"Does the police service need a values-based decision-making model: if so, what should that model look like"?

Submitted by

Richard Falconer Adams

A thesis submitted in partial fulfilment of the requirements of London Metropolitan University for the degree of Professional Doctor of Policing, Security and Community Safety.

Volume One

July 2012

Declaration of Originality

The following work comprises entirely the authors own work. All sources of research have been cited and attributed. This work contains 59 624 words.

Correction Sheet

This picture is by an unknown artist who has signed the canvas JLM 1780. It hangs in the entrance hall of the Scottish Police College, Tulliallan and is reproduced here with the kind permission of the Director of Scottish Police College.

For the author, this picture sums up policing - at all times, in all weathers, in answer to all calls, the police service will give protection to others derived from a selflessness and a sense of duty that can only be rooted in vocation and professionalism.

All who visit the Scottish Police College will pass this picture, yet most will not see it.

Abstract

UK policing lacked a single decision making model which explicitly required decision makers to consider values affecting their judgement. Motivation for the applied aspect of this work was to develop such a model. The wider research concerned the identification of the values underpinning policing. Consequently, it was essential to understand how values were engaged with and reflected by policing. Policing here was defined as a profession and a preliminary hypothesis for the research was that a single set of values would cross cut the service. An analysis of the stated police values across services in the UK indicated this was not the case. A review of the literature confirmed that in reality, officers take decisions that require discretion. Whilst this was necessary to ensure legitimacy, little training was offered in the application and understanding of discretion. From the literature it was apparent policing reflected various ethical theories at different times. However the service slanted towards the deontological. This position which argues this was reflected within interviews undertaken for the research. From the data, conclusions were drawn that policing was predicated on the three values of integrity, fairness and respect; values which were also reflected in submissions made by members of internet based professional networks. Interviews and focus groups also established that 'service values', i.e. those which underpinned the generic delivery of policing, were insufficient to guide officers in decision making on the ground. This research demonstrated that policing would benefit from a values-based decision-making model. The model was developed, piloted and evaluated in parallel with research for this thesis. As a result of the study, knowledge has been added to policing through the development of this model. It now forms a component of the recently endorsed National Decision Making Model for policing (ACPO Professional Ethics:National Decision Model 2012) and has become part of the curriculum for accredited firearms and senior leadership training in Scotland. Additionally, integrity and fairness have been included in the Scottish Government's proposed new Oath of Constable. As a result of this research, the author is involved with Government in developing definitions for these terms.

Acknowledgments

A number of colleagues and friends have supported me throughout the five years this work has taken. I am grateful to those who gave of their time, energy and talent to participate in this study. Additionally, it is important to recognise a number of particular individuals without whom I would not have completed this thesis.

I would like to thank David Strang, Chief Constable of Lothian and Borders Police, for his permission to undertake this work and for the support he has given throughout. Chief Constable Adrian Lee, Northamptonshire Police, and Deputy Chief Constable Judith Gillespie, Police Service of Northern Ireland, both welcomed me into the work of ACPO Ethics Portfolio. They provided wise counsel throughout the development of the PLANE Model. I am grateful for their support and faith.

Going forward, I am grateful to Steve Allen, Deputy Chief Constable of Lothian and Borders Police, who has asked me to develop many of the ideas within this thesis into working practice as Scottish policing moves toward amalgamation in April 2013.

In developing the PLANE Model I was privileged to work with Chief Inspector Andrew Freeburn, Police Service of Northern Ireland. Andy is a firm friend whose support and advice have been crucial in the development of this work.

Superintendent Brian McInulty and Chief Inspector Graham Johnston both of Strathclyde Police and Inspector Tracey Robinson of Lothian and Borders Police are great friends who have been supporters of this work. Their professional knowledge has been a source of strength throughout this study.

The collation of this thesis was supported by Susan Lumsden, Cath Evans and Laura Scott from Lothian and Borders Police who assisted me with editing, presentation and IT. Catriona MacLeod of Morton Fraser Solicitors assisted with secretarial support. I am also grateful to colleagues from the National Police Library and the Scottish Police College Library who supported me with books and advice.

During this period of study I served at the Scottish Police College, Lothian and Borders Police Professional Ethics and Standards Unit, West Lothian Division and Police Reform. Colleagues from all these places have shown great patience and support over the last five years, for which I am indebted.

My supervisory team of Georgie Parry-Crooke, Kevin Stevenson and Liz Davis have been supportive throughout, for which I am grateful.

Finally, I would like to thank Rhona, Gregor and Eilidh, my wife and children. Gregor was one year old when I started this study and Eilidh was not born. Their support, understanding and love have been the key factors in this work being completed and I am looking forward to spending much more time in their company!

Dedication

To Agnes and Eddie, my mum and dad who taught me the value of education and to Rhona, Gregor and Eilidh whose love I value above all else.

Contents

Volume One

List of Abbreviations

ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers in Scotland
BBC	British Broadcasting Company
BME	Black or Minority Ethnic
ECHR	European Convention on Human Rights
G8/G20	Group of Eight/Group of 20
HMIC	Her Majesty's Inspector of Constabulary
HMICS	Her Majesty's Inspector of Constabulary in Scotland
IPCC	Independent Police Complaints Commission
PCCS	Police Complaints Commissioner for Scotland
CMM	Conflict Management Model
COSLA	Convention of Scottish Local Authorities
NDM	National Decision Model
NPIA	National Police Improvement Agency
RIPA	Regulation of Investigatory Power Act
RIP(S)A	Regulation of Investigatory Power (Scotland) Act
SPSA	Scottish Police Services Authority
SPC	Scottish Police College
PACE	Police and Criminal Evidence Act
SOCA	Serious and Organised Crime Agency
SCDEA	Scottish Crime and Drugs Enforcement Agency
UN	United Nations
PSNI	Police Service of Northern Ireland
SNP	Scottish National Party

Illustrations and Tables

Chapter One

Introduction: The Police Journey - From Peel to Profession

Chapter 1 - Introduction: The Police Journey - From Peel to Profession

1.1 Introduction

This research concerned the values which police officers brought to their work and how these were demonstrated within police decision making. The police has a significant role to play within society and the way a nation is policed should take account of human rights (UN 1979) and, within the European Union, reflect the principles of European Convention on Human Rights (ECHR 1998). Furthermore, within the UK, policing should be delivered with the consent of the public (Reith 1956). Thus values enter into the delivery of policing. These and other issues are discussed throughout this thesis. However, first it is essential to consider why this study was relevant and set out why the research was undertaken. The primary aim was to review and assess the values held by the police in the UK and establish whether or not there was a single set of policing values or different values reflected throughout different constabularies.

Through developments in educational opportunities specifically related to policing including doctoral studies into professional policing (London Metropolitan University 2012), the publication of the Neyroud report into police leadership and training (2011) and the emergence of a portfolio within the police service which concerned professional ethics (ACPO Professional Ethics 2012) there is a range of evidence which points to the police service becoming more professional. Whether or not policing has reached a point in its evolution where it may be regarded as a profession is, however, debatable.

The role of values within policing is also particularly significant. Whilst policing is delivered under statutes (Police and Criminal Evidence Act 1984; Police (Scotland) Act 1967) which requires officers to prevent crime and detect offenders, the police is responsible for far more than only those duties (Waddington 1999). Consequently, how the police service go about the

business of policing is important. Policing does not operate within a vacuum, rather it is involved within a range of partnerships delivering services to communities. For example, the police are partners with social services in respect of child protection where there is joint statutory responsibility for both partners to work towards the protection of children (Management of Offenders etc. (Scotland) Act 2005). Within the high risk environment of sporting events, police work in partnership with clubs ensuring safety at football matches (Guide to Safety at Sports Grounds 1973). To these ends, the management of partnerships and professional relationships will be of significance. It is essential that police values are known and understood as well as the values of partners to ensure that any clashes in approach or values can be addressed. For this to be successful it is first necessary for police officers to be aware of and understand the values of their own organisation.

As policing evolves, so too will partnership working. This was brought into focus recently through the announcement that consideration was being given to outsourcing some key police services to a private contractor. In particular, it has been suggested, by the police, that private security companies may be given the responsibility for undertaking neighbourhood patrols (BBC 2012). West Midlands and Sussex police have invited the security company G4S to bid for the right to deliver certain policing services within these constabularies. This can be compared to the situation in 2009 when a similar suggestion was rejected by the then Metropolitan Police Commissioner Ian Blair (BBC 2009). It has been suggested by a range of commentators (BBC 2012) that this proposal has arisen in light of financial cuts and efficiency savings which were not evident in 2009.

Robert Peel, the founder of modern policing, considered the police as *"the public and the public as the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence[1]"* (Reith 1956:287). Evolution towards outsourcing of police duties, such as uniformed patrol in support of community safety, significantly develops this principle by

[1] Principle 7

expanding the parameters of those who can *"give full time attention to the duties incumbent upon every citizen"* to individuals who are not sworn police officers but rather, are employees of private, profit making undertakings.

Where policing is delivered by people who are not officers, is it important to consider regulations which affect them and the powers they might legitimately exercise[2]. Another issue for the police service is whether or not the values of those invited to tender for the delivery of police services reflect police service values. If the police held a national set of values then this would be easily assessed. However if that were not the case then the values of each service would need to be compared to those of the bidding organisation and assessed for synergy and suitability. In that regard, it is useful to note that G4S holds the following values:

"Customer Focus – we have close, open relationships with our customers that generate trust and we work in partnership for the mutual benefit of our organisations.

Expertise – we develop and demonstrate our expertise through our innovative and leading-edge approach to creating and delivering the right solution.

Performance – we challenge ourselves to improve performance year-on-year and to create long-term sustainability.

Best People – we always take care to employ the best people, develop their competence, provide opportunities and inspire them to live our values.

Integrity – we can always be trusted to do the right thing.

Teamwork & Collaboration – we collaborate for the benefit of G4S as a whole" (G4S 2012:online).

The company also published a "Business Ethics Policy" (G4S 2011) which, if this proposal goes forward, would have to be considered for compatibility with similar policies held by police services.

---

[2] These are significant issues which do not relate directly to this research and, therefore will not be considered further within this work.

A merger of all Scottish police services will take place on 1st April 2013 (Police and Fire (Reform) Scotland Bill 2012). On that date, the current eight constabularies will merge into one. Consequently the values of the new service will have to be considered, articulated by the service and reflected by the officers comprising this new organisation. This is of significance as the legislation outlining this merger recommends a new oath of office for constables making reference to "fairness" and "integrity", aspects which may be regarded as values. To that end, it was important to assess whether or not these values currently exist within policing and consider the impact this change may have on the service.

The relationship policing has had with the press was brought into sharp focus during the period of this research by events leading up to and the considerations of the Leveson Inquiry (2012). This was particularly the case with regard to payments of monies or hospitality given to police officers by the press. In that regard, the police officer leading the enquiry into these issues[3], Deputy Assistant Commissioner Sue Akers, described the existence of a *"network of corrupt officials"* which included police officers, whom, she said, received *"regular,frequent and sometimes significant sums of money"* (statement made on behalf of the Commissioner of the Metropolis by Sue Akers 2012:6). The decision-making process entered into by police officers offered such payments is significant as their actions may reflect on policing in general. To that end, this research included a review of such decisions and considered whether or not a values-based decision making model may be of assistance to officers placed in similar situations.

With the context outlined above, this research has considered three key areas: first, whether or not the police service is a profession; second, the role which values has within policing; and finally, whether or not a decision-making model for policing would assist officers in their decision making. However, before these aspects can be considered it is important to locate policing within its history and consider the current organisation of the service.

[3] Operation Elveden

1.2 The Policing Journey

Sir Robert Peel established the Metropolitan Police in 1829 (Reith 1956; Siegel 2010). In setting out his vision for policing Peel introduced nine principles which set the initial direction of policing and which are still referred to 180 years later. These principles were (Reith 1956):-

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 the public approval of police actions.

3.Police must secure the willing co-operation of the public in voluntary observation 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 upon 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.

Whilst the basic mission of preventing crime and disorder remains applicable today (Police (Scotland) Act 1967) both challenges have changed significantly over the last 180 years. As society has evolved so too have opportunities for criminality and disorder. Technology has provided opportunities and threats that would have been inconceivable to Peel and the early police officers. Consequently, the last 180 years have been a journey of discovery for policing. Through constant evolution, policing has become an ever changing activity. As a result of new challenges, several of which will be discussed within this thesis, the police service has become specialised in a number of areas and the relationship it has with society has developed. Whilst police officers may still perform their duties within the "*tradition that the police are the public and the public are the police*"[4] policing has moved away from the artisan class that Peel envisaged (Reith 1956) becoming, in many respects, a body of specialists.

This journey is also reflected in the terminology surrounding policing. Peel established a police force. Whilst he made clear that he wanted this new force to be easily distinguishable from the army (Reith 1956), Peel nevertheless used the word "force". As policing has evolved, the notion of an arm of the state being a force to be visited upon its citizens has become less appropriate. Police officers are trained to use only minimum force (ACPO 2010) and any use of force beyond that minimum level leaves the officer and their constabulary open to criminal and civil action (Lewis and Laville 2009; Lewis 2011). This has been reflected in the lexicon of policing, the use of the term 'service' has evolved (Adams 2011). To that end, throughout this work the term 'police service' or 'constabulary' will be used rather than any reference to 'force'.

[4] Principle 7

An important part of this journey relates to how society views policing as well as how the service regards itself. To that end, the notion of a professional police service is relevant and will be discussed following an explanation of policing bodies, jurisdictions and on-going reformation.

1.3 Setting the Scene

The United Kingdom is broadly divided into two policing jurisdictions: Scotland, where policing is managed by the Association of Chief Police Officers in Scotland (ACPOS); and England, Wales and Northern Ireland where policing is managed by the Association of Chief Police Officers (ACPO)[5]. In total, there are fifty two police services in the UK which will be considered within the context of this study[6].

The distinction between Scotland and the rest of the UK exists for political reasons. Following the Act of Union in 1707, Scotland retained four key elements: its church, education system; banking system (along with the ability to issue Scottish currency) and legal system. These four aspects of Scottish identity remain. With the Scotland Act 1998, power to manage the latter three[7] were devolved to the Scottish Parliament. The UK Parliament has, for the most part[8], the power to legislate on criminal justice matters for the remainder of the UK. For this reason, it is possible to say two policing jurisdictions have emerged within the UK with both experiencing some level of reform at the time of writing. This merits reflection.

---

[5] Whilst there is clear national differences between the constituent nations of England, Wales and Northern Ireland, they all, broadly, exist under the same governance and law. To these ends, for the purposes of this submission, they will be considered as a single entity.

[6] In addition to these 52 there are a number of police services with specific responsibility for certain aspects of law and order. The British Transport Police have responsibility for policing the railways, the Civil Nuclear Police maintain the security of civil nuclear sites and the Ministry of Defence Police protect MOD establishments. These constabularies have not been considered within the context of this work.

[7] There is now a division between church and state in Scotland and whilst the Church of Scotland remains a prominent faith, it has no political presence.

[8] There are a number of aspects of justice that falls under the purview of the Welsh Assembly and the Northern Ireland Assembly, however, for policing matters, these areas work within the parameters of the Police and Criminal Evidence Act. This legislation is not pertinent to Scotland. Given this and other differences in law, these jurisdictions will be regarded as different within this work.

1.3.1 ACPO Considerations

Forty four police services fall within the responsibility of ACPO. These vary in size from the largest service, the Metropolitan Police with some 33 000 officers (Sigurdsson and Amardeep 2010) to the smallest, the City of London Police which has 850 officers (Sigurdsson and Amardeep 2010).

Both the previous Labour government and the current coalition government believe there are too many constabularies within the ACPO region and have, over recent years, indicated a desire to amalgamate some of these. Whilst this may appear to be wise in terms of savings and governance, no mergers have yet occurred and some former chief constables argued political intervention thwarted this process (Herbert 2011). Concerns about political intervention in operational policing have been further raised through government proposals to introduce elected police commissioners (Home Office 2010) within the ACPO jurisdiction. Whilst the current government hopes this move will *"strengthen the bond between police and public"* (Home Office 2010:2), concerns remain that this will further politicise policing (Liberty 2011). For example, the notion that an elected official will be able to routinely dismiss a chief police officer was brought into focus by the removal of Sir Ian Blair as Commissioner of the Metropolitan Police in 2008. Blair maintains he was sacked (Rose 2008) whilst the politicians involved claim he resigned (Sturcke 2008). What is not debatable, is that there was a blurring of the delineation that existed between policing and politics.

Regardless of the circumstances surrounding Blair's departure, the move toward elected commissioners will re-define the relationship between the police, the public and government in England, Wales and Northern Ireland.

1.3.2 ACPOS Considerations

There are currently eight police services in Scotland. When compared with England, Wales and Northern Ireland, this appears to be a disproportionately high number. There are five million people in Scotland (Census 2001). This is broadly the population of London (Census 2001 - London) yet Londoners are

served by only one police service. Across England, Wales and Northern Ireland, there is a population of 56 million people (Census 2001) served by 44 constabularies. If this were in proportion to the Scottish position that number should be nearer 80 constabularies.

Within Scotland too, disproportionality exists. Scotland's largest service, Strathclyde Police has circa 8000 officers (Scottish Government, 2011), whilst the smallest constabulary, Dumfries and Galloway Police has approximately 580 officers (Scottish Government, 2011). Despite dissimilarities in size, all services have similar infrastructures. For example each constabulary has a chief and deputy chief constable and a number of support functions such as payroll and human resources. In turn, this leads to unnecessary cost incurred in the delivery of Scottish policing (BBC 2011). With this in mind, there is no surprise that Scotland's political leaders are committed to change.

Scottish elections were held on 5th May 2011 and the Scottish National Party was returned as a majority government[9]. Whilst other parties set out plans for changes to policing structures in Scotland, the SNP stated, in their manifesto that they would await the result of consultation on this issue before drawing a conclusion. Nevertheless, they made clear they felt the current establishment was unsustainable (Scottish National Party, 2011). Having undertaken this consultation, the SNP Scottish Government has decided Scotland should be served by a single police service and plans to introduce this on 1st April 2013 (Scottish Government 2011).

According to the Convention of Scottish Local Authorities (COSLA), this change will have a profound effect on Scottish policing. Amalgamation will bring confusion around processes due to eight services merging into one. Jobs will be lost and difficult decisions will need to be taken which will affect the livelihoods of police staff and the service policing gives Scotland's communities. This evolution will see Scottish policing led by a single chief officer with all staff

[9] This is the first time since devolution that a majority government has been returned in Scotland. The election process was designed to return minority governments in order that consensus be obtained. This particular result is 'a' typical of Scottish elections.

brought together within a single organisation. This backdrop of impending change is important for this work.

If the number of constabularies is to reduce, so too will the number of police leaders. Deputy Chief Constables and above[10] serve within the tenure of fixed term contracts[11]. Should changes occur to the policing arrangements within Scotland, it is likely a number of these officers would be surplus to requirement. Some may not have their contracts renewed thus leaving them without a post and unable to retire due to a lack of sufficient completed service to draw a pension. It will be interesting to observe where these officers place themselves within the restructuring debate given that some officers have already formed the view that these senior leaders are *"working towards their own personal agendas over restructuring"* (Clemence 2011:6). Against this backdrop, it will be important for senior officers to demonstrate the notion of the 24/7 approach to ethics alluded to by Murphy who noted *"Leadership in the police is defined by living your life both personally and professionally by the core values of our organisation...and that decisions are consistent with those core values. I think it would be using our mission, vision and values as our true north and living those in both word and deed...ensuring those around you are inspired to do the same. If you are going to make a promise if you are a leader then keep it. It can't be situational ethics or situational leadership it gotta be 24/7"* (Murphy 2007:167).

Given the changes currently being considered[12] within Scottish policing, the need for a developed, values-based decision-making approach is evident. In light of amalgamation, key decisions will require to be taken regarding structure,

---

[10] Whilst in most services this will only include DCC and Chief Constable, the Metropolitan Police have additional layers of leadership. These include, Deputy Assistant Commissioner (DCC equivalent), Assistant Commissioner (Chief Constable equivalent), Deputy Commissioner and Commissioner.

[11] Officers below this rank, including ACCs cannot be easily removed from the service and are not restricted by a time bound tenure beyond the general terms of service which allows officers to remain in post until they reach 55 years of age, in the case of constables and sergeants or 60 years of age for all other ranks. Throughout policing, the opportunity exists to retire on full pension upon the completion of 30 years continuous police service.

[12] A team of police officers, led by Chief Constable Kevin Smith, is currently established at the Scottish Police College. This team is considering the challenges presented by amalgamation and preparing options reports to manage this evolution.

staffing and delivery of service. There is, currently, no values-based decision-making model deployed within Scottish policing to assist with this. In addition to issues arising from amalgamation, there is no doubt Scottish officers will be working more closely in a range of areas. Again, it seems reasonable that the introduction of some kind of holistic decision-making model be considered in order to give parity and support for decision makers. Whilst Scotland may sit separately from the rest of UK policing, it does not enjoy splendid isolation. Over the coming years Scottish officers will provide support to English colleagues and vice versa through major sporting and political events[13]. In order to ensure consistent decision making across these operations, it may be useful to consider the introduction of a common decision making process.

The interviews undertaken for this research (and discussed in Chapter Five) explored the proposed changes in Scottish policing, with a view to how these will affect the wider service.

The delivery of policing in Scotland is also of interest to this research. Whilst it has not been possible to widen the focus of this study to include partner agencies, it is worth commenting upon the partnership centered approach to service delivery within Scotland's public sector. The Scottish Government has set five strategic objectives for the public sector in Scotland where all work carried our by public bodies requires to be partnership focused and reflective of these objectives (Scottish Government 2011); these being *"Wealthier and Fairer, Smarter, Healthier, Safer and Stronger, and Greener"* (2011:on-line). These may be described as values within their own right. Consideration will, later, be given as to whether or not these objectives are reflected within the values of policing.

1.3.3 National considerations

Whilst there are differences in the way policing is delivered across the UK, there are shared areas of interest that shape UK wide policing. Reforms in these areas will have consequences across the service for some time to come.

[13] London Olympics 2012; Glasgow Commonwealth Games 2014; G8/G20 meetings.

Reform of policing, in general, is high on the political agenda. Members of the police service face changes to their pay and conditions (Windsor 2011) and their pensions (Treasury 2011). Implementation of these changes risk bringing financial pressure to bear on police officers[14]. Operational challenges also impact heavily upon the police service. High profile cases such as the policing of the G20 protests (O'Neill 2009), the subsequent death of Ian Tomlinson (Lewis 2011) and the shooting of Jean Charles De Menenzes (BBC 2005) have all propelled police decision making to the front of public consciousness.

Decisions taken in all these situations are undertaken by human beings each of whom carries with them their own set of values. In addition to personal beliefs, police decision makers need to work within the values of the organisation they represent. When police decision making goes well, it is often unseen or unrecognised. Where decisions are wrong or spark a course of action that leads to fatality or an impact in national or local media these decisions are often scrutinised and dissected at length. For example, Michael Portillo (2005) wrote an article for the Sunday Times Newspaper in which he stated the *"public expect to be lied to"* when considering the police actions in respect of the shooting of Jean Charles De Menenzes.

There are, then, a range of challenges facing policing at present. These impact on internal morale as well as external service delivery. The outcome of these challenges will impact on policing at local, national and international level. Many of the decisions which will make most impact will be made by police leaders. However, no single decision-making model exists within policing to support decision makers through these challenging situations. Whether or not officers need the support of such a model is a key aspect of this research.

Given the potential impact of police decision making in both personal and professional terms, it is important to consider the status of the police. As noted above, Peel sought to develop an artisan class of men whilst Lee and Punch (2006) suggest that as policing has evolved, those men, and now women, have

[14] It is useful to note that police pay and conditions improved markedly in the 1980s when it became clear that poor pay was a disincentive to potential recruits and had a negative effect on retention. This risked the service being compromised (Edmund-Davies 1978). Within the modern era, these risks remain challenges for policing (Punch 2009).

sought to lift themselves from artisan to professional through education. If this journey from artisan to professional is complete, then the police service should be considered professional and enjoy the benefits and responsibilities this distinction brings. However, it is first necessary to consider whether or not policing has successfully completed this journey.

1.4 Is Policing a Profession?

There is no doubt the police service aspires to be a profession. There are established academic journals[15] predicated upon the work of the police, a number of university departments are dedicated to the study of policing[16] and a number of magazines are in regular publication[17] which all point to the professionalisation of the service.

Whether or not this aspiration has been achieved is open to question. In order to contextualise this work, it is important to consider what characteristics define a profession and thereafter to assess whether or not these apply to policing before establishing whether policing is a profession or not.

1.4.1 Characteristics of a profession - the traditional view

Citing the Shorter Oxford English Dictionary, Villiers notes that traditionally, professionalism was only conferred upon the *"learned"* disciplines of medicine, the law and the church. He observes each were occupations of *"status and prestige"* which were practiced by *"gentlemen"* (2008:90). All required a qualification obtained through university study and each professional resented competition. This test, whilst potentially attractive to those disciplines included within the definition, is not one that is reflective of modern society. Accountancy, architecture and a range of other learned professions are excluded from this definition. This view is outdated and cannot be regarded as

---

[15]The American Journal of Police Policing - An International Journal of Police Strategies & Management

[16] The John Grieve Centre, London Metropolitan University; University of the West of Scotland; University of Portsmouth.

[17] Police Professional, Verdant Media

reflective of the term 'professionalism' in the 21st Century. If policing were judged against this traditional test then it could not be regarded as a profession. Given the constraints of traditionalism which limit the ability to achieve a professional status to men alone, this is no bad thing.

Professionalism may also be assessed through analysis. Citing the views of Greenhill, Villiers (1988) argues that professionalism is defined through the presence of four key characteristics:-

- ✦ the work is of social value
- ✦ the occupation develops a unique body of knowledge
- ✦ the occupation restricts entry
- ✦ the occupation disciplines itself.

Policing might be considered against these tests.

•Social Value

The first challenge in assessing social value is to consider what is meant by this term. Most occupations are able to argue that they provide some social value. For example the grocer supplies food and the dressmaker clothes to customers. Villiers (1988) argues there is no merit in considering social value as an aspect of professionalism as it is too loose a claim. To dismiss this criteria out of hand, however, is to do a disservice to the concept of social value, reducing social contribution to the lowest common denominator of profit making rather than elevate this concept to one of vocational care. There is no doubt that the police service provides, or is at least expected to provide, an important public service (Kleinig 1999). Indeed, Salgo states that the police bring security and that this is of *"real social value"* (1995:164). Within this concept of security, must lie community safety. In this regard, the work of the police has evolved beyond the notion of *"guard, watch and patrol"* (Police (Scotland) Act 1967:17 (1)(a)) to include responsibility to investigate matters including missing persons and to

contribute to safety on the roads and facilitate those who seek to protest in safety. There is no doubt these services are of significant social value. It is worth considering the impact policing has. Policing stands at the cornerstone of society. Without the effective discharge of police duties, none of the aforementioned occupations could safely operate. To that end, social value must be viewed as part of a continuum with policing providing social value at the top end of that continuum.

To these ends, policing meets the 'social values' test for professionalism.

•Unique Body of Knowledge

Policing does not require officers to hold university degrees, or any other qualification. In this respect, policing differs from the established professions which require members to have completed lengthy university degree programmes as a criterion of entry.

Police training in comparison with professional bodies, is short[18] and does not compare in terms of length or depth with university degree courses. Consequently, for beat officers, there is a risk they will gain no more than a broad competence in general police duties. Officers understand pertinent issues of law, but are not legally qualified, they can deliver first aid, but are not medically qualified. They are *"'jacks of many trades', but are not masters of any particular one"* (Kleinig 1999:35). Goldstein developed this position, arguing that whilst other professionals have a clear body of knowledge in relation to the work they carry out, the police service have not established a baseline. He took the position that policing must *"devote more effort to understanding the conditions of behaviour they are called to treat"* (1990:17). Thomas, on the other hand, took a more sympathetic view. Citing Maister (1997) he argued that professionalism in policing is less to do with education but is rather a *"dedication and desire to help"* (Thomas 2011:17). This simplistic approach undermines the notion of professionalism. Whilst it is commendable officers

[18] In Scotland, taught probationer training consists of a 10 week residential course held at the Scottish Police College. This is undertaken on appointment. Following a 20 month period of 'on the job' training, officers return to the SPC for a further 3 weeks.

have a desire to assist society in vocational terms, this is more akin to the test of social value than the possession of knowledge and, so, can be disregarded within this aspect of analysis.

The positions of Goldstein and Kleinig are also worthy of greater consideration. Whilst their views were pertinent in the broad sense of uniformed beat duties and responses to anti-social behaviour, they are also views of their time. Since the 1990s the response policing gives to anti-social behaviour and general beat duties has become more sophisticated. Policing has taken account of Goldstein's views on problem solving, developing approaches to policing which are predicated upon an ethos of long term, sustainable crime prevention (Lothian and Borders Police 2010). Consequently, in respect of generalist policing, the service has evolved since the 1990s with a supporting body of knowledge in place that reflects this (Williamson 2008; Reiner 2005; Donnelly and Scott 2010). Beyond the generalist beat officer, policing includes a range of specialisms which may be regarded as professional sub-sets. Within a range of these sub-sets particular bodies of knowledge have developed pertinent and particular to those aspects of policing. For example, following a number of disasters within sports stadia, the police developed training and doctrine to enable safe facilitation of those events (Taylor 1990; Guide to Safety at Sports Grounds 2008). Similarly, following the introduction of the Regulation of Investigatory Powers (Scotland) Act 2000, it was necessary for police officers to develop practices and doctrine which allowed them to work within the terms of the Act (Harfield and Harfield 2008). This has resulted in police officers developing skills in covert entry, undercover work and test purchasing (Covert Policing 2011).

In addition to these practical areas of service delivery and knowledge development, policing has developed a range of academic qualifications which are awarded by the Scottish Qualifications Agency. The study involved in gaining these qualifications is significant both in terms of depth of knowledge and the period of study which may meet the test set down by Kleinig (1999). Similarly, promotion examinations based upon broad legal knowledge (Villiers 1988) have been replaced with a Diploma in Police Service Leadership and Management in Scotland. This qualification is delivered over two years,

teaching a range of police skills including professional ethics and decision making. These developments go some way to mitigating Villiers' concerns, however, they do not remove his fears. Qualification and specialisation within policing is optional. Once within the service, no officer is required to enter into any specialist area nor are they required to supplement knowledge. This is at odds with most professions, such as solicitors who require members to undertake some form of continuous professional development in order to maintain their status (Law Society of Scotland, 2011). By failing to insist on some form of continuous professional development, policing undermines its aspiration towards professionalism.

Policing, in the broadest sense, does not possess a unique body of knowledge. However, subsections of the service do. To that end, policing may not be regarded as wholly professional. However, there is evidence that the police are professionalising from the inside out, through the development of skills and doctrine within specialist areas. Whilst this may well be viewed as a positive development, there is a risk that this approach to professionalism might split policing into a two tier service with Peels 'artisans' on the beat and 'professionals' in specialist roles. Were this to occur the service would be forced to consider direct entry to specialist posts along with differentials in pay and conditions[19].

•Restricted Entry

Policing, whilst not demanding qualification, does set a number of other strict conditions in relation to entry. These relate to intellect, assessed though the standard entrance test; fitness, demonstrated through appropriate testing and good character established through vetting.

[19] Whilst there is insufficient opportunity to discuss these issues within this work it is useful to note that arguments around these issues have been divisive (Police Federation, 2010; Hogan-Howe 2004). It may well be that if the police overtly seek to be regarded as professionals within the scope of an analytical definition then this is a debate which will need to be undertaken and a position reached.

These entrance requirements are fair and defensible[20] and are appropriate to the office of constable. Whether they are restrictive enough to be regarded as attaining a standard appropriate to elevate policing to professional status is a matter of debate.

Intellectual requirements for policing are based on generalist and basic levels of education. In his review of police officer conditions[21] Tom Windsor (2012) recommended that the minimum educational entrance requirement for new police officers should be set at A Level (2012:95) rather than degree standard. Whilst this would increase the broad educational basis across policing, this proposal falls short of restricting entry to the same level as that found in traditional professions.

More relevant to policing are the elements of physical qualification and character. Good physical fitness might be regarded as a necessary qualification for joining the police, but it is not necessary to retain this skill beyond the probationary period[22]. Consequently, this aspect of restriction is something of a misnomer and lessens the case for professionalisation. Good character is an essential entry specification for policing. The public would not accept a service where criminals were allowed, in the main to remain (The Guardian 2012). This aspect of restriction does support the notion of professionalism.

Policing is not an activity restricted to full time members of the service. Policing encourages the public to join the Special Constabulary (Police Recruitment - Special Constabulary 2011). There is a risk that by denuding the entry criteria to policing, the professionalisation of the service is undermined. For example, no other profession invites members of the public to join them for a limited time,

---

[20] The height restriction of 5'10" for men and 5'5" for women was not a defensible restriction. This effectively prevented large numbers of members from particular ethnic groups from eligibility. A consequence of that, being a lack of representation across society within policing.

[21] The Windsor Report is not applicable to Scotland and, as such, is not discussed in depth within this thesis.

[22] All police officers require to complete a two year probationary period, during this time officers can be dismissed should they fail to meet and maintain set down standards in respect of educational, fitness and integrity.

with limited training to provide the same service as full time members of that profession for little or no pay. This is, however, the situation with regard to the Special Constabulary. Whilst this may be an embodiment of Peel's notion of the citizen in uniform[23] the continued use of Special Constables may well undermine any aspiration of recognised professionalism.

Notwithstanding these criticisms, there are restrictions on entry to policing. Consequently, in the broad sense, policing meets the technical requirement of this test. Whether policing meets the spirit of this test is, however, less clear.

•Self Discipline

If a specialist body of knowledge is assumed within a profession it follows that professionals within that field will be best able to judge whether or not one of their members has failed to adequately deliver a professional service. For this reason, professions claim ownership over internal regulation (Kleinig 1999). Policing is no exception to this. In Scotland, complaints against the police are investigated by the police and officers are subject to a statutory discipline code (Police (Conduct) (Scotland) Regulations 1996).

Consequently, whilst policing meets this test of professionalism, it satisfies it in a different way to other professions. As noted above, other professions have professional registration. Where that registration is removed it is impossible to practice within that profession. That is not the case in policing. Consequently an officer may be dismissed by one constabulary and thereafter appointed by another as no professional registration exists.

1.4.2 Professionalism - an additional test?

Kleinig sets an additional test of professionalism, that being a need for a code of ethics. Such codes, he argues, provide the *"tangible basis for public trust"* (1999:33).

---

[23] Principle 7

Both ACPO and ACPOS have, separately, developed codes of ethics. ACPO based their code entirely upon the findings of the Nolan Committee. This committee was formed by the Government in 1994 and asked to provide guidance as to what standards should be expected from those in public life. They produced the "Principles on Public Life" (Nolan 1994) which sets out a number of standards of behaviour that public servants should adhere to. The content of this document has been wholly adopted by ACPO as its Code of Ethics (ACPO 2008). However, this adoption took place without any supporting explanation or contextualisation and as a consequence there may be a disconnection between the standards as they are articulated in the code and the way in which they are understood and applied by officers across various ranks. ACPOS, by contrast, developed its own Code of Ethics (2009) which does not mirror Nolan, nor does it reflect clearly the objectives of the Scottish Government (2011). Instead, it sets out five ethical standards for policing in Scotland, two less than Nolan, with only three principles common between both the ACPO and ACPOS codes. This Code has been agreed with all police associations and, therefore, carries a degree of credibility across ranks. Despite this and with the benefit of a supporting narrative, this document fails to offer clear advice. For example, on discretion[24], the Code *"'encourages"* officers to use this tool, but does not define what it is.

In addition to having different codes of ethics, it is also noteworthy that ACPO has an Ethics Committee, which exists to *"articulate the business case for ethics in the Service...*[and] *to support ACPO Portfolio Leads in considering the ethical dimensions and implications of their work..."* (ACPO 2012). Without any obvious reason, ACPOS does not have such a committee. It is surprising that a single police code of ethics does not exist which is reflective of policing throughout the UK.

With the exception of the Police Service of Northern Ireland (2008), no UK police service has a defined code of ethics. Instead, most constabularies have some form of statement of values[25]. These are disparate in form and content

[24] A subject which will be discussed at greater length within the Literature Review.

[25] A breakdown of all service values are contained at Appendix C.

and are not overtly linked to managing the delivery of service or the conduct of officers. In some cases stated values are limited to only a few words, such as the three values offered by Cambridgeshire Police (2010). Other services, such as Cleveland (2010) articulate their stated values over several pages.

Given the lack of clarity and consistency around any statement of values, it is likely the police fail to meet Kleinig's (1999) final test of professionalism. However, it is also apparent that police services have embarked upon a route to achieve this test. Statements of values are a start and the on going consideration of ACPO and ACPOS will no doubt underpin that work. The police service may, therefore, in this regard be considered an aspiring profession.

1.4.3 Failing the professional test

Whilst policing does not meet the traditional test of professionalism, there is evidence, through the work undertaken within specialist areas, that the service is, in part, moving toward a position where it might be regarded as professional by analysis.

It is unlikely that the majority of public care whether or not policing is regarded as a profession. For most people, the police provide a service at a time of need. If that service is provided conscientiously and competently then the perceived status of the service provider will, in all likelihood, be of little consequence. Similarly, for the officers who do not aspire to promotion nor who see themselves as providers of a front line vocational service, then professional status will, in all probability, be of little importance.

An alternative test of professionalism is whether or not it is proper to accept the view of a particular group that the word 'professional' should apply to them (Villiers 1988). This is the starting point for many within policing. Police officers are involved in a range of work which takes them within the purview of recognised professions, and where their expertise in certain matters is acknowledged by those professions[26]. Policing is at the heart of partnership

[26] For example, Detective Superintendent Lesley Boal, Lothian and Borders Police is the author of the Lord Advocates Guidance on the Conduct of Visual Identification Parades.

working (Mackenzie and Henry 2009). A number of those partners are from the medical and legal professionals. Within those settings police input carries equal importance and weight. To these ends, professional parity is a reasonable aspiration for many officers working within specialised fields.

Policing might be regarded as an aspirant profession. There is little doubt the service does not satisfy all of the analytical tests of professionalism, but is endeavouring to meet those where it is deficient. Policing will have to evolve significantly, however, to be seen, holistically, as a professional body. For this to occur the service may benefit from looking towards other European countries for direction. In Germany, for instance, officers require a Bachelor degree as a matter of course and a Master's degree is necessary for promotion to certain ranks. This is not reflected in UK policing where only 27% of officers are graduates (Home Office 2011) and no degree is required for promotion to any rank. The role education plays within policing will be considered later within this research.

Whilst it has been concluded at this time that the service does not meet the test for professionalism, this will be revisited throughout this study and reflected upon within the final conclusions.

