

ROUTLEDGE FRONTIERS OF CRIMINAL JUSTICE

Handbook of Policing, Ethics and Professional Standards

Edited by
Allyson MacVean, Peter Spindler and
Charlotte Solf



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Low confidence in the police and the increasing crime rates during the 1990s led to a series of government initiatives directed at changing both the structure and management of the police service. In 2006 in an attempt to define what a principled police service should resemble, the Home Office Minister, Hazel Blears, announced the development of a new Code of Professional Standards for the police service, informed by the Taylor Review of 2005. While there has been a growing awareness of the role of professional standards within law enforcement activity, to date there has been little scholarly debate on the understanding of ethics and how that is applied to practical policing.

This book provides a single text of different perspectives on how professional standards and ethics has been conceptualized and developed into practical policing processes for the purposes of policing, not only by the police but also by the partner agencies. Leading academics and practitioners consider the moral minefield of policing through examinations of undercover operatives, MI5 and deaths in police custody as well as looking forward to future considerations and practices in professional conduct.

It will be of interest to those working within the field of policing as well as students and academics focused on policing and criminal justice.

Allyson MacVean was the founder and former Director of the John Grieve Centre for Policing with Professor John Grieve. Allyson is also a Visiting Professor at the University of Chester. Her interests include police ethics, intelligence, risk and child protection.

Peter Spindler is a Commander in the Metropolitan Police Service and is currently their Director of Professional Standards having previously led the Metropolitan Police Service Counter Anti Corruption Command. He was previously the Commander for Covert Policing and leads for ACPO on Technical Surveillance.

Charlotte Solf, a member of Lincoln's Inn, is seeking to pursue a career as a barrister specializing in human rights and criminal cases. Having worked part time for the John Grieve Centre for Policing, Charlotte developed her research interests in police ethics and police malpractice and the impact within the wider criminal justice process.

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This book is dedicated to all those law enforcement officers committed to fighting corruption in the workplace and society at large. Their integrity, professionalism and determination to root out wrongdoing not only enhances the global reputation of the British police service but, more significantly, makes our society a safer place.

Contributors

Julie Ayling is a Research Fellow in the Regulatory Institutions Network at the Australian National University and an Associate Investigator in the Australian Research Council's Centre of Excellence in Policing and Security. She is author, with Professors Peter Grabosky and Clifford Shearing, of *Lengthening the Arm of the Law: Enhancing Police Resources in the Twenty-First Century* (Cambridge University Press, 2009).

Mark Daly is an award-winning investigative journalist for the BBC. He was the undercover reporter behind the BBC's 2003 Bafta winning *The Secret Policeman* programme, which exposed racism in the police. During his nine years at the BBC, he has also investigated and made programmes about the Stephen Lawrence case, the Glasgow terror attack, the banking crisis and many others. He has also worked for the BBC's *Rough Justice* programme, researching and presenting a film, *Rough Justice – Murder Without a Trace*, in 2005 that led directly to the release of a man wrongly imprisoned for murder. His journalism awards include a Bafta, two Royal Television Society awards, several Programme of the Year awards, a Liberty human rights award and Scottish Young Journalist of the Year.

Brian Dillon is a Detective Superintendent in the Metropolitan Police Service. He has worked predominantly in roles dealing with serious crime, terrorism and intelligence. In the professional standards field he introduced new systems to develop organizational learning and prevent corruption. His Master's degree dissertation researched police misconduct and was awarded a Distinction. Brian currently commands armed police operations across London and he is an external marker with the Department of Criminology at the University of Leicester.

Paul Evans was formerly Director of Intervention of the Serious Organised Crime Agency (SOCA). Intervention is a generic title for a range of activities designed to reduce harm caused to the UK by serious organized crime by denying opportunities for criminals. Paul started his career in the Royal Navy in 1972 and served until 1980. He joined HM Diplomatic Service in 1982 and was appointed to Customs Law Enforcement in October 1999. He joined SOCA in February

2005, and currently has responsibility for all of SOCA's asset recovery work and its international liaison officer network, as well as directing SOCA's response to e-crime and leading on interaction with the private sector.

