

UNIVERSITY OF DERBY

‘EXAMINING THE IMPACT POLICE AND
CRIME COMMISSIONERS IN ENGLAND
AND WALES HAVE HAD ON INCREASING
ACCOUNTABILITY IN STOP AND SEARCH
PRACTICES AND THE CHALLENGES THAT
ARE POSED (CREATING BARRIERS FOR
INCREASING ACCOUNTABILITY)’

Stephanie Worrell

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Contents

Table of Contents

Contents.....	i
List of Tables.....	v
List of Figures	vi
Glossary of Acronyms and Nomenclature.....	vii
Preface	ix
Abstract.....	x
Acknowledgements.....	xii
Chapter One: Introduction.....	1
1.1 Introduction	1
1.2 Thesis outline.....	10
Chapter Two: Literature review	14
2.1 Introduction	14
2.2 Organisational Theory/policing culture	17
2.2.1 Policing culture	18
2.2.2 Normative orders	26
2.3 Police Act 1964 and the tripartite system	36
2.4 S&S and disproportionality.....	41
2.5 Scarman (1981) report.....	43
2.6 Royal Commission on Criminal Procedure (RCCP) 1981	45
2.7 PACE (1984) and 'Reasonable Suspicion'	47
2.8 Changes to policing accountability and S&S between 1985-2010	52
2.8.1 Changes to policing accountability between 1985 – 1999	53
2.8.2 Macpherson (1999) Report.....	57
2.8.3 Changes to policing accountability and S&S between 2000 - 2010	61

2.9 Police Accountability – the introduction of the PCCs under the Police Reform and Social Responsibility Act (PRSRA) 2011	64
2.10 Operational independence	66
2.11 Police Accountability - PCPs.....	71
2.12 Examining S&S statistics and disproportionality.	74
2.13 Change in the political consensus.....	87
2.14 BUSSS.....	88
2.15 Crisis of Confidence 2020-2022.....	93
2.16 Conclusion	96
2.17 Framework for research project	98
2.18 Research aims and research objectives	99
Chapter Three: Methodology.....	100
3.1 Introduction	100
3.2 Research Philosophy	101
3.2.1 Reflexivity and Positionality	102
3.2.2 Ontology	106
3.2.3 Epistemology	109
3.3 Research Methods.....	111
3.3.1 Quantitative Methods.....	111
3.3.2 Qualitative Methods	113
3.3.3 Semi- Structured Interviews (RM1).....	113
3.3.3.1 (RM1) Research Design	112
3.3.3.2 (RM1) Sampling.....	117
3.3.4 Qualitative research survey (RM2)	122
3.3.4.1 (RM2) Structure of the survey.....	121
3.3.4.2 (RM2) Pilot Study of the survey	122
3.3.4.3 (RM2) Sampling.....	122
3.3.4.4 (RM2) Survey Procedure.....	126

3.3.5 Qualitative research methods– Thematic Analysis	130
3.4 Methodological Issues identified and access	132
3.5 Limiting Research Bias	136
3.6 Limitations of Research.....	137
3.7 Conclusion	139
Chapter Four: Findings.....	141
4.1 Introduction	141
4.2 Police and Crime Plan (Annual Reports) (RQ3).....	142
4.3 Lack of awareness (RQ1)	154
4.3.1 Lack of awareness of PCC (RQ1/RQ2)	155
4.3.2 BUSSS (RQ1/RQ2)	159
4.3.3 S&S and SSSPs (RQ1/RQ2)	167
4.4 Racial inequality and lack of diversity in police forces and police governance (RQ4)	177
4.5 Policing accountability mechanisms in S&S (RQ2)	191
4.6 Culture (RQ4).....	198
4.7 Confidence (RQ4)	206
4.8 Conclusion	210
Chapter Five: Discussion and Conclusion.....	211
5.1 Policing cultural characteristics	211
5.2 Contributions to Knowledge	213
5.2.1 Organisational culture.....	213
5.2.2 Occupational culture/Normative orders.....	220
5.3 Limitations.....	230
5.4 Conclusions to the Thesis	231
5.6 Recommendations	239
Bibliography	241

Appendix A - Interview Questions	1
Appendix B – Interview Ethical Approval Confirmation Email.....	7
Appendix C – Survey Questions	8
Appendix D – Survey Ethics Approval.....	15
Appendix E – Creation of Modern Police service.	16
Appendix F – Macpherson (1999) recommendations – S&S.....	23
Appendix G – PPO (2011).....	24
Appendix H – Nine ‘policing by consent’ principles	26
Appendix I – Lawful Stop and Search	28
Appendix J – Standards of Professional Behaviour	31
Appendix K - Self-Defined Ethnic Classifications Categories	32
Appendix L – PCP – Further details on the responsibilities of the PCPs, under the PPO (2011)	34
Appendix M – Police Complaints.....	35
Appendix N - Policing and Crime Act – PCA 2017	38

List of Tables

Table 1: Legislation between 1985 and 1999.....	53
Table 2: Legislative changes to policing accountability between 2000 – 2010.....	61
Table 3: Comparison of the population by ethnicity from the 2001 census to the 2011 census data.....	76
Table 4 Change in S&Ss and disproportionality rate for Black ethnicity in England and Wales between 2011/12 to 2019/20.....	80
Table 5: S&Ss per 1,000 population, by self-defined ethnicity in 2020-2021/2021-22, in comparison to S&Ss by officer defined ethnic appearance of the person searched.	82
Table 6: Semi-structured interview model (<i>n</i> =30).....	114
Table 7: Census 2011 Population (ONS, 2020b).	125
Table 8 RM2 Samples/Recruitment Methods, Field Periods, and Responses	127
Table 9: Semi-structured interview model (<i>n</i> =30) (with revisions stated)	134
Table 10: PCCs who incorporated accountability of S&S within their Police and Crime Plan Annual Reports (PCPARs)	143
Table 11: Public Perception Survey (RM2) results – awareness of PCC policies/strategies to increase policing accountability.....	155
Table 12: Public Perception Survey (RM2) results of ethnic minority participants – awareness of PCC policies/strategies to increase policing accountability.....	159
Table 13: Public Perception Survey (RM2) results - BUSSS.....	163
Table 14: Public Perception Survey (RM2) results – BUSSS – ethnic minority participants.....	164
Table 15 MoPs awareness of S&S (RM2).....	167
Table 16 MoPs awareness of S&S powers (RM2)	168
Table 17: MoPs awareness of SSSPs (RM2).....	174
Table 18: Public Perception Survey (RM2) results – whether MoPs ‘believe that there is a disconnect between the policies and practices of PCCs and practices conducted by police officers on the streets’	203
Table 19: Public Perception Survey (RM2) results – public confidence	206
Table 20: Public Perception Survey (RM2) results – perceptions of the introduction of PCCs having improved public confidence in policing?	208
Table 21 Nine ‘policing by consent’ principles.....	26

Table 22 Self-Defined Ethnic Classification Categories	32
Table 23 New Self-Defined Ethnic Classification Categories	33

List of Figures

Figure 1 Qualitative research (RM1) data collection process	118
Figure 2: Phases of thematic analysis (Braun and Clarke, 2006, p.86).....	130
Figure 3 Challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010).....	229
Figure 4: GOWISELY (College of Policing, 2020b)	29

Glossary of Acronyms and Nomenclature

ACPO	Association of Chief Police Officers
APP	Authorised Professional Practice
APCC	Association of Police and Crime Commissioners
BUSSS	Best Use of Stop and Search Scheme
BWV	Body-worn Video
CC	Chief Constable
CDA	Crime and Disorder Act (1998)
CJPOA	Criminal Justice and Public Order Act (1994)
CJS	Criminal Justice System
Code A	Code of Practice A (Police and Criminal Evidence Act, 1984)
'CCT'	'Community Complaints Trigger', under the BUSS Scheme
CoP	Code of Practice, issued under the Police and Criminal Evidence Act (1984)
CPS	Crown Prosecution Service
DCC	Deputy Chief Constable
DETR	Department of the Environment, Transport, and the Regions
EDHR	Equalities, Diversity and Human Rights
EHRC	Equality and Human Rights Commission
FLPO	Front-Line Police Officer
FLS/I	Front-Line Sergeants/Inspectors
GMP	Greater Manchester Police
HASC	Home Affairs Select Committee
HMIC	Her Majesty's Inspectorate of Constabulary
HMICFRS	His Majesty's Inspectorate of Constabulary, Fire and Rescue Services
IOPC	Independent Office for Police Conduct
IPCC	Independent Police Complaints Commission
MCA	Municipal Corporations Act (1985)
MF	Microsoft Forms
MoP	Member of the Public
MoPs	Members of the Public

MOPAC	Mayor's Office for Policing and Crime
MP	Member of Parliament
MPS	Metropolitan Police Service
NPCC	National Police Chief's Council
ONS	Office for National Statistics
OP	Online Panel
PACE	Police and Criminal Evidence Act (1984)
PCA	Policing and Crime Act (2017)
PCB	Police Complaints Board
PCC	Police and Crime Commissioner
PCP	Police and Crime Panel
PCPARs	Police and Crime Plan Annual Reports
PEEL	Police Effectiveness, Efficiency and Legitimacy
PFCC	Police, Fire and Crime Commissioner
PJA	Police and Justice Act (2006)
PMCA	The Police and Magistrates' Courts Act (1994)
PPO	Police Protocol Order (2011)
PRA	Police Reform Act (2002)
PRSRA	Police Reform and Social Responsibility Act (2011)
PSU	Professional Standards Unit
RA	Research Aim
RaEC	Rights and Equality Councils
RCCP	Royal Commission on Criminal Procedure
RCPPP	Royal Commission on Police Powers and Procedure
RGP	Reasonable Grounds Panel
RM	Research Method
RQ	Research Question
SP	'Scrutiny Panel'
SSSP	Stop and Search Scrutiny Panel
'Sus law'	Vagrancy Act (1824, section 4)
S&S	Stop and search
UK	United Kingdom

Preface

DECLARATION

This work has not previously been accepted in substance for any degree and is not concurrently submitted in candidature for any degree.

STATEMENT 1

This thesis is being submitted in fulfilment of the requirements for the degree of Doctor of Philosophy (PhD).

STATEMENT 2

This thesis is the result of my own independent work/investigation, except where otherwise stated. Other sources are acknowledged by explicit references.

STATEMENT 3

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisations.

SignedS Worrell..... (candidate) Date23 February 2023

Abstract

For many years increasing accountability of stop and search (S&S) practices has been an area of research interest by researchers. The discussion of accountability has been debated in Parliament, which led the government to introduce Police and Crime Commissioners (PCCs) in 2012, which the government professed would make policing more 'democratically accountable'. The aim of this thesis is to examine the impact that PCCs have had on increasing accountability in S&S practices, assessing participants' perceptions on additional barriers that may impact PCCs abilities to improve external accountability of S&S policing powers.

This study reports findings from the mixed-methods research. Firstly, semi-structured interviews were conducted with thirty ($n=30$) interviewees including PCCs, as well as a range of police (Chief Constable to front-line); Police Trainers; members of the public who have been stopped and searched; Race and Equality Council representatives, Police and Crime Panel members and S&S Scrutiny Panel members. Secondly, a public perception survey was undertaken, resulting in 388 members of the public completing an online questionnaire. The responses from the qualitative research methods showed similarities, as well as differences of perceptions of members of the public, in comparison to those working in policing. Furthermore, quantitative research was conducted using content analysis of the PCCs Police and Crime Plan Annual Reports, to assess the degree to which accountability of S&S has been afforded as a priority by the PCCs.

The findings from this research indicate that the introduction of PCCs has altered accountability at the top of the police force (chief officers) but has had limited impact on the knowledge and awareness of front-line police officers, in addition to having a limited impact on increasing public confidence in policing accountability. The second major finding is the 'lack of awareness' of front-line police officers and members of the public regarding accountability mechanisms in S&S. The literature review identified that definitions of 'policing culture' and cultural models have focused on national culture and differences of culture between local forces. This research has indicated that cultural characteristics are still present in England and Wales policing culture. Using the findings of this research, the major contribution to knowledge made by this thesis is the development of a new model, which incorporates an

adaptation of aspects of previous cultural models, including Chan's (1996) 'policing culture' model and 'normative orders' (Herbert, 1997). The new model focuses on policing in England and Wales and the importance of external accountability in S&S practices. It is entitled 'Challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales'. Overall, the findings indicate further improvement and investment is required, to increase democratic accountability and accountability of S&S practices.

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I would like to thank my mother and my friends, who have been very supportive throughout this journey and without their support, I would not have had the fortitude to continue with my research, through to completion.

Finally, I would like to dedicate this thesis to my father who served as a police officer for 30 years. He was sadly diagnosed and lost his battle with Alzheimer's disease, during my PhD studies.

Chapter One: Introduction

1.1 Introduction

Policing is the first frontier of the criminal justice process (Office for Criminal Justice Reform, 2004), as 'the police' are the agency in direct contact with the public (Her Majesty's Inspectorate of Constabulary - HMIC, 2003). The term 'policing' encompasses not only police officers but all forms of policing including private security, which policing discourse has termed as 'pluralisation' of policing (Bayley and Shearing, 2001; Crawford *et al.*, 2005; Jones and Newburn, 1998; Loader, 2000). The term 'policing' has been suggested to include the practice conducted by "voluntary and community groups, individual citizens, national and local governmental regulatory agencies, [and] public police" (Jones and Newburn, 2006, p.1). For this research, the term 'police' refers to police officers, within the forty-three forces in England and Wales, who are legally entitled to use the powers of stop and search (S&S) (Shiner *et al.*, 2018).

The role of policing dates back to the thirteenth century, where there have been accounts of policing (Emsley, 2009; Rawlings 2002; 2003; Reiner, 2010). In the eighteenth and early nineteenth century, 'policing' role was performed by principally parish constables and in towns, the 'policing' role was performed by the night watch (Emsley, 2009). Police reform was advocated in the late eighteenth century and reforms included creating a professional and uniformed police force included (Emsley, 2009). Sir Robert Peel became Home Secretary in 1822 and created the Bow Street Office (Bow Street runners), who carried out day foot patrols and other duties (Rawlings, 2002). There had been various proposals for reforms in policing that failed to gain sufficient support to be passed prior to the 1820s (Reiner, 2010). Peel's Parliamentary inquiry into policing in the Metropolis was created in 1828, consisting of many members who shared the same views as Peel of the need to reform policing and the creation of a uniformed police force (Rawlings, 2002).

The recommendations given by the Parliamentary inquiry were utilised by Sir Robert Peel and were embedded within the Metropolitan Police Act (1829). It created the Metropolitan Police Service (MPS), which was the first 'professional' police force in England and Wales (Emsley, 2009; Reiner, 2010). Sir Robert Peel is said to have created the nine principles of 'policing by consent' for England and Wales policing (Home Office, 2012a), emphasising that public co-operation/good relations are key, and that policing should be 'by consent' (Emsley, 2014; Reiner, 2010). However, there was no system in place for independent oversight of police actions between the creation of Sir Robert Peel's MPS in 1829, until the Police Act (1964) (Reiner, 2016a, p.136). Further detail regarding the time period of 1829- 1964, is discussed in Appendix E.

The Police Act (1964) created the system of policing accountability which is referred to as the tripartite system (Reiner, 2016a). The Police Authorities, Chief Constables (CCs) and the Home Secretary, were the three elements of the tripartite structure (Mawby and Wright, 2005; Reiner, 2016a). Research by Jones *et al.* (1994) criticised the tripartite system and suggested that police authorities were considered to be overly bureaucratic, as they were not up-to-date with the perceptions of the public in their local area (Millen and Stephens, 2011; Reiner, 1985). Police authorities were afforded limited powers to enhance accountability, yet Reiner (1985, p.193) suggests that "many police authorities [did] not even use the limited powers...deferring normally to the CCs 'professional' expertise". This led to the assertion that police authorities were unwilling to use the limited powers, to ensure that their police force was responding to the views of their local communities (Jones *et al.*, 1994; Millen and Stephens, 2011; Reiner, 1985; Scarman, 1981). The tripartite system failings were highlighted by successive governments (Reiner, 2016a), leading to PCCs being introduced under the Police Reform and Social Responsibility Act (PRORA) 2011.

Previous research has suggested that creating directly elected PCCs, has been one of the biggest changes to policing accountability in the modern era (Reiner, 2016a). This proposition is in relation to the enhanced powers provided to PCCs, in comparison to the previous police authorities (Bowling *et al.*, 2019). However, this

change has not been without criticism (Lister, 2013; Millen and Stephens, 2011; Reiner 2016). Lister (2013) indicated that this change is more likely to have a detrimental effect on policing accountability, with what has been described as promoting 'populism', intensifying already in place inequalities. Additionally, creating the potential for CCs to create close relationships with PCCs and exert more 'operational independence' (Reiner, 2010; 2016), affecting the potential for PCCs to hold CCs to account (Lister, 2013). PCCs were introduced by the Coalition Government (Conservative and Liberal Democrats), which was formed after the general election in 2010 (Cabinet Office, 2010). The aim was to improve policing accountability, "through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives" (Cabinet Office, 2010, p.13). The Home Office published a white paper entitled 'Policing in the 21st Century: Reconnecting police and the people', which entered into consultation during July 2010 (Electoral Commission, 2013).

The Police Reform and Social Responsibility Bill was then brought to the House of Commons in November 2010 and the Bill would enable elections of PCCs to be introduced, in order to scrap the then police authorities in the forty-one police force areas in England and Wales and replace them with PCCs (Parliament. Home Affairs Select Committee – HASC, 2010b). However, during September 2011, the Police Reform and Social Responsibility Bill was amended by Parliament and changes made included moving the date of the first elections of PCCs from May 2012 to November 2012 (Electoral Commission, 2013). Royal Assent of the PRSRA (2011) was then received on 15 September 2011. Secondary legislation entitled the Police Protocol Order (PPO) (2011) was created and came into force on 25 July 2012, which included details of the rules/responsibilities of PCCs (Electoral Commission, 2013).

The first elections of the PCCs were in November 2012 (Garland and Terry, 2012). Throughout England and Wales, there are forty-three forces, two forces which are the City of London and the MPS do not have PCCs, as "the City of London retained a police authority, ...the Mayor's Office for Policing and Crime (MOPAC) replaced

the Metropolitan police authority” (Bainbridge, 2020, p.3). The first PCC elections had “the lowest turnout in peacetime history with only 15.1% of voters turning out” (Garland and Terry, 2012, p.5). On the first anniversary of the introduction of PCCs, the then Home Secretary agreed during her speech that the turnout in the elections was “disappointingly low” (May, 2013, para 7). Questions regarding whether PCCs had democratic legitimacy/mandate were raised (Electoral Commission, 2013; Reiner, 2016a). Lessons were learnt from holding an election during dark winter nights (Electoral Commission, 2013) and the election period was changed to May for the 2016 elections (along with other local and national elections). This led to the percentage of the electorate who voted for PCC elections, increasing to 27% of the electorate (Electoral Commission, 2016). Casciani (2016) research indicates that the greater turnout was due to the PCC election being held on the same day as the Welsh Assembly and English Council elections. Therefore, raising questions as to whether members of the public (MoPs) are voting for PCCs based on party affiliations.

During the 2016 elections, the number of PCCs was reduced further to forty, devolving powers “for Greater Manchester [to have an] elected mayor to take over the PCCs functions from 2017” (Parliament. House of Commons, 2016, p.5). The May 2016 elections ranged from just “17.4” per cent in Durham to “48.9” per cent in Dyfed-Powys” (Parliament. House of Commons, 2016, p.17). The number of PCCs was reduced further to thirty-nine during the 2021 elections, as there is now a Mayor for West Yorkshire (The West Yorkshire Combined Authority (Election of Mayor and Functions) Order, 2021). During the 2021 elections, the electorate “turnout averaged 33.2% across the 34 police areas” (Parliament. House of Commons, 2021b, p.17). Twenty-one of the PCC elections coincided with other elections taking place and looking at the political map of elections results, it appears to indicate that the electorate were aligned to political parties (BBC News, 2021c), confirming previous research assertions (Casciani, 2016).

However, previous research has shown that only ‘seven per cent’ of the electorate were aware of the presence of the old police authorities (Parliament. House of

Commons, 2014b). Research on levels of public awareness of PCCs has indicated that there are low levels of awareness by members of the public (MoPs), of the role and responsibilities that PCCs have (Committee of Standards in Public Life, 2015; IPSOS, 2013). This highlights the debate on whether PCCs have a sufficient mandate to act as the representative of the constituency in which they are seeking election and to hold local policing to account. Jones (2008) suggested that accountability for local policing in England and Wales had a 'democratic deficit' in local police accountability. Previous critiques had not considered the powers afforded to police authorities being changed within legislation and ultimately, resulting in police authorities' powers being reduced and their ability to carry out sufficient accountability being constrained. Police authorities abilities to ensure accountability was restricted, as they were limited to obtaining further clarification from their police force for police practices (Loveday, 1983). Therefore, police authorities who identified areas of operational practice requiring change, were not able to ensure changes were made (Loveday, 2017). This is due to the practices being protected by 'operational independence' and hence shielded from direct influence by police authorities (Loveday, 1983; 2017). If CCs of the forces agreed with 'recommendations' suggested by police authorities, it is possible that changes could have been made, although this was dependent on the CCs decision (Loveday, 1983; 2017). Ultimately, the CC of a force has 'operational independence' to direct their officers, in the use of policing powers including S&S (Brogden, 1982; Loveday, 1983; 2017; Lustgarten, 1986).

The 'operational independence' of CCs has been viewed as an obstacle to reform of policing (Loveday, 1983; 2017). Additionally, it an area that has been highlighted as impeding reform proposals for increasing accountability of policing powers, is policing culture (discussed in Chapter 2). Previous scholars such as Chan (1996, p.111) have suggested that policing culture is not "primarily negative", although there are difficulties in conceptualising how culture operates in practice. Chan (1996) indicates this resulted in previous reforms having insufficient impact on operational practice. Chan's (1996) model of policing culture provided an illustration of how culture can operate in practice. When creating the model, Chan (1996) drew upon the work of Bourdieu, discussing operational practice of officers is conducted based

on their cultural knowledge, which Bourdieu's states is the 'habitus' (Bourdieu and Wacquant, 1992). Chan (1997, pp.67-76) suggested that operational practice is based on structural conditions, referring to Bourdieu's 'field' (Bourdieu and Wacquant, 1992). Chan's (1996;1997) conceptualisation of policing culture recognises the changes to operational practice conditions. Chan (1996;1997) indicated that changes to the 'field' could result in more democratic accountability measures. Chan's (1996;1997) model was based on a police force in Australia and therefore does not accurately reflect policing culture in England and Wales, nor does it reflect the impact that PCCs have had on increasing democratic accountability in policing. Chan's (1996) research did not provide a 'recipe' for how democratic accountability can reform policing, nor which measures that would need to be instilled. Additionally, the Chan's model (1996) did not focus specifically on S&S.

Within England and Wales, police officers use of discretionary powers such as S&S, which been previously highlighted as lacking sufficient accountability mechanisms (Bowling *et al.*, 2019; Reiner, 2010; Shiner *et al.*, 2018; Tipping, 2016). The discussion of reforming policing to make it democratically accountable, is suggested to be hampered by 'operational independence' (Loveday, 2018; Reiner, 2010). 'Operational independence' (Loveday, 2018), has been referred to as a mechanism to safeguard police decision-making from intervention from organisations/government (Stenning, 2007) The requirements of policing accountability include ensuring that 'operational independence' does not allay the responsibility for operational matters (Basu, 2022) and the willingness for decision making to be held to account including the use of S&S powers (Shiner *et al.*, 2018). S&S powers are provided "to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest" (Home Office, 2015a, p.5, para 1.4). In England and Wales, S&S is governed by various legislation, with the prominent legislation being Police and Criminal Evidence Act (PACE) (1984, section 1). Three other sections of legislation being commonly used include Misuse of Drugs Act (1971, section 23), Criminal Justice and Public Order Act (CJPOA) (1994, section 60) and the Firearms Act (1968, section 47).

The PACE Codes of Practice (CoP) offers guidance in relation to the mandatory legal requirements regarding the 'application and interpretation' (Home Office, 2023, p.6, para 1.02), of the provisions stated in PACE and those statutes listed in the CoP Annex A (Home Office, 2023). The revised CoP relating to S&S (Code A) was published in January 2023 and came into force on 17 January 2023 (Home Office, 2023). Code A makes clear what constitutes 'reasonable grounds for suspicion' – the legal basis upon which police officers carry out the vast majority of stops (Home Office, 2023, p.7). Although, previous research has indicated that what constitutes as 'reasonable' varies between each S&S, which has therefore made S&S a significant matter of interest (Bowling and Phillips, 2007).

Previous research suggests there is public dissatisfaction in the disproportionate use of S&S powers against ethnic minority individuals (Lammy, 2017), which has remained throughout the decades in which S&S powers had replaced the 'sus laws' (Delsol and Shiner, 2015; Bowling *et al.*, 2019). The 'sus laws' refers to the powers under the Vagrancy Act (1824, section 4) that permitted officers to arrest a person based on suspicion that they were a "suspected person". Since the introduction of the S&S powers under PACE (1984), several Home Secretaries have discussed expansion of S&S powers (Reiner, 2010). This is in addition to previous discussions focused on officer discretion (Bowling and Phillips, 2007). Discussions include the use of S&S, public dissatisfaction, and concerns of disproportionality (discussed further in Chapter two), which led to the then Home Secretary introducing the Best Use of Stop and Search Scheme (BUSSS) in 2014 (Home Office, 2014a). When the BUSSS was first introduced, it resulted in a reduction in S&Ss, yet in the past couple of years, the previous Home Secretary stated that the use of these powers should be expanded (BBC News, 2019c). The numbers of S&Ss then began to rise (see Table 2.4) (Home Office, 2021b; 2022a).

The BUSSS (Home Office, 2014a) included requirements of community oversight and the Community Complaints Triggers (CCTs), which led to the creation of Stop and Search Scrutiny Panels (SSSPs). Previous research has indicated that there are variances within SSSPs, impacting the effectiveness of these external accountability

measures (Kalyan and Keeling, 2019). PCCs were introduced in 2012 (Electoral Commission, 2013) to make policing more 'democratically accountable', yet public dissatisfaction towards the use of S&S powers being disproportionately used on ethnic minorities (HMIC, 2013a) and being overly used, has remained (Flacks, 2018; Kelling, 2017). The use of S&S powers is still disproportionate against ethnic minority individuals (Home Office, 2020a). Disproportionality in S&S has undermined the public's perception of the legitimacy of the powers, as well as impacting the public's perception/confidence in policing (Flacks, 2018; HMIC, 2013a; Home Office, 2014b; Independent Office for Police Conduct - IOPC, 2022; Kelling, 2017; Myhill and Beak, 2008; Skogan, 2006; StopWatch, 2011).

His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) (2021) and other previous research have identified the consensus that there is disproportionality in S&S practices (Flacks, 2018; HMIC, 2013a; Home Office, 2022a; IOPC, 2022). However, there is no consensus about what impact (if any) PCCs have had on increasing accountability in S&S practices. The review of the literature suggested that there is a gap in this research area. Furthermore, the review of the literature did not provide up-to-date knowledge on the challenges there are currently for PCCs, to improve accountability in S&S. There are questions about external accountability of S&S provided by the BUSSS (Home Office, 2014a) that led to SSSPs being created, but what contribution have PCCs made to these SSSPs? The desire to understand the impact that PCCs have had on increasing accountability in S&S practices, paved the way for the researcher's studies and led to the researcher becoming a member/guest member of SSSPs (see Chapter 3). The thesis not only explores PCCs impact on increasing accountability in S&S, but also highlights challenges that there are, to increasing accountability. These challenges include lack of awareness, racial inequality, accountability mechanisms in S&S, operational independence doctrine and policing culture. This is in addition to public confidence in policing and whether MoPs perceive that PCCs have had an impact in improving confidence (see Chapter 4).

In order to examine these areas (as explained within Chapter 3), this research applied a pragmatist approach (Maarouf, 2019), which allowed the study to generate different types of contributions in the research (Barnes, 2019). The research method (RM) undertaken for this research, was a mixed methods approach. This included the qualitative research method (RM1) of semi-structured interviews ($n=30$), which were created with subgroups of PCCs; CCs/ Deputy Chief Constables (DCCs); Front-line Police Officers (FLPOs); Front-line Sergeants/Inspectors (FLS/Is), Police Trainers; Rights and Equality Council (RaEC) representatives; Police and Crime Panel (PCP) Members, SSSP members and MoPs. The research aims (RAs) included identifying the range of 'participants perceptions/awareness' and perceptions of 'additional barriers to accountability' (RA1/RA2). The research questions (RQs) were devised in order to meet the research aims (RAs). The limitations of RM1 included that only four MoPs were interviewed. This limited the external validity to generalise the perceptions of the participants in the qualitative research. Therefore, a qualitative research survey (RM2) was created, resulting in 388 MoPs completing the questionnaire ($n=388$). Both of the qualitative methods (RM1/RM2) used thematic analysis (Braun and Clarke, 2006), to code participants' perceptions and provide overall themes highlighted in the transcripts/survey responses.

Quantitative research was undertaken reviewing Police and Crime Plan Annual Reports (PCPARs) from all PCCs in England and Wales. Content analysis was used (Lock and Seele, 2015), in order to establish the 'nature of reality' (Saunders *et al.*, 2015, p.127). Additionally, to determine how many PCCs, if any, could be shown to have stated within their PCPARs that they have prioritised S&S accountability/been involved in external accountability mechanisms of SSSPs (see Chapter 4). As a result of the findings of the research, a model was created showing the 'Challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010)'. This provides the opportunity to gain insight into the challenges limiting the impact and explore recommendations/opportunities for enhancing accountability.

1.2 Thesis outline

The design of this thesis will aim to demonstrate an original contribution to knowledge, towards meeting the doctoral award criteria. The introductory chapter provided an overview of the creation of the modern police service in England and Wales, including discussions of the 'democratic deficit' of policing accountability, which resulted in the creation of PCCs (Jones, 2008). Discussions included organisational theory/policing culture (Chan, 1996). Furthermore, 'operational independence, which provides a CC with control to direct their officers on operational aspects of 'policing' (Brogden, 1982; Lister, 2013; Loveday, 1983; 2017). The application of 'operational independence', has been widely criticised between the relationship between 'policing' and government (Lister, 2013) and the level of impact the government/bureaucracy can have on operational practice.

Chapter two provides the literature review for the research. The rationale for the literature review was to identify previous research in the area and identify gaps within previous research. This highlighted that further research needed to be conducted to determine what impact PCCs have had on improving accountability in S&S. The review of prior research enabled the researcher to create the research aims and objectives. The chapter starts by introducing organisational theory (Reiner, 2010) and examining models of culture and bureaucracy (Chan, 1996;1997; Herbert, 2000). The chapter acknowledges some of the issues that previous scholars have had on defining policing culture, before examining definitions that have been provided (Westmarland, 2008). The chapter discusses previous models/characteristics of policing culture (Chan, 1996, Reiner, 2010) before discussing Herbert's (1997) 'normative orders'.

Chapter two then moves on to focusing on accountability, discussing the creation of the 'tripartite system' provided by the Police Act (1964). A review of S&S, institutional racism, and 'disproportionality' is provided. The review of the literature includes a discussion of the public inquiry into the Brixton Riots, referred to as the Scarman (1981) report, before discussing the Royal Commission on Criminal

Procedure (RCCP (1981), which led to the PACE (1984) being enacted. 'Reasonable suspicion' requirements within S&S (Home Office, 2023, page 8, para 2.2) are reviewed, before moving onto discuss further changes to policing accountability in England and Wales, which were made between 1985-2010. This includes the public inquiry into the murder of Stephen Lawrence (Macpherson, 1999). The legislative changes that transpired between 2000 and 2010, which made changes to policing accountability and S&S are then considered. The criticisms made of police authorities created by the Police Act (1964) included that they were lacking in transparency with the public and that they were reluctant to exercise the full powers afforded to them under legislation, to ensure that their police force area was more responsive to the general public (Jones *et al.*, 1994; Millen and Stephens, 2011). The government's response to public demands was to make changes to policing accountability, which led to the incorporation of PCCs, in order to distribute power and responsibilities for policing accountability (Lister, 2013; Reiner, 2016a). An overview of the introduction of PCCs is provided, before discussing the challenges posed by the 'operational independence' doctrine (Jefferson and Grimshaw, 1984; Marshall, 1978; Reiner, 2016a). PCPs which were created under the PPO (2011) are then discussed. The review of PCPs indicates that they have an advisory role, rather than a role which can enable accountability through the use of significant actions (Bailey, 2022; Lister, 2014; Reiner, 2016a).

The focus of chapter two then moves on to recent S&Ss, with an analysis of Home Office data on recorded S&S being presented. The analysis indicates that although the number of S&S reduced between 2014/15 to 2017/18 (Home Office, 2015d; 2016a; 2017a; 2018), the number of recorded S&S were rising between 2018/19 and 2020/21 before reducing in 2021/22 (Home Office, 2019c; 2020a; 2021b; 2022a). There was an increase in disproportionality (RQ4) between 2015-2019 (Home Office, 2016a; 2017a; 2018; 2019c) showing that a significantly larger proportion of ethnic minorities were stopped and searched. The disproportionality rates for Black people fell to "7 times more likely" in 2020/21 and in 2021/22 black people were "6.2 times as likely" to be stopped and searched (Home Office, 2022b, section 2). These statistics still indicate that disproportionality is still an area of concern (see Chapter two). A review of the literature is provided, before discussing the change in the

political consensus, which led to the introduction of the BUSSS (Home Office, 2014a). The crisis of public confidence in policing between 2020-2022 (Police Foundation, 2022) is then discussed, before providing the framework for the research project and the research aims/objectives.

Chapter three provides the methodology for this research study, discussing the research philosophy, including reflexivity, positionality, ontology, and the research epistemology. The research strategy used a mixed methods approach, using quantitative and qualitative elements. The design of the qualitative research methods (RM) is discussed, including the sampling used within the semi-structured interviews (RM1) and the public participant survey (RM2). Furthermore, the chapter discusses the coding of the findings being undertaken for the qualitative research (RM1/RM2) through thematic analysis (Braun and Clarke, 2006). For the quantitative research, the research method of the content analysis (Lock and Seele, 2015) used to analyse the Police and Crime Plan Annual Reports (PCPARs) is provided. The challenges/methodological issues that were experienced in the research, such as access, are included within this chapter. Lastly, this chapter discusses the limitations of this study and opportunities for future research.

Chapter four discusses the findings of the qualitative and quantitative research methods. Firstly, the quantitative research using content analysis of PCPARs is discussed, to determine how many PCCs have prioritised S&S accountability. Secondly, the chapter focuses on the themes derived from the thematic analysis (Braun and Clarke, 2006) of participants (in RM1) and the public perception survey (RM2). The themes identified include 'lack of awareness' of PCCs, BUSSS, S&S and SSSPs. Additionally, themes of racial inequality and lack of diversity in police forces and police governance. Furthermore, the themes of 'culture' and 'confidence' are discussed, to determine whether these areas are still creating barriers and impacting accountability. The themes of the research are analysed with reference to the concepts and issues discussed earlier in the literature review, considering the implications these themes suggest have on the accountability of S&S practices and barriers to accountability.

Chapter five provides the discussion, using the findings from the quantitative and qualitative research and the concepts/issues discussed earlier in the literature review, to inform the creation of the model of 'Challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales'. The new model is presented and discussed as the major contribution to knowledge made by this thesis, conforming with the doctoral award criteria. The chapter then provides the conclusion for this thesis, indicating how the research aims and objectives were met during this study, before providing recommendations to enhance current accountability mechanisms in S&S practices.

Chapter Two: Literature review

2.1 Introduction

The main objective of this chapter is to identify previous research on policing culture, policing accountability, PCCs and S&S in England and Wales, before then discussing the change in political consensus, and the crisis of confidence in policing. The chapter starts by discussing the main theoretical perspectives that are examined in this study, in relation to organisational culture/policing culture. These include Bourdieu's concepts (Bourdieu and Wacquant, 1992) of 'field and habitus' (Chan, 1996, p.109) and models of policing culture (Chan, 1998) and 'normative orders' (Herbert, 1997). This is followed by a review of the literature of policing accountability, starting from the Police Act (1964) and the creation of the tripartite system (Home Secretary, CCs, police authorities) (Mawby and Wright, 2005). Police accountability is a term that has been used, which has many different connotations, with significant ambiguity in the way that the term has been conceptualised (Lustgarten, 1986; Reiner, 2010). However, in the context of this research, the definition which will be used is:

“police officers need to know that... they will be held to account by the same criminal law as anyone else... Accountability is, of course, not only, about punishment for misconduct. The police must also be accountable for their key role in protecting the public, in deterring and detecting crime, and of course in their use of public money, accountability for which is shared between a number of bodies” (Glass, 2012, p.1).

Baldwin and Kinsey (1982, p.106) characterise forms of police officer accountability, indicating officers should be held liable for their decisions that they have made in operational practice. However, Marshall (1978, p.61) suggests that there are variations in accountability between 'explanatory and cooperative' and 'subordinate and obedient'. Focusing on governance and accountability in policing, Klockars (1988) criticised the inadequate external mechanisms of accountability by describing governance arrangements as convoluted and portraying the misleading impression that they can control officers' operational practices. The policing accountability

discourse shows that there has been shifting arguments regarding what parts of policing should be accountable, to who police officers should be accountable and how this should be done (Jefferson and Grimshaw, 1984; Jones, 2008; Jones *et al.*, 1994; Lustgarten, 1986; Manning, 2010; Reiner, 2010; Reiner and Spencer, 1983; Stenning, 1995; Stenson and Silverstone, 2013; Walker, 2000; 2012).

The Police Act (1964) was the first legislation which stated that CCs have the 'direction and control' of their officers. However, 'operational independence' (discussed within this chapter) is now stated under PRSRA (2011, section 2 (3)). After first discussing accountability under the Police Act (1964), this chapter discusses the S&S and disproportionality. The third section discusses the Brixton riots in 1981 and the public inquiry into the 'race riots' (Scarman, 1981). The fourth section discusses the RCCP (1981) (the Phillips Commission report), of which recommendations from this, were incorporated within the Police and Criminal Evidence Bill (1982), which was presented to Parliament for consideration. After amendments were made, it was re-presented in 1983 (Zander, 2005), which then led to the PACE (1984), which is discussed in the fifth section. The rationale for including these areas is to examine the history of accountability and identify when revisions/improvements had been made throughout the years.

Reiner (2016a) research indicated there are constraints to accountability, such as the use of individual officers' discretion in practice. Discretion is the legally afforded decision-making powers officers are afforded, which are provided to all officers irrespective of rank (Joyce, 2011; Reiner, 2010). Officers use of discretion includes use of powers in S&S, where officers have the power to detain people for the purposes of a search (Home Office, 2015), which is a legally permitted deprivation of a person's liberty (Human Rights Act, 1998, Article 5; Liberty, 2010). When detaining a person for a S&S, officers are allowed to use "reasonable force... if necessary ..." (Home Office, 2015, p.11, para 3.2), to search for an object that is stated within legislation, such as searching for drugs under the Misuse of Drugs Act (1971, section.23). However, Klockars (1988, p.457) indicated that police officers are provided powers that are "virtually unrestricted", due to the powers to use force and

potentially lethal force, in order to maintain public order. Young's (2016) research suggests that officers exploit a person's ignorance of the law and the person's legal rights, which creates co-operation (Infantino, 2003; Shiner *et al.*, 2018). Even when an officer does not have a lawful right to intervene in a given situation, the MoP is more likely to conform due to a police officer's legitimate power (Police Foundation, 2022), which has been defined as the "power vested in those who are [in] positions of authority" (Stangor, 2004, p.162). Therefore, effective accountability mechanisms are necessary in policing (More information about lawful S&S is available in Appendix I).

This chapter goes on to discuss changes to policing accountability and S&S between 1985-2010. This includes discussion of the Macpherson (1999) report, which was the public inquiry into the racist murder of Stephen Lawrence, before going on to discuss the changes to policing accountability and S&S between 2000 – 2010. The introduction of PCCs under the PRSRA (2011) is then followed by a discussion of the doctrine of operational independence (Lustgarten, 1986) and the constraints that this levies on the powers of PCCs, to hold CCs accountable. The chapter then discusses the relationship between the PCCs and PCPs, which were introduced as part of the PRSRA (2011), before moving on to focus specifically on accountability in S&S.

The twelfth section of this chapter provides an analysis of the data published by the Home Office yearly, on the statistics showing the recorded S&S data for England and Wales forces between 2011 – 2022 (Home Office, 2022), as well as exploring disproportionality in S&S practices. The thirteenth section then discusses the change of the political consensus, which resulted in the BUSSS (Home Office, 2014a) and this chapter's fourteenth section, explains its six elements. This discussion includes SSSPs, which is the third element of the BUSSS relating to the 'CCT' (Home Office, 2014a) and how the SSSPs vary between forces. This is followed by a discussion of the 'crisis of reduction in public confidence between 2020-2022 (Police Foundation, 2022), linking in with public's awareness/public confidence of accountability mechanisms, before summarising the findings within the chapter conclusion. Finally,

the framework for the research project and the research aims/objectives are provided.

The literature addresses considerations of policing accountability, PCCs and S&S. There appears to be a need to examine perceptions of the impact PCCs have had on prioritising and improving accountability in S&S, as well as the impact the introduction of PCCs has had on policing culture and whether there are barriers impacting accountability, such as policing culture. The importance of understanding the social context of policing culture (Chan, 1996; Herbert, 1997) in England and Wales police forces and how accountability mechanisms have changed since the introduction of PCCs (Reiner, 2010). Future chapters examine the themes from the qualitative research, to establish participants perceptions and a review the quantitative research/content analysis of PCPARs, to establish what impact (if any) PCCs have had on policing accountability of S&S practices.

2.2 Organisational Theory/policing culture

The aim of this section is to provide an overview on organisational theory, in particular policing culture and to discuss previous research models that are used within this research (Chan, 1996; Herbert, 1997). Organisational theory includes discussions of the collective nature of cultures within all organisations, as well as focusing on values and beliefs (Schein, 2016). This has been formulated in policing, to identify the “working personality” of police officers (Skolnick, 2008, p.36).

Research on policing organisational theory has indicated that the concept of culture within policing is a considerable barrier to reforms (Bowling and Sheptycki, 2012; Chan, 1996; Herbert, 1997; Loftus, 2009; Reiner, 2016a; Westmarland and Conway, 2020). Manning (1989, p.360) suggests that policing culture refers to “accepted practices, rules, and principles of conduct that are situationally applied, and generalised rationales and belief”. Although, there is consensus in academia that there is no universal definition of policing culture, the examination of policing culture aspects “are important ... because they question, analyse and elaborate upon other key issues, especially police power, legitimacy, discretion and accountability” (Westmarland, in Newburn, 2008, p.253). Therefore, indicating that accountability

mechanisms can be affected by policing culture. This has been noted by the IOPC (2022), with discussions that policing culture “is a kind of patchwork quilt”, which still remains difficult to grasp (Marks and Singh, 2007, p.363). This section discusses policing culture, before discussing Herbert (1997) ‘normative orders’ in policing.

2.2.1 Policing culture

Cockcroft (2012) suggests that policing is seen to have its own culture/subculture. Previous research on policing culture has focused on particular cultural characteristics (Bowling *et al.*, 2019; Chan, 1996; Cockcroft, 2005; Herbert, 1997; Loftus, 2009; Marks, 2003; Punch, 2007; Reiner, 2010; Westmarland and Conway, 2020). Previous models of ‘policing culture’ include the model created by Chan (1996), referring to policing culture in an Australian police force. This section will focus on Chan’s (1996) model, before discussing the characteristics provided by Reiner’s (2010) research, which was updated in the fifth edition of ‘The Politics of the Police’ (Bowling *et al.*, 2019).