1.5 Policing and Ethics - developing the research

Notwithstanding the tests for professionalism set out above, the police service has made efforts to develop an understanding of professional ethics. The establishment of the ACPO Ethics Portfolio (ACPO Professional Ethics 2012) and the work carried out by that group at conferences (Ethics 2010) and training (Gillespie 2011) indicated an aspiration to embed ethics into policing. This aspiration linked ethics to values and professionalism. Consequently, having considered whether policing might be described as a profession, it is necessary to give greater consideration to the place values have within the service and how ethics may be reflected within policing.

Policing is a complex business (Reiner 2010) where liberty and security need to be held in balance, one ensuring the other (B v Secretary of State for the Home

Department 2000). Police officers make decisions in respect of these issues on a daily basis. The mechanism of that decision making is therefore of key importance. Officers rely upon the use of their discretion (Kleinig 1996). This may result in detention or liberty of the affected person. There is no commonly utilised decision-making model on which officers can rely to predicate their decisions or assist them in making sound judgements.

The public also has an interest in police decision making. This was drawn into sharp focus through questions raised in Parliament regarding the actions of senior Metropolitan Police officers in respect of their involvement with the press and the ongoing phone hacking enquiries[27]. These enquiries prompted the appearance of two senior officers at the Home Affairs Committee. During his appearance John Yates, a former Assistant Commissioner, was questioned regarding his role in relation to the appointment of a member of police staff, whose CV he had passed to his service's Personnel Department. Yates described himself as *"a mailbox"* in relation to this matter (Unathorised Tapping into or Hacking of Mobile Communications 2011:55). Similarly, Sir Paul Stephenson, former Commissioner of the Metropolitan Police, was questioned about his judgment in accepting hospitality to the value of £9000. He felt this was not a matter that required discussion with colleagues (Unathorised Tapping into or Hacking of Mobile Communications 2011). Both these decisions engaged ethics. In the case of the former, Yates held a very senior position within policing. Whilst he may have viewed himself as nothing other than a *"mailbox"*, it is very likely that his subordinates held another view. Consequently there were issues of power and influence inculcated in this circumstance. In the case of the latter, the acceptance of a considerable sum of money in kind through hospitality engaged issues of transparency and judgement. Neither of these men had the support of an ethical decision-making model upon which to predicate their decisions. Similarly, the Home Affairs Committee was also unable to question these officers against an agreed decision making process.

[27] The Leveson Enquiry and Operation Elveden were ongoing at the time of submission.

Had such a process been in existence and all parties were able to refer to it, it is questionable whether the same decisions would have been taken[28].

The challenges faced by policing have evolved significantly since Robert Peel established the Metropolitan Police in 1829. The roles undertaken by officers have become more specialised and the decisions they have to take are more complex. Officers are involved in high risk areas which affect families and communities, such as child protection and counter terrorism, aspects of work which were not considered by officers in the 19th Century. Officers are reaching judgments, through the use of discretion, without the aid of clear guidance or understanding of the ethical codes put forward by their leadership bodies. Given these issues, it was timely to investigate the role of values within policing and consider how values based decisions may be reached.

With internally and externally generated pressures within the UK police services are moving towards a more professional identity and knowledge based position, manifested in Peter Neyroud's review for Theresa May and the new Windsor report on the police. There is recognition of the need for a more professional framework to recruit and train officers and provide guidelines for their ethical and defensible use of discretion in professional decision making. The Peelite principles of policing in a liberal democracy have always provided a global benchmark for policing by consent. This is premised on the notion that officers, rather than simply following commands, are duty bound to enforce an impartial law without fear or favour. Yet, legal rules always have to be interpreted and applied, or not as the case warrants, in the light of circumstances and also in the light of the character and personal values of officers. These are hopefully in harmony with the higher morality embodied in law and democratically crafted public policy. The exploration in this thesis of ethical theories and debate, the values frameworks already established by UK police services, and the distilled experience, perceptions and practice wisdom of a sample of senior police officers can be viewed as an attempt to update the Peelian values of liberal democratic policing by consent for the more complex multicultural societies of

[28] It is important to note that whilst both John Yates and Sir Paul Stevenson have resigned neither were subject to any disciplinary finding in respect of the issues used as examples within this chapter.

today. In the language of ethical theories, though utilitarian principles play some part, the ethical position of officers veers towards the duty oriented deontological ethics manifested in the Golden Rule and the Kantian tradition of moral philosophy. In the wide range of values in operational policing and service guidelines there is a particular focus on integrity, fairness and respect and what they may mean in everyday professional decision making.

A review of the literature surrounding ethical theories in general will provide the basis for Chapter Two of this thesis, which will link these theories with the delivery of policing by consent, through the appropriate use of police discretion within a democratic society. The views of senior police officers in understanding how these principles were reflected in the current service was important. Consequently, it was essential their views were recorded in a manner that would support this thesis. To that end, Chapter Three describes the importance of the research methodology applied to this study and the benefit the Spiralling Research Approach brought to this work. As a result of this research, a new decision making model for policing, the PLANE Model, was developed. Chapter Four describes the design, delivery and adoption of this model within policing. Chapter Five of this thesis describes the meaning of values within policing as they pertain to various police services and to those who lead these organisations, whilst Chapter Six discusses the key messages for policing which have derived from this search. By way of conclusion, the final chapter draws together the key aspects of this work and sets out six recommendations for the development of values, training and professionalism within the service.

Chapter Two

Literature Review: Ethics, Officers, Citizen and State - A Review of the Literature Reflecting These Relationships

Chapter Two: Literature Review: Ethics, Officers, Citizen and State - A Review of the Literature Reflecting These Relationships

2.1 Introduction

The relationship policing has with both the citizen and the state is an important factor in assessing the nature of the police service within any jurisdiction. To that end, this chapter will consider how policing is structured within the UK and, by brief comparison to other jurisdictions, assess the role policing has within the country's democratic settlement.

Thereafter this chapter will consider the role of ethics within policing. Terminology surrounding ethics will be discussed and the principle ethical theories of utilitarianism, consequentialism, the Golden Rule and deontology will be reflected upon in respect of their relationship to policing in an operational sense.

As the policing is delivered within communities, this chapter will consider what is meant by the term "community" and assess how police interact within those settings in order that legitimacy and consent may be maintained. Finally this chapter will briefly consider a number of situations where legitimacy and consent were tested and examine why these situations arose before looking forward to a number of developments in policing and considering the role that ethics may play in those regards.

2.2 Context

The research question which shaped this work was:

"Does the police service need a values-based decision-making model: if so, what should that model look like"[29]?

[29] See Chapter Three

The first aspect to consider in respect of this question was the disparate nature of UK policing. Whilst the word 'police' might be used to describe the collection of law enforcement bodies, it is important to note the police is not a single group, rather policing in the United Kingdom comprises 52 different police services, with different values and leadership and, consequently, with different approaches to the delivery of policing.

Whilst it would have been difficult to compare policing to the services offered by Tesco supermarkets for example, in terms of structure, this served as an interesting comparator. Like the police, Tesco covers the whole of the UK. The police services work within a legal framework which is broadly similar across the nation and addresses similar problems regardless of location. Tesco supplies foods to all sections of the community with only slight deviation introduced to match geographical demands. It is challenging to contemplate Tesco doing the same thing 52 different ways depending upon where the store was located. This is, however, the reality of policing. It is challenging, then, to imagine that a single decision-making tool would be effective across all constabularies. However, this concern must be balanced against the recognition police officers face similar problems across all constabularies. Consequently, rather than focusing on differences, it was useful to recognise similarities between constabularies and reflect upon the values which underpinned police duties.

Central to the first part of this question is the relationship between policing and ethics. This must be understood in order for the second part of the question to be addressed. To that end, this literature review considered the links between ethics and policing. Context is essential and Hinman suggests that *"ethics are like nutrition"* (1994:1) - we all know a little about both but understand no great detail about either. It is beneficial, within the professional setting that police officers have more than a rudimentary knowledge of ethics in general and the ethics of policing in particular. This literature review considered both these areas. What is meant by 'ethics' and a selection of the defining theories of ethical philosophy will be examined against the demands of both modern policing and the expectations placed upon the service by citizen and state. The review examined the context within which UK policing was undertaken and the latitude police officers had in discharging their duties.

This latitude was fundamental to UK policing and was commonly described as discretion. Whilst on one level, the police may be viewed as enforcers of the law (Greenwood 2010); on another, policing is a multi dimensional discipline where officers serve *"...not mainly as crime fighters or law enforcers but rather as the providers of a range of services to members of the public the variety of which beggars description"* (Reiner 2010:141). Citing Banton, Reiner noted the police officer is more akin to a *"peace officer"* (1964 in Reiner 2010:141) responding to requests for assistance and finding solutions to problems rather than as simply being a law enforcer. This was at variance with the image of policing set out by the Home Secretary who averred that the role of law enforcer should be an officer's primary duty (Greenwood 2010). The Police (Scotland) Act 1967 underpins the notion of police officer as peacekeeper making clear the duties of an officer are to *"guard, watch and patrol, prevent crime, preserve order and detect offenders"* (Sec 17(1)(a)). The Act does not prescribe how this surveillance and sanction should be undertaken; that is left for independent chief constables to manage.

Policing often had to find *"unknown solutions to unknown problems"* (Bittner 1947 cited in Reiner 2010:144). Given this challenge, it is vital that policing has, at its heart, a range of values upon which officers can found their actions where no other guidance is available and through which, citizens can measure their service.

Most constabularies had published statements of values[30] and both ACPO and ACPOS had set out their own ethical positions[31]. Whilst these stated values were not identical across policing, a number of themes emerged. The notions of integrity, honesty, fairness and respect were principles shared across services which described behaviours expected of officers whilst performing their duties.

Policing was central to democracy within the UK (Caldero and Crank 2011). Policing was also, however, an equally central component within totalitarian

[30] These are contained in Appendix A

[31] These documents were discussed within the introductory chapter of this work.

regimes such as China (Ma 2008). To that end, it was necessary to consider how the constitutional settlement in the UK impacted upon policing, a situation best exemplified by comparison to other states. This promoted a better understanding of the role discretion and policing by consent played within the UK. Much emphasis was placed upon discretion in policing, however, this term lacked both definition or clear guidance as to how it should be applied. A review of the relevant literature helped define this concept and signposted ways in which this tool might be trained within policing. It was useful also to consider the consequences of ill judged use of discretion.

Having reviewed the relevant literature and reflected upon its relevancy to policing, an assessment was then made as to whether or not the police service would benefit from an values-based decision-making model.

2.3 The policing settlement within the UK

This research concerned the development of a decision-making model for policing that could be used across all police services and by all specialists within those constabularies. To that end, it was important to consider the policing structure within the UK. Policing is a service which is delivered within most countries, accordingly it was pertinent to compare, albeit briefly, policing models found in the UK against those which existed elsewhere in Europe. By so doing, it was possible to assess how the UK service differed from others within the European Union, which were also subject to the provisions of the European Convention on Human Rights. Additionally, it was also beneficial to compare the service delivered within the politically democratic United Kingdom to that delivered within a totalitarian regime, such as China. These comparisons assisted the author in considering what should be included within a values-based decision making model. This is an important aspect as the political settlement in any country will ultimately determine how policing is delivered. This work is concerned with the values in policing. For this to have context it is important to consider the backdrop to the delivery of that service. Where officers have no scope for personal interpretation of situations or serve in a heavily codified manner, the importance of personal values would be minimal. However if officers have the power to use personal interpretation and

discretion, then it is more likely that personal and organisational values will impact upon their decisions. Consequently, it is important to consider the context within which UK officers work.

There were 52 police services throughout the UK; eight constabularies were in Scotland and 44 in England, Wales and Northern Ireland. Governance for those services was the responsibility of the Home Office[32] or Scottish Government[33]. As such policing in the UK was civil activity rather than one which fell under the control of the military or Ministry of Defence. Responsibility for operational delivery rested with chief constables responsible for particular geographic areas (Police (Scotland) Act 1967). As such policing was a locally devolved activity supposedly free from political interference.

This situation was not universally replicated[34]. Policing in France, for example, was centralised, indeed policing there was described as the most centralised forms of policing within Europe (Mawby 1999); and divided between two organisations the Police Nationale (Police Nationale 2009) and the Nationale Gendarmerie (Nationale Gendarmerie 2009). Governance of the Police Nationale was similar to the UK, as it fell under the responsibility of the Ministry of the Interior. The Gendarmerie Nationale however, was the responsibility of the Ministry of Defence. This aspect of French policing was divided into 10 regional units coterminous with French military regions. Consequently, policing in France was a mix of both civilian and military personnel (Palmiotto and Unnithan 2011). The political settlement which existed in France between state and citizen was different to that found in the UK. In France, rather than rights between citizen and state being held in balance, there was competition between the rights of the citizen and the collective interest of the state. This was an unequal contest where the state prevails over the individual (Mawby 1999) and the police were seen as being biased toward protecting of the rights of the state rather than those of the citizen.

---

[32] For police services operating in England, Wales and Northern Ireland.

[33] For Scottish constabularies

[34] Whilst this is not a comparative study, it is useful to briefly touch upon policing styles beyond the UK and reflect upon similarities and differences that exist.

Within the UK the settlement was different. It is worthy of note that where there was protest and criticism of the police arose it was often as a result of officers not maintaining this balance of interests (Lewis and Laville 2009; O'Neill 2009; Bell 2009). To these ends, the default position for policing in the UK was that of an independent presence which existed to facilitate the interests of both individual and state. Indeed, one chief constable took the view that the police should exist to protect the citizen from the state as much as the state from the citizen (Strang 2010).

The UK model of policing involved constabularies establishing their command structures in a manner that was coterminous with local authority service delivery areas - not the military. The UK model allowed for a joined up approach to problem solving within communities, whilst the French model pointed more toward military repression than community support. This was a system that was hard to square with the values of the original commissioners of the Metropolitan Police, Sir Charles Rowan and Sir Richard Mayne (Reith 1956) who felt strongly that policing should not be a reflection of the military (Reith 1956). Indeed, the recent debate around whether recruits should be able to join the police directly at senior rank (Windsor 2012) and the resemblance of this position to that of the military process of recruitment, has again underlined the expectation of differences between these two bodies with a vocal number of police officer who wish to ensure this difference remains (Adams 2011; Caswell 2012).

The settlement between citizen, state and police officer within the UK was one that required balance. For the police to serve as citizens in uniform (Reith 1956), they must do so with the consent of the community beyond their own ranks. It is this notion of policing by consent which set apart UK policing from that found in other jurisdictions.

The evolution towards policing by consent, which will be discussed in greater detail below, was also a reflection of the change in the political settlement within the United Kingdom. Until that point in time, policing may have been regarded as being grounded within the conflict theory of police delivery (Weitzer 1995). This theory maintains that policing exists to protect powerful interests whilst suppressing protest against those interests and so, the police become the

"repressive arm of the state" (Weitzer 1995:3). However, throughout the 19th Century politicisation of criminal justice began to develop through the growth in the newspaper industry (Rawlings 2003), which had become a tenet of free speech. Comment and criticism of the political classes and the police service was now possible. This led to responsibility for criminal investigation moving from individual to the state, thus developing the police into a service rather than a force (Mawby 2003). This situation reflected a functionalist approach to policing which emphasised social structure over individual action (Anderson and Taylor 2011) where policing existed to protect all citizens and therefore contributed to the stability of democratic social system rather than serve the needs of a dominant group or groups (Weitzer 1995). Functionalism focused on the development of society and the maintenance of social order with each aspect of that order being integrated and operating in an interdependent manner (Palmiotto and Unnithan 2011). As Palmiotto and Unnithan noted (6:2011) policing contributes to society and the service have an opportunity to positively impact on the good of the society it operates in by engaging across all aspects of the community. For example, by interacting and influencing the very young, police officers can act as teachers by emphasising the importance of obeying laws and highlighting the expectation society has of these individuals. These authors also suggest that such interactions may provide the police with an opportunity to monitor behaviour and actions. This appears to be less functionalist and perhaps moving down the continuum towards the conflict theory and gives an indication of the difficulty in maintaining a single framework position. Marenin (1985 cited in Weitzer 1995) makes the point that neither of these theories are able to provide stand alone solutions to policing. Rather, he argued that policing is *"too complex to fit simple schemes"* (1985 cited in Weitzer 6:1995) as the police are neither a neutral service that simply provide an equitable service across all society nor are they *"blue shock troops of repression"* (1985 cited in Weitzer 6:1995); rather, as Marenin noted, policing sometimes reflects one of these frameworks and sometimes it reflects neither.

This situation reflects the complexities of modern policing within the UK and gives further weight to Bittners argument that the police need to find *"unknown solutions to unknown problems"* (1947 cited in Reiner 141:2010).

Having considered then the functionalist and conflict frameworks of policing, it is important to further reflect on the style of policing which exists in the UK.

Policing in the UK was a role underpinned by duty and law. Scottish police officers were bound by the Police (Scotland) Act 1967 to perform the duties of constable. Within the context of police decision making, it may be that legal and human duties occasionally conflict. For example, police officers have a duty *"...to detect offenders.."* (Police (Scotland) Act 1967: 17(1)(b)). This might involve the taking of forensic samples from victims of crime. This was the case following the rescue of Stephanie Slater (Slater 2010) who had been kidnapped whilst working as an estate agent in 1992. She had been in physical contact with her attacker and the police sought to obtain forensic samples from her. This was consistent with the legal duty. Stephanie had been separated from her parents for a considerable period and had been in mortal danger. On meeting her mother they wanted to hug. This would have destroyed forensic evidence and the police prevented contact. Stephanie felt the officers failed in their human duty to make her feel safe. She felt her experience would have been improved had she been allowed to hold her mother's hand. Even this minimal intimacy was denied. The challenge for the officers is to navigate through potentially choppy seas to understand competing factors they may face when making decisions and to form judgements as to how best to maintain this critical balance.

2.4 Moral philosophy - the what and the how

In reaching decisions in respect of people and the law, officers wittingly, or otherwise, reach values-based judgements. Consequently, decision makers undertake some form of moral philosophy. It was useful to consider what, in broad terms, comprises moral philosophy and how a better understanding of this by police officers might assist police decision-making.

Moral philosophy comprised two main branches - metaethics and normative ethics.

2.4.1 Metaethics and normative ethics

Metaethics concerns the nature of moral judgement; developing an understanding of the meaning of certain terms including 'good' and 'bad' in particular contexts. This is important as, in order to draw conclusions upon particular types of behaviour, it is first necessary to understand the meaning of the words used within those conclusions. In this sense, it is important to understand what the term 'good' may mean in a particular context. By gaining an understanding of the meaning of judgmental phrases, decision makers are challenged to rationally justify and defend personal beliefs in respect of rights and wrongs (Gensler 1998). For example, what may be regarded as good behaviour in one society or community might be regarded as bad in another. In order for decision makers to contextualise their decisions it is important they know what these judgemental terms mean for them and for those who may be affected by their decisions.

Gensler suggests the question at the heart of metaethics, is *"what is the nature and methodology of moral judgement"?* (1998:4). Consequently, metaethics does not engage in debate around the content of judgements; it is a method of analysing the language and the reasoning of the decision maker (Thiroux 1995).

If metaethics concerns the "what", normative ethics concerns the "how". This area of ethics can be broadly summed up by the questions of *"what principles ought we to live by"?* (Gensler 1998:4). Within society, such principles may be set down in law or may be the result of social convention. Whilst the law imposes punishment in respect of behaviour that is either criminal or in breach of civil law, for example theft and defamation respectively, social convention leads to British people readily standing in queues. Principles do not, however, need to be uniform across an entire country. It may be that sections of society have particular principles by which they live, such as members of any faith community. On occasion, people who hold a particular principle may clash with those who hold a competing belief, fox hunting being an example (BBC 2007; Owen 2010). In this case, one group of individuals considered it their right to hunt foxes with dogs and view this as a permissible activity. Another group

takes the diametrically opposite view that such an activity is offensive. Consequently, there is an ideological clash between these groups. The police may be engaged in the management of these disputes, as discussed below.

Police decision makers hold their own views on a range of issues and one of the challenges for officers is being able to recognise conflict between personal beliefs and police duties and, through this understanding, consider how personal values influence decision making.

2.5 Defining ethics - values and customs

The word ethics derives from the Greek *"ethikos"* meaning arising from custom (Nowell-Smith 1954). Consequently, the word ethics should not be attributed to a particular set of values; rather it is a word that should be used to describe habits. However, the use of the word ethics and its derivatives has evolved in meaning. Rather than being regarded as a descriptor of habit, these terms have become descriptors associated with positive characteristics. For example a product, such as coffee, may be 'ethically' sourced or a particular person might be described as behaving in an 'unethical' way. This places a value on the term 'ethical' and suggests that if something is 'ethical' it is good and bad if it is 'unethical'. Consequently, a moral judgement has attached to the term 'ethics' rather than it being used in the proper sense as a descriptor of habit. This is an important distinction, as habits which may be regarded as appropriate, and consequently ethical in one setting may not be viewed as such in another.

Cannibalism is an interesting example of this. In terms of cultural practice, cannibalism was carried out within societies where it was seen as *"natural and necessary"* (Elliot 2005:16) in respect of overcoming both hunger and disposing of enemies. In other circumstances where food was scarce and energy was needed for battle the practice of cannibalism *"relieved famine by eating old men, women and other people useless for fighting"* (Zalloua 2005:111). Until relatively recently, this practice has continued within Papua New Guinea (2010). Whilst those who carried out this practice may have viewed it as 'ethical' as it arose from habit within particular societies, it was not a practice undertaken in

most other societies and was regarded as unethical in terms of 20th Century Western values where there was a *"widely shared revulsion"* for cannibalism (Stout 1990:157). This example highlights the danger of ascribing a positive value to the use of the word "ethical" in referring to some kind of behaviour. Rather a moral issue existed in relation to the practice of cannibalism and it is a moral objection to this practice in most cultures that makes it unacceptable. To this end, it is useful to separate the notions of ethics and morality, the former being a custom, the latter placing a moral weight upon that custom bounded by time, place and belief. Ethics was defined by the Oxford English Dictionary (OED) as *"the science of morals'...the study concerned with the principles of human duty".* This definition raises a number of issues in respect of morals and duty. Hinman argues that we, as individuals, are unable to avoid moral questions. As such, people are faced with choices that may "*hurt or help other people...that may infringe on their rights or violate their dignity"* (Hinman 1994:2). Police officers were intrinsically involved in this notion of duty as a result of their chosen occupation and as human beings. How these rights were blended was a challenge as it was important officers had the necessary skills to manage and address dilemmas.

Ethics and morality were intertwined (Thiroux 1995), consequently it is necessary to consider what morality means and how that affects policing.

According to Pufendorf (1927), morality was influenced by three things - reason, law and divine authority. Reason allowed an individual to live in harmony with others, obedience to law allowed that individual to live in harmony with the state whilst the influence of divine authority allowed the individual to live in harmony with God. Pufendorf was writing in the 17th Century, consequently he described a society where white, Christian men dominated. In 21st Century Scotland, society comprises a number of diverse communities populated by people from a range of ethnic backgrounds and religions.

Increased diversity within the geographic state may lead to confusion around the 'state' to which an individual holds first allegiance. This has caused particular issues where faith and society were perceived to conflict. An example of this was where the Islamist caliphate calls for Muslims to give their first

loyalty to the Islamic world (Williams 2007) thus causing potential conflict between faith and nation (Gardiner 2006). Consequently, whilst of relevance, it was important to consider Pufendorf's position in the context of the time it was made. This view was supported by MacIntyre who asserted that *"moral concepts change as social life changes"* (1966:1), a situation exemplified by the evolution around the 1976 Sexual Offences (Scotland) Act. This legislation made it unlawful for men to have sexual relations with other men except in very narrow circumstances. The law was repealed in 1996. Since that time, same sex civil partnership has been enshrined in law. This illustrated two points. First, society evolves over time and secondly, it is difficult for institutions, such as the police to take an entrenched position and not expect that to be challenged over time; a point noted by Constance Baker Motley who, when discussing her appointment as the first black female United States Federal Judge, noted *"Something we think is impossible now is not impossible in another decade"* (Martin 2005:web).

This evolution reflected two of the three pillars referred to by Pufendorf. The relationship an individual had with society changed. Gay couples are embraced within the norm of civil partnership. The relationship gay people had with the state changed as what was once outlawed is now legal. The relationship between gay individuals and religion, has not, however, evolved as much. There was much debate around the status of civil partnerships and active homosexuality within the Church of Scotland and, it may be argued, progress involving the church and gay people has not moved at the same pace as that reflected in society and in the law (Watt 2009).

For police officers this evolution was not without significance. Officers who once enforced laws under the 1976 Act now required to support a different social position. For some, this meant a re-framing of personal as well as professional values highlighting the importance of being able to recognise the role personal values had in professional judgement. In turn how an officer's judgement was demonstrated had a direct bearing on the relationship policing had with the state and cannot be underestimated.

2.6 The officer and the state

Reaching judgements was a key skill for police officers. In one sense, officers had more power than Prime Ministers to arbitrarily remove a citizen's liberty. This placed significant responsibility on individual officers. For some, the police officer was the *"best friend of...the people"* (Reiner 2010:69). Yet to others, police officers were part of a *"tainted occupation...ambivalently feared and admired"* (Bittner 1970 cited in Reiner 2010:69). Consequently, perceptions of officers within society were mixed. It was therefore important to consider what the relationship was between officer and state.

The Peelian notion of the police remaining independent of politics served as backdrop for the relationship between officer and state. Despite being 180 years old, Peel's nine principles still frame the policing ethos within the UK[35]. Cronkite described these as the *"holy grail"* (2008:184) of policing. This was perhaps a less useful metaphor than this author intended. No doubt these principles were essential to the service, unlike the grail however, they were easily found and, with some effort were achieved within modern policing. These principles set out the relationship officers should have with citizen and state and remain as pertinent in the 21st Century as they were at the conception of the Metropolitan Police, a point made clear by the Home Affairs Committee when considering the role of police commissioners, where these principles were described as the *"primary aim"* of policing (Home Affairs Select Committee 2011:28).

Whilst there is not the opportunity within this work, to analyse and discuss these principles entirely, it is pertinent to consider a number of key points. The role of the police was, according to Peel, a preventive one[36]. This notion went someway to demonstrating why, despite the size of any particular disturbance, the police appear to arrest very few people (Daily Mail 2009). The focus of policing is, first to keep the peace, thereafter to restore peace and thereafter to enforce the law where necessary. These principles set out the importance of the

[35] Peel's Principles are set out Chapter 1.2

[36] Principle 1

interdependence of police and public in pursuit of this peace, giving rise to the notion of consent[37]. This is based upon the shared aspiration for peace between the citizen and citizen in uniform - the police officer[38]. This ambition was best served by having good interaction with communities in general (Miller, Hess, and Orthmann 2011) a practice which evolved into the community policing undertaken today. The notion of the police officer as a citizen in uniform purposely brought police officers into the social fabric as opposed to excluding them from those they policed. This, in turn, served as a reminder that officers should be fair in their dealings with the public, treating citizens only as they would expect to be treated themselves. A practice consistent with the ethical theory of the 'Golden Rule'.

The Golden Rule is based on the argument that people should treat others only as they would consent to being treated in the same situation. In following the Golden Rule, the same weight should be given to another's preferences as to ones own (Hare 1993).

This theory has resonance across ages and cultures. Kellner highlighted the Jewish teaching of *"what you dislike, don't do to others"* (82:1990) as the 'Golden Rule'. This principle was inverted by Confucius, but delivered the same message, through his teaching of *"what you do not desire, do not effect on others"* (Hanson 72:1990). President Kennedy applied the Golden Rule when challenging segregation in America, asking white citizens if they would consent to be treated in the same manner as black citizens with regard to voting rights and the inability of black citizens to secure places in good schools (Dallek 2003). The Golden Rule is often simplified to state that one should treat others as one would like to be treated, reasoning which is akin to that of Kingsley's *"Mrs Doasyouwoudbedoneby"* (1875). This rule assumes all humans share a common understanding of what reasonable treatment might be whilst also assuming all people are prepared and are able to behave in a similar manner.

---

[37] See Paragraph 2.7

[38] Principle 7

The notion of the Golden Rule was a central tenet of Jeremy Bentham's position of *"everybody to count for one"* (Hare citing Mill, JS in Singer 1993:460) which was reflective of Immanuel Kant's *"categorical imperative"* (1785 cited in Ellington 1993:14). Kant's imperative intrinsically valued human beings who, he believed, should be treated as an end as well as a means in every respect. The Kantian approach demanded that the decision-maker select a course of action which, they could argue, reflected universal law and by establishing such, the decision became morally permissible. Kant took the view that the principles he set out were absolute. He could not envisage a time or situation where these principles would conflict.

Kant died in 1804. At that time, internationalism and multiculturalism were not features of his society. Consequently, Kant had a narrow view of the world and the universality he sought was not well developed beyond the white, Christian values found within his native Germany. This makes Kant's view of universalism, when held up against the established norms of modern society, easily challengeable in a contemporary and multicultural world.

The Golden Rule was a competent starting point for human interaction. It was a measure easily learned by children (Schneewind 1990) and has simplicity and generality at its heart. However, as society has evolved there has been a move away from the basis of this position which was predicated as it is in self reflection, towards an approach where it is appropriate to treat an individual according to their own needs. For example, a deaf person may have differing needs to a hearing person. Consequently, it is not sufficient to treat a deaf person as if they were able to hear. This is the position adopted by policing across the UK and is reflective of an enlightenment within society in general and policing in particular.

Following the murder of Stephen Lawrence[39] (Macpherson 1999) and the broadcast of "The Secret Policeman"[40] (Daley 2003) diversity training was

[39] See Appendix A

[40] See Appendix A

undertaken by all police officers in the UK. This underpinned the importance of officers responding to the needs of individuals rather than providing a response from their own perspective. However, whilst the gold may be a little tarnished, this rule is still of practical use and is a good starting point upon which citizens might predicate their actions and police officers their approach. The Golden Rule assumes people will treat one another reasonably. To this end, it is important that a police service consists of reasonable people who will support the citizen, uphold the law and discharge the duties of constable reasonably. This is best achieved through good recruitment.

2.7 Policing - officers and their role

Having reflected upon how policing within the UK and the principles of the role are established, it was consequential to then consider who discharged those duties. This was important, since it is in the act of policing that these duties and responsibilities move from theory to practice. To that end, those who discharge the office of constable have great power for good or evil, as the case may be.

Who became a police officer was important to Peel. Officers were chosen for their high ideals and their ability to inspire others (Dempsey and Forst 2010). The need for such high ideals remains essential. Where police officers are trusted to act independently, armed with the power to remove liberty, it became essential they possessed strong values. Goldstein rightly pointed out that *"much of the important information on the substantive problems of policing is stored in the minds of the rank and file officers rather than in books"* (1990:93) a situation which made the beat officer a very important person. Whilst many outside the service were keen to emphasise the importance of this role (Daily Record 2011) the value of the beat officer within policing remained vexed. Despite Peel's belief that the uniform beat officer was essential to policing, it is a role not always appreciated within the service. Beat policing has been compared to Siberia - a place to which failed specialists are banished and from where high flyers were removed, never to return (Reiner 2010). Whilst this was certainly the case in the 1980s, the elevation of the role of beat officer throughout the early part of the 21st Century somewhat ameliorated this position. Services

placed high emphasis on the importance of the police officer in the community and being responsive to the community (Northamptonshire Police 2011), a situation which underpinned Goldstein's view of the importance of junior officers to problem solving. It was with problem solving in mind that some criticism may be levelled at Peel's principles insomuch as they do not, wholly, reflect the role of the police in modern society. There were eight references to law[41], crime[42] and disorder[43] and two references to the police's ability to use physical force[44] yet there was no clearly articulated references to public service. In terms of 21st Century policing it was clear that work undertaken by officers had become more complex (Neyroud and Beckley 2008) than was the case when these principles were established, notably there was an upsurge in international criminality, such as terrorism. However, the police were not wholly devoted to crime fighting but also to responding to *"service calls for help"* (Reiner 2010:141). Indeed, there was *"widespread agreement that complaints of crime comprise between a quarter and a third of the problems the public ask the police to assist with"* (Waddington 1990:5) . Consequently, it was public service which most clearly defined the role of modern UK policing causing policing to be described as *"the secret social service"* (Punch 1979 cited in Reiner 2011:142) an aspect of service which has been challenged by performance culture. The Home Secretary indicated that she saw the role of the police being to *"cut crime"* (Greenwood 2010). Whilst there was no doubt policing had a responsibility to do this, crime reduction is only one aspect of police work which at most, according to Waddington (1999), took up no more than a third of the time of the police officers.

Political independence is a fundamental principle of UK policing. From the establishment of the Metropolitan Police in 1829 until 1887 police officers were denied the vote in order to protect the independence of the office of constable (Reiner 2010). Indeed, writing in 1979 the then Commissioner of the Metropolitan Police noted that, for this reason, he *"no longer exercised [his]*

---

[41] Principles 3, 5 & 6

[42] Principles 1 & 9

[43] Principles 1, 6 & 9

[44] Principles 4 & 6

right to vote...since [he] was appointed a chief officer of police" (McNee 1979 cited in Reiner 2010:74). This seems a principled if extreme form of maintaining an *'a-political'* position within the 21st Century. However officers remain prevented, by statute, from becoming members of political parties. As government was involved in the direction of policing, on a strategic level, it seemed wholly reasonable that officers should be permitted to exercise their franchise in private whilst remaining politically neutral in public; thus remaining able to contribute to the democratic settlement within wider society. Despite this separation, as policing has evolved it has also become increasingly politicised. The establishment of the Police Federation in 1919 (Federation 2011) led to the service becoming involved in political debate concerning pay and conditions. Moreover, the political independence maintained by McNee has diminished greatly at senior level. The recently retired Commissioner of the Metropolitan Police, Ian Blair, appeared on the BBC Radio 4 political debate programme "Any Questions" whilst in office (Blair 2009). This issue was considered by Her Majesty's Inspector of Constabulary, Roger Baker, whilst speaking at the 2012 Strategic Command Course. During his presentation Baker commented upon risks to independence of policing that arise when senior police leaders used the social media network "Twitter" to comment upon discussions taking place in political television programs such as Question Time (2012). In addition, police leaders have expressed political views in respect of a number of issues relating to law and order, notably around detention periods (Blain 2011; Tendler 2005) and police service restructuring (Silverster 2011). The police needs to be able to manage the outcome of decisions involving detention times and re-structuring. However, whether the service should be a key contributor to the debate is questionable. Despite any good intention, the presence of the police in the political arena will affect the view the citizen has of the service. This may risk a shift in sympathy for policing, dependent on political affiliation. To that end, the relationship between police and state is key and the citizen's perception of this relationship shapes how policing may be delivered within the UK.

Policing was also central to democracy (Caldero and Crank 2011) and in a democracy citizens must be policed with their consent (National Research Council 2006) making the relationship between the public and the police an

inclusive one whereby *"the police are the public and that the public are the police"* (Reith 1956:287). The consent of the public was central to UK policing and *"derived not from fear but almost exclusively from public co-operation with the police"* (Reith 1956:287). It was useful to consider what citizens may seek from the police service in return for their consent. Whether citizens expect the police to serve all people fairly and equally or give particular support to distinct groups to the detriment of others were questions which merited consideration, both from the view point of the customer - the citizen and the service provider - the police.

2.8 Theories of ethics and operational policing

As discussed in 2.3 above, ethics usually involved the concepts of "good" and "bad". Defining these terms within a policing context was challenging. Plato (cited in Gensler 1998) took the view that all people knew what was meant by the term "good" and any deviation from that was as a result of ignorance. In Plato's view the notion of good was absolute and universal. He took no account of desires or opinions that veered from what was good. Within the diversity of modern society it is challenging to commit to any set of principles to which all states and citizens can holistically agree. Principles are, for example, often derived from religion. Where faiths fail to agree fundamental points, such as women's rights[45], it is hard to envisage how a fully formed set of universal values can be achieved.

Plato's position in respect of ignorance was also challenging, particularly when it might refer to criminality. Within Scot's criminal law knowledge, or mens rea, was an essential element in crimes of intent where the *"degree of mens rea referred to is...the central element of the crime"* (Gordon 1979:218). Indeed, it was a principle of Scots Law that ignorance of the law is not an excuse and therefore not a valid defence in criminal matters where an accused has the mental capacity to enter a plea. Consequently, large numbers of criminals understand the acts they embark upon are illegal. Therefore, those citizens

[45] For example, the Church of Scotland fully included female clergy at all levels. This is not replicated in the Church of England.

who either choose to commit crime or have mental capacity to be held to account for any crime of which they stand thus removing any defence of ignorance of the law, make a conscious choice, based on knowledge and understanding of consequence, to act out with the good. This undermines Plato's view that citizens only deviate from the "good" through ignorance. The role of the police within this theory was difficult to define. If ignorance was a cause of criminality then the police role should perhaps be that of law teacher, rather than law enforcer. A further challenge arises in the case of the thief who steals to survive. There is a legal duty upon the officer to arrest the offender. However, if the officer feels that there is greater good in allowing that individual to go unpunished and perhaps even retain the property in question, then that officer may be conflicted. This was not an unusual dilemma for a police officer. If Plato's assumptions were wholly correct and pertinent to modern living, this would not be a situation either the officer or the culprit would find themselves in, rather knowledge would prevail.

Plato's work was developed by Aristotle. He accepted it was impossible to set out a principle that was both universal and absolute. Instead he asserted that every human should lead a life of *'living well and doing well'* (cited in Kaufman Ed 1998:11). Rather than being good for the sake of goodness itself, Aristotle focused his thoughts on the consequences of an individual's actions and their ability to make themselves and others happy - *"an activity of the soul in accord with perfect virtue".*

Aristotle introduced a subjective, rather than absolute, position through his *"Doctrine of the Mean"* (cited in ed. Kaufman1998:20). This demonstrated balance and moderation, reflective of human behaviour. For example, viewing courage as the 'mean' between cowardice and rashness. Aristotle suggests individuals establish their own 'mean', which will vary between people. If Plato was right, and the notion of the 'mean' did exist within society then, it would be necessary for society, through democratic processes to establish what society-wide 'means' are. This is necessary as, without established social means, it would be permissible for individuals to set their own mean which would make no sense in circumstances, such as road positioning for example which may affect

the safety of others. Within the terms of criminal law it will be for the police to enforce this 'mean' within society.

This may lead to a confusing and potentially hazardous situation for police. If a single 'mean' position is adopted through legislation then this should be the same position throughout society. An example of this is fox hunting (Bowcott 2010). The 'mean' view of parliament is that hunting with dogs is unacceptable and consequently, this has been made unlawful. However, one third of the electorate appear to disagree with this position (Owen 2010). Where large numbers of dissenting voices are gathered within a particular community[46] then, the notion of the 'mean' becomes less clear. This leaves police officers with something of a dilemma as to the 'mean' to which they owe loyalty. Police officers will have to consider both their own and their organisational values in relation to such dilemmas. It may, therefore, be useful to have a readily accessible tool to assist with any judgement which supports decisions that have the potential to conflict with either the community or wider societal 'means'.

