

Citizens' Periodic Reports on the Performance of State Institutions



Accompanying paper for 'Police, Politics, and the People of Pakistan'

Police Governance and Operational Autonomy in England and Wales

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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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Islamabad Office: P. O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan
Lahore Office: P. O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan
E-mail: info@pildat.org | Website: www.pildat.org

CONTENTS

Preface

Abbreviations and Acronyms

About the Author

Executive Summary

Introduction	13
Chief Constable	14
Police and Crime Commissioner	15
Arrangements in London	15
Police and Crime Panel	15
Policing Protocol	15
Strategic Policing Requirement	16
Her Majesty's Inspectorate of Constabulary (HMIC)	16
Independent Police Complaints Commission	16
Figures	
Figure 1: Governance of the police service in England and Wales	14

Abbreviations and Acronyms

CID	Crime Investigation Department
HMIC	Her Majesty's Inspectorate of Constabulary
IPCC	Independent Police Complaints Commission
MOPAC	Mayor's Office for Policing and Crime
PCC	Police and Crime Commissioner
SIO	Senior Investigating Officer
SO13	Specialist Operations (Anti Terrorist Branch)
SO15	Specialist Operations (Counter Terrorism Command)
SPR	Strategic Policing Requirement
UK	United Kingdom

PREFACE

Within its 'Democracy and Governance Programme', PILDAT has undertaken an assessment of the Police Services of Pakistan, which is the premier law enforcement agency tasked with maintaining peace, stability, and order in the country.

The UK model, based on the Peelian Principles, has been long regarded as a structure that the Pakistan Police Services can aspire to emulate. In addition to a study on performance of Pakistan's Police Services, PILDAT commissioned a paper of the policing system in the United Kingdom to offer a comparative perspective to the discourse on how the Police are governed, and to what extent they are autonomous from political influences in the UK.

This paper has been authored by **Mr. Ian Bracewell**, the United Kingdom's Police Counter Terrorism Liaison Officer in Pakistan, who accounts the functions and structure of the Police in the United Kingdom. Titled as **Police Governance and Operational Autonomy in England and Wales**, the paper identifies essential components that are necessary for any policing authority within a country and areas that can be further strengthened to enhance the efficiency and effectiveness of the Police forces.

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Disclaimer

The views expressed in this paper are of the author and do not necessarily represent the views of PILDAT or that of DANIDA, the Government of Denmark, and the Royal Danish Embassy, Islamabad.

Islamabad
January 2015

ABOUT THE AUTHOR

Mr. Ian Bracewell is the United Kingdom's appointed Police Counter Terrorism Liaison Officer to Pakistan.

Mr. Bracewell has 28 years police experience in the Metropolitan Police, London. He has worked in the CID environment for the past 26 years and from 1997 to 2003 he was attached to the UK National Crime Squad gaining extensive experience of investigating serious and organised crime throughout the United Kingdom (Particularly combating International Drug trafficking). For the past 11 years Mr. Bracewell has worked on the SO15 Counter Terrorism Command based at New Scotland Yard (formally SO13 Anti-Terrorist Branch) with responsibility for supervising both reactive and proactive investigations and ensuring successful prosecutions are brought against high profile suspected terrorists. As Senior Investigating Officer (SIO) he is responsible for the day-to-day management of terrorist investigations and in conjunction with UK intelligence agencies setting the strategic objectives.

Mr. Bracewell has supervised and been involved in numerous terrorist investigations; of note are Operation Crevice (Plot to blow up Ministry of Sound Nightclub in London), and Operation Rhyme (Plot to blow up tall buildings in London using limousines packed with explosives and gas canisters and hostile reconnaissance of the New York Stock Exchange). Mr. Bracewell was bomb scene manager at Tavistock Square, one of the four London Tube and Bus Bombing scenes on July 7th 2007. He led a team to assist the Indonesian Law Enforcement Authorities on the second Bali bombings providing forensic advice that was key to the Indonesian investigation. He was also part of the team requested by the Pakistan government to review the circumstances of the death of Benazir Bhutto, assassinate in December 2007.

Mr. Bracewell has been a key member of the UK team responsible for advancing the investigation of terrorist operations and promoting joined up working with all the agencies that have responsibility for National Security in the United Kingdom. In his current role he hopes to be of mutual benefit to the United Kingdom and Pakistan working together to tackle terrorism.

EXECUTIVE SUMMARY

Policing in the UK is premised on the importance of transparency and accountability. The legislation and structure of policing in the United Kingdom is based on the Peelian Principles construed by Sir Robert Peel, a former Home Secretary of the UK. The objective of the principles is to create a relationship between the Police and the public. The Police protect the public, while the approval of the public guides the policies of the Police forward. The purpose is not to cater to public opinion; rather it is to show the public how impartial the Police authorities are in maintaining law and order.