Stephen Foster is a former Senior Law Enforcement Specialist (Metropolitan Police Service) with extensive expertise within anti-corruption and intelligence, particularly in the international environment. He has worked on behalf of the European Union, Foreign Office, Serious Organised Crime Agency and, most recently, NATO and the British and US military. His experience includes developing anti-corruption and organized crime strategy and structures for the governments of Romania, Bulgaria and Colombia. Stephen has led UK strategic engagements with overseas government agencies resulting in the design, development and implementation of a number of anti-corruption and intelligence units. Over the last three years he has worked in Afghanistan where he was responsible for developing the Major Crimes Task Force with the Federal Bureau of Investigation.

Stan Gilmour is a serving Superintendent in Thames Valley Police, where he has been responsible for a wide variety of roles including specialist crime and SIO. He holds an M.Phil from Oxford University.

Professor Frank Gregory was Professor of European Security and Jean Monnet Chair in European Political Integration in the Division of Politics and International Relations in the School of Social Sciences at Southampton University until he retired in 2010. His research interests are linked to the homeland security, terrorism, crime and policing aspects of the European Union's internal security policy area with special reference to UK-related matters. He has worked on a Falcone Project and two EU-SEC (Security) projects. He was co-opted as a member of a specialist Association of Chief Police Officers sub-committee (Explosives Detection), he was a member of a UK Government Scientific Advisory Panel on Emergency Response (SAPER) and he is an Associate of the Centre for Conflict Studies at Hull University, a member of the Royal United Services Institute for Defence and Security Studies (RUSI) and an Honorary Fellow of the Institute for Civil Protection and Emergency Management (ICPEM).

Professor John Grieve is the Chair of the John Grieve Centre for Policing and Community Safety, London Metropolitan University. He was also a member of the Independent Monitoring Commissioner for the peace process in Northern Ireland (2006–2011). He was a former Deputy Assistant Commissioner (Metropolitan Police Service). He is widely regarded as a consistent thinker of police ethics and professional practice.

Maria Hannan (previously Docking) is a Senior Research Officer at the Independent Police Complaints Commission. She graduated from King's College London with a law degree and a Master's degree in criminology and criminal justice, and is currently completing a PhD at King's College London. Her current

research interests are public confidence in the police and the complaints system, mental health and police custody, and deaths in police custody.

Associate Professor Clive Harfield teaches criminal law and criminal procedural law at the Faculty of Law and at the Centre for Transnational Crime Prevention, University of Wollongong, New South Wales. His research interests include police governance and reform, policing and human rights, covert investigation law, transnational criminal investigation and international law enforcement cooperation. He is a former UK police officer and has written and edited a number of books.

Karen Harfield is an Executive Director of the Australian Crime Commission. She has previously been a Chief Superintendent with Her Majesty's Inspector of Constabulary, a force Senior Investigating Officer and Head of Force Intelligence. Together with Clive Harfield she has published a leading text and best-selling book on covert investigation and a book on intelligence for policing.

Dr Richard Heslop is a Sergeant in the West Yorkshire Police, where he has served for 23 years. He holds a first class degree in sociology, a Masters degree in politics and a Doctorate in education. His main research interests centre on police training and education and particularly concepts of professionalism and professionalization. Richard is on the editorial board of the international policing journal *Police Practice and Research*.

Jonathan Hughes was a founder member of the Centre for Professional Ethics at Keele, and was its Director between 2005 and 2009. He was previously a Lecturer in Philosophy at Keele, Lecturer in Political Theory at Manchester and Research Fellow in Philosophy and Politics at Manchester. He has recently completed work as editor and co-author of the EU-commissioned *European Textbook on Ethics in Research*, and is currently writing papers on topics in police and criminal justice ethics including racial profiling, investigating and prosecuting old crimes, and conscientious objection. He is founder and Director of Keele's MA in the Ethics of Policing and Criminal Justice and has developed short courses for professionals on police ethics and prison research ethics amongst others. He has extensive experience of teaching ethics to professionals on these and other programmes.

