

International Development work in Policing and the Justice Field

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Introduction.

British policing claims to be the best in the world. This report will examine some of the key features of policing culture in the United Kingdom, and how that affects the Police Service's ability to change. It explores stop and search policy and practice as an example of reform that has proved to be challenging, whilst examining the impact of ethnicity data on policy and practice. It examines evidence based approaches to new technology to policing reform, as well as the limitations and risks this presents.

The Police Family and Policing by consent

The foundation of policing in the UK is that policing is only carried out with the consent of the public. Sir Robert Peel's nine principles - the Peelian principles – include the statement that 'the police are the public and the public are the police' and this is fundamental to policing in the UK as well as in other Anglo-American nations¹. Rather than merely taking a law enforcement approach, in the UK a police constable is a citizen, locally appointed to keep the Queen's peace. The existence of a relationship between the public and the police is paramount.

In recent decades, the UK 'police force' has become a Police Service, the name change signifying an increasing emphasis on the provision of services to citizens rather than being an occupying force on the streets. In order to make the service reflect the whole of society, active efforts to recruit a diverse workforce have occurred with some success in terms of the representation of black² and Asian people, although this is mainly concentrated at the lower ranks³.

UK police officers are almost entirely unarmed with around 5% of officers routinely armed. Whilst this to some extent reflects the lack of a gun culture in the UK, it also indicates a culture of compliance and cooperation between the police and citizens that is somewhat unique in policing. The plans for 20% of officers to be armed with Taser are controversial, and a step away from the 'unarmed' nature of UK policing.

However, there are many similarities between policing culture in the UK and abroad. Police officers are proud of the role they carry out and the organisation they represent. They belong to the police family, worldwide and this bond is incredibly strong. Just as family bonds in normal life prevents siblings from informing on their brother or sister, loyalty in policing is a powerful feature. Being critical is seen as being disloyal, a traitor even. Challenging malpractice must not be done in public, and backing up a colleague can be more important than calling out abuses of power. This was recently demonstrated by colleagues of officer Derek Chauvan in Minneapolis, USA. Police teamwork requires absolute trust.

¹ Loader, I. In Search of Civic Policing: Recasting the 'Peelian' Principles. *Criminal Law, Philosophy* 10, 427–440 (2016). <https://doi.org/10.1007/s11572-014-9318-1>

² Here, 'black' is used as a generic term, to encompass people of colour, people of African descent, people who are perceived as black, or black +/- some other ethnicity that is not white.

³ <https://www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/police-workforce/latest#by-ethnicity-police-officers>

When officers risk their lives on a daily basis, being confident that your colleague will back you up is essential. When officers break the rules, abuse their powers, or break the law, that same loyalty can often result in silence, a reticence to call out bad practice. Tragically, Chauvan's colleagues stood by whilst he knelt on George Floyd's neck for 7 minutes, despite calls from onlookers for the officers to intervene. Their failure to do so was perhaps a raw example of how demonstrating support for your colleague and not undermining them in public gaze can have devastating consequences.

In my experience, several features, including leadership buy in, training, media coverage (which provides subtle external pressure), and a clear benefit for the police themselves can pave the way for sustainable change in policing. If a proposed new approach will mean more efficient, more demonstrably fair, more effective policing, and officers see a direct benefit to their daily work on the frontline, the dissenters who might try and undermine changes can also become powerful allies. Recognising the strength of the police family is an additional, key element.

Police reform – progress and backsliding

Stop and search has been subject to several reforms in the UK. Abuse of stop and search powers by the Metropolitan Police in 1981 during Operation Swamp which targeted primarily young black men resulted in the Brixton Uprisings, or riots. Lord Scarman's subsequent report⁴ recommended sweeping changes to police powers, including a requirement that officers only stop and search citizens when they had reasonable grounds to suspect them of carrying prohibited articles⁵. One of the measures aimed at holding officers to account for their use of stop search powers was the collection of ethnicity data by officers on stop and search forms, using two systems of categorisation⁶. The first, officer perceived ethnicity, relies on the officer selecting their perception of the ethnicity of the person stopped. The seven categories, commonly known as IC Codes⁷, are broad, with Black, White, Asian, and mixed being the most commonly used. The more detailed approach to ethnicity, self-defined, provides the person stopped with the opportunity to select their ethnicity from a more detailed list⁸ (of 18 categories). These data have been collected on paper forms since 1993 and more recently digitally.

