November 2001 following the recommendations of the Patten Commission on policing in the province.² It replaced the Royal Ulster Constabulary, which itself had been in operation since the disbandment of the Royal Irish Constabulary in 1922.

In addition to these forces, there are a number of 'non-Home Office' police forces that have a specialised remit and exercise their jurisdiction throughout the UK. These include the British Transport police (BTP); the Ministry of Defence Police (MOD); and the United Kingdom Atomic Energy Authority Constabulary (UKAEA). The Jersey, Guernsey and Isle of Man Police are separate organisations that carry out policing in those islands.

Recognising the need to adapt to transnational and cross-border issues, the government and the police service have also developed national policing agencies. In 1998, the amalgamation of six regional crime squads established the National Crime Squad (NCS). The overall remit of NCS is to target criminal organisations committing serious and organised crime. Also operating nationally is the National Criminal Intelligence Service (NCIS), which was established in 1992 drawing on staff from the Home Office, HM Customs and Excise, the police service and local authorities. In November 2004, the government introduced the Serious Organised Crime and Police Bill. This is intended to bring together the work of NCS, NCIS and other agencies through the creation in 2006 of the Serious Organised Crime Agency (SOCA).

Therefore, although on some occasions we might refer to 'the police service' as if it were a single entity, it continues to consist of a number of police 'forces'. Accordingly the arrangements for police accountability are necessarily complex. In the United Kingdom, accountability has been a consistent and, at times, fiercely debated policing issue. In Northern Ireland the legitimacy of the police has been questioned in a divided society. In England and Wales police accountability during the 1980s became a national political issue – concerning who controlled the police, who *should* control them and whether they were beyond democratic control. These issues have lost some of their controversy in recent years as discussion surrounding accountability has shifted to focus on police performance and effectiveness. As commentators have noted, accountability remains significant.³ This is for the following reasons, the first two of which are especially pertinent in the human rights context:

1. ***The paradox of police governance:*** There is a need to balance the unwarranted exercise of coercive power by the police with enabling their effective operation.
2. ***Policing is political:*** Policing is about the exercise of power and there are competing options for policing priorities and style.
3. ***Financial stewardship:*** The police need to be held accountable for their use of public resources. (The total expenditure on the police in the UK exceeded £12 billion in 2004/5).

4. **Police legitimacy:** Police in democratic states strive for legitimacy to achieve the active co-operation and trust of the policed. Accountability contributes to the legitimacy of the police.

In the chapters that follow, although the policing of the UK comprises three separate systems based on geographic and legal divisions, the primary focus will be on England and Wales, which contains 90% of the UK's population. Where significant differences exist in the policing systems operating in Scotland and Northern Ireland, these are highlighted.

Part 2: International Standards on Policing and Accountability

A number of international instruments have considerable relevance to police accountability in the UK. The UN Universal Declaration on Human Rights 1948 is a fundamental source for legislative and judicial practice. As such, it provides human rights principles and standards that underpin the accountability of the police.

In 1951, the UK ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, which endorsed the principles of the UN declaration. The articles of the Convention reaffirm the fundamental freedoms in democratic systems of government. UK law gave effect to the Convention in the Human Rights Act 1998. As 'public authorities' under the Act, the police have a responsibility to abide by the Convention.

The Human Rights Act 1998 provides for adjudication by UK domestic courts and for the award of compensation in cases where public authorities have breached Convention rights. Complainants can take cases that the UK domestic courts cannot resolve to the European Court of Human Rights in Strasbourg. These arrangements provide a powerful legal framework making the police accountable for their actions. The Independent Police Complaints Commission, and in Northern Ireland the Police Ombudsman, take account of the Human Rights Act 1998, in investigating complaints about police misconduct.

Two other measures provide guidance for police as to their conduct. The UN Code of Conduct for Law Enforcement Officials (1979) sets out basic standards for policing agencies across the world and relates to all law enforcement officers who exercise powers of arrest and detention. It requires them to recognise the rights set out in the UN Universal Declaration and other international conventions. In particular, police should only use force when it is necessary. The amount of force should be proportionate to the circumstances.