Len Jackson is a sales and marketing professional with over 30 years' experience in the food industry and has been managing director of a number of household name companies. From 1999 to 2001, Len was a member of the Regional Development Agency Board, where he helped to develop a new economic strategy for the East Midlands. For his contribution as chair to a number of government and voluntary sector initiatives during the 1990s, Len received an OBE in the 2002 New Years Honours list. Until December 2008, Len was also Chair of the East Midlands Regional Sports Board. Len is currently Interim Chair of the Independent Police Complaints Commission (IPCC).

Dr David Langley trained as a medical laboratory technician and then studied part-time for academic qualifications in biochemistry and immunology while holding senior posts in hospital and research laboratories. Retiring in June 2006, he was a Visiting Scholar at Pembroke College, Cambridge for the academic year 2006–2007. Still an Academic Visitor in the Institute of Biotechnology (now part of the Department of Chemical Engineering), he teaches on ‘Secret World’ courses for history undergraduates and American students on the Pembroke–King’s Summer School programmes and offers consultancy to a small portfolio of government and commercial clients. He has also become a regular participant in Professor Christopher Andrew’s seminar on the history of intelligence and Professor Barry Rider’s annual symposium on economic crime.

Allyson MacVean was the founder and former Director of the John Grieve Centre for Policing with Professor John Grieve. Allyson is also a Visiting Professor at the University of Chester. Her interests include police ethics, intelligence, risk and child protection. She is the Chief Trustee of Phoenix Foundation Charity, a charity set up by Sara Payne MBE, Shy Keenan and Fiona Crook to ensure victims of child sexual abuse are supported through the criminal justice process.

Michael Mansfield QC has represented defendants in criminal trials, appeals and inquiries in some of the most controversial legal cases the country has seen, particularly where issues of civil liberty have arisen. These have included the family of Stephen Lawrence, the families of the victims of bloody Sunday inquiry and Barry George, who was accused of killing TV presenter Jill Dando. He established Took’s Chambers in 1984 and became Queen’s Counsel in 1989. He is an established writer and his latest book, *Memoirs of a Radical Lawyer*, was described as an in-depth insight into the skills that make an outstanding barrister.

Peter Neyroud is a Doctoral Researcher in Criminology at the Institute of Criminology, Cambridge. He was a police officer for 30 years, serving in Hampshire, West Mercia, Thames Valley (as the Chief Constable) and the National Policing Improvement Agency (as Chief Constable and CEO). A member of the Sentencing Guidelines Council, he has also been a member of both the National Policing Board and National Criminal Justice Board. He is the co-author of *Policing, Ethics and Human Rights* (with Alan Beckley) and the *Dictionary of Policing* (with Tim Newburn).

David Perryman is a Detective Inspector managing the Hi-Tech Forensic Examination and Communications Intelligence Units of the Metropolitan Police Directorate of Professional Standards (DPS). He is responsible for the recovery of data regarding the usage of MPS systems, and monitoring usage of communications technology across the MPS networks. He previously served in the CID and Force Intelligence of Dorset Police, as a Serious Crime Support Officer at the National Crime Faculty, and on the Metropolitan Police Murder Review Group. He is a Certified Information Systems Security

Professional (CISSP), an Associate Member of the Institute of Information Security Professionals, and is qualified as a Government Practitioner of the Infosec Training Paths and Competencies (ITPC) scheme. He represents the DPS on information security issues and IT system development for the MPS, sits on the MPS Security Board and is a National Professional Standards user representative to the Police National Database project.

Ray Robins retired as a Detective Inspector from the Metropolitan Police in 2009. He is now employed as the Public Protection Co-ordinator for Essex Police. Over a third of his police career was spent investigating paedophilic offenders; postings that included the role of Intelligence Manager of the Child Abuse Investigation Command and the Controller of the only Child Abuse Source Unit in the UK; indeed Ray was the first full-time handler of paedophilic offenders in the Metropolitan Police Service. Ray has contributed to a number of publications, including academic and practitioner manuals. Ray is currently a PhD student with Kingston University. He is married and lives with his wife and two teenage daughters.

Charlotte Solf, a member of Lincoln's Inn, is seeking to pursue a career as a barrister specializing in Human Rights and criminal cases. Having worked part time for the John Grieve Centre for Policing, Charlotte developed her research interests in police ethics and police malpractice and the impact within the wider criminal justice process.