Chan’s (1996, p.128) model of policing culture, draws upon Bourdieu’s concepts of ‘field’ and ‘habitus’ (Bourdieu and Wacquant, 1992) and espouses the framework that was developed by Sackman (1991), to suggest changes to police practice. The definition of ‘field’ and ‘habitus’ provided by Bourdieu research (Bourdieu and Wacquant, 1992), is further discussed by Chan (1996, p.114), who indicates that the “field consists of a set of objectives, historical relations between positions anchored in certain forms of power”. For Chan’s (1996, p.128) model of policing culture, the ‘field’ consists of “social, political, economic, and legal context of police/minority interactions”. Discussions of the ‘habitus’ suggests this to be “cultural dispositions” (Chan, 1996, p.112), which are influenced by aspects within ‘the field’. It is suggested that ‘the habitus’ comprises of:

“Historical relations 'deposited' within individual bodies in the form of mental and corporeal schemata of perception, appreciation, and action” (Wacquant, 1992, p.16).

Chan (1996) suggests that in order to gain understanding of policing relations with ethnic minorities, the elements within the 'field' are imperative in order to understand the dynamics of policing culture. Chan (1996, p.128) indicates understanding the importance of the historical relations of policing ethnic minority communities is paramount. Chan (1996) focuses on relations between an Australian police force and the aboriginal people who reside there. Within England and Wales, there is also a historical context of racism (Bowling and Philips, 2008; Shiner *et al.*, 2018), which has been highlighted by previous public inquiries (Macpherson, 1999, Scarman, 1981). These have emphasised the importance of improving relations between policing and ethnic minorities (discussed further in this chapter).

Chan's (1996, p.115) research suggests that "political/economic" element of 'the field', is referring to the "political context of policing". The 'economic' element of 'the field', is relating to the finances provided by the government, to government departments and police forces (Chan, 1996, p.130). Chan's (1996) research includes discussions of the political consensus of the government in Australia and the historical conflicts with Aboriginal peoples and the historical treatment of Aboriginal peoples by government and policing. Chan (1996) indicates that the treatment showed examples of deep-seated racism and discrimination of the Aboriginal peoples (Cahill and Ewan, 1987; Castles, 1987; Office of Multicultural Affairs, 1990). The national inquiry entitled the 'Racists Violence Inquiry' by the Human Rights and Equal Opportunity Commission (HREOC, 1991), discussed the treatment of Aboriginal peoples and immigrants throughout Australia's history. It indicated that the treatment had "become a matter of public concern through the so-called 'immigration debate'" (HREOC, 1991, p.60-1), as the easing of restrictions on immigration to Australia in the 1970's, created a shift to multiculturalism (Castles, 1987). In England and Wales, previous research of the treatment of ethnic minorities by politics/government and by policing (including practices such as S&S), has been debated by academics and researchers over the years (Antonopoulos, 2003; Bowling *et al.*, 2019; Ellis, 2010; Hall, 1999; Pilkington *et al.*, 2008; Waddington *et*

al., 2004). The term ethnic minorities, “focuses on ‘non-white minorities’” (Burton *et al.*, 2008, p13) (see History of S&S section discussed further in this chapter).

Further research on policing culture conducted in the United States, examines the behaviour of officers, which is said to be “strongly influenced by ... politics – of the community that finances the police department’ (Skolnick, 2008, p.39). Bowling and Sheptycki (2012, p.86) research indicated that examining politics within policing is important, as it “provides a complex parameter of action that circumscribes ...culture solutions to the problem of ‘what is to be done’”. Therefore, suggesting that the introduction of democratic accountability measures, such as the introduction of PCCs in England and Wales (through the PRSRA, 2011) and their roles/actions within policing, are important elements to decipher to ascertain the impact, they can have on policing culture/accountability.

Chan’s (1996, p.117) next aspect of the ‘field’ is the ‘law’, where the research discusses policing powers in which officers have discretion, including the powers that officers have to ‘stop’ MoPs in Australia. In England and Wales police officers are provided with powers to S&S, including providing discretion to officers (Home Office, 2015b; Reiner, 2010; Shiner *et al.*, 2018). However, Marks (2003, pp.255-256) research indicated that even if legislation is changed and this results in a change to policies and training, the changes may be lacking consistency in/across forces (Bowling *et al.*, 2019; Reiner, 1992; 2010). This is in addition to research which has suggested that the changes may not result in a change of officers’ values and attitudes (Loftus, 2010; Westmarland and Conway, 2020), or the culture within policing (Bowling *et al.*, 2019; Reiner, 1992/2010). Skogan (2008, p.24) research indicated that reform proposals “face formidable obstacles”. These ‘obstacles’ are what Reiner’s (1985, p.85) research previously indicated, show how vital it is, that political/bureaucratic members/functions understand how officers “see the social world and their role in it”. Although there have been major reforms in policing, such as after the Scarman (1981) and Macpherson (1999) inquiries (discussed further in this chapter), the desire to change policing culture has not been fully achieved (Bowling *et al.*, 2019; Loftus, 2009; Reiner, 2010; Westmarland, 2008; Westmarland and Conway, 2020).

However, Chan's (1996, p.111) research indicates that policing culture should not be viewed as "primarily negative". This is due to the 'solidarity' (Reiner, 2010) amongst police officers providing "reassurance" amongst policing colleagues (Goldsmith, 1990, p.93), for the safety of themselves, their fellow officers, and citizens (Herbert, 1997). The opposite perception of solidarity within policing culture, focuses on the root cause of why some officers do not whistle-blow on their colleagues who have abused their powers, which has been referred to as the 'blue wall' (Skolnick, 2008, p.35) or the "blue code' of silence" (Westmarland and Conway, 2020, p.378). Chan (1996, p.121) refers to this as "recipe knowledge: cover yourself and don't rat on others", within the elements of 'the habitus' within the policing culture model. This signifies what appears to be a 'code' (Westmarland and Conway, 2020, p.378), that officers may fear ramifications of reporting a fellow colleague's misconduct and perceptions. Westmarland (2008, p.269) suggests that this "can support and perpetuate corruption ... and prevents its detection". In England and Wales, the current regulations on conduct include Standard 10, which is regarding "challenging and reporting improper conduct" (Police (Conduct) Regulations, 2020, Schedule 2). Previous research has indicated that an officer's perception of 'safety' (Herbert, 1997) provides constraints on their willingness to provide information or report their fellow colleagues misconduct (Skolnick, 2002; Vomfell and Stewart, 2021), due to perceptions that this may inhibit their need collectively to perceive that they are going to be protected by their fellow officers (Herbert, 1997, p.120).

Westmarland (2008, p.269-270) indicates that officers are required to follow orders provided to them internally, as well as complying with legislation. Within culture studies, there is discussion of deeply embedded cultural characteristics (Schein, 2010). In policing, Chan (1997, p.115) refers to this as aspects "cultural knowledge" which informs the 'habitus'. Holdaway (1996, p.10) refers to these characteristics as the additional "acceptance of the rank-and-file definition", of how practices are carried out. Although police officers are provided with training of correct procedures that are "proportionate, legal, accountable, necessary and ethical" (Martin, 2022, p.560), the indication from previous research suggests that the 'rank and file definition' (Holdaway, 1996, p.10) can become more prominent in operational

practice for front-line officers, due to policing culture (Loftus, 2009; Reiner, 2010; Westmarland, 2008; Westmarland and Conway, 2020).

Furthermore, previous research has indicated that there is also resistance to change by front-line police officers (Bowling *et al.*, 2019; Holdaway, 1983). Chan (1997) suggests that implementing change is complex. This resistance was viewed to be seen in areas, such as mechanisms instilled by bureaucratic elements, a lack of commitment by police forces to commit to these changes and what can be referred to as adverse inter-agency politics (Bowling *et al.*, 2019; Chan, 1997). Within 'the habitus' section of Chan's (1996) model, reference is made to restructuring operational strategies by politicians/government. Within policing in England and Wales, there have been many areas of accountability that have been enhanced throughout the years (see changes to policing accountability sections, further within this chapter).

The value of Chan's (1996/1997) conceptualisation of policing culture is that it recognises changing conditions within policing. Although Chan's (1996/1997) research indicated further requirements of democratic control, it did not provide a 'recipe' for police reform. Within 'the habitus', discussion of cultural characteristics is made (Chan, 1996). Certain elements of Reiner (1992) characteristics of policing culture are referenced. Further studies that were conducted after Chan's (1996/1997) research, have focused on particular cultural characteristics (Westmarland, 2002). These include research by Reiner (2010), updated within Bowling *et al.* (2019).

Reiner's (2010) major characteristics of policing culture, are the characteristics are defined as:

"Mission/action/cynicism/pessimism... Suspicion... Isolation/Solidarity...Police Conservatism...Machismo...Racial Prejudice... [and] Pragmatism" (Bowling *et al.*, 2019, p.172-180).

The characteristics of solidarity has been discussed above. When focusing on “Mission/action/cynicism/pessimism” (Bowling *et al.*, 2019, p.172-180), ‘mission’ is referred to reasoning of why the policing career appeals to sections of society (Bowling *et al.*, 2019). This is due to not only the role of maintaining law and order, but the valuable purpose policing has in the preservation of life and protecting vulnerable victims (Bacon, 2016). Westmarland (2008, p.253) additionally refers to the “police family”, in discussions of how camaraderie can be seen between policing peers and that policing is seen as “not just a job but a way of life” (Bowling *et al.*, 2019, p.172). In addition to ‘mission’, ‘action’ is referred to as elements of police officer’s role, which are “fun, challenging, exciting, a game of wits and skill” (Bowling *et al.*, 2019, p.172). These cultural characteristics have been discussed by other researchers (Holdaway, 1977; Westmarland, 2008). References are made to police pursuits and the thrill-seeking role (Reiner, 2010; Westmarland, 2008). However, this negates the reality of everyday policing practices, which consist of a variety of paperwork and other tasks which have been viewed to be “mundane” (Bowling *et al.*, 2019, p.172). Research refers to how actions of misconduct committed by officers, can occur due to the distorted view of a ‘noble cause’ (Caldero *et al.*, 2018; Klockars, 1980; Klockars *et al.*, 2003). Therefore, discussions include the importance of officers following ethical guidelines (Caldero *et al.*, 2018; Westmarland and Conway, 2020) and ensuring that decision making in policing, follows the values of policing (Bowling and Sheptycki, 2012; Chan, 1996; Skolnick, 2008; Sunshine and Tyler, 2003; Terpstra, 2011; Westmarland, 2005; Westmarland and Conway, 2020).

Regarding ‘cynicism/pessimism’ (Bowling *et al.*, 2019, p173), previous research has suggested that police officers throughout their careers, develop ‘cynical’ views (Charman, 2017). As officers are “trained to observe unusual signs as well as pay attention to motor vehicle plate numbers, passengers in cars, pedestrians, and people in general” (Demirkol and Nalla, 2020, p.321). Waddington (1999, p.102) suggested that “this general suspicion tends to take the form of hard-bitten cynicism”. Other research has noted not only the cynicism posed to members of the public (Chan, 2007; Paoline, 2004; Waddington, 1999), but that “police officers might have cynical attitudes toward their managers, organizations, and the criminal justice system” (Demirkol and Nalla, 2020, p.321). Therefore, ensuring that the

recruitment/selection of officers, who will maintain the values in policing is key (Charman, 2017). Within the introduction of this thesis, there is a discussion of historical values of 'modern' policing relating to the values/principles of 'policing by consent' (Home Office, 2012a; Emsley, 2014) (Appendix H provides the nine 'policing by consent' principles). The Committee of Standards in Public Life (1995) created by the government and chaired by Lord Nolan, discusses the 'Seven Principles of Public Life', also known as the 'Nolan Principles' (College of Policing, 2014). The professional body in England and Wales policing is the College of Policing (2014, p.vi), who used these seven principles to become the foundation for the 'Code of Ethics', adding two additional codes of "fairness and respect" (discussed further within this chapter). The values of policing in England and Wales are stated within the 'Competency and Values Framework' (College of Policing, 2016, p.3) and include "impartiality, integrity, public service [and] transparency", which officers are required to display during their practice. Therefore, cementing the values and ethical standards that policing in England and Wales must adhere to (Westmarland and Conway, 2020).

Next to be considered, is the cultural characteristic of "racial prejudice" (Bowling *et al.* 2019, p.178). Chan (1996) referred to racism and discrimination within her model (discussed above). Since Chan's (1996) research, it has been suggested that over the years, the overt discussions and displays of racism amongst officers has "generally lessened" (Bowling *et al.*, 2019, p.178). However, research has indicated that racist attitudes/behaviours have become more covert (Foster *et al.* 2005). Additionally, there are officers who still have deep-seated feelings of racial prejudice (Loftus, 2009), who will "resent some of the reform efforts" (Bowling *et al.*, 2019, p.178). Although, racial prejudice in policing has been said to be "in part a reflection of general societal prejudice" (Bowling *et al.*, 2019, p.179). This reiterates the discussion above regarding 'cynicism/pessimism', of the importance of ensuring the selection/recruitment of officers who meet share the values and beliefs/ethics of the organisation is key (Chan, 1997; Charman, 2017).

Furthermore, the characteristic of “racial prejudice” (Bowling *et al.* 2019, p.173/178) is linked to the characteristic of “suspicion”. Research has identified that officers develop their cognitive ‘schemas’ (Blasi, 1995; Sklansky, 2007), which refers to where officers learn from training and through experiences, of the types of behaviour of persons they would deem to be ‘suspicious’ (Bowling *et al.*, 2019; Cockcroft, 2012; Ellis, 2010; Holdaway, 1983; Loftus, 2009). Waddington (1999, p.287) discusses ‘suspicion’ as including “an us/them division of the social world within its in-group isolation and solidarity on the one hand and racist components on the other”. Skolnick (2008) agrees with this viewpoint and suggests that the ‘suspicion’ that officers have, should not be changed, as it enables them to catch those who are committing criminal offences. It is the behaviour of officers that use racial prejudice to inform their suspicions (Skolnick, 2008), that requires challenging and these officers should be held to account for breaching the values/ethics in policing (Chan, 1996; Bowling *et al.*, 2008; Ellis, 2010; Sanders and Young, 2003; Stroshine *et al.*, 2008; Van Maanen, 1978; Westmarland, 2008).

The discussion of ‘conservatism’ as a cultural characteristic is focused on the politics of policing and political affiliations of officers, which “tend to be conservative, politically and morally” (Bowling *et al.* 2019, p.173/176). Furthermore, that politics can have an impact on officer’s viewpoints (Bradford *et al.*, 2016; Falker-Kantor, 2018; Reiner, 2010; Skolnick, 2008). Research by Reiner (2016b, p.88) discusses conservatism in policing from 1829 up until the Conservative government being re-elected in 2015. Reiner’s (2016b, p.88) provides credible evidence that there is political ‘favouritism’, as “the Tories as the party of ‘law and order’ in popular sentiment”. However, there is limited qualitative research of officers (in England and Wales) political views, as research into this “in the 1970s...was prohibited by the Home Office” (Bowling *et al.*, 2019, p.176). Reference is made to a small sample survey of Metropolitan Police officers in London (Scripture, 1997), which identified that the majority of the small sample of officers, had indicated that they had voted Conservative in previous elections (Bowling *et al.*, 2019; Scripture, 1997). However, this small sample research was conducted in 1997 (Scripture, 1997) and this indicates that political standpoints of current officers in England and Wales, cannot be clearly determined.

The next cultural characteristic to be discussed is 'pragmatism' (Bowling *et al.*, 2019, p179), which is referring to officers having a "pragmatic, concrete, down-to-earth, anti-theoretical perspective". Therefore, indicating that officers are reluctant to consider recommendations suggested by research (Bowling *et al.*, 2019). Although, there is evidence that there has been a change in recent years, with the ethos of 'professionalisation' of policing (Bryant *et al.*, 2014; College of Policing, 2020b/2022; Fleming, 2012; Wood *et al.*, 2022). Research has suggested that although the previous 'barriers' between academia and policing are subsiding, there is a possibility that aspects of this pragmatic viewpoints, may continue within officers (Bowling *et al.*, 2019). This includes conflicts between what research and professional practice suggest are ethical decision making (College of Policing, 2022) and the decision-making practices of officers (Bowling *et al.*, 2019; Westmarland and Conway, 2020).

Lastly, the cultural characteristic of 'machismo' (Silvestri, 2017), which Reiner (2010) suggests primarily focuses on the 'masculine characteristics' of policing and the implications that this can have on operational practices (Bowling *et al.*, 2019, p177). Manning (1978, p.249) description stated that there is "an emphasis on virility, toughness, masculinity, and masculine interests such as sexual triumphs, sports, outdoor life, and so forth". The discussion of masculinity is then widened to focus on the treatment of female police officers (Bowling *et al.*, 2019). Further research discussing 'machismo', has indicated the difficulties that female officers have/do face in the course of their employment (Archbold *et al.*, 2012; Atkinson, 2017; Rief and Clinkinbeard, 2020; Westmarland, 2008). However, the definition of 'machismo' by Reiner (2010) and Manning (1978), differs from the definition provided by Herbert (1997, p.80) in relation to 'normative orders', which are discussed in the next section.

2.2.2 Normative orders

Previous research by Herbert (1997) focuses on 'normative orders' and indicates that there are multiple aspects of policing culture. Although Herbert's (1997) ethnographic research was based on the Wilshire division of Los Angeles Police

Department, the concept can be applied to policing transnationally, as there are similarities in how officers conduct their duties and exercise their powers whilst policing space. An example of how policing space can be related to policing in England and Wales is when Herbert (1997, p.23) discusses orders, stating that “each order consists of rules and practices that shape how officers make and mark space, how they define areas they patrol and enact boundaries to secure control”. Herbert (1997, p.3) uses the work of Sack (1986) to explain territoriality as “a spatial strategy to affect, influence, or control resources and people, by controlling areas”, suggesting that these ‘spatial strategies’ are an essential aspect of policing powers. The six normative orders are “law... bureaucratic control... adventure/machismo... safety... competence ... and morality” (Herbert, 1997, p.3). Although these orders are suggested to be fundamental, Herbert (1997) indicates that it is impracticable to be able to define which of the orders have more power over each individual officer. Additionally, what each individual officer perceives is more important, due to difference in the space they police, the differences of behaviour of citizens during different times of the day, the rank held and the diverse responsibilities between ranks, which can provide an explanation to why there are recurring discrepancies in the policing organisations (Herbert, 1997).

Herbert (1997, p.13) uses theorists to underpin his work on territoriality and defines territoriality as the “microgeopolitics of state power”, which is suggested to be central to an understanding of how the police as an entity of bureaucratic construct, actually carry out policing and how differential meaning is attributed to their activities. Herbert (1997) uses Bittner (1975) work, which examined the role that police have in society. Herbert’s (1997) interpretation of Bittner’s (1975) work is that:

“The police are summoned to situations in which the use of force is or might be necessary... [instances in which people call on police action] are quite dissimilar...the cops were called because of their capacity to use force...[therefore] the police are most basically understood as an agency that stands ready to use force and can influence action because of that potential” (Herbert, 1997, p.12).

Herbert (1997) suggests that Bittner (1975) did not consider the important component of territoriality in his work. Weber’s (1964) work on ‘the power of the

state' is examined, looking at the relationship between the power and territoriality, examining "the modern state as a bureaucratic administration impelled toward extensive control of the people and activities within the circumscribed territory (Herbert, 1997, p.13). Herbert's (1997) view that there are limitations in Weber's (1964) work, which include the issue that the numerous contexts that enable police action, are often excluded. There are other explanations to territoriality, including an examination of policing cultures and how the cultures of police forces effect policing practices on which control of space is marked, which "var[ies] from place to place" (Herbert, 1997, p.16). Foucault's (1977) work is also perceived to have limitations in regard to territoriality, as it "focused on power's specific techniques as its extremities [and indicated that] ... spatial matters figured large" (Herbert, 1997, p.17). These limitations include that Foucault's (1977) work toned down the importance of the "role of the state and the legal order" (Herbert, 1997, p.17-18). Therefore, failing to appreciate the connective nature that the power of the state and discipline has. In relation to discretion of officers use of powers, it is suggested that Foucault's (1977) and Weber's (1964) work did not provide the significance it should be afforded (Herbert, 1997). Herbert's (1997) research led to the creation of six 'normative orders', which will be discussed.

The first order normative order suggested is 'law', which provides police with the legislative requirements that defines what is lawful and justifiable, which is an important aspect that focuses on the area of discretion (Herbert, 1997, p.3). Herbert (1997) suggests that no matter what the law or organisational regulations specify, discretion enables officers to have a substantial amount of self-governance during their duties. This aligns with findings from previous/recent research (Reiner, 1992; Reuss-Ianni, 1983; Vomfell and Stewart, 2021; Waddington, 1999a; Westmarland and Conway, 2020). Additionally, that the legal and bureaucratic principles are not explicit for any given situation and therefore, are unable to provide an adequate analysis of which legal and regulatory actions are used in a situation (Herbert, 1997).

Herbert (1997) further explains that the law is seen as a resource and that the additional regulations that proscribe provisions laid down by legislation, is open to

interpretation and is subject to a variety of political and social influences. In the context of S&S, this is in relation to powers provided by officers in England and Wales, which are stated within the PACE Codes of Practice (CoP) (Home Office, 2023). Herbert (1997, p.37) suggests that it is important to recognise that although officers could avoid legal constraints “their basic mission, responsibilities and powers are principally defined” within legislation. This indicates that the discussion regarding discretion, which allows officers to assert their powers when faced with criminal activity and suggests when not taking actions would be permissible (Sanders and Young, 2007). Furthermore, that officers have ‘territoriality’, as they “socially construct the places they control”, although understanding of a geographic area are further understood by knowledge of legislation and legal definition of offences, which can “influence how officers view different areas” (Herbert, 1997, p.43). This suggests that officers use legal and regulatory resources to provide them with a margin of flexibility, that they can then use to justify their actions whilst policing space. Looking at S&S, this indicates that there are variances between individual officers use of discretion in S&S. This is due to variances between officers’ perceptions of what would be deemed as ‘reasonable grounds for suspicion’ within S&S (Home Office, 2023, p.8, para 2.2) (see PACE (1984) and ‘Reasonable Suspicion’ section of this chapter, for further information).

Further research has examined the issue of discretion and officer bias in S&S (Alpert *et al.*, 2005; Reiner, 2010; Bowling and Philips, 2008; Bowling *et al.*, 2019; Shiner *et al.*, 2018). The issues include that officers are not supervised directly during their duties in front-line practices (including when conducting S&Ss), this consequently enables there to be substantial variances in policing practices (Herbert, 1997). Discussed above, Chan’s (1996, p.117) previous research included discussion of discretion. Furthermore, previous criminological research (Banton, 1964; Skolnick 1966; Van Maanen 1978) has indicated that in order to ascertain the impact that discretion has on officers practices, understanding policing culture is crucial. Recent research by Vomfell and Stewart (2021) has also indicated that officers discretion in S&S powers increases the ethnic disparities/disproportionality in S&S powers. This suggests that officers’ discretion in S&S is an area within policing culture, which is

important to consider when establishing increased accountability mechanisms, to tackle ethnic disproportionality rates in S&S practices.

The second normative order that Herbert (1997, p.3) indicates is bureaucracy and the 'bureaucratic regulations' that construct rules, which are laid down in policing procedures. These are created through the hierarchical structure of the organisation, in order to vary responsibilities throughout differing roles in the force (Herbert, 1997, p.3). The discussion of the 'professionalisation' of the police through bureaucratic control and the 'success' of this has been debated by researchers such as Brown (1981), who have determined that there are acute inconsistencies between the bureaucratic controls and the actual policing practices. It is indicated that this is due to the:

“disjuncture [which] is largely understood as a function of the incompatibility between the rigidity of bureaucratic strictures and the shifting flux of the events facing patrol officers” (Herbert, 1997, p.61).

This suggests that bureaucratic controls/structures are not fully aware of all the practices that officers conduct whilst policing space. Officers are widely unsupervised and the fact that their actions are not monitored in a way in which these controls can be safeguarded (supervised) (Skolnick, 2008; Westmarland and Conway, 2020). This enables what has been referred to as a sub-culture to arise, creating a bond of loyalty between officers (Westmarland and Conway, 2020) (discussed previously regarding 'solidarity'). This bond works to protect officers from mistakes they may make and not to whistle-blow these to supervising officers (Skolnick, 2008; Westmarland and Conway, 2020). This disjuncture enables what Herbert (1997, p.61) suggests is the sustainable “significant gap between theory and practice”. However, Herbert (1997) goes on to indicate that bureaucracy has an effect on territoriality, as it determines what area of space officers will govern and the parameters of this space.

Previous research has also criticised the differentiation between forces/ranks (Manning, 1993). Herbert (1997, p.62) research suggested differences between the

bureaucracy, which are 'horizontal' and 'vertical'. Herbert (1997, p.62) indicates that 'horizontal bureaucracy' is regarding the differences within the diverse units/divisions of the forces – 'vertical' is defined as the "differences between ranks". Herbert (1997) suggests that this disjuncture allows for officers to work often unaware of the work of other officers or units, which effects the capability to exercise territorial control over the area that officers are policing. Although the cause of this is lack of communication, this could be attributed to lack of resources and constraints on time within the job (Skolnick, 2002). However, Herbert (1997) suggests that this could be due to the variance in units in police forces, which they require to have to ensure their own bureaucratic survival and the funding to the units. Further discussion suggests that in order to overcome these issues and effectively police space, creation of "task forces to deal with a particular crime in a particular area" can enable units/departments to work together (Herbert, 1997, p.69). Nevertheless, these types of police strategic actions require a tremendous amount of effort to organise (Skolnick, 2008) and are seen to be using a large number of resources. Therefore, they are few and far between, compared to standard patrol practices (Herbert, 1997, p.69). Further examination of the term 'vertical bureaucracy', indicates that this refers to the 'chain of command', with regards to territoriality is:

"How a given space is to be approached and secured are difficult ones, answered differently by different officers. The chain of command is designed to alleviate confusion in these moments and to enable the group to work cohesively" (Herbert, 1997, p.71).

This indicates that supervisors of FLPOs are key to ensuring that there is a unified policing approach in their area. Supervisors issuing direct orders to their FLPOs policing the space, is not without its own conflicts, due to the "*struggle between the inside and the outside*" (Herbert, 1997, p.73). This is referring to FLPOs and those in leadership positions in policing, who try to implement mechanisms of accountability, which have been proposed by bureaucratic or political structures.

The next 'normative order' to be considered is "adventure/machismo" (Herbert, 1997, p.79), which is referring to the distinct sub-culture in policing. As discussed previously in this chapter, there are differing perceptions of what constitutes

'machismo' (Bowling *et al.*, 2019). Regarding 'adventure' characteristics, Herbert (1997, p.80) describes officers who displays these, as "relish[ing] the thrill of the pursuit, actively seeks out ...criminals, and values the use of the 'instinct' (as opposed to bureaucratic regulations)". Herbert (1997, p.82) indicates that there are variances in machismo characteristics which are ideal for officers to possess, including "courage, strength, aggressiveness, imperviousness to pain and death". Herbert (1997) suggests that although the characteristics can be seen in officers throughout ranks in forces, that the characteristic is given specific classification within the practices of FLPOs. Additionally, that the negative influences of 'machismo', are behaviours by officers that include:

"Aggressiveness [which] has manifested itself in frequent recourse to force, ... random stop and searches of potential suspects...such tactics are widely reputed to be especially pronounced in minority areas" (Herbert, 1997, p.81).

Therefore, indicating that stereotypes of a person's race has/is used as a basis for some S&Ss, which further research has also identified (HMICFRS, 2021; IOPC, 2022; Shiner *et al.*, 2018; Vomfell and Stewart, 2021). Police officers who display significant attachment to the adventurous behaviour aspect, may not be open to 'community policing' principles (Herbert, 1997). An example of this would be that officers who display this type of behaviour, would not be interested in partaking in meeting within the communities that they police, into order to increase confidence in policing (Herbert, 1997, p.95). In relation to accountability in S&S powers, this indicates that this could relate to officers attending external accountability panels, with members of the community (SSSPs).

The fourth 'normative order' which Herbert (1997) discusses is 'safety'. This is similar to Reiner's (2010) cultural characteristic of 'solidarity', which is suggested is another root cause of why officers fail to whistle-blow on their colleagues who have abused their powers. However, Herbert's (1997, p.100) research indicated that there are positive aspects to 'safety', as it can be used by officers to trigger a number of police operations/police "tactics ... to attempt to secure areas they patrol [and how they] ...define different areas". This may be useful for an example, when dealing with the probable jeopardy of different criminals, or situations that are perceived to be

dangerous (Herbert, 1997; Westmarland, 2008). Furthermore, that the positive aspects of 'safety' include that it can help officers to display varying tactics to ensure the safety of themselves, their fellow officers, and citizens (Herbert, 1997; Loftus, 2009). However, a further negative element of the 'safety' 'normative order', is how officers classify different geographical areas (Herbert, 1997). This has previously given cause for concern, as it enables the labelling of:

“pro-police and anti-police areas – by emphasising the threat posed by suspicious people in the community, officers easily group people together and label them 'anti police', once they are labelled, people may no longer get careful and considered treatment at the hands of the police” (Herbert, 1997, p.119).

Therefore, linking back to earlier discussion of how stereotypes can be used in operational practices (Bowling and Phillips, 2008; Bowling *et al.*, 2019; Reiner, 2010), such as S&S (Ellis, 2010; HMICFRS, 2021) (discussed further in the chapter).

For the normative order of 'safety', Herbert (1997, p.175) uses the example of the Rodney King incident, where officers from Los Angeles Police Department brutally beat King, to exercise their territorial authority and control over him, displaying their machismo characteristics to make and mark space. The Christopher Commission (1991) recognised that when officers have a focus on safety and the potential threats that they are posed with, they have the ability to develop what can be suggested to be a “siege mentality” and are unable to distinguish between “imaginable threats” and the real threats that they are posed with (Herbert, 1997, p.119). The Christopher Commission (1991) suggested that this will affect the behaviour officers display during any responses to threats. Additionally, in Los Angeles, the 'anti-police' areas are typically labelled areas in which 'Black and Latino' communities reside and therefore, this type of behaviour is used disproportionately on these communities (Herbert, 1997, p.119). A more recent case is that of Tyre Nicolls, who was brutally beaten by officers in Memphis and died as a result of his injuries (Cowan, 2023). Although, it can be suggested that police brutality cases are a global policing issue, with cases occurring transnationally (Bowling and Sheptycki, 2012). As discussed previously in this chapter, stereotypes and generalisations have been found to be used by some officers in England and Wales, towards ethnic minority communities

(Bowling *et al.*, 2019; HMICFRS, 2021; IOPC, 2022; Loftus, 2009; Reiner, 2010; Westmarland, 2008; Westmarland and Conway, 2020).

Herbert's (1997) fifth 'normative order' is 'competence', of which examples are provided of how officers mark the space and the areas that they patrol. However, there is the underlying issue that officers may perceive that the overarching controls from bureaucracy and the variances between the responsibilities and ranks of officers, does not effectively support them during their duties (Herbert, 1997). Herbert (1997) suggests that there is a perceived fear with officers that their 'competence' may be undermined whilst policing space, which would affect their ability to impart their authority when dealing with criminals. Additionally, that it would undermine respect, not only from citizens but from fellow officers, who they seek to display their abilities and 'competence' during operational practice (Herbert, 1997, p.133). Herbert (1997) discusses the differences between an individual officer's 'competence', competence of the units and departmental competence, all of which are required to effectively assert territorial control and maintaining public order. Regarding PCCs and politicians, there is evidence in previous research to suggest that they are met with suspicion by police officers and are seen to be "out of touch" with actual policing practices (Bowling *et al.*, 2019, p.176). Therefore, indicating the power struggle between those in policing and those who have bureaucratic control and creation of laws that are required to be enforced by officers (Chan, 1996; Bowling, *et al.*, 2019).

The sixth and last normative order is 'morality', which Herbert (1997) suggests pervades the practices of police officers with a sense of what is right and virtuous, essentially that they should protect society from criminals and deviants. Additionally, that morality is working:

"Toward the goals of internal pacification and cohesion: the morally well-developed citizen is productive and dedicated to the nation's overall welfare, [which] ...can be developed through, say, particular educational efforts or various welfare programs [and]...through the processes of defining a morally inferior other" (Herbert, 1997, p.141).

Therefore, indicating that an officer's own 'morality', is key to understanding their decision making and a MoPs 'morality' is key to understanding whether they will abide by the law. However, 'state' morality has also been an area of academic interest (Herbert, 1997). Herbert (1997) uses the work of Manning (1977), which discusses that the policing aim is for the public to perceive that they are displaying a moral attitude towards their work, in order to remain legitimate. This emphasises the perception that police officers decisions/duties are justifiably a moral ability to assert power, in order to maintain public order (Reiner, 2010). Additionally, that officers maintain an "internal sense of justification [which] helps them understand and value the various actions they undertake" (Herbert, 1997, p.144). This further adds to the argument of morality, when discussing labelling/stereotyping (Bowling *et al.*, 2019; Shiner *et al.*, 2018). Herbert (1997, p.144) suggests that officers label 'others' in order to not only preserve the rule of law by arresting criminals and eradicate their ability to commit further crimes in that area-during their incarceration. Additionally, to determine the differences between citizens who commit crime/evil and the vulnerable citizens who require their assistance (Herbert, 1997). The labelling by police officers has been discussed by other researchers (Bowling *et al.*, 2019; Loftus, 2009; Reiner, 2010; Van Maanen, 1978; Westmarland, 2008). However, the perception between 'good and evil' has the ability for police officers to adopt behaviour, in order to react to the perceived morality of not only the citizen that they are dealing with, but the area that they are policing (Herbert, 1997; Reiner, 2010). Herbert (1997) uses examples to illustrate how this would affect an area, stating that areas that:

"Are described as 'cancers,' which can spread unless they are met with the cleansing agent of forceful and persistent police attention. Again, because minority areas are the ones most regularly defined..., they are the most likely to be deemed candidates for aggressive actions...the heavy-handedness of some police moralising makes it difficult for some officers to avoid castigating an entire area ... as troublesome. Indiscriminate ... policing can be an unfortunate consequence of strict adherence to an overly ardent morality" (Herbert, (1997), p.147-148).

Therefore, further suggesting the disparity in treatment of those from ethnic minority population, compared to those from a white background, which has been highlighted by more recent research (Bowling and Phillips, 2008; Bowling *et al.*, 2019; Shiner *et al.*, 2018). Herbert (1997) acknowledges the role that race has when policing space,

indicating that some of the actions that officers deploy are not overtly racist but are subtly implied or expressed, which exacerbates the tensions and further acts as an impediment to relations with ethnic minorities. This aligns with Bowling *et al.*'s (2019) perception, which was discussed previously. Additionally, Herbert (1997, p.167) suggests that "officers who want to maintain their sense of power and prestige, is thus a conflict between different normative orders that structure policing practice". This indicates that there are challenges faced, when trying to reform practices, in order to improve public perception and relations with ethnic minorities. Therefore, understanding the variance between officers practices is key, as the 'normative orders' that an individual officer will use in practice, cannot be predicted (Herbert, 1997).

This is a poignant argument that is prevalent in policing research, that we are unable to predict how an officer will react in a given time or during different spaces (Bowling and Phillips, 2008, Shiner *et al.*, 2018; Westmarland and Conway, 2020). Overall, this section within this chapter has focused on organisational theory/policing culture/'normative orders' and has suggested the need to ensure there are effective mechanisms of accountability are in place. Before the introduction of PCCs, the system of policing accountability was referred to as the tripartite structure, which was first introduced through the Police Act 1964 (Reiner, 2016a). This is discussed in the next section.

2.3 Police Act 1964 and the tripartite system

In England and Wales policing, the Police Act (1964) was enacted as a method of creating a system of policing accountability, in response to the recommendations stated in the Royal Commission Interim Report (Royal Commission on the Police, 1960) and the Royal Commission Final Report (Royal Commission on the Police, 1962). The recommendations from these reports, were then used to devise the Police Act (1964), which created the tripartite system (Marshall, 1965; Reiner,

2016a). However, the Police Act (1964) did not incorporate the Royal Commission's recommendations to increase the police authorities' supervisory powers, instead the powers given to the Home Secretary and CCs were considerably increased (Reiner, 2010). The Home Secretary had the "power to maintain law and order... [and] a range of strategic and tactical responsibilities that promote the overall efficiency of [policing]" (Joyce, 2011, p.118). One of the powers afforded to the Home Secretary was that CCs could be directed to make available some of their officers to other forces when required, "under the mutual aid procedure" (Joyce, 2011, p.119). This did not require the consent of the forces police authority, which arguably suppressed the powers that police authorities had. This can be seen by the tensions that arose during the Miners' Strike in 1984/5, as police authorities had no power to veto CCs from deploying their officers to other forces, under the 'mutual aid procedure' under the Police Act (1964, section 14 (i)). Under the 'mutual aid procedure' (Police Act, 1964, section 14 (i)), officers were deployed to operations aimed at curtailing protests against the closure of the mines (Loveday, 1986). This was despite some Labour politicians who were members of police authorities, having sympathy for the miners' cause (Spencer, 1985; Waddington, 1999a).

The Police Act (1964, section 5(1)) also gave CCs an increase role and responsibilities, stating that in that the police force are under a CCs "direction and control". Therefore, cementing the doctrine of 'operational independence' into law (see operational independence section). The Police Act (1964, section 5.1) did not define 'direction and control', which Jefferson and Grimshaw (1984) suggested this was a conscious decision, to allow negotiations to take place. CCs were given responsibilities related to appointments/dismissals "of officers up to the rank of Chief Superintendent", in addition to the responsibility of investigating a member of the public's complaint against an officer of lower rank (Joyce, 2011, p.118). These powers were given without the requirement for the police authority to consent to these appointments/dismissals (Joyce, 2011). Police authorities only had the power to confirm the appointment/dismissal of officers above Chief Superintendent rank, which were still subject to the Home Secretary's approval (Joyce, 2011).

The requirements for membership of police authorities were set out in the Police Act (1964), consisting of “two thirds...members of the council; ... one third shall be Magistrates” (Police Act 1964, section 2 (2) (a-b)). Police authorities had the duty to ensure that their police force “secure[d] the maintenance [and was] adequate and efficient” (Police Act 1964, section 4 (1)). Police authorities could issue a direction to a CC, although Jefferson and Grimshaw (1984) suggested that there were no formal powers given to police authorities to enforce the direction. Furthermore, under the Police Act (1964, section 4 (2)), police authorities could “appoint the ...[CC]”, although the powers of the police authority to do this required approval from the Home Secretary. This indicates that if the Home Secretary did not approve of the appointment, this could result in the police authorities chosen candidate, not being appointed. Further issues within the parameters of the legislation were that CCs were required to submit annual reports to the police authorities (Police Act 1964, section 12 (1)). Police authorities could require CCs to provide “a report [regarding]... matters connected with the policing of the area” (Police Act 1964, section 12 (2)). However, an issue was that the CC could make an appeal to the Home Secretary, in order to revoke the request (Joyce, 2011). Therefore, suggesting that the Home Secretary and the CC could curtail accountability measures that the police authorities may have tried to instil. This led to Loveday’s (1983) research indicating that the relationship between the police authorities, CC and Home Secretary was a complex area, which has been highly debated in policing discourse (Marshall, 1965; Reiner 1985, 2010; Waddington, 1984).

Jones *et al.* (1994, p.27) suggested that the “tripartite system is ambiguous, not at all transparent and [in their opinion] is intentionally constructed”. This was in reference to the ‘exit clause’ that was afforded to CCs under the Police Act (1964, section 12.3), which states that information which could be deemed to be not in “the public interest ought not to be disclosed...[to] the police authority”. The CC would be able to appeal this and refer for the decision to be made by the Home Secretary, who would then have the final say as to whether the information was provided to the police authorities, or in redacted formats (Jones *et al.*, 1994). Therefore, this creates the possibility that the Home Secretary and the CC could have both agreed that the information should not be divulged to the police authorities. As a result, excluding

police authorities from obtaining access to this information (Baldwin and Kinsey 1982; Lustgarten, 1986; Marshall, 1978; Millen and Stephens, 2011). Millen and Stephens (2011, p.268) suggests that this can be regarded as the police authorities losing the battle between the two established institutions of the police service and the Home Office, who “have developed strong working ties and systems of operation over many years”. This indicates that the police authorities ability to hold the CC to account were curtailed.

Academic debate in this area has criticised the accountability methods in the tripartite system and especially police authorities (Baldwin and Kinsey, 1982; Day and Klein, 1987; Lustgarten, 1986; Marshall, 1978). A challenge that the police authorities were faced with, was their duty was to ensure that their local force was “adequate and efficient” (Police Act 1964, section 4.1). This could be viewed as conflicting to their scrutiny element of their responsibilities regarding accountability of the police force, as priorities could be placed on efficiency, instead of accountability (Association of Police Authorities, 2005; Boateng 1985, p.238; Miller and Stephens, 2011). Furthermore, Millen and Stephens (2011) indicated that within the tripartite system, police authorities had failed to provide members of the community with sufficient transparency of the accountability mechanisms. Therefore, limiting any influence that members of the community could have on increasing accountability in policing.

Between the introduction of the Police Act (1964) and the late 1970s, policing increasingly became an area of conflict politically (Miller and Stephens, 2011). A ‘subordinate and obedient’ model (Marshall, 1978, p.61), which was suggested to be democratically appropriate, was advocated by Labour politicians in the late 1970s to put elected authorities as the forefront of control of the police (Jefferson and Grimshaw, 1984; Reiner, 2016a). Nonetheless, this was resisted by those in policing, including the then Association of Chief Police Officers (ACPO) (National Police Chief’s Council - NPCC, 2019) ¹, and the Police Federation (Reiner, 2016a).

¹ ACPO was replaced by the NPCC in 2015 (NPCC, 2019).

Additionally, the Conservative party opposed the 'subordinate and obedient model' and advocated for the 'doctrine of constabulary independence' (Reiner, 2016a). In the 1980s, the political conflict heightened, as the debate about police accountability increased during the Miners' Strike (Reiner, 2010; 2016). However, the Conservative Government again resisted the Labour 'subordinate and obedient model' (Marshall, 1978, p.61), indicating that this would amount to politicisation of policing and again advocated for the 'doctrine of constabulary independence' (Reiner, 2010; 2016). Nevertheless, Reiner (2016a, p.136) suggested that although there was no political consensus on the debate of police accountability, the issue remained that the tripartite system in practice was a "tacit 'gentleman's agreement'". This is suggesting that as CCs had operational independence, the Home Secretary was "the potentially dominant party in the triangle" (Reiner, 2016a, p.136). Reiner (1985, p.193) refers to this as "police authorities [who] pay[s] the piper.... but don't call the tune", as the powers provided to police authorities under the Police Act (1964) were limited. These were limited further by the knowledge that members of the police authorities had, with "many... deferring normally to the [CCs] 'professional' expertise" (Reiner, 1985, p.193). This indicates further restrictions on police authorities abilities to hold CCs to account.

Additionally, it was highlighted that there was an inability for the three elements of the tripartite system to apply sanctions on one another. An example of this being that the Home Office had the power to suppress the grant given by the government to the police force, when it considered that the force was inefficient (Reiner, 1985). However, Joyce (2011) suggests that the reality was that this was never enforced, even when this action could have been deemed justified, as it would bankrupt the force and stop the force from operating. The Home Office (1993, p.7) later acknowledged that there was a blurring of accountability, due to an "entanglement of responsibilities", which limited the potential for the three elements of the tripartite system to hold each other to account. Therefore, indicating that the tripartite system was ineffective in providing accountability of policing.

This section has provided an overview of the tripartite structure of policing accountability created by the Police Act (1964), discussing criticisms of the tripartite structure, and the limitations placed on police authorities abilities to improve accountability in policing. The next section provides a review of S&S and disproportionality.

2.4 S&S and disproportionality

The Home Office (2005) has discussed the manner in which S&S is conducted by officers. The College of Policing (2017; 2022) have stated the importance of policing communities fairly, as well as the impact that the use of the powers has on public confidence and public perceptions of policing. As with previous discussions above in relation to discretion, Bowling and Phillips (2007) research suggested we should not expect that every S&S will be carried out in the exact manner as stated in the legal and regulatory requirements, due to the nature of the pressures faced by FLPOs, requiring decisions to be made precisely and swiftly. However, forces must ensure that sufficient training is provided to officers and that they are assured that officers have contextualised the rationale for conducting the search within the legal and regulatory parameters, to decrease “mistakes and unfair practice” (Parmar, 2011, p.379). HMIC (2003) and HMICFRS (2021) have indicated that police officers must ensure that they use their S&S powers fairly, effectively, and proportionately.