The Council of Europe Declaration on the Police (1979) defined the rules of conduct expected of police in the member states of the Council of Europe, which includes the UK. The rules were designed both to help protect human rights and to improve the status of police officers. In 2001, The Council of Europe supplemented the Declaration by the Code of Police Ethics. The UN Code of Conduct, the European Declaration on the Police and Code of Police Ethics provide basic standards for the operation of legitimate law enforcement. However, they are not directly judicable in law. They should, however, be regarded as guidance which indirectly informs the practice of policing and accountability in the UK.⁴

Part 3: Statutes and Structures for Police Accountability in the United Kingdom (the way things are supposed to be)

The police are subject to the rule of law and to legislation, which is the product of Parliament. Although judicial processes and case law may affect the interpretation of legislation, and guidelines on procedure may be issued by the executive, the legislature is the origin from which the powers of police are derived. In this sense, they are subordinated to the law and to the law alone.

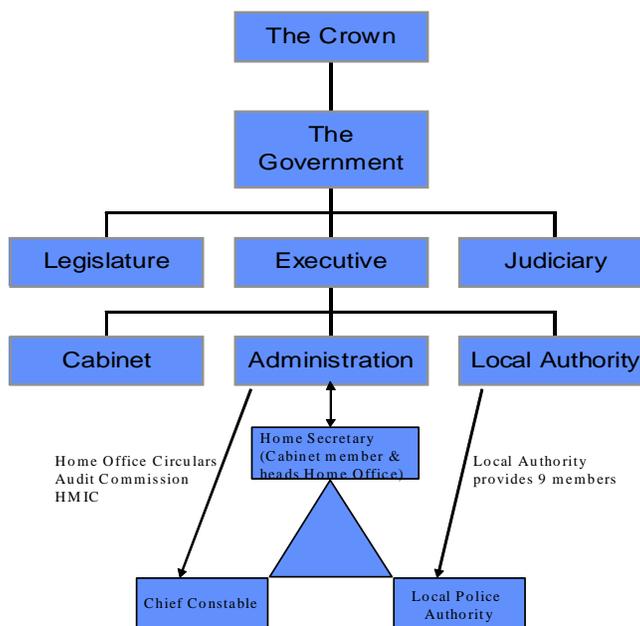
In relation to policy, however, the major public powers of government are vested in ministers who are servants of the Crown.⁵ Police also have allegiance to the Crown, which serves instead of the 'state', as a central organising principle of government. The arrangements for accountability of the police, therefore, are not simply those of subordination to government. A more complex system of accountability is in operation.

The tripartite system of police accountability

The current system of holding the 43 forces of England and Wales accountable has been characterised as 'the tripartite structure of police accountability'. Established under the 1964 Police Act, following the deliberations of the 1962 Royal Commission on the Police, this remains the fundamental basis of police governance. The tripartite system distributes responsibilities between the Home Office, the local police authority, and the chief constable of the force. Legislation since the 1964 Police Act, including the 1994 Police and Magistrates' Courts Act (PMCA), the Police Act 1996, and the Police Reform Act 2002, has endorsed the tripartite arrangements, though not always uncontroversially as we outline in chapter 4.

This tripartite system provides accountability to Parliament through the Home Secretary (who has responsibility for policing policy including centrally set 'key priorities' that are formalised within a National Policing Plan). It also provides accountability to local populations through the local police authorities, which comprise of elected local councillors, magistrates and business representatives nominated by a central panel. In practice chief constables also respond to policies and circulars set by the executive (the Home Office and Her Majesty's Chief Inspector of Constabulary). The autonomy of chief constables is arguably limited by the current arrangements, although case-law has made it clear that the police are the servants of the law in terms of their operational discretion, and are not subject to administrative or political direction in this respect. Figure 1 below provides an overview of the tripartite system and where it is situated constitutionally.

Figure 1



One intention of the 1994 PMCA was to strengthen the role of local police authorities by giving them additional powers, including involvement in developing local policing plans. However, the

2002 Police Reform Act moved greater power towards the centre through, *inter alia*, the introduction of the Home Secretary's rolling three year National Policing Plan. Table 1 shows the current balance of powers and the respective responsibilities of the tripartite structure.

Scotland, unlike England and Wales prior to the 1964 Police Act, already had a tripartite system of police governance, in which the local authority itself was the local police authority.⁶ Nevertheless reforms in England and Wales have followed a similar pattern in Scotland, the primary legislation being the Police (Scotland) Act 1967.⁷ Scottish Ministers retain overall responsibility for policing policy. Police Authorities and Joint Police Boards are responsible for setting police budgets and ensuring that best value is attained for the public purse. Chief Constables are responsible for the operational aspects of policing within their force areas.