The Police Reform and Social Responsibility Act of 2010 brought about significant changes to the governance of the UK Police. The Act paved the way for the development of accountability mechanisms, a code of ethics, standards of conduct, the creation of a National Crime Agency, and an emphasis on the use of technology.

The Police system is structured so that a Police and Crime Commissioner (PCC) is tasked with the hiring of the Chief Constable, who in turn hires Police related staff. The Chief Constable is accountable to the PCC for his or her activities. Police and crime panels that operate from area to area are tasked with both providing support but also the ability to challenge the PCC. Her Majesty's Inspectorate of Constabulary (HMIC) independently assesses Police forces and policing across activity from neighbourhood teams. The HMIC are appointed directly by the Crown, not the Government or the Police Service. HMIC inspection is subject to the approval of the Home Secretary. Meanwhile, the Independent Police Complaints Commission is a separate body that seeks to redress grievances and complaints by creating a platform for communication

The carefully planned out structure of policing and governance ensures accountability and transparency in the Police service of the United Kingdom. The experiences of the UK can be used as benchmarks for performance measurements and best practices. Equally important is to understand and learn how these principles and experiences can be used as positive lessons for the Police Services of Pakistan.

Introduction

The **paper** explains the legislation, protocols, policy and accountability mechanisms that currently exist for the governance of policing in England and Wales. It needs to be recognised that the current constitution may well be changed if a new Government were elected. The overarching principle that influences governance of policing is 'the Police are the public and the public are the Police'. This is derived from the nine Peelian Principles. (Robert Peel was the UK Home Secretary that founded the Metropolitan Police for London in 1829).

The Nine Peelian Principals;

- 1. The basic mission for which the Police exist is to prevent crime and disorder.*
- 2. The ability of the Police to perform their duties is dependent upon public approval of Police actions.*
- 3. Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.*
- 4. The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.*
- 5. Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.*
- 6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.*
- 7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the Police are the public and the public are the Police; the Police being only members of the public who are paid to give full-time attention to duties which are incumbent on*

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every citizen in the interests of community welfare and existence.

- 8. Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.*
- 9. The test of Police efficiency is the absence of crime and disorder, not the visible evidence of Police action in dealing with it.*

The newly formed College of Policing has created the National Policing Vision for 2016. The Mission is 'To prevent crime and protect the public'. This is derived from the above Peelian Principals of 1829. How will the Police achieve this?

The Police will maintain their operational independence and act without fear or favour. Discretion and professional judgment will be exercised in the public interest. Police and crime commissioners will hold Chief Constables to account for maintaining an efficient and effective force set the budget and decide how success will be measured. Chief Constables will have operational independence and give direction to the forces they lead. Her Majesty's Inspectorate of Constabulary inspects and reports to the public on the efficiency of Police forces.

The governance of policing in England and Wales is set down in legislation in the Police Reform and Social Responsibility Act 2010. This Act replaced Police Authorities with directly elected individuals in each force area (Police and Crime Commissioners). The context of Police accountability reform by the current Government came about due to the following factors;

- i. A minority of the public had heard of a Police Authority and the public had no direct involvement in who sat on them.*
- ii. The current Government believed that this led to a lack of clear accountability for effective policing.*
- iii. Key to the argument was that policing had become disconnected from the public and over-reliant on centrally issued bureaucracy and micro-management.*
- iv. The current Government was committed to transferring central Government power over policing back to local forces, freeing up local innovation and making policing reactive to local needs.*
- v. Providing greater Government-driven lead to ensure national and international threats are responded to in a properly coordinated way.*

This has resulted in radical reform to policing since 2010:

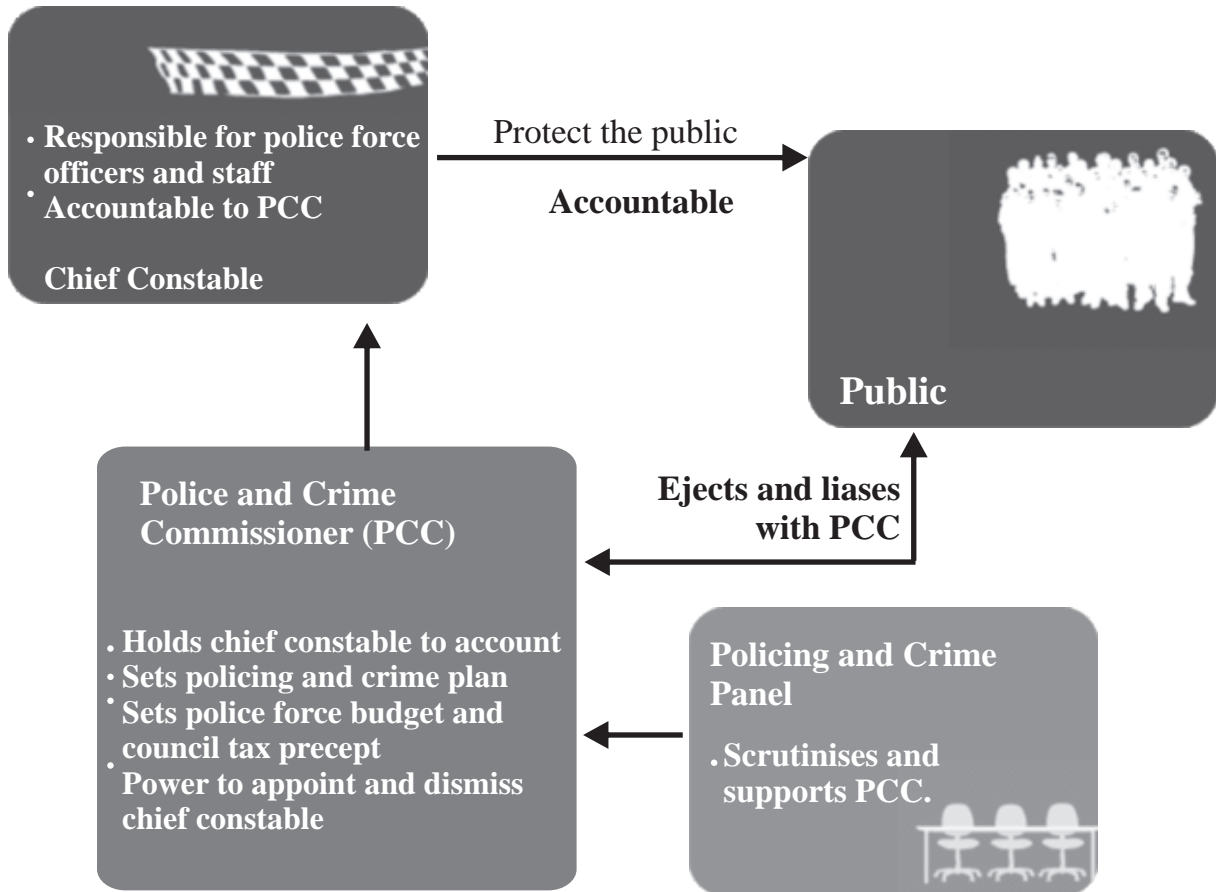
- i. The current Government removed central targets and reduced bureaucracy. Introduced the Police innovation fund and a greater focus on technology.
- ii. Operationally, the National Crime Agency was created and there was a reform of the Association of Chief Police Officers.
- iii. Changes to capability and standards by the introduction of College of Policing, a new Code of Ethics and a new Police corruption offence. Direct entry at Inspector and Superintendent ranks and a terms and conditions review.
- iv. Accountability mechanisms; locally elected Police and Crime Commissioners, reinforced independency of inspectorate, new annual inspection of force efficiency and effectiveness and more transparency by the introduction of the Police.uk website

Chief Constable

The Chief Constable is responsible for maintaining the Queen's Peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the crown, but is appointed by the Police and Crime Commissioner (PCC) in all geographic forces in England and Wales, except the Metropolitan and City of London Police forces.

Operational independence is vital to enable chief constables to act impartially. The concept is not defined in legislation, but the Police Reform and Social Responsibility Act 2010 states that Chief Constables retain "direction and control" of the force's officers. Police staff will be employed by the PCC, but under the direction and control of the Chief Constable. This translates to the autonomy that the Chief Constable has on operational policing decisions without political influence

Figure 1: Governance of the Police Service in England and Wales



Police and Crime Commissioner

Police and Crime Commissioners (PCCs) are elected in each force area, and are required to hold their Chief Constable to account for the effectiveness and efficiency of their force. PCCs also have responsibility for appointing, and where necessary, dismissing the Chief Constable.

PCCs have responsibility for delivering a five-year Police and crime plan, based on local priorities developed in consultation with the chief constable, communities and other partners. The PCC is responsible for setting the strategic direction and objectives of the force through the Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary. They are the recipient of all funding, including the government grant and precept. All funding for a force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the chief constable, or in accordance with any grant terms. The chief constable will provide professional advice and recommendations. The PCC is responsible for invoking the voice of the public, the vulnerable and victims.