Regarding proportionality, there are various definitions which have been written in policing discourse of what disproportionality refers to. The Home Office definition is “the extent to which police powers are used against different groups of people in proportion to the demographic profile of the population” (Home Office, 2005, p.32). However, the working definition of disproportionality this research focuses on, is a more detailed definition and affords utility for policing discourse:

“...the extent or degree to which something appears to be inappropriate or ‘out of proportion’ to something else. Specifically, in relation to the police power to [S&S], the term has been used to describe a disparity or imbalance in the

application of the power to different ethnic groups, in comparison with a neutral criterion” (Bowling and Phillips, 2007, p.943-944).

Recent research by HMICFRS (2021) has indicated that S&S is still disproportionately used against people from ethnic minority backgrounds. Research by Burton *et al.* (2008, p.13) suggested that the term ethnic minorities, has been “effectively racialised through forms of recognition in classification systems [such as the census] ... through particular language to describe them and through expectations of their existence”. Burton *et al.* (2008) comment can be suggested to be still taking place today, as within S&S ethnicity classifications are used, which are the ‘Self-Defined Ethnic Classification Categories’ on S&S forms (see Appendix K for more information on ‘Self-Defined Ethnic Classification Categories’) (Home Office, 2020b).

Nonetheless, there is a historical context to the disparity/imbalance in the application of S&S powers against ethnic minorities in England and Wales (Antonopoulos, 2003; Bowling *et al.*, 2008; HMICFRS, 2021). Antonopoulos (2003) indicated that disproportionality started as far back as the 1940s with the British Nationality Act (1948). This Act as well as other Immigration Acts, such as the Commonwealth Immigrants Act (1962) and the Commonwealth Immigrants Act (1968), had tightened controls on migrants entering the United Kingdom (UK). Solomus (1993, in Weber and Bowling, 2008, p.365) criticised the Commonwealth Immigrants Act (1968) by suggesting that it was “a shameful colour bar” because it appeared to be targeted at prohibiting the immigration of people. Antonopoulos (2003, p.222) suggested that these immigration policies led to a disparity in the treatment of ethnic minorities because it “created an ideological climate identifying black people as dangerous”, which was reflected in the government’s crime statistics. Antonopoulos (2003, p.223) indicated that the media’s portrayal of youths, particularly youths from ethnic minorities, were more likely to commit theft of the person offences. Antonopoulos (2003, p.223) suggests this led to stereotyping and police activity being targeted more “towards unemployed black youth[s]”, as a mechanism for reducing future occurrences for the individual offending and to “stop them from ‘giving the area a bad name’”. This coincides with research by the Equality and Human Rights Commission

(EHRC) (2010). It indicated that this strategic approach resulted in the tactical outcome, which EHRC (2010) suggests were institutionally racist S&S, resulting in a disproportionate number of ethnic minorities being stopped and searched. Therefore, indicating that historically, there has been stereotyping and racial inequality in S&S.

Recent research by HMICFRS (2021) has also suggested that some officers have been found to use racial prejudice during their operational practice in recent times. Reiner (2010) indicates that this is not a recent issue, as throughout the twentieth century, there have been different historical events such as the early race riots of Nottingham and Notting Hill in 1958 (Antonopoulos, 2003; Hall, 1999; Rowe, 2004), as well as the 1970s campaigns (Maggs, 2019) against the 'Sus' law (Vagrancy Act (1824, section 4) (discussed previously). Hall (1999) suggested the Vagrancy Act (1824, section 4) was an enabling power, which permitted random S&S (Hall, 1999). The political and academic campaign against the 'Sus' laws contributed to making police powers regarding S&S a significant matter of interest (Hall, 1999). The race riots in 1981, were due to rising tensions between the police and black communities, which came to a head in the London area of Brixton in April 1981 (Bowling *et al.*, 2008). This was then “followed by Manchester, Liverpool, Birmingham and other towns and cities in July” (Bowling *et al.*, 2008, p.614). The race riots in 1981 are commonly referred to as the Brixton Riots (Antonopoulos, 2003), which led to the public inquiry chaired by Lord Scarman, referred to as the Scarman (1981) report. This is discussed in the next section.

2.5 Scarman (1981) report

The Brixton Riots of 1981 are suggested to have been sparked due to 'Operation Swamp 81' (Bowling *et al.*, 2008), which was an operation conducted by the MPS during an attempt to arrest “street robbers and burglars” (Rowe, 2004, p.82). Scarman (1981) examined the S&S powers that were used during “Operation Swamp 81”, as well as providing an analysis of the legislation on police powers of S&S (Metropolitan Police Act, 1839, s.66), deeming that the powers were necessary. However, Scarman (1981, p.113, para 8.58) indicated that “the law in this area was a

mess". Scarman (1981) identified the use of search powers as a key factor in the cause of the Brixton Riots. The impact from operations, such as Operation Swamp, severely affected relations with ethnic minorities and indicated that:

"They provoked ... hostility of young black people, who felt they were being hunted irrespectively of their innocence or guilt ... their hostility infected ...members of the community, who, hearing stories of many innocent young people who had been stopped and searched, began themselves to lose confidence in, and respect for, the police" (Scarman, 1981, p.51-2).

Therefore, suggesting that operations involving widespread S&Ss being conducted disproportionality against ethnic minority communities, impacts police legitimacy and public confidence in policing. Scarman (1981) introduced what has since been described as the 'bad apple' thesis (Bowling, 1999; Bowling and Phillips, 2002), to explain the issue of racism amongst some officers in the MPS. Scarman (1981, para 4.62) stated that the operational performance of what he described as "a few officers", when they were encountering ethnic minorities on the streets. That these officers were distorted by their racial biases in practice and indicated this was due to a "lapse into an unthinking assumption that all young black people are potential criminals" (Scarman, 1981, para 4.62). However, Scarman's (1981) indicated that that not all officers had these biases/prejudices.

Scarman (1981, para.4.62) stated he rejected that Britain "is a society which knowingly, as a matter of policy, discriminates against black people" and suggested that he did not perceive racial prejudice within the MPS policies. Scarman (1981, para.4.62) stated that "the criticism lies elsewhere – in errors of judgement, in a lack of imagination and flexibility, but not in deliberate bias or prejudice". Scarman (1981, para 4.66 - 4.67) asserted that racist policing was not part of the issue and that central to the problem was the belief held amongst members of ethnic minority communities, which was fuelled by 'power of gossip and rumour' that FLPOs can be racist. McGhee (2005, p.22) suggests that this was a diversion tactic and that Scarman's (1981) perception dismisses the true concept of institutional racism, as Scarman's argument was that the hierarchical structure were not authors of racists

policies and that the focus was on “a small, but regrettable number, of low-ranking prejudiced officers”. Instead, Scarman (1981) focused on the issue of racial disadvantage. Sivanandan (1985, p.5) indicates this was “steering its way gingerly between the Scylla of institutional racism and the Charybdis of inherent inferiority”. Therefore, suggesting that Scarman (1981) failed to place the event into the wider historical background of relations between police officers and ethnic minority communities (Hall, 1999). Bourne (2000) indicated that in the context of the Brixton riots, this was particularly poor.

Contrary to what Scarman (1981) stated, research undertaken by the Home Office (1983) showed that the issue of institutional racism can be manifested whilst officers used their S&S powers. Home Office (1983) recognised that many S&Ss were disproportionate and could not be legally substantiated, as there was an over-representation of ethnic minorities and the grounds for the S&S were arguably feeble, in the context of a situation of aggravated racial tension. However, several recommendations were previously made during the RCCP (1981) (the Phillips Commission report), which is discussed in the next section.

2.6 Royal Commission on Criminal Procedure (RCCP) 1981

The RCCP (1981) (the Phillips Commission report) gave a series of “recommendations for a complete overhaul of police powers” (Home of Commons, 2014, p.9). Cape (2003, p.357) suggests that the Phillips Commission was “designed to provide a national power that was subject to strict safeguards”. Cape (2003) indicated that these were aimed at tackling what was the heavy-handed policing efforts on S&S during the race riots of 1981. The Government rejected some of the Commission’s recommendations, including the recommendation that S&S should be contained within a “uniform power” (RCCP, 1981, p.2). It was viewed that the repeal of all of the existing legislation and the enactment of a single piece of legislation, was

considered to be an uneconomical use of the Government's Parliamentary time (RCCP, 1981).

However, aspects of the proposals by the RCCP (1981) were seen to be "highly controversial" (Zander, 2005, p.xiii). Prior to the RCCP (1981) report, there had been a 'Scrap Sus Campaign' which was supported by the Citizens' Rights Movement and other organisations, such as the Legal Action Group, the Haldane Society of Socialist Lawyers and the National Council for Civil Liberties [now known as Liberty] (Liberty, 2010). These organisations were wishing for repeal, or amendment of the 'sus law' (Maggs, 2019) (discussed previously). Cashmore and Troyna (2013, p.123) suggest that they were among some of the organisations who voiced "strong criticism" of the RCCP report (1981), as they believed that it did not go far enough to protect the rights of citizens from discriminatory stops and searches.

Further controversy regarding certain elements of the RCCP (1981) report, was discussed in the House of Commons, including the Commission's review recommending that:

"powers which involve an intrusion upon someone's person or property, or a deprivation of liberty should normally be available only if there is at least suspicion on reasonable grounds that a person has committed an offence, and in its recommendations, it has sought to provide suspects with safeguards which offer the possibility of immediate challenge and subsequent review by the courts of the exercise of those powers" (Munday, 1981, p.194).

However, following the RCCP (1981) in 1982, the Police and Criminal Evidence Bill was presented to Parliament (Parliament. Home of Commons, 2014, p.9). After amendments were made, it was re-presented in 1983 (Zander, 2005). Parliament amendments included the removal of the recommendation that there could be judicial scrutiny of cases where S&S powers were exercised (Munday, 1981). Munday (1981) indicates that this was a concession to the Government, who were anxious that if the courts were to rule that an unlawful S&S had taken place, they

would have to pay compensation. This was viewed to create the difficulty between the independence of policing powers/duties and other aspects of the Criminal Justice System (CJS), such as the Crown Prosecution Service (CPS) and the courts (Joyce, 2011; Munday, 1981; Zander, 2005). Therefore, by removing the power of judicial review over S&S procedure, the Government eliminated this possibility (Zander, 2005). This Bill ultimately became PACE (1984), which is discussed in the next section.

2.7 PACE (1984) and ‘Reasonable Suspicion’

After the highly publicised riots in the 1980s (Scarman, 1981; Waddington, 1999a), failures in the tripartite structure ability to ensure that police powers were exercised in a fair manner were highlighted. Scarman (1981, para.5.62) suggested that police authorities when using their powers, are “somewhat uncertain of themselves” and that CCs had an “inward thinking...mentality” (Scarman, 1981, para. 5.58), as they failed to consult with their police authority or the wider community. Scarman’s (1981) inquiry resulted in a number of recommendations being made and the RCCP (1981), which led to the Police and Criminal Evidence Bill being presented to Parliament for consideration (Home of Commons, 2014, p.9). This led to the PACE (1984) being enacted, which entered into force in 1986.

There was only one change made to the accountability structures in the tripartite (Joyce, 2011), which were the arrangements required by PACE (1984, section 106). PACE (1984, section 106 (1)) is the “arrangements for obtaining the views of the community on policing”, which should be arranged by police authorities (or Mayor’s office who has responsibility for policing, such as the Commissioner of the MPS (PACE, 1984, section 106 (3))). Police authorities were required to plan to gain public views of policing and suggest recommendations to enhance community co-operation with the local police force, to enhance crime prevention (PACE, 1984, section 106 (1)). The arrangements and recommendations could only be implemented if police

authorities had informed the CC and if the CC had agreed that the revisions “would be appropriate” (PACE, 1984, section 106 (2)). Therefore, these arrangements just required the police force/police authorities to listen to their communities concerns regarding crime in the area, but the police authorities did not have to consider/implement recommendations that were provided by MoPs (Joyce, 2011).

PACE was introduced “to standardise and professionalise police work” and the Act provides a raft of policing powers (Joyce, 2011). Reiner (2010, p.176) stated that although there had been developments in policing powers in previous years, PACE (1984) is “the single most significant landmark”. In relation to S&S, PACE (1984) included “a core framework of police powers and safeguards” (McNulty, 2007, column WS63), including the requirement that the Secretary of State has to issue CoP (PACE,1984, section 66). Code A is the CoP for S&S, which “governs the exercise ... of statutory powers to search a person or a vehicle” (Home Office, 2023, p.6, para 1.03). The CoP offers guidance in relation to the mandatory legal requirements, regarding the “application and interpretation” (Home Office, 2023, p.6, para 1.02) of the provisions stated in PACE (1984) and those statutes listed in “Annex A” (Home Office, 2023, p.26). These include seventeen sections of legislation, which enables S&S powers to be used (Home Office, 2023, p.26-29). The search powers used after arrest is under PACE (1984, section 32) are not a S&S power and are not included within Code A (Home Office, 2023).

The CoP imposes a set of obligations that police forces are required to adhere to (Joyce, 2011). This includes that S&S powers which require ‘reasonable suspicion’, (Home Office, 2023, p.7, para 2.1 (a)), examples of these include PACE (1984, section 1) “for stolen and prohibited articles” and Misuse of Drugs Act (1971, section 23) for “controlled drugs”. The legal test of reasonable suspicion, is:

“(i) Firstly, the officer must have formed a genuine suspicion in their own mind that they will find the object for which the search power being exercised allows them to search ... and

(ii) Secondly, the suspicion that the object will be found must be reasonable. This means that there must be an objective basis for that suspicion based on facts, information and/or intelligence which are relevant to the likelihood that the object in question will be found, so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and/or intelligence” (Home Office, 2023, p.8, para 2.2).

Regarding the term “a genuine suspicion in their own mind” (Home Office, 2023, p.8, para 2.2), each individual officer may have a different view of whether a person should be stopped/searched. There are no specific examples given in the CoP (Home Office, 2023) and as previously discussed, officers have a large amount of discretion regarding whether or not they use their powers of S&S (Ellis, 2010; HMICFRS, 2021). Officers are given the powers, based on the perceived “likelihood ...the person searched is in possession of an item for which they may be searched” and is not contingent on whether officers have suspicion that the person has/is “committing an offence in relation to the object of the search” (Home Office, 2023, p.8, para 2.2A). Therefore, suggesting further the disparity in individual officers' perceptions, of whether a person has an object on them which breaches legislation. Referring to ‘reasonable suspicion, it is stated in PACE Code A, that officers’ decision making:

“can never be supported on the basis of personal factors.... [therefore,] unless the police have information or intelligence... [providing] a description of a person suspected of carrying an article for which there is a power ..., the following cannot be used, alone or in combination with each other, or ...with any other factor, as the reason for stopping and searching any individual...Generalisations or stereotypical images that certain groups or categories of people are more likely to be involved in criminal activity” (Home Office, 2015b, section 2.2B).

Previous research by Sanders and Young (2011, p.286) has suggested that “it would be hard to find a better example of an ‘enabling’ rule”. Ellis (2010, p.205) indicates that reasonable suspicion “has... led many officers to creatively construct accounts [which]... tend to downplay intuitive, emotional-feeling-affective-based insights ... to appear to be grounded in objective reasoning”. Ellis (2010, p.201) suggested that by introducing the concept of ‘reasonable suspicion’ results in “a shift of focus from

rooting out racism, to rooting out subjectivity. This is both impossible, as decision-making processes cannot be divorced from subjectivity ... [which] is at the heart of much good policing work” (Ellis, 2010, p.201). The ‘subjectivity’ of the definition of reasonable suspicion is in addition to some policing powers, which Sanders and Young (2011) suggest are inadequately defined and priorities for local forces are set through specific force policies and police forces objectives.

However, the CoP imposes sets of obligations that police forces are required to adhere to, yet breaching the CoP “does not automatically lead to criminal or disciplinary proceedings, although it may form the basis of a disciplinary hearing” (Joyce, 2011, p.54). Therefore, indicating weaknesses in accountability. Smith and Gray (1983, p.171) suggests that the CoP can be regarded as “presentation rules”, to convey the impression to MoPs that police work is done in a professional manner. Research suggests that Code A is not always followed and can be discounted by officers when conducting a S&S (HMIC, 2013a; HMICFRS, 2021; Smith and Gray, 1983). Harlow and Rawlings (1997, p.157-8) concur with this and indicated that there have been instances in which the CoP have been overlooked and that officers have not strictly abided by the CoP. The MPS in 2014, acknowledged that:

“there are still too many occasions when the police use [S&S] without reasonable grounds for suspicion. Our research with young people found that they still believe that they are targeted because of their appearance. Their concerns are backed up by national research: [the then] HMIC found that in over a quarter of the records it reviewed nationally, reasonable grounds ... were not recorded. On this basis, the [MPS]... could have carried out over 80,000 stops without reasonable grounds ... in the last year. Previous studies ... have found that the police often act on “hunches”, with stereotypes central to individual decision-making” (Greater London Authority Police and Crime Committee, 2014, p.18, para 3.2).

Recent research by HMICFRS (2021, p.7) which examined samples of S&S records from a number of forces, suggested that they “estimate that there were reasonable grounds for [S&S] ... in 81.7 percent of cases. This is down from 94 percent in 2017”. This indicates that there are a number of S&Ss which do not comply with the ‘two-stage test of reasonable grounds for suspicion’ (Home Office, 2023, p.8, para

2.2) and that the number of those complying, has fallen. Previous research has suggested that there are S&Ss conducted, which are based on generalisations and/or stereotypes (HMICFRS, 2021; Greater London Authority Police and Crime Committee, 2014; Singer, 2013; The Young Foundation, 2013; Quinton, 2011). If an officer used a generalisation/stereotype regarding the person's race or ethnicity as their basis for the S&S, this would be a breach of the public sector duty under the Equality Act (2010, section 149). Officers have a:

“...duty to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation, to advance equality of opportunity between people who share a ‘relevant protected characteristic’ and people who do not share it, and to take steps to foster good relations between those persons” (Home Office – Code A, 2023, p.6, para 1.1).

This would constitute an unlawful S&S, as the “duty prohibits discrimination, harassment or victimisation based on protected characteristics” (College of Policing, 2020a). There are varying definitions of ‘stereotype’, Allport’s (1954, p.191) definition is “an exaggerated belief associated with a category [whose] function is to justify (rationalise) our conduct in relation to that category”, which is the definition being used in this research. Ellis indicates that stereotypes have been used historically:

“as necessarily deficient, subjective and irrational forms of processing and therefore, distinct from so-called normal processing...often seen as tending to form the basis for negative, hostile exploitative and unjust judgements” (Ellis, 2010, p.206)

Jordan (2000) disagrees with this point of view and suggests that during their duties, officers have to make a judgement call as to whether the situation in front of them requires police involvement. Jordan (2000, p.24) indicated that the word stereotype “is another way of saying ... they are drawing upon their experience, and (inevitably) cultural influences, to summarise information about possible courses of action, prior to selecting one and acting upon it”. This is contradictory to the definition of institutional racism provided by Macpherson (1999, para 6.34), which is discussed later in this chapter. Ellis’s (2010) arguments are in line with Macpherson’s (1999)

definition. Further research has indicated that generalisations/stereotypes are used by officers to base their decision on whether to S&S someone (Greater London Authority Police and Crime Committee, 2014). This has a negative impact on positive police community and race relations, which are vital for public confidence and trust in policing (HMICFRS, 2021; Myhill and Beak, 2008). HMIC (1997) discussed police community and race relations within their Thematic Inspection Report, which recognised that there was a growing awareness that:

“the police cannot win the battle against crime without the support of the communities they serve... gaining their trust will require both improvements in the quality of service... and the adoption – ...of a community focused strategy which recognises diversity . . . In effect ...the police organisation should reflect a community and race relations element in their individual plans and strategies” (HMIC, 1997, p.4).

HMIC (1997) highlighted the need for change in their report. In addition to the need for change, Reiner (2010) indicated that changes need reinforcement and there should be a wider focus on accountability in policing. Overall, this section of the chapter has focused on PACE (1984), ‘reasonable suspicion’ and the need to have the trust of communities that police officers/forces serve. Further changes have been made to policing accountability by subsequent legislation. A discussion of the changes to policing accountability and S&S between the period of 1985 – 2010, is provided in the next section.

2.8 Changes to policing accountability and S&S between 1985-2010

The below three subsections discuss changes to policing accountability and S&S between 1985-2010. The first subsection discusses the changes between 1985-1999. The Macpherson (1999) report is then discussed, followed by the changes to policing accountability and S&S between 2000 – 2010.

2.8.1 Changes to policing accountability between 1985 – 1999

The below table (2.1) discusses the legislation between 1985-1999, the changes this made to accountability governance structures, and criticisms that have been posed by previous research.

Table 11: Legislation between 1985 and 1999

Legislation	Changes/Criticisms
Local Government Act (1985)	<p>The number of boards created, as when the Greater London Council was scrapped, which led to the establishment of only “20 joint boards” (Wilson and Game, 1994, p.66). Therefore, indicating the limited impact these boards can have on accountability of the entire Greater London area.</p> <p>Accountability was further curtailed, as Councillors who were members of the joint boards did not have the necessary knowledge/experience required for the role, which then led to them being “more willing to accept the [CCs] definition of their responsibilities (Loveday 1987, p.14-15).</p> <p>Membership of the boards not only included councillors but also Magistrates (who constituted at least thirty percent of the members - similar to the membership of police authorities), which created tenseness and hostility (Wilson and Game, 1994). Furthermore, that issues “of party politics... prevailing over the forces of localism and responsibility to districts” limited the impact of accountability mechanisms (Wilson and Game, 1994, p.66).</p> <p>Research by Leach (1987) indicated that MoPs in the Metropolitan area (who had taken part in the research), showed that only a significantly small proportion (2-4%) were aware that the joint boards had responsibilities. Therefore, indicating that MoPs had a lack of awareness of the functions and responsibilities of joint boards.</p>
Police and Magistrates Court Act (PMCA) (1994)	<p>The Home Office exerted control over the police forces/CCs/police authorities, by “setting detailed targets, prescribing policing strategies, inspecting performance and requiring the implementation of detailed action plans” (Loveday and Reid, 2003, p.7). Increasing control by the Home Office of police forces, was judged by the newly formed ‘Police Performance Unit’ within the Home Office, which examined the new ‘performance indicators’ (Joyce, 2011). The use of ‘performance indicators’ has been</p>

criticised by previous research (Alderson, 1994; Joyce, 2011; Loveday and Reid, 2003). Criticisms included the extent to which they were pertinent to the needs of the local force (Loveday, 2006) and that indicators could lead to further S&Ss being conducted unnecessarily (Reiner, 2010).

The PMCA (1994, section 4 (1)) made amendments to all three parties in the tripartite structure, roles and responsibilities and 'efficiency' and 'effectiveness' were the key priorities. Police authorities were given an increased ability to hold CCs accountable to policing priorities locally, through the local policing plan (Joyce, 2011; Reiner, 2010). The Home Secretary was given powers, to amalgamate forces, in order to improve efficiency (Reiner, 2010). CCs were given greater 'direction and control' in one aspect, that the responsibility for determining the number of officers employed for their force was provided to them. This was previously under the control of the Home Office (Jones *et al.*, 1994; Joyce, 2011).

The local policing plans provided by CCs and police authorities for their force area, had a covenant ensuring they met all objectives that were set nationally by the Home Secretary (Reiner, 2010). Police authorities had to utilise what they had in their limited budget, which they had been given by the Home Office (Joyce, 2011; Reiner, 2010). The scope given to police authorities for asserting governance was limited, by way of the CCs who were required to create the "draft of the local policing plan", who were then required to provide this to their police authority (PMCA, 1994, section 4 (B) (4)). The police authorities were only able to alter the draft plan created by the CC, if they had discussed the proposed changes with the CC, prior to the plan being published (PMCA, 1994, section 4 (B) (4)). Therefore, further limiting the scope of governance in accountability mechanisms that police authorities had.

The 'Old Labour' concerns regarding the accountability of policing, police abuse/misuse of power, were quashed and the focus was shifted to financial stewardship (Reiner, 2010; 2016). Reiner (2010, p.103) indicated that "accountability has become accountancy", that politics and central government was ever encroaching on policing.

Police authorities were required to consult with the electorate in the local area through police community liaison groups, which had been created as a result of PACE (1984) "in the mid 1980's" (Jones *et al.*, 1994, p.229). However, their views only needed to 'be considered'... as a result of CCs operational independence and 'direction and control' (see operational independence section). Jones *et al.* (1994) suggested that the impact of community views would have, would be marginal to the policing plan development. Police authorities were the bridge between police forces and the local

	<p>community, they had a critical role in building public trust and confidence in the police force (Coleman, 2005). Yet, the roles of the police authorities and the CCs became more interdependent due to the PMCA (1994). Nevertheless, Jones and Newburn (1997) suggested there was 'potential strength' created by the PMCA (1994), as if the police authorities worked in partnership with the CC, the ability for the police authorities to be side-lined would be minimised. However, Jones and Newburn (1997) indicated that this 'potential strength' was not fully realised.</p> <p>Overall, it was concluded that the PCMA (1994) changed the tripartite structure insufficiently and there was minimal change made, apart from further application of power being given to CCs (Jones and Newburn, 1997). The Home Secretary at the time did not exercise the powers provided by the PMCA (1994), in order to limit additional political controversy. The inexplicit objectives that were provided, had already been given prioritisation locally amongst forces (Jones and Newburn, 1997). The potential for increases in accountability through the PMCA (1994) was 'transitory', as the Conservative party lost the election to the Labour Party, shortly after the PMCA was enacted (Jones and Newburn, 1997; Joyce, 2011).</p>
<p>The Police Act (1996)</p>	<p>This legislation made amendments to previous legislation, adjusting changes that had previously been introduced in the PMCA (1994). Additional powers were enacted for the Home Secretary, enabling them to "determine objectives for the policing" (Police Act, 1996, section 37) and set 'performance targets' (Police Act, 1996, section 38). Under Police Act (1996, section 96), the police authorities were required to consider the views of the local community when establishing their objectives. However, the Police Act (1996, section 104) repealed PACE (1984, section 106), which required police authorities to plan to gain public views of policing, enabling suggested recommendations to enhance in crime prevention in their force area. Therefore, further limiting police authorities requirements to consult with members of the community.</p>
<p>Crime and Disorder Act (CDA) 1998</p>	<p>The Act was introduced by the 'New Labour' government (Newburn, 2002). It confirmed 'New Labour's' commitment to their electoral priorities (discussed during their manifesto) (Newburn, 2002). Their key election issue and the community safety and crime prevention elements of their criminal justice strategy was enacted under the CDA (1998; Newburn, 2002). The CDA (1998, section 6) refers to 'responsible authorities', which is 'the council for the area' and 'chief police officer' (CDA, 1998, sections 5, (1), (a)-(b)), who were required to co-operate with police authorities, probation committees and other bodies prescribed by the Home Secretary (CDA, 1998, sections 5, (2), (a)-(c)). Therefore, as police authorities were not named as 'responsible authorities' within the legislation and were only required to be 'consulted',</p>

	<p>limited their scope for making amendments to the strategies. Police authorities could only 'co-operate' with the CC and possibly the local authority if they were given permission to do so. This led to Loveday (2001, p.56) stating that the co-operation was "likely to be...more token than real", suggesting further curtails on police authorities abilities to enhance accountability in their local police force.</p> <p>Houghton (2000) suggested that changes to accountability and control within the tripartite structure were made, due to the new involvement of the local government, as the 'responsible authority' (Joyce, 2011). Due to the changes in the legislation making police authorities a 'co-operating body' (CDA, 1998, section 5, (2) (a)), it became more problematic for "a police authority to hold a [CC] accountable for [their] performance" (Joyce, 2011, p.131). Newburn (2002, p.109) suggested that this resulted in "responsibilities ...becom[ing] fragmented and ... accountability blurred". The fragmentation was further described, in that responsibilities for crime prevention were devolved to local level, therefore increasing the difficulties of coordinating crime prevention methods and possibilities for enhancing accountability (Loveday, 2001).</p>
<p>Local Government Act 1999</p>	<p>Further concern regarding 'performance and efficiency' was linked to the Home Office increasing public money being spent on the police service (Home Office, 2002). The 'best value' principle, under this legislation, was "a new approach to performance management" (Joyce, 2011, p.131). The 'best value' approach has been defined as the requirement for "local authorities, police authorities and fire and rescue services authorities (termed best value authorities) to seek continuous improvement in the delivery of its services in order to achieve the objectives specified in the legislation" (Joyce, 2011, p.131). 'Best value' focused on looking at 'value for money', not just the financial cost, with 'value for money' looking at "quality of service" for the communities living within the local policing area (Joyce, 2011, p.131). Yet, Newburn (2002, p.118) indicated that the requirements of 'best value' "further reinforce this marketisation of criminal justice". Further criticisms were that 'best value' blurred the 'tripartite' relationship' in relation to police authorities responsibilities of provisions of efficiency. Loveday (2001, p.59) suggested that "it would appear that the ultimate arbiter of this has become HMIC, which remains immediately answerable to the Home Secretary" (Loveday, 2001, p.59).</p> <p>Additionally, an issue highlighted in previous research by Department of the Environment, Transport, and the Regions (DETR) (1998), was that police authorities were named as 'best value authorities' and had responsibilities to consult local communities and produce local performance plans. Within this, police authorities could be held responsible for failure to deliver these mechanisms of 'best value'</p>

	(DETR,1998). Although it is difficult to ascertain the influence police authorities had in operational failures, as CCs have operational independence/responsibility over their officers and police authorities “only ha[d] limited influence” (Loveday, 2001, p.580).
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The above table has highlighted changes to accountability between 1985-1999 and the further curtailment of police authorities abilities to increase accountability in policing. Accountability in policing was brought to the forefront of public attention again in 1999, after the Macpherson (1999) report was published (Bowling *et al.*, 2019). The Macpherson (1999) report was the public inquiry which set out to examine the police investigation of the unprovoked racist murder of Stephen Lawrence. The report (Macpherson, 1999) considered wider issues of institutional racism within a police force and issues in S&S practices. This is discussed further in the next section.

2.8.2 Macpherson (1999) Report

The setting up of what was to become the Macpherson (1999) inquiry was announced during a House of Commons debate, by then Home Secretary Jack Straw (Dennis *et al.*, 2000, p. xiii). Macpherson’s (1999, para. 46.1) report revealed that “there is no doubt ...that there were fundamental errors. The investigation [into Stephen’s murder] was marred by a combination of professional incompetence, institutional racism, and a failure of leadership”. Innes (2004) indicated that the murder of Stephen Lawrence can be suggested to be a signal event. Rowe (2007, p.151) suggests that a signal event, is where “incidents that induce a notable change in terms of how people, think, feel or act... [which] can involve anger, fear or a generation of political campaigns”. In the case of Stephen Lawrence, it was the public outcry regarding the failure of the policing investigation into the case, institutional racism, and the lack of justice, particularly in the case against the suspected murders (Dennis *et al.*, 2000; Innes, 2004; Rowe, 2007). To this day, there are still three suspects, who were regarded as prime suspects in the case, who

have not been convicted or received any punishment for the murder of Stephen Lawrence (Lammy, 2017b).

Regarding institutional racism, Macpherson (1999, para 6.6) did not agree on the findings of Scarman (1981) (discussed earlier in this chapter). Macpherson gave a new definition of institutional racism as:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people” (Macpherson, 1999, para 6.34).

Despite the complexity of the inquiry and the extensiveness of the Macpherson (1999) report, the new definition was accepted quickly, almost without question by the Government and later, by the then ACPO (Parliament. House of Commons, 1999). The Macpherson (1999) report led to major reform of policing and race equality measures (Bourne, 2001; Bridges, 2000; Lea, 2000; Phillips, 2011). Macpherson (1999) referred to police-initiated stops being a primary example of how institutional racism manifests itself into routine police practice. It was stated that “we are clear that the perception and experience of the minority communities that discrimination is a major element in ... [the S&S] problem” (Macpherson, 1999, para.45.8). Therefore, in response to the Macpherson (1999) report, the Home Office began a series of research studies into the use of S&S, looking specifically at Macpherson's recommendation to record the wider range of police stops. This was trialled in a number of forces, before extending it to all forces (Miller *et al.*, 2000; Quinton *et al.*, 2000; Shiner, 2010). Studies by Miller *et al.* (2000; Quinton *et al.*, 2000; Shiner, 2010) have highlighted the negative impact that police-initiated stops can have on MoPs who are stopped and searched. The research studies indicated findings that discriminatory practices were being used, the minimal impact that stops have in detecting and preventing crime (due to low arrest/outcome rate) and the considerable objections to the reform of S&S practices by police officers (Miller *et al.*,

2000; Quinton *et al.*, 2000; Shiner, 2010). FLPOs strongly rejected the interpretation of the Macpherson (1999) report, which was that institutional racism was widespread within the police service (Foster *et al.*, 2005; Phillips 2011). However, Phillips (2011, p.174) suggested that the Macpherson (1999) report was unsuccessful in distinguishing “between the outcome and cause of institutional racism, recognising the agential overt and unwitting practices of individuals but not the interacting causal structural conditions”. Several other academics provided further criticisms, including Anthias (1999; Bourne, 2001; Miles and Brown, 2003; Solomos, 1999), due to the conflation of Macpherson’s (1999) definitions of individual and institutional racism.

Additional criticisms of the Macpherson (1999) report were regarding the validity of the report, which was contested by sections of the right-wing press, right-wing news media and politicians (McLaughlin, 2007). The findings of Macpherson (1999) report were highly criticised by Civitas (2000) and Dennis *et al.* (2000), criticisms including the use of ‘institutional’ within the wording, which they suggest had not been clearly explained and criticisms of academics who commented within the Report. Dennis *et al.* (2000, p.87) claim that they have been “self-selected academics, who is then treated by Macpherson on the analogy of an ‘expert witness’”. However, Dennis *et al.* (2000) was also critical of Professor Simon Holdaway and Dr (now Professor) Ben Bowling, who are the academic experts in their field (Bowling *et al.*, 2019).

Although there have been criticisms of the report, the result of the public inquiry, provided seventy recommendations, including recommendations 60-63 relating to S&S (wording is within Appendix F) (Macpherson, 1999, Chapter 47). Macpherson (1999) is arguably the strongest ‘formal’ influence on modern day studies of institutional racism in the police. The seventy recommendations stated in the report (Macpherson, 1999), amount to the largest number of recommendations made to police forces, as a result of one single inquiry (Runnymede Trust, 2009). Bowling *et al.* (2008, p.633) suggest that “racism strikes at the very core of the idea of democratic policing. Because the police are guardians of liberty”. The issue of racism and racial prejudice in policing remains in the forefront of the minds of members of society who are from black and minority ethnicities, due to previous policing race

relations (Bowling and Phillips, 2002; Clare, 1984; Dowds and Young, 1996; Hall *et al.*, 1998; HMICFRS, 2021; Holdaway, 1983; 1996; Reiner, 2000; Smith and Gray, 1985).

Macpherson (1999) recommendations led to substantial changes in the CoP, as the recommendations were implemented in PACE Code A (Home Office, 2023). In “August 2004, [which were then] to be implemented by all forces by 1 April 2005” (Liberty, 2010, p.15). Progress from the publication of the Macpherson (1999) report, was suggested to have been hampered by the resistance of policing to undertaken fundamental reforms (Shiner, 2010). All of the recommendations were implemented, yet to varying degrees (Runnymede Trust, 2009). Rowe (2004, p.88) indicates that the fall in the numbers of S&S carried out, “reflected a trend that pre-dated [Macpherson’s (1999) report] ...and so could not be simply attributed to it”. Additionally, that there were “other factors at play [including] ...the [MPS] ceased using S&S as a performance indicator, thus reducing the incentive for officers to use these powers unnecessarily” (Rowe, 2004, p.88). Furthermore, that disproportionality rates in S&S practices on ethnic communities did not reduce significantly and were “fairly consistent” (Rowe, 2004, p.88). Therefore, suggesting that the public inquiry had limited impact on disproportionality in S&S.

Regarding Recommendation 63, recording stop and account (Macpherson, 1999), it was not until April 2005 that stop and account was incorporated within the PACE (1984) CoP Code A (Home Office, 2023). It created a “national requirement to record stop and account” (Stopwatch, 2011, p6). This requirement was removed in March 2011, through changes made by PACE (1984) CoP Code A, which was then left up to individual forces, at their “discretion ... whether or not to record ‘stop and account’” (Stopwatch, 2011, p.6). PACE CoP Code A, now states:

“Where there are concerns which make it necessary to monitor any local disproportionality, forces have discretion to direct officers to record the self-defined ethnicity of persons they request to account for themselves.... Guidance should be provided locally, and efforts made to minimise the bureaucracy involved. Records should be closely monitored/supervised in line

with paragraphs 5.1 to 5.6, and forces can suspend or re-instate recording ... as appropriate” (Home Office, 2023, p.25, para. 22A).

Discussions were had on the effect this would have on accountability and whether this would “undermine established monitoring structures and erode long fought for [accountability] mechanisms” (Stopwatch, 2011, p.6). Additionally, that it will affect public confidence in policing and perceived fairness of the power to stop and account being used, due to “anxieties about the unfair use of these powers” on ethnic communities (Stopwatch, 2011, p.6). However, it remains the case that forces have discretion on whether to require their officers to complete monitoring forms on stop and accounts that take place (Home Office, 2023). The impact that the recommendations of the Macpherson (1999) report had on overall numbers of S&S, was that they decreased slightly between 1998/99 until 2001/02, when the numbers of S&S rose by four per cent in comparison to 2000/01 figures (Ayres *et. al.*, 2002). After the publication of the Macpherson (1999) report, further legislative changes were made to policing accountability, during the period of 2002 and 2010, which is discussed in the next section.

2.8.3 Changes to policing accountability and S&S between 2000 - 2010

The below is a table (2) discusses changes to policing accountability brought about in by legislation and criticisms of these changes.

Table 22: Legislative changes to policing accountability between 2000 – 2010

Legislation	Changes/Criticisms
Police Reform Act	The CDA (1998) created issues in that the police authorities were not given the same prominence, as police forces and local authorities (discussed above) (Millen and

<p>(PRA) (2002)</p>	<p>Stephens, 2011). However, the PRA (2002) changed this and gave the police authorities the same prominence in the 'Crime and Disorder Reduction Partnerships', as the local authorities for the police forces. Although, this did not provide an effective enhancement of police authorities abilities to increase accountability over their local forces (Millen and Stephens, 2011).</p> <p>Further changes were made in relation to the performance culture, as the role of HMIC was extended to include reviewing Basic Command Units within individual forces (Joyce, 2011). This created the close-working relationship between HMIC and police forces Professional Standards Units (PSU), to highlight poor performance and distribute good practice amongst forces (Joyce, 2011). Aspects of the reform 'agenda' in relation to 'performance culture' within the police, included setting up the PSU in "2002 within the Home Office" (Joyce, 2011, p.136). It was created in order "to identify and disseminate best practice and improve operational performance" (Parliament, HASC, 2005, p.9). Regarding PSUs, Mawby and Wright (2005, p.7) indicated that PSUs are an important aspect of increasing accountability, as the work of the PSU had "become increasingly influential" (Miller, 2003, p.2). However, for PSUs to be able to investigate, detect and prevent police corruption, it requires robust systems to be in place that encourage reporting of misconduct, of which another term used for this is whistleblowing (Newburn, 2015) (see previous discussions of solidarity in policing culture).</p> <p>The PRA (2002) included the creation of the Independent Police Complaints Commission (IPCC), to provide an 'independent body' to oversee complaints against police forces. The IPCC replaced the previous Police Complaints Authority, after several calls for change to the complaints system, including calls made by the Macpherson (1999) inquiry.</p> <p>Joyce (2011) suggested that the core elements to the PRA (2002), was the increase in central control, by way of enhancing the powers afforded to the Home Secretary. Under the PRA (2002, section 1 (1 -2)), the Home Secretary's responsibilities included the production of a National Policing Plan, which were required to be produced yearly and presented to Parliament. It was stated that the National Policing Plan is required to provide information which the Home Secretary "considers to be the strategic policing priorities" (PRA, 2002, section 1 (6) (a)). The plan(s) were in place for a period of three years, and they utilised the data provided by HMIC and the PSU (PRA, 2002). The then Home Secretary David Blunkett (2002, p.2) stated that the National Policing Plans focus was to provide a clear structure "for raising the performance of all forces". Additionally, Police authorities were required to produce annual policing plans, as well as three-year strategy plans under the legislation (PRA, 2002). This required police</p>
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	<p>authorities and chief officers to use the 'framework' of the National Policing Plan, when setting performance targets and priorities for their force area (PRA, 2002). Therefore, setting local targets using the National Policing Plan indicators, which was a mechanism used in order to ensure forces were improving standards and were responsive to the needs of their community in their local area (Home Office, 2002) Yet, the PRA (2022) did not significantly enhance the police authorities requirements to work with their local community, to identify 'needs'.</p>
<p>Police and Justice Act (PJA) 2006</p>	<p>The Act changed the way in which members were appointed to police authorities, as it removed the specific membership category for Magistrates, in addition to requiring there be "other persons, including at least one lay justice" (PJA, 2006, Schedule 2, Section 4). Joyce (2011, p.139) suggested this resulted in a reduction of government participation "in the appointment of independent members". The Police Authority Regulations (2008) specified that one magistrate was required to act as an independent member (Joyce, 2011). Research by Stephens and Millen (2012, p.266) indicated that police authorities mainly "continue[d] to appoint magistrate members, as their lay justice member", suggesting the mechanisms failed in providing further numbers of non magistrates, to be members of police authorities.</p> <p>The PJA (2006) made an important change in the governance of policing by extending the powers of the police authorities, as not only did they have the statutory duty to maintain 'an efficient and effective police force', but they were also required to "hold the chief officer to account for the exercise of his functions and those of persons under his direction and control" (PJA, 2006, Schedule 2A (7) (2b)). Additionally, the Act removed requirements for police authorities to act as a 'best value authority', in which they were previously required to submit 'best value reviews' and 'best value plans' (PJA 2006, section 4). Nevertheless, limitations were placed, in that police authorities were still required to function in accordance with best value criteria (PJA, 2006).</p> <p>Further amendments to the Home Secretary's powers were made, by extending the mechanisms in which the Home Secretary could utilise if deemed necessary, or allegations were made that a force was lacking in efficiency and effectiveness (Joyce, 2011). Additionally, the PJA (2006) provided the power for the Home Secretary to require a police authority to submit a report regarding policing of their local force area (PJA, 2006, Schedule 2A, (9)).</p> <p>In relation to S&S, the Act furthered the scope of locations in which S&S could be conducted, by including the 'power to ... search at aerodromes', as amendments were made to the Aviation Security Act (1982, part 3). This power allows searches of "any</p>

person, vehicle or aircraft in an aerodrome... for stolen or prohibited articles” (PJA, 2006, section 12).
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After the PJA (2006), there were growing concerns that policing should be more responsive to their local populations (Bowling *et al.*, 2018). Changes to the Government were made after the general election in 2010 (in which the Coalition Government which consisted of a Coalition between the Conservative and Liberal Democrats), which led to further amendments in order to make policing more ‘democratically accountable’ (Reiner, 2010). This led to the creation of PCCs (discussed in the next section), which was credited to Loveday and Reid (2003) proposals for electoral reform (Joyce, 2011).

2.9 Police Accountability – the introduction of the PCCs under the Police Reform and Social Responsibility Act (PRsRA) 2011

The Coalition Government (Conservative and Liberal Democrats) professed that they wanted to make policing more ‘democratically accountable’ and set out a package of reforms (Reiner, 2016a). The reforms appeared to be using the ambition of ‘Old Labour’, to subjecting policing to democratically elected control and refuting the previous apprehensions of previous Conservative Governments about politicisation of the police (Reiner, 2010). This has long been an accepted principle of academic commentators, that policing should be subjected to democratically elected control (Jones *et al.*, 2011; Lustgarten, 1986; Marshall, 1965; Reiner, 1985; 2016; Reiner and Spencer, 1993). Loveday and Reid (2003) proposed that policing should be controlled by elected mayors or local council leaders. This is similar to the American-style structures, in order to ensure that policing focuses on demands of their local populace and not just those that are given by national Government (Loveday and Reid, 2003). As the then Prime Minister suggested:

“people are going to be voting in their own law and order champion: one person who sets the budgets, sets the priorities; hires and fires the [CC]; bangs heads together to get things done... If you want more tough policing, you can get it” (Cameron, 2012, p.5).