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Ian Todd is an experienced senior manager who has worked in a variety of roles across the criminal justice sector for the last 35 years. He has served as a police officer, retiring as Chief Superintendent from Her Majesty's Inspectorate of Constabulary for Scotland in 2005. In this role he was the principal author of *Quality of Service*, a major report into police complaints in Scotland. In the same year he took up the position of Deputy Director of the then Scottish Criminal Record Office before assuming the role of Acting Director in the run in to the organization's absorption within the new Scottish Police Services Authority in 2007. Prior to taking up his current role in December 2008 he held the position of Director of Business Performance at the Risk Management Authority.

William Taylor CBE, QPM was formerly HM Chief Inspector of Constabulary for Scotland, HM Inspector of Constabulary East and West, Commissioner of Police for the City of London and Assistant Commissioner Specialist Operations Metropolitan Police. William Taylor is the author of the *Taylor Review* (2005), the influential report in to professional standards in the police service.

Foreword

I have long believed that the highest professional standards and ethical behaviour are the cornerstones of British policing. The police are empowered with considerable powers on behalf of the state and therefore its citizen. The public rightfully expect that the police behave with the utmost integrity, even when confronted with the most challenging and complex situations, as they often are.

The public and media focus on police professional standards and ethics is intermittent. Long periods of almost complete apathy are punctuated by short bursts of intense interest and scrutiny. The events of the summer of 2011 have been an example of that scrutiny in its most powerful form, with allegations of corruption linked to alleged phone hacking superseded by scrutiny of police action during widespread disorder in London and other cities. The Leveson Inquiry is currently examining the relationship between the police and media in relation to corruption and unethical behaviour. The Inquiry will no doubt have some important lessons for the police to reflect upon.

Those who are involved in policing, the leaders of the service and our academic partners on whom we depend so much, cannot have the luxury of occasional interest in professional standards and ethics. This needs to be an area of unrelenting focus, constant reflection and innovation, supported by a determined operational commitment to maintaining standards.

That is why this new work, edited by Professor Allyson MacVean, Commander Peter Spindler and Charlotte Solf, is so welcome. It brings together some of the leading international thinkers in the arena and takes a broad view of professional standards and ethics: covering those areas that have received a high degree of scrutiny in recent times, such as integrity, and those which have only recently come to be considered as police professional standards issues, such as the chapter on procurement by Julie Ayling. It is also pleasing to see that the recent resurgence of interest in police ethics is reflected in this work. Frank Gregory and David Langley's contribution is particularly compelling in that it discusses the challenges of ethical behaviour when working with different partners.

The book coincides with some significant changes in British policing: the police budget has and is drastically being reduced; many police agencies such as the National Policing Improvement Agency (NPIA) and the Serious Organised

Crime Agency (SOCA) are being closed down, with their functions dispersed into new organizations; the Association of Chief Police Officers (ACPO) is being reformed as professional body; and of course Police and Crime Commissioners, whose role will be to ensure greater local accountability and delivery of service, are being introduced. These changes collectively are the most significant in modern policing. Such changes will present enormous challenges, not least for the police service to maintain and enhance professional standards and ethical policing. The introduction of the professionalization agenda, following the Neyroud Report, means that ethics will be an integral part of policing. This book, which provides an understanding of the principles of police ethics and professional standards using excellent case studies as well as providing some comparative models, concludes with some thought-provoking considerations for the future. Richard Heslop's chapter is a timely reminder that teaching ethics and professional standards in a meaningful way must begin when an officer is recruited to the police service. John Grieve takes this point further and highlights the importance of the role of leadership in ethical practice.

This book will be an invaluable aid to anyone developing an interest in police professional standards and police ethics, be they an academic or member of the service. It represents a considerable achievement and is a very welcome addition to the current library of research into policing.