Arrangements in London

In London, the PCC role is undertaken by the Mayor's Office for Policing and Crime (MOPAC). MOPAC is headed by the Mayor or, by his nomination, the appointed statutory Deputy Mayor for Policing and Crime.

In summary the PCC role is to ensure 'Policing Plan' and 'Priorities' are implemented but does not interfere in operational policing. There are still challenges though as each PCC and Chief Constable obviously has different alliances throughout England and Wales. There has been recent media reporting regards the dismissing of certain Chief Constables alleging that it has nothing to do with performance but personality. Some PCCs are alleged to be introducing arduous and complex performance measures, which the Government had done away with and replaced with a single objective 'cut crime'. There is speculation that some PCCs may be overstepping the line into 'operational' policing decisions. There are PCCs under investigation for expense claims but none charged. Main Opposition Party proposes a policing contract with the local community involving councillors, which allows the public access to planning meetings. There has been particularly low turnout for elections for PCCs

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and opposition parties highlight this as the public's condemnation of the PCC concept.

Police and Crime Panel

Police and crime panels operate in each force area to scrutinise the actions and decisions of each PCC. These panels are required to make sure information is publically available so that the PCC can be held to account by the electorate. Panels are intended to support and challenge PCCs when they carry out their functions, focusing on important strategic actions and decisions made by the PCC, such as whether they have achieved the aims in their Police and crime plan and annual report, considered the priorities of community safety partners, and consulted appropriately with the public and victims of crime. The Police and Crime Panel can scrutinise and challenge the Police and Crime Plan and where necessary have it amended. Who sit on the Police and Crime panel? In England, panels are mainly made up of representatives from each local authority in a Police force area. In Wales, they are freestanding public bodies, set up and maintained by the secretary of state, rather than local authority committees.

Policing Protocol

The Protocol sets out how the new policing governance arrangements will work. It clarifies the role and responsibilities of PCCs, Mayor's Office of Policing and Crime, Chief Constables, Police and crime panels and the London Assembly Police and crime panel. It

outlines what these bodies are expected to do and how they should work together to fight crime and improve policing. It is a statutory instrument issued by the Home Secretary and laid before parliament before coming into force. (Came into force January 2012).

Strategic Policing Requirement

The Strategic Policing Requirement (SPR) is a national strategy document that lays out the national requirement from forces in terms of manpower and resources.

The SPR focuses on those areas where the Government has responsibility for ensuring that sufficient capabilities are in place to respond to serious and cross-force threats. Chief constables and PCCs are required to have “regard” to the SPR. It does not cover areas where chief constables and Police and crime commissioners are able to make effective local risk assessments. When having regard to the SPR, Police and crime commissioners and chief constables are advised to consider other professional assessments made by the Police and other law enforcement organisations - such as the National Policing Requirement documents as agreed by Chief Constables' Council.

Her Majesty's Inspectorate of Constabulary (HMIC)

Her Majesty's Inspectorate of Constabulary (HMIC) independently assesses Police forces and policing across activity from neighbourhood teams to serious crime and terrorism in the public interest. Her Majesty's Inspectors of Constabulary are appointed by the Crown, they are not employees of the Police service or the Government.

Her Majesty's Chief Inspector of Constabulary reports

The Strategic Policing Requirement (SPR) is a national strategy document that lays out the national requirement from forces in terms of manpower and resources

to Parliament on the efficiency and effectiveness of Police forces in England and Wales. Her Majesty's Inspectors have powers to seek information from Police forces and to access their premises. Police and crime commissioners are able to commission HMIC to conduct reviews of their respective forces. HMIC will also offer assistance in the appointment, or disciplining of, a chief constable (if requested).

HMIC's annual inspection programme is subject to the approval of the Home Secretary in accordance with the Police Reform and Social Responsibility Act 2011.

In 2010 the Government announced that central funding to the Police service in England and Wales would reduce by 20% in the four years between March 2011 and March 2015. Therefore HMIC inspections are focused on:

- i. To what extent is the force taking the necessary steps to ensure a secure financial position in the short and long term?
- ii. To what extent has the force an affordable way of providing policing.
- iii. To what extent is the force efficient?

HMIC conduct public surveys and in force inspections to see how effective policing is with the budget cuts. They also interview the Chief Constable, Police and Crime Commissioner, chief officer leads for finance, human resources, change, and performance for each force and hold focus groups with staff and other officers.

HMIC inspection rates a force's performance;

1. Inadequate
2. Average
3. Good
4. Very Good

Independent Police Complaints Commission

The IPCC's job is to make sure that complaints against the Police are dealt with effectively. It sets standards for the way the Police handle complaints and, when something has gone wrong, it helps the Police learn lessons and improve the way it works.



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