Therefore, this indicates that the rhetoric was to increase accountability and become tougher on policing, giving the public the opportunity to vote for who they wished to be holding police forces to account. The other elements of the new structure include the Home Secretary (who heads the Home Office), CCs and the PCPs (Reiner, 2016a), which were enacted under PRSRA (2011, section 28). PCCs are now at the forefront of the new governance structure of policing accountability and the responsibilities of a PCC are unlike the responsibilities that the previous police authorities had (Reiner, 2016a). The PPO (2011, section 17) enshrines into law the legal powers and responsibilities of the PCCs (PPO, 2011, section 17) (wording is contained within Appendix G).

The reforms under PRSRA (2011) were referred to by the then Home Secretary Theresa May (2012, para 1), as “the most significant democratic reform of policing in our lifetime”. However, Reiner (2016a, p.143) suggests that the term democratic policing “signifies ... the ideal of policing that accords with principles of due process legality, rather than identifying democracy solely with elections”, which differs from the rhetoric provided by the then Coalition government. Additionally, Reiner questions whether the reforms can really be viewed as democratic policing, as the PCCs have:

“formidable powers to set objectives and budgets, hire and fire, what is really reproduced is the ‘calculative and contractual’ mode of shaping ‘independence’, albeit at local rather than national level...The concerns about malpractice and discrimination which drove the old agenda of accountability receive no mention” (Reiner, 2016a, p.138).

Furthermore, the concept of what democratic policing should entail, has been debated over the years (Dunn 2005; Karstedt and LaFree 2006; Keane 2009;

Reiner, 2016a). Reiner (2016a, p.139) indicated that by instilling a system of governance, which gives that majority of responsibility to one political element, could result in “the danger of a tyranny” within the new structure of governance in policing (Turner, 2014). Reiner (2016a, p.144) suggests that PCCs are “the lynchpin... disguised by a fig leaf of populism”, which limits what democratic governance actually intends. Reiner (2016a) indicated that the previous tripartite system in principle, did help to prevent this situation from occurring. However, Reiner (2016a, p.139) suggests that the role of police authorities “to...represent ‘community interests’, was virtually powerless” and that issues within the tripartite systems “was its concealment behind a façade of checks and balances that had no traction”. Therefore, indicating lack of effective accountability and suggesting that transparency is central to accountability.

PCCs are subject to the law, as are Home Secretaries and CCs (Reiner, 2016a). PCCs have a duty under the PRSRA (2011, section 12) to submit their Police and Crime Plan and PCPARs. In addition to this, attention was drawn to the power PCCs have been provided to hold CCs to account’, as PCCs must “avoid any temptation to interfere in the operational independence of [CCs] in accordance with the Policing Protocol” Order (PPO) (2011) (Parliament. HASC, 2014, para.67). The next section discusses the ‘doctrine of operational independence’, followed by a section discussing PCPs.

2.10 Operational independence

The ‘doctrine of operational independence’ (sometimes referred to as ‘constabulary independence’) was defined as:

“no political body shall have the power to direct or command those in charge of the police organisation to adopt or reject a particular policy or practice, and that in the end responsibility for policing rest with the [CC]” (Lustgarten, 1986, p.32).

Therefore, the British police are unlike other British government services because the British police forces are directly accountable to legislation, rather than being subordinate to a democratic body (Jefferson and Grimshaw, 1984; Marshall, 1978; Reiner, 2016a). Between 1829 and 1964 (prior to the Police Act 1964), only the Home Secretary was able to hold 'policing' to account (Reiner, 2016a). Reiner (2016a) suggests that this is through the 'doctrine of constabulary independence'. Reiner (2016a, p.136) indicates that the reasoning was that policing "should be insulated from political control in 'operational' matters, functioned as a shield for Home Secretaries to dodge sharp parliamentary questions". However, 'operational independence' does not negate responsibility nor accountability of policing powers (Basu, 2022), such as S&S. Even though the law is to be applied fairly, in practice the sanctions that are given has been showed to be unfair (Bowling *et al.*, 2008; Reiner, 2010; Shiner *et al.*, 2018). Through the 'Independent Review into the Treatment of, and Outcomes for [ethnic minority] individuals in the [CJS]', it was stated that ethnic minorities "still face bias, including overt discrimination, in parts of the justice system" (Lammy, 2017a, p.69). The protection of the public in practice has been shown to be distributed unequally across different ethnicities, with ethnic minorities receiving less protection than their white counterparts (Bowling *et al.*, 2008; HMICFRS, 2021). Therefore, suggesting that 'operational independence' has been commonly referred to as a mechanism to safeguard police decision-making from intervention from organisations/government, regarding a limited range of police matters (Reiner, 2010; Stenning, 2007).

However, the most contentious issue that has been raised regarding 'operational independence', is the operational aspects of 'policing' (Lister, 2013). The debate is on the application, which has been widely criticised in the relationship between 'policing' and government (Lister, 2013). Moreover, the concept of 'operational independence' has been suggested to be a 'dynamic' but a 'fragile' concept (Hewitt, 1991). During the nineteenth century, the right of the Home Secretary to instruct in matters of operations/law enforcement, was never challenged (Marshall, 1965; 1978). The 'doctrine of operational independence' was "developed in the late 1920s, crystallised by the 1930" (Reiner and O'Connor, 2015, p.47) during a judicial judgment (Fisher v Oldham Corporation (1930) 2 KB 364). The Fisher v Oldham

(1930) case held that CCs “exercised an original authority under the Crown, so did not stand in a master-servant relationship with police authorities of any kind” (Reiner and O’Connor, 2015, p.47). Reiner and O’Connor (2015, p.47) indicated that the emergence of the doctrine was perhaps not unintentional, as it was created following “election of radical Labour local authorities”. Therefore, the doctrine of ‘operational independence’ was deemed to be a common law construct, which has been frequently referred to as the foundation of British policing (Jones *et al.*, 1994; Lustgarten, 1986; Reiner and O’Connor, 2015; Stenning, 2007; Turner, 2014; Walker, 2000).

Decisions of police officers should be “answerable to the law and the law alone”, as Lord Denning famously asserted (*R v Commissioner of Police for the Metropolis, ex-parte Blackburn*, [1968], 2 Q.B. 118, C.A. at 136) and that British policing should not be answerable to democratic institutions, whether they be local or national (Lister, 2013). The doctrine of ‘operational independence’ was cemented into law within The Police Act (1964, section 5 (1)), as it stated that police forces were “under the direction and control of the [CC]”. The judicial judgements such as those of Lord Denning highlighted above, were then commonly interpreted to signify that ‘operational independence’ was given to CCs for all operational matters, such as the use of police powers (Lustgarten, 1986; Marshall, 1965). Academics such as Brogden (1982; Loveday, 1983; 2017) have indicated that over the years, CCs have used the doctrine of ‘operational independence’ and ‘direction and control’ as both their power to deploy officers on policing operations, which has been used as a defence shield, regarding their interactions with central government and with their local police authorities. Frequently, the position between ‘operational independence’ and policy issues was often unclear and over time, policing accountability provisions became increasingly blurred (Murphy *et al.*, 2017).

This ambiguity can be seen in that the Police Act (1964) did not define ‘direction and control’. The Police Act (1964, section 5) was repealed and replaced by the PMCA (1994, section 5), of which the section came into effect in April 1995. The wording is still the same as “a police force ... shall be under the direction and control of the

[CC]" (PMCA, 1964, section 5 (1)) and again, the wording of 'direction and control' is not defined. Additionally, the term is also used in the PRSRA (2011). Again, this Act has not provided a definition of the term, arguably missing the opportunity to do so. One of the recommendations given by the Patten report (Policing of Northern Ireland) was that the concept of 'operational independence' should be replaced with concept of 'operational responsibility', which would be easier to be reviewed (Independent Commission on Policing in Northern Ireland, 1999, para 6.20). When the HASC considered the introduction of PCCs and the proposals by the Government, the HASC provided this as a recommendation (with arrest and crime investigation excluded) (Parliament. HASC, 2010). Nevertheless, the Government rejected the recommendation (Parliament. HASC, 2010). The Government referred to the fact that the roles and responsibilities of CCs and PCCs were, in the Government's opinion, already suitably defined within existing and draft legislation (Parliament. HASC, 2010).

Thereafter, the PPO (2011) was then issued, a requirement under PRSRA (2011, section 79). In the Protocol, "operational' decisions are (solely) under the [CC], who has the 'direction and control'" (PPO, 2011, s.21). It states that the PRSRA (2011):

"does not impinge on the common law legal authority of the office of constable, or the duty ... to maintain the Queen's Peace without fear or favour. It is the will of Parliament and Government that the office of constable shall not be open to improper political interference" (PPO, 2011, section 12).

PCCs must set the strategic direction and objectives of the force but must not 'interfere' in operational decisions (PPO 2011, s.28). Further details provided by the PPO (2011) are in Appendix G, of what the 'direction and control' of the CCs include), with the discretion of CCs in 'operational matters' remaining independent. Although, PCCs are elected in their role and they may believe that they have some entitlement to affect how policing in their area is organised, PCCs are not able to direct or control how policing is delivered (Lister, 2013). An example of this would be, if the PCC had given promises to deal with knife crime in their area, they may wish CCs to set this as a priority within their local policing area (Loader, 2013). The 'direction and control' of officers is under the CC and the PPO (2011) states that:

“The [CC] is expected to ensure that their PCC is regularly informed of their decisions and operational activity in a timely manner so that the PCC can hold the [CC] to account for the totality of policing within their force area, including the operational delivery of the police service. The direction and control of the [CC] does not just remain under the scrutiny of the PCC but is open to investigation and scrutiny by the IPCC [now Independent Office for Police Conduct] within the parameters of their terms of reference” (PPO, 2011, section 34).

Nevertheless, it is stated that “this list is not exhaustive” (PPO, 2011, section 34). The concept of ‘operational independence’ conflicts with the statutory responsibility held by PCCs, to ensure that policing is effective and efficient (Fielding, 2005). Lister (2013, p.243) suggests that this limits any possibility of significant assessments being carried out due to these indicants of performance, “without consideration of a force’s organisation, policies, and operations”. The reasoning of this argument given by Lister (2013), relates to budgetary values of services. An example of this, is previous PCC for the West Midlands – Bob Jones who made the decision to ‘roll-back’ a judgement made by the CC, regarding privatising elements of resources (Lister, 2013). This was determined to make “sizeable efficiency savings” and arguments were made that the decision to roll-back was based on “ideological commitment to ensure ‘core policing services remain within the police service” (Lister, 2013, p.244; West Midlands PCC, 2012). This can be deemed to be a decision based on an election promise, as the views of opposing privatisation of police services has been shared by a number of PCCs (Unison, 2015). However, Lister (2013, p.244) indicates that regardless of the political decision's merits, “at least ... it has taken place within a democratic framework, rather than being enshrouded by the [CCs] cloak of professional discretion”. Therefore, suggesting decisions of this nature, should be given wider consideration by those involved in policing governance.

Further amendments were made by the PPO (2011) include the separation of responsibilities for decisions within the new police governance structure. The PPO (2011) lists the new ‘quadripartite structure’ of police governance, which includes the Home Secretary, the PCC, the PCPs and the CC (Raine and Keasey, 2012). Appointments of CCs are made by PCCs, although for “the Commissioner and Deputy Commissioner of Police of the Metropolis are appointed by... [the King] on

the recommendation of the Home Secretary” (PPO, 2011, section 21). The Protocol (PPO, 2011) attempts to clarify the separation of responsibilities, although it upholds the ‘doctrine of operational independence’. Research suggests that the ambitions of the protocol are the “undermine[d] ... by the nature, scope, and reach of the powers it confers on PCCs” (Lister, 2013, p.244). Therefore, suggesting further limitations of accountability. Further discussion of the relationship between the PCCs and PCPs is provided in the next section.

2.11 Police Accountability - PCPs

The PRSRA (2011, section 28) implemented the requirement that every police area that has a PCC, is required to “establish and maintain [PCPs]”. The section excludes the Metropolitan district from having a PCP, as the Metropolitan district has an elected Mayor (PRSRA, 2011, section 28). This also applies to the Mayor of Manchester, in which section 28 (PRSRA, 2011) was amended by the Greater Manchester Combined Authority (Transfer of [PCC] Functions to the Mayor) Order (2017, art. 1(2), Sch. 1, para. 23) and applies to the Mayor of West Yorkshire, (The West Yorkshire Combined Authority (Election of Mayor and Functions) Order, 2021).

PCPs were created under the PPO (2011) in order to “scrutinise and support the work of the [PCC]” (Hertfordshire PCP, 2016). There has been criticism of the PCPs structure, as councillors are selected in a similar manner to which the previous police authorities were selected (Reiner, 2016a). They have an advisory role, rather than a role which can enable accountability through the use of significant actions (Bailey, 2022; Lister, 2014; Reiner, 2016a). Lister (2014, p.23) suggested that PCPs were created due to a “political compromise”. A report by the HASC (Parliament. HASC, 2013a) was highly critical of the new governance arrangements that were created within the PRSRA (2012). In the report, Member of Parliament (MP) Keith Vaz stated that PCPs “must redouble their oversight of their PCCs [and]... need to guard against maverick decision-making” (Parliament. HASC, 2013, 2013b). This suggests

failures of PCPs abilities to provide sufficient scrutiny of PCC decisions. Further criticisms were made that a 'national register of interests' be created (Parliament. HASC, 2013b, para 44). However, in the response to the HASC, the government stated that this was "not the role of central government [and] the government has also been clear that HMIC does not have a role in inspecting PCCs" (Parliament. Secretary of State, 2013, p.3). To date, HMICFRS still have no role in inspecting PCCs (Bailey, 2022).

Lister (2014, p.23) indicated that the criticisms made against PCPs was due to their "limited role and powers [which is] ... partly by excavating the political context out of which they emerged". This relates to the creation of PCPs, as a compromise made by the Conservatives to their coalition party (Liberal Democrats), made during governmental negotiations on the introductions of PCCs and new policing governance. It reflected the concerns that the Liberal Democrats had, that PCCs would be given a magnitude of responsibilities to govern their local policing areas regarding policing and crime and that the PCPs would provide a governance mechanism/arrangement to provide an accountability mechanism over the PCC (Lister, 2014; Reiner, 2013). However, before the PRSRA (2011) was enacted, the proposals were criticised, as they effectively gave PCPs "little real power" (Parliament. HASC, 2010a, para. 58). Amendments were made to the Bill, yet the roles and responsibilities of PCPs was mainly left unaltered and were cemented within the PPO (2011). As per the PPO (2011, section 24), the PCPs have the responsibility of scrutinising the PCCs, as the "[PCP] is there to challenge the PCC" (See Appendix L for further details).

The powers/responsibilities of the PCPs are mainly for scrutiny, a conflicting requirement is that the functions of the PCPs "must be exercised with a view to supporting the effective exercise of the functions of the [PCC]" (PRSRA, 2011, section 28(2)). This 'supportive' role creates conflict in the functions of the PCP to be able to 'scrutinise'. It has previously been suggested that this leaves PCPs in the position in which they are required to be a "critical friend" to the PCC, which then leads to questions regarding how PCP members may interpret this (Coulson and

Whiteman, 2012; Leach and Copus, 2004; Lister, 2014). Each PCP has different individual panel members and the effectiveness of their role in scrutinising the PCC for their local area will vary. Additionally, it may lead to Marshall's (1978) previous argument regarding police authorities being 'explanatory and co-operative', being now in effect for PCPs to PCCs.

Furthermore, it has been suggested that party allegiance has come to the forefront, where loyalty may affect willingness to use the scrutiny functions (Lister, 2014; Parliament. House of Commons, 2013e). The configuration of PCPs "should be geographically and politically proportional" (Lister, 2014, p.25). However, research suggests that in some areas, the majority of PCP members shared party political affiliation with the PCC, which Lister (2014) indicated is problematic in relation to the PCC being held to account by the public. Further criticisms are the issue that PCPs have "little real power" (Parliament. HASC, 2010a, para. 58), "unless the panel is able to assert the right of veto ... then the PCC is not bound by its recommendations" (Lister, 2014, p.26). This has led to previous examples where the view of the PCP has been disregarded by the PCC, such as a decision by Cumbria PCP to reject the proposed precept rise by the PCC (BBC News, 2014a). The then PCC, pushed forward with his plans to increase the precept, as the PCP had no power to veto his proposal (BBC News, 2014a). Other examples of PCPs decisions being disregarded are PCPs rejecting the choice of deputy PCCs, of which a few examples are Humberside deputy PCC in 2012 (BBC News, 2012). More recently, the appointment of the Deputy PCC for West Midlands (Johnston, 2020). These highlight the limitations of the PCPs powers, as they used the power to reject decisions but the legislation (PPO, 2011, PRSRA, 2011) did not give the PCPs powers to stop appointments/stop the increase in the precept.

Further criticisms are that PCPs there is no accountability relationship between the PCPs and the CCs (Murphy *et. al.*, 2017). Additionally, the only power that PCPs have to suspend a PCC, is if the PCC is charged with a criminal offence, which has a maximum sentence of longer than two years in prison (BBC News, 2014). Recent research published includes the 'Strategic Review of Policing in England and Wales'

by the Police Foundation (2022), which provides recommendations to enhance the future of policing and policing accountability. In relation to PCPs, there is mention within the Police Foundation (2022) report regarding PCC accountability and the current “flaws” (Bailey, 2022, para 4). Further recommendations were given by the Police Foundation (2022) report in relation to S&S powers. The use of S&S powers and disproportionality is discussed in the next section.

2.12 Examining S&S statistics and disproportionality.

Within this section, a discussion of disproportionality and the statistics of recorded S&S is discussed. Firstly, in relation to disproportionality, there were four criteria suggested by Bowling and Phillips (2007, p.944) are “(i) resident populations, (ii) ‘available’ populations, (iii) crime statistics and (iv) S&S ‘hit rates’”. ‘Hit rates’ refers to arrests or other positive outcomes resulting from a S&S (Home Office, 2021a). Although there are four criteria suggested by Bowling and Phillips (2007), the use of “crime statistics [and] hit rates” (Bowling and Phillips, 2007, p.944) will not be discussed further, as they are not in the parameters of this research thesis. The two criteria that will be used are ‘resident populations’ and ‘available’ populations’ (Bowling and Phillips, 2007).

‘Resident population’ is defined as:

“using the ‘general population’ or ‘resident population’ of a geographical area enable[ing] the calculation of the number of stops and searches conducted per capita, or per 1,000 head of population within each ethnic group” (Bowling and Phillips, 2007, p.944).

Statistics on S&S published by the Ministry of Justice (2015a; 2019) and the Home Office (2020b; 2021b; 2022) use the resident population in that area, to compare the number of people stopped and searched per head of the population. Previous publications use the population information from the 2011 Census, to compare the residents from different ethnicities to the data regarding S&S (Home Office, 2021a).

According to the Office for National Statistics (ONS), when comparing the Census data from 2011 to 2001, it is stated that “the resident population of England and Wales on 27 March 2011 was 56.1 million, a seven per cent (3.7 million) increase since 2001 [52.4 million]” (ONS, 2012a). Although the census is twelve years old, censuses are only run once every ten years (ONS, 2021). The 2021 census took place on 21 March 2021, with the ethnicity data not being publicly available until November 2022 (ONS, 2021). The Census 2021 data was published after the latest statistics on S&S had been published by the Home Office (2022b). Therefore, the Census 2011 data was used for this research, although the 2011 census does not accurately represent the population of England and Wales currently and creates methodological issues for statistical comparison.

Using data from the ONS (2019b), a comparison of the population by ethnicity from the 2001 census to the 2011 census data has been created, which is shown in Table 3 below:

Table 3: Comparison of the population by ethnicity from the 2001 census to the 2011 census data

Ethnicity	2001	2011	Ethnicity	2001	2011	Ethnicity	2001	2011	Ethnicity	2001	2011	Ethnicity	2001	2011
Ethnicities														
Asian			Black			Mixed			White			Other		
Bangladeshi	0.5	0.8	Black African	0.9	1.8	Mixed White/Asian	0.4	0.6	White British	87.4	80.5	Arab	N/A	0.4
Chinese	0.4	0.7	Black Caribbean	1.1	1.1	Mixed White/Black African	0.2	0.3	White Irish	1.2	0.9	Any other	0.4	0.6
Indian	2	2.5	Black other	0.2	0.5	Mixed White/Black Caribbean	0.5	0.8	White Gypsy/Traveller	N/A	0.1	Total	0.4	1
Pakistani	1.4	2	Total	2.2	3.4	Mixed other	0.3	0.5	White other	2.6	4.4			
Asian other	0.5	1.5				Total	1.4	2.2	Total	91.2	85.9			
Total	5	7.5												

(ONS, 2019b)

The ethnicity data from the Census 2011 suggests that in England and Wales, 85.9% of the population was White (ONS, 2019b). Therefore, 14.1% of the population are from ethnic minority backgrounds, of which:

“people from Asian ethnic groups made up the second largest percentage of the population (at 7.5%), followed by Black ethnic groups (at 3.4%), Mixed/Multiple ethnic groups (at 2.2%) and Other ethnic groups (at 1.0%)” (ONS, 2019b, para 2).

A Home Office study discussed using ‘resident’ populations in statistics and stated that the statistics provide “an important indication of how often members of different ethnic communities are actually stopped or searched” (MVA and Miller, 2000, p.84). However, the use of ‘resident’ populations as a comparator (‘per capita’) in statistics has been criticised, as the Census data which is used to calculate the ‘per capita’ rates in statistics by the Home Office “are known to have some inaccuracies and underestimate the size of some ethnic minority populations” (Bowling and Phillips, 2007, p.945). Therefore, indicating that the accurate representation of disproportionality, is not provided/known.

The Ministry of Justice (2009) indicated that the advantage of using the Census data when comparing population data is that it enables a consistent approach to be used. The Ministry of Justice (2015a) recognise the use of ‘resident’ populations as a comparator, has its limitations. People in an area may not be resident in that area - an example of this is that the population within London is more diverse in ethnicity, compared to other areas/counties in England and Wales (Parmar, 2011; Home Office, 2022; HMICFRS, 2021). Additionally, Waddington *et al.* (2004, p.889) questioned the use of comparing residential populations in statistics, suggesting that “different sections of the population may use public spaces differently” and this is in reference to available populations. ‘Available’ populations, indicates those ‘available’ to be stopped and search is different to the ‘resident’ population, as “some demographic groups... are more likely to be ‘available’ by virtue of their demographic characteristics and lifestyle” (Bowling and Phillips, 2007, p.945). This supports previous research by MVA and Miller (2000), which determined that the use of resident populations provided a weak representation of the issue of who is ‘available’

to be stopped and searched by officers. This has also been highlighted by research conducted by FitzGerald and Sibbitt (1997; Hallsworth and Maguire, 2004; Waddington *et al.*, 2004). Nevertheless, research conducted by Clancy *et al.* (2001), attempted to restrict the factors in which an individual may be at greater risk of being 'available' to be stopped in a particular place. The Equality and Human Rights Commission (EHRC) reviewed the research conducted in the British Crime Survey (2000) and indicated that the participants in the interviews were posed questions on S&S, including whether they had ever been stopped. The research identified information regarding S&Ss conducted whilst in a vehicle and suggested that for black participants were "more... [likely to be] stopped (Equality and Human Rights Commission - EHRC, 2010, p.53). Bowling and Phillips (2007, p.946-947) indicated that "being black increases the likelihood ... a person will be stopped regardless of ... demographic and lifestyle variables that make them 'available'". Overall, research has identified that the 'resident' population criteria "provide, ... an estimate of ... the population ... experience of ... [S&S] powers" (EHRC, 2010, p.53) and therefore, should not be viewed as an inaccurate model of comparing sections of the population.

However, more recent research conducted by Vomfell and Stewart (2021, p.572) reveals that 'available populations' has been used as a "self-fulfilling prophecy...[to] 'explain away' the bias compared to the resident population. That does not make the deployment decisions bias free". Therefore, suggesting that the use of resident populations, is a useful estimate of the population and previous research arguing that this does not include 'available population', does not diminish the likelihood of ethnic minorities being disproportionately stopped and searched (Shiner *et al.*, 2018).

Previous literature has shown, the use of resident populations this is the most reliable neutral criterion (Clancy *et al.*, 2001; EHRC, 2010; MVA and Miller, 2000; Parmar, 2011; Shiner *et al.*, 2018). When using comparative statistics, it is important to be aware of methodological issues with the statistics. One of the methodological issues, in the statistics published between 1995 and 2005, is that only "the ethnic

origin of the person stopped was only recorded by the police officer” (Bowling and Phillips, 2007, p.942) and was not self-defined ethnicity of the person being stopped. This suggests that these statistics may not represent the correct ethnicity for all persons who were stopped and searched during that period. It has been highlighted that even when using ‘self-defined ethnicity’, “coverage has decreased from 94% in 2014/15 to 85% in 2018/19” (Ministry of Justice, 2019, p.16). Therefore, 15% of S&S records did not record the ‘self-defined ethnicity’ of the suspect, and this indicates further methodological issues.

However, it has been suggested that S&S conducted on ethnic minority individuals, especially those from Black backgrounds, “may be more likely to be recorded than those involving white people, due to police officers’ perceived need to ‘cover their backs’...” (Bowling and Phillips, 2007, p.943). HMIC (2013a, p.32) also clearly identified that “independent research... found that only about one-third of [S&S] encounters were recorded”. This evidences that not all incidences of S&S are recorded, which aligns with arguments made in previous research (Bowling and Phillips, 2007; Shiner *et al.*, 2018). However, there has been methodological issues with statistics published in previous years, such as the 2013/14 statistics published in 2015, as just before the report was released, further data was published by “the Home Office...as well as revisions to the 2013/14 data used in the analysis” (Ministry of Justice, 2015a, p.27). Therefore, the statistics for 2015 do not provide an accurate reflection of the 2013/14 data used to create the statistical analysis and that the level of ethnic disproportionality could be higher than that which is stated. Revisions to the 2013/14 data were made by the Home Office, but this was published after the Ministry of Justice had completed their statistical analysis of the data that they had previously obtained (Ministry of Justice, 2015a).

The Home Office (2019a) and the Ministry of Justice (2019) assert that in order to create the statistical analysis of S&S, it is important to assess the trends, to determine whether there is disproportionality in S&S and whether this is decreasing/increasing. Bowling *et al.* (2008, p.618) suggests that research has consistently identified that “people from minority ethnic communities – and black

people in particular – are far more likely to be stopped and searched ... in comparison with white people”. Researchers from the Home Office have previously clearly stated “being black means that you get stopped more often” (MVA and Miller, 2000, p.84) and this has been further suggested in more recent research (Shiner *et al.*, 2018; Vomfell and Stewart, 2021).

Disproportionality rates have varied over the 2008/09 to 2020/2021 period (Home Office, 2020a). An examination of the number of S&S that are recorded (Bowling *et al.*, 2008; HMIC, 2013a) is provided in table 4 below, which indicates the national (England and Wales) disproportionality rates for people who self-defined as Black and the number of S&S conducted over each year period.

Table 4 Change in S&Ss and disproportionality rate for Black ethnicity in England and Wales between 2011/12 to 2019/20

Year	Number of S&Ss (1) (Home Office, 2021b)	Decrease/ Increase compared to previous year	Self-Defined Ethnicity rates per 1,000 population – White Ethnicity (Home Office, 2021b; 2022b)	Self-Defined Ethnicity rates per 1,000 population – Black Ethnicity (Home Office, 2021b, 2022b)	Calculated disproportionality rate for Black people - Using the rate that the individual is more likely to be stopped than those who self-defined ethnicity is White
2011/12	1,092,173	...	16	98	<i>Statistics – 6.12 times as likely</i>
2012/13	978,454	<i>Decrease of 10.41%</i>	15	67	<i>Statistics – 4.46 times as likely</i>
2013/14	872,518	<i>Decrease of 10.82%</i>	13	56	<i>Statistics – 4.3 times as likely</i>
2014/15	526,155	<i>Decrease of 39.7%</i>	8	35	<i>Statistics – 4.375 times as likely</i>
2015/16	377,658	<i>Decrease of 28.22%</i>	5	33	<i>Statistics – 6.6 times as likely</i>
2016/17	300,681	<i>Decrease of 20.38%</i>	4	31	<i>Statistics – 7.75 times as likely</i>

2017/18	277,105	<i>Decrease of 7.84%</i>	3	30	<i>Statistics – 10 times as likely</i>
2018/19	366,912	<i>Increase of 32.4% from previous year</i>	4	39	<i>Statistics – 9.75 times as likely</i>
2019/20	559,201	<i>Increase of 52.4% compared with the previous year</i>	6	54	<i>Statistics – 9 times as likely</i>
2020/21	695,009	<i>an increase of 24.29% compared with the previous year</i>	8	54	<i>Statistics – 6.75 times as likely (reported as 7 times likely in second edition – Home Office, 2022a)</i>
2021/22	526,024	<i>a decrease of 179,888 (25%) compared with the previous year</i>	6	36	<i>Statistics – 6.2 times as likely (Home Office, 2022b)</i>

(Home Office, 2021b; 2022a; 2022b)

Notes: 1. Includes searches under section 1 PACE excluding section 60 (CJPOA, 1994) and section 44/47A Terrorism Act (2000)

There was a change in the mechanisms for data recording in 2020/21, as were a person has not self-defined their ethnicity during the S&S, the Home Office (2021a) are now providing data using “Ethnic appearance of the person searched is used when the self-defined ethnicity is 'not stated'” (Home Office, 2021b, SS.19). Therefore, Table 5 below illustrates S&Ss per 1,000 population, by self-defined ethnicity in 2020-2021/2021-22, compared to S&Ss by officer defined ethnic appearance of the person searched

Table 5: S&Ss per 1,000 population, by self-defined ethnicity in 2020-2021/2021-22, in comparison to S&Ss by officer defined ethnic appearance of the person searched.

Mechanism in which ethnicity was recorded	Self-Defined Ethnicity rates per 1,000 population – White Ethnicity (Home Office, 2021b; 2022c)	Self-Defined Ethnicity rates per 1,000 population – Black Ethnicity (Home Office, 2021b)	Calculated disproportionality rate for Black people - Using the rate that the individual is more likely to be stopped than those who self-defined ethnicity is White
2020-21 Self-defined	8	54	<i>Statistics – 6.75 times as likely</i>
2020-21 Ethnic Appearance	8	74	<i>Statistics – 9.25 times as likely</i>
2021-22 Self-defined	6	36	<i>Statistics – 6.2 times as likely</i>
2021-22 Ethnic Appearance	6	52	<i>Statistics – 8.66 times as likely</i>

Table 5 (above) indicates that there is a higher disproportionality rate for Black persons when using officer defined ethnic appearance, instead of a person’s self-defined ethnicity (Home Office, 2021a; 2022c). This suggests that disproportionality still exists in S&S practices in England and Wales and that the disproportionality rate is probably higher, than the statistics prior to 2020 indicated. However, a recent report by HMICFRS (2021) discusses that there are forces who do not monitor officer definition ethnicity of the person who was searched. This indicates that disproportionality rates may be higher than those published by the Home Office (201a; 2022b), as the Home Office only uses the data that has been provided by forces.

Furthermore, regarding numbers of S&S, Table 4 suggests the numbers of recorded S&Ss were rising until 2020/21, before falling during 2021/22 (Home Office, 2022b). It is stated that the reasons for the increase in S&S numbers is “in part thought to reflect willingness to make greater use of such powers as part of the operational

response to knife crime” (Home Office, 2019, p.6). This was in addition to increased use of S&S powers during 2020/21, which the Home Office (2022a, para 2) have acknowledged was “partly due to proactive policing during COVID-19 lockdowns”. This is in reference to the Coronavirus pandemic (NHS, 2020) including the national lockdowns in England and Wales, which resulted in a reduction in crime (Quinn and Perraudin, 2020). The Coronavirus Act (2020) did not add any ‘S&S’ powers, yet media discourse highlighted that there was a surge in the numbers of S&Ss conducted, especially on people from ethnic minority backgrounds (Casciani and Butcher, 2021; Sheppard, 2020). This again brought the issue of racial discrimination and disproportionality to public attention (Sheppard, 2020).

In addition to the mechanisms within the Coronavirus Act (2020), there have been further anxieties from the public being conveyed about knife crime, which began to rise from the “summer of 2016 ...with major public anxiety expressed about this issue in late 2017 and early 2018” (Bowling, 2018, p.629). Public statements were then made by CCs/ the Commissioner for MPS (Guardian, 2019) and statements given by the then Prime Minister, Boris Johnson (Mail on Sunday, 2019). Bowling (2018) suggests that:

“this tragic turn ... stimulated a call for more [S&S] from ill-informed pundits who blame Theresa May, and her reforms to police powers, for rising violent crime... ... It seems implausible ...that re-introducing mass [S&S] will have the hoped-for positive results” (Bowling, 2018, p.629).

Therefore, the criticisms are that the increase in S&S is a tactic being used to show that the government are introducing initiatives, however questionable the tactic is (Murray *et al.*, 2020). The 2021/22 statistics indicate that although there has been a decrease in the number of S&Ss conducted compared to 2020/21, there was an increase in 2021/22 of the number of S&Ss conducted for “offensive weapons (up 23%)” (Home Office, 2022b, section 2.3). Forces reported to the Home Office “that they have renewed their focus on driving down serious violence” (Home Office, 2022b, section 2.3). Criticisms of this include that this has increased the numbers of S&Ss conducted on people from ethnic minority backgrounds (Casciani and Butcher,

2021). The National Review on S&S by the IOPC provided eighteen key recommendations, of which recommendation 1 was to:

“the NPCC and College of Policing [to] work together to develop guidelines on how to safeguard people from ... minority ethnic background[s] from being stopped and searched because of decision-making impacted by intelligence based upon assumptions, stereotypes, and racial bias, and mitigate the risks of discrimination” (IOPC, 2022, section 6).

The IOPC (2022) use case examples within the National Review, where stereotypes and biases or assumptions have been made about the individual being stopped and searched by an officer. The IOPC (2022, section 1) acknowledge that people from ethnic minority backgrounds, especially people from black backgrounds are stopped and searched disproportionality, noting that this “has been a concern for many years and it remains one of the most contentious policing powers”. The ‘Police Race Action Plan, Improving Policing for Black People’, was introduced by the College of Policing and the NPCC in 2022, to “build an anti-racist police service” (College of Policing and NPCC, 2022, p.3). However, the focus of challenging inequalities in policing is not new, as previous research has examined the potential reasonings for disproportionate/discriminatory use of S&S on black people (Bowling and Phillips (2008; Norris *et al.*, 1992; Solomus, 1993). Consistently, research has suggested that black people are disproportionately stopped/searched (Bowling and Phillips, 2002; HMICFRS, 2021; IOPC, 2022; Jackson *et al.*, 2012; Lammy, 2017; Shiner *et al.*, 2018). Bowling *et al.* (2008) suggests that disproportionality due to:

“discrimination is most likely: where there are no clear guidelines or criteria for decision-making; where decisions depend on subjective judgements rather than (or in addition to) objective criteria; where decision-making criteria are not strictly relevant to decisions and have a disproportionately adverse impact on certain groups; where there is considerable scope for the exercise of individual discretion; ... and where local and organisational cultural norms (rather than the requirements of service delivery) strongly influence decision-making” (Bowling *et al.*, 2008, p.612).

Therefore, linking back to previous discussions of the impacts of individual officers discretion and cultural characteristics. A recent publication by HMICFRS (2021)

exploring the causes and consequences of disproportionality in S&S, consequences including a reduction in public confidence in policing, especially within the ethnic minority population. Nevertheless, the policies on officers decision making in who to S&S is clear, as officers who base their suspicion solely on the 'race' of a person has been deemed to be forbidden by Code A, which states “reasonable suspicion can never be supported on the basis of personal factors” (Home Office, 2023, p.8). Therefore, the Government has introduced a variety of initiatives and schemes, which led to revisions of Code A (Home Office, 2023), in order to tackle some of these issues. This included changing recording requirements, providing further clarification regarding situations in which ‘reasonable suspicion’ could be used (Home Office, 2023). The College of Policing (2022a, para 29) makes it clear through the Authorised Professional Practice (APP) for S&S, that “where disproportionality results from deliberate bias, it is unlawful”. Additionally, Code A clearly identifies that reasonable suspicion can never be supported on the basis of a:

“person’s physical appearance with regard... to any of the ‘relevant protected characteristics’ set out in the Equality Act 2010, section 149, which are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation ..., or the fact that the person is known to have a previous conviction; and (b) Generalisations or stereotypical images that certain groups or categories of people are more likely to be involved in criminal activity” (Home Office, 2015b, p.6).

PACE Code A (Home Office, 2023) still provides vast latitude for officers to explain their grounds for searching an individual, particularly through statements for grounds being based on a person ‘acting suspiciously’ (Home Office, 2015b, para 2.6B). However, it is stated that if an officer deems a person to be ‘suspicious’, they need to be able to articulate “with reference to specific aspects of the person’s behaviour or conduct... why they formed that opinion” (Home Office, 2023, para 2.6B). Although, an inspection by the then HMIC (2013a, p.30) found when sampling the grounds stated within S&S records, that reasonable grounds were not provided in “27% (2,338) of the 8,783 records reviewed”. This research also included a survey conducted on MoPs, which identified that 25% of the participants perceived that there is disproportionality in S&S, “with a third attributing this to unlawful

discrimination (this figure increased to around 55% among black and minority ethnic respondents)” (HMIC, 2013a, p.5). This aligns to findings of further research (HMICFRS, 2021; IOPC, 2022) and links to earlier discussions on policing culture. This includes research discussed previously, on how officers formulate their suspicions, such as Chan (1996) and Skolnick (1966). Choongh (1997) commented that suspicion has been used as a means of disciplining social groups (Holdaway, 1983). It has been indicated that ‘the formation of suspicions’ (Smith and Gray, 1985) has shown that:

“Race was... an important feature in police decision-making. Its implicit nature and the guardedness of the officers, however, meant it was difficult to find definitive evidence of encounters being initiated principally because someone was from an ethnic minority. On the whole, being black was found to have a shared meaning among officers and generally heightened their suspicions (Quinton, 2011, p.364).

This coincides with previous research, which stated that there is “prejudice, discrimination and selective enforcement based on stereotyping” (EHRC, 2010, p.57) used during S&S (Yesufu, 2013). Ellis’s (2010, p.200) research indicated that there are several cases where MoPs perceive that the reasoning for their S&S, was based on stereotyping. Recent research by Shiner *et al.* (2018) and research by Vomfell and Stewart (2021) have indicated that the use of race, when officers formulate their suspicions, is still an area of concern. This highlights the issue that looking at S&S statistics alone does not represent the overall issue of disproportionality, which should include the causes and consequences for disproportionality (Delsol and Shiner, 2015). Debates which focus on S&S statistics alone to display the argument that disproportionality highlights the possibility of racial discrimination, do not consider the evidential issues of whether it does exist and it does not explain why or how disproportionality arises (Bowling and Phillips, 2002; Shiner *et al.*, 2018).

Disproportionality should still be considered as an area of concern, even if there is lack of evidence of discrimination, due to the number of people from ethnic minority backgrounds that are being stopped and searched and low S&S outcome ratios,

which indicate that there are high proportions of persons, that were innocent at the time of the S&S (Jackson *et al.*, 2012; Shiner *et al.*, 2018; HMICFRS, 2021; IOPC, 2022). Additionally, the effects that this has on public perceptions of legitimacy of the police powers (Bowling and Phillips, 2002; Jackson *et al.*, 2012; Police Foundation, 2022). Lammy (2017) discussed the disparity in the entry of ethnic minority individuals into the CJS, compared to individuals from White backgrounds. This is despite the Governments initiative to reform S&S and the change in political consensus, which is discussed in the next section

2.13 Change in the political consensus

During the time of the Conservative/Liberal Democrats coalition government (circa 2010-2015), a highly critical report was published by HMIC (2013a) into the use of S&Ss in England and Wales. As a result of the report (HMIC, 2013a), the then Home Secretary stated that there was to be a public review into S&S powers, which led to the consultation being launched in July 2013 (Gov.uk, 2013). Theresa May became the first Home Secretary to highlight during a Parliamentary debate, that having heard accounts of from MoPs about S&S and MoPs having several instances of S&S, that:

“If anybody thinks it is sustainable to allow [this] to continue, with all its consequences for public confidence in the police, they need to think again” (Parliament. House of Commons, 2014a, Column 774).

Further reasons given were concerns that there was overuse of the powers and that the powers were being targeted on “the wrong people” (Parliament. House of Commons, 2014a, Column 774). At the end of the statement, it was made clear that officers should only use their powers when necessary and that policing should focus on “better community engagement; and ...more efficient recording practices across the country” (Parliament. House of Commons, 2014a, Column 774-5). Labour party representatives, such as then Shadow Home Secretary Yvette Cooper, welcomed

the consultation and referred to quotes given in the EHRC (2010) report on S&S (Parliament. House of Commons, 2014a). The EHRC (2010, p.3) report highlighted evidence of disproportionately in the use of S&S, suggesting that the powers were being used “in a way that is discriminatory, inefficient, and a waste of public money”. The debate evidenced other members welcoming the consultation and indicated a consensus between Labour and the Conservative-Liberal coalition government, that the use of S&S needed to be investigated, in order to tackle inappropriate and discriminatory practices (Parliament. House of Commons, 2014a). This differed from the previous ‘crime control’ initiatives and policies, which had enabled S&S numbers to increase and enhanced officers’ discretion, without providing sufficient safeguards which were sufficient to tackle misuse (Reiner, 2010). This led to the Government’s review of S&S, which is discussed in the next section.

2.14 BUSSS

Details of the Government’s review and its recommendations were made in a Parliamentary debate, during April 2014 (Parliament. House of Commons, 2014a). There are six key elements to the BUSSS, these are “data recording... Lay observation policies [ride-alongs] ... complaints 'community trigger'... Reducing section 60 [CJPOA 1994] ‘no-suspicion’ [S&Ss] ... Adherence to the Scheme...and... Race and Diversity Monitoring” (Home Office, 2014a, p.2). The BUSSS was created in order to increase accountability and public confidence in the legitimacy of the S&S powers being used by officers, as well as to enhance transparency (Home Office, 2014a). This thesis focuses on the ‘Community Complaint Trigger’ (CCT) element and the external accountability mechanisms (SSSPs), that were created as a result of the BUSSS (Home Office, 2014a, p.5). It is stated that forces are required to provide MoPs in their local policing area information on:

“the appropriate mechanism ...to raise any concerns or complaints that they have with the way that a [S&S] has been carried out ... Forces participating in the Scheme have local discretion to determine the most appropriate way to establish the [CCT];... each force must ensure that the local community (often

through ... Scrutiny Boards) is provided with the opportunity to influence how it is set up... how many complaints, and of what nature, would set off the trigger” (Home Office, 2014a, p.4).

Therefore, indicating that as there is ‘discretion’ for forces on how to set up the CCT, that there will be variances between forces. The reason for establishing SSSPs was due to the BUSSS, primarily to ensure that they are meeting the third element - the ‘CCT’ (Home Office, 2014a). Additionally, the CoP stipulates that there should be community scrutiny to increase public confidence:

“In order to promote public confidence ..., forces in consultation with [PCCs] must make arrangements for the records to be scrutinised by representatives of the community and to explain the use of the powers at local level” (Home Office, 2015b, p.18, para 5.4)

Therefore, suggesting that not all SSSPs are arranged by PCCs, the focus is on forces to ensure that there are provisions to enable scrutiny of S&S by MoPs. Examples of how the ‘CCT’ has been created include Wiltshire Police, whose policy states that every complaint received regarding S&S will result in a CCT and “each finalised complaint will be reviewed by the independent members of the [SSSP]...which convenes every 3 months” (Wiltshire Police, 2018, p.2). Wiltshire Police (2022) suggest that the panel still meets quarterly. Hertfordshire has the same policy, that every complaint is a trigger (Hertfordshire PCC, 2022; Hertfordshire Police, 2020). There are criticisms to the extent to which the ‘CCT’ element of the BUSSS can have an impact on increasing accountability, as many MoPs who have had a “negative experience during a [S&S] are unlikely to make a formal complaint. Thus, the number of complaints will rarely, if ever, raise to a [CCT]” (IOPC, 2018b, p.23). Therefore, indicating that the CCT does not work effectively.