The concepts of consent and discretion were central to the consideration of ethics and policing. Police officers were often engaged in disputes where it was likely an individual or group will be *"policed against"* (Reiner 2010:69). In these circumstances, it was likely that one or more parties will not be wholly consenting. The challenge for the police service was to ensure that individual and collective consent is maintained both in terms of a societal view and individual belief. The maintenance of this position represents policing by consent. Consent cannot be taken for granted. Villiers (2009) made the point that consent to policing was a renewable doctrine, reviewed at set times. It is unclear where or in what circumstance Villiers considered this review arose. This missed the mark. Policing remains a constant feature of society. Officers are often asked to work in difficult circumstances and take challenging decisions. In order to effectively police society, officers rely heavily on the support of the public (Reiner 2009). To that end, consent was constantly being reviewed both by society in general and by individual members of the public as they come into contact with the police. Within democracies there is a fine line

[46] The notion of community will be discussed in greater length below.

between anarchy and suppression. On the one hand, where there was too little state control, society was likely to breakdown and anarchy prevail; on the other hand, where there was an over exertion of control of the citizen then authoritative regimes were the outcome (Caldero and Crank 2011). The police have a key role in maintaining balance in this regard. It is essential that the police are seen to maintain a commitment to citizens and serve to protect not only the interests of the state but are in a position to also protect the citizen from the state (Strang 2010).

Policing, as previously argued, is central to democracy. It does not rely upon popularity (National Research Council 2006) in the same way that elected officials require a majority of a vote. Indeed there are circumstances where it is a crime to remove consent from the police. For example, in Scotland, it is an offence to obstruct officers engaged in their duty under Section 41(1)(a) of the Police (Scotland) Act.

It was impossible for policing to attain global consent at all times (Villiers 2009). As prosperity grows there was a likelihood that police legitimacy will also grow, however as prosperity narrows that paradigm is ripe for challenge as police officers were often deployed to preserve order where citizen and state clash (Bell 2009). This was often explained with reference to industrial disputes. In these circumstances, the police often did not act with the consent of all those they were policing, a situation which underpinned the oxymoronic nature of policing by consent (Reiner 2009) giving weight to the assertion that consent and popularity are different with policing requiring the former but not necessarily the latter. Consent to policing rather than being predicated upon popularity had its provenance in legitimacy. This concept was harder to measure than ballot box popularity and more difficult to maintain. It was, perhaps, a reflection of how difficult it is to quantify legitimacy within policing which prompted the government to move toward elected police commissioners (Home Office 2010) thus reducing the value of legitimacy to a quantifiable number.

If, however, legitimacy remains a cornerstone of consent it is worth considering how this is earned by the police. Taking the example of the protest, above, whilst the police may not be popular at the scene, the way they behave towards

protecting victims, witnesses and accused people will define the legitimacy of their actions. Where the police remain neutral and act within the rule of law treating people fairly, then the legitimacy of the service increases (National Research Council 2006). Where the opposite prevails, the police may loose consent and with that, legitimacy.

The police cannot be above the law. Officers uphold the law and are subject to that law (Villiers 2009). Where officers breach the law, legitimacy is lost with the service only being able to police through force rather than with the consent of citizens. It would be wrong, however, to suggest that the police constantly and consistently act within the law. There have been many cases where officers have acted outwith the law, and where this happened the police service overtly dealt with transgression. This, in and of itself, serves to underpin the position that policing should be done within the law. In the case of the former Metropolitan Police Commander Ali Dizaei, who was jailed and subsequently dismissed from the police for acting outwith the law he used his position to further his personal agenda rather than for professional ends (BBC 2012).

Fundamental to the rule of law is an understanding of right and wrong. This is an question of morality. Caldero and Crank suggested that the police were the *"willful embodiment of the state's morality"* (2011:32) and should know the difference between right and wrong. Should these authors be using "morality" to describe the law then they make a reasonable presumption, however they risk confusing the reader who may take the view police officers should be beacons of behaviour in circumstances beyond their professional setting. This is a challenging issue. There is no doubt that police officers occasionally place themselves in questionable situations where issues of personal behaviour engage debate around moral issues, for example police officers who lead a 'swinging' lifestyle which some might find distasteful, leaving the officer open to criticism (Rafferty and O'Sullivan 2010). However, where law is not engaged by the officers actions, morality remains a personal matter and not a matter upon which the police service should be expected to set an example.

Another view might be that morality is a reflection of the informal norms found within communities (Villiers 2009) and that by enforcing these norms the police

will ultimately be reflecting the values of the community they serve, thus bringing them closer to the citizen. Whilst this might increase levels of consent to the police service in a particular area there is a risk that wider legitimacy may be lost. Whilst there is no doubt different communities have different tolerance levels, the police exist to serve across wider society. Therefore, by reflecting one particular set of demands that contradict another, legitimacy may be lost, particularly if the favoured balance is either too lenient or excessively harsh.

Free speech is central to democracy. It is in part due to the development of the newspaper industry that the principle of policing by consent evolved (Rawlings 2003). As criminal justice became politicised, the media pressed for police to provide a service to all, rather than primarily to keep the working classes under (Mawby 2003). To this end, the media have been regular commentators on the policing, passing judgement on the legitimacy of the service.

Whilst it is necessary within the democratic settlement that the press scrutinise the police, it is equally important that the police service can effectively and fairly investigate complaints of criminality involving the media. The ability of the police to effectively undertake this role has been challenged as a result of allegations of telephone hacking and concerns over relationships police officers may have with journalists[47].

In January 2007, two men were jailed for hacking into the telephone belonging to Prince William and using the information they gained to publish a story in the News of the World (Irvine 2009). It was not, however, until July 2009, that it was reported that a wider number of people including celebrities and politicians had similarly been hacked (Davies 2009). Whilst there was an implication of criminality involving the press, the police, in this case, the Metropolitan service, did very little by way of investigation. This was a situation described within the pages of the New York Times which ran an article critical of the enquiry in September 2010, claiming the police did not wish to pursue this enquiry due to the close links officers had to the News of the World (Natta, Becker, and Bowley 2010).

[47] Operation Elveden.

In December 2010, a Scotland Yard enquiry found no evidence of criminal activity at the paper which extended beyond the culpability of those already convicted. However in January 2011, Operation Weeting was established by the Metropolitan Police to consider further allegations of illegal phone hacking by the press. A parallel enquiry, Operation Elveden has also been established to enquire into payments allegedly made to the police by journalists. Speaking in the House of Commons, the Home Secretary, Theresa May commented that police officers had previously neglected evidence when first considering the hacking issue and, in respect of Operation Elveden, made clear allegations that police officers had received payments from the press in return for information were being investigated (May 2011). Of significance, the Home Secretary linked these comments directly to the resignations of two senior police officers, Sir Paul Stephenson, the Commissioner of the Metropolitan Police and an Assistant Commissioner[48], John Yates, both of whom had been questioned at Parliamentary Committee regarding their relationship with the press, gifts from those associated with the press and the number of former press journalists employed within the Metropolitan Police (Unathorised Tapping into or Hacking of Mobile Communications 2011). It was clear from the Home Secretary's view that she felt the relationship between media and police had blurred to a point of unacceptability thus risking *"...transparency and public confidence..."* (May 2011:on-line). In order to bring clarity to this relationship, Dame Elizabeth Filkin, the former parliamentary commissioner for standards was appointed to consider how these two bodies should interact. In her subsequent report, Dame Elizabeth expressed the view that *"serious harm"* (Filkin 2012:18) had been caused through the relationship, which elements of Scotland Yard shared with the media (BBC 2012). Whilst policing was affected by this issue, the independence of the press has been compromised resulting in the British press falling nine places in the international rankings for press freedom as a result of the telephone hacking inquiry and subsequent closure of the News of the World (Taylor 2012).

[48] Assistant Commissioner in the Metropolitan Police is a rank equal to Chief Constable

Filkin's report received mixed reviews. Some viewed it as *"patronising"* (Hughes 2011:on-line) insomuch as it provided basic advice on interaction with the press, whilst others took issue with some of the language used within the report (Burrell 2012). On one view, given it was the interaction police officers had with the press which had predicated this work, it is perhaps unsurprising that some elements of the press were critical. On the other hand, the police require legitimacy if they are to serve with the confidence of the public. With this in mind, the Metropolitan Police has made the adoption of Dame Elizabeth's recommendations a priority (Caswell 2012). By so doing, along with several key changes in senior leadership[49], the Metropolitan police hopes to prevent further compromise in respect of its relationship with the media. This is a difficult tide to navigate as, where policing apparently falters, (Reiner 2009) the media are at hand to identify failings and offer advice to the wider public. It is perhaps with this in mind that officers sought to curry favour with the press, a situation that demonstrated poor judgement and foresight. However, poor judgement in relation to interactions with the media is not new; indeed Ozimek (2009) discussed the position of both the police and press in light of interpretation of the law relating to press photography. Ozimek noted that some sections of the press, in this case the Daily Mail, provided readers with advice not to cooperate with the police and included a guide on what to do if stopped by police officers. In another, unrelated, article, former Conservative MP, Michael Portillo (2005) put forward the theory that the public expect to be lied to by the police. These and the myriad of other critical press reports, challenged the legitimacy of the police and cast doubt upon the consent given to policing by the public. Following public and press criticism of police management of the G20 protests in 2009, the then Inspector of Constabulary said the police risked *"losing the battle for the public's consent"* (Lewis and Laville 2009:on-line). This was a concerning situation. This statement was positive insomuch as it recognised that public consent and the associated legitimacy should not be taken for granted. On the other hand, it undermines the importance of this concept by likening it to a battle. Battles are fought by opposing sides and result in a victor and a vanquished. The notion of policing by consent is that the

[49] Bernard Hogan-Howe has succeeded Sir Paul Stevenson and Craig Mackey, formerly Chief Constable of Cumbria Police has been appointed as Deputy Commissioner. A number of other changes have also taken place in respect of Assistant Commissioner appointments.

service works in partnership with those whom it serves, which should be cooperative rather than adversarial.

The police have striven to develop a community policing ethos which involves officers being responsive to the demand of the community through the use of a range of policing options. In particular, officers are now based in schools, shopping centres, hospitals and council offices. Each response is designed to make the service accessible to the public and serve the needs of the citizen. It is also clear there is not a uniform delivery of police service across all strands of society and indeed, *"policing bears down most heavily on the most marginal and least powerful groups in our society"* (Waddington 1990:7). Ozimek (2009) made clear that society would be poorer if the notion of policing by consent was lost and replaced by Draconian powers of intervention. The challenge for policing is to reflect that the consent of the citizen is a privilege that is under constant review. With this in mind it is essential that policing delivers services in a manner which balances both the rights of the individual and the demands of the state. Often, the police will have an option as to whether or not they should enforce a particular law or not. In this sense, officers may be described as using discretion.

Working with public consent is one way in which the police address day-to-day challenges. In every situation in which officers face a moment of choice (Covey 2004) it is within that moment that officers have the freedom to reach a decision about what action is appropriate. In some situations that decision will be a straightforward one, for example where an arrest is necessary due to the severity of a crime that has just been committed. In other situations, the officer will have the opportunity to balance the demands of the law against the needs of the citizen and therefore apply discretion within their decision making. This is important as officers have the power to make decisions that may affect the life of a citizen, a power no other citizen possesses (Roberson and Mire 2010). In that sense, police officers assume a quasi-judicial persona as they are able to elect whether a person will be subject to formal legal sanction or not. Discretion does not, however, provide officers with an option to break the law. Rather it allows for the application of a range of options to be considered by the officer before a proportionate response is taken within legal parameters which best

resolves a situation (Miller, Blacker, and Alexandra 2006). Discretion is applicable only on a sliding scale. For example there is significantly less discretion available to an officer dealing with a murder than the same officer would have when dealing with a parking violation. Discretion is a powerful tool which cannot be considered lightly and is inextricably linked to policing by consent which, as noted above, is only achieved through legitimacy. Should officers apply discretion wrongly then legitimacy would be lost.

Citizens without uniform do not possess the power of discretion vested in those citizens who wear police uniform. Consequently, it is right that the former remain vigilant of the latter (Roberson and Mire 2010) challenging circumstances where discretion is used improperly, thus underpinning the assertions that the police are of not of the government but of the community (Reith 1956) and that policing must rely upon the popular support of the community if it is to be successful (Critchley 1978 cited in Reiner 2010). In some circumstances discretion is assumed in statute, for example the Criminal Procedure (Scotland) Act 1995 allows a police officer under Section 14, to detain a suspect where they have *"reasonable grounds for suspecting that a person has committed or is committing an offence punishable by imprisonment"*. Common law, which is still widely applied in Scotland, often places police discretion at the centre of legal application. For example the offence of breach of the peace simply requires that two police officers '*reasonably believe*' that an individual has conducted himself or themselves in a disorderly manner, *"to the alarm or annoyance of anyone"* (Gordon 1979:987). Of course, the officers' interpretation of behaviour is considered within the judicial process but only where the officer has overtly acted, serving as an example of the quasi-judicial position the police hold. Where the officer has used discretion and decided not to act, there is usually no such scrutiny. This lack of accountability places a different perspective on Bittner's view of the *"unknown solution"* (cited in Reiner 2010:144) taking police decision making to a place where an officer's decision may be unknown to anyone other than that officer and the subject; again giving credence to the view that the police carry out a quasi-judicial function. Where decisions have not been properly considered there is a risk that the officer will become vulnerable to complaint (Davids 2008). Whilst accountability is key to policing, the risk associated with taking decisions that do not sit clearly within

the law and which are based on personal judgement potentially leave both the officer and the service in a vulnerable position.

Whether officers choose to act or choose to do nothing the *"concept of ethics is engaged"* (Roberson and Mire 2010:203-221). There are three elements which influence officers' decision making (Roberson and Mire 2010) these being: the personal values of the officer; the view of the affected community; and the values of the officer's constabulary. In this sense, it is possible to reshape Bittner (cited in Reiner 2010:144) who noted that officers were required to *"find a solution to an unknown problem using an unknown means"*. Whilst the problem may be unknown, the means which underpin the solution may well be reflective of one of the prominent ethical theories. To that end, it is appropriate to consider these main theories and consider how their ethos may be reflected in policing and whether or not that is appropriate within the role of the office of constable.

2.9 Principle theories for understanding ethics in policing

2.9.1 Utilitarianism

Utilitarianism is the concept that decisions should reflect the greatest good for the greatest number of people and that a morally correct course of action is that which creates the greatest happiness for the greatest number. Consequently, for utilitarians happiness is paramount and is reflected in the *'greater happiness principle'* whereby actions may be regarded as right in proportion to how they promote happiness and wrong where they have the opposite effect (Warburton 2006). What constitutes happiness is, however, unclear. For philosopher Jeremy Bentham happiness was a one dimensional pleasure. He saw no hierarchy in joy, pointing out that the pub game 'pushpin' was of equal worth to poetry, providing both pursuits brought equal pleasure (Warburton 2006). This position may be criticised as it reduces pleasure to a single level and does not take account of the subtleties that lie in the different pursuits that may cause pleasure. John Stuart Mill, who was Bentham's pupil, took a different position. He felt Bentham was too limited in his view (Norman 1983). Mill believed pleasure could be measured on higher and lower levels, the higher level being

intellectual pursuits and the lower, physical pleasures (Warburton 2006). Mill placed a greater value upon intellectual pleasures. He also took the view that as *"each person's happiness is a good to that person, and the general happiness therefore a good to the aggregate of all persons"* (Mill cited in Kerner 1990:47). Kerner felt this was a simplistic approach and easily contradicted. There is merit in this criticism. If one were to substitute 'fitness' for happiness, by this argument all of society would be fit and that would please everyone. Kerner did not believe this was, in fact, Mill's position. Rather he felt Mill meant to say that if our own happiness is a good, then an overall general happiness must be a good for us all. It is too simplistic to aver utilitarians seek the greatest happiness for the greatest number. Rather, utilitarians, measure the pleasure an act might result in. For example, whilst it might be good to give some money to a single beggar and make him very happy, it might be better to give the same overall amount of money, in smaller quantities, to a greater number of 'better off' people thereby making them all moderately happy. This focused less on the greater good, which may well be achieved by helping the beggar, and more on wider happiness achieved by ensuring more people experience a level of pleasure which, in cumulo, is at least equal to the pleasure the beggar alone might feel (Warburton 2006).

This however reduces pleasure to a simple quantitative calculation (Norman 1983) which most people would not do (Schneewind 1990) as, arguably, such a mathematical challenge would, for some, take the pleasure out of pleasure!

The notion of the greatest good for the greatest number, whilst, at first view appealing, is difficult to properly measure. As a result, it becomes no more than the subjective view of the pleasure giver.

There is a risk in adopting a utilitarian approach to policing: as society exists for common good it should therefore exist for the good of the minority as well as the the majority of citizens. In this regard, utilitarianism offers no cognisance to the needs of the individuals not supported by the common good. David

Strang[50], whilst commenting on policing and ethics took the position that the *"the first duty of the police is to uphold human rights and afford respect to all people"* (2010:personal communication). This mirrors the view of Deputy Chief Constable Steve Allen[51], who asserts that *'the police should be biased towards the vulnerable'* (2010:personal communication). All people have a locus in policing, hence a utilitarian approach is not an approach which is consistent with a human rights based policing model.

It is difficult for policing to provide an equal service across all aspects of the community. Different groups have different needs and if Allen (2010) is correct, then policing should be supportive of those at greatest risk rather than seek some form of collective, but imbalanced, joy. To this end, it is important to consider the consequences of police decision making rather than solely the needs of the individuals they might affect.

2.9.2 Act Consequentialism

Act consequentialism focuses less on the individual, rather it concerns the wider consequences of an action or behaviour. Within this ethos *"permissibility of an action is determined by how good its consequences are"* (Vallentyne cited in ed. LaFollette 2007:22).

A key challenge when considering consequentialism was to define for whom the consequence should be most beneficial. This question led to the development of two schools of thought. On the one hand, ethical egotists argue human beings ought to act in their own self interest, whist utilitarians argued that human beings should act in the interests of all concerned (Thiroux 1995).

Ethical egoism is concerned with self interest rather than selfishness, consequently it may be in the egoists' interest to be philanthropic rather than

[50] Chief Constable of Lothian and Borders Police

[51] Deputy Chief Constable of Lothian and Borders Police

selfish, as through such practices they may achieve their desired aim. Thiroux (1995) made a number of arguments against ethical egoism, highlighting inconsistencies within this position. For example, where an individual's self interest was detrimental to another and only one position may be taken, it was likely that the position achieving the greatest good would be adopted. This is utilitarianism by another name. Ethical egoists have self interest at heart. It is reasonable to assume they would expect others to also take this view. Gensler (1998) noted that this may lead to a position where one individual would expect another to do him harm in order to maximise his self interest. This is a flawed position which public policy could not support. Regina v Brown (1994) underpinned this. Here consenting adults undertook sado-masochistic acts; all parties behaved in a manner benefitting their self interests despite this causing personal injury to some. It was held a person could not consent to being assaulted regardless of their wishes. This judgment undermined the notion of universal ethical egoism in law and demonstrated the importance of acting in a manner cognisant of the needs, rather than the desires of others.

The utilitarian consequentialist, on the other hand, looks for the maximum good in order to achieve the best consequence, a state referred to as "maximum act consequentialism". Focusing on the impact of a decision and trying to do what is best to achieve that impact makes maximum act consequentialism an attractive ethos. It is, however worth considering the challenges this position poses.

It is impractical to have to consider every potential consequence of all available options in the face of every dilemma. It is unreasonable to suggest any decision maker will possess sufficient degrees of knowledge and time to fulfil this demand. Vallentyne suggested a solution. He argued that act consequentialism was not, in and of itself, a decision making tool. Rather he suggested that it was a *"criterion of permissibility"* (Vallentyne cited in ed. LaFollette 2007:26).

Vallentyne offered the proposition that where a person stole for personal profit, it was acceptable to do so if the theft were made from a owner who had demonstrably bad intentions for his own use of that property. By illustration, Vallentyne suggested that where that owner was a terrorist and the thief was planning a less morally dangerous use for the property then that theft was acceptable in consequentialist terms. Vallentyne accepted this argument may be open to challenge as, in his view, *"agents should at least sometimes consciously reflect upon what will have the best circumstances"* (Vallentyne cited in Ed LaFollette 2007:28).

The police service should consider the consequences of the outcomes achieved as a result of decisions officers reach. However, consequences are not, in themselves a justification for action within policing, the circumstances surrounding the case of the Birmingham Six being evidence of that[52]. It is better officers apply good judgement and be driven by positive values rather than driven by results which may lead to them being less mindful of consequence. *"Lawful behaviour should be constrained by ethical behaviour, not the other way around"* (Strang 2010:personal communication), this is a position reflective of Peels ninth principle.

2.9.3 Deontology

A deontological approach may assist policing as it is a school of thought which acknowledges that personal and professional relationships affect decision making. If Allan's assertion that *"policing should be biased toward the vulnerable"* (2010:personal communication) is correct, then police decision making should be biased towards particular groups.

McNaughton and Rawlings (2007) argued that personal relationships affect decisions. In most circumstances, parents had a greater duty toward their own children than to other children. Indeed, there are specific obligations placed on

[52] See Appendix A

parents to favour their children in terms of Succession (Scotland) Act 1964. This provides a legislative imperative for favouring one's own family over others. Deontology introduces the aspect of *"agent relativity"* (McNaughton and Rawlings cited in ed. LaFollette 2007:33) where it becomes clear an individual has a specific obligation to a particular person. The example of the duty a parent has to a child is an obvious one. This notion of duty is something that chimes with deontologists. Where a promise is made, the act necessary to fulfil that commitment would be reason enough for deontologists to undertake the act. Indeed, to deontologists any goodness produced by an act is relevant, but is not the sole determinant of moral rectitude (Snare 1992) rather duty is an end in itself. Ross (1930) formed the view that it was impossible for individuals to adequately respond to daily challenges on the basis of a single rule or principle. He took the position that there are three intrinsic goods - virtue, knowledge and pleasure. Gensler (1998) argues that life and freedom should be included in this list. Ross proposed seven duties by which these intrinsic "goods" might be best accommodated, a list Gensler accepts would underpin his own additions.

These are:-

1.Fidelity - the duty to keep promises

2.Reparation - the duty to make up for any harm caused

3.Gratitude - the duty to return good to those who have done good to you

4.Justice - the duty to prevent the improper distribution of goods that is not in keeping with what people merit or deserve.

5.Beneficence - the duty to good to others

6.Self-improvement - the duty to improve virtue and knowledge

7.Nonmaleficence - the duty not to harm others (Gensler 1998; Thiroux 1995)

Whilst this is a numeric list, Ross pointed out these duties should not be ranked in any way. Moreover no duty routinely, supersedes another: the prevailing duty will depend on the circumstances an individual is faced with. On one hand, Ross gave little assistance to the decision maker, putting forward a set of generally well regarded principles without clear guidance for their discharge.

On the other hand, these duties bring into sharp focus the obligations Ross believed one human being holds in respect of another.

The importance of duty to policing cannot be underestimated and has a *"clear consistency with the police mission"* (Neyroud and Beckley 2008:42). Consequently, the police are, through the value of duty, professional deontologists. This does mean, however, that the police need to be aware to whom they hold a duty and how that duty should be best discharged. Ross submitted that circumstances will dictate moral reasoning. This was in contrast to the Kantian view (1993) that principles were absolute and universal. Kant submitted that it was always wrong to lie and argued that this principle should remain intact even where there is life at risk. Ross, by contrast, left the door open for interpretation in accordance with events. For police officers, this points toward the use of discretion. However, that use must be underpinned by a developed skill in value-based decision-making. This is important because policing, rather than being an end in itself, aspires to be central to community wellbeing. With this in mind, it is appropriate to consider what, in terms of policing, is meant by 'community'.

2.10 The community

The notion of community has already been discussed in relation to police legitimacy. However, given the discussion about different ethical approaches and their importance to understanding policing on the ground, it is useful to reflect upon what is meant by community and community values.

To some the term 'community' evoked a sense of togetherness and locality, as it relates to a small local area (Hoggett 1997). To others it carried a cultural or religious overtone, through reference to the either faith or racial communities, such as the Muslim community or the Pakistani community (Cohen 1985). As society develops so the parameters of community extend. There are 'social networks', the 'Twitter community' and a range of message board groups who all interact in the virtual world unrestricted by geographical bounds but who may be described as a community (Kear 2011). To some, community it was an

notion that was over-valued (Plessner 1999) whilst to others it is either a physical space where people live or, in a broader sense a set of *"social identifications and interactions"* (Minar and Greer 2007:47). The term 'community' therefore lacks clear definition. It is a concept that can be used by any group to describe themselves as a collective. In this very brief overview it is clear that defining community, in all its parts, is challenging. This then, makes it difficult to fully assess the values held by any particular community; and how these values might compare to the values held by other communities within the same broad geographic location. This is important as community values may impact upon police use of discretion as what is not acceptable in one particular area may be appropriate in another. This work does not offer the scope to fully consider community in the round. However, it was important to note the police do not have an established definition of what 'community' means, but do seek to derive legitimacy from the wider body of citizens. Policing, in general was aware of the importance of the community and has sought to *"cultivate...legitimacy (through) community policing"* (Reiner 2009:52). To this end, it was useful to consider Berger's comparison of society and community. He notes *"community is tradition; society is change; community is feeling; society is rationality; community is female; society is male; community is warm and wet and intimate; society is cold and dry and formal"* (Berger 1998:324-327).

Mawby (1990) pointed out that all policing is, by default, community policing as long as it has the approval of the community concerned. To these ends, it is possible for the police service to engage with communities and appeal to the intimate characteristics of tradition and feeling which exist within self defined groups. However, where the views and expectations of communities are divorced from those of wider society, the police service should apply logic and rationality to drive forward necessary change that may be needed for the general betterment. Community policing is a style of product delivery, however the nature of the product itself merits reflection. Notwithstanding plans to introduce elected police commissioners in England and Wales (Home Affairs Committee 2011), policing remains an independent function. This is important as policing is not necessarily a populist activity. At times the police will have to decide what action, within the parameters of police legitimacy, may be in the

best interests of an individual, community or society even in the face of opposition.

2.11 Policing styles and values

Most police services had published values. Whilst not uniform, the main themes of integrity, honesty and trust emerged from these. This lack of uniformity is significant in itself. Whilst the independence of chief constables has been discussed in Chapter One, it is accurate to note that all services face, broadly, the same issues so, consequently, will need to rely upon the same values when addressing these. An added dimension was mutual aid, a situation where officers from one constabulary will assist other services where significant events, such as the English riots of summer 2011, occur. Officers will be dealing with the same people but, potentially, approach their role with a different values set. This may impact on the policing style. For example, in Scotland there are two policing paradigms predicated upon a values based approach (Skelly 2011). In the west of the country, that paradigm is based upon enforcement where officers are tasked with overtly enforcing the law in a manner akin to zero tolerance policing, whilst in the east of the country the policing ethos is one of prevention for long-term benefit. Where mutual aid is involved this clash of values may have significant impact for both officers and public as, if the salient style is not adopted, the public may lose confidence in the police. It is important therefore to consider, within this thesis, the apparently shared values that exist in policing and consider if these are, indeed, generic and applicable nationally.

The notion of integrity within policing is a challenging value. Integrity, as noted by Klockars et al (2006), was a concept which resisted definition. From a policing perspective this is challenging. Where services ask their officers to act with integrity[53], there is a risk this will mean different things to different people, dependent upon the circumstances they are in or place they are located. It is essential, therefore, that policing provides clarification as to what this value encompasses for Scottish officers. To that end, ACPOS (2009) and ACPO

[53] This word is used in the current oath of office for officers serving in the PSNI and will form part of the Oath of Constables in Scotland from April 2013.

(2008) have both attempted to define this word. In both cases, however, their respective definitions were so vague they provided little guidance at all. Klockars et al (2006) suggested integrity is worth preserving, but accepted it is a value which has become so widely used that it has no clear or easily found definition. Consequently, whilst the ACPO/ACPOS definition was vague, it was difficult to argue these bodies were in a position to define integrity in any more clearly than they had done.

Honesty is also a challenging concept. On one level, the need to be truthful appears self evident within policing. However, the nature of police work occasionally requires officers to be untruthful. The Regulation of Investigatory Powers (Scotland) Act 2000 provides a useful example. Within this example drug test purchasers or undercover detectives are bound to lie about their identities (Casciani 2011) indeed the use of the term 'covert policing' suggests deception on the part of the police and is *"ethically challenging"* (Neyroud and Beckley 2008:125). This challenge has arisen from the lack of transparency that covert working brings. However, this is mitigated by the checks and balances which exist within covert policing and are enshrined within the Act (Regulation of Investigatory Powers (Scotland) Act 2000) which sees police services held to account by independent commissioners who examine their use of these powers.

It is interesting that constabularies felt the need to tell the public that they may be trusted. It seems reasonable that this should be expected from the police without qualification. Whilst not everybody in society might be trusted, the police, in that sense, should not be a microcosm of society (Delattre 2002) and should be better than that norm. Seldon however argued that the police have lost the trust of the public noting that the service has a *"low reputation for being truthful"* (2009:115). If this were the case, it would be possible to reference a high number of cases where prisoners had been acquitted due to officer's lack of truthfulness in preparing cases or giving evidence. Whilst it is not possible to prove the negative in this regard, reference may be made to the low rates of appeals made by convicted persons. In 2008-09 only 2% of those convicted of

an offence in Scotland appealed (Scottish Government 2009)[54] and from that it is possible to conclude that the majority of police officers truthfully report cases. Offenders are imprisoned often as a result of police evidence. Whilst there have been instances where dishonesty by police officers has contributed to miscarriages of justice, these are rare, hence their newsworthiness. Consequently, Seldon's standpoint requires more consideration particularly with regard to the constituent groups whom he feels hold the police in low regard.

Stated police values were not as clear as they might be. Words which services used to describe aspired behaviour were not uniformly understood. Consequently they were open to interpretation by both officer and citizen. This led to difficulty where values were all that was in place to guide an officer in times of difficulty where leadership may be absent.[55] The application of police discretion was a key skill especially as policing was regularly delivered out of sight of supervisors (Klockars, Ivkovic, and Haberfield 2006). It was essential the values of the service were available to, and understood by, officers who make decisions which involve the application of values and discretion. If this is not the case the constabulary and officer may be left in a vulnerable position. Regardless of any potential vulnerability or lack of clarity around definitions, the values of police services were available for all to see. These expressed and articulated values, at least, allowed officers to form an understanding as to what is expected of them whilst also giving the citizen the means to form a view upon what they can expect from that officer and police service.

Whilst discussing police training, Caldero and Crank (2011) quoted a police trainer (referred to as 'Mike') who argued the use of police discretion was values-based and predictable and that the issue for police officers was not what they do, but whether or not they would get caught. This view gives weight to the notion that police officers possess, through the power of discretion, a quasi-judicial function, a view underpinned by research carried out by the American

[54] The last year statistics were available for.

[55] This is often described, in policing, as the "3 AM Test". This test asks if there is sufficient guidance in a particular subject to help an officer deal with a problem at a time of day when there is nobody else to ask. This test in relation to police values will be revisited within the findings chapter of this submission.

Bar. This research established that, in the USA, at each stage of a person's contact with the judicial system, the outcome was determined by a discretionary decision, highlighting the opportunity for the police officer to impact upon a citizen's liberty without administrative control (Kleinig 1996). Kleinig (1999) considered whether the police have some specific competency to decide whether or not to use discretion, a question which generated a range of debates. Whilst there was an argument that officers' professional judgement should underpin decision making, there was evidence such judgement was occasionally flawed. For example, the government's independent reviewer of terrorism legislation, David Anderson, made the point that half a million people were stopped by police under terms of Section 44 of the Terrorism Act 2000. These stops were undertaken by officers using their discretion. No person was convicted of any terrorist offence having been stopped in this manner (Blain 2011). Consequently, whilst discretion was a key policing tool, it might be perceived as a blunt instrument when not properly applied. In order that public consent is retained, discretion should be applied fairly. The challenge for the police service is to demonstrate how fairness is arrived at; as the public do not possess this power of discretion, they will look vigilantly upon those who do (Roberson and Mire 2010).

Policing has become more attuned to the need to better account for the use of discretion, and, this has led to the development of a discretionary-decision making model for the police.

Figure 1: Discretionary Decision Making Model (Lee 2000)

The strength of this model is that officers are able to document their decision making processes in a structured way, demonstrating the judgement supporting their actions. This places the officer and service in a defensible position should they be questioned in respect of action taken (Lee 2009). However, it may also be argued this model codifies discretionary decision making to such an extent that discretion is, in fact, removed from officers. Rather than having the independence to take decisions, officers follow a seven step plan before reaching to a conclusion. Consequently, the aims of the model whilst laudable, may restrict rather than enhance officer discretion.

The application of discretion is officer led. Consequently, competent recruitment and effective training should provide officers with an understanding of the values underpinning policing. Therefore, officers should be able to apply value judgements within their decisions. Accordingly, the need for suitable training is important. Rogers and Simpson made clear that police discretionary decision making would be improved by training, but failed in the final analysis to offer suggestions as to what that training might encompass or achieve other than *"increased professionalism"* (2010). This is less a failing of these authors and more a reflection of the complexities of defining values based behaviour within police decision making.

Klockars et al (2006:10) argued that congruent behaviour was a key characteristic for officers and *"deed should mirror word"*. Where such congruence is not apparent, they argue, it can be included in training by addressing five questions:-

1 Do officers know the rules?
  Yes - fine
  No -teach them

2 How strongly do they support those rules?
  Strong - fine
  Limited - teach them why they should

3 Do they know what disciplinary threat the agency makes for violation of those rules?
  Yes - fine
  No - teach them

4 Do they think discipline is fair?
  Yes - fine
  No - adjust code or their perceptions

5 How willing are they to report misconduct?
  Willing - fine
  Not willing - find ways to get them to do so (Klockars, Ivkovic, and Haberfield 2006)

There appears merit in this approach as this form of training challenges beliefs which are inconsistent with those of the organisation. The meta model (Grinder, Bandler, and Bateson 1989) demonstrates that challenging concepts and re-framing belief is possible. Within policing, this type of training has been undertaken in a range of areas, most notably with regard to officers' concepts and beliefs in respect of diversity. Two issues emerge from this position. First, why would the police recruit any individual who has a system of beliefs that are

so incongruent with those of the organisation that this type of training is required? Secondly, in order to train recruits in the values of policing, it is necessary that the service understands its values and is able to define and articulate those. Given the disparity in approach, discussed in chapter one, it is unlikely this clarity exists within policing, thus making the training of values problematic.

Leaders will develop an exchange relationship with each member of their team (Mahsud, Yukl, and Prussia 2009). Where high levels of trust and respect exist both leader and follower will benefit and leaders who demonstrate ethical behaviour will inspire trust amongst their staff (Gregory 2010). For an atmosphere of trust to develop, it is necessary that leaders take responsibility for their behaviour and actions. Where positive values are demonstrated by leaders it makes it easier for officers to exercise discretion and enables decisions to be discussed, debriefed and learned from. Where this is evident, the police will evolve into a truly ethically based, learning-led, organisation.

As role models, it is important that leaders remember the effect they can have upon those who follow them. Where they make a comment or request without consideration there is a risk they may inadvertently cause others to alter the strategic course of the organisation. Ethical leadership is of the highest importance and training in respect of the ethical responsibilities which accompany rank is essential. Leaders within the Scottish police benefit from training[56] that helps them reflect upon their moral responsibilities and so gain deeper understanding of their impact upon their followers, the wider police service and communities they support.

2.12 Drivers for Change

Policing in Scotland is entering a new era. In April 2013 the eight services that comprise the Scottish policing landscape will be merged into one. As a result, a new organisation will be created. It is essential that organisation is able to define, for the benefit of both its staff and the communities of Scotland, its

[56] A number of senior courses including the Strategic Command Course, SLPD and ILDP programs now include a reflective element within their syllabus.

values. Once that has been achieved, the service will have to cascade these and ensure that staff are properly trained in the expectations that these values will bring. This will impact on discretion and consent to policing. In these areas, effective leadership will be an essential component for success. Accordingly, it is essential leaders are fully aware of their responsibilities.

Where leadership or application of discretion is sub-standard then there is a risk that consent to particular policing practice will decrease. For example, the stop and search powers under the Terrorism Act have been markedly changed given the police's poor application of these powers (Blain 2011).

The 1990s were notable as the result of a number of high-profile criminal appeals which were upheld due to the behavior of investigating officers who fabricated evidence and lied during investigations carried out in the 1970s and 1980s. The Birmingham 6[57] (BBC 1991) and Guildford 4[58] (BBC 2009) are cases in point. These and other examples of what would later be described as *"noble cause corruption"* (Zander 1994:43) served notice on the police that getting the result was not as important as achieving community *"consent and balance"* (Scarman 1982:62). Consequently, the development of ethical leadership within the police emerged.

These developments were underpinned by two other factors. First, the United Kingdom's adoption of the European Convention on Human Rights via the Human Rights Act (1998) and secondly the need to embrace issues of diversity in light of both the Stephen Lawrence[59] murder (Macpherson 1999) and Mark Daly's exposé of the racist attitude of a number of police recruits in 'The Secret Policeman[60]' (2003). These factors continue to drive change. In April 2012, eight officers were suspended for racist behaviour with six of these instances being brought to light by fellow officers (BBC 2012). This highlights both the

[57] See Appendix A

[58] See Appendix A

[59] See Appendix A

[60] See Appendix A

continuing racism of some officers and the ambition of colleagues to rid the service of that behaviour through positive action.

Given the wide range of tasks the police carry out, from community beat work to covert intelligence gathering on terrorist suspects, it is reasonable that officers should have an understanding of the concept of values based decision making. Such understanding should involve the ability to know right from wrong and thereafter act appropriately. Whilst this many sound straightforward, corruption within policing has been and continues to be an issue (Kleinig 1999). For officers there remains the moral imperative of being able to recognise, articulate and enforce a standard of behaviour that is consistent with the ethics or habits of policing and not simply to act in a manner that will achieve a particular result, regardless of other factors.

2.13 Doing the right thing or doing things right: what works for policing?

The ability to remove a citizen's liberty is a powerful tool and one which the police in the UK need to discharge appropriately. This is a challenge for policing and how the police respond to this challenge will shape the relationship the service has with both citizen and state, as one commentator on policing notes,

> *"Moment by moment, within the intimacy of every interaction you are being judged by those around you"* (Keeble 2009).