In Northern Ireland, the role of the police authority is taken by the Policing Board, which not only has a responsibility for delivering an efficient police force but is also responsible for helping the Police Service of Northern Ireland (PSNI) fulfil its statutory obligation to meet the standards of the Human Rights Act 1998. The Board also has the power to launch its own inquiry into any aspect of the PSNI's work, with or without the agreement of the chief constable. This gives it a more active role in the management of the police than is the case with local police authorities.

**Table 1:
The tripartite system under the Police and Magistrates' Courts Act 1994 and the Police Reform Act 2002**

Home Secretary/Home Office	Local Police Authority	Chief Constable
<p>Determines key national policing objectives. Produces annual National Policing Plan and presents it to Parliament</p> <p>Directs police authorities to establish performance targets. Can require a police force to take remedial action if HMIC judges them inefficient or ineffective</p> <p>Determines cash grant to police authorities</p> <p>Approves appointment of chief constables</p> <p>Issues statutory codes of practice and directions to police authorities</p> <p>Issues statutory codes of practice to Chief Officers</p> <p>Has authority to order amalgamations</p>	<p>Responsible for maintaining an effective and efficient force</p> <p>Determines local policing priorities. Produces a three-year strategy consistent with National Policing Plan</p> <p>Determines arrangements for public consultation</p> <p>Established as precepting body responsible for budgeting and resource allocation</p> <p>Responsible for appointment and dismissal of the chief constable (subject to ratification by the Secretary of State). Can require suspension or early dismissal on public interest grounds</p> <p>Membership of 17 (usually). 9 from local government 5 local 'independents' 3 magistrates</p>	<p>Responsible for direction and control of the force</p> <p>Responsible for operational control</p> <p>Drafts local policing plan in conjunction with local police authority</p> <p>Responsible for achieving local and national policing objectives</p> <p>Responsible for resource allocation</p> <p>Chief constables and deputy/assistant chief constables on fixed term contracts</p>

Source: Mawby and Wright 2003.

The Police and Criminal Evidence Act 1984 (PACE)

In addition to the tripartite structure of police accountability and its associated legislation, the police are subject to the Police and Criminal Evidence Act 1984 (PACE).

The criminal justice system ensures that suspects apprehended by the police have the right to trial by a jury in serious cases and are given an opportunity to have legal representation. The court system also ensures that the police have followed the correct procedures, for example, those established by PACE 1984. Failure to follow these rules can and does result in failures to secure convictions because the courts increasingly use exclusionary rules to render inadmissible any evidence which has not been fairly obtained. The application of the principle of the 'fruits of the poisoned tree' means that entire cases can fail when the rules have not been followed, with important repercussions for police effectiveness.

The statutory powers of police on matters of stop and search; entry, search and seizure; arrest, detention and the questioning of suspects are provided by PACE 1984. Codes of Practice created under the Act govern cautioning procedures, identification parades and a range of other responsibilities. Strictly speaking, the codes are not statutory but any breach of their requirements amounts to a disciplinary offence. Also, any breach of the codes is admissible in evidence in criminal or civil proceedings against the police.

Overlaying the tripartite structure of accountability and the existing legislation on policing is an oversight regime that includes:

Her Majesty's Inspectorate of Constabulary (HMIC)

The first Inspectors of Constabulary were appointed under the provisions of the 1856 County and Borough Police Act (and in Scotland under the Police (Scotland) Act 1857). The Inspectors have independent status, being servants of the Crown and not Home Office employees. Section 38 of the 1964 Police Act (and section 33 of the Police (Scotland) Act 1967) specified the inspectors' role and gave them the power to inspect and report to the Home Secretary on the efficiency and effectiveness of police forces. The role of HMIC has since been laid out in the Police Acts (1994 and 1996) and, relating to Best Value, the Local Government Act 1999. The inspectorate's role, according to its *statement of purpose*, is:

To promote the efficiency and effectiveness of policing in England, Wales and Northern Ireland through inspection of police organisations and functions to ensure:

- Agreed standards are achieved and maintained;
- Good practice is spread; and
- Performance is improved.