Additionally, there are variances in how SSSPs operate between force areas. Some SSSPs are run by PCCs offices, such as Hertfordshire whose SSSP has MoPs from “...across the county” (Hertfordshire PCCs Office, 2020a). Other forces have district panels, such as West Yorkshire Police (2019a). A chief officer’s report is provided for discussion at the “meetings between the [CC] and the [PCC]”, including discussions

of the S&S statistics for the force (West Yorkshire Police, 2019b). Although, as there are district panels, these operate differently “regarding their Terms of Reference. For example, some combine S&S with HATE scrutiny, others have separate arrangements” (West Yorkshire Police, 2019a, p.4). Therefore, indicating that all the district panels may not be focusing their time on S&S, limiting the scrutiny that could be conducted to increase accountability.

West Yorkshire Police indicated that the arrangements for the panels were being reviewed to enhance the information provided to the panels, including information on disproportionality ratios for the force area and to facilitate the use of reviewing Body-Worn Video (BWV) by the panels (West Yorkshire Police, 2019a). It is stated that this is in order to “increase our legitimacy [which] is required to meet HMICFRS [Police Effectiveness, Efficiency and Legitimacy] PEEL inspection criteria” (West Yorkshire Police, 2019a, p.4). Information from West Yorkshire Police website (2022, para 7) now indicates that BWV is being used in SSSPs, although the wording of “may be viewed” suggests that each SSSP may not have access to BWV at every meeting.

In addition to SSSPs, there have been other mechanisms which have been created to allow external scrutiny of S&S, such as Northamptonshire Police establishing a Reasonable Grounds Panel (RGP) (HMICFRS, 2017). The RGP is comprised of “two police officers, including a senior officer ..., and four or more community members. Panels meet in a community setting and [MoPs] are recruited by the host agency” (HMICFRS, 2017, p.15-16). The grounds of S&Ss that are conducted are reviewed by the RGP co-ordinator and it is “the co-ordinator, who identifies areas of concern”, (HMICFRS, 2017, p.15-16), who then brings these records to be reviewed by the RGP. Therefore, this reduces the ‘transparency’ mechanisms of the SSSP, as only those records which are chosen by the RGP co-ordinator are presented to the RGP. Furthermore, there has been concerns raised that there is a lack of transparency/public information provided, of when the RGPs are taking place or how to become a panel member (Hyland, 2020), suggesting further limitations of the RGP.

Whereas other panels such as Hertfordshire, ask its members of the SSSP to scrutinise S&S records, by undertaking a “random sampling, [examining] summary data... and [BWV]” (Hertfordshire PCC, 2019a, p.1). Bedfordshire Police have a countywide SSSP lead by a MoP and the SSSP has a diverse representation of MoPs who live or work/study in Bedfordshire (Bedfordshire PCC, 2019a). The SSSP scrutinises BWV of S&S carried out by Bedfordshire officers and uses “randomly dip-sampled footage ... and [the SSSP] ...provides feedback directly to the officers and their line managers” (Bedfordshire PCC, 2019a). Therefore, indicating further transparency and external accountability, in comparison to Northamptonshire’s RGP, in which the co-ordinator chooses the records to be referred to the RGP (HMICFRS, 2017).

Furthermore, there are variances in the number of occasions forces have SSSPs throughout the year, as Bedfordshire SSSP meets quarterly, reviewing “three BWV per meeting and reviewing...statistics” (Bedfordshire Police, 2020). Wiltshire police SSSP meets quarterly (Wiltshire Police, 2022), whereas Hertfordshire’s SSSP meets monthly (Hertfordshire PCC, 2020a). Kalyan and Keeling’s (2019) previous research comprised of an online survey, which was sent to police forces in England and Wales to determine how SSSPs operate in force areas. Kalyan and Keeling’s (2019, p.20) research included interviewing a small sample of “academics, community groups and charities, and two [SSSP] meetings were observed”. The research identified that the level of scrutiny varies between SSSPs and provided recommendations for improvements, such as improving scrutiny and transparency, by providing “access to records data, [BWV] footage, etc.” to improve confidence in the use of S&S (IOPC, 2022, para 27) (further analysis and discussion of SSSPs is provided in Chapter five).

Confidence in policing can also impact the MoP who wish to become members of SSSPs. The Crime Survey of England and Wales statistics show that “in every year shown [2013/14 – 2019/20], a lower percentage of Black Caribbean people had confidence in their local police than White British people” (ONS, 2021c). Lack of trust/confidence in the police, could dissuade persons from applying to take part in

police community engagement (Shiner *et al.*, 2018). However, it could also motivate a MoP to become involved, to work with policing to improve trust and confidence in the community. Further barriers dissuading MoPs to engage in community schemes, include where MoPs who have criminal backgrounds, could be excluded from due to force policies. The NPCC (2017, p.67) having acknowledged that policies may be “discriminating against or at the very least silencing a voice that probably should be heard”. The NPCC (2017) has highlighted the difficulties in getting community engagement mechanisms to reflect the diverse backgrounds of the communities the forces serve, and difficulties engaging young people. This aligns with research by Kaylan and Keeling (2017), which indicated that not all SSSPs have a diverse members group, and that further focus should be made on increasing younger members to SSSPs.

In addition to SSSPs, one of the key elements of the BUSSS is improving transparency (Home Office, 2014a). Yet, there is a lack of legal, or case law, requiring all forces to “adhere to all its components” within BUSSS (Home Office, 2014a, p.7). HMIC inspected police forces compliance of the scheme in 2015, as part of the PEEL Inspections (HMIC, 2016a). As a result of inspecting the 43 forces, it was identified that compliance was low, as:

“only 11 forces were complying with all five features ...; 19 forces were not complying with one or two features of the Scheme; and 13 forces were not complying with three or more features” (HMIC, 2016b, p.3).

This led to the argument that the HMIC inspection “raises serious concerns about the quality of the inspection process...the lack of compliance with [BUSSS], highlights the need for primary legislation with much stronger standards” (Stopwatch, 2016). However, HMIC (2016a) revisited the nineteen forces who had been found to be in non-compliance with elements of the scheme. Four forces were still found to be non-compliant with elements of the BUSSS, which were Derbyshire, Northamptonshire, South Yorkshire, and Greater Manchester Police (GMP) forces (HMIC, 2016a). To gain an understanding of whether these forces were still in non-compliance, an

analysis was undertaken. South Yorkshire Police non-compliance was in relation to the outcome data and GMP non-compliance was regarding failure to raise the authority level for CJPOA (1994, section 60) S&S powers, in accordance with the BUSSS requirements (HMIC, 2017c). However, a supplementary statement at the end of the HMIC (2017c, p.9) report, states that additional work has been conducted by the forces and “we are satisfied that they are now compliant” with the BUSSS. Although, more recent research by HMICFRS (2021) indicates that there are still concerns with how S&S is being conducted and whether all S&Ss are legally compliant.

Since the introduction of the BUSSS (Home Office, 2014a), further amendments of policing accountability were made. Changes to the roles/responsibilities of PCCs were made within the Policing and Crime Act (PCA) (2017) (discussed in Appendix N). The review of the literature indicates that additional research should be undertaken in the area, to identify perceptions of effectiveness of SSSPs, that were created as part of the BUSSS, to establish the ‘CCT’ and provide external scrutiny of S&S (Home Office, 2014a). In addition to concerns about accountability in S&S (HMICFRS, 2021) since the introduction of SSSPS, there have been changes to public confidence levels (Police Foundation, 2022). This has been referred to as a ‘crisis of confidence’ discussed in the next section.

2.15 Crisis of Confidence 2020-2022

As the introduction to the thesis discussed, officers in England and Wales ‘police by consent’ (Emsley, 2014) (Appendix H provides the nine ‘policing by consent’ principles). However, confidence in policing has been falling over recent years (Shiner *et al.* 2018; HMICFRS, 2021; Police Foundation, 2022). There have been many high-profile cases of police officer misconduct, which the Police Foundation (2022, p.5) suggest is “linked in part [to the] ...deterioration in public confidence”. The murder of George Floyd on 25th May 2020 in Minneapolis whilst in police custody (McGreal *et al.*, 2021), was posted on the media worldwide and led to

protests in several countries including in the UK (Hill *et al.*, 2020; Safi, 2020). The video footage of George Floyd as he was arrested, showed one of the four police officers present kneeling on George Floyd's neck (Hill *et al.*, 2020; Safi, 2020). The officer who knelt on George Floyd's neck as he suffocated was Derek Chauvin, who was found guilty was sentenced to "[22.5] years ...for second degree murder" (Laughland, 2021, para 1). George uttered the words "I can't breathe" several times, when Derek Chauvin was kneeling on his neck (Hill *et al.*, 2020, para 1). These words were then used on placards by protesters who took part in the Black Lives Matter protests around the world, which has been suggested to be "global solidarity" (Blowe and Lubbers, 2020, p.21), against "systemic racism and police brutality" (Singh, 2020, para 2). Protests in the UK included campaigns against the powers afforded to policing during the Coronavirus pandemic (Blowe and Lubbers, 2020), through the Coronavirus Act (2020). Blowe and Lubbers (2020, p.21) suggest that the powers provided by the Coronavirus Act (2020), were "the most sweeping restrictions on civil liberties for generations". The Home Office (2021a; 2022a) have indicated that an increased number of S&S were conducted during the pandemic (see earlier discussion of S&S statistics).

Although the Black Lives Matter movement had a resurgence due to the murder of George Floyd (Johnson, 2020; McGreal *et al.*, 2021), Black Lives Matter originated "in 2013 in response to the acquittal of Trayvon Martin's murderer" (Black Lives Matter Global Network Foundation Inc, 2020). Trayvon Martin was 17 years old when he was shot and "killed by [George Zimmerman] a neighbourhood watchman who was acquitted of his murder" (Ramaswamy, 2017, para 1). The case "heightened a debate ... over the issue of racial profiling" (Munro, 2021, para 6), as well as the fight against racial injustice and for equality (Blain, 2020). In recent years, there has been high profile cases in England and Wales which has further raised the debate, an example case being the athletes Bianca Williams and Ricardo dos Santos, "accused the Met [MPS] of racially profiling them... after their vehicle was stopped, with their three-month-old baby inside" (Dodd, 2020c, para 13). In addition to cases related to racism/racial profiling, there have been further cases in England and Wales that have had an impact on public confidence in policing (Police Foundation, 2022). They include the murder of Sarah Everard by a serving Metropolitan police officer (Fulford,

2021), which has also impacted public perceptions of policing legitimacy (Police Foundation, 2022).

Recent qualitative research within the 'London Public Attitude Survey', was published in 2021 by the Mayor's Office for Policing and Crime (MOPAC, 2021). The results suggests that there has been a significant reduction in MoPs from London's perceptions, of whether officers would treat them fairly and with respect, which has resulted in a reduction of trust in the MPS (Police Foundation, 2022). This data has then been compared to the public perceptions research conducted in 2020, by the 'Crime Survey for England and Wales' (Police Foundation, 2022). The research indicated that perceptions of trust in forces and perceptions of whether the public would be treated with respect/fairness by officers, has reduced (Police Foundation, 2022). Although, not as sharply the reduction in London's MoPs perceptions of the MPS (Police Foundation, 2022).

Incorporated within nine Code of Ethics (College of Policing, 2014) are the seven Nolan principles 'of public life', which included "Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership" (Committee on Standards in Public Life, 1995, p.3). The additional two codes are "Fairness" and "Respect" (College of Policing, 2014, p.vi). Police officers are required to abide by the Code of Ethics, as well as the 'Standards of Professional Behaviour' (see Appendix J), which are contained within the Police Conduct Regulations (2020, Schedule 2). The 'Standards of Professional Behaviour' and the Code of Ethics (College of Policing, 2014) are used during police officer misconduct hearings, to hold officers to account (College of Policing, 2017). Information about misconduct hearings is published, in order to improve transparency (College of Policing, 2017; Police (Conduct) Regulations, 2020) and improve public confidence in accountability mechanisms.

The Police Foundation (2022) suggest that through the commitment to improve public confidence in policing, policing governance and democratic accountability is key. Additionally, one of the recommendations given was that PCCs also be

committed to “inclusive public dialogue...[and] invest in vehicles to promote public participation in decision making” (Police Foundation, 2022, p.86). In the context of S&S and the BUSSS (Home Office, 2014a), this would relate to PCCs ensuring that each force has effective SSSPs, which have community representation and allow for S&S powers to have external oversight (HMICFRS, 2021). These findings align with the recommendations provided by the IOPC (2022), in the National Review of S&S powers.

2.16 Conclusion

This chapter has discussed the challenges of organisational culture, policing culture and normative orders, which previous research has identified the impact that these have on officers operational practices (Chan, 1996; Herbert, 1997). Ascertained through discussion of policing accountability throughout the years, are the arrangements that are in place to hold police forces accountable. These have been further complicated, with changes made to introduce PCCs, PCPs and scrap the previous police authorities under the ‘tripartite system’ (Murphy *et al.*, 2017). The introductions of PCC came with large expectations to make accountability more democratic and remove what was suggested to be a ‘deficit’ (McLaughlin, 1992; 2007; Reiner, 2010). The literature review indicated that democratic accountability was the main purpose of the introduction of the PCCs, to promote fairness in policing practice, increase public confidence and hold CCs to account, where practices have been highlighted as having a ‘deficit’ (Jones, 2008). The doctrine of operational independence, which has been commonly referred to as a mechanism to safeguard police decision-making from intervention from organisations/government, regarding a limited range of police matters (Stenning, 2007). The position between ‘operational independence’ and policy issues was often unclear and over time, policing accountability provisions became increasingly blurred (Murphy *et al.*, 2017). PCCs are directly elected, and they were introduced in order to improve democratic accountability (Murphy *et al.*, 2017). The extent to which PCCs have increased

democratic accountability in specific relation to S&S practices, is the area that this thesis aims to examine.

The statistics analysed within the chapter demonstrate that although S&S saw a reduction between 2014/15 to 2017/18 (Home Office, 2015d; 2016a; 2017a; 2018), the number of recorded S&S rose until 2020/21, before falling during 2021/22 (Home Office, 2019c; 2020a; 2021a; 2022b). The mechanisms instilled within PACE CoP Code A (Home Office, 2023) are only effective if they are abided by. The BUSSS (Home Office, 2014a) was created by the then Home Secretary to tackle disproportionality in S&S practices and to increase accountability, due to further breakdown in policing ethnic minority relations. Arguably, this is the first scheme which has brought in substantial mechanisms to ensure that there is external accountability. This was instead of previous 'self-regulation', which was suggested to have led to officers who have committed misconduct during a S&S, to broadly be unfettered, unless a complaint was received and dealt with appropriately (Bowling *et al.*, 2019; Shiner *et al.*, 2018).

In addition to assessing the number of S&Ss conducted, this chapter discussed disproportionality rates (see Table 4 and 5). Disproportionality rose between 2013/14 to 2017/18 (Home Office, 2022a). Overall, the statistics and previous research suggests that disproportionality should still be considered as an area of concern, due to the effects that this has on public perceptions of legitimacy of the police power (Bowling and Phillips, 2002; Jackson *et al.*, 2012; HMICFRS, 2021; IOPC, 2022). Even if there is lack of evidence of discrimination, factors impacting public perception include the number of S&S conducted on ethnic minority individuals (Jackson *et al.*, 2012). Additionally, the number of people who have nothing found on them after a search has been conducted – showing that they were innocent at the time of the search (Jackson *et al.*, 2012). These factors have been shown to impact public perception of the use of S&S powers (Parmar, 2012), especially amongst ethnic minority communities (HMIC, 2013a; HMICFRS, 2021; IOPC, 2022).

Although the BUSSS (Home Office, 2014a) was introduced in 2014, HMIC (2016a; 2017c) highlighted concerns regarding forces compliance with the scheme. Recent research by HMICFRS (2021) indicates that the use of S&S powers need to have increased monitoring and further engagement with the community, regarding the use of the powers and to improve public confidence. Between 2020-2022, there has been a 'crisis' in confidence, due to high profile cases of police misconduct, which has led to the reduction of public perceptions of policing (Police Foundation, 2022). The issue that disproportionality in S&S remains a constant concern and there have not been sufficient regulatory controls to increase public confidence in the powers (Shiner *et al.*, 2018; HMICFRS, 2021; Police Foundation, 2022), shows that further accountability in the use of the powers is required.

2.17 Framework for research project

The literature review has identified that the gaps within existing research, of current perceptions of the impact that PCCs have had on policing accountability in S&S. Furthermore, the study will examine barriers/challenges that are affecting PCCs abilities to improve S&S practices. The study will explore the awareness of participants, in relation to their knowledge of PCCs, S&Ss, SSSPs and the BUSSS. Current perceptions of culture will also be sought, to identify whether aspects of Chan's (1996/1997) policing culture, Reiner's (2010/Bowling *et al.*, 2019) cultural characteristics and Herbert's (1997) 'normative orders' are still visible in policing and impact perceptions. Additionally, whether these challenges impact accountability in S&S/democratic accountability.

Moreover, current perceptions of the impact PCCs have had on increasing accountability and confidence in policing will be sought. The review of the literature has identified that PCCs have a duty under the PRSRA (2011, section 12) to submit their Police and Crime Plan and PCPARs. However, no previous research on an analysis of the PCPARs discussion of S&S was located. Therefore, this appears to be a gap in existing research. An analysis of the PCPARs will be conducted as part

of this research study, in order to identify whether PCCs have prioritised accountability of S&Ss. The next section provides the research aims and objectives for this study.

2.18 Research aims and research objectives

The literature review provides information about previous research and legislation in the area of policing accountability/PCCs and S&S. The central research aims (RAs) that will be addressed in this thesis are as follows:

1. To identify participants' perceptions of the impact PCCs in England and Wales have had on increasing accountability in S&S practices (RA1).
2. To assess participants' perceptions on additional barriers may impact the PCCs abilities to improve external of S&S policing powers (RA2)

In order to address the research aims (RA1/RA2), the research objectives which are conveyed as research questions are as follows:

1. To explore participants' awareness of accountability in S&S been increased, since the introduction of the PCCs (RQ1)
2. To explore participants' perceptions of mechanisms for accountability in S&S, and the impact PCCs have had (RQ2)
3. Conduct an analysis of Police and Crime Plan Annual Reports (PCPARs), to determine how many PCCs have prioritised S&S accountability (RQ3)
4. To identify whether issues relating to SSSPs (introduced as part of the BUSS Scheme); racial inequality; disproportionality in S&S; a lack of diversity in police forces/ police governance and policing culture, are still creating barriers and impacting accountability? (RQ4)

Chapter Three: Methodology

3.1 Introduction

This chapter discusses the methodology undertaken for this research study. Chapter two reviewed previous research, legislation in the area of policing accountability/PCCs and S&S, which provided a context that supports further research to be undertaken in the area. Previous research was utilised by the researcher, in order to develop the research questions for the research study. This is in addition to the need to review PCPARs, to determine which PCCs have set increasing accountability in S&S as a priority. This influenced the decision to apply a mixed-methods approach (Bryman, 2003; Johnson and Christenson, 2012; Maarouf, 2019). By combining qualitative research of semi-structured interviews (RM1) to assess a range of 'participants perceptions' (RA1/RA2) and a qualitative survey (RM2) with MoPs ($n=388$) as participants. The qualitative research was conducted in order to assess 'participants' perceptions' and 'additional barriers to accountability' (RA1/RA2). There was differentiation of the questions posed to the nine interview subgroups (RM1) (discussed further in this chapter), as well as differentiation for questions posed to MoPs in the qualitative survey (RM2). The quantitative research of reviewing PCPARs (RM3) through content analysis (Lock and Seele, 2015), was undertaken to determine how many PCCs have incorporated S&S as one of their priorities.

This chapter starts with discussing the research philosophy in section 3.2, including reflexivity, positionality, ontology, and the research epistemology. In section 3.3, an in-depth discussion of the research methods used in this research is provided (RM1/RM2/RM3). Section 3.4 discusses the methodological issues identified and access, before discussing limitations of the research.

3.2 Research Philosophy

This section discusses the role that researchers have, whilst gathering and analysing research. Uddin & Hamiduzzaman (2009, p.658) suggested that “all research is based on assumptions about how the world is perceived and how we can best come to understand it”. Therefore, it is vital for researchers to explain and for readers to understand the philosophy of the research. Researchers using the qualitative research paradigm (Creswell, 2014; Johnson and Christensen, 2012), seek to understand the “socially constructed nature of reality” (Denzin and Lincoln, 1998, p.8), focusing on “perceptions [and] behaviours, to identify how] context” changes the reality throughout time (Maarouf, 2019, p.8). Previous research indicates that the nature of reality “depends on the context to exist and continue existing”, therefore indicating “that changing the context, changes the reality and the existence of multiple contexts means the existence of multiple realities” (Maarouf, 2019, p.7). Consequently, research which obtains up-to-date perceptions, can make changes to the context/reality.

Applying a pragmatist approach, this mixed-method research including both qualitative and quantitative research, allowed the study to generate different types of contributions (Barnes, 2019; Hathcoat and Meixner, 2017). Pragmatist approaches are designed by researchers, to add knowledge to the field of enquiry, designing research methods that have been determined to be the best method for answering the research questions (Creswell, 2014; Johnson and Christensen, 2012). The purpose of this study was to explore what impact, if any, PCCs have had on increasing accountability in S&S and what challenges there are for increasing accountability. Therefore, quantitative research was undertaken reviewing PCPARs from all PCCs in England and Wales to address (RQ3), in order to establish the ‘nature of reality’ (Saunders *et al.*, 2015, p.127) and to determine how many PCCs, if any, could be shown to have stated within their PCPARs that they have prioritised S&S accountability. The qualitative research method (RM1) of semi-structured interviews ($n=30$) was created, with subgroups of PCCs; CCs; FLPOs, FLS/Is, Police Trainers; RaEC representatives; PCP Members, SSSP members and MoPs. RM1 sought to assess a range of ‘participants’ perceptions/awareness’ (RQ1/2) and

'additional barriers impacting accountability' (RQ4). Furthermore, the second qualitative research method (RM2), was a survey conducted with 388 MoPs as participants, to assess 'participants' perceptions' and 'additional barriers to accountability' (RA1/RA2). The qualitative methods applied within this research study, examines the internal validity that using participants' perceptions provides. The rationale for conducting the qualitative research survey (RM2), was that only four MoP were interviewed in (RM1). This limited the external validity to generalise the perceptions of the participants in the qualitative research. Therefore, a qualitative research survey (RM2) was created, to gain more perceptions from MoPs. This resulted in 388 participants ($n=388$) surveys being used within the research (discussed further in this chapter).

3.2.1 Reflexivity and Positionality

Within this section, the reflexivity and positionality of the researcher is discussed, including how the researcher can be viewed as a potential source of error is provided. The researcher's perception prior to undertaking this research, was that there was a variety of approaches taken by PCCs throughout England and Wales. Additionally, the discourse regarding PCCs that was accessed by the researcher (see Chapter two), indicated that there were a variety of accountability mechanisms in S&S being used.

Positionality is an important aspect to consider in research (Holmes, 2020). Greenbank indicates that "no matter how well designed, research can never be value-free" (Greenbank, 2003, p.792). The researcher's positionality includes being brought up in a household where both parents were/had been police officers, were liberal as well as pro-equality. However, the researcher's experience during teenage years and changes to environment in the researcher's twenties, heightened concerns regarding unfair treatment of ethnic minorities by some police officers and concerns of disproportionality. These experiences were brought to forefront of

attention whilst the researcher lived in Scotland. When the researcher moved to a multi-cultural town in England, further experiences included witnessing ethnic minorities being stereotyped and the use of generalisations being used during some S&S's. Furthermore, the researcher has been stopped and searched whilst out with a friend (who is Black). The experiences highlighted above, led the researcher to undertake research on disproportionality in S&S practices during undergraduate studies.

Additional influences are the researcher's profession as a Lecturer, teaching areas include policing accountability and S&S. Furthermore, the researcher volunteered as a member of a SSSP between November 2017- December 2018. The researcher was also a 'guest member' of another SSSP between June 2017 - December 2018 and arranged another force's panel to be held at one of the Universities that the researcher worked at in 2018. Additionally, the researcher became a member of a S&S working group for a force in 2018, which deepened the researcher's knowledge and awareness of the issues within S&S practices (see Chapter two, which provides a discussion of some of these issues). This doctoral thesis forms part of the researcher's continuing interest in the subject area.

In addition to positionality, reflexivity is also an important aspect to consider in research (Bourdieu and Wacquant, 1992) and the process of reflexivity enabled the researcher to provide a deeper level of analysis, which was not just "surface analysis" (Corlett and Mavin, 2018, p.381). Although not a part of the research for this doctoral project, volunteering time to be a guest member/member of a SSSP, enabled the researcher to gain a deeper understanding of the processes in SSSPs. The qualitative research (RM1/RM2) (discussed further in this chapter), illustrates the participant's perceptions. The variety of participants within RM1 subgroups, enabled a variety of perceptions to be ascertained, providing a deeper layer of analysis, extracting themes (Braun and Clarke, 2006) from the interviews. The qualitative research survey (RM2) conducted with MoPs ($n=388$) provided further perceptions from MoPs. The themes (discussed further in this Chapter) were drawn

from the thematic analysis (Braun and Clarke, 2006) of the research (in RM1/RM2) and are presented as the research findings (see Chapter four).

Within (RM1), the researcher was aware that she would be viewed as an 'outside outsiders' (Brown, 1996) by police officers interviewed within the research. 'Outside outsiders' is described as "external commentators on police and policing issues from organisations such as local government, academia, and independent research organisations" (Hodgson *et al.*, 2006, p.258). The view of the researcher as an 'outside outsider' with officers who the researcher had not previously been in contact with, resulted in methodological issues including access (discussed further in this Chapter). However, the researcher's previous professional work with a CC from a south-shire force, led to access to interview FLPOs from that force, as well as being given contact details for another two force areas to approach.

Furthermore, the researcher's gender, social class, race could be viewed as 'potential influences' (Holmes, 2020, p.4). Horn (1997) discusses the influence that gender can have, whilst carrying out research in environments which are male dominated, such as conducting research with police forces (Hodgson *et al.*, 2006). Easterday *et al.* (1977, p.344) write that "if a researcher is not taken seriously because she is a young female, this can facilitate entree into an otherwise difficult or inaccessible setting". Lefkowich (2019, p.1) discusses 'gendered implications for qualitative research' in relation to "power dynamics", discussing female researchers who interview men as participants for a research study. Using examples from previous research, the article discusses these "power dynamics" (Lefkowich, 2019, p.5) and how they can be displayed during qualitative research. These include female researchers not being seen as credible as men, due to perpetuating gendered norms within culture (Fine, 2013). In policing, this has been referred to as the policing culture of "machismo" (Bowling *et al.*, 2019, p.177) (see Chapter 2), in relation to how these 'power dynamics' can be manifested in cultures, as well as research contexts (Belur, 2014; Lefkowich, 2019). The researcher does not perceive that her gender effected responses provided by CCs/DCCs interviewed. However, the researcher perceives that there were aspects of gendered power dynamics in

play, when interviewing some of the PCCs, Police Trainers, FLPOs and FLS/Is. However, gender is only one of the aspects that comes into play when conducting research (Brewer and Magee, 1991). The researcher's racial identity and class background is another aspect (Emirbayer and Desmond, 2012).

Previous stances include work by Merton (1972, p.15), who discusses the 'insider doctrine', in the context of racial identity and further work by Clifford and Marcus (1986), examining the structure of which positions are constructed. In the context of this research, this is in relation to the treatment and experiences that people from ethnic minorities have in policing. As the researcher's racial identity is white, Merton (1972, p.15) suggests that this would deem the researcher as an 'outsider', who "has a structurally imposed incapacity to comprehend alien groups... cultures, and societies". Further research by Mansbridge (1999) also asserts that in social science research, disadvantaged groups should be researched by members of the same disadvantaged group. Research discusses the complexities that the labels of insider/outsider have had, as well as identifying that the category of insider/outsider has, which:

"not only tended to obscure the diversity of experiences and viewpoints between and within various groups, but these categories have also obscured the diversity of experiences which can occur between the research and the researched" (Song and Parker, 1995, p.243).

Their work (Song and Parker, 1995) is referring to researchers who are not total outsiders, nor total insiders, in relation to participants which are taking part in the qualitative research interviews. As the researcher has been stopped and searched, has volunteered for police forces, SSSPs and works as a Lecturer, this created some shared commonalities amongst the researcher and some of the participants in the qualitative semi-structured interviews. Song and Parker (1995) indicate that this would create an 'other' group, as they had in their research interviewing Chinese interviewees, who shared the some of the same cultural identity as the researchers. Twine's (2000) research also critiqued the use of 'racial matching' of researchers and participants. Twine's (2000, p.27) refers to gaining perceptions from researchers

who have conducted qualitative research in “fields of power specifically as antiracists”, which indicates complexities. Emirbayer and Desmond (2012, p.582-583) also disagree with Merton’s (1972) standpoint, suggesting that this “is too simplistic [as it] ...is not the inevitable result of one’s position in social space”. Although the researcher had some commonalities with some of the participants who were interviewed in the research, the researcher will never be able to fully appreciate what it is like for a person from an ethnic minority background, to be stereotyped or be a victim of racial profiling by officers and the impact this has on the person’s perceived confidence and legitimacy in policing.

In addition to gender and race, there are different views on social class as to whether class is derived from. There are the traditional three categories, although a research study classed the ‘British Class Survey’, has defined seven types of social class (Savage, 2013). In policing, previous research has shown that there is a differential in treatment between ‘respectable’ classes and classes deemed as the ‘roughs’ (Bowling *et al.*, 2019; Cain, 1973; Loftus, 2009). During this research, the researcher did not perceive her ‘class’ as having an influence on how open and transparent officers; MoPs; PCP members, SSSP members; RaEc Representatives were. However, the researcher did perceive that the differential in class and the power dynamics were at play, when interviewing two of the five PCCs. These perceptions and the social constructions of ‘class’ were not measured within this research. The ontology of this research is discussed in the next section.

3.2.2 Ontology

Ontology is a research philosophy which can be defined as the ‘nature of reality’ (Saunders *et al.*, 2015, p.127), which studies the ‘essence of being’ (University of Warwick, 2017, para 1). Within social science, it’s important to identify the ontology of the research, to explain the components within the research and the ‘reality’ in which the components exist, that are under investigation (Bryman, 2003). It is

considered that there are four research philosophies in relation to ontology, which are “positivism, interpretivism, realism and pragmatism” (Al-Ababneh, 2020, p.77). Ontological pragmatism as a mixed methods approach, has increased since the 1970s (Hall, 2013; Hathcoat and Meixner, 2017; Maarouf, 2019). Ontological pragmatism approach seeks to use “complex, rich” experiences, which are focusing on a “flux of processes, experiences and practices” (Saunders *et al.*, 2019, p.145). Morgan (2007, p.71) asserts that research which is pragmatic is “intersubjective”, which indicates being both objective and subjective at the same time, capturing this duality. Whilst acknowledging that there is one ‘reality’ (Saunders *et al.*, 2015), that individuals have perceptions, which show multiple understandings of this reality in practice (Maarouf, 2019). The importance of understanding both objective and subjective views, whilst highlighting the importance that “communication and shared meaning [which] are central to any pragmatic approach” (Morgan, 2007, p.72). This research has taken a mixed-methods approach, with the philosophy stance of pragmatism. The possibility of duality existing (and the argument that it does exist) as a property of the contrast between PCCs (Lister, 2014; Reiner, 2016a), was discussed in Chapter one.

PCCs became the forefront of policing accountability within the PRSRA (2011), resulted in organisational changes within policing (Reiner, 2016a). This research aims to assess whether PCCs in England and Wales have prioritised increasing accountability in S&S practices (RA1) and whether there are additional barriers impacting accountability (RA2). As the accountability structures within policing was changed by the PRSRA (2011) to include the PCCs, this organisational change has resulted in resistance to these changes within policing (Lister, 2013; Reiner, 2016a). The resistance to previous organisational changes has been discussed by previous research (Chan, 1996, Loftus, 2009; Reiner, 1991; Schein, 2016; Skolnick, 2008; Waddington, 1999a). This research seeks to identify changes that have been made, how changes can be employed to increase accountability, what changes are still required to be made, rather than identifying areas of changes in which resistance can be eliminated (Maarouf, 2019; Saunders *et al.*, 2015)

In pragmatist research, researchers conceptualising their ontological positions within what Maarouf (2019, p.7) states is the 'reality cycle', which "is located in the middle of the objectivity-subjectivity continuum...reality circle is...reality, perceptions, behaviours, context". This approach allows the researcher to change between the view of "external reality and the multiple perceptions of reality in social actors' minds... thus between the quantitative and qualitative research approaches and methods" (Maarouf, 2019, p.7). The researcher adopted the approach that the 'reality' was that there are variances between PCCs priorities, compared to priorities of increasing accountability in S&S and increasing external/independent oversight of S&S through SSSPs (HMICFRS, 2021, Kalyan and Keeling, 2019). Quantitative research was conducted using content analysis of PCPARs (RM3) (discussed further in this Chapter), to test the hypothesis that not all PCCs have prioritised increasing accountability in S&S, nor increased external/independent oversight of S&S through SSSPs. Therefore, reducing the impact that increased accountability and external/independent oversight of S&S can have overall, throughout policing in England and Wales. However, 'reality' changes, as over the years differing priorities are set by PCCs in Police and Crime Plans, in addition to new PCCs being elected in posts around England and Wales, leading to changes in Police and Crime Plan priorities (Parliament. House of Commons, 2021b). Therefore, a review of the PCPARs was conducted for the periods between 2016-2022. This was conducted to highlight changes/developments that had been made over that time period, showing PCPARs which had indicated that SSSPs had been created within the PCCs local force area.

In addition to the quantitative research, the qualitative research approach to address 'participants' perceptions' (RA1). Saunders *et al.* (2015, p.130) suggest that "reality is constructed through...interaction in which social actors create partially shared meanings and realities". The 'participants' perceptions' (RA1) provides a valuable insight into how instances of organisational change can be enhanced, with knowledge derived from 'perceptions', to indicate how change can be instituted and developing a deeper understanding of the additional barriers (RA2) affecting change. 'Perceptions' are both subjective and can be objective, focusing on different experiences that are being interpreted as part of the research process, recognising

the importance that “communication and shared meaning [which] are central to any pragmatic approach” (Morgan, 2007, p.72). In the quest to “seek different realities” (Saunders *et al.*, 2019, p.137), during the qualitative research (RM1), perceptions provided a glimpse of what is the working role of a PCC, the relationship a CC has working with a PCC; FLPOs perspectives of S&S; perceptions of what it is like to work for a police force/train officers. Additionally, what it is like to work with an organisation promoting rights/equality for ethnic minorities; what it is like to volunteer for a SSSP or be a member of a PCP, in addition to MoP perceptions what it is like to be stopped and searched. The qualitative research survey provided MoPs perceptions /awareness (RA1) and their perceptions of ‘additional barriers (RA2)’. Therefore, enabling a greater “understanding of the context generating the reality” (Maarouf, 2019, p.8), as a person’s own “perception of reality controls their behaviours, interactions among these behaviours construct a new context over the time, and constructing a new context generates a new reality” (Maarouf, 2019, p.8). Therefore, using an ontological position of pragmatism, using the ‘reality cycle’ (Maarouf, 2019) indicates how the aspects of the cycle intertwine, in order for new content to be generated, which in consequence can change the reality. The next section considers the epistemology of this research.

3.2.3 Epistemology

Epistemology is another area of research philosophy, which “concerns assumptions about knowledge, what constitutes acceptable, valid and legitimate knowledge and how we can communicate knowledge to others” (Saunders *et al.*, 2015, p.127). The ontological position stated in the previous section, is multi-pragmatic (Maarouf, 2019), correspondent with the pragmatist epistemological position (Saunders *et al.*, 2019). The pragmatist assumptions are linked to the researcher’s identification of an under researched area, with the aim to provide recommendations “that inform future practice” (Saunders *et al.*, 2019, p.151). The drive for the research through the field of inquiry, originated from the researcher’s doubts that all PCCs had taken on the responsibility to improve accountability in S&S practices, by creating external

SSSPs, as part of the BUSSS (Home Office, 2014a). Pragmatist approaches are reflexive (Elkjaer and Simpson, 2011) within the “process of inquiry, which is initiated by doubt and a sense that something is wrong or out of place” (Saunders *et al.*, 2019, p.151). Pragmatist approaches stem from viewing the findings of the research, to examine “the roles they play as instruments of thought and action, and in terms of their practical consequences in specific contexts” (Saunders *et al.*, 2019, p.151). The researcher plans to disseminate the findings from this research with the College of Policing and the lead for S&S at the NPCC, sharing the knowledge derived from the findings and the subsequent recommendations.

Overall, the research philosophy has discussed that a mixed-method research (Bryman, 2003; Mitchell, 2018; Maarouf, 2019) of both qualitative and quantitative approaches were chosen, to “best enable answering of research question”, as well as the research aims (Al-Ababneh, 2020, p.82). The review of the literature (within Chapter 2) provided a context of recognising gaps within the literature and formulation of research questions to address gaps, in some of the areas highlighted. The researcher adopted a mixed-method research approach (Johnson and Chistensen, 2012; Maarouf, 2019), of both qualitative research in the form of semi-structured interviews (n=30), a public perception survey (n=388) to ‘examine the impact’ participants perceived PCCs had had on increasing accountability in S&S. Quantitative analysis of PCPARs (RQ3) was used to determine whether ‘PCCs have prioritised S&S accountability within their PCPARs. The relevance of the pragmatist approach in this research, relates to ‘participants’ perceptions’ (RA1) gained through qualitative research. Furthermore, the relevance to pragmatism is the awareness through the researcher’s professional practice, which raised ‘doubts’ (Elkjaer and Simpson, 2011) that all PCCs had taken on the responsibility to improve accountability in S&S practices.

3.3 Research Methods

This section discusses the research methods that were adopted for the mixed-methods approach (Clark *et al.*, 2021; Maarouf, 2019). The qualitative research methods (RA1/RA2) are discussed. Quantitative methods that were used included review of prior literature and S&S statistics (in Chapter 2). Furthermore, quantitative research was conducted by reviewing the current/previous PCPARs (RM3) through content analysis.

3.3.1 Quantitative Methods

Library based research was collated through different strands; legislation, case law, governmental department reports; international agencies publications; S&S statistics (RQ5); PCC policies and initiatives (PCPARs – RQ3); scholarly work and publications by expert authors in their field. Scholarly work and publications on key areas ('public awareness'(RQ1), accountability in S&S (RQ2), 'barriers impacting accountability', 'disproportionality' and 'racial inequality'(RQ4)) was accessed through University materials or via the hardcopies – available from the University library, in addition to materials accessed online. The literature was used as part of the literature review (Chapter 2) and to inform the research.

Additionally, S&S statistics which have been publicly available since 2007/08 (EHRC, 2010), were used for statistical analysis. Data from 2007/08-2022 is available via the gov.uk website (Home Office, 2022a). The statistics were used to create Table 5 within the literature review (Chapter 2), which informed the research questions about S&S statistics, within the qualitative research (RM1 and RM2). Furthermore, quantitative research was conducted regarding the PCPARs from 2016-2022 (which was the election period of PCCs in which this research was conducted). The rationale for this was, under the PPO (2011, section 17), PCCs are required to "provid[e] the local link between the police and communities". Therefore,

quantitative research was conducted in order to determine how many offices of PCCs, have incorporated SSSPs as part of the 'CCT' element of the BUSSS (Home Office, 2014a, p.4). For example, it is discussed whether creating a mandate for SSSPs under the BUSSS (Home Office, 2014a), in order to specify particular accountability mechanisms which should be adhered to and whether the policies for the SSSPs should be synchronised for all forces, to improve accountability and increase public confidence.

The research method used to analyse the PCPARs was content analysis, which uses methods of communication, such as written communication, to interpret material (Lock and Seele, 2015). Content analysis has previously been used to decipher political positions within manifestos, such as Slapin and Proksch (2008) research, which developed a coding system named 'wordfish', to electronically code material. Although 'wordfish' (Slapin and Proksch, 2008) programming was not used within this research, the researcher used a process of electronic coding. All of the PCPARs for 2016-2021 were downloaded from PCCs websites, reading through the reports to identify two key terms (which were S&S and SSSP). Secondly, the researcher then used the 'find' function on Adobe reader (Adobe, 2022), to ensure that all mentions of the terms within the reports were included in the content analysis. This method was used, as previous research has shown that human coders can miss aspects of the data being analysed (Fruh, 2007). Therefore, the software was used to ensure that each mention of the two key terms were identified. A data analysis table was then created, to display the assessment of the degree to which accountability of S&S have been afforded as a priority by the PCCs in their PCPARs. The data analysis table is displayed in the research findings (Chapter 4). The qualitative research methods used in this research, is discussed in the next section.

3.3.2 Qualitative Methods

The aim of qualitative analysis is to “perform a selective process of representation of a given phenomenon, with the overall objective of highlighting some of its properties” (Corbin and Strauss, 2007). Thereby, gaining perceptions from participants, in order to develop the research ‘reality cycle’ (Maarouf, 2019), to determine how the aspects of the cycle intertwine. This is conducted in order for a new content to be generated, which in consequence can change the reality (Maarouf, 2019). Qualitative methods used in this research, included the thirty ($n=30$) semi-structured interviews (RM1) and the public perception survey (RM2) ($n=388$), which was conducted as there was only four MoP participants in RM1. Four interviews of MoPs did not provide a sufficient sample, and the perceptions stated, were limited in generalisability. Therefore, RM2 was created in order to gather more perceptions from MoPs. The research design/sampling of the qualitative research methods are discussed in the next subsections.

3.3.3 Semi- Structured Interviews (RM1)

This method was conducted with the purpose of analysing ‘participant’s perceptions’ (RA1), using open questions, in order to conduct thematic analysis of the differences/similarities in participants perceptions provided (see section 3.3.5.1) (Braun and Clarke, 2006). It was considered that semi-structured interviews would achieve more open responses and further information from the interviewees, rather than if they had filled out a questionnaire (RAND Corporation, 2009). Semi-structured interviews can be defined by their flexible nature (Mason, 2002), as they allow the interview participants to present “an account of the values and experiences meaningful to them” (Stephens, 2007, p.205). Semi-structured interview methods have been used by various academics and practitioners, during the period of the 1960s, through to the present day (De Paoli *et al.*, 2021; Hallenberg, 2012; Loftus, 2009; Lumsden and Goode, 2016; O’Reilly, 2022; Reiner, 1991; Skolnick, 1966). Loftus (2009) used semi-structured interviews, as well as ethnography during her fieldwork research into policing culture. Lumsden and Goode (2016) research

contained fifteen semi-structured interviews with police officers. Their research focused on the participants’ perceptions in order to ascertain “views of research and its implementation... summarising the implications the rise of evidence-based policing has for officers, staff and social scientists conducting policing research” (Lumsden and Goode, 2016, p.2). Prior policing research results have been determined from semi-structured interviews, due to the wealth of information, gleaned from views and insights of the participants (De Paoli *et al.*, 2021; O’Reilly, 2022). Therefore, the researcher has adopted semi-structured interviews, as one of the qualitative research methods for this research.

3.3.3.1 (RM1)– Research Design

Table 6 below depicts the subgroups that were interviewed in this research, with the total of thirty ($n=30$) interviewees (due to methodological issues of access – discussed further in section 3.3.5). The rationale for splitting the interviewees into subgroups, was to enable separate interview questions to be posed to interviewees, so that the questions are relevant to the person/professional’s knowledge of the area.