Chief Constable Nick Gargan
(National Police Improvement Agency)

Acknowledgements

Professional standards and ethical policing is becoming an increasingly important component of modern policing. The spate of police scandals in the 1970s and 1980s highlighted the nature and reach of police corruption, which included concealment of serious crimes, fabricating evidence and involvement with criminals involved in serious organized crime. In addition, a series of high-profile miscarriages of justice brought to light serious malpractice in relation to the beating of suspects, interfering with confessional evidence and perjury.

Many inquiries into the police have made reference to poor professional standards and unethical practice, and of more concern these inquiries highlighted the lack of agency and structure within the police service itself to address such malpractice. More recently, evidence submitted to the Leveson Inquiry has illustrated what may construct ethical and unethical behaviour in relation to the degrees of association that may be considered unpalatable between the police and the media. While there have been previous laudable attempts by individual police leaders to root out such practices, most notably Paul Condon, the Metropolitan Police Commissioner between 1993 and 2000, who set up the elite 'ghost squad' to detect police corruption, it is only recently that there has been an appetite for a more proactive and applied understanding of professional standards and ethics in day-to-day policing.

This increasing recognition and acknowledgement by the police service of the prevalent nature of police corruption has led to some significant developments, including a Presidential Task Force on Corruption to progress good practice guidance on preventing police corruption. Her Majesty's Inspectorate of Constabulary continues to explore issues of integrity and the development of Professional Standards Units within police forces, which are dedicated to identifying and investigating police criminality or misconduct.

Yet despite these recent developments there is a paucity of literature on professional standards and what constitutes ethical behaviour. In part, the genesis of this book was to provide an overview of some of the key issues relating to professional standards that would be accessible to practitioners and students of policing. It would also provide an account of contemporary thinking and practice on this subject for a matter of record.

The editors would like to particularly thank the contributors for their contributions to this seminal and timely collection of works. The rich mix of

contributions from both academics and practitioners brings together both current thinking on the philosophy, policy and practical aspects of professional standards and integrity.

Finally, the editors would like to pay special thanks to Professor John Grieve, CBE, QPM, who over many years, has been a constant source of friendship and inspiration and made us realized that 'doing policing' requires reflective and careful consideration, particularly for those who 'walk the mean streets' – thank you.

Commander Peter Spindler will be donating any payments and royalties received from this book to the Care of Police Survivors charity.

Abbreviations

ACAS	Advisory, Conciliation and Arbitration Service
ACPO	Association of Chief Police Officers
AGS	An Garda Síochána
APA	Association of Police Authorities
APF	Area Procurator Fiscal
BCS	British Crime Survey
CDRP	Crime and Disorder Reduction Partnership
CHIS	Covert Human Intelligence Source
CIA	Central Intelligence Agency
CID	Criminal Investigation Department
COPFS	Crown Office and Procurator Fiscal Service
CPS	Crown Prosecution Service
CPT	Child Protection Team
CRE	Commission for Racial Equality
DPP	Director of Public Prosecutions
ECHR	European Convention on Human Rights
EU	European Union
FBI	Federal Bureau of Investigation
GCHQ	Government Communications Headquarters
GMP	Greater Manchester Police
GSOC	Garda Síochána Ombudsman Commission
HMIC	Her Majesty's Inspectorate of Constabulary
HMIC(S)	Her Majesty's Inspectorate of Constabulary (Scotland)
HMRC	Her Majesty's Revenue and Customs
IPCC	Independent Police Complaints Commission
IPLDP	Initial Police Learning and Development Programme
JTAC	Joint Terrorism Analysis Centre
MPS	Metropolitan Police Service
NCIS	National Criminal Intelligence Service
NCS	National Crime Squad
NGO	Non-governmental organization
NIM	National Intelligence Model
NPIA	National Policing Improvement Agency

OPONI	Office of the Police Ombudsman for Northern Ireland
PACE	Police and Criminal Evidence Act 1984
PCA	Police Complaints Authority
PCB	Police Complaints Board
PCC	Policing and Crime Commissioners
PCCS	Police Complaints Commissioner for Scotland
PF	Prosecutor Fiscal
PSD/PSU	Professional Standards Department/Professional Standards Unit
PSNI	Police Service of Northern Ireland
RIPA	Regulation of Investigatory Powers Act 2000
SOCA	Serious Organised Crime Agency