Also to provide advice and support to the tripartite partners (Home Secretary, police authorities and forces) and play an important role in the development of future leaders.⁸

There are currently six Inspectors (four are former chief constables, two are from non-police backgrounds) with regional responsibilities and three Assistant Inspectors (two seconded deputy chief constables and one from a non-police background (who specialises in race and diversity issues) who provide policy and inspection support.⁹ The inspectors conduct their work assisted by staff officers and support staff. The Chief Inspector of Constabulary (HMCIC) coordinates their work and advises the Home Secretary on policing matters. Seconded police officers and Home Office civil servants provide support to the Chief Inspector.

In terms of the inspections themselves, HMIC conducts inspections of forces and of the geographic Basic Command Units (BCUs) within force areas. It also conducts thematic inspections that focus on a specific area of policing, such as corruption (*Police Integrity*), visibility and reassurance (*Open All Hours*) and diversity (*Diversity Matters*).¹⁰ With the Audit Commission, it also conducts Best Value inspections.

The Audit Commission (England and Wales)

Since 1988 the police have been scrutinised by the Audit Commission. This independent body was established in 1982 by the Local Government Finance Act to monitor and promote economy, efficiency and effectiveness in the management of local government. The Audit Commission first focussed on the police in 1988 and early reports scrutinised the financing of police funding and budget allocation.¹¹ However, later reports focused on operational matters, including crime management and patrol work.¹² Although the Commission's recommendations are not prescriptive, they are commonly implemented, which is no small task. As one retired chief constable has noted, between 1997 and 1999 there were 'no less than 27 Audit Commission and Police Inspectorate thematic reports published, incorporating over 300 different recommendations'.¹³

In Scotland, The Accounts Commission and Audit Scotland are linked independent statutory bodies that ensure the Scottish Executive and public sector bodies are held to account for the proper, effective and efficient use of public money. Audit Scotland publishes an annual report *Police and Fire Performance Indicators* that compares the performance of Scottish Councils.¹⁴

Best Value

From April 2000, the Best Value programme placed a statutory duty on local authorities to deliver services to clear standards by the most effective, economic and efficient means.¹⁵ Local police authorities are included as 'best value authorities' and as such police forces are required to demonstrate 'best value'.¹⁶ Accordingly, police forces must report against a series of Best Value Performance Indicators.

The Police Standards Unit

The Police Standards Unit began work within the Home Office in July 2001, but was formally established by the Police Reform Act 2002. It has become increasingly influential. Its role is to identify good policing practice and the means of spreading it. It also has an intervention role. If a force is identified as requiring 'remedial actions', it will intervene to improve performance.¹⁷ In this role, the PSU works closely with HMIC.

The Police Performance Assessment Framework (PPAF)

The PPAF was introduced in April 2004. It has been developed by the Home Office, in consultation with the Association of Chief Police Officers (ACPO) and Association of Police Authorities (APA). It introduced PPAF performance measures and aims to 'provide an effective, fair framework for comparing police performance and provide a firm basis for effective performance management'.¹⁸ It is therefore intended to be both a means of holding individual police forces accountable for their performance and a means of comparing forces' performance against each other.

According to the Home Office, in addition to focussing on operational effectiveness, the Policing Performance Assessment Framework provides measures of satisfaction plus overall trust and confidence in the police, as well as measures that put performance into context in terms of efficiency and organisational capability. In line with the Government's desire to enhance policing

accountability at a local level, performance against national and local priorities are reflected in the framework.¹⁹

HMIC published its first 'baseline assessments' of each force in England and Wales in Summer 2004, which led to much debate (media, public and political) concerning the comparative performance of forces and press speculation over whether chief constables of forces rated as 'poor' would be dismissed.²⁰ Parties on both sides of the political spectrum see this kind of public information as a key mechanism for encouraging public scrutiny of the police.

Financial accountability

In the 1980s, the government applied its public sector Financial Management Initiative (FMI) to the police service. This was concerned with business management strategies and audit techniques and related to financial accountability in the stewardship of public money. The National Audit Office has produced reports on value for money in policing and District Auditors are empowered to undertake audits of the finances of public sector organisations, including the police.

The enactment of the Police and Magistrates Courts Act 1994 changed the system of police funding in a way that theoretically provided greater control to the local police authority and greater devolution of budgeting within police forces. Since the 1994 Act each local police authority receives a cash-limited grant from the Home Office, which is supplemented by funding from the local authority raised through the revenue support grant, non-domestic rates and council tax.