Within this in mind, it is important that officers have an understanding of the standard by which they are being judged. Providing the greatest good for the greatest number of people (Warburton 2006), seems an approach consistent with democracy insomuch as where a majority take a position then serving the needs of that position will create the greatest overall happiness. Policing, however, is an activity which should reflect the interests of all citizens, including those outwith dominant groupings and *"...afford respect to all people"* (Strang 2010:personal communication). This position draws policing away from a utilitarian approach. In this regard it is essential police officers consider the impact their action may have. Whilst it may be argued that *"permissibility of an*

action is determined by how good its consequences are" (Vallentyne 2007:26) this too is insufficient as justification for police action. The ends are not, in policing terms, sufficient to justify the means - a situation exemplified by the outcome of the Birmingham 6 investigation (BBC 1991). Consequently, it is necessary that the police consider its wider purpose. Allan argues *"policing should be biased toward the vulnerable"* (2010:personal communication). There is little doubt that police officers have considerable interaction with many people who may be deemed vulnerable, a view evidenced by the focus of policing on victims of crime and the support they receive. To that end, Neyroud and Beckley (2008) were correct to aver that policing is a deontological activity predicated on a sense of duty. Underpinning this approach, however, is an extended notion of the Golden Rule. Officers should treat people in a way they would like to be treated in the same circumstance (Hare 1993). Whilst this is a useful starting point it is essential that officers consider the needs of the recipient above their own, focusing on the citizen in order to provide the best level of service delivery. Where this has not occurred the outcomes have often resulted in strategic change in policing, most notably following the murder of Stephen Lawrence[61]. Consequently, whilst the Golden Rule is a useful starting point, it is a rule, within policing, that benefits from development reflecting the relationship the officer has with the citizen in light of the circumstances which may shape that relationship at any given time.

The police in the UK have had a positive relationship with the citizen, a relationship founded on the Peelian Principle that the *"the police are the public and the public the police"*[62] (Reith 1956:287). This clearly demonstrates to whom the police should, in the first instance demonstrate their loyalty. The Home Secretary had the view that the police should concentrate on *"cutting crime"* (Greenwood 2010:on-line) and whilst this may sound laudable, the detection of crime takes up no more than a third of police time (Waddington 1999). Should the police cease to undertake the two thirds of their work which might be regarded as public service it is likely that public consent would evaporate. This must be a central argument in relation to current understanding

[61] See Appendix A

[62] Principle 7

of policing, as policing in the UK remains a civil function. This position allows policing to operate independently and gives the service the latitude to police through the use of discretion.

This freedom is not without its cost. Police officers must remain politically neutral. This is an undertaking that is contrary to the Articles 10 and 11 of the European Convention on Human Rights which provide for the freedom of expression and association respectively. Whilst police officers like Sir David McNee[63] have taken the concept of the 'a-political' police officer to a place beyond that which might be regarded as reasonable (Reiner 2010), it is equally clear that a number of his successors have pushed the boundary just as far in the other direction through overt political interactions (Blair 2009). For the police to retain the consent of the public and the confidence of the state, it is necessary officers remain independent whilst retaining a private voice within UK democracy. Should officers become overtly political there is a risk that a section of the public which did not agree with their position would feel excluded. Therefore the potential for a loss of consent to policing by that community would be more likely. Similarly, if officers were wholly excluded from private opinion and acts of conscience, then there is a risk they would simply become actors of the state, a situation which may also jeopardise public consent as the risk would emerge that officers might become regarded as organs of the government, rather than protectors of the people. This is a situation not lost on current police leaders such as David Strang who took the view that *"the police exist to protect the citizen from the state as much as they exist to protect the state from the citizen"* (2010:personal communication).

Such consent is essential to policing in the UK. Within a democracy the police play a central role (Caldero and Crank 2011) in defending both the interests of the individual and the state. This can, at times, be something of a tightrope. The police should ensure that no particular section of the community consistently feels it is the subject of overt policing (Reiner 2010). This is a challenging position as democracy is founded upon disagreement. The challenge for the police is to ensure that protest and disagreements can arise

[63] Commissioner of the Metropolitan Police 1997 - 1982

without one party feeling oppressed by the police involvement. There have been many instances where this position has been challenged, notably during G20 protests (Lewis and Laville 2009) and student demonstrations (Lewis, Vasagar, and Taylor 2010). However, despite criticism ,policing has responded positively in a manner that is reflective of the Peelian Principles. At these, and other protests, the police have sought to maintain order before the investigation of crime. It is this position of impartiality that provides the police with their legitimacy across communities.

Police legitimacy is also derived from the way officers discharge their duties on a micro as well as a macro level. The use of discretion cannot be underplayed. This is a key tool which separates the UK police from those who police either in totalitarian regimes like China (BBC 1989; Jiao 1995) where this tool is not applied and the law is delivered without leeway; or nations which make use of 'zero tolerance policing'. This has a similar effect albeit wrapped in a veil of community safety (What is Zero Tolerance? 1998).

Discretion allows police officers to undertake their duties in a manner that is fair and responsive without needing to be overbearing or zealous. This is not without challenge. Most police officers, as Rogers and Simpson (2010) pointed out, have never been trained in the use of discretion. To that end, the service and, more importantly the public, rely on officers to make the right decisions based on personal judgement. Two key issues arise from this position: the first is leadership and the second personal awareness. It is essential that leadership within policing is ethical, which requires an approach that is congruent and consistent with habits to which followers can aspire. Thus it creates an environment where officers can discuss dilemmas and challenges. Leadership training has evolved to a position where officers are asked to set out

their vision for their leadership within their command[64] in order that those within that area might be more aware of the environment in which they work and live.

By setting out a vision, senior leaders demonstrate self-awareness. This is an attribute which should permeate policing as it will impact on the application of discretion. Discretion is a power that police officers have and which citizens do not. If the Peelian Principles of the citizen in uniform are to remain true, then officers should only exercise discretion in a manner that is acceptable within society. In order for officers to achieve this, it is essential they are self-aware and understand the values of the police service. Training in the use of discretion, coupled with meaningful self reflection will go some distance to ensuring these powers are properly discharged and therefore the consent of the public within the scope of that action is maintained. Should this be lost, police in the UK would be in the same position as police officers in totalitarian or zero tolerance regimes.

To these ends, policing in the UK is predicated upon civil duty rather than political imperative. Consequently, the golden thread which should tie together the officer, citizen and state is that of accepted values.

Decision making within policing is complex because policing is a complex business (Neyroud and Beckley 2008). Whilst a particular course of action may appear obvious either to officer or citizen, these courses are not always in confluence. To that end, it is essential that police are able to articulate decisions in an accessible manner. Judgement is a key tool for policing. Many commentators note the ability of officers to make good decisions and demonstrate sound judgement (Neyroud and Beckley 2008; Goldstein 1990;

---

[64] The author's vision for leadership within policing being

- to facilitate an ethically based, open environment were colleagues and partners can flourish in safety
- to develop trust based, ethical partnerships enshrined in and accountable to the community
- to develop a basis for genuine policing by consent within my community
- to lead by encouragement and accountability, to enable those within and without the police to achieve their potential.

Reiner 2010; Donnelly and Scott 2010). However situations arise from time to time which are particularly challenging and will engage the values of the officers and service. It is essential that officers possess values that are consistant with policing and demonstrable as being such to the public, whose consent they need to discharge this key function of democracy.

Rather than being a single, collective entity, policing in the UK is a disparate concept with 52 different constabularies providing services to communities across the UK. Whilst most constabularies publish a set of values, it appeared from the literature, that little training is being given in respect of these (Rogers and Simpson 2010). This presents a gap between the aspiration of the particular constabularies and the officers who undertake the duties within them. It appeared from the literature that policing can be examined against prominent ethical theories. Consequently, whilst it is clear that the Golden Rule (Hare 1993) is an excellent starting point for officers, it was equally apparent policing is a deontological activity (Neyroud and Beckley 2008) that is biased towards the vulnerable (Allen 2010).

It is also clear that policing is not an activity restricted to the investigation of crime (Waddington 1999): officers are asked to solve problems which are often without clear solution (Bittner 1970 in Reiner 2010). In this regard officers are asked to use discretion in order to attain the most positive outcome within the circumstances they face (Miller, Blacker, and Alexandra 2006). This is an important power which will determine whether an individual enters the criminal justice process or not. Therefore, in a sense, officers have quasi-judicial function (Kleinig 1996) within which the concept of ethics is engaged (Roberson and Mire 2010). By accepting that ethics are engaged, it is necessary to consider what role the personal values of the officer concerned might play and whether or not they influenced the decision that was reached. Again, this is important as the police in the UK require the consent of the public in order to discharge their duties (Reiner 2010) and should officers regularly take decisions that may be viewed as illegitimate there is a risk that consent will be lost. Consent and discretion should be regularly reviewed (Villiers 1988) in order that police remain of the community rather than of the government (Reith 1956).

2.14 Conclusion

How policing interacts with citizens and the state is fundamentally important to the democratic settlement within the UK (Caldero and Crank 2011). Within the UK the police service remain independent of the state, a situation exemplified on a macro basis through the independence of chief constables (Police (Scotland) Act 1967) and on a micro basis through the restrictions in the political activities of individual officers (McNee 1979 cited in Reiner 2010).

As a result of this independence officers have the power to reach decisions through the application of discretion. This is a powerful tool as, through its use, officers perform a quasi-judicial role (Caldero and Crank 2011) as they may determine whether or not an individual enters the criminal justice system.

How officers reach such decisions is of critical importance in ensuring that legitimacy is retained through public consent. In order to do this officers need to interact with the communities they serve and behave in a way that is acceptable to communities as, in one sense, officers might be described as the embodiment of a states morality (Caldero and Crank 2011).

The mechanism officers deploy in reaching decisions is important. There are a range of ethical theories which relate to policing. On one level, the utilitarian approach of achieving the greatest happiness for the greatest number of people has its place as does the notion of the Golden Rule (Hare 1993), that being that one should only treat a person in a manner they would choose to be treated. However, neither of these ethical theories fully encapsulate the role a number of commentators (Allen 2010, Strang 2010) see policing as providing in society. Policing is more than an enforcement service with the majority of an officers time being spent dealing with non criminal matters (Waddington 1990). Consequently the notion of service and duty is strong within policing, denoting the service as being deontological by nature (Neyroud and Beckley 2008).

The mechanism of police decision making against this backdrop is important. Having concluded that "ethics" concerned behaviour predicated upon habit and custom derived from values (Nowell-Smith 1954) rather than being an

assessment of "good" or "bad" behaviour which is a metaethical judgment (Gensler 1998); it was important to consider what the habits of police officers were and assess how those impacted upon police decision making.

To that end, it is essential policing considers what its core values are and how those can be properly cascaded throughout the service. Having reviewed the literature and considered this question, a methodology was developed (Chapter Three) to establish the values of senior police officers and consider how those values correlate to the stated values of policing. This resulted in the development of a values-based decision making model for the police service which could be trained across all levels of policing to ensure consistency of service delivery and which considered the importance of both personal and professional values.

Chapter Three

Methodology: A Personal Reflection on Conception, Construction, Consideration and Completion of this Research Process

Chapter Three: Methodology: A Personal Reflection on Conception, Construction, Consideration and Completion of this Research Process

3.1 Introduction[65]

This study centred on values-based decision-making undertaken by senior police officers. A senior leader within the Association of Chief Police Officers (ACPO) asked me to construct a model to support decision-making at senior level as no such support existed. Consequently I designed the PLANE Model[66], for use in operational police settings. I considered it essential the model was underpinned by academic rigour. This chapter discusses the aims and objectives which underpinned this research.

The overarching aim of my thesis was to examine the relevance of 'values' within policing which is a values led activity. Of the 52 UK police services all but three[67] listed their stated values within their internet pages. However values differed between constabularies and 123 different values were listed across policing. This chapter discusses how the exploration of values was triangulated within the research by reference to the views of senior police leaders, stated police service values and the responses of members of the public gathered via an internet survey.

Having set out the aim of the research, this chapter discusses the development of my research question, the testing of which was a key aspect of this study and thereafter describes the research methods used to test this through a range of tools including unstructured and semi-structured interviews. The chapter also discusses the challenges and benefits of focus groups and considers the utility of internet based research. These aspects of my research required the

---

[65] As this chapter focuses upon the personal reflections of my research, I have elected to write this in the first person. I have made this decision as I feel this is the best medium through which to convey my thoughts and feelings as I undertook my research journey.

[66] Described in full in Chapter 4 - The PLANE Model, Take off, Turbulence and Landing

[67] Fife, Grampian and Hampshire Police

participation of a range of interested parties. It provides an anonymised breakdown of participants and discuss the demographics of those involved. This provides a context to participants' comments in respect of police rank, gender, location and background. Within the discussion chapter of this thesis[68], the relevance of these factors is considered. This chapter also provides an explanation as to why I rejected certain research opportunities which might, otherwise, have been undertaken.

Throughout my journey, I gained much personal learning from the development of my research, and as a result of the challenges I faced. I use this part of my submission to discuss the ethical considerations I faced and the reasoning I applied to justify the position I adopted in the light of these challenges. I critically assess the benefits and learning points gained through my choices and reflect upon whether I would take the same approach in future work.

[68] Chapter 6

Personal Reflections

The task of developing a decision making model for ACPO was a challenging one. I was not an ACPO resource, consequently it was something of an honour to be asked to deliver this work. The initial research underpinning this task focused my thoughts upon the role values had in policing. As I have discussed throughout, the police service has not always managed to balance values and performance but given the majority of services listed a set of values, it appeared policing valued 'values'. My initial research for the PLANE Model led me to question from where those values came and what were the personal values of police leaders. The next question that occurred was whether or not these two mirrored one another?

Police officers make decisions on a daily basis that affect liberty. These can range from international terrorism, to whether or not a person is arrested for disorderly conduct at a football match. Regardless of the situation values became engaged. I was interested to know what those values were, whether they were the values of the officers taking the decision or the values of the organisations they represented. I was also keen to know if the two were complimentary or mutually exclusive.

These initial questions were the basis of my interest in this area of policing and stimulated the wider research that underpinned the PLANE Model. In the final analysis of that model this was a useful baseline as I feel the model benefits from breadth and depth, predicated on academic knowledge which would not otherwise have emerged and this has added to its success.

3.2 The research design model

I felt it essential my work had a research design which reflected the needs of the research and my personal approach to work and project management. I considered the dynamic nature of this task and my established learning style. I am a deep processor with a preference toward visual depiction who favours non

linear presentation[69]. As I progressed in this research I understood I would find it necessary to revisit earlier work and revise my position based upon new research and reading. To that end, I decided to use a non-linear research design model which supported these aspects, consequently I adopted the "The Spiralling Research Approach" (Berg 2009).

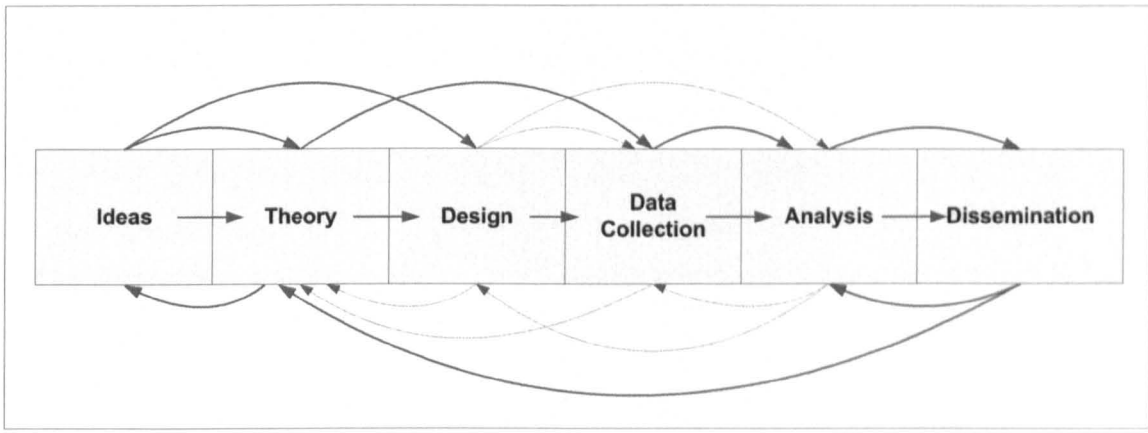


Figure 2: The Spiralling Research Approach" (Berg 2009)

This model prompts the user to think of an idea, read related theories and formulate a research question. In turn, this question will prompt the type of data to be collected. Collection may lead to a further review of both the research question and the relevant literature. As the research progresses, the analysis will prompt further reflection and so forth. Given the nature of my research, I considered it likely complementary research may become evident throughout progress, prompting me to return to an earlier stage of research, reviewing and revising my conclusions. Consequently, this model was compatible with my study and learning style as it permitted me to return to an earlier stage in the research process without feeling I had regressed in my work.

3.3 Creating the concept

Having been asked by the Association of Chief Police Officers (ACPO) to develop a values-based decision-making model for senior police leaders. I formed the view that gaining an understanding of what values meant to senior

[69] Whilst completing my Diploma in Higher Education and Training, I undertook an assessment of my personal learning style. This was the result, which I feel is highly reflective of my approach.

police officers within the policing context was central to my task. From this, I derived the aim of this research:

"to establish what values mean to senior police officers"

Senior police officers shape the direction and ethos of the services they lead, a situation reflected within the Police (Scotland) Act 1967 which requires chief constables to deliver a police service within their constabulary. Consequently the values systems and beliefs of senior police officers have an important impact upon the direction of policing.

With that in mind, I believed a number of objectives would enable my research to achieve its principle aim, including a need to:

I. Identify core values of policing as presented to staff and the public

II. Identify the core values of a range of senior police officers

III. Explore any discrepancies between individuals

IV. Establish whether or not a values-based decision-making model would support senior officers.

My research challenged me to consider what the term 'values' may have meant to senior leaders. I was prompted to reflect upon what might be the core values of these leaders and whether or not they were common across this cohort. I questioned too if definitions and understanding would change dependent upon the circumstance leaders were in. For example, I intended to bring consultees together into focus groups leading me to question whether within a collective dynamic the outcome might be different to that reached by respondents in a one to one setting.

In order to gain an understanding of these differences, I planned to triangulate my study (Neuman 2011) to ensure "values" remain the aim at the centre of my

work. By so doing, I ensured that all aspects of research were designed to gain a different, but complementary view of the central aim:-

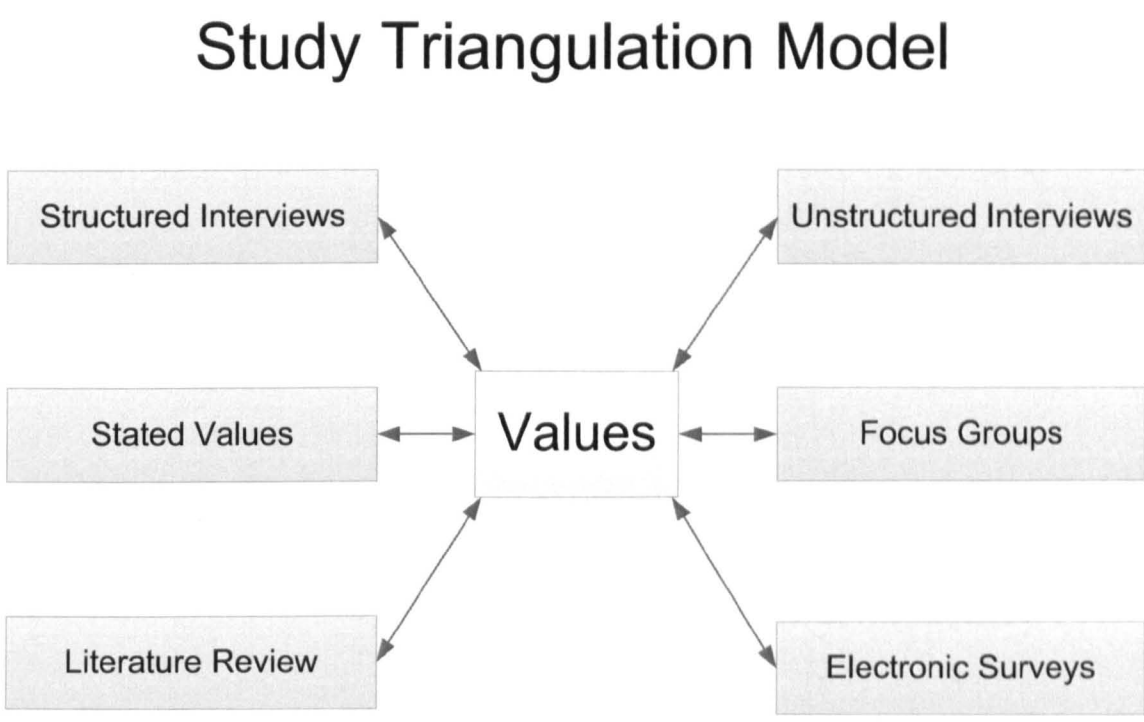


Figure 3: Study Triangulation Model

Consequently, each method used in this research related directly back to the central aim of the project as well as impacting upon the other methods of research undertaken. This would ensure the research was constantly refined and re-focused throughout its life.

Personal Reflections

Research Design Model

There were a number of models which I considered when planning my research. The majority of these comprised practices which were linear. I quickly concluded that this was likely to be a spiralling piece of work which would require me to return to various issues a number of times. Prior to adopting this model the thought of this was challenging. I regularly felt I had taken two steps forward and one back. This model gave me the confidence to recognise this was both to be expected and also beneficial to the development of this work. It was significant that I came to this model having felt thwarted in earlier stages of my research. Consequently, I have now realised the value in adopting a model for my work that is reflective of the nature of the task. This provided a central point to which I returned to as I accumulated data which affected both future and previous work.

Triangulation

This was a useful mindset to adopt and one which fed into my research design. Having set the central aim of the work around values, I felt more able to direct my research, both in the field and at the desk toward this key tenet. Again, this practice allowed me to better ground my work around a constant theme, thus allowing for consistent clarity.

3.4 Setting the research question

Having accepted ACPOS' task to design a value-based decision-making model, I gave consideration to the importance values-based decision-making had within policing, concluding that values-based decisions are made daily and generally made to good effect. Therefore: I wondered if such a model was necessary, and if it was, how should it be presented. These thoughts drew me to posing the research question

"Does the police service need a values-based decision-making model, if so, what should that model look like"?

I initially questioned whether my research should be quantitative or qualitative. I considered what quantitative measures I could employ to asses values within policing. Often common measures (Ackoff 1953) are involved which have been tested under the purview of different hypotheses. In turn, this may lead to a numeric or quantitative answer to the research question (Ackoff 1953). Given the nature of my research question, it appeared difficult to set in place a range of measures which would test the quantitative efficiency of any potential hypothesis (Galtung 1967). As a result, I felt that a qualitative approach, supported by a relevant research question, was appropriate and rather than posing and testing a range of different questions (Robson 2002). I elected to provide a predicted answer (Punch 1998) to my own research question. I thereafter sought evidence which would either support my predicted answer or, alternatively, demonstrate why it should be rejected. To this end, the predicted answer to my question was simply

"The police service requires a values-based decision-making model for senior leaders"

3.4.1 Measuring success

Within a qualitative setting quantifying success can be challenging. I set out to gain an understanding of the values of senior police officers, which were not easily awarded a numeric score. Rather these views had to be assessed and compared, making quantification of success challenging. To that end, I decided to gauge success against the following factors

- An assessment of the comments made about the model by potential end users.

- The number of police services who adopted the model.

- The number of police training establishments who adopted the model within leadership training.

Having set the research question and considered measures for success, it was essential that I rigorously tested the model[70] which I did in parallel with my research toward understanding the values which underpinned policing.

Being mindful of the research design model I had employed, I tested the predicted answer to my research question in a number of settings. At the conclusion of each test, I revisited my research aim, ensured my triangulation remained intact and considered ways that any new information might affect future testing. I employed a number of testing regimes. These comprised unstructured interview, focus groups, structured interviews and electronic research.

Underpinning these methods was an ongoing literature review[71] which evolved as new data became apparent[72].

3.4.2 The sample

The PLANE Model was designed to support executive officers. To that end, I chose largely, but not exclusively, to test the model within the ACPO and ACPOS membership. All officers who are members of these bodies are chief

---

[70] I developed the PLANE Model in 2009. The model was co-authored by Andrew Freeburn, a police chief inspector from the Police Service of Northern Ireland. The first iteration was published in September 2009. The second version followed in early 2010 with a third iteration published in June 2010. The design process and resulting model are considered in Chapter 4 of this work.

[71] This was fully set out in Chapter 2 of this submission.

[72] Whilst the research model spirals, for the sake of clarity, the research practices used will be discussed and evaluated in the chronological order in which they were undertaken.

officers holding the rank of assistant chief constable[73] or above. These officers had responsibility for setting strategic direction of the constabularies they lead.

In national terms, this is a fairly small cohort. Within England, Wales and Northern Ireland, there are a total of 241 ACPO members and of these 39 were women. Within Scotland, ACPOS has a total membership of 34 officers of whom three were female.

The following table sets out the numbers, ranks and genders of those who contributed to my research as well as an indication of the number of police services represented within the relevant ranks[74].

[73] Within the Metropolitan Police the rank structure is slightly different. Here Assistant Chief Constables are designated commanders. All share similar levels of responsibility.

[74] Given the generally small number of executive officers in each police service any more specific information would lead to a clear identification of the officers participating in this research and, as such, breach confidence.

3.4.3 Total consultees

Research Method	*Number of Interviews/ Total Attendees*	*Ranks of Participants*	*Number*	*Male*	*Female*	*Number of Police Organisations Represented*
Unstructured Interviews	3	Assistant Chief Constables	3	3	0	3
Semi-Structured Interviews	9	Chief Constables	4	3	1	4
		Deputy Chief Constables	3	3	0	3
		Assistant Chief Constables	1	1	0	1
		Other Ranks	1	1	0	1
Focus Groups	27	Chief Constables	3	3	0	3
		Deputy Chief Constables	2	1	1	2
		Assistant Chief Constables	11	10	1	8
		Chief Superintendents	2	1	1	2
		Superintendents	3	3	0	3
		Other Ranks	1	1	0	1
		Non-Police	4	2	2	2
Internet - SCC	13	Chief Superintendents	13	10	3	10
Internet - Networks	21	N/A	21			N/A

Table1: Total Consultees

Personal Reflections

I was keen to include as many senior officers from as wide a range of services as was achievable. I was aware from the outset, however, that it would have been significantly challenging to have undertaken a qualitative study involving all ACPO/ACPOS officers. My view was based upon the availability of participants and the time constraints associated with the designing of the PLANE Model and the completion of this study. Consequently, I drew from a sample of this cohort and undertook qualitative interactions with each participant. As a result I was able to formulate conclusions about the views of the wider membership of these bodies (Berg 2009).

Drawing a sample of opinion from both ACPO and ACPOS was achievable within the setting of focus groups and via the internet. It was less manageable to maintain this breadth within my interview regimes. To this end, I elected to limit my unstructured and semi-structured interviews to officers base in Scotland. My conclusion was predicated upon a number of factors.

First, there was the issue of interviewee selection. Had I extended my research beyond the eight Scottish services it would have been more challenging to narrow my field of respondents to a number that was representative of policing in general and influential across the country. Other factors I considered were those of time, distance and cost. To attain wider representation would have been a lengthy process involving me travelling widely at considerable personal expense.

I regret that I was self limiting around these issues, however this was, necessarily, pragmatic within the confines of this study. It is my intention within new work to progress similar interviews across a wider group of ACPO officers.

Having concluded it practical to limit my interviews to officers within Scotland, I was keen to interview a range of the most influential ACPOS officers. My choice of interviewees was a matter of personal judgement (Bachman and Schutt 2011), based upon my broad knowledge of senior Scottish police officers and understanding of the professional portfolios they managed.

In refining my list of potential interviewees, I considered the professional knowledge they may have, the likelihood they would meet and discuss these issues with me and the probable representativeness of their views (Rubin and Rubin 1995). Whilst, like most subjective selections, there will be those who might disagree with the subjects I selected, I feel all interviewees were experts (Neuman 2011) in policing and were therefore valid subjects.

There are eight chief constables within Scotland, six of whom are male. I interviewed four chief constables in total including one female. Collectively, this equated to 50% of all chief constables and 12% of all ACPOS members. Three of my interviewees were deputy chief constables and all were male. No deputy in Scotland was female. There were nine Scottish deputies in total (this is because the Director of the Scottish Crime and Drugs Enforcement Agency holds the rank of Deputy Chief Constable). Consequently, I interviewed 33% of these post holders.

In addition to these interviews, I met a further 32 ACPO officers, who represented 18 of the 43 ACPO services. This equated to 42% of ACPO coverage.

Overall, I feel that I managed a sufficient level of triangulation to give my findings credibility. Whilst I did not manage to engage with a majority of constabularies I feel my representative collection provided a sufficiently large cohort from which I was able to draw conclusions across the wider ACPO/ ACPOS membership.

My ability to manage this purposive sampling (Berg 2009) did not extend to the internet research I did within the professional networks. Members of these groups are easy to find, but are a haphazard selection of participants. Consequently, their inclusion was based upon availability (Bachman and Schutt 2011). Whilst I considered this issue, I felt that nevertheless this use of data provided a baseline which further added to the triangulation around my main aim - the understanding of values.

My total sample group was 74. Whilst this was spread across the both purposive and available samples, it comprised a group that was both wide and deep and one which gave credibility to my work.

3.5 Research interviews I

The PLANE Model was designed to support senior decision makers. Consequently, I felt, it was be important to interview potential end users. From the outset I shared the ethos of Guba and Lincoln that interviews are *"the backbone of field and naturalistic research and evaluation"* (cited in Clarke and Dawson 1999:71) and were the most appropriate survey mechanism (Bachman and Schutt 2011) for my purposes.

To that end, I conducted interviews using two different methods, unstructured and semi-structured interviews.

3.5.1 Unstructured interviews

It is an oxymoron to describe any interview as unstructured as this term is *"somewhat deceptive for this type of interview is by no means unstructured"* (Sjoberg and Nett 1968:221) as the interviewer will always have at least some thoughts as to what they wish to ask within an interview. At the very least, interviewers know why they wish to speak to a participant. However, this form of interview is the least pre-planned with fewer options open to any

interviewer. The interview is open in terms of potential development (Clarke and Dawson 1999) and consequently the interview is organic. I was mindful of this and saw my interviews as an opportunity to gather an *"authentic understanding"* (Silverman 1995:10) of my interviewees perspective without the confines of an overly structured approach. I hoped too, this approach would help me to gain my interviewees perspective (Bachman and Schutt 2011) on the aims of my research; thus underpinning my ambition to triangulate my research by considering and comparing values of senior police officers with reference to police service values and the values of other participants.

I adopted the ethos of the unstructured interview and prepared only by reviewing my research notes, I commenced each interview with only a short list of prompts (Bryman 2004).

Personal Reflections

General reflections

I decided to undertake unstructured interviews early on in the research process. I did this for validation. I felt I had developed a useful product and thought the time was right to seek affirmation. With this as a motive, I approached three senior police officers whom I regarded as critical friends who would readily engage in a "conversation with a purpose" *(Dexter cited in Clarke and Dawson 1999:72). Upon reflection, I placed too much faith in my personal connection to these officers and gave too little thought both to their commitment to my research and the demands of their day jobs. The results of these interviews were, on the whole, disappointing. In future, I would endeavour to better explain the academic aspect of the research I was undertaking and highlight clearly what I was hoping to achieve through such conversations. I think too, I would rely less on personal relationships and undertake a more widespread evaluation of the suitability of an interviewee at this stage. I would do this with reference to other researchers and their experiences and with regard to the written work of potential interviewees in the relevant discipline. However, these interviews provided both academic benefit and experiential learning that shaped my future approach to this research.*

Reflections on Interview 1

It became clear early on that my first interviewee had not read the literature I had provided and had not prepared for our meeting. I felt personally and professionally let down by this and my disappointment was compounded by a late start and early finish to our scheduled appointment. These factors made it difficult to truly get to the nub of the issues that I wanted to discuss, instead the interview was rushed and quickly moved away from my agenda. As a result there was little additional knowledge gleaned from this meeting.

In order to avoid similar issues in the future interviews I prepared a list of supplementary questions which I hoped would allow me to move from the unstructured to the semi-structured with ease and increase the benefit I might gain from such conversations.

Reflections on Interview 2

My second interview took a different form. Having been given the supporting literature, the interviewee provided me with a written response and cancelled our scheduled meeting on the basis we could get together for a 'chat' once I had read his comments. This was also disappointing. When we did meet, the interviewee was happy to share anecdotes but was reluctant to articulate personal values.

Reflections on Interview 3

*My third interview was in complete contrast to the others. In this meeting the interviewee engaged wholly with the spirit of this style of approach and was happy to speak about the subject remaining with me for just under four hours. In this situation, my difficulties were not in a lack of interaction but in ensuring I managed the collection of a huge range of information. Clarke and Dawson describe this style of interview as "*Intensive" *(1999:72) whilst an extremely useful meeting, this was a very apt description of this interview. I felt I could have planned this better and introduced a tape recorder to take some of the pressure off and make this a more enjoyable session for me personally as well as the interviewee.*

Conclusions

I decided not to audio record these interviews. In hindsight this was a mistake. Had I recorded this final meeting then I would have been better placed to engage and challenge the interviewee. By noting responses long hand, I lost a valuable opportunity. However, a great deal was gained in this meeting which very much impacted upon my research model, as information gained at this time lead me to return to and expand upon my literature review. Additionally, this interview helped me shape questions for later interviews and focus groups.

On reflection, it was clear that the lack of structure offered by this style of interview did not suit two out of the three respondents. They sought structure and clearly required some form of direction for their thoughts. Consequently, should I utilise this style in future, I would be better prepared and take a range of questions which might allow me to more ably move into a semi-structured interview in order that the opportunity of face time with participants is maximised. Similarly, I would seek to audio record these meetings, thus allowing me the best chance for data gathering.

Whilst it would have been useful to move straight into the semi-structured interview stage of my research this did not occur, rather the next aspect of my work was within focus groups. As this was the chronological progression of my study and learning from that experience impacted on the way I managed the semi-structured interviews, it is appropriate to consider my experience of focus groups next.

3.6 Focus groups

In order for my triangulated approach to have authenticity, I felt it essential that my research question was tested as widely as possible amongst senior officers, who were most likely to be affected by my study (Bryman 2004). I realised that whilst interviews were useful, in terms of time and access it would have been difficult to have undertaken more interviews than I conducted. I realised too, focus groups offered a versatile and powerful means of conducting research

(Kitzinger and Barbour 1999) and an opportunity to *"efficiently and effectively collect substantial data...from several people at the same time"* (Robson 2002:284). I reflected upon my research design model, and decided focus groups would present a setting where new ideas might be generated as participants responded to the views of one another (Krueger 2001) thus helping me to further develop my research.

3.6.1 Size, demographic & location

I planned and delivered three focus groups in Belfast and at the Scottish Police College and the final group, delivered with support from with ACPO, was held in Oxford.

When considering the size of groups I concluded they must be *"small enough for everyone to have the opportunity to share insights yet large enough to provide a diversity of perceptions"* (Krueger 17:2001). Market researchers generally consider between eight and twelve participants to be appropriate (Kitzinger and Barbour 1999). However, the same authors suggest this may be too many for academic research and suggest five or six participants or fewer. This is due to the differing nature between such groups. Market researchers prefer to work with strangers where as focus group sociological studies such as this are better to contain members who are often known to one another or share an interest in the subject, thus bringing a greater depth of data.

Given the size of the ACPO/ACPOS cohort it was highly unlikely that I would be able to establish groups where participants were unknown to one another (Krueger 2001). Whilst I was mindful that previous knowledge of colleagues *"may contaminate the session"* (Bryman 2004:354), I was hopeful that the opposite would result and that shared knowledge and expertise would add to the quality of the discussion (Kitzinger cited in Bryman 2004).

As I planned to invite ACPO/ACPOS officers to participate, I felt it likely they would have much to contribute. Consequently I decided to keep groups small (Morgan cited in Bryman 2004) restricting numbers to six participants. I have, however, experience of police officers committing to attend an event and

withdrawing at a late stage (Bryman 2004). To that end, I decided to over subscribe each group. This proved to be a useful strategy.

3.6.2 Recording the groups

I considered audio and video recording groups, but elected not to seek permission for this. I decided this for a number of reasons. First, I felt the matters under discussion were personal and therefore a natural reluctance might arise amongst participants to agree to this. This was compounded as participants were senior officers who may have considered any risk of personal embarrassment through leakage as a reason not to fully participate. Whilst in single interviews confidentiality can be guaranteed, this same promise cannot be made in focus groups (Kitzinger and Barbour 1999). There is no doubt my decision led to some loss of data as part of my time in these group was spent concentrating on noting, in writing what I had heard, rather than fully concentrating on the conversation around me at all times. In any discussion it is important to record *"not just who says what but how they say it"* (Bryman 2004:349). By noting the conversation in writing, I inevitably missed some verbal and non-verbal communication. This loss was, however, offset by knowing that participants were fully engaged in the conversation and not inhibited by any recording equipment. Whilst in many other settings recording of groups will be the accepted norm, it was still, perhaps a bridge too far for police officers engaged in discussions surrounding personal values.

Personal Reflections

Location

The arrangement of the focus groups underpinned for me the "tension between managerial and research timetables" *(Barbour 121:1999). I was approaching this work with an academic eye seeking to gather as much data as possible. This approach was challenged by the drive from ACPO for a quick turnaround on this work. To these ends I quickly established two focus groups, one in Belfast and the other at the Scottish Police College (SPC). These venues were selected for two reasons. First, the ACPO sponsor of this work and my co-author were both from Northern Ireland and both were keen to establish a group there. Secondly, I was able to access the facilities of the SPC quickly and at no cost. Neither of these factors took account of the advice of Kitzinger and Barbour (1999) who make the point that focus groups should be established at a venue that is easily accessible to the participants.*

Upon reflection, I should have been more aware of the convenience for others and situated meetings in an easily reached location. This would have improved attendance and debate. Consequently, my research may have developed more quickly had I been alive to this issue at the planning phase. This was a situation that was underpinned to me by the improved attendance at the Oxford Focus Group, which was more convenient for a range of participants.

Size

I took on board the notion of over subscription. Experience of many policing events prepared me for non-attendance. However, I was surprised, at first, how many people expressed a desire to attend either in Belfast or at the SPC before calling off at very short notice. This was frustrating. I had planned to triangulate my work throughout and, through call offs; I was concerned that triangulation would be difficult. In the end, both these meetings had a sufficient number to run a single group well. To that end, quality data was gathered. It would have been beneficial to have had more opportunity to reach a wider audience. One of the limiting factors for this was my choice of location. Both issues were ameliorated though the Oxford Focus Group. This was arranged by ACPO rather than me which was frustrating as I was unable to influence attendance nor was asked to facilitate any aspect of this meeting. In hindsight, this was a benefit as I was able to better note the discussion and, consequently, I gained a greater amount of data as the ACPO leadership who arranged this meeting ensured a large attendance.

I have realised there were many willing to contribute to this research. My challenge should have been to better balance this willingness against an ability to travel. This was an issue I have subsequently considered and have since been asked to undertake a new piece of work for ACPO, that being a review of the working of the Ethics Portfolio. I have arranged meetings in Derby and the attendance rate is high.

3.6.3 Conclusion

The use of focus groups within this research was enjoyable and invaluable. Bearing in mind the aim of the study, this provided me with an unusual opportunity to access senior leaders and probe them on issues concerning personal values. There was no doubt I could have managed location and attendance better. That said, I feel that the data gathered was pertinent and allowed me to revisit my design model throughout as data from these groups

shaped my reading and the questions I sought to ask within my semi-structured interviews, which followed on from this aspect of my research.