Today in the United Kingdom black people are at least four times more likely to be stopped and searched than their white counterparts⁹, and no justification for this has been provided by the Police Service. Campaigners and affected communities cite racial profiling and racism itself as the cause¹⁰. Police leaders are held to account for the disproportionality revealed in the figures, by means of scrutiny

⁴ Scarman, L. G. (1982). The Scarman report: The Brixton disorders 10-12 April 1981 : report of an inquiry. Harmondsworth: Penguin

⁵ Section 1 Police & Criminal Evidence Act 1984

⁶ As required by Section 95 Criminal Justice Act 1991

⁷ Identity Codes are used on the Police National Computer system (PNC)

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691544/self-defined-ethnicity-18plus1.pdf

⁹ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest/downloads/stop-and-search.csv>

¹⁰ <http://www.stop-watch.org/news-comment/story/stopping-the-searches-the-need-to-confront-police-racism>

panels as in the innovative example in Northamptonshire¹¹, and by the publication of stop and search data by the Home Office¹² and by all forces on their websites¹³.

Despite these measures, disproportionality persists. Whilst the controversy around stop and search continues, the debate is at least an informed conversation, with data to be analysed and findings to be discussed. The collection of ethnicity data has been misused in the past, most notably in pre-war Germany, and there are more recent examples, for example the 'Roma Register' in Sweden¹⁴. However, the collection, analysis and responsible sharing and dissemination of ethnicity data in other European countries could be a step forward, even given the obstacles that stand in the way of this in France¹⁵, Germany and elsewhere.

There may be another reason why other similar elements of police reform, like the policing of protests and police brutality are more challenging. Police officers experience most things in their daily lives – bereavement, family disputes, violence, and financial difficulties – which equips many officers with empathy, helping them to deal with members of the public going through the same challenges. Being stopped by the police is a rare event for a police officer, officers rarely attend a protest or are brutalised by the police. Very few police officers are football fans. Empathy in these areas of policing is lacking and this creates a gap in their experience that training cannot always fill, and their own policing experience exacerbates. National stop and search guidance¹⁶ and training rolled out in 2015, where officers were encouraged to share their experiences of being stopped by the police, and to explore the experiences of their colleagues present where that experience was lacking was designed to fill this gap.

Changes to stop search regulation and law, the introduction of the Best Use of Stop and Search Scheme¹⁷ and national training standards and the publication of data have all had impact, but the effects have been patchy and maybe temporary. Changing police officers' hearts and minds is more difficult than changing policy, procedure and practice. Changes must be concrete otherwise initiatives such as the Best Use of Stop and Search Scheme are easily reversed. Recent figures show a huge increase in stop and search by the Metropolitan Police this year¹⁸ although this has been preceded by the setting of targets for stop and searches, despite criticism of this practice¹⁹.

Evidence Based Policing - Body worn video

Police body cameras were hailed as the reforming tool that would lift the lid on policing and provide a bird's eye view of everything officers did, thus increasing trust across the population. In October 2010

¹¹ <https://www.justiceinitiative.org/uploads/353acfb-085c-44bd-8051-016f66b0f633/regulating-police-stop-and-search-20191106.pdf>

¹² <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest/downloads/stop-and-search.csv>

¹³ *ibid*

¹⁴ <https://www.thelocal.se/20160610/ethnic-discrimination-ruling-on-swedish-roma-register-due>

¹⁵ <https://www.conseil-constitutionnel.fr/en/decision/2007/2007557DC.htm>

¹⁶ <https://www.app.college.police.uk/app-content/stop-and-search/>

¹⁷ <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/best-use-of-stop-and-search-scheme.pdf>

¹⁸ <https://www.met.police.uk/sd/stats-and-data/met/stop-and-search-dashboard/>

¹⁹ https://www.policenews.com/wp-content/uploads/2015/12/Review_Targets_2015.pdf

the Reverend Jesse Jackson made a keynote speech²⁰ at the launch of StopWatch, a campaign group that advocates for fair policing. Jackson concluded that video cameras in all police cars was one of the solutions to police accountability. Since then, the UK and USA have seen the roll out of police body worn video cameras (BWV), encouraged by the company that provides the cameras, software and (lucrative) data storage facilities²¹. Research by Cambridge University showed that BWV may reduce the incidence of violence against and by the police, and reduce complaints²². BWV is an example of new technology being seen as a solution before it is possible to make an evidence based policy decision. In 2015 the (then) Mayor of London, Boris Johnson announced that all London police officers would be equipped with BWV²³ whilst the trials were still ongoing, ahead of findings from a large scale research study²⁴. On the surface, the desire for ‘evidence based policing’, that relies on robust research, rather than on the gut instincts of a police officer is real, but this is often superseded by the desire to use the latest new kit or see quick results positive headlines. Research has showed that officers equipped with Taser are more likely to use force²⁵ and yet the stun guns are being rolled out to additional frontline officers. An evidence based approach to policing is essential but policing will depend on its confidence in ‘knowing better’, regardless of academic evidence, unless research findings are brought properly to the attention of police leaders and politicians alike.