Forces are also permitted to seek out a relatively small proportion of funding through sponsorship arrangements. The Local Police Authority and the chief constable, rather than the Home Secretary, then decide on the allocation of funds between police officers and civilian staff, equipment, buildings and vehicles. Thus whilst the Home Secretary retains control of the total amount of the grant, police authorities and chiefs have greater freedom within the budget.

Devolution of budgeting is therefore being encouraged but not with any over-arching national strategy. It is occurring at a speed and implementation that suits individual forces. These arrangements, through codes of practice, encourage a greater amount of local managerial freedom and delegation of financial responsibilities within the police organisation.²¹ Potentially this can support the objective of meeting local priorities, thereby increasing local accountability.

Organisational Accountability

At an organisational level, accountability is provided through a hierarchical rank structure – a quasi-military structure aimed to produce a disciplined and answerable service. In addition police officers are subject to a disciplinary code that punishes offences including discreditable conduct, failure to obey orders, racially discriminatory behaviour and falsehood. Offences are investigated internally and judged at disciplinary hearings. Punishments range from reprimand to fine to dismissal. A breach of the code may also constitute a criminal or civil offence. Officers taken through the courts can still face disciplinary boards.

The Police Complaints System

The majority of complaints against police officers continue to be investigated through internal investigation within police forces, in line with Home Office guidance. Police forces monitor complaint patterns for individual officers. Those with higher than average numbers or worrying patterns are identified and inquiries are made into their conduct. Some police authorities have complaints sub-committees that monitor trends.

The history of the complaints system in Britain has been one of trying to establish credibility and public confidence. The Police Complaints Authority (PCA) was created in 1984 to oversee the

investigation of police complaints following widespread criticism of the way police complaints were handled. The PCA struggled to achieve credibility partly due to continued questioning of its independence and partly due to the high standard of proof required. The Independent Police Complaints Commission (IPCC) replaced the PCA in April 2004 under the Police Reform Act 2002. This new complaints system resulted from numerous calls for change from among others: the Macpherson Inquiry into the murder by white youths of black teenager Stephen Lawrence,²² the police service itself, community and complainants' groups, the Police Complaints Authority and the Home Affairs Select Committee. The IPCC claims independence on the basis that:

- It is not part of any government department;
- It is an entirely separate public body;
- It is independent of the police service;
- Its decisions cannot be overruled apart from by a court of law;
- The 18 Commissioners of the IPCC, by law, must not previously have worked for the police;
- The IPCC has its own investigation teams that enable it to choose to investigate incidents of alleged police misconduct even when no complaint has been made;
- It has been established under an Act of Parliament setting out its role.

Whether the IPCC is any more successful than its predecessor in establishing its credibility and in securing the confidence of complainants remains to be proven.

In Scotland, there is no agency analogous to the IPCC and all complaints of police misconduct continue to be investigated by the police themselves. There is a right of appeal, regarding the way the investigation was conducted, to Her Majesty's Inspectorate of Constabulary in Scotland. In Northern Ireland, the Police Ombudsman is responsible for investigating complaints, and has the power to initiate misconduct hearings.

Accountability of national agencies

The enabling legislation for the formation of the National Crime Squad (NCS) was the Police Act (1997). NCS is currently held accountable by means of a tripartite structure, mirroring the arrangements in territorial police forces. Under the Police Act 1997, its accountability is to the Home Secretary and to the National Crime Squad Authority. The Authority has eleven members (five independent members nominated by the Home Secretary, two elected members from local police authorities, two chief constables, and representatives of HM Customs and Excise and the Home Office). Objectives and performance targets are set by the authority and by the Home Secretary and are published in an annual service plan.

Similarly with regard to NCIS, the 1997 Police Act provided a firm statutory basis for the service and put into place measures for accountability through a service authority comparable to those of the NCS.