Table 6: Semi-structured interview model ($n=30$)

5 PCCs (3 re-elected, 2 newly elected)	3 CCs/DCCs
5 Front-line Management Sergeant/Inspector (FLS/Is)	4 FLPOs
2 Police Trainers	
4 MoP who have been stopped and searched	2 RaEC Representatives
2 PCP Members	3 SSSP Members

Twenty-nine of the interviews were conducted face-to-face and one interview (with a PCC), was conducted via telephone call which was recorded. A topic guide was

used, with certain key areas ('public awareness'(RQ1), accountability in S&S (RQ2), 'barriers impacting accountability', 'disproportionality' and 'racial inequality'(RQ4)) being discussed during the interviews. Each of the subgroups contained similar questions regarding the 'key areas' (see above). The questions were designed for each of the subgroups, so that tailored questions could be asked (examples of some of the questions used is contained within Appendix A). An example question put forward to Police Trainers, was regarding the training police officers receive on S&S. Whereas, for MoPs, an example questions was regarding the experience of the S&S which was conducted on them. The questions devised for each of the subgroups were submitted and approved by the Research Ethics Committee for approval (See Appendix B).

The way the subgroups were created, was that the participants with a group has been linked to another group of relevance, such as subgroup one/two contains PCCs and CCs / Deputy Chief Constables (DCCs). These subgroups were designed in this manner, as the CCs are accountable to the PCCs (PRSRA, 2011). The questions that were posed to the PCCs/CCs/DCCs, were of the same topic guide and they were asked set questions during the semi-structured interviews, as well as additional questions being posed, due to answers that were provided.

In subgroup two, three CCs/DCCs were interviewed to determine their opinions on the impact the new initiatives/policies of the PCCs (such as SSSPs), which have been established under the BUSSS (Home Office, 2014a) and revised Code A (Home Office, 2023). Additionally, the CCs/DCCs views were sought of whether the "new policing structure [introduction of PCCs] compromises police force independence and puts pressure on police to serve a political agenda rather than the community as a whole" (Liberty 2016). Their views on the key areas (see above) were pursued.

Subgroup three focuses on five FLS/Is. This study seeks to understand their views/knowledge of the PCCs initiatives and the BUSSS (Home Office, 2014a), as

well as methods of increased accountability. Their views of the key areas (see above) are analysed to determine whether these areas are obstacles for change in policing. Additionally, to determine effects on police behaviour in S&S practices, to build on previous knowledge and contribute further knowledge to policing discourse. The rationale for including both FLS/Is, is to widen the pool of front-line management who could be contacted regarding participation in the research. Additionally, this was due to perceived issues with access (discussed further in the methodological issues section of this Chapter). It was envisaged that the interviews would provide an insight into the priority level that the FLS/Is who were interviewed, accord to ensuring that legislation and policies regarding S&S are adhered to. The interest was not in the FLS/I *per se*, but in their role in S&S practices. Moreover, whether issues of organisational culture inhibit the amount of information regarding PCCs policies and initiatives that are relayed to officers and to what extent the policies and initiatives are incorporated into FLS/Is policing practice.

Subgroup four included four FLPOs. The interest was not in the officer *per se* (as above). The interviews are concerned with specific aspects of their professional working, namely the ways in which they conduct S&S as part of their role, the logistical, operational problems they encounter during their front-line duties and the priority level that they accord to ensuring that legislation/policies regarding S&S are adhered to. In addition to their views/knowledge of the PCCs initiatives and the BUSSS (Home Office, 2014a) and methods of increased accountability. Furthermore, their views on the key areas (see above) were discussed, in order to determine whether they believe that these are obstacles for change in policing.

In subgroup five, two Police Trainers were interviewed (see section 3.3.5 regarding third interviewee, who withdrew their consent after interview was conducted). The interviews with the Police Trainers were conducted in order to understand the training on S&S/equality and diversity, which is provided to FLS/Is and FLPOs. Their opinions on training regarding S&S and equality and diversity were sought, in addition to how this training has been amended/developed, in order to incorporate

information regarding the BUSSS (Home Office, 2014a). Additionally, their views on the key areas (see above) were discussed.

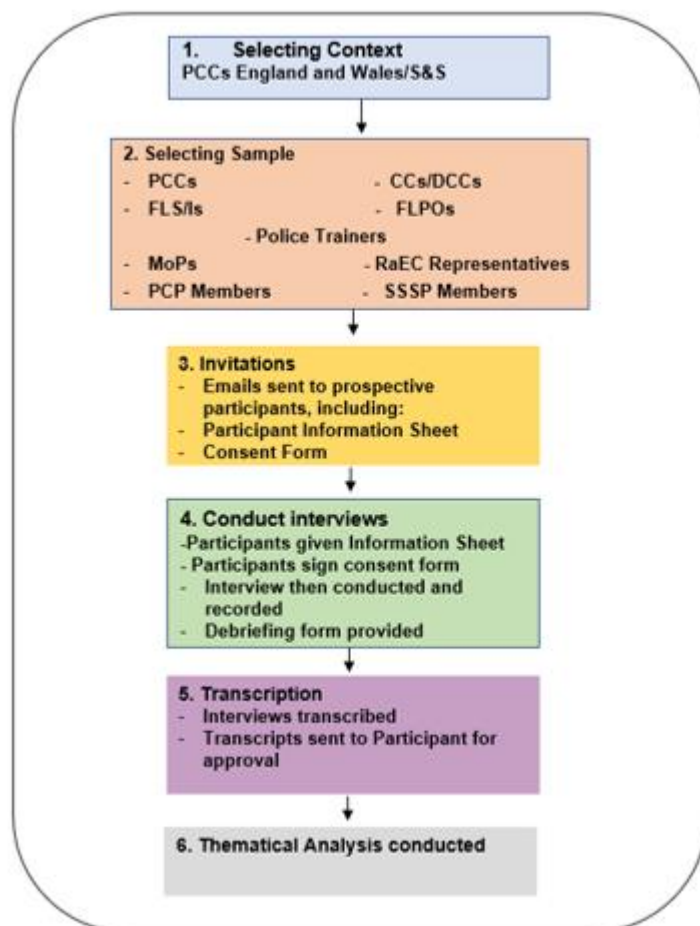
In subgroup six, interviews were conducted with four MoPs who have been stopped/searched. The MoPs were from a variety of demographics, including age, gender, and race in order to show a full cross-section. Their opinions were sought to highlight perspectives and experiences of S&S in practice and to identify if improvements have been made in ethnic minority relations (using a comparative review of prior research). Additionally, whether there are further issues which can be highlighted, such as socio-economic factors, in addition to their views on key areas (see above).

In subgroup seven, interviews were conducted with two RaEC representatives. RaEC representatives work with communities to promote social justice and “to encourage and support racial equality, diversity and understanding... [aiming to] eliminat[e] discrimination” (Haringey Race and Equality Council, 2016). Previous research has been conducted by RaEC representatives, regarding disproportionality in S&S practices, as well as the promotion of race equality (EHRC, 2013; NREC, 2015). Therefore, interviews were conducted to determine their views on accountability in S&S practices, including their views on the key areas (see above).

In subgroup eight, semi-structured interviews were conducted with two PCP members to discuss their views of the introduction and policies of PCCs and whether they believe that this has resulted in an increase in accountability in S&S practices. Furthermore, to determine their views of the PCCs’ initiatives, the BUSSS (Home Office, 2014a) and SSSPs, along with their views on key areas (see above). Moreover, their views on the accountability of PCCs was discussed, due to the limited powers offered to PCPs, to hold PCCs accountable.

The last subgroup (nine) contained four SSSP members, who were asked to provide their views on the key areas (see above). Their views were then analysed to identify whether there has been an increase in public confidence, by increasing accountability and transparency in S&S through the SSSPs. Furthermore, it was envisaged that the interviews would highlight differences between SSSPs in different forces. An explanation of the data collection process is shown in Figure 1 below, followed by the next section discusses the sampling of RM1.

Figure 1 Qualitative research (RM1) data collection process



3.3.3.2 (RM1)– Sampling

There are various reasons as to why researchers are unable to conduct qualitative research, which have participants which are census population based (ONS, 2019b).

These include:

“Ethical issues: it is unethical to include a greater number of individuals than that effectively required; Budgetary limitations: the high costs of a census survey often limits its use as a strategy ...; Logistics: censuses often impose great challenges in terms of required staff, equipment, etc...; Time restrictions: the amount of time needed to plan and conduct a census-based survey may be excessive; and, Unknown target population size... lack of information on all existing users makes it impossible to conduct a census-based study” (Mesa *et al.*, 2016, p.327).

Due to financial restrictions and restrictions placed by timing to submit the thesis (Mesa *et al.*, 2016, p.327), the sampling method of non-probability was used. Specifically purposive sampling (Turner, 2020) was selected by the researcher, to focus on particular characteristics of a population that are of interest to address the research aims (RA1/2). This denotes that the researcher sampling method was “a series of strategic choices about with whom, where and how one does one’s research” (Palys, 2008, p.697). Maxwell (1997, p.87) defined purposive sampling as a sampling method, in which “particular settings, persons, or events are deliberately selected for the important information they can provide, that cannot be [provided] as well from other choices”. The nine subgroups of interviewees were designed specifically to generate a sample, to address the research questions and focus on the depth of information generated by the participants. In this research, all of the participants were over eighteen years of age and were either professionals in their field or MoPs.

The sampling method for each subgroup is discussed below:

PCCs: At the time that the qualitative research (RM1) was conducted (in 2018), there were forty PCCs (Armstrong, 2018). Instead of contacting all PCCs, it was agreed with then Director of Studies to contact eight PCCs (originally 20% of the

then forty PCCs), to allow for non-respondents (Mesa *et al.*, 2016). The original target was to gain six PCCs (15%) to be interviewed for the research. Out of the eight PCCs that were contacted via email between September 2017-December 2017, five (12.5%) out of the eight (20%) agreed to be interviewed. Semi-structured interviews were conducted with three of the PCCs who have been re-elected in 2016 and two PCCs who had been elected in May 2016. The rationale for this was to review S&S initiatives established with the new PCCs elected during the 2016 elections and to discuss plans for initiatives which have been proposed, since the 2016 elections with the re-elected PCCs. Furthermore, to discuss with the then newly elected PCCs, their thoughts on initiatives (such as SSSPs) established prior to their election and their opinions on the initiatives which have been introduced since their election. Gender demographics of PCCs at the time, were that there was 7 female (17.5%) and 33 male PCCs (82.5%) (BBC News, 2016d). The gender demographics of those interviewed in this research were 4 male (80%) and 1 female (20%).

CCs/DCCs: There are 41 CCs in England and Wales, excluding the two forces who have a commissioner (MPS and City of London) (NPCC, 2018). It was agreed with then Director of Studies to contact 8 CCs (19.51% of the CC population), to allow for non-respondents (Mesa *et al.*, 2016). The original target was to gain 4 CCs (10%) to be interviewed for the research. Out of the 8 CCs that were contacted between September 2017- December 2017, only 2 (5%) out of the 8 (19.51%) agreed to be interviewed. The subgroup was widened to include DCCs (see section 3.3.5 regarding access). Details for DCCs in four force areas were provided to the researcher from the two CCs interviewed. These 4 DCCs were contacted via email and one DCC agreed to be interviewed. The three CC/DCC participants equate to 7.3% of the 41 force areas that have a CCs/DCCs (NPCC, 2018).

FLS/Is: Due to methodological issues (see section 3.4), discussions with then Director of Studies were that the researcher should ask the CCs/DCCs interviewed, whether they would be able/wiling to allow officers participate in a research interview. The two CCs participants posted adverts on their intranets, for officers to contact the

researcher if they wished to be interviewed. The researchers contact details were also passed to one FLS/I from a neighbouring force. Five FLS/Is were interviewed from three forces in England and Wales.

FLPOs – Similar to FLS/Is, the two CCs interviewed, posted adverts on their intranets, for officers to contact the researcher if they wished to be interviewed (see section 3.4 regarding methodological issues).

Police Trainers The researcher sent emails to five forces to recruit police trainers to be interviewed. However, no replies were received. Therefore, the researcher contacted one of the CCs interviewed, who provided contact details for police training units in three force areas. Two trainers were interviewed, although one trainer withdrew their consent after receiving the interview transcript (see section 3.4). Another trainer from another force was interviewed, who the researcher had made a professional contact with previously, during her employment at a university.

MoPs – Emails were sent to eight RaECs and two posts were sent out on university sites the researcher was employed by at the time, to recruit MoPs who had been stopped and searched. Two interviews were conducted. Again, the researcher posted more adverts on the two University sites and recontacted the eight RaECs. Another two interviews were conducted, although due to time constraints (Mesa *et al.*, 2016), discussions with the researcher/ Director of Studies were to reduce the subgroup to four participants (see section 3.4 methodological issues).

RaEC Representative - eight RaEC were contacted over the space of a four-month period. Two RaEC representatives consented to be interviewed in the research (see section 3.4 regarding methodological issues).

PCP members - Six PCPs were contacted by the researcher, to gain participants for the research. Two PCP members were interviewed (see section 3.4 regarding methodological issues).

SSSP Members - Six SSSPs were contacted by the researcher, to gain participants for the research. Three SSSP members were interviewed (see section 3.4 regarding methodological issues).

The second qualitative research conducted (RM2), the public perceptions survey, is discussed in the next section.

3.3.4 Qualitative research survey (RM2)

The data collection for the public perception survey (RM2) was undertaken to enhance the sampling of MoPs, as only four had been interviewed (RM1). A survey was created using some of the questions used in RM1, with additional questions being posed to ascertain MoP awareness of S&S. The survey contained Likert scale statements, open and closed questions (see Appendix C). The survey was clearly structured into subsections and the research was approved by the University Research Ethics Committee (see Appendix D).

The aim was to recruit a minimum of 383 participants. To ensure that there are sufficient responses, a minimum of 5% margin of error was originally envisaged (SurveyMonkey, 2022). This margin of error was used, to be able to exclude partial response questionnaires in which less than 80% of the survey questions have been completed (American Association for Public Opinion Research, 2016). This allowed for responses to be discounted, if the participants did not meet the inclusion criteria for the research (Hydock, 2018; Neuman, 2014). Further discussion of the structure of the survey, the pilot study, sampling, and the survey procedure, is contained within the following subsections.

3.3.4.1 (RM2)– Structure of survey

The structure of the survey covered key areas that were of interest in the research project. These were:

- Section 1: Participant Information
- Section 2: Confidence
- Section 3: PCCs
- Section 4: S&S
- Section 5: S&S Disproportionality
- Section 6: Police Training
- Section 7: BUSS/SSSPs/BWV
- Section 8: Accountability/Public Confidence

3.3.4.2 (RM2)– Pilot study of the survey

To enhance the validity of the research survey undertaken (Wiersma, 2011), a pilot of the survey was sent to three academics working in Universities in England. Advice on usability of the survey was gained, to enhance the survey design and to rearrange where questions on police training were positioned. The researcher current Director of Studies also provided advice on the wording of two questions relating to culture. This advice was taken on board and the survey was sent to and approved by the University Research Ethics Committee (see Appendix D).

3.3.4.3 (RM2)– Sampling

Within social sciences research, there has been expansion of the use of online surveys, particularly over the past twelve years (Lehdonvirta *et al.*, 2020).

Nonprobability sampling (Dillman *et al.*, 2014) (discussed previously) was chosen for RM2. Quota sampling was used, as previous research has determined that the sampling method can provide “quasi-representative sample” (Neuman, 2014, p.249).

For this research, quotas were defined regarding race/ethnicity, to ensure representativeness of these socio-demographics. At the time that this research was conducted, the ONS (2022) had not published the information of socio-demographics of age/race from the Census 2021. Therefore, the Census 2011 sociodemographic information was used as population estimates for England and Wales, which states that “86.0% of the population was White”, indicating that 14% of the population was from an ethnic minority background (ONS, 2020a, para 1). The population size was “56,075,912” (ONS, 2020b, Table 2). However, in order to participate in the research, MoPs had to be over the age of 18 years old. Table 4.3 below shows the Census 2011 statistics of the age and ethnicity of the population:

Table 7: Census 2011 Population (ONS, 2020b).

Age	All %	Number	Asian %	Number	Black %	Number	Mixed %	Number	White %	Number	Other %	Number
Age 0 to 4	6.2	3,496,750	8.7	365,207	9.5	176,849	18	219,796	5.6	2,684,720	8.9	50,178
Age 5 to 9	5.6	3,135,711	7.7	323,251	8.4	156,365	13.3	162,596	5.1	2,451,735	7.4	41,764
Age 10 to 14	5.8	3,258,677	6.9	290,690	7.8	145,649	11.5	141,390	5.5	2,645,470	6.3	35,478
Age 15 to 17	3.7	2,079,229	4.2	176,135	4.7	88,220	6.5	79,614	3.6	1,713,250	3.9	22,010
Age 18 to 24	9.4	5,267,401	12.9	543,338	10.6	197,321	13.6	167,126	8.9	4,291,624	12.1	67,992
Age 25 to 29	6.8	3,836,609	10.7	450,383	7.9	146,941	8.1	98,861	6.4	3,076,127	11.4	64,297
Age 30 to 34	6.6	3,683,915	10.7	449,113	8.5	158,230	6.5	79,486	6.1	2,931,879	11.6	65,207
Age 35 to 39	6.7	3,732,161	9	378,009	8.2	153,117	5.2	63,413	6.4	3,083,346	9.6	54,276
Age 40 to 44	7.3	4,099,089	7.1	297,699	9.1	170,155	4.8	59,251	7.3	3,529,082	7.6	42,902
Age 45 to 49	7.3	4,100,526	5.2	220,332	8.5	159,252	4.1	50,245	7.5	3,637,280	5.9	33,417
Age 50 to 54	6.4	3,601,694	4.7	197,126	5.6	104,540	2.6	32,391	6.7	3,241,624	4.6	26,013
Age 55 to 59	5.7	3,183,915	4	166,627	3.1	57,825	1.6	19,970	6.1	2,919,608	3.5	19,885
Age 60 to 64	6	3,377,162	2.8	116,348	1.9	34,876	1.2	14,886	6.6	3,196,687	2.5	14,365
Age 65 to 69	4.8	2,674,161	1.8	77,482	1.7	32,032	0.9	11,574	5.3	2,543,742	1.7	9,331
Age 70 to 74	3.9	2,178,672	1.7	71,627	1.9	35,590	0.7	8,782	4.3	2,055,873	1.2	6,800
Age 75 to 79	3.2	1,777,547	1.2	49,198	1.4	26,074	0.6	6,816	3.5	1,690,772	0.8	4,687
Age 80 to 84	2.4	1,338,005	0.6	26,010	0.8	14,236	0.4	4,578	2.7	1,290,136	0.5	3,045
Age 85 and over	2.2	1,254,688	0.4	14,956	0.4	7,618	0.3	3,625	2.5	1,226,440	0.4	2,049

The ONS (2022b) Census 2011 population statistics, show there were 44,105,545 members of the population aged over eighteen. 38,714,220 were from a white ethnic group, equating to 87.78% of the population, indicating that 12.22% of the population in England and Wales aged 18 or over, are from an ethnic minority background (ONS, 2022b). Therefore, the quota used in the qualitative survey (RM2), was that there needed to be 12.22% of participants from an ethnic minority background. Out of 388 participants, this equates to 47/48 participants.

The chosen recruitment method of online surveys for this research was originally a “commercial non-probability online panel providers”, where a provider is used to disseminate the survey on the researcher’s behalf (Lehdonvirta *et al.* 2020, p138). This allows the researcher to gain access to a large group of potential participants. Potential participants of online surveys are confounded by the wide variety of surveys, which are competing to attract respondents’ attention (Lehdonvirta *et al.*, 2020). Self-selection bias then arises, as participants chose to participate in the survey, although the tendency of participants to self-select, differs between sub-populations (Bethlehem, 2010) Although previous research has identified that motivations of respondents in a panel sample indicated that “enjoyment and altruism” (Lehdonvirta *et al.*, 2020, p.140), were key aspects of motivation to respond, though the main motivation is more likely enticing respondents is financial inducement (Hillygus *et al.*, 2014; Sparrow, 2007).

The inclusion criteria for RM2, required that participants must be over the age of 18 and living in England and Wales. The reasoning for requiring participants to be residing in England and Wales, was that there are no PCCs in the rest of the UK. The role of PCCs was created through the PRSRA (2011), which does not apply to Scotland or Northern Ireland. Survey Monkey (2022) was chosen as the ‘panel provider’ (Lehdonvirta *et al.* 2020). Another company that was considered was Prolific (2022), although this company was not chosen, as there is no mechanism for targeting specific participants from England and Wales only and not from the whole of the UK.

Online surveys require a margin of error rates (Hydock, 2018), to allow for responses to be discounted if the participants did not meet the inclusion criteria for the research or completes less than 80% of the survey questions (Neuman, 2014). As previously stated, it was estimated that the online survey would require a 5% margin of error (SurveyMonkey, 2022). The number of responses recruited from SurveyMonkey (2022) to include the margin of error rate was 402, with a cost of £4.68 per response, which was conducted to provide the most representative sample that was available within financial constraints of the researcher. However, the completion rate was only 70%, so an additional 36 responses (total 438 responses) were recruited through SurveyMonkey, with the 70% completion rate equating to ($n=308$). Due to financial and time constraints, additional ethics approval was sought and obtained to disseminate a Microsoft Forms (MF) version of the survey (Microsoft, 2022a), to gain further participants (using the same questions and questions structure) (see Appendix D). The two samples methods of recruitment are summarised in Table 8 below.

Table 8 RM2 Samples/Recruitment Methods, Field Periods, and Responses

	SurveyMonkey	Facebook/Email link to MF survey (Microsoft, 2022a)
Type	Online panel	River
Sampling method	Non-interlocking quota	Link on Personal Facebook post/Email with link
Mode	Online survey	Online survey
Start date	28 June 2022	15 July 2022
End date	12 July 2022	7 August 2022
<i>N</i>	438	80
<i>n (more than 75% of survey questions completed)</i>	308	80
<i>Number of White participants</i>	278	62
<i>Percentage of white participants</i>	90.26%	77.5%
<i>Overall ethnicity ratio</i>	340 participants from a white background (87.62% of 388), 48 participants from an ethnic minority background (12.37% of 388)	

The target number of respondents for the survey was 383, total number of participants was $n=388$. The SurveyMonkey (2022) sample comprised of respondents who participated in the survey between 28th June -12th July 2022. No details of the recruitment methods SurveyMonkey utilised were provided, although the company has users worldwide that they obtain demographic data on, which enables the company to target respondents who meet the inclusion criteria for the research (SurveyMonkey, 2022). SurveyMonkey (2022) sent email invitations to potential participants, who were then asked screening questions on region in England and Wales, Age and Gender. The SurveyMonkey sample participants can be described “semi-professional multiple-survey takers” (Lehdonvirta *et al.*, 2020, p.144). Whereas participants who were attracted to and completed the survey through the invite from the Facebook post (Meta, 2022) or via email invitation, is classed as a river sampling method (Lehdonvirta *et al.*, 2020). River sampling can be defined as when researchers recruit participants.

“by inviting them to follow a link to a survey placed on a web page, email, or ...else where it is likely to be noticed by members of the target population... dipping into the traffic flow of a website, catching some of the users floating by” (Lehdonvirta *et al.*, 2020, p.137)

Coverage bias occurs in river sampling research methods, as it limits the subpopulations that are represented (Lehdonvirta *et al.*, 2020). In online survey, this can be due to issues of access to digital platforms, affecting proportionality (Räsänen, 2006). However, as previously mentioned, due to time and financial constraints, the river sampling method was used to enable the researcher to gain sufficient participants, which met the ethnicity quota for the survey research.

3.3.4.4 (RM2)– Survey Procedure

After conducting the pilot study, the survey was created and sent to the University Research Ethics Committee, which was granted ethical approval, as well as

additional approval being granted to disseminate the MF (Microsoft, 2022a) version of the survey (see Appendix D). The procedure for the survey uses aspects of Dillman's (2007) design method, which was invitation post with link to survey, Information sheet, consent form, survey questions, thank you and debriefing information. SurveyMonkey (2022) sent out invitation posts to potential respondents for the panel method. For the river sample, a post on researcher's personal Facebook page (Meta, 2022) and email with same wording, was sent to the researcher's contacts with a link to the survey. Participants then clicked the link which had the information sheet on pages 1-3, the consent form was on page 4, which required participants to read the information and give informed consent (Cheng –Tek Tai, 2012). Only participants who consented, were able to access the survey. Participants then provided answers to the survey questions and the last page of the survey provided a thank you message and debriefing information.

The survey participants were ensured their anonymity within the information sheet and were asked to assign themselves a code in question 1, to preserve anonymity (Sandnes, 2021). The coding that was used was:

Years of age/County of residence/first letter of the mother's name and the first letter of the middle name. An example is: 25MerseysideWS

The information sheet, consent form and debriefing forms discussed withdrawal from the survey, which informed participants that all data would be destroyed if participant consent was not given after the fact, or if a participant withdrew. Stated within the information sheet/debriefing form, participants had until 8th August 2022 to contact the researcher to withdraw their data. No survey participants withdrew their data from either survey method.

3.3.5 Qualitative research methods– Thematic Analysis

Thematic analysis has been widely used as a qualitative analysis method in social sciences and was used in this research to analyse the qualitative research (RM1 and RM2). Thematic analysis “report patterns (themes) within [the] data” (Braun and Clarke, 2006, p.79). A process of inductive analysis was used, to identify themes (Braun and Clarke, 2006) within the qualitative research (RM1) transcripts and themes within the survey responses (RM2), to gain the empirical experiences of participants to present them as outcomes that could inform the RQs. Coding of the data was undertaken to drive the themes of the research, without using a “pre-existing coding frame” (Braun and Clarke, 2006, p.83). The coding of the data evolved throughout the coding process. This led to wording alteration of the research questions, due to the themes that had been analysed from the data. There are six stages to thematic analysis, which is represented in Figure 2 below:

Figure 2: Phases of thematic analysis (Braun and Clarke, 2006, p.86).

Phase	Description of the process
1. Familiarizing yourself with your data:	Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas.
2. Generating initial codes:	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
3. Searching for themes:	Collating codes into potential themes, gathering all data relevant to each potential theme.
4. Reviewing themes:	Checking if the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), generating a thematic ‘map’ of the analysis.
5. Defining and naming themes:	Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, generating clear definitions and names for each theme.
6. Producing the report:	The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research question and literature, producing a scholarly report of the analysis.

In RM1, all interviews were transcribed to include the verbatim language, and the transcript was sent to the interviewee for approval. The transcripts were printed and were read twice, noting down the initial patterns/themes and the pages on the

transcript these appeared. To “generate initial codes” (Braun and Clarke, 2006, p.88), the wording on the transcript were then manually colour coded using highlighters, to organise the data into groups. This was conducted in order to identify “as many potential patterns as possible” (Braun and Clarke, 2006, p.89). Once the transcripts were coded, the extracts were placed into broad themes, this was prepared using a thematic map. The thematic map initially suggested themes of training; culture; awareness/lack of awareness; racial inequality; disproportionality in S&S; accountability of PCCs, accountability of officers; power to fire CCs; diversity of officers; diversity in PCC elections. Refinement of the coding into main themes was undertaken, by re-reading the transcripts to ensure that verbal extracts that related to the initial themes were included in the analysis. This led to main themes of RM1 being devised as “awareness” (RQ1); “mechanisms of accountability” (RQ2) and “racial inequality”, disproportionality”, “barriers impacting accountability” (RQ4).

In RM2, the survey data from SurveyMonkey (2022) and MF (Microsoft, 2022a) was downloaded. The data was read through on three occasions, noting down initial patterns/themes from the two data sets. To “generate initial codes” (Braun and Clarke, 2006, p.88), the wording on the data set was colour coded using Microsoft Excel software (Microsoft, 2022b). This was conducted in order to organise the data into groups, to identify the various patterns which were discernible in the data (Braun and Clarke, 2006). Once the data sets from the two survey methods were coded, the extracts were placed into broad themes using a thematic map, which initially suggested themes of racial inequality; awareness/lack of awareness of S&S powers; awareness/lack of awareness of BUSSS and SSSPs; awareness/lack of awareness of PCCs; confidence; training; culture; disproportionality in S&S; culture; accountability of PCCs, accountability of officers.

Refinement of the coding into main themes was then undertaken, by re-reading the data sets. This was conducted to ensure that comments made by participants in the open questions were included, as well as to ensure that the responses to the closed questions/Likert scales that related to the initial themes, were included in the analysis. This led to main themes of RM1 being devised as “awareness” (RQ1);

“mechanisms of accountability” (RQ2) and “racial inequality”, disproportionality”, “barriers impacting accountability” (RQ4). The discussion of the findings of the research is in the next chapter. The methodological issues identified within the research, is discussed in the next section.

3.4 Methodological Issues identified and access

For the qualitative research methods used in RM2, the methodological issues have been discussed in sections 3.3.4.3 above. This was that two different sampling methods were used due to initial sample receiving insufficient number of completed responses. Due to financial and time constraints and to ensure that the sample was representative of the ethnic background of those in England and Wales over the age of 18 years, using data from the Census 2011 (ONS, 2020b), a second sampling method (river sampling) was undertaken. This additional method was approved by the University Research Ethics Committee (see Appendix D).

For the qualitative research methods used in RM1, a key methodological issue that has been identified is that of access. A previous proposed methodology included fieldwork observations. In July 2016, the researcher had contacted a police force in England, regarding proposed fieldwork observations of police officers conducting S&S in practice. The researcher stated in the proposal that as part of the BUSSS, section 2 relates to lay observation policies and section 2:2 states that:

“a process of two-way learning can take place, bringing the police closer to the public. A core requirement ... is ... that participating forces will provide opportunities for [MoP] to accompany police officers on patrol, when they might deploy [S&S] powers” (Home Office, 2014a, p.4).

Regarding the compliance with the BUSSS (Home Office, 2014a), as previously discussed (in Chapter 2), HMIC’s (2016b) inspection found that [said police force] were not complying with features of the BUSSS (Home Office, 2014a). Therefore, by allowing the fieldwork research to take place, the force would be able to show

evidence of complying with section 2.2 of the BUSSS (Home Office, 2014a). The proposal was originally granted approval by the Superintendent leading S&S improvement initiatives within the force. However, when the Superintendent left the force, the researcher was met what can be viewed as 'suspicion' from the Sergeant who assumed responsibility for the initiative. The Sergeant had become [in the researcher's view] antagonistic regarding the proposed fieldwork. The researcher was then informed that the force would not be supporting the proposed fieldwork. The researcher discussed this with her then Director of Studies (DoS), as it appeared that the researcher had hit a case of 'internal politics' and the fieldwork was no longer viable with that force. Therefore, the researcher decided to revert to the initial plan of conducting semi-structured interviews and not to contact another force, due to the time constraints regarding thesis submission.

Regarding fieldwork, there has been a variety of previous social science research in the area of policing, which has contributed to policing discourse, including ethnographies from academics (Banton, 1964; Bittner, 1967; Fielding, 1995; Loftus, 2009; Manning, 1977;). Additionally, fieldwork conducted by police researchers, which can be regarded to be 'insiders' (Holdaway, 1983). Previous academic research has shown that gaining access to police officers for research, has been difficult in the past (Marks, 2004; Pogrebin, 2010; Punch, 2010; Weatheritt, 1986). Reiner's (2010) research determined that in the UK, there were five stages of policing research. These include: the 'consensus' stage in the 1960s, where studies were 'celebratory' of policing; the second stage is the 'controversy' stage in the 1970s, where studies of policing were critical of policing practices; the third stage is the 'conflict' stage - at the end of the 1970s; the fourth stage is a 'contradictory' stage in the late 1980s which was involving a new realism; and a fifth stage, which Reiner (2010) regards as crime control. Garland (2016, p.627) suggested that issues faced by academics when they attempt to work together with practitioners, originates from differences within the cultures of each occupation, which creates diverging "expectations, values, and practices". Bradley and Nixon (2009, p.423) indicate that this is due to "two worlds' engaging in a 'dialogue of the deaf'", when referring to the relationship between policing and academics and that previous misunderstandings have had a negative impact on police-academic relationships. Further publications

(Fleming, 2012; Fyfe and Wilson, 2012; Wood *et al.*, 2008) and publications within policing (De Paoli *et al.*, 2021; Wilkinson, 2010), have concentrated on how effective collaborations between police and academics can be created. Emphasis has been placed on the benefits to be garnered from participating in research, suggesting a more collaborative view (EMPAC, 2016; O'Reilly, 2022; Wood *et al.*, 2008).

In order to overcome some of the issues and reflecting on the researcher's prior problems regarding access to proposed fieldwork, it was envisaged that it may be challenging to obtain approval from four CCs, to be interviewed for the research. The sub-group was widened to include DCCs (see above), to ensure that three interviews could be obtained. Additionally, the sub-group of Sergeants was widened to FLS/Is, in order to ensure that all five interviews could be conducted. Furthermore, the researcher utilised contacts which were suggested by her then supervisors, as well as contacts established when working for two universities in England (including contacts made during voluntary work for a variety of police forces). Additionally, the researcher used the contact she has established with a RaEC through employment at a University. This contact provided access to the RAEC Representatives from said RAEC and other RaECs in England, as well as gaining access to possible MoPs participants, who have been stopped and searched.

The original subgroups included 40 interviewees, due to issues of access, the number of interviewees in each of the subgroups was revised (approved by researchers then Director of Studies), which was reduced to 30 ($n=30$). Please see Table 9 below:

Table 9: Semi-structured interview model ($n=30$) (with revisions stated)

6 PCCs (3 re-elected, 3 newly elected) [reduced to 5 PCCs (3 re-elected, 2 newly elected)]	4 CCs/DCCs [reduced to three]
--	--------------------------------------

5 Front-line Management - FLS/Is	5 FLPOs [reduced to four]
4 Police Trainers [reduced to two]	
6 MoPs who have been stopped and searched [reduced to four]	4 RaECs Representatives [reduced to two]
3 PCP Members [reduced to two]	3 SSSP Members

The number of FLS/Is was kept the same (as consent to participate, was obtained from five FLS/Is). FLPOs are facing additional time-constraints due to lack of resources (HMIC, 2017b). The researcher found it difficult to gain consent from five FLPOs and only managed to obtain four interviewees in this category. Access to FLPOs was supported by the CCs of the two force areas where the FLPOs work, who authorised access/time for the FLPO to participant with the research during their shift. Five interviews were initially scheduled but one officer changed position and then declined to be interviewed due to 'time pressures'. Two of the officers that had agreed to be interviewed were not available on the interview date/time. The office of the CC then deployed two other officers to be interviewed for the research. Although the FLPOs agreed/consented to being interviewed, it was apparent that they had not seen the participant information sheet/consent form, prior to the interview (participants were given copies of these to read before the interview). Body language and verbal answers provided, suggested that the reason they had participated in the interview, was that they had been deployed by the office of the CC to do so. The researcher's view is this impacted the quality of the answers provided by those FLPOs.

The next subgroup was the Police Trainers. After numerous attempts at trying to recruit four Police Trainers to consent to be interviewed, the researcher reduced the number of interviewees from four to two. Two Police Trainers were initially interviewed, however one of the Police Trainers interviewed later withdrew their interview transcription, due to their anxiety of how their answers to questions may be used in the thesis. It can be suggested that this was a defensive response, due to the anxiety the Police Trainer had regarding the areas of policing they had criticised, of which extracts could then be published in the thesis. Another Police Trainer was

then interviewed, equating to two Police Trainers interviews being used for the research.

Subgroup six was MoPs and the researcher struggled to gain the original six interviewees in this category. Although the researcher contacted several people who had been stopped and searched (using contacts gained through employment/voluntary work and through RAECs), only four agreed to be interviewed. Regarding the RAECs subgroup, the researcher had difficulty recruiting representatives to be interviewed for the research. A number of RAECs have lost their funding in recent years (Government Equalities Office, 2012) and a number of RAEC have had their funding cut (Doward, 2016). This has resulted in staff cuts and limited resources. Some regional Equality Commissions have completely closed due to lack of funding, such as Derby and Derbyshire Race and Equality Commission, (GOV.UK, 2018). Although, the researcher contacted eight RAECs, only two agreed to give up their time to be interviewed. Three RAECs did not respond to the interview request and three stated that they were unable to take part due to lack of resources.

Subgroup eight (PCP Members) - the number of participants was also reduced in this subgroup, in consultation with the researcher Director of Studies from three to two. Again, this was due to struggles in recruiting PCP Members to give up their time to participate in the research. The number of SSSP Members was kept at three, as the researcher was able to obtain consent from three participants, to be interviewed for the research.

3.5 Limiting Research Bias

In order to reduce bias, purposive sampling was created in RM1, to ensure that the subgroups of interviewees represent the group of interest. The questions used in both RM1 and RM2, were open, clear, and concise, in order to reduce any misunderstanding that the participants could have. To limit unanswerable question bias in RM1, the questions for each subgroup were differentiated, so that questions that were relevant to their profession/experience were posed to participant

subgroups. In order to limit question order bias, the participants were asked “general questions before specific questions, unaided before aided questions, positive questions before negative questions, behaviour questions before attitude questions” (FocusGroupTips.com, 2017). The participants’ views are accepted as their opinion, yet participants can have their own biases, and the researcher was observant of this. Biases include:

“selective memory, telescoping (i.e., recalling events that occurred at one time as if they occurred at another time), attribution (i.e., the act of attributing positive events and outcomes to one’s own agency while attributing negative events and outcomes to external forces), and exaggeration” (Henry-Akintobi *et al.*, 2016).

These biases become discernible, when they are contrasting with other sources of information (University of Southern California, 2016).

3.6 Limitations of Research

Longitudinal research has been defined as research which highlights “the study of change and containing at minimum three repeated observations on at least one of the substantive constructs of interest” (Ployhart and Vandenberg, 2010, p.97). This research will not examine the longitudinal effects, due to the time available to investigate, carry out and analyse the results of the research, which is constrained by the submission date of the thesis. Future research could include re-interviewing participants from the same subgroups and conducting a further public perception survey with more participants, in order to determine whether the views of participants have changed and whether public perceptions have changed, since the completion of this research.

A possible limitation of this research is the sample size ($n=30$) in (RM1). It is possible that there may be difficulties in finding significant relationships from the thematic analysis of the qualitative research in (RM1). Furthermore, as the semi-structured

interviews (RM1) ($n=30$) have been divided into subgroups. However, smaller subgroups (containing two or three interviewees) might not be considered to be representative of these groups of people/professions. Additionally, in RM2, the MoPs who participated in the survey ($n=388$) is a small sample size, based on the population of persons aged over 18 in England and Wales and therefore limits generalisability of findings. Nonetheless, their views provide an insight into perceptions of the participants and enable themes within the qualitative research to be further examined.

Another limitation is regarding the volume of data obtained. The transcripts from the thirty ($n=30$) interviews (RM1) totalled over 450,000 words and there were over a three thousand comments from the participants provided in the survey (RM2). Thematic analysis (Braun and Clarke, 2006) was conducted to code the data and identify themes. However, due to word limitations of the thesis, not all themes that were displayed within the data, have been discussed in the research findings.

Another possible limitation is regarding self-reported data. Participants who are interviewed/take part in a survey are regarded as self-reported data, which is limited by the issue that the participants' opinions can rarely be independently verified (University of Southern California, 2016). The participants' views were accepted as their opinion, although participants can have their own biases. The researcher was observant of this, highlighting any suspected biases as limitations of that interview transcript, which could then be analysed further in the research findings.

Quota sampling used within the qualitative survey (RM2) has limitations, in that it can only capture a sample of the population, which does not fully represent all diversity within the targeted population (Neuman, 2014). Additionally, river sampling limitations are that they include coverage bias, as it limits the subpopulations that are represented in online survey (Räsänen, 2006). Within this research, the limitations were that only those with access to the researcher's Facebook post (Meta, 2022) or email invitation, were able to access the MF (Microsoft, 2022a) version of the survey.

Furthermore, during the research process it has been highlighted that additional research could be conducted reviewing the S&S outcome data (Home Office, 2014a), focusing specifically on those who are arrested as a result of a S&S, to determine whether there is disproportionality in relation to ethnicity. Moreover, analysing the data of those arrested as a result of the S&S (to the outcome with the CPS) and whether the charges were brought against the individual or whether there was no further action. This level of research would require access to police systems in order to identify the names of individuals who were arrested and the resultant outcome (whether charges were brought and the result of the case in court). This additional research was suggested by a panel member on the researcher's registration meeting with her supervisors. Due to the time limitations of this research, in addition to issues of access to confidential information on police databases, this has been highlighted as an area for future research.

3.7 Conclusion

In this chapter, the researcher has provided clear and comprehensive consideration of the reasons for the methodological approach taken in the research study. The need for employing mixed methods, establishing quantitative and qualitative research instruments being used, was explained. The use of quantitative data and how it was collected/analysed was discussed. Additionally, a discussion of the research design, sampling and analysis of the qualitative research methods used in this research (RM1 and RM2) was provided. The research complied with the University ethical guidelines and ethics approval was obtained to conduct the research (see Appendix B and D). Critical thinking was used by the researcher, to code the qualitative data by use thematic analysis (Braun and Clarke, 2006), to identify the key themes in the qualitative data. The Quantitative data research methods were outlined. Content analysis was used to analyse the PCPARs (Lock and Seele, 2015), to determine how many offices of PCCs have incorporated SSSPs, as part of the 'CCT' element of the BUSSS (Home Office, 2014a, p.4).

Methodological issues within the qualitative research were discussed, notably access and suggestion was provided, of how these issues were overcome/could be overcome. Finally, the researcher discussed the possible limitations of the research, which included the fact that no longitudinal research is being conducted, possible limitations with the sample size and issues regarding self-reported data and interviewee biases.

The next chapter provides the findings of the quantitative and qualitative research. The quantitative research analysis of the PCPARs of the PCCs (Parliament. House of Commons, 2016) is provided, examining the interest that PCCs have afforded to an increase in accountability of S&S. For the qualitative research, a discussion is provided of the key themes that were highlighted within the interview transcripts (RM1) and the survey results (RM2). An analysis of these findings in comparison to previous research (discussed in Chapter 2) is provided. As previously stated, not all themes highlighted during the qualitative research analysis could be used, due to the word limitations of a thesis. An analysis of the key themes highlighted is discussed in the next chapter.

Chapter Four: Findings

4.1 Introduction

The literature review (Chapter 2) suggested that S&S practices are influenced by the national government, legislation, and policy creation, as well as through responses to HMICFRS (2017b) inspections and IOPC (2022) recommendations. PCCs were introduced to ensure policing was more democratically accountable to the views of the electorate in their local area (Lister, 2013; Reiner, 2016a). This chapter analyses the PCPARs between the period of 2016-2022, of the then 40 PCCs (Parliament. House of Commons, 2016). This chapter examines the interest that PCCs have afforded to an increase in accountability of S&S, showing enhanced accountability to the electorate. This chapter concludes by assessing the extent to which PCCs have improved local police accountability, in relation to S&S practices.

PCCs; CCs/DCCs; FLPOs (including police constables, FLS/Is); Police Trainers; MoPs who have been stopped and searched; RaEC Representatives; SSSP members and PCP members, were interviewed during this research (RM1) (see semi-structured interview model in Chapter 3). Participants expressed a varying degree of views in favour of the PCCs improving external accountability, by having enhanced monitoring of the S&S policing power(s). However, the analysis of the interviews (RM1) and the MoP perception survey (RM2), along with previous research, have shown limitations in the PCCs ability to have a substantial impact in improving accountability of S&S practices.

Firstly, this chapter focuses on examining the then 40 PCCs PCPARs for 2016-2022, to determine in which PCC areas S&S is highted as a priority. The second half of this chapter highlights the key themes that were identified during the thematic analysis of the qualitative research (Braun and Clarke, 2006). The key themes throughout the qualitative research (RM1 and RM2) were relating to “awareness” (RQ1) of PCCs, BUSSS and SSSPs; “mechanisms of accountability” (RQ2) and “racial inequality”, disproportionality”, “barriers impacting accountability” (RQ4).