3.7 Research Interviews II

3.7.1 Semi-Structured interviews

Following the mixed success of my unstructured interviews, I decided to undertake the next series of interviews using a semi-structured approach. This method allowed me to focus the interview around salient topics based upon a loose interview structure. I had the opportunity to pose follow up questions and move between areas of interest probing interviewees' answers (Clarke and Dawson 1999). This fitted my design model as through this means of developing knowledge, (Bryman 2004) I was better able to constantly update my data and allow relevant tangents to develop.

I was keen that these interviews introduced depth and detail to my research (Bryman 2004). To that end, I prepared a list of guidance[75] questions which I hoped would stimulate discussion and increase knowledge (Czarniawska 2004). These questions were both direct and probing (Kvale 1996) and developed the aim of my research; taking interviewees through their understanding and application of personal and professional values and any conflict arising between the two. In advance of meetings, I obtained socio-biographical detail from participants (Clarke and Dawson 1999) and so was able to better compare their responses across constabularies, gender and rank.

As this research was restricted to considering the decision making processes of ACPO/ACPOS officers, I limited interviews to senior officers only[76]. I identified

[75] Contained within Appendix B

[76] At the conclusion of this aspect of research there will be further work undertaken by the author in the development of ethical decision making within policing. At that stage of the research it will be both proper and necessary to expand the interview process to involve officers and staff of different ranks and grades.

whom I believed to be the ten most influential senior officers in Scotland and sought an interview with them[77].

I undertook these interviews in person (Shuy 2002), over a six week period

[77] This subjective selection is explained and discussed within the Findings Chapter of this submission.

Personal Reflections

Rank concerns

Having resolved the issue of rank in an earlier focus group, I approached these interviews in a fairly relaxed manner. That said, it was unusual within policing for a chief inspector to ask to meet with ACPOS officers with the expressed intention of challenging them around personal values!

Having grasped the thistle with regard to my status as a researcher, I presented myself as such in each interview. With experience, it became easier to challenge and probe interviewees, who, by and large, were fully engaged and supportive of my research. This was a liberating experience and gave me personal confidence that my research was valued both academically and professionally.

Selecting interviewees

There are around 400 ACPO/S officers in the United Kingdom. Deciding who to interview was, in itself a challenge. For practical reasons I decided to restrict my interviewees to Scotland, for the reasons noted above.

I felt that as I sought to discuss sensitive issues with senior officers there was a greater likelihood of rapport being established and depth reached if these interviews were done face to face.

I also decided to interview all participants in person. I had given thought to telephone and video conference but decided against this as this method was likely to be less good for discussing sensitive matters (Shuy 2002).

Despite my restrictions in jurisdiction, my ambition to meet all interviewees was hard won. The travelling in terms of time and cost has was significant. I have reflected upon this and concluded that this was a cost worth paying. I gained more from my interviews by meeting every interviewee in person than I would have gained by any other means. I was also able to consider body language and other non verbal communications. Personal contact enabled the establishment of rapport that allowed me to revisit interviewees both in person and by telephone in order to clarify points or progress particular issues.

As I noted in my introduction, policing in Scotland is undergoing fundamental change. I looked across senior Scottish ranks with the aim of identifying officers who will be most impactive within that change.Whilst this was a subjective view, it is one that was reached following discussion with colleagues. I am content I have reached my target group with one exception.

One of my selected interviewees did not to respond to my request to meet. This was disappointing but not wholly surprising. However, when taken in the round, I met with nine key police leaders in Scotland who have assisted with this research. Whilst it was disappointing one officer from my original list failed to meet me. I feel, given the number who were prepared to meet me, displayed a measure of the importance these key members of ACPOS officers placed on the development of ethical policing practices in Scotland.

Managing the interview

As I hoped for some depth (Bryman 2004) from these interviews I decided it would be most productive to supply interviewees with the list of guide questions and the PLANE Model in advance. I felt this would reduce the risk of interviewees feeling hi-jacked and prompt them to reflect on the areas I sought to discuss in advance of our meeting. I had used this approach in the past and had found useful (Skelly and Adams 2007).

In the event, this approach worked well with the rule being proved by reference to a single negative. On one occasion an interviewee had not received the supporting documents and commented that they felt they would have been better able to contribute had they seen the topics in advance.

I feel this approached ensured trust developed as I was seen to be transparent whilst also providing the interviewees with an opportunity to prepare for our meeting.

Personal rapport

A number of the interviewees knew me prior to this research commencing, others did not. The first three interviews fell into the former group. These were relaxed meetings and at times I had to be mindful these interviews did not develop into "a mutual exchange of views" (Czarniawska 47:2004) .

Where interviewees did not know me, their approach was slightly different. This wrong footed me the first time it occurred. I was challenged as to my motives for this work and asked to give my own perspective on the questions I was asking. I felt under some of suspicion when this occurred. In order to manage similar situations I prepared a short briefing that summed up my motivations and ambitions for the research in a few sentences. I also provided assurance that I would discuss my own perspectives, but only after interviews were complete. This was respected.

Interviews proved to be a useful personal learning opportunities which kept my research focused on my aim and allowed me to reflect upon my own values as my journey developed.

3.7.2 Conclusions

I found these interviews an enjoyable aspect of my research. The data I obtained allowed me to refer to my research model and use that as a springboard for re-examining the literature as well as revisiting previous findings.

Due to the spiralling nature of my research model, I was able to revisit and challenge some assumptions I had reached in my literature review on the basis of these interviews. This in turn generated further research.

This aspect of my research confirmed that interviews are the backbone of qualitative work. On reflection, it would have been useful to have interviewed more widely both in terms of jurisdiction and rank. This aspiration must, however, be tempered by availability and cost. I will be able to develop this in future, leading to greater triangulation in respect of the values reflected within policing.

3.8 Internet Research

3.8.1 Electronic questionnaires

The Strategic Command Course (SCC) was the senior course in police leadership within which delegates spent significant time reflecting upon personal values and debating ethical issues. With that in mind, I believed SCC delegates would make useful contributors within the aims of this research.

Consequently, I emailed all delegates attending the 2009/2010 and 2010/2011 courses. I provided a copy of the PLANE Model and sought their comments. I

viewed this a further opportunity to triangulate opinions around my central research aim.

Personal Reflections

Strategic Command Course

The number of responses I received was disappointing. Given the reflective nature of this course, I expected to receive more contributions. This may have been a result of the pressure of the course but more likely, the computerised medium simply did not favour the task.

I prepared a standard email with attachments. With hindsight there were a number of failings in this approach. First there was the mixed platform through which the Model was sent. It would have been better had all information been within an embedded document. This approach would have had both technical and user-focused advantages. Where attachments are sent there is a greater risk of virus corruption. As a result many recipients will not open unsolicited email attachments or such attachments are stopped by an internet firewall (Bryman 2004). In terms of user sympathy, the embedded reply option would have allowed recipients to respond by using the 'reply' key. This demands little computer knowledge.

No member of this course was under any obligation to reply to me. Those that did provided a reasoned response that led me to undertake further actions and reflect upon my reading. If I were to undertake similar research in the future rather than relying upon the personal application of delegates I would feed my request through course leaders. I expect this would have resulted in the matter being better focused in the minds of delegates and may have prompted greater responses.

3.8.2 Internet discussion groups

The use of on-line professional networks have increased in line with the growth of the internet. Whilst there is little literature to draw upon, there appears to be a growing interest in using such sites as data sources. Members often use one another to test theories or raise questions. In this regard, these electronic fora resemble hard copy directories which contain names and contact details of professionals with shared interests. The on-line access differs due to the speed and reach afforded by the internet.

I was a member of a variety of professional networks accessed via the internet. These memberships had been established through the international business network Linkedin. This network allows professionals to link with one another in order to share best practice and exchange ideas. For example, I was a member of a number of groups including *Ethics - ethical Professionals; Policing Matters; Linked to Leadership; Police Executive Research Forum and The Institute of Leadership and Management.* These networks are subscribed to by professionals with a shared interest in their subject matter. I was connected to over 1000 professionals from policing, law enforcement, education and business who were located across the world. Given the depth, variety and applicability found in these networks, I felt that the chance to triangulate my research through this medium was an excellent opportunity. I hoped that the responses I received through this medium would assist in providing a baseline for the more police focused aspect of my study.

The internet has developed virtual networking to a position of equality with actual groups (Robson 2002); so in an effort to test my aim in a new way and introduce a new style of triangulation, I decided to post a question to a number of internet groups to assess understanding of values across group members (Coombes 2001). Some of these were groups concerned with policing, but whose membership was not limited to police officers; others groups were subject, rather than occupation specific[78].

[78] A full list of groups engaged with is noted within Appendix B

There appeared to be little written about this type of data gathering which was reflective of Wagner (32:2007) who stated that *"conventions of social science reporting hold at bay alternative ways of representing knowledge..."*. This struck me as a new means to gather data around my research aim.

Personal Reflections

I found this a useful approach; I was able to connect with participants whom I would not otherwise have reached. However, my lack of familiarity with participants was also an issue I kept in mind (Clegg Smith 2004). In this regard, I was aware that people would not be responding wholly privately but in discussions. Nevertheless, I found these discussions useful. Participants often introduced new ideas and tangents I had not considered relevant. This was consistent with my research design and gave me the confidence to examine new data in light of previous assumptions.

There were however drawbacks to this approach. It was difficult for for me to contextualise and fully articulate my question. This was an issue I had considered in respect of my semistructured interviews and was the paramount reason for undertaking interviews in person. As a result, I felt the data I received from internet based groups lacked depth and at times focus. Often respondents paid little heed to the question and instead of providing pertinent answers they set off on a tangent of their own terms. Had this happened within a focus group, it would have been possible for me to pull the discussion back to pertinent matters, however this was less achievable in the virtual world.

That said, this aspect of my work did assist in providing something of a baseline for future analysis. By asking a range of respondents what their three most important values, I was able to reflect upon this range of values and compare it to those offered within my semi-structured interviews and focus groups.

On reflection, I should have gathered more fulsome data from both the SCC and my online networks. I could have done this by devising an on line survey. It would have been a straightforward task to establish a web based research questionnaire and ask members of these cohorts and groups to visit that site and provide feedback (Bryman 2004). Having learned from this, I am currently working towards the establishment of a Code of Ethics in for police in Scotland. I am undertaking research through a bespoke on-line survey which will assist in delivering key information to my project.

On the whole, I felt internet and web based research had merit but also it had limitations. Whilst I might have developed this aspect of the research more fulsomely it would still be necessary for participants to engage. I have found throughout this work that engagement is easier where there is personal contact and the opportunity to build rapport. The apparent inability to make this connection was the greatest limiting factor around web-based research.

3.9 Managing the data

Having generated data from various research methods, I was faced with the challenge of collating and drawing conclusions from these products. As data had been gleaned in different ways, my challenge was to find means to give each equal consideration, this was a challenge. For example, it may have been a relatively straight forward task to compare specific answers given by participants to the same question during interviews. Similarly, it would have been manageable to list and compare values submitted by respondents across cohorts. Joining up these various research products was my challenge.

On initial consideration of my data a number of themes emerged that were important. Consequently, I elected to evaluate my research as a thematic study (Ritchie and Lewis 2003). To that end, I reviewed my research product, grouping comments together by theme. In total, 78 different themes emerged[79]. This was too numerous too fully evaluate within the scope of this study,

[79] These can be found within Appendix C.

therefore I further reflected upon my data and drew these 78 themes together under 12 principle headings[80]. This was a more manageable number and no data was sacrificed. I reflected upon all 215 comments made by respondents whilst I was considering my findings and drawing my conclusions[81].

Personal Reflections

This was an extremely useful but demanding approach to managing my data. I literally cut out and pasted all comments from hard copy onto A1 flip-charts and posted these around a room within my home. This was both time and labour intensive, however, it was an excellent way to really consider responses and look at my product in a deeper and, I feel, more productive way than had I simply compared answers to questions. In this sense, I felt what I achieved was a truly qualitative approach to my work. Whilst taking over a room in my home impacted upon my family, the pictorial impact of my data fitted my visual learning style and as such I found this a good approach to view and asses data quickly. It was also a methodology that was supported by my research model. In this sense, I was able to consider data and take that knowledge forward or back within my research where appropriate. I have subsequently used this approach in professional reviews I have undertaken where the sample size was larger but the number of questions posed was lesser. In that instance I again found this to be a process that supported my learning style and led to appropriate conclusions. I have been asked to undertake a piece of work (a review of the ACPO Ethics Portfolio) where the responses will also be more significant. I plan to utilise this thematic approach and am giving thought to the logistic management of the data which will arise from that work. I had not considered undertaking a thematic approach at the start of my study. However, I am extremely pleased that I have done so as I feel this has increased my ability to manage and assess data in a way that is consistent with my learning style and approach.

[80] See Appendix C.

[81] See chapters 5 and 7 respectively.

3.10 Research ethics

Within the context of my research it was important to reflect on my own behaviour, my position and my relationships that have all contributed toward my findings. Central to my research was gaining a professional understanding of the importance of values within policing. To that end, it was important I reflected upon my own values as they related to this work and how they acted as a guide within this academic setting (Angrosino 2007). This section contains reflections upon my status within the research setting, the values underpinning my research and a brief overview of the research options I discounted.

3.10.1 My status

I was a serving police officer and expected to remain within the police for a considerable period. To that end, throughout this work I felt it essential I remained aware of my status as both a police officer and researcher. I undertook research within my organisation, having declared I would be completing that research. I was also inside the police service and wished to retain that status post study, hence I regarded myself as an *"inside/ insider"* (Reiner and Newburn cited in King and Windcup 2008:355). My research has been sanctioned and I enjoyed wide access to a range of police data sources across a number of constabularies, a benefit evident throughout my interviews and focus group research. Equally importantly, I have been given time to undertake field research and also received funding for this work from my employer, which has been 6% of my course costs.

The issue of money caused me some conflict as, in terms of financial support, the money I received was not fundamental to my completing this study. However, I had a period of conflict with my employer regarding ownership and direction of this work. At one point, I was advised that, in return for funding, senior officers would expect to direct me towards a research area of interest to the service. This was a challenge. I felt it was important that my research remained independent; any direction potentially undermined that. Following a period of reflection, I decided that if this situation prevailed I would decline

further funding and return the monies given to me thereto. I raised this with the relevant manager and after a frank discussion was advised there would be no interference from my constabulary regarding the type and focus of my research. This was of comfort and relief. I would not have been comfortable carrying on research had it led to dispute with my organisation; a position that highlighted my insider status.

Had I known this may be a potential issue at the commencement of my research, I would have addressed it at the outset rather than mid-course - the lesson I learned is to understand from the outset whether there are 'strings' to research funding and establish parameters where that is the case.

This was not the only issue of ownership I contended with. Within policing, there was a convention that a sponsor of a piece of work effectively owns that work. The writing of a report and accompanying research may be undertaken by one officer and another, usually a more senior officer, is credited with the work. Whilst I understood the need for this within the hierarchy of policing and was accepting of situations where senior officer might own work in a corporate sense, I felt the intellectual ownership of work should be retained by the author. Whilst this may seem obvious, it was challenging for me to sit through a seminar where an ACPO officer described the intellectual input of my work as their own! Given the situation I was unable to challenge this publicly, but did raise this issue in private.

This situation underpinned the importance of intellectual ownership of police related academic research. I never discussed this at the outset of this work with either my co-author of the PLANE Model or with the ACPO sponsors. That was an error of judgement on my part. On reflection I should have instigated what may have been difficult conversations to establish referencing and ownership protocols. I have learned from this and undertook such a conversation before undertaking a new piece of research[82].

Given the cohort I was researching I also considered myself to be an *"inside/ outsider"* (Reiner and Newburn cited in King and Windcup 2008:355. I drew this

[82] Review of ACPO Ethics

conclusion as I studied the values of a group of senior officer who belonged to a cohort of policing from which I was excluded through rank. Consequently, I remained, inside the police, a feature I had in common with participants, but outside their ACPO/ACPOS membership.

My status caused me to reflect throughout this research upon the ethics of what I was doing and impacted heavily on the research choices I made. In research, there is an asymmetry within the relationship between participant and researcher (Czarniawska 2004) the researcher being a professional in that field and the participant a professional in their own field. Within this study, these lines were blurred. Whilst I was a researcher, I was also a police officer. However, policing was a uniformed, disciplined service managed through a rank structure. In this regard I was several ranks junior to those participating in this study. This caused me concern at the outset and I adopted a number of ways to address any issues differential rank may have brought.

This included the recruitment of 'critical friends'. One 'friend' had previously completed a police focused doctorate in leadership whilst serving in the same rank as me. The other was a senior police officer who offered to provide advice and support should I encounter any challenges during the research period.

In the event, there were few issues caused by rank. I found almost all senior officers to be both engaged in the study and engaging in their approach, demonstrated through friendly, open interaction. If there was an issue with rank at the outset, the issue lay with me. Once I got over this insecurity there was no problem caused by my *"inside/outsider"* (Reiner and Newburn cited in King and Windcup 2008:355) status.

3.10.2 Ethical considerations

It was important to me that my research was done in as transparent a way as possible and I elected to ensure there was no deception used in my study. When considering this I felt there were two main styles of deception which I wanted to avoid. The first was deception of participants during interviews and the second was about my status as a police officer.

I reached my view on deceiving participants having read the work of Stanley Milgram (1963) who convinced participants they were inducing electric shock in others when they were not. I felt any deception would result in the loss of my integrity with my employer and research participants which may have risked access to others being withdrawn. Consequently, I elected to maintain my integrity and, therefore, the integrity of this research throughout by remaining transparent in my approach.

I believed integrity and access were linked to my ability to maintain confidentiality. This was an established value of my approach to research. At every stage I promised confidentiality, promising participants I would retain data securely and not attribute comments to particular individuals, other than to my research supervisors, who committed to the same levels of information security. I did this either in person during individual interviews or by way of establishing Chatham House rules in focus groups. I was conscious I could control information relating to the former but not the latter, a point I made within focus groups.

As I was conducting research with a restricted group of officers, I reflected on the issues faced by Vidich and Benson (cited in Bryman 2004) where research participants were easily identified in a study and refused to take part in future work. I returned to this issue throughout the research and undertook not to breach confidentiality in any academic submissions, written or oral. This has not been without consequence. Some extremely interesting contributions have either been omitted or significantly sanitised within this final work, in order to meet this key commitment.

There was a risk in this situation that a participant may disclose something I felt inappropriate to keep confidential. Had this situation arose, I intended to immediately advise the participant of my concerns and confirm my understanding of the disclosure made. If I remained of the view confidentiality of the disclosure could not be maintained I planned to assess the information and consider where best to cascade it. This may have been through police professional standards. I would also have advised my academic supervisor of

this and sought advice. If that had not been the appropriate route, I would have discussed the issue with my academic supervisor before reaching my decision. Regardless of what I might have done, I would have certainly done something. To not act in such a circumstance would have been to risk my professional integrity. In the event, no such disclosure was made.

Whilst sanitisation was the consequence of confidentiality, I felt the more important result was the retention of the integrity of my work across both professional and academic settings. This was a significant academic endeavour for me, but it will not be my last. By retaining my focus on the integrity of this project I protected my position for future research and underpinned this personal quality within the cohort I engaged with. This should ensure future trust and confidence as I continue to develop this research theme.

My status as a police officer was also important. I valued the Office of Constable and, from the outset, personally committed not to undermine it. I read with interest the issues suffered by Holdaway (1982) who was conflicted between carrying on covert research and commitment to the police as a serving officer. Holdaway planned to resign from the service at the end of his research. This may have helped him resolve that conflict. I did not intend to resign and believed there should be no conflict between my research and my profession. To that end, I decided not to undertake any form of participant observational research. Had I done this covertly there would have been an integrity issue through a lack of informed consent (Homan cited in Bryman 2004). Similarly, had I been overt I think the results would have been skewed due to my presence, rank and role[83].

It would have been useful to study decision makers facing ethically challenging situations, however, I feel for the wider benefit of this work it was more useful to retain operational confidentiality around these elements of policing. One of the central factors in reaching this conclusion was the potential to harm participants. Having decided not to undertake observational research, it was important I

[83] For most of the research period I have been head of Professional Ethics and Standards Unit within Lothian and Borders Police. This unit is commonly referred to as 'the complaints department' and is not always trusted by officers!

considered potential harm that might otherwise arise through my research. Whilst researchers have an obligation to the study at hand, the primary obligation is to participants (Kane 1995); harm to them is unacceptable (Bryman 2004). Whilst physical harm was never an issue in this research, I was mindful *"practitioners, especially in elevated positions are quite lonely in their thoughts as every exposition of their thinking within their own organisation has political and practical consequences"* (Czarniawska 48:2004). From a policing perspective there were risks that poor reporting of this research or inadvertent breach of confidentiality would lead not only to professional harm for participants but to organisational harm resulting in loss of public confidence, impacting upon communities. As an organisation the police does not want to appear wanting in the public eye (Reiner and Newburn 2007). To these ends, I made it a personal goal not to cause harm to any participants or the organisations they led.

3.11 Conclusions

The challenge of this research project at first seemed daunting. By deciding upon a research design model that reflected both my learning style and the dynamic nature of this work, I believe I coped well with the challenges my research presented. There was always the feeling that more may have been done and additional data collected. Given the cohort I wanted to meet with and the time available, I believe I gained sufficient source information to meet the requirements of this work whilst also providing a platform for further study within a related but widened cohort.

Values are at the centre of this work. I felt it essential I defined and adhered to my own values at the start of this research. I have always maintained a philosophy of 'living ones leadership'. I believe I did this throughout and this approach preserved my personal, academic and professional integrity. That advantage, I believe, underpinned this work and consequently, makes it easier to undertake future research in this, and related areas.

Having then considered how to undertake this research, the next stage of this work was to move from the preparation of this work to the development of the

PLANE Model. The planning that went into the methodology of my research underpinned the interactions I had with those who contributed to my research. Chapter four describes the design process for the PLANE Model which was predicated upon the methodology set out within this chapter.

Chapter Four

The PLANE Model - Take Off, Turbulence and Touchdown

Chapter Four: The PLANE Model - Take Off, Turbulence and Touchdown

4.1 Background to the need for the PLANE Model

Reflecting the professional aspect of this doctoral programme, it was important to articulate the relationship between the research question underpinning this work to the development of a values-based problem-solving model for policing. Throughout this period of study, I had been working on both applied and academic aspects, which have been so closely interlinked they may be regarded as inseparable. Consequently, the development of each aspect of this work significantly influenced the other. This chapter illustrates the relationship between the research question and the professional delivery of of a values-based decision-making model for policing.

This chapter describes the development of the PLANE Model, the circumstances surrounding its inception and delivery and the issues which affected progress. The development of the PLANE Model reflected the research as it was being undertaken. The Spiralling Research Model (Berg 2009) allowed for new data to better inform both future research and the iterations of the model. Without the development of the model it would have been difficult to answer the research question in full. Consequently, this chapter is necessary as it articulates the journey linking academic research and practical delivery of a tool to assist police officers in reaching decisions.

ACPO members were concerned there were increasing challenges being faced by senior officers in relation to issues of liberty and security. To that end, in August 2009, they sought a methodology to be used when considering these issues. At the root of this aspiration was the ambition to ensure decisions were consistent with the values of policing. I was asked to undertake this work in partnership with Chief Inspector Andrew Freeburn from the Police Service of Northern Ireland. In terms of the development of the PLANE Model, Freeburn is

co-author. All other aspects of this work are the sole efforts of the author[84]. From this aspiration, two questions arose. First, would the police service benefit from such a model and, secondly, what should the model look like? This chapter reflects on these issues and sets out the methodology used in arriving at the model.

The police service does not have a professional body to whom officers are responsible however the establishment of such a body has been proposed by Peter Neyroud[85] in his report on police leadership and training (2011). Consequently, until or unless such a body be established, it was the case that no single set of values existed across UK policing. In practice each constabulary set its own values which appeared within their internet pages[86]. From an examination of these it became apparent that a number of shared themes, including integrity and respect, emerged from these different stated values[87]. With this in mind, one of the early challenges in the development of a values-based decision-making model was to consider what values should be reflected within its content.

A second early consideration was to establish whether or not a values-based decision-making model for policing was already either in use or available. This prompted a review of existing decision-making models.

4.2 Existing models

There were two types of decision-making models used within policing; holistic models and specialist models. Holistic models were applicable across policing and were easily understood and could be applied by all officers, irrespective of

---

[84] Where the PLANE Model is discussed any reference to the authors of that will be cited as Adams and Freeburn. Elsewhere, where the terms 'the author' is used, this referred specifically to Adams in his consideration in pursuance of this work.

[85] Neyroud is formerly the head of the National Police Improvement Agency. This report was commissioned by the Home Secretary upon that authors retirement from policing.

[86] A full discussion on the stated values of policing are discussed within the Findings Chapter of this work.

[87] A full list of stated vales from constabularies across the country is contained within Appendix C.

rank or role. Specialist models were employed by officers working in particular areas of policing where decision making was more often challenged. These models offered specific support reflective of the challenges posed by particular roles. For example the Conflict Management Model (CMM) was applied by officers working within the firearms or public order settings (ACPO 2010). As part of this research, the CMM and other models were reviewed to establish whether or not they contained an overtly ethical element within their processes[88]. The models which were considered are shown below.

[88] Copies of these models are contained within Appendix D

Model	Holistic/ Specialised	Utility	Key Elements	Overt Ethical Element
SARA	Holistic	General Policing	Scanning Analysis Response Assessment	No
Proctor	Holistic	General Policing	PROblem Cause Tactic or Treatment Output Result	No
SECAPRA	Holistic	General Policing	Security Ethics Community Acquire and Analyse Partnership Resources Assessment	Yes
PPPLEM	Specialist	Covert Policing	Police/Community Physical Psychological Legal Economic Moral	Yes
Conflict Management Model	Specialist	Firearms Deployment	Information/intelligence received Assessment Powers & Policy Tactical Options Actions	No
PLAN	Specialist	Covert Policing	Proportionality Legitimacy Authority/Accountability Necessity	No

Table 2 - Model Content Summary

Only two of the models, PPPLEM (Harfield and Harfield 2008) and SECAPRA (Scottish Government 2004) prompted the decision maker to consider the ethical[89] or moral[90] implications of their decision-making. The former is a specialised model and pertains to covert policing, so is not an area of work that was regularly undertaken by a majority of officers. Rather this area of policing

[89] As discussed in Chapter Two, 'ethical' relates to habit.

[90] As discussed in Chapter Two, 'moral' is a metaethical judgement, consequently the use of that word within this model implicitly asserts the decision makers' judgement is predicated upon 'good' values. This is a criticism of this model and one which saw it excluded from potential use within this setting.

was controlled by the Regulation of Investigatory Powers (Scotland) Act 2000[91], which did not demand decision makers apply moral or ethical reasoning to their judgements, instead, stating at Section 6, decisions should be *"necessary and proportionate"*. Consequently, either the police service felt there was a need to apply a 'moral' test to decision making within covert policing or the authors of PPPLEM felt that the police should overtly consider moral dimensions attached to their decisions. What was unclear was how such moral reasoning should be manifested and upon what values it should be predicated as PPPLEM model gave no guidance as to what moral code or compass should be used. This leaves decision makers unsupported in deciding what might move a course of action from being morally proportionate and necessary into an area of unethical conduct. There was no doubt this was a difficult balance to achieve but one that must be attained as *"a measure which interferes with a human right must not only be authorised by law but must correspond to a pressing social need and go no further than is strictly necessary in a pluralist society to achieve its permitted purpose, or more shortly, must be appropriate and necessary to its legitimate aim"* (Sedley in B v Secretary of State for the Home Department 2000). Similar issues pertain to the latter, holistic model. Whilst the term 'ethical' was present in SECAPRA, there appeared little guidance about what this meant for decision makers. In both instances the lack of clarification pointed towards Hinman's (1994) view that many people feel they know a little about ethics but few have more than a rudimentary understanding of this field.

Consequently, none of the decision-making models used by the police contained either a values-based element or sufficient supporting tests to meet the demands of ACPO or the test set out by Sedley. To achieve this, it seemed essential that police decisions should be custom built reflective of specific situations rather than reached using a single, broad brush approach (Wilkinson 2001). The challenge of this work was to develop a model that would meet these needs and support decision making in situations where the police were asked to bring *"unknown solutions to unknown problems"* (Bittner 1947 cited in Reiner 2010:144).

---

[91] The Regulation of Investigatory Powers Act, out with Scotland. The substantive elements of both Acts are identical.

4.3 What might a model look like?

The research question of this thesis was

"Does the police service need a values-based decision-making model, if so, what should that model look like"?

One method of ascertaining if this was the case, would be to develop and test such a model.

The task set out by ACPO was to develop a model that would assist in resolving issues pertaining to liberty and security which were matters considered under Article 5 of the European Convention on Human Rights. As such the Human Rights Act, which allows access to ECHR rights in domestic courts, emerged as a useful obvious starting point. Since 2000 there has existed a need for police officers to demonstrate that their decision making was justified, proportionate and necessary (Wadham and Mountfield 1999), a position underpinned by Patten's view that *'there should be no conflict between human rights and policing. Policing means protecting human rights'* (Patten 1999:18). Consequently it was imperative the new model should be underpinned by ECHR principles as these same principles underpinned domestic law.

Within their work on covert policing, Harfield and Harfield (2008) suggested decisions taken within covert policing should be tested against PLAN principals, thus ensuring decisions were Proportionate, Legitimate, predicated upon Authority and Necessary in respect of the defined purpose. Harfield and Harfield did not elaborate upon what these tests may look like nor did they apply an ethical element to their test. However, the principals they suggest are consistent with and reflective of the demands of the ECHR. Consequently, PLAN principles was an attractive baseline for the development of a values-based decision-making model for police. As part of that development it was necessary tests were included to ensure PLAN principles were applied, whilst also including a values-based element which would underpin all other tests.

4.4 Preparing the PLANE for liftoff

In developing the PLANE Model a number of factors concerning aesthetics, accessibility and ease of use were considered.

The aesthetic appearance of the model was an influential element. It was necessary the model was easily navigated and simple to follow. A number of options were considered. The Conflict Management Model was designed around a circle followed in an anticlockwise manner. A similar, circular, design was considered but rejected. The CMM was extremely well known and was used throughout policing. It was felt that there would be a risk users might confuse the two models leading to the concern they would revert back to the known CMM model rather than using the new one.

A number of constabularies in England had introduced a model to assist officers in discharging their powers of discretion (Lee 2000)[92]. This was a stepped model aimed to ensure officers took the best decision in any given circumstance rather than feeling constrained by law, which may lead to less productive outcomes[93]. Given that model was based upon a uniform, stepped approach which prompted the decision maker to look beyond simply enforcing the law it appeared logical to reflect that aesthetic within the PLANE Model as that approach was already understood by officers. This, however, introduced a limitation which was not immediately recognised by Adams and Freeburn. This pushed the model into a rigid, symmetrical and regular format, within which the opportunity to increase or decrease certain aspects became limited by style.

Consideration was given at an early stage as to whether the model should be based upon statements or questions. A number of models utilised within policing had statements at their core. The Conflict Management Model and SARA, for example, contained no questions, rather they offered a set of trigger

---

[92] See 2.17 above.

[93] For example, there is legal power to charge a 14 year old with minor shoplifting. However, it may be more productive to give a warning and introduce restorative arrangements and education in order that behaviour may be changed and future crimes do not occur, rather than simply apply the law without consideration for long term behavioural change.

words and phrases for the user to apply[94]. In these cases, it was necessary to ensure users have been trained in the application of the model in order that issues of conflicting interpretation were avoided. Given that the envisaged users of the PLANE Model were to be of ACPO rank, it was unlikely training across this cohort would be achievable. This was Adams and Freeburn's supposition as opposed to fact. It would have assisted the design of the model greatly if this issue had been raised and addressed within the planning phase of this work. Based upon this supposition, Adams and Freeburn decided a question based model this was appropriate, as that prompted greater reflection opportunities for decision-makers. The next aspect of development was therefore to consider appropriate questions to ask.

At this stage ACPO's requirements were revisited. That being for the development of a *"methodology to be used in reaching decisions that...are consistent with our underlying values and have the consent of the communities which we serve"* (Gillespie 2009:conference paper)[95]. To that end, the challenge was to develop a model that was reflective of policing values and which would enjoy the consent of communities[96]. The situation in respect of differing values amongst constabularies has been discussed already[97], however, it was essential policing values were reflected within the model. As no single set of values appeared to exist, the authors included boxes at the top and bottom of the model into which decision makers could articulate both the problem they were facing and the articulated values of their particular constabulary.

---

[94] See Appendix D

[95] See Appendix D

[96] The issues of consent to policing and community have been discussed within Chapter Two of this submission at 2.11 and 2.16 respectively.

[97] See Chapters One and Five for a broader discussion on the differences between constabularies' stated values

Thereafter, each PLANE principle was considered in turn.

•Proportionality

Covey states the importance of *"beginning with the end in mind"* (2004:97). Adams and Freeburn adopted this approach with their design activity.

Questions relating to proportionality were designed to challenge decision makers to consider from the outset what they sought as a result of their intervention. Secondly, these questions prompted the decision-maker to consider whether their actions were proportionate in attaining that outcome. As the model was predicated on issues of liberty and security, decision makers were questioned on issues affecting collateral intrusion (Regulation of Investigatory Powers (Scotland) Act 2000). Finally, decision makers were challenged as to how their decision would withstand scrutiny.

1.What are you trying to achieve?

2.What is the potential impact on any individual's liberty or security?

3.Why is interference with liberty and security necessary to achieve your objective?

4.What alternatives have you considered?

5.What safeguards exist to provide public scrutiny?

•Legitimacy

The police service must act with legitimacy in order to retain public consent[98]. The questions posed under this part of the model reminded decision makers of this and challenged them to consider upon what the legitimacy of their decision

[98] See Chapter 2.11

was predicated. In that regard decision makers were prompted to consider other human rights and domestic laws which may become engaged as a result of their actions. That aspect of the model introduced the notion of public approval.

1.Explain how your decision balances the priorities of liberty versus security?

2.What is the legitimate purpose of your proposed action?

3.In addition to the right of liberty and security, which other Convention rights are engaged by your decision?

4.Explain how your decision balances these competing rights?

5.Is there any evidence that your decision to restrict liberty or security will have public approval?

•Authority/Accountability

Police officers required authority to act in any given situation and were accountable for their actions. This section of the model challenged decision-makers to articulate where their authority to interfere with liberty and/or security was defined and to whom they were accountable for such interference.

1.What lawful authority supports your decision to restrict liberty or security?

2.Do you require authorisation or approval for your actions, if so from whom?

3.How will you audit your decision making process?

4.How is the process of authorisation or approval transparent and demonstrably fair?

5.How will your decision making process be reviewed?

•Necessity

Having considered the above aspects, decision makers were asked to consider if their actions were necessary. The state must not be disproportionate in its action in response to a situation. Consequently infractions into a citizens human rights must be wholly necessary and arise only where there is a *"pressing social need"* (Dudgeon v United Kingdom 4 EHRR 149 1981). Consequently, decision makers were asked to consider what the pressing social need was in the context of their decision which made it necessary to interfere with a citizen's liberty or security.

1.Why is the proposed action necessary?

2.What is the pressing social need for the interference with liberty or security?

3.How will you ensure that your actions go no further than your intended objective?

4.How will you manage the collateral impact of your decision?

5.Do your proposed restrictions on liberty or security in fact undermine the spirit of these rights?

•Ethics

The principle driver for the development of the the PLANE Model was the need to create a values-based decision-making tool for police officers. Consequently, the series of questions which fell under this heading were the most important aspects of this work. Within the questions posed, personal, organisational and community values were brought together and decision-makers were asked to consider how each influenced decisions to interfere, or not, with a citizen's liberty and security.

1. What ethical and moral values have influenced your decision making?

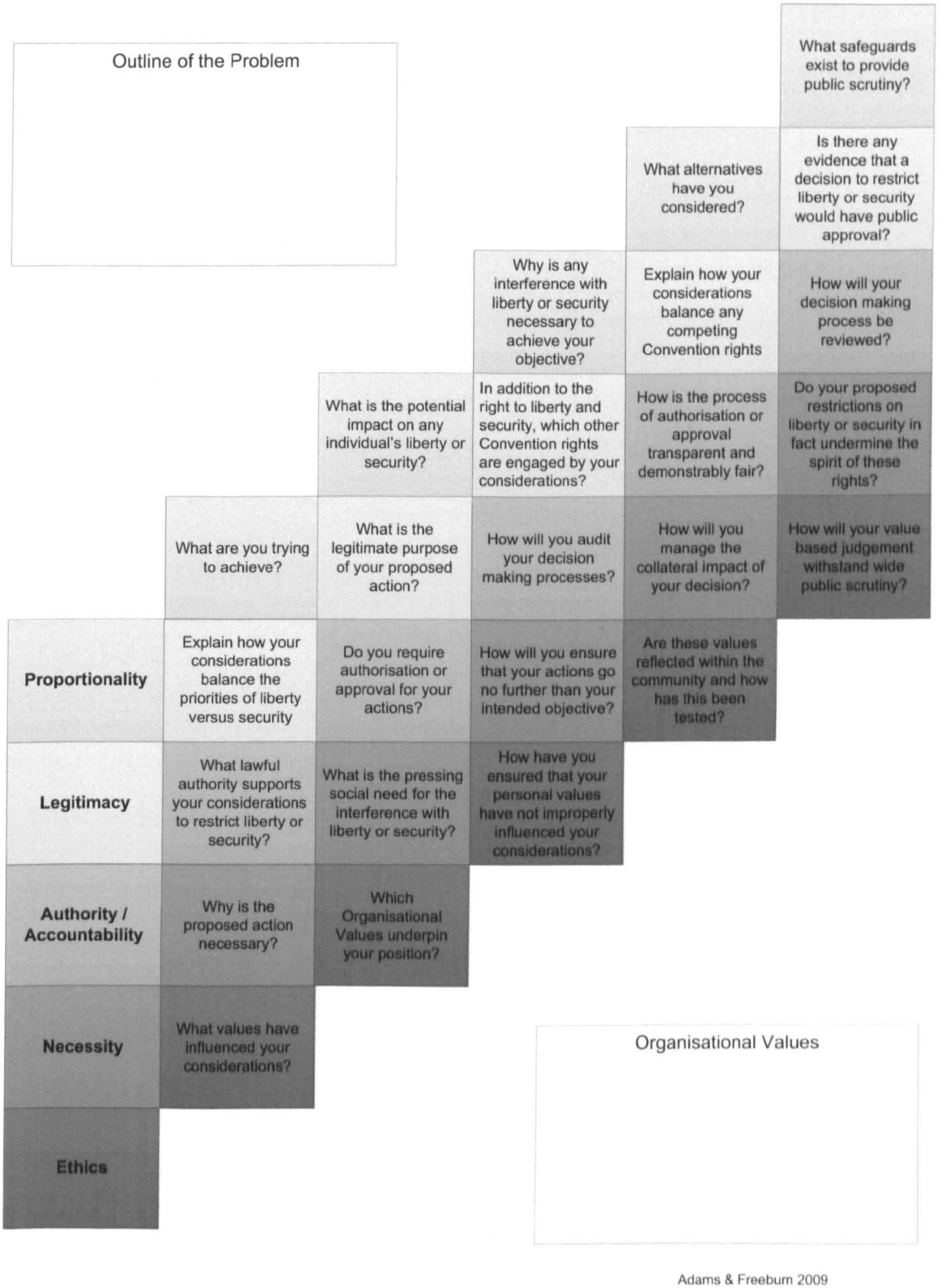
2. Which organisational values underpin your position?