The accountability of the Serious Organised Crime Agency following its establishment in 2006 will be laid out in the Serious Organised Crime and Police Act, but indications are that SOCA will be a 'Non-departmental Public Body' whose overall priorities will be set by the Home Secretary. However, as the Agency will have a role in Northern Ireland and Scotland, the Home Secretary will be obliged in statute to consult the Scottish First Minister and the Secretary of State for Northern Ireland before publishing its objectives. The Agency will be required to report annually to all three Ministers and the Home Secretary will be accountable to Parliament for the Agency's performance.²³

Part 4: The practice of police accountability: *the way things are*

In part 3, we described the complex structure, agencies and mechanisms of police accountability that operate in the UK. However, despite this intricate web of accountability with its checks and balances and separation of powers, police accountability has always been, and remains, a contentious issue of public and political debate. In this chapter, we outline under three themed headings, some recurring problems of police accountability in the UK.

The balance of power in the tripartite agreement

The tripartite system rests on the separation of power, but there have been enduring debates concerning the balance of power between the three partners. At the time of the enactment of the Police and Magistrates' Courts Act 1994 it was generally acknowledged that it was necessary to strengthen the relative position of the local police authority. However, this and subsequent legislation, including the Police Reform Act of 2002, have in fact strengthened the relative position of the Home Secretary, arguably to the detriment of local democratic accountability.

At the same time that the government has moved the balance of power towards the centre, interestingly it has also criticised the lack of local community involvement in policing and this is now seen as an essential ingredient in building the confidence of communities, particularly ethnic minority communities, in their local police.²⁴

Independence of accountability agencies/mechanisms?

Despite the wide array of mechanisms and agencies concerned with police accountability, there remains the criticism that key aspects of the system lack true independence, undermining police accountability. The most obvious example is the police complaints system which historically has not gained the confidence of communities, particularly minority communities. The recently established IPCC has set out its stall to counter this by heavily emphasising its independent status.

At another level the independent status of the Inspectorate has not reduced criticism that in practice HMIC has sometimes operated within limits defined by the Home Secretary or Home Office officials. This criticism needs to be balanced by the observation that until the appointment of lay inspectors in 1993, inspectors were recruited exclusively from the ranks of senior police officers and continued to wear a uniform that is virtually indistinguishable from the uniform of a chief constable.

Continuing human rights issues

Human rights issues continue to challenge the systems of accountability in the UK. In recent years, disquiet has continued over diverse issues, including: members of the public being shot by police officers in unlawful circumstances, the investigation of deaths in police custody, and the questionable rigor and competence of investigations into murders of members of ethnic minority communities. The issue of race relations runs through many of these problem areas and despite the raft of government and police self-imposed reforms embarked upon following the Macpherson Inquiry's branding of the police service as 'institutionally racist', it is clear that human rights issues will continue to test the systems of police accountability in the UK.

Finally, in terms of the effectiveness and clarity of accountability systems and structures, the current Chief Inspector of Constabulary makes two points which bear repeating. His first point is that whilst welcoming the Government's police reform programme's attention to accountability issues, there is a danger that over-bureaucratic measures may work against intentions. Secondly, he points to the recent proliferation of agencies involved in policing (ranging from crime and disorder reduction partnerships (CDRPs) to local strategic partnerships (LSPs)) and the new

performance monitoring processes (such as PPAF). These, he states, have contributed to 'a proxy accountability environment' which he sees as unhealthy if it obscures the chief constable's role as operational commander in which accountability must be 'clear and unequivocal'. In this environment 'the clarity of accountability is no longer so pure' and chief constables must distinguish between accountability and 'a broader demand for information'.²⁵

Part 5: What legislators and policy-makers can do to improve accountability

In December 2001, the Labour Government launched its 'Police Reform White Paper' *Policing a new Century: A blueprint for reform*²⁶ and since then it has vigorously pursued a programme of reform. This has focussed to a significant degree on accountability through performance management, reflected in such mechanisms as the PPAF described in chapter three above. However, the November 2004 White Paper, *Building Communities, Beating Crime: A better police service for the 21st century* also pursues the theme of police accountability through the greater involvement of communities and citizens in determining the type of local policing relevant to their needs. The government has undertaken to introduce minimum national standards by the end of 2006 for providing services to the public and the emphasis has been firmly placed on policing *with* the public. The government is stating its intention to instil 'customer responsiveness', guaranteed standards of 'customer service' and a requirement for the police (and other agencies) to work directly with local people to identify and tackle local issues.²⁷ The extent to which this will be successful is still an open question.