Lessons Learned and Shared

UK Policing is still regarded favourably internationally. This is especially true in countries with an Anglo Saxon heritage, where English is the first language, such as Canada, the USA, Australia, New Zealand and also to an extent in countries that were subject to British colonial rule. The Society of Evidence Based Policing²⁶ has developed as a conduit for sharing good practice internationally, but the English language dominates its work and its scope is thereby limited. The production of policing literature, guidance and ‘best practice’ is dominated by English language versions, and in some cases English is the only language produced. Paradoxically, when the UK leaves the EU, it appears English will remain the common working language, and perhaps this alone will limit the impact of Brexit on UK Police’s standing in Europe and beyond. That said, where outputs are deliberately produced in multiple languages, such as the guide on Police Use of Force²⁷ produced by Amnesty International, the language barrier is overcome and acceptance by policing internationally is more likely. A willingness to consider material and practice in languages other than English is one way in which genuine two-way exchange of ideas can occur. That said, we should not underestimate the additional resource and energy needed to operate in more than one language.

²⁰ <https://www.youtube.com/watch?v=KiNtY2n1xgQ>

²¹ <https://www.axon.com/>, who supply the Taser X26 to UK police forces, as well as body worn video

²² Ariel, B, Sutherland, A, Henstock, D, Young, J, Drover, P, Sykes, J, Megicks, S & Henderson, R 2016, ‘Report: increases in police use of force in the presence of bodyworn cameras are driven by officer discretion: a protocol-based subgroup analysis of ten randomized experiments’, *Journal of Experimental Criminology*, vol. 12, no. 3, pp 453–463

²³ https://www.college.police.uk/News/archive/November_2015/Pages/Mayor_to-roll_out_police_-_body_cameras.aspx

²⁴ https://www.london.gov.uk/sites/default/files/bwv_report_nov_2015.pdf

²⁵ <https://www.cam.ac.uk/research/news/carrying-tasers-increases-police-use-of-force-study-finds>

²⁶ <https://www.sebp.police.uk/>

²⁷ <https://www.amnesty.nl/actueel/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

The collection of ethnicity data in the UK has helped informed debate about racism and race disparity but it has not eradicated racism in policing, or society. It does mean that the issue is, at least, less opaque than it is in other countries, and the legal impediments to the collection of ethnicity data were once true of the UK. Ethnicity data is a part of a much broader suite of solutions that support a route to greater legitimacy and transparency, but it is not *the* solution.

The adoption of better policing practice can occur when civil society organisations advocate with police leadership bodies, and police unions for change. Advocacy takes many forms but taking both an internal and external track approach is, in my view, key to this. The external track, where civil society uses strategic litigation, campaigning and protest, championing the cause with and on behalf of those affected by poor policing practice is a path well trodden. However, this alone is not enough. Working with policing, on the inside track is equally important. Identifying progressive officers at all levels, using their voices to raise new ideas, practice and policy internally can reap rewards. Study visits are an effective method whereby officers meet international colleagues, demonstrate and showcase new/better practice, involve local communities, NGOs and advocates and garner support for a new way of carrying out policing. Study visits also provide opportunities for corridor and dinner conversations, with officers, staff, local leaders and politicians that don't occur during electronic or remote exchanges.

Navigating the 'police family' is difficult for the officers themselves, as they have to demonstrate they are still part of the team, when bringing ideas and thinking from 'outside'. NGOs have to take the time to identify and develop relationships with officers who are genuine in their desire to see real change in policing and are involved for the greater good, rather than to further their career. Some officers who take this route have problems as a result, including the curtailing of progress up the promotion ladder. These officers need ongoing support to navigate these inevitable difficulties.

For civil society, having legitimacy with citizens badly affected by policing is also challenging, and many have to walk a tightrope, exercising caution about which officers they work with and how they are introduced to a wider audience. Recognising that for some, working directly with the police is impossible because of their past experiences is important, and history and culture from different countries play a key role in this dynamic.

The Peelian principles are widely recognised, but to an extent, they are integrated into the Anglo-Saxon, English-speaking world. Civil Society and progressive police officers are needed to translate Peel's principles into language that works from a cultural and practical sense. Peel's principles are not universal. Other systems and ethos of policing work across Europe and elsewhere in the world and we do well to recognise, acknowledge and learn from alternative approaches, remembering that none are perfect.