3. Which of your personal values have influenced your considerations?

4. Are these values reflected within the community and how has this been tested?

5. How will your value-based judgement withstand wide public scrutiny?

The PLANE Model was designed as a colour coded stepped model incorporating these questions, the aspiration being that decision makers would apply the model from the top down, working up a series of coloured steps noting their considerations as they progressed. Hence the notion of a building blocks approach. Version One of the model is shown below.



Adams & Freeburn 2009

Figure 4 - The PLANE Model Version 1

Model Design

Upon publication, the PLANE model became the first decision-making model developed within policing which overtly challenged decision makers' values. It,

therefore, provided a useful basis for further development, but was never considered by Adams and Freeburn to be completed work. In that regard, Adams and Freeburn recognised a number of initial learning points.

Aesthetics

The model was symmetrical and the constituent parts comprised five questions. Whilst this gave visual balance, it did not reflect the differing complexities of each aspect of the model. For example authority and accountability were, generally, less challenging factors to consider than the final ethical element[99]. The content may have been improved through the inclusion of more questions addressing ethics, this was, however, a balance. Aesthetics were considered by the authors to be of some importance as ACPO decision-makers were thought more likely to make use of a model that was easy to access. This balance was reflected upon throughout the development of the Model.

Repetition

The same question was asked more than once, with only a slight difference in emphasis, throughout the model, viz.

Legitimacy Q5	Is there any evidence that a decision to restrict liberty or security would have public approval?
Ethics Q5	How will your value-based judgements withstand wide public scrutiny?
Accountability/ Authority Q4	How is the process of authorisation or approval transparent and demonstrably fair?

[99] The majority of police work can be predicated on either law or procedure. Where this is not the case and there is no easily accessed authority then this question is answered in the negative. Should this be the case the decision maker will have to consider why the proposed course of action lacks such foundation.

Accountability/ Authority Q5	How will your decision-making process be reviewed?

This may have caused prospective users to lose focus rather than remain challenged; this aspect required further clarification.

Clarity

A number of questions ask more than one thing. For example

Ethics Q1	What ethical and moral values have influenced your considerations?
Ethics Q4	Are these values reflected within the community and how has this been tested?

This led to confusion as the question posed was, in fact, two questions which may have led to two different answers. This should have been identified at the first drafting stage and resolved then. This was, however, addressed in future iterations.

Definitions

This work concerned values. However, rather than use one word to describe this in the first version of the model, Adams and Freeburn used several words. This caused confusion. Ethics, moral and values are all used but none were explicitly defined. It would have been preferable had 'ethical' and 'moral' been removed and 'values' used consistently throughout. Again, this aspect was addressed in future iterations.

4.5 Testing the Model

Having developed the first iteration of the model it was essential it was tested. Adams and Freeburn selected problems they believed were relevant examples of problems the model may be used to support[100]. This work positively demonstrated the models utility but also highlighted a number of structural gaps. In particular, time was a challenge as it took almost an hour and a half to complete these tests. On the one hand, where a difficult problem is faced sufficient investment of time is not unreasonable; however on the other hand, this should be balanced with time available to achieve resolution in the circumstances. This aspect was considered throughout the development of the model, and better balance sought.

The first version of the PLANE Model was tested by three focus groups held in Belfast, The Scottish Police College and Oxford[101]. The former two groups were facilitated by Adams and Freeburn. Discussion and breakout groups tested the model against predetermined test scenarios[102]. The final focus group was organised and planned by ACPO Ethics Committee concentrating on the broad principles of the PLANE Model rather than test scenarios. Whilst the Oxford Focus Group was a useful opportunity, the author was not involved in its planning consequently a degree of control over the development of the model was lost. This was to become something of an issue.

The model was in one sense, owned by ACPO, as they had commissioned the work. However, this caused conflict for the author who became less able to develop the model independently due to the direction being given by senior police officers[103]. For example, having been tasked with preparing a decision model for the use of ACPO officers Adams and Freeburn were criticised by

---

[100] Adams considered the evacuation of stadia following a gas attack by terrorists and Freeburn considered the management of un-registered sex offenders.

[101] A discussion as to the usefulness of focus groups can be found in Chapter Three at 3.11

[102] See Appendix D

[103] This is discussed at 3.14.

ACPO for making the model too strategic and not therefore easily understood for application by constables and sergeants. This wider application was not the original brief. This caused the author concerns around matters of control of development and direction of the work and, consequently the impact rank may have had upon the final product.

One benefit of the Oxford Focus Group was the range of speakers who provided a view on the PLANE Model. However, this caused a disproportionate effect upon the content and direction of the model. As has been noted above, the direction of this piece of work was being rested away from the author and slowly focused in new directions other than those set out in the original brief. This was particularly acute following input from a high profile human rights advocate who formed the view the model was not sufficiently or overtly grounded in human rights principles, suggesting these aspects be made clearer within the model's structure. As a direct result, the ACPO lead insisted that these views be reflected within the next iteration of the PLANE Model, again, compromising ownership and leaving the author despondent. These challenges were inconvenient, but not insurmountable and may have been overcome by setting out clear terms of reference at the outset of the work inculcating the expectations of both author and commissioners of the work.

Focus groups proved useful in highlighting the benefits of the model and gaps to be addressed. In respect of the latter, length and bureaucracy were highlighted as issues which were addressed in later iterations. Also of concern to respondents was the need to consider and account for personal values. One delegate, expressed concern at sharing personal values taking the view that conversations on this subject were only now necessary as the development of this work had "*the genie had been let out the bottle*[104]". This was a position a number of delegates empathised with. Concern around the appropriateness of sharing values was an issue that was returned to throughout this research. Having concluded these groups, the author collated views of the delegates into a document[105] which was submitted to the ACPO Ethics Sub Committee.

---

[104] Belfast Focus Group

[105] The content of which will be considered within the Findings Chapter of this submission.

Following reflection upon these these consultations the authors made a number of changes to the PLANE Model. These are reflected in Version Two, below.

Building Blocks for Ethically Empowered Judgements

A framework to support the Decision Making Model for Policing

				Why is any interference with Human Rights necessary to achieve your objective?
			What is the potential impact on any individual's Human Rights?	Will your judgement uphold any identified Human Rights?
		What alternatives have you considered?	Explain how your considerations balance any competing Human Rights	How will your judgement be reviewed?
	What are you trying to achieve?	Which Human Rights are engaged by your considerations?	How will the process of authorisation be audited to ensure fairness and transparency?	How will you manage the collateral impact of your judgement?
Proportionality	What is the legitimate purpose of your proposed action?	Do you require authorisation or approval for your actions?	How will you ensure that your actions go no further than your intended objective?	How will your value based judgement withstand wide public scrutiny?
Legitimacy	What lawful authority supports your considerations?	What is the pressing social need for the interference with Human Rights?	How have you ensured that your personal values have not improperly influenced your considerations?	
Authority / Accountability	Why is the proposed action necessary?	Are these ethical values reflected within the Community and how has this been tested?		
Necessity	Which Organisational Values underpin your position?			
Ethics				

Freeburn A.R, Adams R.F (2010)

Figure 5: PLANE Model Version 2

4.6 Refining the Model

4.6.1 Version Two

Version two of the model reflected a reduction in the number of questions from 25 to 20. This was in response to feedback that 25 questions were too cumbersome and also in reflection of the duplication of questions within the original model. This ensured the model remained aesthetically balanced, however the issues around the weighting of questions was not resolved. Upon reflection, it may have helped the model be more organic had it not been constrained within a symmetrical design.

Version Two reflected an increased reference to human rights. As noted above, the views of one participant at the Oxford event, were given, in the author's view, too great an emphasis. The sponsors of the work felt it essential the views of that participant be reflected in the model, so this was included at their instruction. In the author's view, human rights explicitly underpin policing (Patten 1999) however the focus of the model was not upon human rights but rather values-based decision making. By explicitly stating human rights throughout, other rights, which may be engaged in decision-making may be implicitly ignored. For example, it may be that in considering work force modernisation employment rights are the relevant rights a decision maker need consider. By restricting the model to human rights, this version of the PLANE model limited the potential for its use across a wider range of problems.

4.6.2 Version Three

Further consultation and wider research by the author led to the model being progressed to a point where is can be regarded as having utility across policing rather than being restricted to strategic level. The challenges faced by policing have evolved during the lifetime of this research, notably the financial crisis which resulted in budgetary cuts to policing and the advent of a single Scottish police service. These have resulted in the need for values-based decisions to be made with respect to a previously unexpected set of problems. With this in mind, the author completed Version 3 of the model which is set out below.

Building Blocks for Ethically Empowered Judgements

A framework to support the Decision Making Model for Policing

				Why is interfering with these rights necessary to achieve your objective?
			What is the potential impact on any individual's rights?	Will your judgement uphold any identified rights?
		What other options have you considered?	Explain how your considerations balance any competing rights	How will your judgement be reviewed?
	What are you trying to achieve?	Which other rights are engaged by your considerations?	How will the process of authorisation be audited to ensure fairness and transparency?	How will you manage the collateral impact of your judgement?
Proportionality	What is the legitimate purpose of your proposed action?	Do you require authorisation or approval for your actions? If so, from whom?	How will you ensure that your actions go no further than your intended objective?	How will your value based judgement withstand wide public scrutiny?
Legitimacy	What lawful authority supports your considerations?	What is the pressing need to interfere with any right?	How are these values reflected within the Community?	
Authority / Accountability	Why is the proposed action necessary?	What organisational values underpin your considerations		
Necessity	How have you ensured that your personal values have not improperly influenced your considerations?			
Ethics				

Freeburn A.R, Adams R.F (2010)

Figure 6: PLANE Model Version 3

Version Three of the model has been adopted by a number of policing bodies and is applied in several areas of police business. In terms of training, the

Scottish Police College have adopted the PLANE Model and included understanding of it as an objective within senior leadership training[106]. In addition, the model has been included as part of the NPIA Foundation for Senior Leadership course and one of the original sponsors of the model, DCC Judith Gillespie, trained delegates in the use of this model as part of her input on professional ethics at the Strategic Command Course (Gillespie 2011).

4.7 The National Decision Making Model (NDM)

The central question of this study was would the police service benefit from a values-based decision-making model? During the lifetime of this work ACPO have supported this position and have adopted a single decision-making model. As described at the outset, this work was commissioned by ACPO. In addition to the work being carried out by the author, similar work had also been commissioned by the ACPO Violence and Public Protection Group which focused upon risk management. Taking account of both the author's work and that of the Violence and Public Protection Group, ACPO Cabinet elected to adopt a single decision-making model within policing that balanced all these aspects. Whilst not the final decision-making model, the PLANE Model was a significant contributory element of the new model, impacting upon decision making at a national level. The PLANE Model underpinned the rationale supporting the NDM, and was described as a *"...key document..."* (Lee and Moore 2011)[107] which supported the human rights within police decision making. The PLANE Model has been inculcated within the extended explanation of the NDM at Stage 3, highlighting the importance of understanding personal values and properly acknowledging those within the decision-making process. It is shown below.

[106] See Appendix E

[107] See Appendix D

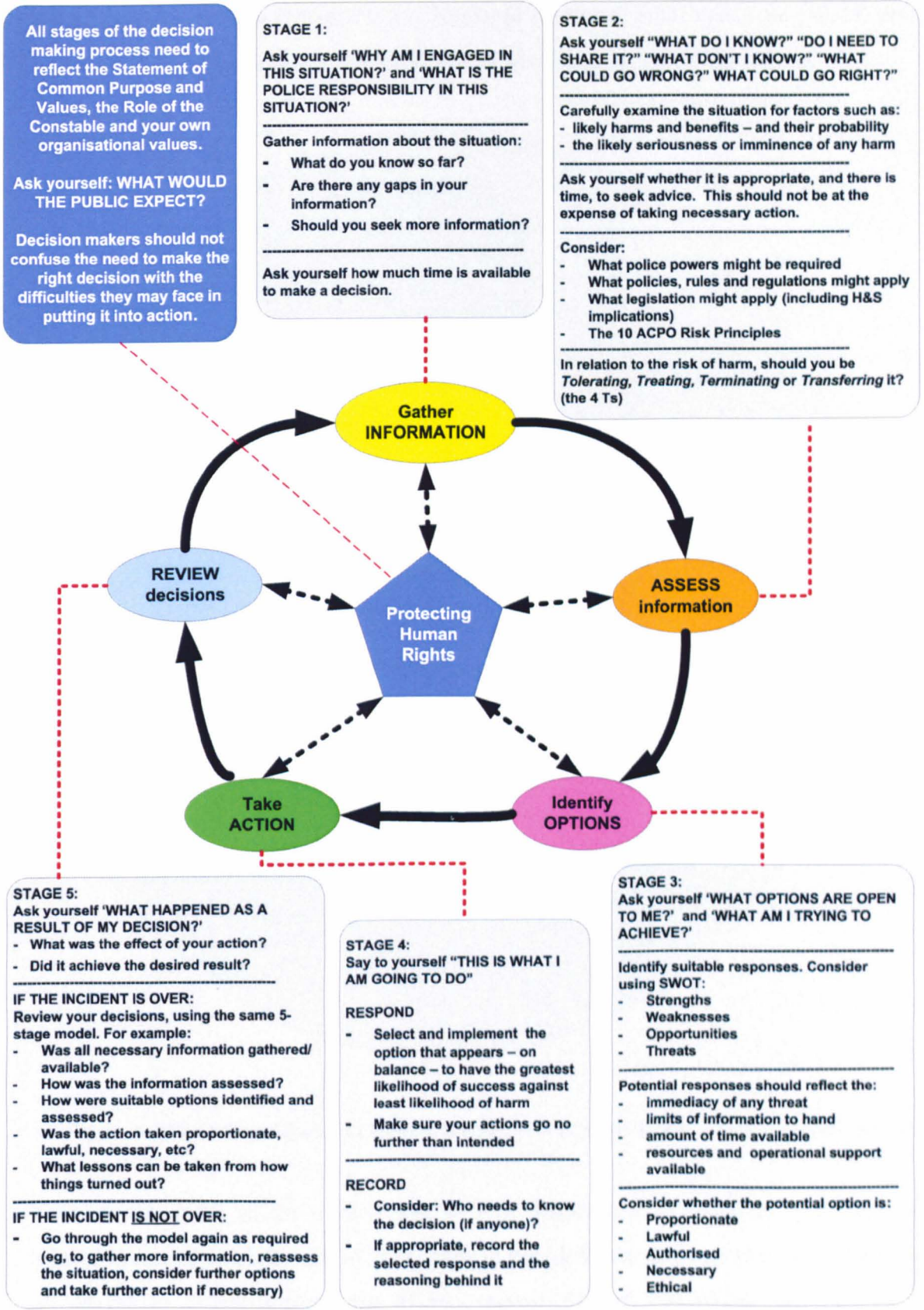


Figure 7: The Extended National Decision Making Model

As a consequence of this work, the National Decision Making Model (NDM) was introduced in 2011 and appeared in police literature in following format:

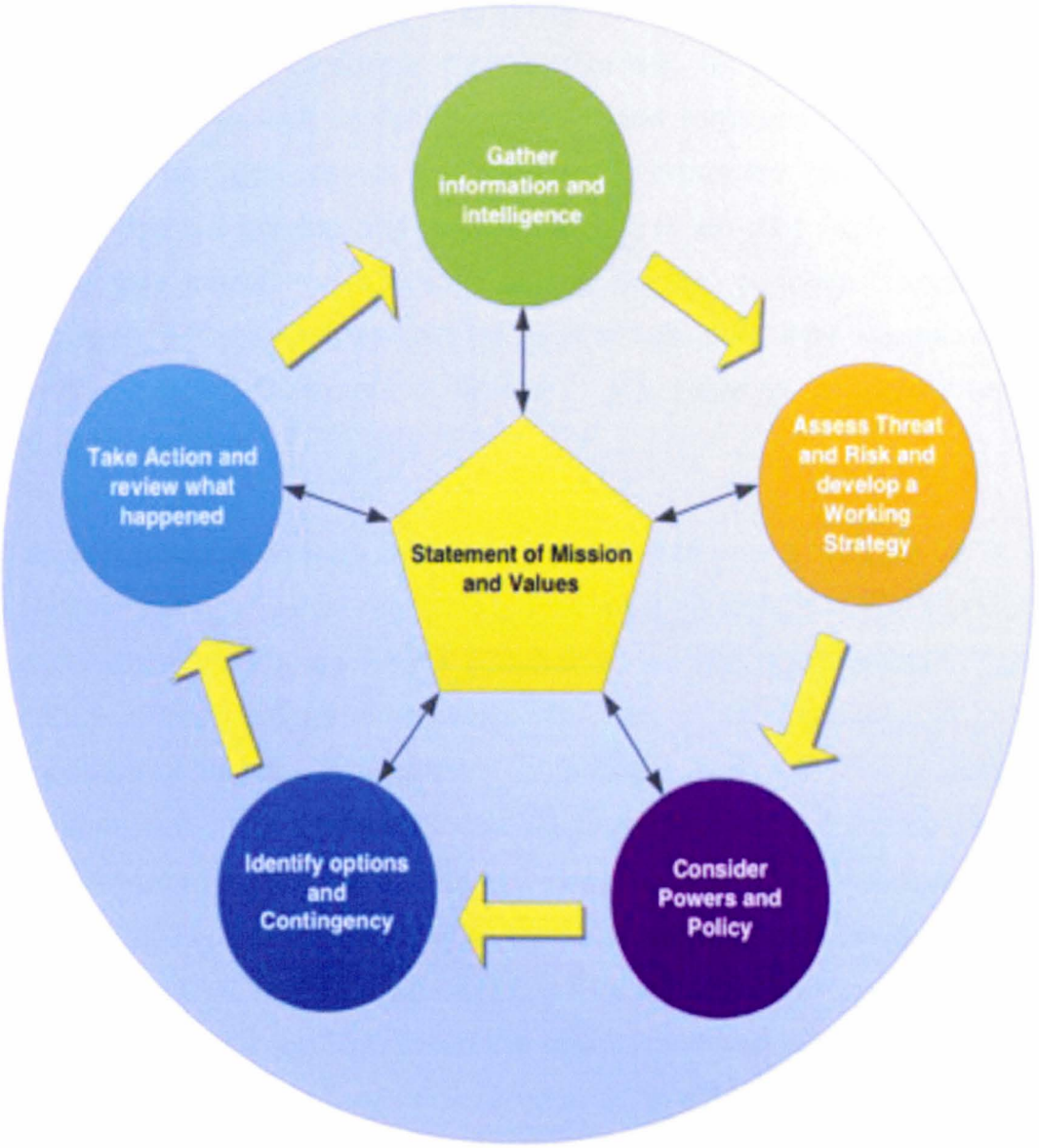


Figure 8: The National Decision Making Model (*ACPO Professional Ethics:National Decision Model* 2012)

This model had, at its centre the ACPO Statement of Mission and Values. Whilst a useful evolution, it is important to recall there was no single agreed set of values in place across the ACPO region. Whilst the NDM had not been adopted by ACPOS it remained likely that is would as other tools, such as the Conflict Management Model, were replaced by specialists who shared national training standards, such as firearms (ACPO 2010) and public order officers (ACPO 2010).

Whilst likely the NDM will be adopted by ACPOS, it is unlikely they will adopt the Statement of Mission and Values[108]. This leaves a void at the centre of this model as no single set of policing values common to all Scottish constabularies existed. A number of options may resolve this. The new Oath of Constable, which will take effect on 1st April 2013[109] will contain references to *"integrity"* and *"fairness"* (Police and Fire Reform (Scotland) Bill 2012). These values reflect Scottish policing and may be capable of adoption as the central values within this model for application across Scottish policing. Additionally the inclusion of human rights within the heart of this model may also be appropriate in place of the Statement of Mission. A number of compelling arguments support this view.

Human rights is already central to policing (Council of Europe 1979; United Nations 1979). Everything policing does must be compliant with the European Convention on Human Rights (Council of Europe 2001; Human Rights Act 2000). Where policing contravenes this Convention, risks arise in respect of reputational damage and erosion of public confidence among victim's and communities. It is essential those working within the policing community are conversant with the responsibilities they have under the Convention. When the new service is established it will be the second largest constabulary in the UK[110] and the only UK police service which will be a national body. The profile of the service is likely to be high within the country and beyond. Consequently, it is essential members of the new service fully understand for what they are responsible in terms of human rights. On a political level, there is a possibility that Scotland may cede from the Union[111]. If that were to happen there is a greater likelihood that Scotland will seek to become a more visible member of the European Union. Human rights law is predicated upon a European treaty, hence, development in this regard now, will leave the new service in a strong

[108] It is likely the new, single Scottish police service will seek to define its own mission rather than adopt that of another area. The author is currently engaged in developing this work on behalf of ACPO.

[109] This has been discussed in Chapter Two of this work.

[110] The Metropolitan Police will remain the largest police service

[111] A referendum on Scottish independence is due to be held in 2014.

international position should independence or other new constitutional settlement prevail.

Human rights is central to policing shaping its delivery and underpinning the relationship between officer, citizen and state. The establishment of the new service affords the opportunity to enhance this relationship and, by so doing, enhance the reputation of Scottish policing.

4.8 The role played by the PLANE Model

A single decision-making model for policing in the ACPO region has been realised, hence the research question underpinning this study has been answered through the actions of ACPO. Whilst the model that has been adopted is not the PLANE Model, nevertheless PLANE is a central element underpinning the NDM. Within specialist firearms policing the PLANE Model has become a central element in nationally accredited command training (ACPO 2010) and was been recently introduced in officer safety training as a test for the proportionate use of force. Within senior leadership training, the PLANE Model is taught as a decision-making tool within chief inspector[112] and superintendent[113] training in Scotland, and as part of the foundation for strategic leadership course (FSL) by the National Police Improvement Agency.

As Scotland moves towards a new service, it seems likely the National Decision Making Model will be adopted. The issues that lie at the centre of that model will be the aspects that may well delineate the Scottish approach to policing from that taken elsewhere. This is work the author is actively pursuing with the Scottish government and ACPOS with a view to having human rights adopted as the central tenet of Scottish policing.

An essential element of the PLANE Model was the inclusion of questions relating to the values of police officers and police service. In order that these questions can be properly assessed for utility and appropriateness, it is

[112] See Appendix E

[113] See Appendix E

necessary to consider the values of police officers and the wider service. Chapter Five sets out the views of police leaders in this respect and indicates the range of values senior officers have and how these impact upon their leadership and, consequently, their constabularies.

Chapter 5

The Meaning of Values to the Police: Key Findings

Chapter Five: The Meaning of Values to the Police: Key Findings

5.1 Setting the scene for data collection

Establishing the views of senior police officers was a key element of this study. This chapter describes the data obtained from focus groups, semi-structured and unstructured interviews with senior police officers and sets out the values they held. Additionally, this chapter draws together the stated values of every ACPO and ACPOS constabulary. Finally, this chapter draws upon the views of Linkedin members who provided details of their 'top three' values. As a result, it was possible to highlight similarities which exist between these data sources and, consequently develop a better understanding of the values of the police in the UK.

This research made use of a number of different data collection methods which were set out within Chapter Three[114]. Specifically these included unstructured interviews, semi-structured interviews and focus groups. The 39 participants within the research were police officers holding rank of superintendent or above. Field work was augmented through desk based research involving a review of the published values of all 52 UK police services, consideration of electronically submitted comments regarding the PLANE Model and a survey of the personal values submitted by 50 Linkedin[115] members. These research strategies were supported by a comprehensive literature review[116]. This chapter will report the findings of this research and make reference to data gained from these aspects of this study.

The collection of research data was underpinned by personal interaction. The author met 39 participants and recorded their views on police values and leadership. The narrative of these interactions described a journey, a metaphor

---

[114] Chapter Three - Methodology: A personal reflection on conception, construction, consideration and completion of this research process

[115] Linkedin is an internet based network tool for professionals.

[116] Chapter Two - Literature review: ethics, officers, citizen and state - A review of the literature reflecting these relationships

that has been reflected throughout this study, of evolving leadership and personal awareness. This was an interesting aspect in respect to the professionalisation of policing, a matter that will be further reflected upon later in this thesis[117]. In order to give context to these findings, this chapter starts with a brief, quantitative, outline of the baseline of findings in relation to the stated values of the UK police services, the values of leaders from a range of these services and the values of the Linkedin contributors. Themes of honesty, integrity, respect and fairness emerge from the baseline. The importance of these values will be assessed within the interrelationships that existed between stated police service values and those of the individuals who lead the service. It will then be possible to conclude which of the values stated within the baseline are held across policing and thereafter consider how these might be reflected within policing in general and the new Scottish police service in particular.

5.2 Establishing the Baseline

Values were seen to be important within policing, with the majority of constabularies overtly placing value in having published values. With only three exceptions[118], all police services had articulated a set of service values which were published in an accessible format within their internet pages. As has been noted earlier in this work, there were 52 police services in the UK falling under two governance bodies. ACPO was the chief officers association responsible for policing in England, Wales and Northern Ireland and had 44 services under its umbrella, whilst ACPOS, the chief officers organisation in Scotland, had eight services under its purview. Individual police services delivered policing within specific geographic areas under the law pertinent to the relevant jurisdiction. Given these similarities, it was perhaps surprising that between these 52 constabularies and two governing bodies there were 123 different stated values[119]. Similarly, different values were articulated by different participants who contributed to this research, whether in person or via electronic

[117] Chapter Seven - Conclusions

[118] Hampshire Constabulary, Central Scotland Police & Grampian Police

[119] These are contained within Appendix C

submissions. However, from each group ten or twelve most often referred to themes emerged as most popular. These are set out in the table below:

'Top Ten' Stated Service Values		12 Most Regularly Stated Linkedin Values		12 Most regularly Arising Consultee Values		'Top Ten' Consultee Values	
Respect	51%	Integrity	56%	Values	27%	Fairness	18%
Fairness	43%	Honesty	30%	Policing Challenges	16%	Integrity	14%
Integrity	37%	Fairness	12%	Personal Drivers	10%	Duty	14%
Professional	27%	Duty	10%	The Team	9%	Courage	11%
Partnership	24%	Courage	10%	Personal/ Professional Separation	8%	Doing "The Right Thing"	11%
Honest	22%	Justice	10%	Personal/People Development	5%	Consistency	11%
Protect	18%	Respect	10%	Accountability	5%	Family	11%
Learning Culture	16%	Compassion	10%	Community	5%	Respect	7%
Personal Responsibility	16%	Honour	6%	Vision	3%	People	7%
Quality of Service	16%	Dignity	6%	Diversity	3%	Truth	7%
		Excellence	6%	Ambition/ Contribution	3%		
		Fun	6%	Religion	3%		

Table 3: Values Comparison Table

Whilst this table sets out findings of this work in the round, it is useful to also consider constituent contributory groups in isolation. Having reviewed the values of all UK police services the 'top ten' stated values emerged as

	Number of Constabularies	% of Total
Respect	26	51%
Fairness	22	43%
Integrity	19	37%
Professional	14	27%
Partnership	12	24%
Honest	11	22%
Protect	9	18%
Learning Culture	8	16%
Personal Responsibility	8	16%
Quality of Service	8	16%

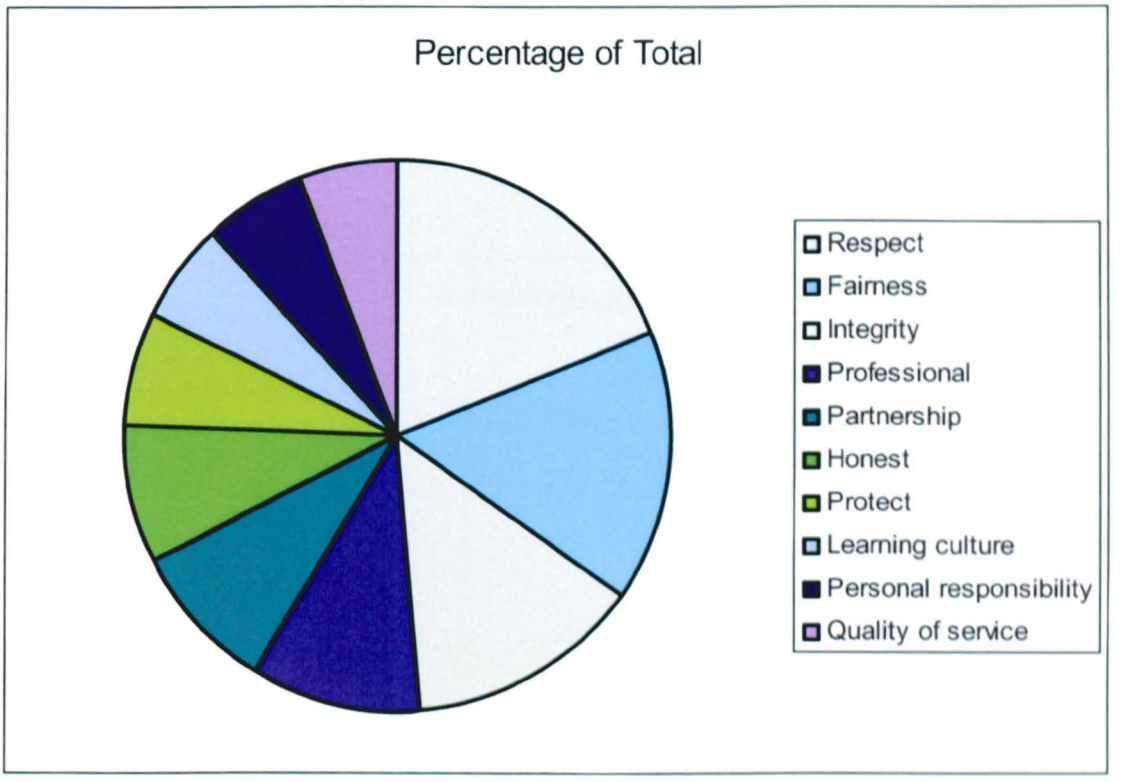


Figure 9: The Ten Most Regularly Stated Police Service Values

Within the top three values submitted by the 50 Linkedin members an equally diverse range of views emerged. In total these 50 respondents listed 69 different values. The 'top twelve' most regularly articulate values were

Integrity	28	56%
Honesty	15	30%
Fairness	6	12%
Duty	5	10%
Courage	5	10%
Justice	5	10%
Respect	5	10%
Compassion	5	10%
Honour	3	6%
Dignity	3	6%
Excellence	3	6%
Fun	3	6%

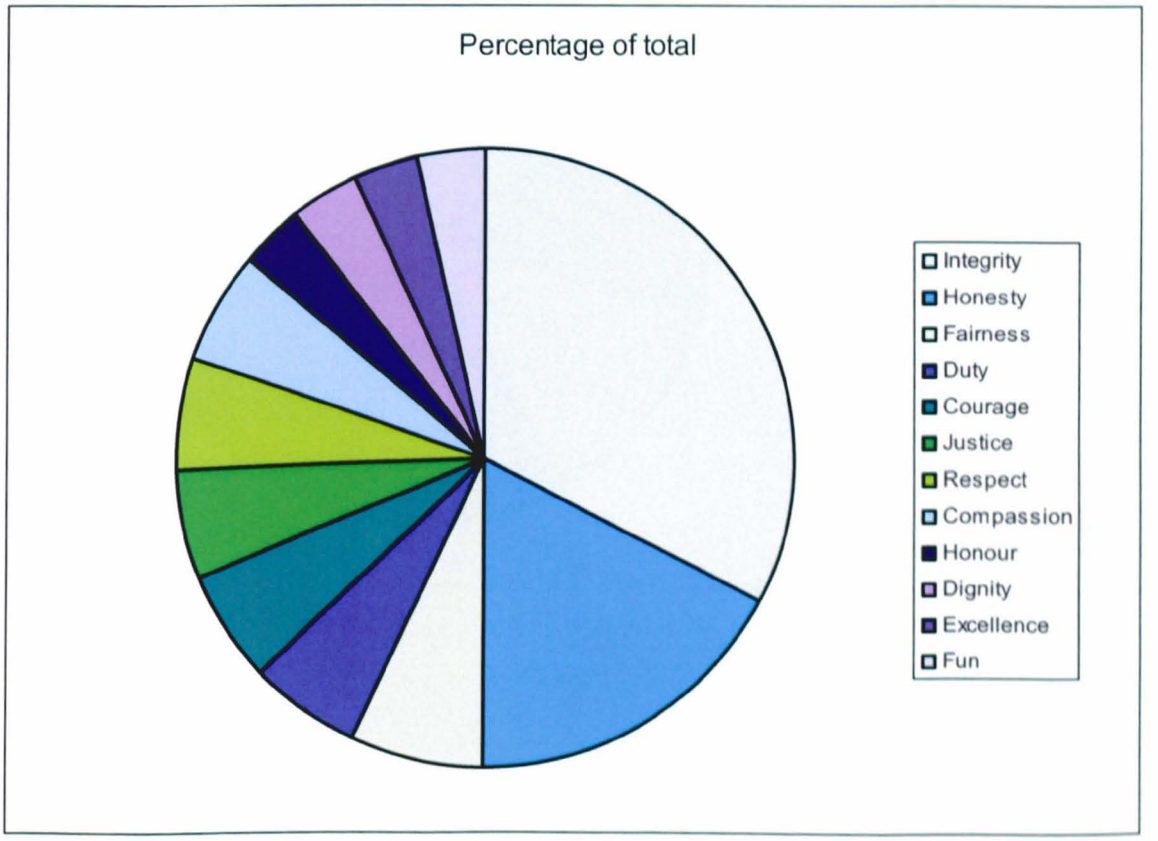


Figure 10: The Twelve Most Regularly Stated Linkedin Group's Values

When specifically asked about the three values that were most important to them, participants collectively presented 27 different values, with the 'top ten' summarised as:

Fairness	18%
Integrity	14%
Duty	14%
Courage	11%
Doing "The Right Thing"	11%
Consistency	11%
Family	11%
Respect	7%
People	7%
Truth	7%.

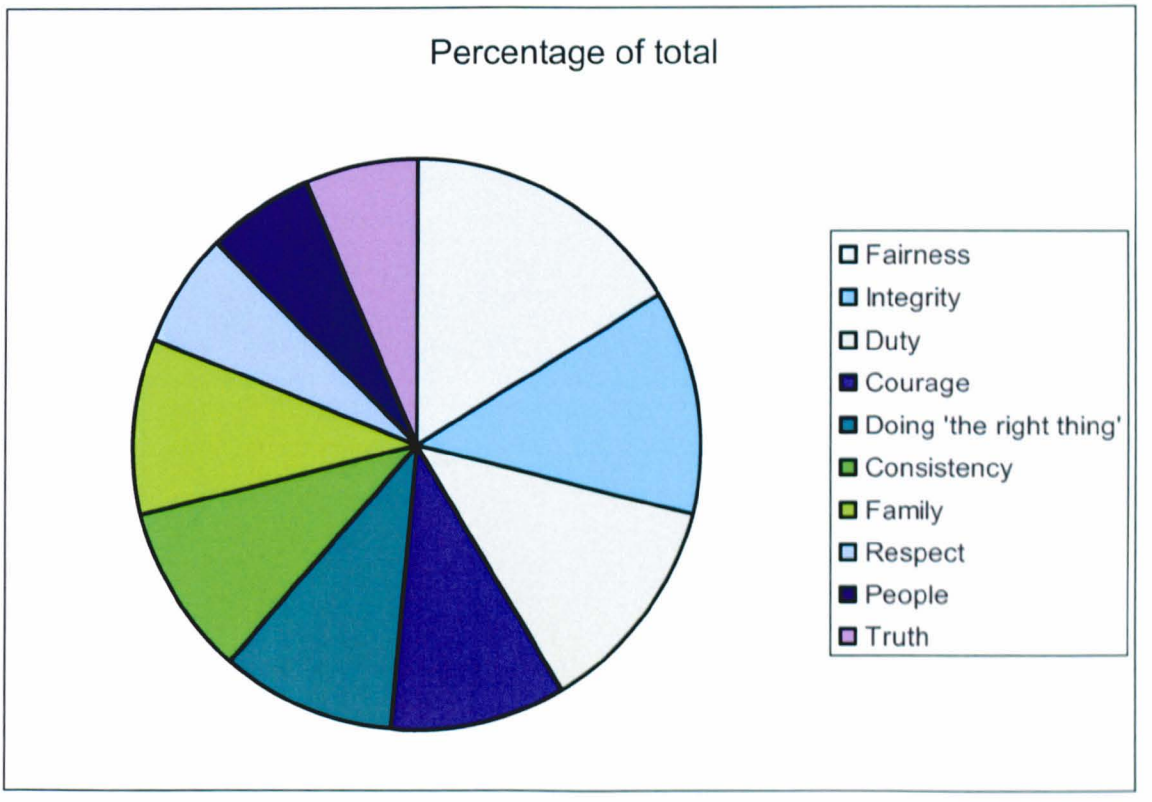


Figure 11: The Ten Most Prominent Consultee Values

Within unstructured and semi-structured interviews and focus groups, participants' generated a range of themes. It was of particular note that whilst all respondents within the semi-structured interviews were asked broadly the same questions[120], responses differed widely generating a number of themes[121]. In total, 78 different themes emerged[122]. However, similar themes could be viewed as part of a wider generic group of themes and 12 principle themes consequently emerged[123]. These are summarised below:

[120] The questionnaire is contained within Appendix B

[121] Redacted interview transcripts are contained within Appendix B. Details of interviewees have been removed and contributors have been allocated a number SSI-1 to SSI-9. Un-redacted copies of interviews are retained securely by the author and have been shared with those supervising this work.