4.2 Police and Crime Plan (Annual Reports) (RQ3)

The findings have suggested that the scrutiny of S&S have remained increasingly influenced by government objectives and influenced by previous government mechanisms (such as the BUSSS) (Home Office, 2014a). During this section, the 'PCPARs' (RQ3) between the period of 2016-2022 were analysed for each PCC area. The next section of this chapter focuses on the potential barriers within the political environment nationally, in addition to examining barriers which can impede the process for change, the limitations on mechanisms to hold officers accountable for S&S practices.

Firstly, the analysis of the PCPARs for 2016-2022 is provided, to assess the degree to which accountability of S&S have been afforded as a priority by the PCCs. PCPARs are important for assessing whether the PCC is meeting their objectives under their Police and Crime Plan, the duty to submit these reports is contained within the legislation (PRsRA 2011, section 12). Additional detail of what PCCs are required to publish, is contained within the Elected Local Policing Bodies (Specified Information) Order 2011. Recording requirements are also stated within The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021.

Although the legislation requires that PCCs must publish the PCPARs, PCPARs are not without criticism. Previous research by McDaniel (2018, p.42) indicated that PCPARs "are ...vacuous". Reiner (2016a) suggested that due to the range of political affiliations to parties that the PCC have, as well as the creation of policies being made by an individual PCC for their local area, this magnifies the differences between regional force areas. Similarly, this research suggests that not all PCCs have taken an interest in increasing accountability of S&S, despite the mechanisms which were created under the BUSSS (Home Office, 2014a). Even though PCCs did not play a major role in the creation of the BUSSS (Home Office, 2014a), part of their role is to increase local accountability and improve public confidence in policing in their area (PPO, 2011; PRsRA, 2011). The content analysis of the PCPARs between 2016-2022 is shown in Table 10 (below), which illustrates that not all PCCs

prioritised accountability of S&S within their PCPARs (within the table includes the term 'Scrutiny Panel' (SP), which refers to a panel which either includes S&S or is a SSSP):

Table 10: PCCs who incorporated accountability of S&S within their Police and Crime Plan Annual Reports (PCPARs)						
PCC Area	2016/17	2017/18	2018/19	2019-20	2020-21	2021-22
Avon and Somerset	✓ Creation of panel starting June 2017	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP
Bedfordshire	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP
Cambridgeshire	X	X	X	X	✓ SP	✓ SP
Cheshire	X	X	X	✓ Cheshire Youth Commission	X	✓ SP
Cleveland	X	X	✓	X	✓ Youth Commission	X
Cumbria	X	X	X	X	X	X
Derbyshire	X	X	X	X	X	✓ SP
Devon and Cornwall Police	X	X	✓	✓ SP	X	X
Dorset	X	X	X	X	X	✓ SP
Durham	X	X	X	X	✓ SP	X
Dyfed-Powys	X	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP
Essex	X	X	✓	✓	✓	✓
Gloucestershire	X	X	X	X	X	X
Gwent	✓	✓ SP	✓ SP	✓ SP	✓ SP	#
Hampshire	X	X	X	X	#	✓ SP
Hertfordshire	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP
Humberside	X	✓	X	✓ SP	✓ SP	✓ SP
Kent	X	X	X	X	✓	✓
Lancashire	X	X	✓ SP	✓ SP	✓ SP	✓ SP
Leicestershire	X	✓	✓	X	X	#
Merseyside	X	✓	✓	✓	X	✓
Norfolk	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP	#

Northamptonshire	X	X	X	X	X	#
Northumbria	✓	X	X	X	X	✓ SP
North Wales	X	X	✓	X	X	X
North Yorkshire	X	X	✓ SP	✓ SP	✓ SP	✓ SP
Nottinghamshire	✓ SP	✓ SP	✓	✓	✓	✓
South Wales	✓	✓	✓	✓	✓	#
South Yorkshire	✓	✓	X	✓	✓ SP	✓ SP
Staffordshire	✓ SP	✓ SP	✓ SP	✓ SP	#	✓ SP
Suffolk	X	X	✓	✓*	X	X
Surrey	x**	x**	x**	X	X	X
Sussex	✓	X	X	✓	✓	✓
Thames Valley	✓	X	✓	✓	✓	X
Warwickshire	X	✓	✓	✓	✓	X
West Mercia	#*	#*	#*	X	#*	✓
West Midlands	✓ SP	✓ SP	✓ SP	✓ SP	✓ SP	X
West Yorkshire	✓	X	✓	X	✓ SP	***
Wiltshire	✓	X	X	X	X	X

#- PCPARs that are not available on PCC websites in December 2022.

*- PCPAR not published on PCC website. Request for report sent via email.

** - Surrey PCC was the Association of Police and Crime Commissioners (APCC) lead for Equalities, Diversity and Human Rights (EDHR) between 2017-2019

*** In May 2021, West Yorkshire PCC responsibilities were transferred to first elected Mayor of West Yorkshire. The final PCPAR (West Yorkshire Mayor, 2021) includes information between April 2020-April 2021, and a statement from the prior PCC.

(Avon and Somerset PCC, 2017a, 2018, 2019a, 2020, 2021, 2022; Bedfordshire PCC, 2017, 2018, 2019b, 2020, 2021, 2022; Cambridgeshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; Cheshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; Cleveland PCC, 2017, 2018, 2019, 2020, 2021, 2022; Cumbria PCC, 2017, 2018, 2019, 2020, 2021, 2022; Derbyshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; Devon and Cornwall PCC, 2017, 2018, 2019, 2020, 2021, 2022; Dorset PCC, 2017, 2018, 2019, 2020, 2021, 2022; Durham PCC, 2017, 2018, 2019, 2020, 2021, 2022; Dyfed-Powys PCC, 2017, 2018, 2019, 2020, 2021; Essex PCC, 2017, 2018, 2019, 2020; Essex Police, Fire and Crime Commissioner - PFCC, 2021, 2022; Gloucestershire PCC, 2017, 2018, 2019, 2020, 2021, 2022; Gwent PCC, 2017, 2018, 2019, 2020, 2021; Hampshire PCC, 2017, 2018, 2019, 2020, 2022; Hertfordshire PCC, 2017, 2018, 2019b, 2020b, 2021, 2022; Humberside PCC, 2017, 2018, 2019, 2020, 2021, 2022; Kent PCC, 2017, 2018, 2019, 2020, 2021, 2022; Lancashire PCC, 2017, 2018, 2019, 2020, 2021, 2022a; Leicestershire PCC, 2017, 2018, 2019, 2020, 2021; Merseyside PCC, 2017, 2018, 2019, 2020, 2021, 2022; Norfolk PCC, 2017, 2018, 2019, 2020, 2021; Northamptonshire PCC, 2017, 2018; Northamptonshire PFCC, 2019, 2020, 2021; Northumbria PCC, 2017, 2018, 2019, 2020, 2021, 2022; North Wales PCC, 2017, 2018, 2019, 2020, 2021, 2022; North Yorkshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; Nottinghamshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; South Wales PCC, 2017, 2018, 2019, 2020, 2021; South Yorkshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; Staffordshire PCC, 2017, 2018, 2019, 2020; Staffordshire PFCC, 2022; Suffolk PCC, 2017, 2018, 2019, 2020, 2021, 2022; Surrey PCC, 2017, 2018, 2019, 2020, 2021; Sussex PCC, 2017, 2018, 2019, 2020, 2021, 2022; Thames Valley PCC, 2017, 2018, 2019, 2020, 2021, 2022; Warwickshire PCC, 2017, 2018, 2019, 2020, 2021, 2022; West Mercia PCC, 2020, 2022; West Midlands PCC, 2017,

2018, 2019, 2020, 2021, 2022; West Yorkshire PCC, 2017, 2018, 2019b, 2020; West Yorkshire Mayor, 2021; Wiltshire and Swindon PCC 2017, 2018, 2019, 2020, 2021, 2022).

An examination of the PCPARs indicates that S&S is not a key priority for most PCC areas. Out of the then 40 PCCs areas (Parliament. House of Commons, 2016) examined, only 15 PCCs PCPARs mentioned S&S 2016/17; 15 in 2017/18; 22 in 2018/19; 22 in 2019/20; 22 in 2020/21 and 20 in 2021/22 (out of those available in February 2023, see Table 10). Further examination of the PCPARs highlights that the number of SSSPs has increased throughout the years, indicating that there were 6 in 2016/17; 9 in 2017/18; 10 in 2018/19; 13 in 2019/20; 15 in 2020/21 and 14 in 2021/22. However, the 2021/22 PCPARs were not available on the PCCs websites for Gwent, Leicestershire, Norfolk, Northamptonshire, and South Wales in February 2023. Therefore, further research was conducted on the PCCs websites to determine whether these SSSPs were still operating. Gwent PCC (2022) SSSP is still operating; the Independent Advisory Group still monitor the use of S&S powers in Norfolk (Norfolk PCC, 2022) and in South Wales, staff within the office of the PCC conduct dip sampling of S&S records and BWV (South Wales PCC, 2022). This indicates that there were only 18 PCCs areas in 2021/22 (46.2 % of the 39 PCCs), which had a SSSP or a panel of independent members scrutinising S&S. This is an improvement from only 6 in 2016/17. However, this illustrates that not all PCCs have prioritised accountability of S&S, in addition to lack of creation of external accountability SSSPs/ or a panel of independent members scrutinising S&S.

During the content analysis, further issues were uncovered such as in 2020/21 SSSPs were affected by COVID-19 pandemic. This resulted in meetings not taking place in some areas due to national lockdowns, such as in Lancashire (Lancashire PCC, 2022b) and North Yorkshire (North Yorkshire PCC, 2021). However, some force areas used video conference technology, to ensure that the meetings went ahead remotely (Bedfordshire Police, 2022; Norfolk PCC, 2021; South Yorkshire PCC, 2021). This included reviewing BWV during video conference meetings (South Yorkshire PCC, 2021). Therefore, indicating that some force areas/offices of PCCs have made more of an effort to ensure external scrutiny was still taking place, to

ensure that S&Ss are conducted fairly, lawfully, and that there is a mechanism of external accountability of S&S.

Furthermore, transparency was highlighted as an issue during the analysis of PCCs PCPARs, as the link from Suffolk PCC website to the PCPAR for 2019/20 was not working during March 2021. The researcher emailed the PCC office to request a copy of the report in March 2021 and inform them that the PCPAR was not available on the website. A copy of the report was then provided via email. However, the email request to the Office of the PCC for West Mercia, for the PCPARs for 2016/17, 2017/18 and 2018/19, was not responded to. In February 2023, the only PCPAR available on the West Mercia PCC (2022b) website, was the 2021-22 PCPAR (West Mercia PCC, 2022a). Additionally, five PCPARs for 2021-22 were not available on PCCs websites in February 2023 (see Table 10). This suggests a lack of transparency, as MoPs are not able to access PCPARs for previous years.

Further issues noted within the content analysis of the PCPARs, were that if S&S was mentioned, this was to varying extents. Examples include Cheshire PCC (2017) PCPAR 2016/17, as there was only a brief mention that the force area improved their compliance with the BUSSS (Home Office, 2014a). This was after it was highlighted in 2016 by HMIC (2016b), that the force was one of the thirteen forces who were suspended from the BUSSS (discussed previously in Chapter 2). It was uncovered by HMIC (2016b) that Cheshire were in non-compliance with all the features within the BUSSS (Home Office, 2014a), in the original inspection of the forces by HMIC (2017b). Similarly, the only mention regarding S&S in Cumbria PCC (2017) PCPAR 2016/17, is that the force is now in compliance with BUSSS (Home Office, 2014a). Cumbria was also one of the forces that was found not to be compliant with the BUSSS, during the revisit conducted by HMIC (2016b, p.14). Cumbria was found to be non-compliant “with the [‘CCT’] requirement” of the BUSSS (HMIC, 2016b, p.14). This was highlighted to the force by HMIC during the revisit report, where HMIC (2016b, p.4) acknowledged that “since our revisit, achieved compliance with all features of the scheme”. Similarly, Warwickshire PCC (2018) only mention of S&S was in the PCPAR in 2017-18, was regarding the 2015 HMIC Inspection (HMICFRS,

2021b), stating “the force has improved the way it uses [S&S]” (Warwickshire PCC, 2018, p.37). However, no mention of how this had been done was discussed, suggesting a lack of transparency.

Good examples of SSSPs were also identified during the content analysis, including Avon and Somerset PCC who has created a SSSP where volunteers scrutinise “Taser, [S&S], body worn video and the use of force by the police” (Avon and Somerset PCC, 2021, p.22). In the PCPAR for 2021 (Avon and Somerset PCC, 2021), it referred to HMICFRS ‘Disproportionate Use of Police Powers’ report (2021, p.27). HMICFRS (2021, p.27) report had commended Avon and Somersets SSSP, stating that it had a “well-attended scrutiny panel with a diverse membership, offering a broad range of views”, which indicates that the SSSP is “positive practice”.

Another example is Bedfordshire, in which the 2022 report discusses that the S&S for the force had “the lowest disproportionality ratio ... when compared to any other police force” (Bedfordshire PCC, 2022, p.2). Furthermore, the PCPAR discusses the SSSP, as well as providing links for MoPs to become a panel member and informing MoPs that the PCC/or members of his office attended the SSSP twice between May 2021- April 2022 (Bedfordshire PCC, 2022). Overall, suggesting good practice. Further developments of external scrutiny have been made in other police force areas, including Cambridgeshire creating its first external SP in January 2021 (Cambridgeshire PCC, 2021). It is stated that the SP will meet quarterly, including scrutinising S&S BWV, with training being provided to panel members on S&S “law, policies and practices” (Cambridgeshire PCC, 2021, p.9). Dorset PCC (2022) have created their first SP with external members, scrutinising S&S BWV. Durham PCC (2021) has also created a SSSP in 2021, including scrutinising S&S records and BWV. Finally, PCPARs for 2021/22 discuss the creation of SSSPs or a panel which responsibilities includes scrutinising S&S within Cheshire, Derbyshire, Dorset, Hampshire, and Northumbria (Cheshire PCC, 2022; Derbyshire PCC, 2022; Dorset PCC, 2022; Hampshire PCC, 2022; Northumbria PCC, 2022). This indicates that S&S scrutiny is becoming more of a priority for more PCCs. Although, as Reiner’s (2016) research indicated there are differences between force areas and PCC

priorities. The findings of the content analysis suggest differences across force areas, between PCC priorities in ensuring external accountability of S&S.

During the content analysis of the PCPARs, the variances on PCC priorities were noted. There were PCCs who promoted SSSPs, although there were PCCs who promoted and supported the increase of S&S being used in their local area, such as the now ex-Merseyside PCC (as of May 2021). The previous Merseyside PCC discussed support for the approach that was taken by the CC and the force, to increase the numbers of S&S, which was “bucking the national trend” (Merseyside PCC, 2019, p.7). Additionally, Essex PCC discusses S&S being used more often “to combat the growing use of knives and violence” (Essex PCC, 2019, p.21; 2020, p.17). The outcome of whether the increase in S&S had resulted in an increase in offensive weapons seized, was not discussed. The Essex PCC between 2016-2021, became the first Police, Fire, and Crime Commissioner (PFCC) for Essex (BBC News, 2021a). In the 2020-21 PCPAR, there is a discussion of the number of S&S conducted for weapons, which had decreased by “32.6%”, although there is no discussion of the number of offensive weapons seized (Essex PFCC, 2021, p.31), suggesting lack of transparency. Furthermore, the PCPAR also mentions the PFCC Equality Act (2010) objectives, which include a “focus on [S&S]” for the force area, yet no further details of this are apparent, again indicating a lack of transparency (Essex PFCC, 2021, p.43).

Further analysis of the PCPARs highlighted that there were two PCCs whose only brief mention of S&S, was in relation to arrest ratio. Northamptonshire PFCC (2020, p.6) PCPAR 2019/20 only mentions S&S, in regard to the demand for policing in the area and that officers had “made: 2,170 [S&S]; 356 [S&S] arrests”, with no further discussion given. West Mercia PCC (2020, p.4) stated that to enhance community reassurance, the reported number of S&S, “36.4% ...resulted in a police action being taken” and provides no further details of the ‘outcomes’, or that this signifies that in 2019/20, 63.6% of S&S did not result in any police action being taken. Kent PCC (2021) PCPAR 2020/21, only mentions S&S regarding the numbers of S&S that were conducted in relation to knife crime. Similarly, Sussex PCC’s (2021) PCPAR

2020/21 only mention of S&S is in relation to the numbers of S&S conducted on various operations, including operations to tackle knife crime and rural crime. Thames Valley PCC (2021) refers to S&S being a new project under the “Safety of Women at Night (SWAN) fund, Project Vigilant...to identify individuals displaying predatory behaviour”. However, there is no mention of external scrutiny of S&S within the PCPARs, in either Northamptonshire, Kent, Thames Valley or Sussex areas (Kent PCC, 2021; Northamptonshire PFCC, 2020; 2021; Sussex PCC, 2021; Thames Valley PCC, 2021).

There were a variety of PCCs who mentioned S&S in relation to meetings attended by PCCs and CCs. An example is Cleveland PCC, in which the PCPAR 2018/19 refers to the PCC attending a meeting “with senior officers and staff ..., to challenge them on a range of issues ... includ[ing] ... [S&S]” (Cleveland PCC, 2019, p.6). However, no further information was given regarding these meetings in the PCPAR. However, the PCPARs do not provide fine grain detail of these meetings and copies of minutes of some meetings held by PCCs, are available on PCCs websites.

Further analysis of the PCPARs determined that in 2016/17, Surrey PCC David Munro, was the “national lead for... [EDHR]” under the [APCCs] new formalised portfolio structure (Surrey PCC, 2017, p.11). It is stated that the “aim to be the champion for EDHR issues for PCCs across the country” (Surrey PCC, 2017, p.11). This is mentioned further in 2017/18 and 2018/19 PCPARs (Surrey PCC, 2018, 2019). However, S&S is not an area mentioned within any of the PCPARs for Surrey PCC. Therefore, S&S appears to lack priority for the then Surrey PCC, who was the then national lead for EDHR under the APCC, which suggests that he was aware of the disproportionality in S&S practices and the impact that these powers have on ethnic minority communities, public confidence in policing, as well as perception of police legitimacy. This can be evidenced by the views of the Surrey PCC, which were provided as written evidence submitted to Parliament in June 2020, stating that:

“Mr Munro ... continues to work alongside ... sector organisations..., as well as policing bodies, to ensure that where possible we can eliminate disparity.... The APCC has provided opportunities for PCCs to hear perspectives from such organisations, including the [EHRC] and Stopwatch” (Parliament. HASC, 2020, para 13-17).

No further details regarding any mechanisms that had been instilled as a way of tackling the disparity or how many opportunities were provided to PCCs, nor which PCCs had received these opportunities and when. Furthermore, no further information is given on his work regarding ensuring that public sector duty under the Equality Act (2010, section 149). Part of the role of a PCC is to hold CCs to account in relation to equality and diversity and how the CCs exercise their duty under the Equality Act (2010, West Mercia PCC, n.d.). Additionally, there was a change in the national lead in 2019/20, with the ‘EDHR under the APCCs, is now ex-Derbyshire PCC (APCC, 2020). However, Hardyal Dhindsa was Derbyshire PCC between 2016-2021 and lost the 2021 election to Angelique Foster (Policing Insight, 2021). The new EDHR leads are “Alison Lowe, the Deputy Mayor for Policing and Crime in West Yorkshire, and John Champion, the PCC the West Mercia” (APCC, 2022, para 3). As joint leads, they have led the work to “implement the APCC Action Plan on Race Disparity” (APCC, 2022, para 4), which provides objectives “to coordinate PCC activity both nationally and locally to tackle race disparity in policing” (APCC, 2023, p.1). This action plan was published in the same year as the College of Policing and NPCC (2022) ‘Police Race Action Plan’. As the plans are recent, it is difficult to determine whether the plans are resulting in changes, to tackle racial disparity. However, the focus of challenging inequalities in policing is not new (Bowling and Phillips 2008; HMICFRS, 2021; IOPC, 2022; Norris *et al.*, 1992; Solomus, 1993). Consistently, research has suggested racial disparity/disproportionality in S&S practices (Bowling and Phillips, 2002; HMICFRS, 2021; IOPC, 2022; Jackson *et al.*, 2012; Lammy, 2017; Shiner *et al.*, 2018).

In addition to the content analysis of the PCPARs, during the qualitative research interviews (RM1), Police and Crime Plans was an area of discussion, with one of the PCCs mentioning that:

“[They] listened to how things were working or not working and I tried to make sure I align my plan to the operational policing by the [CC],because they have their own responsibility delivering policing but I think to make sure that we work in the same direction, I’m making sure that alignment happens and how delivery is through my office staff in terms of how they can help me with their professional insight, dimensional management and in the money I allocate to policing appropriately” PCC/05

This is indicative of the relationship that this PCCs have had with their CC. It indicates that if S&S is not an area of focus for the CC, then this PCC would not include this area in their Police and Crime Plan. Therefore, suggesting missed opportunities to enhance accountability. Furthermore, during RM1, it was highlighted that ‘localism’ is an issue and that having a directly elected PCC, which enlarged the differences between regional police force priorities. This aligns with previous research into local boards regarding issues “of party politics... prevailing over the forces of localism and responsibility to districts” (Wilson and Game, 1994, p.66). Comments from interviewees include:

“I think that depends on the approach that the individual [PCC] takes. One of the difficulties, the fundamental difficulties of the Commissioner model... is that there is no role definition... So, the [PCC] does... goes in whatever direction they think is the right way to go and can do literally as much or as little as they choose. They can be involved in absolutely everything or absolutely nothing” CC/02

The interviews with PCCs suggested that they perceive ‘localism’ to benefit the needs of their local area. In one interview, the PCC mentioned:

“The beauty of doing this job is that you invent it for yourself. I do it my way”
PCC/01

Given PCC/01 and CC/02 views, as well as the analysis of the PCPARs, this suggests that increasing accountability of S&S practices is not an area of significant interest for the majority of PCCs. This links to the analysis of PCPARs, revealing that

wider concerns relating to racial inequality and lack of diversity, are also missing from the majority of the PCPARs analysed. Reiner (2016a) indicates that the introduction of PCCs has the potential to widen the disparity of priorities for each policing area (that PCCs govern), as PCCs would prioritise their interests and concerns from members of their local areas majority population to the detriment of the priorities of minority groups in their local area (Lister and Rowe, 2015). This was reiterated by RaEC representatives interviewed, with comments including:

“I don’t think the [PCCs] have improved relations with ethnic minorities”
RaEC/01

“Well, there’s no relationship. There’s no communications” [between PCCs/RaECs] RaEC/02

One of the comments above is regarding communications between PCCs and their offices with RaEC representatives, who work with members of the local community from ethnic minority background (Haringey Race and Equality Council, 2016). The lack of communication between PCCs/PCC Offices and the main RaEC in their local area, further suggests the lack of appreciation or willingness to appreciate minority issues. This lack of interest was further demonstrated during the public consultation conducted by the Home Office (2013b) into S&S practices, of which 37 forces provided responses (Home Office, 2014d). Nevertheless, less than half (only 18) PCCs responded to the consultation, even though the inspection conducted by HMIC (2013a) led to the public consultation being conducted. This highlighted considerable failings for every force, stating that:

“PACE Code ...A requires police forces to make arrangements for public scrutiny of their use of S&S. The Home Secretary will write to all [CCs] and [PCCs] to tell them to adhere to the Code. If they do not do so, the Government will bring forward legislation to make this a statutory requirement” (Home Office, 2014d, p.21).

The inspection (HMIC, 2013a) was carried out in 2013, and the public consultation was conducted in 2014 (Home Office, 2014d). However, the analysis of PCPARs in this research, indicates that external S&S scrutiny is not a key area for all PCCs, despite the long-standing concerns S&S powers. There is a disparity compared to the increased national scrutiny, increased public awareness of instances where S&S powers have been used inappropriately or unlawfully, increased media discourse regarding the use of the powers and previous research illustrating the disparity in the treatment of ethnic minority communities by policing (Blowe and Lubbers, 2020; College of Policing and NPCC, 2022; Hill *et al.*, 2020; Safi, 2020; Sheppard, 2020b). The content analysis of the PCPARs, highlighted the fragmented approach to the level of interest/concern that PCCs have regarding S&S accountability in their local area, compared to overall national concerns highlighted by national bodies (College of Policing and NPCC, 2022; HMIC, 2013a; HMICFRS, 2017b, 2021b; Home Office, 2013b; IOPC, 2022). During the qualitative research (RM1), the importance of the Police and Crime Plan priorities was highlighted:

“[if the] PCC haven’t got their strategic directions correct; then how do you expect the [CC] to deliver that? Because at the moment from our... from where we are standing, the PCC has failed miserably to connect with BME communities or even communities from protected characteristics” RaEC/02

Overall, this suggests that there is a lack of consistency within PCCs level of response nationally and indicates a lack of responsiveness to the concerns of ethnic minority communities in their local area, to ensure that their concerns are used to inform Police and Crime Plan/police force priorities. Some of the measures instilled by PCCs highlighted within PCPARs, were referring to providing their local electorate with further information on their rights during a S&S (to increase awareness). Although, these PCPARs did not discuss enhancing accountability by instilling external scrutiny.

Interestingly, some of the SSSPs mentioned within the PCPARs, were highlighted by previous research (Kalyan and Keeling, 2019), as being examples of good practice (Bedfordshire/Hertfordshire). Overall, Kalyan and Keeling (2019, p.2) research

highlighted that SSSPs have a “significant lack of consistency and effectiveness in how [SSSPs] operate across police force areas in England and Wales” (discussed further within this Chapter). This emphasises the need for reform of SSSPs, to provide a greater external accountability mechanisms. Nevertheless, there are challenges to this, such as the lack of awareness of SSSPs, BUSSS (Home Office, 2014a) and lack of awareness of the PCC by the electorate, which is discussed in the next section.

4.3 Lack of awareness (RQ1)

The previous section illustrated the varying degree of interest that PCCs have shown in enhancing external accountability of S&S practices detailed within the PCPARs. This section focuses on the lack of ‘awareness’ (RQ1) of PCCs from MoPs and within front-line policing, as well as lack of awareness in relation to SSSPs and the BUSSS (Home Office, 2014a). Firstly, lack of awareness of PCCs by MoPs and by FLPOs is discussed. Following this, this section focuses on lack of awareness in relation to the BUSSS (Home Office, 2014a) and the mechanisms that the BUSSS created to increase accountability. Finally, the analysis focuses on the lack of awareness of SSSPs by MoPs and front-line officers that was shown in RM1 and the lack of awareness of SSSPs by MoPs in RM2. These areas were highlighted during the thematic analysis (Braun and Clarke, 2006) of the qualitative research, along with growing evidence from recent research (Kalyan and Keeling, 2019). In addition to national body acknowledgement of this lack of awareness (HMICFRS, 2017b; 2021b) and recommendations given to seek enhanced accountability of S&S practices, which are more responsive to local and national concerns (HMIC, 2016a; 2016b; 2016c; 2017a; 2017c; HMICFRS, 2021a; IOPC, 2022).

4.3.1 Lack of awareness of PCC (RQ1/RQ2)

During the qualitative research, it was highlighted that ‘awareness’ (RQ1) of PCCs by the electorate was an issue. None of the four MoPs interviewed (in RM1), knew what a PCC was or who the PCC was for their area. Within the perception survey (RM2), table 11 below shows the results from the question asking MoPs their awareness ‘of any policies/strategies that the PCC of your local police force has instilled to increase policing accountability’.

Table 11: Public Perception Survey (RM2) results – awareness of PCC policies/strategies to increase policing accountability

Survey method	Online panel	Microsoft Forms	Results for all
Answer to question:	(<i>n</i> =308)	(<i>n</i> =80)	participants (<i>n</i> -388)
Yes	12.66% (<i>n</i> =39)	7.5% (<i>n</i> =6)	11.59% (<i>n</i> =45)
No	73.05% (<i>n</i> =225)	90% (<i>n</i> =72)	76.55% (<i>n</i> =297)
Not sure	14.29% (<i>n</i> =44)	2.5% (<i>n</i> =2)	11.86% (<i>n</i> =39)

For the total number of MoPs who completed the survey (*n*=388), 11.6% (*n*=45) were aware of policies/strategies that the PCC had instilled to increase policing accountability, 76.55% (*n*=297) were not aware and 11.85% (*n*=46) were not sure. ‘Lack of awareness’ of PCCs by MoPs, has been highlighted in previous research. Research conducted by the Committee on Standards in Public Life (2015, p.22) suggested that within the MoP respondents to their survey, “only 10% of respondents said they would be able to name their [PCC]”. Additionally, research by IPSOS (2013) found that “the majority (60 per cent) know nothing at all about PCCs”. PCCs have been in post since 2012 (Committee on Standards in Public Life, 2015), yet this research and previous research has indicated that the level of awareness of PCCs by MoPs is low. In the qualitative research (RM1), there were differences of opinion between PCCs interviewed, regarding the level of awareness:

*“I think undoubtedly people know exactly how the police are held to account”
PCC/03.*

“I think that confidence has gone up across every area in policing since 2012...I wouldn't wish to be asserting too much... that it is only through [PCCs] and clearly it isn't only through [PCCs]. Some of those really big changes that have happened... have only happened because of the [PCCs]and so, it's not unreasonable to say that the increase in confidence, must at least be linked to the action of [PCCs]” PCC/02

“if I asked people ‘Do you know what a Police Commissioner, what their roles and responsibilities are’ invariably 80-90% do not know” PCC/05

However, previous research and the findings of the qualitative research conducted by the researcher, suggest that their perceptions are misplaced. In addition to lack of awareness MoPs have of PCCs, this research has also highlighted that there is a lack of awareness within lower ranking officers. None of the ten FLS/Is and FLPOs, as well as neither of the Police Trainers interviewed in this research, were aware ‘of any policies/strategies that the PCC has instilled to increase policing accountability’. Examples of comments given, were:

“Not that I can shout of the top of my head...no” FLPO/02

“Not that springs to mind straightaway, No” FLPO/03

Two of the FLPOs showed what can be suggested to be strong views on the topic, stating that:

“No... but I just don't understand what the need for it [PCCs] was. When we were meant to vote for them, I don't know a single person that voted including myself because... it's ridiculous” FLPC/04

“If I was honest...no.... but do we need a politician involved who doesn't understand the policing world? I don't think so. I don't think they really have massive impact and will know what is going on really. So, I am not sure where the benefits are of having [a PCC]” FLPC/01

This shows lack of awareness of the PCCs and PCC policies in their force area. This was further identified by each of the five FLS/I interviewed and their responses regarding PCCs policies aimed at increasing accountability, were:

“I’m not aware of anything particularly from the PCC, not specifically from the [PCCs] office” FL-I/03.

“I think I’d have a hard time pointing to a specific policy and saying I would attribute that to the PCC” FL-I/04

“I don’t, really there’s quite a gap between me and the PCC. So, it doesn’t affect my day to day. You know, overtly... I would say because if it comes through as policy, that’s what we work to” FL-I/05

“When I look at PCCs in the press nationally you see the PCCs driving this and driving that. I don’t necessarily see that being the same relationship our current PCC has with our [CC]. The policies and the procedures that we follow come from the [CC] downwards where... the PCCs ... works alongside... as far as I am concerned, [PCC] does what [PCC] is supposed to do in [their] terms of reference but ...It is not... I don’t see it like that, from my experience with our PCC” FL-I/02.

“I don’t know what has been introduced anyway and what has been introduced because the PCC is here if that makes sense, so I know over the last few years we have perhaps had a greater swing towards that, but my view is because that is possibly more down to the personalities of the [CCs] than the PCCs necessarily having a direct influence” FL-I/01

This indicates that the FLS/Is interviewed in this research (RM1), lack an awareness of the role that PCCs have. Furthermore, the comments made by front-line officers can be said to include elements of the cultural characteristics of “cynicism/pessimism” (Bowling *et al.*, 2019, p.172-180). FL-I/01 suggests that initiatives to increase accountability have been as a result of the relationship between the PCC and the CC. Further discussions led to comments regarding PCCs not understanding the pressures on the front-line, for FLPOs. Examples include:

“I do think there are some parts of policing where [some PCCs are] far less aware and having an understanding of what the pressures were on [FLPOs] and what... how the pressures on [FLPOs] can sometimes impact on the public” CC/02

*“Do they really understand? They’re trying to move money around, make us work differently but I don’t think they quite grasp the fact of the issues that policing have”
FLPO/01*

These comments above are regarding the PCCs ‘getting out and about’ and speaking to FLPOs, but this depends on the individual PCC (Reiner, 2016a) and the time they afford to doing so, as well as their willingness to engage and ensure communications are sent throughout the force. Therefore, indicating that PCCs need to ‘get out and about’ more, to speak to FLPOs. One of the PCCs interviewed highlighted that mechanisms of how a PCC communicates, is dependent on the individual PCC as:

“[PCCs] are left to their own devices to communicate to the public, whereas parliamentarians get at least one address which is sent to all the population, constituents. The Electoral Commission recommended the ...first elections of [PCCs] that more should be done to raise the awareness of [PCCs]. The Government have not taken up the recommendation the first time, and I think the second time a similar thing was said. Now there’s only about 16% of people participate in the election of [PCCs] against 24%” PCC/05

However, building awareness with the communities in which they serve, is part of the function and responsibility of the PCC under the PPO (2011). In RM1, it was indicated by both RaEC representatives, that there was a lack of awareness of PCCs with their ethnic minority electorate and that there has not been a significant impact in increasing awareness:

“we have a PCC, Yes, but I still feel ...there is arm’s length distance. We still don’t know who they are...” RaEC/01.

“Well, there’s no relationship. There’s no communications” [between PCCs and RaECs] RaEC/02

In addition to RaEC representatives perceptions from (RM1) above, the MoPs Perception survey (RM2) indicated that awareness is lower amongst MoPs from ethnic minority backgrounds. See table 12 below, in comparison to table 11 above:

Table 12: Public Perception Survey (RM2) results of ethnic minority participants – awareness of PCC policies/strategies to increase policing accountability

Survey method	Online panel	Microsoft Forms	Results for all
Answer to question:	(n=30)	(n=18)	participants (n-48)
Yes	13.33% (n=4)	n=0	8.33% (n=4)
No	76.66% (n=23)	100% (n=18)	85.42% (n=41)
Not sure	10% (n=3)	n=0	6.25% (n=43)

As this section has indicated, the results of the research and previous research suggests that there is a lack of awareness of PCC ‘policies/strategies to increase policing accountability’ by members of the electorate. The lack of awareness by FLPOs suggests that there is still work to do, to ensure that officers and MoPs are aware of the initiatives by the PCC and the mechanisms to increase accountability in S&S. The next section focuses on lack of awareness of the BUSSS (Home Office, 2014a).

4.3.2 BUSSS (RQ1/RQ2)

As discussed in Chapter two, within the numerous reforms of S&S throughout the years, the BUSSS (Home Office, 2014a) was highlighted as being one of the distinguishing areas for providing further opportunities for members of the community to take part in ‘accountability mechanisms relating to S&S’ (RQ2). Chapter two provided information on S&S statistics between the period of 2001 and 2019, showing that S&S numbers fell between 2013/14 to 2017/18 (Home Office, 2012b;

2013; 2014a; 2015d; 2016a; 2017a; 2018; 2019c). This represented a substantial shift from the historical upward trend in the numbers of S&S. The downward trend in S&S practices between 2013/14 to 2017/18, can be linked to the change in political consensus and the introduction of the BUSSS (Home Office, 2014a) (see Chapter 2). However, S&S numbers have begun to rise since 2018/19, due to a further change in political consensus and the increase of knife crime (see Chapter 2). This section is focusing on specifically the ‘CCT’ element of the BUSSS (Home Office, 2014a). Previous research has acknowledged that:

“[S&S] is often the most confrontational encounter an individual will have with the police. When a search is not carried out professionally and with sensitivity, complainants have told us of the lasting effect it can have, making them feel victimised, humiliated, and violated” (IOPC, 2022, para 31).

Therefore, demonstrating the impact unprofessional S&Ss can have on a MoPs confidence in policing and perception of police legitimacy. It is paramount that S&S complaints are investigated (IOPC, 2022). Within the BUSSS, one of the four main mechanisms is the ‘CCT’ (Home Office, 2014a, p.2), which increases the ability to hold policing to account in relation to complaints (discussed in Chapter 2). This element of the BUSSS requires that forces:

“develop a complaint policy which: ensures individuals ... are made aware of where to complain; introduce a threshold above which the police are compelled to explain their use of [S&S]; and that explanation will be given, primarily, to local community groups responsible for scrutinising the use of [S&S]” (Home Office, 2014a, p.3).

The wording ‘forces participating in the BUSSS’ is arguably significant, as it is voluntary for forces to participate in the BUSSS (HMIC, 2016b). However, all 43 forces had volunteered to join the BUSSS (HMIC, 2016b). The HMIC (2016b, p.8) BUSSS inspection noted that it “aims to increase public confidence that S&S powers are being used fairly, lawfully, and effectively” [more information about lawful S&S is available in Appendix I]. During the PEEL legitimacy 2015 inspections, it was

highlighted that 32 forces out of the 43 forces in England and Wales were not fully complying with the BUSSS (HMIC, 2016a). The Home Secretary has the power to remove forces from BUSSS, who have been shown to be in non-compliance (Home Office, 2016c). The non-compliance highlighted by HMIC (2016a), resulted in 13 forces being “suspended” from BUSSS by the then Home Secretary (Home Office, 2016c, p.5). Thirty-two forces were shown to be in non-compliance with one or more elements of the BUSSS (Home Office, 2014a). This asserts the requirement for continuous inspections, to ensure that government reforms are resulting in the stated required changes to operational practice and ensure forces are implementing all reforms, not just a select few.

The first inspection by HMIC (2016a), resulted in the BUSSS revisits conducted by HMIC (2016b, 2016c, 2017a), which assessed forces’ compliance with the BUSSS and again highlighted forces that were non-compliant with one or more features, Forces were revisited, who had been deemed as non-compliant during the original (HMIC, 2016a) inspections. As discussed above, the BUSSS (Home Office, 2014a) is the only mechanism which allows for members of the community to be able to scrutinise S&S practices, unlike previous national reforms. A theme highlighted during the qualitative research, was the lack of ‘awareness’ (RQ1) regarding the BUSSS. It was apparent that the five PCCs interviewed, were not aware of the ‘CCT’ (Home Office, 2014a). Responses given such as:

“No, I can’t right now but I will ask my chief of staff” PCC/01

“No. I can’t. I’m trying to think off the top of my head. No, I’m afraid, I don’t have that information at my fingertips” PPC/02

“I don’t know. I’m very confident that with or without the Community Trigger thing, I’m very confident that there is good oversight of [S&S] ...” PCC/03

“I haven’t got a clue” PCC/04

[how force/SSSP has established the ‘CCT’] “No” PCC/05

During the qualitative research (RM1), one of the questions posed to all participants was regarding the BUSSS 'CCT' (Home Office, 2014a). This highlighted that out of the nine FLPOs/FLS/Is interviewed in RM1, only one of the five FLS/Is had actually heard of the BUSSS or the 'CCT' (Home Office, 2014a), suggesting a lack of awareness within FLPOs. Furthermore, there were criticisms of the 'CCT' made by chief officers and PCCs, including:

"It's a bit of a toothless tiger. The point of the trigger though is for Forces to examine the processes, not just rely on the normal complaints process itself to deal with it and involve the community" DCC/01

"although it sounds like a really good idea and it is a really good idea, when you get down to it, you don't tend to get a lot of usage of it, and I can't remember the last time it happened in this Force area" PCC/02

"I don't think it's been used very much at all. In fact, I struggle to think of a case where I know that it's been used. I think the theory of it, arguably, is... I can understand why there might be an argument that you need something like the ability for somebody to make a complaint, or something, but I don't see it being used to be honest" CC/02

The lack of awareness by PCCs and FLPOs/FLS/Is of how and when the 'CCT' is used, aligns with previous research conducted by Kalyan and Keeling (2019). Their research survey gained responses from "25 different police force areas" with "42 responses in total" (Kalyan and Keeling, 2019, p.20). Their research highlighted areas which needed to be enhanced, to increase awareness and accountability of the CCT within BUSSS. It identified that of those who responded to their survey:

"65 per cent of respondents were not consulted in the design of the ['CCT'] process...less than a third review the process on a regular basis. This may make [SSSPs] unsure of the complaints process, including how and when triggers are activated... Interviewees raised concerns that many people ... stopped and searched are unlikely to make a formal complaint because of lack of trust ..., particularly within [ethnic minority] communities." (Kalyan and Keeling, 2019, p.20).

Therefore, demonstrating areas of the ‘CCT’, which undermines the effectiveness of it working in practice. Within the quantitative research (RM3), the content analysis identified that not all PCCs have taken on the remit of having SSSPs managed by their offices, so that police forces are not “*marking [their] own homework*” (CC/02). To ensure that S&S has external community scrutiny that has been provided by the BUSSS (Home Office, 2014a), forces should implement the recommendations by HMICFRS (2017b, 2021b) into practice. This would provide a mechanism to ensure policing is more responsive to the demands of the minority communities in their local area. Additionally, lack of awareness of the BUSSS was highlighted in the thematic analysis of the MoP perception survey (RM2), which the results to the question of ‘have you heard of the BUSSS?’ were:

Table 13: Public Perception Survey (RM2) results - BUSSS

Survey method	Online panel (n=308)	Microsoft Forms (n=80)	Results for all participants (n=388)
Answer to question:			
Yes scale 7	4.55% (n=14)	6.25% (n=5)	4.9% (n=19)
Scale 6	3.24% (n=10)	1.3% (n=1)	2.85% (n=11)
Scale 5	6.17% (n=19)	-	4.9% (n=19)
Not sure – Scale 4	21.42% (n=66)	3.75% (n=3)	17.78% (n=69)
Scale 3	6.17% (n=19)	1.3% (n=1)	5.15% (n=20)
Scale 2	6.5% (n=20)	1.3% (n=1)	5.42% (n=21)
No – Scale 1	51.95% (n=160)	86.25% (n=69)	59% (n=229)

Table 13 indicates that from all participants within RM2 (n=388), a total of 59% of participants (n=229) indicated that they had not heard of the BUSSS, with a total of 87.4% of participants (n=339) stating that they were not aware or not sure if they had heard of the BUSSS. Amongst participants from ethnic minority backgrounds, the percentage of awareness was lower (see table 14 below).

Table 14: Public Perception Survey (RM2) results – BUSSS – ethnic minority participants

Survey method	Online panel (n=30)	Microsoft Forms (n=18)	Results for all participants (n=48)
Answer to question:			
Yes scale 7	6.67% (n=2)	5.56% (n=1)	6.25% (n=3)
Scale 6	-	-	-
Scale 5	3.33% (n=1)	-	2.1% (n=1)
Not sure – Scale 4	16.66% (n=5)	-	10.3% (n=5)
Scale 3	10% (n=3)	-	6.25% (n=3)
Scale 2	6.67% (n=2)	-	4.2% (n=2)
No – Scale 1	56.67% (n=17)	94.44% (n=17)	70.83% (n=34)

Table 14 indicates that from all ethnic minority participants within RM2 (n=48), a total of 70.83% of participants (n=34) suggested that they had not heard of the BUSSS, with a total of 91.67% of participants (n=44) indicating that they were not aware or not sure if they had heard of the BUSSS (Home Office, 2014a). Therefore, indicating that ethnic minority participants were less aware than the white participants, who completed the public perception survey (RM2). Previous research has also shown public mistrust in policing accountability of S&S, especially by ethnic minority communities (Bowling *et al.*, 2019; HMICFRS, 2021; NREC, 2015). This has further been emphasised during public inquiries, where recommendations made have been disregarded by governments, years after the public inquiries publications were published (Macpherson, 1999; Scarman, 1981; Shiner *et al.*, 2018).