Part 6: Inside police organisations - selling accountability

Since 2003, the police service has increasingly sought to reassure the public about its abilities, especially in relation to the steps it is taking to reduce crime and disorder. The National Reassurance Policing Programme (NRPP) is a government-led policy. It has been firmly adopted by the Association of Chief Police Officers (ACPO) and is supported by individual police forces across the country.²⁸

Each force has instituted reassurance policies and many have put into place vigorous local campaigns to engage the public in debates about local police strategies. In addition to clarification and to the promotion of public confidence in the police, although it does not contain any statutory measures or sanctions, this form of police/public relations is an effective way of ensuring a more direct approach to police accountability.

Part 7: What civil society can do to improve accountability

Consultation and monitoring

An important strand of accountability in the system of policing in the UK is that of consultation and monitoring. Some aspects of this have statutory support but place high reliance on contributions from individual volunteers and from NGOs. It is carried out through:

Police Community Consultative Groups: These were established under paragraph 106 of the 1984 Police and Criminal Evidence Act. They are local consultative committees that aim to promote communication and consultation between local policing commanders and communities. Research evidence suggests they are non-adversarial, poorly attended and non-representative. They have no powers and tend to be a forum for the police to explain their policies and activities.²⁹

The Lay Visitors scheme: Home Office Circular 12/86 recommended that schemes should be implemented for the lay inspection of the conditions of police station custody suites, but

arrangements are left to local police authorities. Visitors are members of the public; they arrive unannounced, observe the conditions under which people are being detained and then report to the police authority.

Lay oversight of policing is also encouraged through the recent creation of Independent Advisory Groups (IAGs). These arose from the recommendations of the Macpherson Report and its criticism of the police relationship with minority communities.³⁰ IAGs are formed to seek lay advice and information, and to allow lay scrutiny, particularly lay minority scrutiny, of police policy-making and even operational decision-making in critical incidents.³¹

Public surveys: These are routinely undertaken as a form of consultation. This was encouraged in the early 1990s by the Citizens Charter and Victims Charter and by the Audit Commission as a preparation for policing plan formulation. In 1998, the passing of the Crime and Disorder Act meant that the police, with their partners, were bound to consult widely on local crime and disorder issues. These post-1998 arrangements are an opportunity for communities to 'hold to account' their local police.

The media: Scrutiny by the media plays an informal but influential part in the civilian oversight of the British police.³² The tradition of investigative journalism in the British media has acted as a watchdog on the police and other public bodies. In 2003 an undercover documentary entitled *The Secret Policeman* provided a recent illustration of the power of the media. It focused on racial discrimination within the police service and asked questions about accountability at both the individual and the organisational level. It resulted in:

- The suspension and dismissal of officers;
- A meeting of the chief officers council and the development of a seven point plan;
- The chiefs of all police forces agreed to meet their local Black Police Association to discuss the impact of the programme and to identify local issues and actions;
- Each police force undertook to review its race equality scheme;
- ACPO suggested to HMIC that it should inspect race equality schemes;
- A service-wide examination of training on race and diversity issues;
- The Police Training & Development Board and HMIC agreed to consider the implications for recruitment, selection and training of police officers;
- All forces undertook to assess their selection procedures.

Pressure Groups/NGO's: Informal scrutiny of police behaviour and their use of statutory powers is also catered for by a number of monitoring bodies. These groups often act as lobbyists and seek to draw attention to perceived malpractice, through the media and through elected representatives. These include Inquest and Liberty, the latter was formerly known as the National Council for Civil Liberties and has a long history of concern for civil liberties.

Part 8: What policing agencies can do to improve accountability

Policing in the UK has been subject to extensive pressure since the enactment of the Police Act 1964. Failures in policing have served to keep it in the spotlight over the years. As a result, the government has instituted a number of measures in response to the need for change and more are likely to be necessary. The development of other agencies for investigation and enforcement also means that the public police, who have been in existence since the early 19th century, are not the only agency now responsible for 'policing'. Although much attention will continue to be focussed on the public police in the UK, the accountability of these other 'policing' agencies also needs constantly to be reviewed.³³

Perhaps the most effective approach that all police agencies can adopt at times when they are under pressure is to remain open to constructive criticism; to welcome scrutiny, and to remain highly accessible to ideas from the public. Although this may be a painful process, ultimately it will

result in a stronger community-based policing, which will be able to retain the respect and to secure the help of the public.

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