[122] These are noted within Appendix B

[123] These are noted within Appendix B

Values	27%
Policing Challenges	16%
Personal Drivers	10%
The Team	9%
Personal/Prof Separation	8%
Personal/People Development	5%
Accountability	5%
Community	5%
Vision	3%
Diversity	3%
Ambition/Contribution	3%
Religion	3%

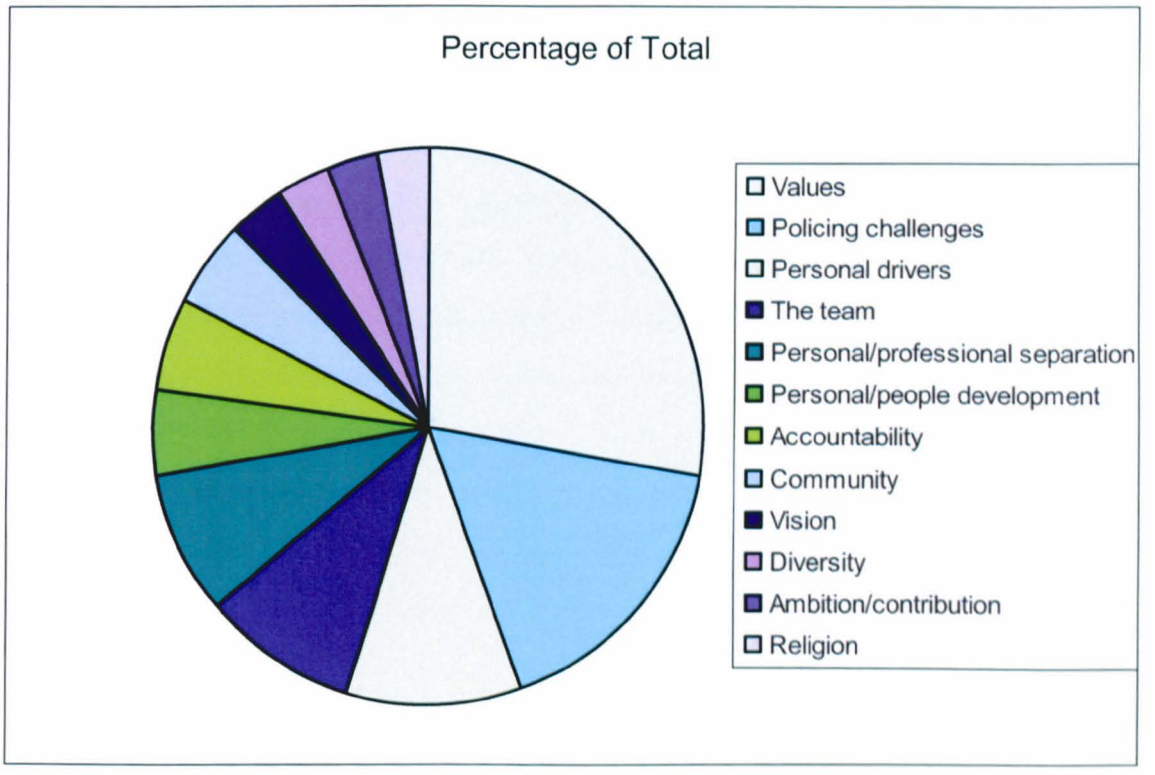


Figure 12: The 12 Themes arising from participant interviews

There were similarities in values held by senior police officers, Linkedin contributors and the stated values of UK police services. Specifically themes of integrity, fairness and respect appeared across all three contributory groups, however, they did not reflect equally across all samples. There are a range of potential reasons for this. It may have been that these values had a degree of cross-over and participants may have felt attributes of one value were present in another. For example, as will be discussed below[124], "integrity" lacked clear definition but was seen by consultees as including a range of positive behaviours such as "fairness" and "respect".

Some values were reflected within two groups but not the third. For example, whilst police services and Linkedin contributors described "honesty" as a prominent value this was not reflected within the values of the majority of senior police officers. A number of potential reasons existed for this. Given the corruption cases which had arisen within policing[125] it is possible the service in general wanted to make clear they valued honesty. Within personal interviews, senior police officers discussed "honesty" in the context of relationships with staff, preferring to combine the use of that value in those settings, with compassion. No senior officer spoke about honesty within criminal justice. This might have been borne from a belief it was clear, through the discharge of the Office of Constable, that honesty in that regard was a positive and absolute obligation.

To that end, it was useful to consider and analyse a number of specific themes arising from these submissions. This added context to statistics and assisted forming views as to the importance, or otherwise, of values to policing. As a consequence it was possible to consider, with greater accuracy the research question which underpinned this investigation that being "does the police service need a values-based decision-making model, if so, what should that model look like"?

[124] 5.4.1

[125] These are described in general throughout this research and in particular at Appendix A

5.3 Values

5.3.1 What did 'Values' mean?

In response to being asked to articulate the three values most important to him, one respondent, Chris Keeble[126], replied

"Certainly! What do you mean by 'values'"?

Keeble asked a fair question, the answer to which was provided by one respondent who said:

"a value is something that you actually hold dear to your heart. It is something that is important to you".

For many police officers however answering this question was challenging. This was not borne out of an inability to consider this, rather it derived from a lack of time or focus. Most of the senior officers interviewed as part of this research indicated they had not considered what 'values' meant to them prior to attending the Strategic Command Course (SCC) during which it became clearer as for

"the first time this [leadership] *is not about rules, it is about you being a free thinker...and it is about values...I responded to that hugely positively".*

However, the challenge for policing in general was that such reflection seemed only to be

"started...on the course...[examining] *personal values...and how they translate into behaviour".*

Current leaders took the view that

[126] Keeble has given express permission for his comment to be used and attributed directly to him within the body of this study.

"20 years ago I would have had no answer to [what values were]*...unless I had studied philosophy...I had no reason to consider what values were".*

Consequently, the notion of the police service being values-led appeared accurate, as leaders had reflected upon their own values whilst on the SCC. However, whether or not policing was values driven was less clear as those officers from ranks that could not access the SCC appeared rarely to have considered the values which shaped them.

Leaders who considered the importance of values prior to attending the SCC appeared only to have done so when asked directly about them and found the question challenging. One respondent noted he was asked by a colleague 'who' they were; to which the respondent gave a broad answer before realising

"...what he really meant was 'what are your values?'*...I have no difficulty in admitting that I had never really stopped the word spinning long enough to really focus on this".*

Given the importance of ensuring policing was delivered in a manner which reflected human rights legislation (Human Rights Act 1988) and the growing emphasis placed on articulated values by each constabulary it became necessary for police officers to consider the values they held before they reached the SCC and be in a position to discuss these within the context of their decision-making processes. Indeed, a number of contributors indicated they either included references to the values upon which they predicated decisions within policy files[127] or altered their decisions after reflecting upon their values[128], again noting this within policy files.

---

[127] Policy files are documents which officers use to set out their decisions and the rationale supporting those decisions. Whilst logs are often informally kept they are officially used within the management or investigation of serious incidents or crimes. They become productions/ exhibits for court purposes and, as such, are disclosable under relevant legislation. Consequently, officers who articulate their values within these logs might expect to be asked to justify or explain these within judicial process.

[128] Oxford Focus Group

Consequently, it was clear that little reflection upon values or training in constabulary values was given prior to officers attending this senior course. Given that the majority of services had stated values this seemed an incongruent position. To that end, is was useful within the journey of answering the research question to first consider Keeble's question - *"what are values"?*

Lewis (2000) noted values were discerned choices all humans make in light of options open to them. He went on to state these were predicated upon four elements - experience, deductive logic, emotion and intuition. It is noteworthy three of these predications were themes touched on by respondents during interview, emotion being the only driver not explicitly discussed, but implicitly applied. Consequently, it was useful to consider these elements in the context of the values of senior police officers and thereafter consider how these elements link, or not, to the stated values of constabularies. Finally it was beneficial to consider whether the confluence of these elements provided sufficient guidance to officers and staff faced with values-based decisions or whether policing would benefit from a values-based model designed to support decision makers.

5.3.2 Experience: how it affects values

The Oxford Dictionary (2011) defines experience as being *"practical contact with and observation of facts or events".* Experience, for senior leaders was important, as it

> *"shapes what you are, shapes what you think you are there to do* [and] *is about a series of different things that make you the professional that you are".*

Whilst policing was a significant experiential factor within the lives of most senior officers[129], it was not the only experience from which they chose their values.

[129] Whether individual officers feel their role is vocational or not, the Office of Constable permeates an officers existence. For example, the behaviour of a police officer when off duty is as important as behaviour on duty as should the officer commit an offence or bring the service into disrepute when off duty, the sanctions are the same as had the action occurred whilst on duty.

For some participants, family and educational background provided experience from which they drew their values, in particular, family relationships served as a baseline for judging behaviour as

"if you are not true to your values...what would your father think and so that helps you adhere to your values and retain them".

At the time of this study, all senior police officers in Scotland are white and the majority are male. This reality was not lost on respondents who were mindful they were

"...fortunate to be in Scotland, in a democracy, well off in relative terms, able bodied, from the majority ethnicity...There are plenty of people...who don't have that";

this was not, however, without challenge as

"...danger arises in that middle class, white males with a privileged background...[have their] *life experience shaped by that...seeing the world through rose tinted spectacles and applying moral standards...on others...That is a danger because the world isn't as simple as that".*

All the senior officers who participated in this study were educated to degree level and the experiences they had at university contributed to the shaping of their values. Education offered some respondents opportunities to

"form ideas that...developed into practice".

Others described university as providing a range of negative experiences which were influential in drawing them towards policing

"...the student was arrested in...a more violent way than I would have anticipate from the police whom I trusted and had huge confidence in. At that moment I

could see me joining the police because it was wrong and I, in my arrogance, wanted to do something about it".

All new police recruits joined the service at the same level, that of probationary constable and had to complete two years in this role. This is the time when new recruits first become exposed to police work and police culture and take values based, policing decisions within their role. All respondents within this study had progressed beyond the rank of constable, however, the majority of police officers do not progress beyond that rank. As a result, at constable level, there is a wide range of age, experience and aspiration. Given the team[130] dynamic that exists within policing and the need for corroboration in Scotland[131] it became apparent constables had the potential to become

"key individuals that have influenced the journey".

There was also appreciated, by some participants who acknowledged they achieved senior positions as they

"got there..because [they were] *promoted by someone else"[132].*

Consequently experience provided learning from which officers could choose their values predicated on positive or negative experiences. Within this research, the majority of participants articulated that experiential learning was gained through negative experiences where

---

[130] Officers across policing are divided into teams or shifts through which 24 hour policing is delivered.

[131] As a result of this legal demand Scottish officers routinely worked in pairs. Where one officer is a probationer, i.e. within the first two years of service, they will, generally work with a tutor constable. That officer is generally more experienced and acts as a guide as well as a colleague. These constables often become role models for probationers whom they remember throughout their service. A number of participants indicated they were reflecting upon behaviour within these relationships when they were considering their role models within the police.

[132] Within policing officers apply for promotion, it is not a situation that arises automatically. That promotion is generally based upon performance, appraisal and interview. This results in a recommendation by the senior officer chairing the interview process that an officer should or should not be promoted. That recommendation is made to the chief constable who decides whether to promote an individual or not. To that end, everybody who has been promoted beyond constable has been promoted by somebody else.

"the consequence of getting it wrong shaped [the individual]*"*

or resulted from another persons experience; an example being an officer who met

"a guy who was exactly the same age [as him] *he was a solicitor...from London..and was black. He had a middle class upbringing...same as me and we remarked on how much we had in common. He asked me how many times I had been stopped and searched. I said none...he could count over 100 times* [he had been stopped and searched]*...It was an astronomical number...That conversation raised a bunch of questions and a level of awareness in me about different experiences...and everything..flowed from that".*

Experience for senior officers derived from a variety of situations, consequently, it would have been inaccurate to consider police officers as being derived from an homogenous group, rather police officers were a diverse mix of individuals who were

"shaped by years of policing service...shaped by the experience of policing".

5.3.3 Logic and emotion

Whilst Lewis (2000) described logic and emotion as separate drivers in choosing values, these appeared, within the breadth of this study, to be closely linked and thus best considered together. These two approaches to values were linked within the language of respondents, one of whom avowed

"a faith in logic and rationality...[where] *mental make up...lends itself to being more rational than emotional".*

Policing was for all senior officers a people focused activity. To that end, respondents felt understanding logic was not sufficient alone as emotion was also an important element within police decision making

"being right is not enough...as it will not lead...to a successful outcome...unless [there is] *recognition of the value of the emotional route to the outcome".*

Whilst logic was a value which shaped a number of respondents,

"I believe and avow is faith in logic and rationality so my mental makeup is one that lends itself to being more rational than emotional"

for others the importance of faith could not be ignored as it

"is an important [aspect] *of what shapes an individual".*

Some leaders described themselves as coming from the

"indoctrinated position of being brought up Catholic"

or being

"shaped by...faith".

However, these respondents were mindful

"faith...is not something [they] *talk about much in the sense as a* [senior officer] *there is a responsibility to all* [people regardless of faith] *and therefore...*(they) *use different terminology in speaking in a general sense".*

The police leaders who ascribed to a religious view used it as predication for a number of values.

"Faith...[is] *about being honest, treating people with respect, treating people with humanity...these are the absolute cornerstones of my values"; "When you die...St Peter will say to you, we gave you this, this and this. What did you do with it"?*

Consequently, whilst faith was a driver for those who believed in God, this was not a uniform factor across respondents as, for some

"values don't start in any sort of religious belief or faith".

Regardless whether respondents were religious or not, all ascribed to the same broad set of values. Accordingly, whilst respondents may have been on separate journeys toward senior leadership they appear to have reached, broadly, the same destination both in respect of senior rank and values regardless of whether they professed a faith or not.

Logic and emotion coupled with religious belief provided platforms for people to choose their values. It was clear the same values could be derived from beliefs in either logic or emotion however there was a need for senior officers to understand both to wholly bring people together within their leadership roles.

5.3.4 Intuition

The final route to choosing values, as defined by Lewis, was by intuition. Alderson (1988) believed intuition lacked objectivity. Accordingly the moral thinking which accompanied decisions should have been taken on another level. That level, presumably, being predicated on experience, logic or emotion. In other words, Alderson felt intuitive decisions were decisions shaped by learning underpinned by the capacity of the mind and experience to resolve a problem (Charpentier et al 2006). A position juxtaposed by respondents who held

"Policing...is...based on evidence - logical rational competency...and that is half the story. The other half...is about intuition and instinct"; "if you really believe it you will just do it intuitively"

Perhaps the best lens through which to view intuition and policing is through that of discretion as there was no doubt that police officers used discretion[133]. The need existed for officers to be able to rationalise and account for decisions. It would have been unacceptable to say intuition was the basis for the discharge of police duties undertaken under the Office of Constable. If this were not so, it

[133] See Chapter Two - Literature review: ethics, officers, citizen and state - a review of the literature reflecting these relationships

would, as a consequence, be acceptable for officers to enter citizen's homes, remove a person's liberty and draw conclusions based upon a 'hunch'. Given the lack of accountability, evidential necessity and corroboration that flows from this approach to police decision making, it is proper that the 'hunch' or intuitive policing, remains the preserve of the television detective and is not applied in real life policing.

Consequently, police intuition was a nebulous concept which did not have any formal role to play within police decision-making; instead, learned behaviour served as predicator for decision making.

5.4 Stated Values

Having considered the experiences that respondents say contributed to their choice of values, it was vital to explore values common to Linkedin respondents, senior police officers and stated service values.

5.4.1 Integrity

Integrity consistently appeared as a value across all contributing groups. In total 28 (56%) Linkedin respondents listed integrity as their first value and 6 (14%) senior police leaders listed it within their top three; 19 (37%) police services also listed integrity as a stated value. It was necessary to consider what integrity was and why it was considered important.

Integrity was a common term which, as Badarcco and Ellsworth note, has *"complex meaning"* (1989:9), a situation reflected by a number of respondents. No contributor provided a definition of integrity which was shared by all respondents, indeed, one contributor described integrity as

"probably the clumsiest of words".

This seemed a reasonable description given the regular use of that word without accompanying, easily agreed definition.

5.4.2 Integrity and consistency

Many participants linked integrity to consistency. There was a view integrity reflected the importance of not

"not picking up values and putting them down...[rather] *It is about consistency of approach and holding up values".*

The need for others to recognise integrity within leadership was also important to participants

"it is just being a straight up and down the middle, fair transparent individual...who everybody knows what you are about, what you stand for, and that you live up to that. You absolutely live up to it... it is hugely important for the organisation to know the type of individual you actually are."

It was clear then integrity should be obvious to others as well as to the individual, in order to achieve a notion of wholeness (AuBouchon 2003) and consistency. These factors were important in police leadership as it was essential to participants that leaders were seen as individuals who

"are not the ones that spike up and down all the time so that [staff] *don't know where they are"*

as, were this to be the case, people would

"see through double standards".

Consequently, consistency was a key aspect of integrity, which demonstrated a uniformity of behaviour people within and without policing could rely upon, thus enhancing leadership and giving direction to an organisation.

5.4.3 Integrity and the right thing

"Act with integrity and by that I mean doing what you believe is the right thing".

The notion of doing the right thing was explicitly stated by two police services[134] and was directly linked by several respondents to integrity. Consequently, knowing what the right thing was became important. There were challenges in defining what that right thing may be in particular circumstances as

"so many sins could be covered up by that - doing the right thing...it's a good soundbite [but] *I can see lots of potential conflict and problems with that...the whole kind of noble cause corruption".*

Others saw the integrity of doing the right thing as a foil against corruption. The public expected the police to account for their time and police services were required to produce statistics outlining their work (Lothian and Borders Police 2011). Consequently, policing was under pressure to perform well[135], however

"detection is of no value...unless it is done in the right way...you can forget all the figures if we are shown to be cheating".

Accordingly there were situations where maintaining integrity by doing the right thing could be evidenced through audit and enforcement.

Doing the right thing, with integrity was also described as

"listening to that inner sense...or gut feeling".

This was particularly the case when the law was engaged as police officers were required to

---

[134] Lothian and Borders and West Midlands Police

[135] Performance is a vexed issue in policing. There is no agreed definition of what 'good performance' is in Scotland. This is a challenge for the new service in Scotland. There is insufficient opportunity within this work to articulate and address this challenge, however, it is important that it is acknowledged within this investigation.

"...uphold laws, even those we don't agree with. That said, there are plenty of laws we don't enact. That we ignore. We exercise...our discretion".

To some, the notion of police officers not enforcing the law was challenging. One Linkedin contributor listed the rule of law as a key value and two services[136] listed it as a stated value. Within senior leadership, one respondent viewed policing as being necessarily focused on the

"enforcement of black letter law"

where individual values were not applicable as

"the rule of law takes precedence".

Police officers were required to do far more than enforce the law they were encouraged to apply discretion within their decision making[137]. The role integrity played within the exercise of that power was important. Police officers do not enact every law but have the responsibility to do so where necessary. The use of discretion was key in ensuring the public consent to policing and, therefore, the police maintain legitimacy. Understanding what the right thing was any circumstance was an effective test of discretion in

"somebody who is not who isn't rule bound or restricted in their thinking".

Consequently it was difficult to support an argument against officers applying personal values within decision-making.

Integrity, as a value, resisted definition however it was considered to be

"something [that is] *really powerful"*

and,

---

[136] West Mercia Police and Lothian and Borders Police

[137] See Chapter Two - Literature review: ethics, officers, citizen and state - a review of the literature reflecting these relationships

"fundamental because the absence of [integrity] *or the suggestion it is not there will, significantly, undermine your ability to* [discharge] *the office".*

Marshall (2009) believed integrity encompassed the values of honesty, fairness and good. It was useful to examine how senior police offices considered these elements within their reflections.

5.5 Honesty

Eleven police services (22%) articulated honesty as a stated value whilst 15 (30%) Linkedin respondents listed it as a personal value. The importance of honesty was reflected upon by a number of respondents, particularly in the context of managing people. In that regard several felt honesty

"was not a unilateral consideration"

as

"you might destroy someone by being honest"

which ran contrary to the importance of people. Often leaders were

"amazed at what people can and will do and what they are prepared to do when you ask them...if you lead them properly, and that is about treating them with respect".

Within leadership there was a recognition of the importance of

"making the best of the talents we have got"

therefore rather than being brutally honest with people, advantage was seen in using personal interaction to develop talent through addressing gaps in knowledge rather than undermining individuals by focusing on perceived failings without making use of emotional intelligence within such interactions.

Consequently, absolute honesty appeared misguided and unnecessarily ambitious when humanity was added. This was reflected within the discharge

of some policing duties. Whilst the public may expect honesty[138], work undertaken within covert policing (Regulation of Investigatory Powers (Scotland) Act 2000) placed challenges upon police to balance public facing honesty with the duty of criminal investigation. For example, in the case of test purchase or undercover officers who are required to purport to be something they are not in order to detect crime. This act, whilst permitted in law, is not honest in the correct sense of the word. This was a situation considered by senior officers who felt there was not

"any conflict between the covert world and honesty"

it was important to regard the balance decision makers employed when considering covert deployment. This came from understanding that such deployment

"infringes people's rights, absolutely...but we articulate that we infringe peoples rights and articulate the threat and harm that certain individuals pose".

In that regard balance was struck between individual human rights and the rights of the wider community, underpinning the notion

"honesty would be about the service being honest to the community, about ensuring that it does what it says on the tin"

in which sense,

"policing protects people, it protects individuals, it protects communities...it does what the Police (Scotland) Act says".

This view was replicated in stated police service values where nine constabularies (18%) articulated 'protection' as one of their values.

[138] Evidenced through the Linkedin contributions.

Whilst senior officers linked the values of policing to the importance of the community this relationship was understated within the articulated values of the various police services with only seven constabularies (14%) making reference to communities within their values. This was surprising as for some,

"the community understanding your values; sometimes that matters more because actually that is who we work for".

However community was not an easily definable concept for participants[139], as

"it depends on what you are talking about. Community can be the whole of the UK down to your Facebook club...so its a bit difficult".

Policing appeared to value people and community. When dealing with either it was not always considered to be easy or necessarily desirable to be honest. To that end, whether or not honesty was a true value of policing was a matter which required further discussion before a conclusion may be drawn.[140]

5.6 Respect

Respect within policing was a powerful principle which one respondent noted

"...reflects a significant element of being concerned and caring for others but also understanding...just what other's views, attitudes, thoughts and ideas are"; "it is partly about diversity...where you treat people fairly...but...it also incorporates...emotional intelligence".

Indeed, it was the presence of emotional intelligence (Goleman 1996) that contradicted the notion of unbridled honesty when dealing with people. Another factor that contributed toward that position was the importance policing placed upon respecting diversity. One contributor noted this was

---

[139] Community was discussed at 2.16 above.

[140] See Chapter 6

"absolutely fundamental...[and] *indivisible from values...you can't be a professional police officer if you don't understand that"* [141]

These positions were mirrored within the stated values of police services; 26 services (51%) listed respect as a value, however when coupled with dignity (7:14%) and diversity (5:10%) it was clear the wider respect agenda was of significant importance to policing. Five Linkedin respondents (10%) listed respect within their top three values and whilst diversity was not explicitly stated by anyone, three respondents (6%) listed dignity as a value. It was clear from this research, respect and its wider connotations, were considered important to policing and wider society.

5.7 Fairness

Fairness was seen as important beyond policing; six (12%) Linkedin respondents listed it as a value. Whilst within policing, twenty-two services (43%) listed fairness as a value and was the second most repeated service value after respect. It was useful to consider what fairness represented within policing.

A number of respondents linked fairness to justice and protection of the public

"fairness...speaks to me because that is protecting people, or if there is an unfairness taking place that doesn't sit well with me"; "fairness...there is some female minding her own business, doing what she is entitled to do...and this lunatic, breaking the law, just about killed her. That is not fair, that is not right".

In terms of its relationship to justice, respondents ranked fairness above justice a situation mirrored in service values which showed justice being referred to by only two constabularies[142](4%). Justice was also less prominent than fairness for Linkedin respondents, five of whom (10%) listed justice as a value. It was

---

[141] The issues regarding treating people according to their needs is considered within the discussion of The Golden Rule at paragraph 2.7 above. Furthermore, this position is evidenced by within the police diversity training literature contained within Appendix D.

[142] Tayside and Sussex Police

useful to consider the reasons why police officers saw justice as being less valuable than fairness. This situation was set out in clear terms by one respondent who provided the following case study by way of example.

"Fairness – people should be allowed to...live their lives in their relative level of freedom. Justice is slightly different because it is the legal framework that provides for that and we have got to recognise that legal frameworks...will never be perfect.

The justice system, would only manage sex offenders who had been convicted of a crime. So the first thing that is breached is fairness to the other person, the victim. Why is it that the justice system is actually over-riding the fairness part? Is it fair...that we have one hundred allegations of rape but we have a conviction rate of about three and a half per cent? So for every hundred allegations of rape, about three and a half people will ultimately go on the sex offenders' register and be managed by the police. Does it seem reasonable that ninety six and a half of them haven't done anything?..is it fair to allow them to pose a risk to other people when the likelihood is they are actually going to offend.

So the fairness of it would be to say they shouldn't be doing it and we should do things to stop them doing it. Justice says, you can't until they have actually done it. That doesn't make sense. So fairness comes first and justice comes second".

Consequently, fairness accords with both police and public and had a significant place within an holistic approach to criminal justice.

Fairness, honesty, integrity and respect were the most prominent values held by senior police officers and were reflected across service values and within Linkedin responses Having articulated their values, respondents went on the highlight the challenges associated with a values based leadership strategy.

5.8 Personal and professional values

This research demonstrated that there was no difference in the values senior leaders held personally and how they sought to behave professionally as it was

"difficult to disentangle the personal and the professional...should they be disentangled No, I don't think [they] *can* [be]*";*

"I don't have personal professional values and personal personal values, I have got my personal values".

5.8.1 Values and internal relationships

Managing values within police leadership, was not however without challenge. As discussed above, defining community and reaching judgements about what members of a particular community value most was challenging[143] and protecting communities was a theme senior officers reflected upon.

One respondent illustrated this by reference to an experience relating to Islamic terrorism, a matter of concern within the UK for a number of years, and honour based violence[144]. Often the same communities were affected by both issues. This experience served as a useful case study.

[143] See Chapter Two - Literature review: ethics, officers, citizen and state - a review of the literature reflecting these relationships

[144] This being a habit, in some sections of society, of male family members beating or killing female relatives who have displeased them due to choice of partner.

"There was my honour violence versus terrorism experience.

So honour violence, ACPO lead, travelling around the country and basically talking to lots of community type conferences and saying to men in affected communities, you don't have a choice, you either confront this or you are colluding with it and this the murder and rape and abuse of children. There are men in the audience who purport to be community leaders who either stand up and condemn or you are colluding with it. Quite a strong message. I upset quite a lot of people. I continue to believe that it was actually the right thing to say because no-one else was saying it.

I then end up in a room at ACPO where a very, very senior chief constable who is now retired who is very, very senior in the world of counter-terrorism, has instructed an ACC colleague to put me against the wall and say, you have to stop what you are doing because people are going to die because of you. Sir, you are going to have to explain this to me, because prevent means that we are going into these communities and we are trying to make friends with the very people you are insulting because they can tell us who the people in their communities are who are likely to be terrorists and that way we can stop atrocities and people won't die and because of what you are doing, people will die. You are damaging the national anti-terrorism campaign. What I remember, it was a 45 minute discussion that ends up with shouting and ends up in a bizarre conversation about how many people have died in the last 10 years in the UK through terrorism and how many have died through honour related violence and forced marriage and my view was that I won the body count.

In the end, the only way you can come out of that is to say, I am doing what I have got to do and if you want to make this a public debate then I will make it a public debate. And if I get ordered to stop doing what I am doing then I am going to resign from the portfolio and I am going to do that publicly. So if you want to pass that back to your Chief Constable.

Now that didn't make friends and that is quite difficult, I mean it probably sounds really straightforward in the cold light of day but it is actually quite a difficult place to be.

And the hold they have over us is career which is why it is so liberating to say that is just about what I do".

This example demonstrated challenge in balancing community values with those of wider society. The respondent in this situation was keen to address the issue of honour based violence and make clear to men within communities, where this was most prevalent, it was an unacceptable practice. The concern of other officers being this message, which labelled those who failed to address this issue as colluding with rape and murder, was likely to alienate community leaders. This issue arose as the same community leaders accused of such collusion may be able to provide information that may prevent terrorism. Consequently, were they to become alienated by the participant they may be less likely to provide counter terrorism information to the other officer. This illustrated Berger's position (1998) that community is tradition and society is change. In this situation, tradition represented an antiquated position that legitimised violence against women; whilst society reflected change that moved away from accepting such violence.

Similarly, balance had to be struck between protecting wider society from terrorist violence and the responsibility to protect the women. In that sense, this evidenced a clash between the utilitarian perspective of the counter terrorism officers, which sought the greatest protection for the greatest number and the deontological position taken by the respondent who sought to protect the most vulnerable. The respondent's position, underpinned the deontological approach to policing suggested by Neyroud and Beckley (2008). This situation was illustrative of Romanelli's tragic problem of the good (1972) which identifies choices may be necessary between two goods rather than between good and bad. The example also highlighted the balance between different operational imperatives bringing into focus conflict which may emerge between imperatives and the personal values of the officers pursuing each.

5.8.2 Values and external relationships

Managing relationships beyond policing was also challenging, particularly where responsibility for strategic issues arose. Within the UK's democratic

settlement senior police officers have statutory relationships with elected members[145]. One respondent concluded

"...the safeguards that exist in democracy, even if it does have foibles and flaws is...stronger than the alternatives".

This did not mean relationships were without challenge. There were times where operational and strategic responsibilities collided, for example

"during the adverse weather...the transport minister [resigned] *the second one got so close to operational decision making that had things gone wrong he would have gone as well...People talk about accountability in government and debate about whether they are operationally independent or responsible...Whatever...you need to have a clear view on your role and responsibilities and the values attached to that."*

5.8.3 Values and professional accountability

Despite the need to be accountable through the democratic process, senior officers had rarely been asked to articulate their values within their professional settings. Whilst some had

"no issue at all about being asked...about personal values in any situation" and *"wouldn't have any difficulty* [doing so]*"* have, broadly, *"never actually had to account for...values"; "I have never been required to* [do so]*, no".*

They had little experience of having to set out their values, the exception being

"during selection processes and in preparation for selection processes" (it was at) *"selection interviews...*[where I] *use language of relationships, integrity, values and service".*

---

[145] In Scotland, this is generally manifested via local Police Boards, comprised of elected councillors. In addition, officers maintain regular contact with Members of the Scottish Parliament (MSPs) as well as members of the Westminster Parliament (MPs). Within the Police and Fire Reform (Scotland) Bill, this relationship will be further enhanced as the local police commander will have a statutory responsibility to report to the local authority in relation to performance and other matters.

For some this lack of discussion may have been based upon the abilities of elected members who may be considered

"people...challenged [by being] *in huge positions of influence and power...catapulted into authoritative roles like the Police Board"*

or it may have been that articulating values to Police Boards at interview was sufficient, coupled with

"...what you do. People are always watching. They will listen to a degree to what you say but it is what you do."

5.9 Challenges to values-based decision-making

Where senior leaders felt they were most likely to be challenged upon their values-based decisions were within

"misconduct"

as it was there

"checks and balances are necessary [to ensure decisions are] *consistent...reasonable and fair".*

As misconduct issues were internal matters, they impacted upon the team environment. Indeed for all respondents the team was important, all describing their particular team as

"the whole force".

They took the view they should

"demonstrate [their] *values...so* [people] *understand where I am coming from".*

This was important as leaders

"couldn't be comfortable working with someone or condoning someone who operates in a way that is against the values that I hold".

The challenge for policing was to ensure service values were clear and attainable by all members of the police through well articulated values. There was an acceptance however that both actual and, other, perceived values existed or as one respondent noted

"the blue code might be harder to address"

referring to team values that may be contrary to those of the service. An example being the team who dealt with the Birmingham 6[146]. Writing false confessions was clearly against both the law and the values of policing, however, the 'blue code' in that instance indicated this was acceptable practice, despite safeguards to the contrary.

5.9.1 The Importance of stated service values

The status and mandate of service values within policing was unclear. As noted above, there were 123 different stated values across constabularies with the number of values varying between services. In some, values were restricted to three (Cambridgeshire Police 2010; South Wales Police 2010; Merseyside Police 2011), whilst in others the number of values was higher particularly in Warwickshire (2011) where 28 values were stated. Due to the variety and differing number of values throughout the service as a whole inconsistency was a risk; a point noted by respondents who felt service values should be better articulated and understood by all staff before they could be expected to reach decisions based upon them.

Whilst senior police leaders felt it essential their personal values were articulated across their area of responsibility, they were less certain stated

[146] See Appendix A

organisational values were the suitable vehicle for this. Some felt the values and their utility as a mandate for operating behaviour was

"almost meaningless to cops on the front end...as [we] *don't...do enough work with cops on it....the posters are absolutely not sufficient, the only thing that is sufficient is present leadership....being there and talking values, behaving values even if you don't use the words": "Is there any correlation between what they do on a daily basis and those values that appear on the nice glossy laminated card that is up on the wall? I think there is a big dislocation there to be honest with you"; "We have...a gap. We have got a bit of paper that has a value set on it and we have got decisions that people have to make and we haven't connected the two".*

Visibility and connectivity with officers was, for most, the way to fill this gap, which was achieved through

"talking about [values] *in front of as many people as I can, like sergeants and inspectors and to go back a second year and talk about it again"* because *'*[values[*don't have a start or finish they have to be seen"; "we bring in key audiences...and talk through...leadership, values, performance, ethics...and keep talking to them...because that is one of the key critical bits".*

Consequently, there was a view values within policing should be demonstrated, articulated and discussed. The question arose as to how best that may be inculcated within decision making.

5.9.2 Would senior officers benefit from an ethical decision-making model?

A central theme of this work was a consideration as to whether or not senior police leaders would benefit from a model for values-based decision-making. Respondents were asked this question. This produced various responses, on one hand respondents felt such a model would provide an

"important...shaper of culture and shaper of the default thought process" that *"takes something that may be subconscious into the conscious and therefore allows* (one) *to challenge and check ...things* (one) *hasn't considered"*; making *"sure you don't forget things and that you actually bring yourself back into check".*

Respondents were also mindful a model should be more than

"...there to provide an audit trail of somebody's decision making...or people will use them to hide behind" or that it *"becomes a box ticking exercise"* where *"officers follow the model and don't think outside the boundaries"*

or which leaves

"decision makers...constrained".

Respondents felt a model would be best suited to

"the really gnarly horrible things that were *"...big decisions in terms of critical incidents, major policy decisions, major organisational things such as custody..."; "...in slower time...*(where)*...you are not being rushed...*(rather than in) *"fast time operational work"* or *"in the hustle and bustle of daily life...will you pull out a laminated plan...possibly not".*

Values-based decision-making was seen as a habit that should be

"...woven seamlessly into operational and organisational decision making..."

and consequently a values-based decision-making model would be useful

"...during (the) *education of future leaders...".*

As was discussed in Chapter One[147], education was an essential part of professionalism. Consequently, there may be scope to use such a model to enhance that professionalism

"...as a means to change peoples understanding of what they are doing...it is about how we deliver this to people and how we use it"; as a *"...model helps you to be the best you can be".*

Consequently there was, across respondents, support for the introduction of a values-based decision-making model for policing. It was clear support for a model was predicated upon professional development and should be focused toward slow time, strategic decisions rather than quick time issues. Another key concern was any model should be broad enough to allow decision makers to be creative in reaching professional judgments.

5.10 The importance of values in policing

The importance of values within policing was clear. However, inconsistencies existed across the service as to what were the key values of policing. This issue has arisen as the 52 constabularies which have been examined within this study have articulated their values independently rather than in consultation with one another. It appeared too that neither ACPO nor ACPOS had the ability to set common values across policing. It was also clear that, despite these differences, a number of common themes do emerge between constabularies, their senior leaders and the Linkedin respondents who took part in this research. There is merit in further extrapolating the themes of integrity, fairness and respect and discussing these in relation to emerging policing challenges[148].

It is clear from these findings, that police leaders were consistent, holding a single set of values which they had chosen as a result of a range of life experiences and which were consistent with policing. It was also clear that the understanding of this had only become evident for the majority of participants at

[147] Chapter One - Introduction: The Police Journey from Peel to Profession

[148] This will be done within Chapter Six.

a senior point within their service, a situation that might be resolved by the inculcation of values-based leadership training at an earlier point in an officer's career.

Some of that training may well be underpinned by the introduction of a decision making model that would support leaders faced with ethically challenging situations where policing imperatives and personal values might collide.

Having then set out what the findings of the research were, it was thereafter important to consider what the implication of this work was. To that end, the Chapter Six discusses and provides analysis of the findings that are set out within this chapter. Chapter Six sets out an assessment of this research and highlights the consequences of this work. This latter aspect sets out how the values identified in this chapter might be better defined and rationalised into a number of stated values that officers and services can easily articulate and demonstrate across policing.

Chapter 6

Key Messages and Consequences of this Research

Chapter Six: Key Messages and Consequences of this Research

6.1 Introduction

Data collected for this research demonstrated that values were important to the police and that, according to participants, the police saw itself as a values-based organisation. Historically, this emerged from Peel's Principles (Reith 1956), in particular that the ability of the police to perform their duties was dependent upon public consent. In order for people to give consent, citizens need to know to what they are consenting. The adoption and publication of stated police values, underpinned by the delivery of a police service predicated upon those values, should provide a congruent demonstration to the public of the nature and direction of the particular police service which seeks their approval.

6.2 The importance of values

A number of participants described the role the police had in protecting the vulnerable. This reflected the nature of policing as a public service existing to protect citizens (Police (Scotland) Act 1967). Consequently it was essential those who joined the service were attracted to policing on a vocational level. A statement of values was a useful way to begin this process as *"...organisations that have...deeply embedded values can attract the right people..."* (Mullins 2005:150*)*. This was important for the police as in order to maintain public trust and confidence the service had to be strong in its values and be seen to demonstrate those. On another level, this might also be regarded as somewhat surprising. The notion that police officers were honest, fair and respectful may, for some, have been an unrebuttable presumption rather than requiring articulation within a set of police values. However as policing has, on a number of occasions, notably through the initial response to the killing of Stephen Lawrence (Hall, Grieve, and Savage 2009) and the behaviour exposed within the Secret Policeman[149] (BBC 1991; Daley 2003), let itself down by not

[149] See Appendix A

demonstrating these values it was understandable constabularies elected to tell the public what they stood for.

An explicit commitment from the police to values recognised across communities had a two-fold effect. First, this commitment clarified for officers what was expected of them. Values can become the lowest common denominator, becoming the default position referred to in crisis and so should provide direction (Mullins 2005). Consequently a clear articulation of police values should provide this direction. Secondly, this commitment to community may better connect officers to citizens. A shared investment in the police mission underpins the Peelian Principle that police officers are simply citizens in uniform (Reith 1956).

It was also clear from this research that no differences existed between personal and professional values, rather the police officers who participated in this research had one set of values which cross cut their lives. This position made sense. It would be incongruent for officers to express one set of values within their personal life and another whilst serving in the police. Racism would be an example of this. It would be inconsistent with the values of policing for an officer to be a member of the British National Party, yet hold the Office of Constable. It was impossible for individuals to fully separate personal views from professional decision making. As personal values entered the professional environment it was essential officers recognised the importance of their own values within their decision making and were able to account for these should their decision be subject to scrutiny or analysis. As values are the guidelines a decision maker uses within their decision making (Dainty and Anderson 2000) it was important those values were understood in advance of decisions being reached.

This research demonstrated that only in limited circumstances and after significant progression within policing, did officers proactively consider their personal values. This appeared normally to occur as officers prepared for strategic command. This presents a problem within decision making. Where officers have not reflected upon their personal values it will be challenging for them to understand the importance their personal beliefs have upon the

conclusions they reach. This is important as *"the link between values and behaviour should not be disregarded...as behaviour is an outcome of values orientation"* (Herriot 1976). Consequently, police decision making may be improved through officers undertaking self reflection at an earlier stage of their careers, rather than this being delayed until the officer is ready for strategic leadership.

The ability to reflect upon personal values and challenge values held by others would improve policing. Through discussion and debate people have the ability to *'co-create each other'* (Branson 2009:124) and therefore impact upon and develop values and opinions held by others. Policing has previously done this in a range of guises, most notably within diversity training (Police Oracle 2011) where values held in relation to race, gender and sexuality, were challenged. However, there are not, generally, opportunities for officers to engage in *"...free thinking.."*[150] in respect of values. By failing to do this policing is missing an opportunity to improve performance through developing shared values. Such development can improve values-based decision-making (Cloke and Goldsmith 2002) and achieve organisational outcomes that will have a positive effect on officers and citizens (Murray, Poole, and Jones 2005).

6.3 The impact of experience

Lewis (2000) noted experience was key to shaping values. It is useful, therefore, to discuss the experience of those who participated within this research as they considered the importance of their experiences across policing. Within this research, there were imbalances in race and gender. Only white officers were interviewed because there were no black or minority ethnic (BME) senior officers in Scotland. Only one interviewee was female. There were only three female members of ACPOS. Faith was a recurring theme for respondents. The majority made reference to faith either acknowledging having a belief or making clear they did not. In either event, most respondents made reference to it. It is important to also consider the experiences which shaped senior leaders before they joined the service.

[150] SSI-7

Education was an influencing factor for participants, who were all graduates. The number of graduate entrants to policing has reached 27% (Home Office 2011). Policing views itself as reflective of society, a legacy of Peel's Principle that officers should be citizens in uniform (Reith 1956). Across the UK, around 35% of people are now graduates (Williams 2010). Consequently, applying Peel's Principle, the number of graduates within the service is too low and for the police to truly reflect society, the number of graduate entrants should rise. If this were to occur the opportunity for debate and development within policing may expand. As one participant noted, the police often view themselves a *'blue collar'* work force[151] afraid of educated debate; whilst Tom Windsor[152] stated officers lacked educational ability (BBC 2011). This remark led to debate in police periodicals. Some non-graduate officers expressed the view 'the university of life' was a sufficient level of education for police officers (Blain 2009) whilst others felt educational attainment should be supported within policing (Adams 2009) .

Most participants stated they learned much from experience and negative experience, in particularly, played a formative role. It was significant that fewer respondents predicated their experiential learning upon positive role models. This is perhaps a reflection of the Scottish outlook, as described by one respondent[153] or reflective of generally poor leadership which may have previously existed within policing. Another view being this was the result of a disconnect between officer and leader. Consequently if more time were spent discussing values-based approaches to policing this gap may narrow. One method for narrowing this gap is to revisit organisational stated values. It was significant to note the majority of respondents felt the values of their organisation were insufficient for officers to rely upon as a means of guidance. This underpinned Lucas's point that values needed to be more than something an organisation has on its notice board (1999) serving as guidelines from which individuals can make positive choices (Dainty and Anderson 2000).

---

[151] SSI-4

[152] Who is reviewing police pay and conditions

[153] SSI-2

6.4 Managing police values

Which of the 123 values stated across policing[154] should the service retain? The short answer to this question must surely be 'all of them'. Having reviewed all 123 of the stated values of the 52 UK constabularies[155] there are none which are easy to omit from a list of services a citizen should expect from their local officer or police service. It is as reasonable to expect innovation[156] and courteousness[157] from a police officer as it is humanity[158] and sensitivity[159]. Society, through political oversight, expects policing to provide value for money[160] and expects that officers will do the right thing[161]. Whilst it is impractical for all constabularies to inculcate 123 values within their mission statements, it is equally unreasonable not to expect officers to demonstrate each of these 123 values. Consequently, values need to be succinct, yet widely encompassing.

In order to attain this, it is important to review these stated values and establish which elements are values and which are behaviours that reflect values. For example, reducing crime and disorder[162] reflects the behaviour of a constabulary rather then being a standalone value. The same point may be made in respect of having a trained work force[163] and attending promptly when called[164]. Whilst these may be straightforward examples of behaviours, there are instances where it is harder to make a clear separation between behaviours and values. Honesty and truthfulness are two issues at point. There are

---

[154] See Appendix C

[155] See Appendix C

[156] Cumbria and Derbyshire Police

[157] Dyfed-Powys, Merseyside, PSNI and Northumbria

[158] West Midlands and Gloucestershire Police

[159] Cambridgeshire

[160] Hertfordshire, North Yorkshire, Leicestershire and Staffordshire

[161] Lothian and Borders and West Midlands Police

[162] Kent, Leicestershire, Lincolnshire and North Yorkshire

[163] Cumbria Police

[164] Warwickshire

situations where honesty, as noted by a number of participants, was not always the best policy. Situations arose where honest communication would have been unnecessarily upsetting for the recipient and consequently damaging for the organisation. Whilst respondents were referring to inward, organisational communications the same emotional intelligence might equally be applied to delivering death messages. For example, where a next of kin asks if their loved one experienced a painful death, it may be better for the welfare of the living person to be economic with the truth where a painful death had occurred[165]. These are values-based judgements reached by officers which give examples of the impact of the moment of choice (Covey 2004) may have for those involved. To these ends, honesty was not a true value of policing. If it were, the service would adopt the Kantian approach and not flinch from the truth regardless of cost. Rather than seeking to be consistently honest, police leaders appeared more concerned with being respectful to the needs of individuals. This, however, required to be balanced with the need to be honest and transparent within police investigations. Were this not to be the case, the service would, rightly, loose its legitimacy. Consequently, it is essential both police and citizen understand a delineation exists between criminal investigation and management of people. To misjudge the balance in one area may well risk legitimacy in the other.

Similar issues arose in respect of impartiality[166] and inclusiveness[167]. If, as a number of respondents noted, policing exists to support the vulnerable then, partiality will emerge. Where vulnerable groups are supported this may be at the expense, on some level, of others, hence inclusiveness is lost. For example, police officers routinely patrol areas where there is a higher risk of crime, thus they are visible[168] in a particular area. By so doing, they will, as a consequence, not be as visible in an area where there is less crime. They will not provide the same level of service and those from the less vulnerable area will be excluded from enjoying as a high an instance of police patrols. That is

[165] Oxford Focus Group

[166] ACPO, Strathclyde and Northern

[167] Cheshire Police

[168] A value stated by 14% of services.

not to say the second area would not receive an equally professional service when required, simply they would not routinely benefit from the same level of service. Hence, values which reflect impartiality and inclusivity require qualification.

6.5 Establishing Common Service Values

Having considered the challenges presented within the current range of police service values, it was useful to consider what the common values of the police service might be.

The role policing has within society have been considered throughout this submission, however it is worth, within the context of considering what values should be common to the police service, to reflect upon the importance of the frameworks which support policing. As was discussed earlier[169] policing sometimes reflected the conflict theory of policing and at other times the work done by policing was more appropriately described as functionalist (Palmiotto and Unnithan 2011; Weitzer 1995; Anderson and Taylor 2011). This may appear confusing both for the officer and citizen. Consequently, it would help both if policing could gravitate to a single set of values that would underpinned the relationship it has with the citizen, whilst also allowing citizens a clear understanding, through the publication of those values, as to what they may expect from the police. Consequently, the establishment of a single set of values is beneficial for both officer and citizen. The following values are reflective of the policing within the UK and may be applied to positively enhance the relationships policing has both the citizen and with the individuals who comprise police services.

[169] Chapter Two: 32

6.5.1 Integrity

The first commonly held value may be integrity. Klockars et al, define police integrity as *"...the normative inclination among police officers to resist temptations to abuse the rights and privileges of their occupation"* (2006:1)[170]. By describing integrity as *"normative inclination"* these authors asserted that, within policing, integrity reflected belief which was distinctive from behaviour. They also noted that behaviour of police officers is *"morally charged"*. This is consistent with policing being a vocational role where officers are at risk of temptation. This brings to the fore threats of corruption and acknowledges the challenges officers face within their daily duties. Finally this definition underpins the responsibilities the Office of Constable brings.

Integrity is a nebulous term few people can easily define (Adams 2011), however it was a term identified across participants and appeared as an overarching principle which drew together a range of values, such as honesty and trust but which allowed for their qualification in certain circumstances where needs of others may be reflected within professional judgement. Consequently, there is potential to develop integrity as a value defined specifically within policing which officers and constabularies can reflect.

From a Scottish perspective, there may be particular benefit in this. One of the proposals within the Police Reform Bill is a change to the Oath of Constable (Police and Fire Reform (Scotland) Bill 2012). Currently, officers in Scotland take an oath to *"...solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable"*. This oath is open to interpretation and it is for the constable[171] to demonstrate they were working in a manner consistent with this oath, where so required[172]. If this Bill is enacted, as seems likely, the new Oath of Constable will be *"I sincerely declare and affirm that I will faithfully discharge the duties of the office of constable with*

---

[170] Pp 1

[171] All police officers are constables. In the case of those in promoted posts they might properly be described as constables holding the rank of sergeant, chief inspector etc.

[172] This consistency may be demonstrated through the adherence to the Police (Scotland) Act 1967, other legislation, Force Procedures or effective use of discretion.

fairness, integrity, diligence and impartiality, according to law" (Police and Fire Reform (Scotland) Bill 2012). At first view, this may appear a useful modernisation however it is not a modernisation accompanied by interpretation. Consequently from April 2013[173] officers will be required to take an oath which lacks clarity or definition. Accordingly, the time is ripe for the Scottish service to define integrity with specific reference to policing and commensurate with the new oath of office[174].

6.5.2 Fairness

The other value emerging from the proposed new oath is fairness. This was also a recurring theme across participants. For the same reasons discussed in relation to integrity, now would be a good time to define this value and include it as a stated value of policing. As noted by one respondent[175] before a law can be engaged an unfairness must have been perpetrated. In other words, a victim must be created before the law can bring remedy. A major part of policing is the protection of the vulnerable, placing the police service within the deontological school of ethics (Neyroud and Beckley 2008). Given the prominence placed upon fairness by Linkedin contributors, senior officers, police services and Scottish Government through single outcome agreements (Scottish Government 2009), it was clear this value was shared across society. Whilst interpretation may be challenging for example, it may be regarded as fair by one group to be allowed to demonstrate in a particular place whilst the presence of that same demonstration may be thought unfair by another group (Humphries and Graham 2011). Nevertheless, fairness is a value which is widely understood. Policing has an opportunity moving towards a national constabulary, to wholly adopt and define this value in reflection of the new Oath of Constable.

---

[173] The proposed date of the establishment of the new Scottish Police Service.

[174] The author has been asked by ACPOS to undertake this work to identify and define the values of policing in Scotland in advance of the establishment of the new service in April 2013.

[175] SSI-8

The remaining aspects of the proposed oath, those being diligence and impartiality, are more akin to behaviours and as such, need not be developed within this work.

6.5.3 Respect

The final value that emerged from this research which is succinct and widely encompassing was respect. Respect encompassed a range of issues important to policing, including treatment of people, attitudes to diversity and engagement with communities. This value was understood and expected by all respondents and was reflected within the majority of police stated values. To that end a number of behaviours and values, such as diversity, courteousness and equality could be subsumed within the principle of respect. The benefit of developing an organisational understanding of respect as an inclusive term would be clear for both officers and citizens.

6.6 Conclusion

Linking values of integrity, fairness and respect as the three values of policing appears reflective of current policing and relevant to the ambitions of the new service in Scotland as this would align values of policing directly to the Oath of Constable. Additionally, this would be congruent with the values of police leaders, police services and Linkedin respondents.

Values are, as Dainty and Anderson noted (2000), the glue which binds the organisation. Where values were congruent and inclusive then greater benefit emerged for the organisation and the those whom it existed to it serve (Murray, Poole, and Jones 2005) through the emergence of behaviours which upheld these values (Cloke and Goldsmith 2002).

The adoption of these values across policing would assist officers in their decision making. Senior leaders felt organisational values did not provide sufficient guidance for officers to use as a predicator for their decision-making. By restricting stated values to integrity, fairness and respect, it may be easier to address and discuss values within a safe training environment. In addition, it

may become easier to test values as expressed behaviour in terms of promotion selection and within general leadership.

Within the context of values-based decision-making the development of these three values may enhance officers abilities to make consistent and transparent decisions. By focusing training, discussion and challenge around these values it is probable the importance and application of these would move from the subconscious into the conscious[176] and potentially become a shaper of police culture[177]. By developing these values officers would retain discretion thus remaining empowered to think outside boundaries[178] with minimal constraint[179]. As any values-based decision-making model developed with these values at its core, it is likely it will become seamlessly woven into police decision making and discussion[180]. There is precedent for this in policing through the experience of the PSNI in their move towards a human rights policing model. In that constabulary, officers have become unconsciously competent in their use of the Human Right Act 1998, its articles having become woven seamlessly into conversation at all levels within that service and are reflected within officers decision making (Gillespie 2011).

In terms of slow time decision making[181], the significance of these values could be considered and reflected upon by decision makers. Where consultation is desirable, decision makers would be comforted knowing those with whom they discussed challenges with would also understand and be aware of these values thus placing parameters around any resulting judgement and improving decision making processes. To these ends, by developing and defining integrity, fairness and respect as core values of policing, there is a greater opportunity to

[176] SSI-6

[177] SSI-7

[178] SCC-10/2

[179] SCC-10/4

[180] SCC-10/5

[181] SSI-3

develop a values-based decision-model supportive of the service and of assistance to officers thus enabling them to be the best they can be[182].

For both the police and public it would be useful to rationalise the values of policing to three succinct yet widely encompassing values which are understood within and without policing and held dear beyond the service. Consequently, a number of recommendations are made in the final chapter of this thesis which consider the arguments put forward throughout this work and which look forward to the development of an ethics-based police service in the future.

[182] SSI-6

Chapter 7

Recommendations for Developing a Values-Based Service

Chapter Seven: Recommendations for Developing a Values-Based Service

7.1 Introduction

The research question underpinning this work was

"Does the police service need a values-based decision-making model, if so, what should that model look like"?

The predicted answer to this question was

"The police service requires a values-based decision-making model for senior leaders"

This chapter will, through reference to research carried out, answer this question and establish whether or not the predicted answer to this question was correct. This will be done by reflecting upon the research and drawing conclusions from it. Resultantly, a number of recommendations will be made and consideration given as to how these may be progressed.

7.2 The profession of policing

The first aspect this research considered whether or not policing was a profession. Chapter One concluded policing was an aspirant profession which had not yet attained professional status. By reference to the spiralling research model, it was appropriate to revisit this conclusion following a review of the literature and the completion of the research. As a result, it became clear whilst the police may not yet be a profession the service has significantly moved toward attaining professional status with reference to Villiers' model of professionalism by analysis (1988)[183].

[183] See Chapter 1.4.2

Policing provided social value. The role of the police was to prevent crime and disorder, a situation reflective of Peel's first principle (Reith 1956). Policing also existed to protect life and property, both aspects outlined in the Police (Scotland) Act 1967. Notwithstanding any other work the police do, it is difficult to imagine any greater social value than that mission, which clearly meets Villiers' social value test. Policing is self disciplining; claiming ownership over internal regulation (Kleinig 1999). Where policing differs from established professionals is that misconduct is not conducted against the backdrop of a professional registration. Police officers are dealt with under the Police (Conduct) (Scotland) Regulations 1996 and may be dismissed from the service. Teachers, for example, have their registration removed, thus rendering them unemployable in that capacity (GTC 2008). This subtle but nevertheless impactive delineation points to police officers being more employee than professional. Consequently, whilst police officers meet the test of self discipline, in practical terms, it is less evident the service reflects the spirit of Villiers' test. Entry to policing is restricted; as applicants have to pass an examination before being employed. Again, this perhaps meets the actuality of Villiers definition but lacks the spirit vested in university study as a precursor to professional entry gained through registration with the relevant professional body.

The final aspect of Villiers notion of professionalism is the need for a unique body of knowledge. In this regard the police have been criticised for being *"jacks of all trades"* rather than masters of any particular aspect (Kleinig 1999:30). In light of the literature review[184] undertaken in support of this thesis, this assertion, whilst previously agreed with, merits revision. Kleinig correctly noted policing performed a range of contrasting roles, and it was, disingenuous to conclude police officers were masters of none. Policing was a key component within a wide range of challenging operational and strategic settings which included child protection, crime detection and collision management. It is within such areas that bodies of knowledge have developed. Where firearms incidents occurred, for example, the police were required to manage these to a safe conclusion. This was not left to chance. The ACPO Manual of Guidance on the Management, Command and Deployment of Armed Officers (2010)

[184] See Chapter Two

defined acceptable practices for safely dealing with firearms incidents. It is upon this guidance officers are held to account in subsequent, judicial reviews of their actions[185]. This is not a unique document, similar works existed in respect of public order policing (ACPO 2010) and safety at sporting events (Guide to Safety at Sports Grounds 1973). In addition to these developing doctrines for operational policing, others include Neyroud and Beckley (2008), Waddington (1999), Donnelly (Donnelly and Scott 2010) and Clive and Karen Harfield (2008) exemplified the role serving and former officers played in the development of academic policing knowledge. Their work formed part of a range of academic studies, to numerous to mention, undertaken in resect of policing, much of which was considered within the Literature Review[186] of this thesis. It can be competently argued policing has generated unique knowledge commensurate with the expectation of a profession. Indeed, this assertion can be triangulated by reference to the number of police focused university courses from Bachelor degrees (Wolverhampton 2011) through to Masters degrees (Leeds 2011) and Doctoral programmes (London Metropolitan 2011).

To these ends, policing is closer to professionalism than not. In order to further professionalise policing a number of recommendations should be considered.

- *Recommendation 1: Neyroud's recommendation that a chartered professional body for policing be established should be progressed (Neyroud 2011).*

Neyroud suggested, amongst other things, that the police service should establish a professional body with which all officers should be registered. This body would set the standards of the service against which officers would be judged. This would elevate policing towards the professional standing enjoyed by others. The establishment of such a body would support the aspiration within policing to become a profession. As has been noted above[187] policing currently comprises 27% graduates (Home Office 2011), 7% lower than the

[185] Such reviews can range from criminal trials to inquests within England, Wales and Northern Ireland and Fatal Accident Inquiries in Scotland.

[186] See Chapter 2

[187] Findings 6.3

overall graduate population (Williams 2010). By establishing such a professional body, it is likely more graduates would be attracted to policing thus having a three-fold effect. First, this would support the Peelian Principle that police officers should be citizens in uniform[188] through a better reflection of the composition of 21st Century society. Secondly, a number of respondents reflected positively upon opportunities they had for debate and discussion at university[189] which promoted self reflection and, in turn, developed their understanding of personal values impacting positively upon their police leadership. Finally, one respondent[190] reflected upon the *"blue collar"* approach some officers have towards policing which has the potential to stifle debate. An increase in graduate officers may ameliorate this.

A chartered body would require police officers to become registered and maintain that registration, which following misconduct, might be removed thus leaving them unemployable as constables, rather than seeing them dismissed or required to resign following a misconduct hearing[191]. This situation would align the policing to other professional bodies in respect of both entry requirements and conduct matters.

The establishment of a chartered policing body would underpin professionalisation of the service and serve as an impetus for policing to develop doctrine and knowledge predicated in service of the citizen.

The development of knowledge in respect of policing values is salient to this study. Consequently, having reflected upon the professionalisation of policing it is important to reflect upon other aspects of this thesis in order to draw a conclusion in respect of the research question.

---

[188] Principle 7

[189] SSI-1; SSI-7

[190] SSI-4

[191] Sanctions contained within the Police (Conduct) (Scotland) Regulations 1996

7.3 Developing police training

Whether policing would benefit from a values-based decision-making model was dependent upon the role of the police within society. The UK police service is part of the democratic settlement which is predicated upon allowing argument and disagreement. Unlike other states, such as China (Ma and Tian 1995), disagreement and demonstration in the UK is encouraged by the state and facilitated by the police. In support of this democratic settlement, officers must ensure they act in a manner that impacts across society rather than being felt by only one community or one group within society (Rawlings 2003). This can be best achieved by taking a consistent, values-based approach to policing. In this sense a developed understanding of ethics is important to policing, as officers are empowered to reach decisions and thereafter take action based upon personal judgement, independent of political interference or operational direction. Training in this regard is not currently given, a situation reflected in Recommendation 2.

- *Recommendation 2: Police officers are given training in the ethical principles most prevalent for the delivery of policing.*

The importance of decision-making within policing cannot be underestimated. Police officers have the power to remove a citizen's liberty therefore in every decision involving a citizen the *"concept of ethics is engaged"* (Roberson and Mire 2010:203). It is accurate to reflect upon Hinman's point that ethics are a field which many may know a little about without possessing any detailed knowledge of the subject (1994). Whilst this may be an acceptable level of understanding of ethics in relation to some other occupations, it is not an appropriate standard for a professional police service. As was been noted above, police officers work in partnership with professionals who possess a developed understanding of professional ethics. For example, ethics are central to a number of other professions, most notably in medicine (BMA 2012) and law (Scotland 2012). Consequently, it is proper that police officers also possess similar levels of knowledge and understanding. Such developments would draw policing closer to professionalism.

The importance of values have been highlighted in policing through the publication of police service values[192] supported by the ACPO Ethics Portfolio (ACPO Professional Ethics 2012). Consequently, the notion that it is acceptable for officers to know little about this aspect of work is no longer appropriate. Additionally, it is clear from literature, policing has become more complex and challenging, with officers being required to provide a range of services "*...which beggars description*" (Reiner 2010:141) often seeking "*unknown solutions to unknown problems*" (Bittner 1947 cited in Reiner 2010:144). It was also clear officers cannot rely solely upon black letter criminal law to support their actions as only one quarter to one third of the problems they face relate to crime (Waddington 1999). With these issues in mind, it was essential officers are afforded training which sets out the ethical issues they may face and which affords opportunities to reflect upon personal values as well as those of the service and community. Whilst participants to this research recognised there was no gap between personal and professional values, it is correct to say they benefitted from the opportunity to examine this within their professional development. By extending this opportunity across ranks it is likely officers would reach similar conclusions and gain a deeper understanding of the effects their decisions have, rather than merely considering the outcome. In this regard, it would be possible to train officers to consciously consider the impact of their decisions upon themselves, their community and the service.

For example, considering basic principles of utilitarianism may enable officers to reflect upon the value of taking decisions which serve the greater good but potentially may be to the detriment of the greater need. By having improved understanding of consequentialism there is increased likelihood officers would employ foresight more readily alleviating issues of corruption (BBC 1991) or institutional failings (Macpherson 1999), thus bringing officers to an understanding that achieving the greater good is not, routinely what policing should be concerned with.

If it is possible to conclude policing is not focused on achieving the greatest happiness for officers or the greatest good for a wider body of citizens, a

[192] See Appendix C

conclusion must be reached as to what in ethical terms, policing does seek to achieve. As Strang (2010) and Allen (2010) noted, policing was concerned with protecting the vulnerable and should be driven by human rights. This clearly points policing toward a deontological approach (Neyroud and Beckley 2008). Whilst there will be situations where it will be appropriate at times for officers' actions to reflect other ethical theories, the deontological ethos predicated in service is the ethical theory most appropriate to policing.

A beneficial way to support officers in developing an understanding of ethics in general, and deontology in particular, is by developing the notion of duty already prevalent within policing. The importance of duty to policing is set down in statute (Police (Scotland) Act 1967) and present within the lexicon of policing where the term 'duty' is used widely across all ranks and disciplines. Ross (1930) proposed a number of duties which were thereafter developed by Gensler and Thiroux (1998; 1995)[193] and resonate with policing as they support the Police (Scotland) Act 1967. When considered together, synergy is apparent. Constables are required to detect offenders[194], so making up for harm caused, affecting reparations[195]; they serve justice[196] by reporting offenders[197]; police officers are a beneficent[198] presence providing protection to others[199] causing no harm, through nonmaleficence[200], by working within the law[201]. Constables attend court to provide evidence in criminal proceedings[202], thus underpinning their promise to serve the community, reflecting fidelity[203]. Through the discharge of these duties the police service is, primarily, a

[193] See Chapter 2.8

[194] Police (Scotland) Act 1967 Sec 17 (1) (b)

[195] Duty 2

[196] Duty 4

[197] Police (Scotland) Act 1967 Sec 17 (1) (b)

[198] Duty 5

[199] Police (Scotland) Act 1967 Sec 17 (1) (a) (iii)

[200] Duty 7

[201] Police (Scotland) Act 1967 Sec 17 (2)

[202] Police (Scotland) Act 1967 Sec 17 (d)

[203] Duty 1

deontological body focused on providing support to people or groups in most need.

To this end, the author has developed training for sergeants, inspectors and chief inspectors at the Scottish Police College which introduces utilitarianism, ethical egoism, the Golden Rule, consequentialism and deontology. This training asks delegates to reflect upon their personal values and those of the service before concluding why they elect to take action in any given circumstance[204].

Having established the importance of officers understanding ethical theory, it is also concluded they should be aware of the values of the organisation they work within and have the opportunity to reflect upon their own personal values. Consequently the following recommendation is made.

- *Recommendation 3: Officers are given training in respect of police values and be provided with the opportunity to reflect upon personal values.*

Many participants who took part in semi-structured interviews supporting this research, made clear that the opportunity to consider their personal values contributed positively towards their leadership and decision making. It was also clear this opportunity only became available at a particular career point - the Strategic Command Course - which is not accessible to the majority of officers. Therefore a gap existed in police training which may be usefully filled. Officers make difficult decisions in a range of unforeseen circumstances and should behave consistently within the values of the service which should be reflected within their personal beliefs. However officers received little or no training as to what service values are and what was meant by them; nor were officers given the opportunity to reflect upon their personal values and consider how these pertain to their professional setting. This view was reflected by Rogers and Simpson (2010:17) who, in discussing training in the use of discretion, noted this would ensure *"increased professionalism"* (2010:17) and, though the application of self reflection, ensure that an officers deeds mirror their words

[204] Details of this training and the resultant evaluations are contained at Appendix E

and so promote congruent behaviour across policing (Klockars, Ivkovic, and Haberfield 2006).

In order to support this recommendation, the author has proposed, prepared and introduced training in the values of Lothian & Borders Police for probationary constables, special constables and members of police staff upon appointment to that organisation[205].

7.4 Developing the values of integrity, fairness and respect into Scottish policing

Having, concluded officers would benefit from greater understanding of ethical theory and organisational values in order to support decision making, a further challenge arose in relation to the consistency of values across policing. As noted at the outset[206], there were 52 police services in the UK and whilst all but three[207] had easily accessible stated values, there were wide disparities within these values[208]. This was significant as officers from across the UK were enforcing similar laws[209] and will be called upon to work together in a range of situations which were both pre-planned, such as the Olympic Games in 2012 or spontaneous events, such as occurred in response to the English riots of 2011. Consequently, it was reasonable to expect the values of policing to be consistent across the country, this was not the case, prompting a further recommendation[210], viz:

- *Recommendation 4: The values of integrity, fairness and respect be introduced as the single set of Scottish police values.*

Given the evolution taking place within Scottish policing, the opportunity has arisen to influence change in this regard. When the current eight Scottish

[205] See Appendix E

[206] Chapter 1.2 & 1.4

[207] Hampshire Constabulary, Central Scotland Police & Grampian Police

[208] 123 stated values exist across policing, these were discussed within Chapter 5.2

[209] Whilst the law is Scotland is different from that elsewhere in the country, the crime types reflected in both are consistent.

[210] Whilst this conclusion has national significance, the author limited the following recommendation to Scotland for reasons of practicality and attainability.

services merge into one constabulary, in April 2013, the values of policing will have national rather than local significance. The adoption of police values is, therefore, of importance. The new Oath of Constable (Police and Fire Reform (Scotland) Bill 2012) provides the platform for the adoption and definition of values of integrity and fairness within Scottish policing whilst the additional value of respect should be introduced as it is reflective of the views of respondents throughout this research.

This is important on two levels. First these are values currently reflected across a number of services and are easily accessible by both officers and citizens. Secondly the former two are likely to be reflected in legislation. Consequently, it is essential officers act in a manner consistent with these values as, if not, they may be open to challenge in both judicial and misconduct settings. To that end, it is essential these values are defined and professionally reflected throughout Scottish policing. In recognition of this and in reflection of this study, the author has been selected by ACPOS to articulate and thereafter define the values of the new police service and thereafter inculcate them within a new Code of Ethics for Scottish Policing.

7.5 Adopting a single, values-based decision-making model within policing

Having concluded officers should have a better understanding of ethical theories, be better trained in organisational values and that those values should be consistent across policing, it is important to consider how decisions, predicated on the foregoing may be best reached. Policing has become a complex business. Whilst this has been discussed above[211] it is also useful to recall that this complexity was the basis for the applied aspect of this study, that senior police officers would benefit from a values-based decision-making model which would assist with issues affecting liberty and security. Having reflected upon research in support of this thesis, there is a strong argument supporting a single decision-making model being introduced to underpin and support police decision making.

[211] Chapter 7.3

A single agreed model would introduce consistency and shared understanding for both decision makers and those affected by their decisions. This would underpin the professionalism of policing and allow officers to reflect upon a single decision-making model when subject to legal or internal scrutiny. Indeed, had John Yates and Sir Paul Stephenson (Unauthorized Tapping into or Hacking of Mobile Communications 2011) founded their decisions upon such a model later considered by Parliamentary Committee and had that committee been able to predicate their questions around such a model, it is likely better decision making would have been reached in the first instance.

Whilst policing is no doubt a service, it is not a service predicated upon popularity. As has been discussed earlier police officers face a range of challenges and apply discretion within the decision making. Where decisions are not reached thoughtfully and based upon sound judgement, there is a risk Waddington's view that the police will bear down most heavily upon the least powerful (1999) may become reality. Through the development of reflective, ethical training for police officers, it is likely the service provided to the public would improve and as a consequence professionalism increase. To that end it is concluded policing would benefit from an values-based decision-making model, giving rise to the following recommendation.

- *Recommendation 5: A single values-based decision-making model for police should be developed, adopted and introduced.*

Such a development would support officers at strategic and operational levels, assisting in underpinning the political neutrality of policing.

In Scotland, the evolution towards a single police service will bring policing closer to government with the appointment of single chief constable[212] who will be responsible for delivering policing within a devolved Scotland. The challenges of proximity to government and risk of political interference in operational policing issues was reflected upon by one respondent[213]. In light of

[212] An appointment expected around July 2012.

[213] SSI-9

a single police service there is a risk the gap between political and police responsibilities will narrow; a situation to be avoided. Similarly, in England, the introduction of Police Crime Commissioners will see a change in settlement, whereby the challenge of setting policing strategy predicated upon popularity rather than risk may become a issue (Policing: Police and Crime Commissioners 2011) as politics and policing will be more closely associated with populism and the challenges that presents. When these changes are implemented, the view of Strang that *"the police protect the citizen from the state as much as the state from the citizen"* (2010:personal communication) may become evermore prescient. However, the police also need to guard their political independence from within. Whilst the current financial climate will have an effect on officers' pay and conditions (Treasury 2011; Windsor 2011) there is a balance which needs to be struck between legitimate comment and political activity. Whilst the former is acceptable, the latter risks the reputation of policing as a politically neutral activity. Instances have arisen where this neutrality has been tested through officers making comment on specific aspects of law (Blair 2009; Tendler 2005; Silverster 2011) or appearing on political discussion programmes whilst serving officers (Blair 2009). Given the imposed changes[214] coupled with the issues highlighted by the enquiries into telephone hacking and the police relationships with the media; it remains essential the service retains and maintains its political neutrality. To that end, when faced with decisions affecting these areas it would be useful for officers to have a process which they could follow, reflect upon and use to aid their judgement. To this end, a values-based decision-making tool for police officers would be beneficial.

In addition to these challenges, a single values-based decision-making tool would underpin discretion thus protecting the citizen and empowering the officer. As noted above[215] the quasi-judicial ability of the police officer to decide whether a citizen is brought into the criminal justice process is a powerful one. Regardless of whether officers choose to act or do nothing the *"concept of ethics is engaged"* (Roberson and Mire 2010). Taken in confluence with the

[214] There is no intention to present this as a pejorative position, merely this denotes that the changes occurring to policing are being driven by external rather than internal demand.

[215] Chapter 2.12

other recommendations made thus far, a single values-based decision-making model would assist officers manage these situations giving support in seeking the unknown solutions in respect of unknown problems (Bittner 1947 cited in Reiner 2010) whilst also allowing the public, via the judicial system or police complaints process, to hold officers to account for their decisions.

In order to progress this recommendation, the author developed the PLANE Model, a values-based decision-making model for policing[216]. This influenced the National Decision Making Model (ACPOS 2010). The benefit of establishing a single values-based decision-making model for policing, has been discussed throughout this thesis and been a central part of the over-arching research.

In semi-structured interviews, participants were were supportive of this work[217]. In addition, the ACPO Ethics Committee arranged the Oxford Conference[218] to discuss the development of the PLANE model[219], concluding it was a necessary evolution. This position was concurred with by both the Scottish Police College and Belfast Focus Groups[220] and two out of three contributors within the unstructured interviews[221]. Due in part to the work done in the development of the PLANE Model and the research underpinning this study, ACPO has subsequently established the National Decision Making Model (ACPO 2012) which has been adopted as best practice across constabularies in England, Wales and Northern Ireland. The author is engaged with the Scottish Government and ACPOS in discussing how this model can be applied within Scotland, in particular, how the values of Scottish policing and human rights may be inculcated within the model.

---

[216] Discussed at length in Chapter 4

[217] See Chapter 5.9.2

[218] See Appendix B for summary of the debate and conclusions reached at this conference.

[219] Se Appendix D

[220] See Appendix B for a summary of these focus groups

[221] See Appendix B for a summary of these contributions

7.6 Answering the research question

Given the findings of this research, set out above, and the actions of ACPO it is appropriate to consider the research question which underpinned this work,

"Does the police service need a values-based decision-making model, if so, what should that model look like"?

As a result of this research the first, and central, part of this question can be answered in positive terms - the police service does need an ethical decision-making model. However, it is also essential that the predicted answer to this question be considered in parallel. That being

"The police service requires an values-based decision-making model for senior leaders"

As a result of this research this predicted answer can be regarded as partly correct. This predicted answer was restricted insomuch it limited the utility of such a model to senior leaders. Whilst the answer is correct in the strict sense of its use within that group, it is significant to note the resulting model should have utility across policing, without restriction of rank.

Having answered the first part of the research question in part, it was necessary to address the second part of this question; that being what should any resulting model look like?

As was discussed above[222], a number of models were considered and discounted by the author within the applied aspect of this research, as they either did not posses an ethical element or that element was not sufficiently explained within their respective methodologies. To that end, the PLANE Model was constructed and developed through three iterations. Within the methodology chapter[223] of this thesis a number of tests were introduced to gauge the whether or not PLANE was a useful model, these tests being

[222] See Chapter 4.4

[223] See 3.5

- An assessment of the comments made about the model by potential end users.

- The number of police services who adopted the model.

- The number of police training establishments who adopted the model within leadership training.

As discussed above, comments made about the PLANE Model throughout this study have been supportive. Consequently, that test can be described as being met. No police services has adopted the PLANE Model, which has been superseded by the National Decision Making Model. This will be discussed below and therefore that aspect of the test has not been met. The final criterion for success related to the number of training establishments adopting this model. As was discussed in Chapter 4[224] the PLANE Model is used in leadership training at the Scottish Police College, it is part of the NPIA Foundation in Strategic Leadership Course and delivered as part of the training given to the Strategic Command Course. To these ends the final aspect of this test has been met.

Whilst development of the PLANE Model was being undertaken, another model was also being created which was reflective of known policing models, particularly the Conflict Management Model. The confluence of these pieces of work led to the National Decision Making Model. Whilst in its expanded form[225], this model does draw the decision maker towards a consideration of values, it does not probe these to any significant level. Reference is made to the PLANE Model which does consider these issues, however, there is insufficient sign posting within the NDM to ensure full consideration of ethical issues within decision making. When condensed, the NDM is less values-based than might be thought useful. Whilst the ACPO Statement of Mission and Values is contained at the centre, there is no explanation as to what this is nor is there any focus upon self reflection in decision making. For these reasons, the NDM

[224] At 4.10

[225] See Chapter 4.11

is not the most useful model for police decision making. By contrast, the PLANE Model does draw the decision maker towards a reflection of personal and organisational values, testing the decision makers knowledge of both. However, the National Decision Making Model has been adopted by ACPO, which is to be celebrated. Whilst not necessarily the best values-based, decision-making model, it is a model that has been subscribed to by all ACPOs constabularies. This is within the context of 44 differing policing organisations and is progress to be built upon. Within the Scottish context it is wise this model be adopted by ACPOS, thus ensuring national consistency. However, the opportunity exists for police in Scotland to develop the National Decision Making Model to reflect the values of the new constabulary[226]. To this end, the following is recommended.

•Recommendation 6: ACPOS adopt the National Decision Making Model and include within that reference to the values of integrity, fairness and respect underpinned by human rights.

7.7 Conclusion

This period of research has been a long and interesting journey. For the author, the development of this work began as a result of a chance conversation which led to an ACPO commission and resulted in the development of the national decision making model for policing. As a result of this research the author has influenced police training resulting in the inclusion of specific training in respect of the values of the police service.

Since this work began policing has undergone change and challenge not envisaged during that initial conversation. For example, the telephone hacking scandal has shifted the strategic axis of policing in terms of its relationships with the media. The riots of 2011 challenged officers who came together from across the country to resolve this conflict. In Scotland policing, as it has been done since 1975 is about to change as a result of the emergence of a single Scottish police service.

[226] As noted above, this is work the author is currently engaged in. See Appendix E

These issues are indicative of the policing journey where officers are required to find *"unknown solutions to unknown problems"* (Bittner 1947 cited in Reiner 2010:144). Whilst there have been some notable instances discussed within this thesis where the police service failed. It is the author's belief these failures occurred as a direct result of officers not being true to the values of the service of which they were a part. Policing has evolved upon its journey from being an artisan group of men recruited by Peel, to the professional, diverse service it is now. As part of that journey the articulation of values central to the police mission has provided a significant contribution to policing.

Policing remains on a mission of self-improvement and professionalism. By developing the values of the service officers will be better supported and communities will receive an improved service, grounded in integrity, fairness and respect - all reflected in the painting which opened this thesis.

Recommendations

•Recommendation 1: Neyroud's recommendation that a chartered professional body for policing be established should be progressed (Neyroud 2011).

•Recommendation 2: Police officers are given training in ethical principles most prevalent for the delivery of policing.

•Recommendation 3: Officers are given training in respect of police values and be provided with the opportunity to reflect upon personal values.

•Recommendation 4: The values of integrity, fairness and respect be introduced as the single set of Scottish police values.

•Recommendation 5: A single values-based decision-making model for police should be developed, adopted and introduced.

•Recommendation 6: ACPOS adopt the National Decision Making Model and include within that reference to the values of integrity, fairness and respect underpinned by human rights.