In a recent national review of S&S, the IOPC (2022, para 27) recommended that SSSPs have “a [CCT], which may result in referral of an incident to the IOPC”. Within the qualitative research (RM1), CCs were asked about the protocols regarding referring complaints to the ‘CCT’ (Home Office, 2014a) and whether SSSPs should be standardised nationally. The responses were:

“I mean one of the things, which staggered me [regarding variation between forces] ... we didn’t even have the same words ... apart from the fact it was a police force, and we wore uniform, and we had a responsibility to cut crime, terminology, practice, processes, forms, everything is different” CC/02

“Without a doubt. We should all have the same... we should all be operating the same way... because it shouldn’t be any different in one organisation to another” CC/01

When the researcher mentioned to chief officers there was still a procedural fault in the mechanisms of the complaint system, as not all complaints in relation to S&S are categorised as S&S complaints (IOPC, 2021). The researcher stated that ‘if a complaint comes in, it might be [that the person believes] that the officer was uncivil towards [them] whilst [they were conducting the] S&S; it would go onto the Incivility Complaint...’. The answer provided was:

“Yes, you’re right... and the [S&S] complaints could go in all sorts of different directions couldn’t they, based upon what the code is. We will be able to advise how many complaints we have had about [S&S] and in the same way, we would be able to say how many complaints we have had about incivility or how many complaints related to road traffic collisions or sexual offences. So, we’ve got that detail, so we can break it down against the Discipline Code and various elements, the various elements within there, all types of complaint. [But they are not feeding through to a panel?] No. Not necessarily” CC/01

This suggests that not all complaints regarding the use of S&S powers may be being categorised correctly, as per the required complaint categories (IOPC, 2021; 2022) Furthermore, that S&S complaints are “not necessarily” filtering through to SSSPs. Other responses provided by chief officers participants in RM1, were:

“The point of the trigger though is for Forces to examine the processes, not just rely on the normal complaints process itself to deal with it and involve the community” DCC/01

“If we’ve got people who are complaining and aggrieving about the way we use [S&S], then we should involve the community and say, ‘Have a look, help us, guide us and can we reassure you by any of this?’ Can we show you the

rationale behind this, to justify that there is legitimacy or if there isn't, this is what we are doing to resolve it?" DCC/01

DCC/01 indicates that there is support for community involvement in assessing complaints, as a 'learning the lessons' tool (IOPC, 2022). Although, this highlights discrepancies between forces, as there are force areas that have well-established mechanisms for ensuring that complaints made relating to S&S are provided to the areas SSSP (Bedfordshire PCC, 2021). The area that PCC/04 is PCC for, also has mechanisms for ensuring that the SSSP is made aware of S&S complaints and comments provided were:

"we can distinguish them... because I know in the past 12 months there have been 5 [S&S] complaints, so there must be some way of pulling them out of the system. I'm not quite sure how they are done but in the [PCPAR] of [S&S], all those 5 incidents were... I not sure there was a big account of them but there was a snapshot of all of them" PCC/04

Overall, the comments made by the chief officers and the PCC, indicates further work is required to ensure that the 'CCT' is working in all force areas. The BUSSS (Home Office, 2014a) demonstrates the power and political pressure that can be asserted by Home Office/Home Secretary on forces, to change their practices relating to S&S. Nevertheless, a review of how the mechanisms are working in practice needs to be conducted, to ascertain areas requiring improvements. Additionally, it highlights 'operational independence', in which all 43 forces volunteered to join the BUSSS (Home Office, 2014a). The initial inspection conducted by HMIC (2016a) showed that in practice, there was limited compliance to all elements of the BUSSS, by several forces. Compliance increased after 13 forces were suspended from the BUSSS (Home Office, 2014a) and after further revisits were conducted by HMIC (2016a, 2016b, 2017a; Home Office, 2016c).

The qualitative research in both RM1 and RM2, highlighted that there is a 'lack of awareness' of the BUSSS and the mechanisms under the BUSSS (Home Office, 2014a). Lack of awareness regarding the usage of the 'CCT', was shown by

PCCs/Chief Officers, FLPOs and MoPs participants in the qualitative research (RM1/RM2). Additionally, if the research identified discrepancies between forces mechanisms in ensuring that complaints made regarding S&S, are provided to the areas SSSP(s). Agreement was provided by chief officer participants (in RM1), that forces should be instilling a national protocol, for referring all complaints relating to a S&S to SSSPs. This section of the chapter has indicated that the Home Office has considerable power to create mechanisms, which enable wider accountability mechanisms involving communities (Home Office, 2014a). However, one of the failings of the BUSSS (Home Office, 2014a) is that it has not specifically stated the requirement for PCCs to monitor compliance of their police force area, against the mechanisms of the BUSSS (Home Office, 2014a). The next section discusses the findings from the qualitative research (RM1/RM2) on S&S and SSSPs have been created, as well as discussing the varying degrees of PCCs involvement with SSSPs.

4.3.3 S&S and SSSPs (RQ1/RQ2)

As part of the qualitative research (RM2) public perceptions survey, MoPs were asked to explain what a S&S is and if they aware of any specific S&S powers officers have (question 21). The results in table 15 below, presents the findings of how many MoPs described what a S&S is:

Table 15 MoPs awareness of S&S (RM2)

Survey method	Online panel (n=308)	Microsoft Forms (n=80)	Results for all participants (n=388)
Answer to question 13:			
Some understanding shown – by MoP comment of what a S&S is	66.6% (n=205)	75% (n=60)	68.3% (n=265)
Lack of understanding - comment suggests MoP does not understand what a S&S is.	33.4% (n=103)	25% (n=20)	31.7% (n=123)

This indicates that out of the number of MoPs (*n*=388) who were surveyed in (RM2), 31.7% (*n*=123) lacked understanding/awareness of what a S&S is. Further analysis suggests that of the total number of participants (*n*=388), the participants whose comment suggested some understanding (*n*=265), varied regarding legal requirements of a S&S. This was measured by identifying key words such as suspicion; reasonable suspicion; carrying/possessing illegal items, or specific mentioning of an article that can be searched for or any of the seventeen S&S powers detailed within PACE Code A (Home Office, 2023) (see Table 16 below):

Table 16 MoPs awareness of S&S powers (RM2)

Survey method	Online panel (<i>n</i> =308)	Microsoft Forms (<i>n</i> =80)	Results for all participants (<i>n</i> =388)
Answer to question 13:			
Key words identified (see above)	34.42% (<i>n</i> =106)	56.25% (<i>n</i> =45)	38.9% (<i>n</i> =151)
No key words identified	65.58% (<i>n</i> =202)	43.75% (<i>n</i> =35)	61.1% (<i>n</i> =237)

The findings indicate that only 38.9% (*n*=151) stated any of the key words (above) in their answer to question 13 (see Appendix C). Previous research has identified that there is a lack of awareness with MoPs in England and Wales, about their rights/entitlements in S&S and the powers that officers have to S&S (HMIC, 2013b; Shiner *et al.*, 2018, Stopwatch, 2016). Release and Stopwatch run an organisation called YStop, which provides information to young people about their rights and entitlements for S&S, to increase their understanding/awareness (YStop, 2022). This information is targeted at young people, which the latest S&S statistics indicate that:

“in the year ending March 2021...over half (54%) ... were on those aged between 10 and 24 years old (368,418 out of 678,389 searches where the age of the person searched was provided)” (Stopwatch, 2021).

However, this indicates that the remaining 46% of S&Ss are conducted on those over 24. This suggests that mechanisms to increase awareness in adults in England

and Wales is also required, to increase their awareness/understanding of what a S&S is, as well as informing MoPs about accountability mechanisms in S&S and external accountability mechanisms (such as SSSPs).

The previous section of this chapter discussed the BUSSS, of which the main aim of its implementation was to “achieve greater transparency...improve community engagement” and to improve public confidence (Home Office, 2015a, p.41), by using external accountability mechanisms such as SSSPs. It has been stated that “bringing decision-making out into the open and exposing it to scrutiny is the best way of delivering fair treatment’ (Lammy, 2017a, p.6). However, the Lammy Review of the Criminal Justice System excluded a review of policing, although the same principle applies that “there must be robust systems in place to ensure fair treatment in every part of the CJS” (Lammy, 2017a, p.6). Yet, it can be suggested that failing to review policing, was a missed opportunity to highlight areas requiring further accountability.

In relation to strategies being adopted to increase accountability in S&S practices, there have been some good examples that PCCs have adopted. Previous Staffordshire PCC Matthew Ellis created the Ethics, Transparency and Audit Panel, where a review of S&S was conducted in 2015 (Staffordshire PCC, 2015). This panel continues to oversee the use of S&S practices (Staffordshire PCC, 2017, 2018, 2019, 2020, 2021; 2022). This is in addition to Bedfordshire (PCC, 2021) and Hertfordshire (PCC, 2021) (discussed previously). The BUSSS requires forces to provide details to community members (mainly through SSSPs), regarding how S&S is being used by officers within the force, when a series of complaints have been received and if the number of complaints have hit the ‘trigger’ set for the force (Home Office, 2014a). Additionally, PACE Code A links community scrutiny to public confidence, stating that:

“In order to promote public confidence in the use of the powers, forces in consultation with [PCCs] must make arrangements for the records to be scrutinised by representatives of the community and to explain the use of the powers at local level” (Home Office, 2023, p.20, para 5.4)

Nonetheless, there is no set mandate for SSSPs for forces in England and Wales (as previously discussed), as police force areas/PCCs have discretion as to how they create the CCT for their local area. PCCs 'hold the purse-strings' as they set the budget for the force area (PPO, 2011, section 17). These powers afforded to PCCs enables them to have the finances to implement further policies/strategies, which are more reactive to concerns of the electorate in their local area. Looking at the analysis of PCPARs (Table 10), it is clear that some PCCs have used their powers to develop recommendations for change in relation to S&S and commissioning budget for external scrutiny (SSSPs). However, the HMICFRS (2021, p.27) report highlighted that "too few forces have good arrangements in place that help them benefit from feedback from external scrutiny". During the qualitative research (RM1), there were clear differences of opinion regarding the effectiveness of some SSSPs, between PCCs and CCs/FLS/l.s. Below are some examples:

"My big problem is that there is a lack of confidence in policing to use [S&S]. So, if I think [MoPs] looking at the work of police, unfettered in the way they want to identify whether [S&S] is being used properly, I think that is very, very high-quality scrutiny and I think it's [MoPs] actually overseeing the work of police, which I think is the best way to go based on the Peelian principles" PCC/03

"I think it's fair to say, in the world of [S&S], that's been more of a position the Force has taken around the ethics and making sure that... we oversee the use of the power of [S&S] in an appropriate and ethical way and when we don't, we deal with it internally. There is less governance and challenge of scrutiny from the PCC around that" CC/02

"I think in the long term it might [SSSPs increasing public confidence, particularly by improving relations with ethnic minorities] because I hope it will improve the police officer working practices but in terms of those people who volunteer to be part of these things being spoke to people for their community and going and speaking to them and here's this thing we are doing, then no, the idea that if you have a panel of one or two people who happen to be black, that they can somehow influence the perspectives and experiences of a huge diverse community, no it's just not, that's not the mechanism for it I don't think. I don't think that's the way to improve public confidence" FLI/01

PCC/03 acknowledges that there is “a lack of confidence in policing to use [S&S]” and is in favour of SSSPs. CC/02 suggests that the police force themselves have been monitoring S&S, with “less governance and challenge of scrutiny from the PCC”. This indicates a lack of external scrutiny, limiting the impact that these accountability measures can have. Three out of four of the FLPOs interviewed in this research (RM1), were not aware of the mechanisms that SSSPs have, with three FLPOs stating that they were not aware that they existed. For FLS/Is, three out of five participants (in RM1), were not aware of the mechanisms that SSSPs have, and two were not aware that they exist. FL-I/01 (above) highlighted the lack of representation of ethnic minority communities on some SSSPs, which aligns with research (discussed previously) by Kalyan and Keeling (2019). Additionally, the recent national review of the IOPC (2022) suggested that they:

“understand from some of our stakeholders that the effectiveness and independence of [SPs] and advisory groups, is being compromised when they are not representative, independent, purposeful, supported, and influential” (IOPC, 2022, para 27.)

Therefore, indicating areas of SSSPs which is leading to lack of effectiveness. Additionally, concerns were raised by in the qualitative research (within RM1) regarding the effectiveness that SSSPs have, as a mechanisms for improving public confidence. Comments included that they hoped that SSSPs would “*improve the police officer working practices*” (FL-MI/01 above). Police officer participants (FLPOs, FLS/Is and CCs/DCCs) were dubious on whether the SSSPs themselves would improve public confidence in S&S, due to lack of ethnic minority representation on the SSSPs and their “*influence the perspectives and experiences of a huge diverse community*” (FL-MI/01). This dubiousness can be linked to the previously discussed (in Chapter 2) cultural characteristics of “cynicism/pessimism” (Bowling *et al.*, 2019, p.172). This perception was highlighted by further by chief officers/PCCs in the qualitative research (RM1). Examples of some of comments given are:

“I think some of them are... but only in small cohorts and small pockets...I think some of the elders in the Muslim community in [names of areas redacted], would feel more confident because we’ve got this panel but has that been translated into “Does a Muslim youth in [names of areas redacted] feel more confident?”, probably not. I think we are naïve if we think we’ve got it” CC/02

“The [SSSP] and the Black community, people aren’t afraid to make complaints... but we get very few, very few indeed. I’m surprised how few come in.” PCC/04

CC/02’s comment indicates that some chief officers are aware that further mechanisms need to be put in place, to increase public confidence within ethnic minority communities. Therefore, representation on SSSPs is key. Some SSSPs have been highlighted as showing a good representation of the community, such as Bedfordshire and the London Borough of Croydon (Kalyan and Keeling, 2019). During this research, representation was highlighted as an area needing further development in one of the SSSPs that the researcher volunteered for at the time (Hertfordshire PCC, 2018b, p.6). The researcher created and led a ‘S&S co-curricular activity’, which was offered to Law and Criminology students (The Student Room, 2018). The co-curricular activity consisted of five classes, to teach students more information about S&S, take part in role plays and encourage them to apply to become SSSP members (University of Hertfordshire, 2018). The researcher worked with the office of the PCC, to get posters to display around the university campus and worked with the marketing department, to ensure that information regarding the local SSSP was placed on the university website (University of Hertfordshire, 2018). It was highlighted in Kalyan and Keeling (2019, p.10) research, that as a result of working with the “local university to increase representation of young people, including putting details on the university website”, as well as additional mechanisms such as “evening meetings now gives greater flexibility for those in education and employment. There has been a significant increase in representation of young people on the panel” (Kalyan and Keeling, 2019, p.10). Therefore, indicating that the diversity of the SSSP members increased during the time period. Ensuring representation of communities on SSSPs, links to the requirements under PACE Codes A (Home Office, 2023) (discussed previously). However, increasing

representation on SSSPs should remain a priority, so that the SSSPs are representative of the population of the policing area.

Previous research has identified that not all SSSPs are representative of the community, which have provided recommendations, including those made by Kalyan and Keeling's research (2019). Kalyan and Keeling's research (2019, p.18) recommended that SSSPs ought to "pro-actively engage with groups disproportionately impacted by S&S, especially young people, [ethnic minority] people and people with experience of S&S and encourage them to become... members". Further discussion in the report identified that the level of SSSP members varied between SSSPs, in addition to the variety of actions undertaken at the SSSP meetings (Kalyan and Keeling, 2019). Furthermore, a lack of consistency was shown relating to how often meetings occur between SSSPs and how transparent SSSPs across England and Wales were, in relation to publicising the work they undertake (Kalyan and Keeling, 2019). This concern has been previously raised in the PEEL Legitimacy Inspection Report, published by HMICFRS (2017b), relating to how scrutiny of S&S by local communities was conducted by forces, with varying levels shown between forces. The report acknowledged that "some forces" had created SSSPs, yet:

'Other forces consider [S&S] data as part of the wider external scrutiny of several different policing issues. In general, these groups are moderately effective. Given the sensitivities of this area of policing, we were surprised and disappointed to find that a small number of forces have no external scrutiny arrangements at all. Only a minority of forces had very effective and independent groups' (HMICFRS, 2017b, p.27).

After the qualitative research (RM1) were conducted for this research, a further review by HMICFRS was published in (2021), which found that this concern has not been acted on by all forces, as some forces still do not have external SSSPs (HMICFRS, 2021). Furthermore, that some forces arrangements to provide external accountability "were ineffective, for example because the meetings occurred too infrequently" (HMICFRS, 2021, p.42). Therefore, indicating that these forces scrutiny arrangements are "missing opportunities to learn ... about the reality of experiencing

[S&S] and how procedures might be improved” (HMICFRS, 2021, p.42). Examples of frequency of meetings was discussed previously (in Chapter 2). The recent national review of S&S by the IOPC (2022, para 27) also highlighted concerns regarding effectiveness of SSSPs, as well as SSSPs being “an important step towards improving public confidence in policing”. However, MoPs need to be aware that SSSPs exist, to be able to apply to become a member of one and provide information/learning opportunities to forces. Therefore, in order to identify awareness of SSSPs, the qualitative public perception survey (RM2) conducted in 2022, asked MoPs whether they had ‘ever heard of a SSSP’ (see table 16 below).

Table 17: MoPs awareness of SSSPs (RM2)

Survey method	Online panel (<i>n</i> =308)	Microsoft Forms (<i>n</i> =80)	Results for all participants (<i>n</i> =388)
Answer to question 19(2):			
Yes scale 7	2.6% (<i>n</i> =8)	8.75% (<i>n</i> =7)	3.87% (<i>n</i> =15)
Scale 6	1.6% (<i>n</i> =5)	5.56% (<i>n</i> =1)	1.55% (<i>n</i> =6)
Scale 5	5.5% (<i>n</i> =17)	5.56% (<i>n</i> =1)	4.64% (<i>n</i> =18)
Not sure – Scale 4	17.2% (<i>n</i> =53)	5.56% (<i>n</i> =1)	13.9% (<i>n</i> =54)
Scale 3	5.2% (<i>n</i> =16)	-	4.1% (<i>n</i> =16)
Scale 2	9.1% (<i>n</i> =28)	5.56% (<i>n</i> =1)	7.47% (<i>n</i> =29)
No – Scale 1	58.8% (<i>n</i> =181)	86.25% (<i>n</i> =69)	64.43% (<i>n</i> =250)

This indicates that out of the total number of MoPs surveyed in RM2 (*n*=388), 89.94% (*n*=349) indicated that they had either not heard of a SSSP or were unsure. In order for SSSPs to be able to have an impact on improving/promoting public confidence in accountability mechanisms in S&S (RQ1), the public need to be aware that SSSPs exist. This research indicates that further public engagement needs to be conducted, to improve awareness of accountability mechanisms in S&S (RQ1).

As previous research has identified lack of effectiveness of SSSPs (HMICFRS, 2021; IOPC, 2022; Kaylan and Keeling, 2019), the qualitative research in this research, aimed to identify opinions of the ‘effectiveness’ of SSSPs (RQ2). The

amount of work conducted by SSSPs, was highlighted as an area impacting the effectiveness of SSSPs and one of the quotes was from a PCC:

“I’m very happy for the [SSSP] to take a more active role. One of the issues, always is going to be, ... just how much work they can do and as they have also taken on viewing [BWV], that too takes up quite a broad amount of time and it does mean that, trying to get through some of the meetings can be quite difficult in terms of the amount of time they’ve got to give to it.” PCC/02

This suggests that PCC/02 is aware of the extent of time required to not only dip sample S&S records and also examine BWV, which further supports the argument that more frequent meetings would enable SSSPs to undertake further scrutiny. The numbers of S&S vary between forces (HMICFRS, 2021), therefore the length of time required to review S&S records/statistics, as well as BWV, will vary per force area. HMICFRS (2021, p.42) highlighted that “these forces are missing opportunities” and where forces have no external SSSP in place or the SSSP is “ineffective”. This suggests that increased focus on this area is required, to ensure that forces/PCCs improve the external scrutiny of S&S in their force area, to increase accountability. The placement of the SSSP is an additional focal point, as one chief officer commented:

“Well, we are marking our own homework in a way. We’re not because we’ve got independent people on the panel and we make everything publicly available ... in terms of what we do there, but I think you’re probably right in terms of where it probably ought to sit, is probably more in the world of the PCC than it does in the Force.” CC/02

CC/02 indicates that the external scrutiny should be placed with the PCC and operated by the office of the PCC. The recent report by HMICFRS, further highlighted that:

“We expected that police forces would have relatively advanced processes in place for the monitoring, governance, and external scrutiny ..., but in too many forces they were either ineffective or non-existent. These forces have a limited understanding of how fairly or appropriately their officers and staff are

using [powers]. For example, sometimes feedback is not acted on, or panel members don't receive adequate training or information to perform their role. Disproportiona[lity] ... needs to be analysed and understood by forces, reduced where appropriate, and explained to the public with supporting evidence" (HMICFRS, 2021, p.5).

As highlighted above by HMICFRS (2021), police forces need to ensure that there is effective training and monitoring undertaken, as well as forces being required to understand the disproportionality (disproportionality and the national statistics was previously discussed in Chapter 2). As previously indicated, research by Shiner *et al.* (2018) and by HMICFRS (2021, p.9), have stated that disproportionality "does not necessarily mean discrimination". However, it was further stated that:

"Without those explanations, the public may conclude that misapplication of powers and/or discrimination play a part in the way the police use their powers. Mistrust of the police caused by disproportionate use of powers must be addressed if the police are to win back, maintain or increase the confidence of the public" (HMICFRS, 2021, p.9).

Prior discussion of the impact that perceptions of discrimination being used in S&S, was provided in Chapter two. This included that officers who base their suspicion solely on the 'race' of a person is discrimination and has been deemed to be forbidden by PACE Code A (Home Office, 2023). The Government has introduced a variety of initiatives including the BUSSS (Home Office, 2014a) and has revised Code A (Home Office, 2023), in order to tackle some of these issues. The College of Policing (2022) makes it clear through the APP for S&S, that "where disproportionality results from deliberate bias, it is unlawful". The disproportionality statistics (see Chapter 2) suggests that racial inequality still exists (HMICFRS, 2021; IOPC, 2022), which will be discussed further in the next section.

4.4 Racial inequality and lack of diversity in police forces and police governance (RQ4)

Discussed in Chapter two and as mentioned by Barrett *et al.* (2014, p.207), there are “historic and deep-rooted racial issues underlying tensions between [ethnic minority] communities and the police require more urgent and remedial action”. HMICFRS (2021, p.1) acknowledge that S&S perceptions of disproportionality are linked to racial inequality and state that “for some, particularly [ethnic minority] people, it can reinforce the perception that there is a culture of discrimination within the police”. Therefore, indicating that ‘deep rooted issues’ (Barrett *et al.*, 2014, p.207) and the cultural characteristic of “racial prejudice” (Bowling *et al.* 2019, p.173/178), can impact on public confidence (HMICFRS, 2021; IOPC, 2022). One of the themes within the qualitative research (RM1), was ‘issues of racial inequality’ within S&S powers (RQ4). Comments included:

“I think it’s universally accepted that there are some groups in the community that are young, disadvantaged, who are more likely to be stopped and searched. There’s a lot of anger about it and it’s just going to take time to work it through and I mean, there is no magic wand. People from the black community have been... not just disadvantaged by the police but been over-policed by the police, rather than be protected by the police and persuading people that it is different now, it’s going to be different in future, is hard work really” PCC/04

“this is the whole stuff about dealing with race. You have to deal with it and deal with issues around race and racism... in a way that produces results, rather than just drives everything under the carpet and in terms of the individual stuff” RaEC/01

PCC/04 accepted that there is disproportionality in S&S practices and that the “*black community have been...not just disadvantaged... but been overpoliced*”. RaEc/01 agreed but indicated that PCCs and the government have failed to adequately “*deal with issues around race and racism*”, which results in outcomes. RaEC/01 comments focus on PCCs and the government, instead of only tackling instances by an individual officer, which has been highlighted during a complaint. The issue of

disproportionality during S&S was further reinforced by views of a chief officer, who commented that:

“I think anything where we... through our actions, individually or as an organisation, cause elements of our community to feel under siege, or whatever it might be, or just harassed or perceive that they feel that way, has got... is for me, an element of disproportionality. So, for me, it’s more how it manifests itself, which is why that one action of the two officers and the handcuffs could be the trigger which makes the whole community feel that... it could be the one thing that causes a community to feel that... they are not being treated in a fair and transparent way and they are being treated disproportionately. So, for me it is kind of how it plays out in the wider... I kind of... for me it is around what... how is our engagement in that particular area” CC/02

“I think there were far too many spurious [S&Ss], and, in some forces, it was being used as a deterrent. You know, there’s a risk if you’re hanging around at certain times of the day, you’re going to get your pockets turned out... and if that is what society wants, then fine, but I don’t think society in the UK wants that. So, I think there’s a big reduction in [S&Ss] around that. Then I think there is a recognition of unconscious and conscious bias kicking in. So, forces are not monitoring more closely the [S&Ss] that take place” CC/02

“so if you’re black and a young black man in this country, that sort of scenario [being stopped and searched] is more likely to happen to you than if you are an elderly on the outskirts of... although it can happen and one of the things that is why I think it is so important and I think each individual... the requirement to provide the data and actually properly being able to account for it, is that it would... one of those incidents could be the catalyst for something really bad happening. One of those incidents could be the catalyst for disorder in a town...” CC/02

CC/02 indicates that actions by individual officers and actions by the ‘collective organisation’ which are seen to be unfair and disproportionate, are linked with institutional racism (Macpherson, 1999). CC/02 is aware that “*black...young black*” men, are more likely to be stopped and searched, with the recent statistics indicating that black people are “6.2 times more likely to be stopped and searched” (Home Office, 2022b) than white people. CC/02 recognises and suggests that nationally, forces must be able to tackle unconscious and conscious bias, with training on unconscious bias being part of the previous reforms (May, 2014). The then Home Secretary Theresa May (2014) provided authority for the College of Policing “to

'review the national training of S&S ... to develop robust professional standards... [and] unconscious bias awareness training, to reduce the possibility of prejudice informing officers' decisions" (Quinton and Packham, 2016, p.10). However, the 'College of Policing [S&S] training experiment' findings included that "no effects were found ... (i.e., the quality of written grounds for search or arrest rates). Substantial variation was found in training delivered by the pilot forces" (Quinton and Packham, 2016, p.3). A further review of the training experiment identified that training pilot resulted in "few measurable impacts" being determined on FLPOs operational practice (Miller and Alexandrou, 2016, p.3). This indicates that although the training pilot was commissioned by the previous Home Secretary (May, 2014), it had limited impact due to the small number of forces who participated in the pilot and limited impact on officers behaviour in S&S encounters. The College of Policing (2020b; 2022) APP has been updated since the training experiment (Quinton and Packham, 2016). Although the issue remains, that if training is not impacting FLPOs operational practices, then the training is not effective. Therefore, indicating that further focus on tackling bias, should be incorporated into police training.

Within the qualitative research (RM1), there were FLPOs who commented that there were officers who were unconsciously biased and those who are consciously biased/racist:

"there are officers... that no matter what are going to be racist which pains me to say, not just officers, people are racist" FLPO/04

"I had a friend at university that was... was similar age as me. The difference was that he was male, and he was Asian. He had been stopped and searched 16 times... I have never been stopped and searched. So really the profiling was because of how he looks. There is no other way around it." FL/I/01

"I think everybody has unconscious bias in them. I think that's human nature. I wouldn't say it's limited to police officers." FLPO/04

These are a few examples of discussions with FLPOs/FLS/Is (in RM1), which were all conducted in a separate room, out of earshot of other officers. For them, unconscious bias/conscious bias/racism was apparent in some officers' behaviour. FLPO/04's argument that '*people are racist*' is in reference to police officers being members of society. Unfortunately, some members of society are racist and there are a proportion of officers who are racist (Bowling *et al.*, 2019; Gayle, 2018; Waddington, 2004). However, police officers have powers that provide them a lawful basis to deprive a person of their liberty and breach their privacy (EHRC, 2010; Human Rights Act, 1998). Officers are required to abide by the 'Standards of Professional Behaviour' (see Appendix J) when conducting their duties, which are contained within the Police Conduct Regulations (2020, Schedule 2). This is in addition to the ethical requirements stated within the nine Code of Ethics (College of Policing, 2014) (see Chapter 2). The College of Policing (2014, p.1, para 1.12) acknowledge that "any unprofessional behaviour detracts from the service ... and harms the profession's reputation". Officers can be placed on College of Policing (2020e) Barred List, which provides information of previous officers (including specials) and police staff, who have been dismissed from their employment under the Police (Conduct) Regulations (2020) or Police (Performance) Regulations (2012). The barred list was established to enhance accountability mechanisms and ensure that officers who have been found guilty of gross misconduct, cannot serve in another force in England and Wales (College of Policing, 2020e).

Public demand regarding additional oversight of policing practices and enhanced accountability, was further expanded during the course of this research. The murder of George Floyd at the hands on a police officer in Minneapolis (Hill *et al.*, 2020; McGreal *et al.*, 2021; Safi, 2020), as well as the resurgence of the Black Lives Matter movement (Johnson, 2020). However, previous research has indicated that not all officers are going to report fellow colleagues behaviour, which is regarded as the 'blue wall of silence' (Westmarland, 2008), which is seen as "prevent[ing] officers from informing on colleague's corruption and misconduct... [due to] sense of solidarity with, and loyalty to, work colleagues" (Bowling and Sheptycki, 2012, p.83). Under standard ten, officers are required to challenge a fellow officer if their conduct falls below the set 'Standards of Professional Behaviour' and report the actions

(College of Policing, 2014). There are several debates regarding officers' behaviour (discussed previously in Chapter 2 and discussed further in the culture section within this Chapter). During the qualitative research (RM1), participants comments included racist inequality/disparity:

“Institutional Racism is throughout police forces in England and Wales and the police are very much aware that the disproportionality rates in [S&S] are increasing, racial disproportionality is increasing throughout lots of different interactions, so [S&S], arrest, the numbers in custody, the number of disposals through the court, etc. Why is this happening? You have certain [CCs] that it is key on their agenda that they are very much pro-active and want to engage in order to reduce racial disparity or any possible Institutional Racism but it's very much [CC] and police focused” RaEC/02

“I think it can be helpful to identify how an organisation creates a culture of racism that is separate from the people who come into the organisation, so it is useful for us to look at [S&S] and say well actually, this is potentially institutionally racist because we are disproportionately stopping this community and it does not matter what officers you put in and whether they are racist or not, or whether those officers are black or not, you will still have this because the structures are racist and it is useful to be able to separate that from the officers are prejudiced from the cultural issues and the broader social biases” FL/I/01

“we're still at the tip of the iceberg” CC/02

“I think perceptions of colour, culture and ethnic origin as well are important to include [in definition of institutional racism] because if there was somebody who was perceived to be from a certain background and was discriminated against, you would not want the institution not to take their learning from that just because they did not happen to be part of that ethnic group” FL/I/01

“because we have got this issue around racism and disproportionality, people from minority groups are not going to want to join the organisation and because then we don't have people from minority groups joining the organisation, then we are going to continue to be racist. It is just this horrid Catch 22 that is entirely of our own making” FL/I/02

“The issue is a broader national cultural issue around racism and the issues about identity and particularly ethnicity that pander to this bias...nationally we have a

problem with certain ethnicities who are used as being responsible for certain crime types and ... David Lammy ... talking about concerns about Sadiq Khan saying he is going to increase [S&S] and saying this is going to disproportionately affect black people because the person who is walking down the street with cannabis in Fulham, is going to get stopped [and] ...end up with a criminal record and [have] their job opportunities curtailed, whereas actually the white person walking through a university campus smoking a joint is not going to get stopped and until we tackle some of those broader social inequality issues, I think it is going to be really difficult for us to change... from a legislative and policy point of view within the police”
FL/I/01

“if you really wanted to do something about disproportionality, actually it is there to be done... There is an amazing amount of consistency in what people have told them to do... but they don't do it” RaEC/01.

“we have no faith or any understanding from PCC about what they are going to do about it [racism]” RaEC/02.

This aligns with previous research regarding racial prejudice taking place during S&S; disproportionality; issues with monitoring and transparency; acknowledgement of institutional racism (Bowling, 2018; Bowling and Phillips, 2007; Bowling *et al.*, 2019; Carey, 2019; Delsol and Shiner, 2015; EHRD, 2013; Ellis, 2010; Flacks, 2020; Hall *et al.*, 1998; HMICFRS, 2021; IOPC, 2022; Jackson *et al.*, 2012; Macpherson, 1999; Miller *et al.*, 2000; Murray, 2017; Murray *et al.*, 2020; MVA and Miller, 2000; Myhill and Beak, 2008; NREC, 2015; Parmar, 2010, 2011; Patel, 2017; Phillips and Bowling, 2007; Quinton *et al.*, 2000; Runnymede Trust, 2009; Shiner *et al.*, 2018; Solomos, 1993; Waddington *et al.*, 2017). The findings in RM1 identified that there are still concerns regarding institutional racism, disproportionality, culture and with less focus from PCCs regarding how to tackle racial disparity and improve external accountability mechanisms (RaEC comment above and PCPARs discussed earlier in the Chapter). HMICFRS (2017b) have also spotlighted the disparity/inequality within the PEEL Inspections 2017 report, regarding the level of S&S resulting in no further action, stating that:

“The disparity in find rates is troubling; it suggests that the use of [S&S] on black people might be based on weaker grounds for suspicion than its use on

white people, particularly in respect of drugs. There may be a number of reasons for these findings but, ... they require an explanation that the service is currently unable to provide” (HMICFRS, 2017b, p.29).

Furthermore, that HMICFRS (2017b, p.30) that the justification given by forces on their use of S&S powers, does not “demonstrate that [the application] ... is consistently reasonable and fair. In particular, [the] over-representation of [ethnic minority] people, and black people in particular”. This suggests that there are concerns regarding racial inequality in S&S, which has been echoed in the recent ‘national review of S&S by the IOPC (2022). The IOPC (2022) indicate that it is important to understand the perspectives of those stopped, to ascertain what additional mechanisms should be instilled to increase accountability. In order to gain MoPs perspectives, in RM1 the MoPs who had been stopped and searched, gave details of the S&S encounter. Examples of comments included:

“I think it was because of the kind of car that we were driving because it was a BMW, and my partner was driving.... I’m mixed race... He’s black... That is why I think we were... there was no reason... I just felt violated, kind of, you know because they opened the boot and they asked us to open the pigeonhole, and the guy looked around the car and then he just looked at my partner and he just said, “You look like an innocent enough man” and then he let us go. How does one...look.... what makes one innocent? You know? I don’t know. But that was my experience anyway” MoP/01

“too many to count and on one occasion...I’ve been stopped 3 times in one day driving my car literally going from one part of London and to another part of London and ... that’s the day that I got fed up and literally went to the police station in the area where I was, because it was getting ridiculous... they found nothing... my car is fully legal. So, they took some of my details and said they would get back to me, but they never did” MoP/02

“Maybe three times...[on one of the instances]...I’ve actually got a recording of an officer, an officer stopping me in my cousin’s car and they were stopping me for ... Misuse of Drug Act and that’s what we were recording and he actually took my phone off me, which is appropriation, I believe ...He had to make an excuse hence the reason why he said “Oh, I believe, I’m assuming your phone’s stolen. There’s a lot of stolen property going on here. I want to check if this phone’s yours”. And I

said “What”? How can you go from a Misuse of Drug Act to my phone has been stolen? It made no sense” MoP/03

These experiences above by MoPs can be suggested to include breaches of PACE Code A (Home Office, 2023), in that there was no recording of the search in MoP/01’s account; no record made for the three times in which MoP/02 was stopped and had their car/person being searched; officers taking MoP/03 phone during the S&S. As long as the person being searched is not obstructing the officer in the course of their duties, then “the person ... can also record the interaction” (Sussex police, 2020, para 3). However, discussed previously within this chapter, the results from the qualitative research (RM2) indicate that of the MoPs surveyed ($n=388$), that 61.1% ($n=237$) did not identify any legal requirements of a S&S, in their answer to question 13 of the survey (see section 4.3.3). Previous research has also identified that there is a lack of awareness with MoPs in England and Wales, about their rights/entitlements (HMIC, 2013b; Shiner *et al.*, 2018, Stopwatch, 2016). This suggests that a proportion of MoPs may not be aware of their rights/entitlement, nor the fact that they are allowed to film the S&S, as long as they are not “obstructing the officer in the course of their duties” (Sussex police, 2020, para 3).

Furthermore, in the qualitative research (RM2) survey, MoPs commented on racial inequality in S&S. There were 60 comments made from the MoPs surveyed ($n=388$), a sample is provided below:

“the point of training is to [enable] successful change and the police force are institutionally racist and this hasn’t changed” (RM2/MF/MoP3)

“Feels like the police can get away with anything, especially racism” (RM2/MF/MoP8)

“Ethnicity should not be a reason for stopping someone” (RM2/MF/MoP16)

“I visited London some time ago, which I think was somewhat profiling because they had no reason to stop me and my friends” (RM2/MF/MoP23)

“As there seems to be racial profiling and discrimination they must not be fully or properly trained” (RM2/MF/MoP35)

“racial profiling” (RM2/MF/MoP39)

“I feel most people in the police force will generally respond negatively (in a bias manner) towards me due to being an African/ethics minority compared to if I am not”
(RM2/MF/MoP58)

“I could not say that I have high confidence in a system that appears to be institutionally racist” (RM2/MF/MoP73)

“Measures about racism. That they cannot judge someone by their outfit or colour”
(RM2/OP/MoP54)

“Sadly, there is still a lot of racism” (RM2/OP/MoP122)

“Too many are ... racist” (RM2/OP/MoP128)

“I believe the increase [of S&S] is down to racial profiling” (RM2/OP/MoP141)

[Officers should] stop being racist” (RM2/OP/MoP142)

“If they were properly trained, they wouldn’t be racists” (RM2/OP/MoP143)

“Police should treat everyone equally - not be racist” (RM2/OP/MoP174)

The accounts above align with previous findings that “particular ethnic groups are seen as being targeted by the police..., through [S&S] powers” (Ellis, 2010, p.200) and the effects this has on public perceptions of legitimacy of the police power (Bowling and Phillips, 2002; HMICFRS, 2021; IOPC, 2022, Jackson *et al.*, 2012). The thematic analysis in RM1/RM2 identified the theme of public perceptions of racial inequality, which were linked to MoPs perception of police legitimacy. Within (RM1), comments provided by participants included:

“There isn’t any accountability, and I think the other thing is, ... the fact that the problems relating to stops and search, for me, the big problem is disproportionality”
RaEC/01

“the damage that kind of racist behaviour ...can do, if it’s overt, is multiple times more... than it takes of good officers spending hours and hours and days and trying

to be fair and open and engaging and being really proportionate in the way that they carry out their duties” CC/02

RaEC/01 comments that disproportionality is the biggest issue effecting public confidence and perceptions of police legitimacy, which raises issues regarding lack of accountability. CC/02 comments acknowledge the impact that racist behaviour by officers can have on confidence and legitimacy and that the practices of individual officers can undermine the good work of other officers within the force(s). Further comments by CC/02 were:

“The biggest concern is when, they are not finding stuff [in S&S] because they are seeing somebody coming into a town and think “Oh, we’ve got a problem with... you know, three or four or five at the most, known young black nominals from London” and anyone that’s black suddenly, it could be them and get stopped and that’s the worry... and that’s the racial profiling. So, my response to them is, ...if you came in and say, “Over the last two weeks, we have stopped 25% more black youths than we have white but within those 25% more stops, 80% of them resulted in, knives, Class A drugs”, I don’t think anyone in the public, in the community... and I don’t think, more importantly, anybody from the black community would object to that” CC/02

CC/02 quote above indicates how racial profiling takes place in some officers’ operational practice and the importance of ‘reasonable suspicion’ being used within S&S (Home Office, 2023). Previous research regarding reasonable suspicion suggested that “it would be hard to find a better example of an ‘enabling’ rule” (Sanders and Young, 2011, p.286). This relates back to previous discussions in Chapter two, regarding officers discretion to use S&S powers. However, Ellis (2010) indicated that reasonable suspicion:

“has, it appears, led many officers to creatively construct accounts of the [S&Ss]. These accounts tend to downplay intuitive, emotional-feeling-affective-based insights in order for them to appear to be grounded in objective reasoning” (Ellis, 2010, p.205).

PACE Code A is clear of the requirements of S&S and states that “reasonable suspicion can never be supported on the basis of personal factors” (Home Office,

2023, p.6). In RM1, CC/02 indicated that if more S&Ss resulted in outcomes, the public including ethnic minority populations would see this as a legitimate increase in the use of the powers. Although, this does not consider how the powers were conducted i.e., officer interactions with the individuals searched. DCC/01 suggested to address this, 'service recovery' should happen after an incident has taken place, which was viewed as unfair/unethical/racially profiled:

“Training, feedback, public observation, public transparency, reporting upfront what we’ve done and saying “we didn’t get this one right”, service recovery, going to the person if they’ve given us details and say “Do you know what, we had a look at this, what the officer did yesterday and we just thought we’d come and see you because we’re not sure we treated you in the way that we should...we should be learning the lessons and the improving service” DCC/01

This indicates the acknowledgement that there should not be just 'tick-box' exercises and policing should 'learn the lessons' from previous misconduct (IOPC, 2022).

Furthermore, that:

“I’m not saying we are at Nirvana yet, but we are, in just a short period of time, bear in mind [S&S] has been around 40 odd years, we are certainly at a stage where we are making inroads, but not a perfect position. But that 70% (reduction) for me probably is the erasure of... that’s a pattern, isn’t it? erasing of those fishing expeditions. And you’re right, we’ve still got a large bulk of searches that are drug related, and we do work on that” DCC/01

The recent S&S statistics evidence the highest percentage of searches are for drugs (Home Office, 2022a). This has found consistently, through S&S statistics throughout the years (Bowling *et al.*, 2019; Shiner *et al.*, 2018). There is still not the proportionate balance in targeting supply more than possession, as a recent report by HMICFRS suggests that:

“searches for possession of drugs rather than supply potentially indicates that efforts are not being effectively focused on force priorities. Forces often cite ‘county lines’ as a reason ..., but to be most effective, policing tactics to address this need to target drugs supply more effectively” (HMICFRS, 2021, p.2).

However, more worryingly about DCC/01's views (above), is that they are contradictory, as the first comment is stating that there needs to be more 'training and transparency' and 'service recovery' to 'learn the lessons'. DCC/01 acknowledges there have been "fishing expeditions", suggesting that there are possibly S&Ss taking place, which are based on stereotypes and racial profiling, not based on 'facts, information and/or intelligence' (Home Office, 2023, para 2.2) and therefore are discriminatory. Two of the main principles within the Code of Ethics (College of Policing, 2014, p.3) are regarding "respect" and "fairness", as well as complying with PACE Code A (Home Office, 2023). DCC/01 comments above and further quotes highlighted previously in this chapter, suggest that the Code of Ethics (College of Policing, 2014) and PACE Code A (Home Office, 2015a) are not being abided by in all S&S encounters.

As discussed previously within this chapter (and Chapter 2), there is the issue that many young people are not aware of their rights in relation to S&S (EHRC, 2010, 2013; Keeling, 2017; Release, 2022). Some PCCs have tried to communicate with their local electorate to inform them of their rights in S&S (Derbyshire PCC, n.d.; Hertfordshire PCC, 2019a; Staffordshire PCC, 2015; West Yorkshire PCC, 2019a). Within the qualitative research (RM1), participants suggested that:

"I do think there is sometimes a misunderstanding with the community about what police powers are" CC/02

"there [is] always constant efforts to make people aware of their rights so they can raise questions and complain if they feel they have not been treated respectfully and with dignity and professionally. I am one of the... I have put diversity as one of my seven strategic priorities" PCC/05

Previous discussion in this chapter regarding PCPARs indicated that not all PCCs are prioritising external accountability of S&S. It could be that some PCCs are of the view that there is not significant inequality or discrimination, yet in reality, there is still disproportionality in S&S practices (HMICFRS, 2021; IOPC, 2022). The IOPC (2022) have stated that all police forces need to prioritise tackling disproportionality and

increase accountability. PCCs were introduced in order to improve democratic accountability of police forces in England and Wales (Murphy *et al.*, 2017). Therefore, they should be holding CCs to account, to ensure that the recommendations given by the IOPC (2022) national review are implemented, as well as improving public confidence in S&S, through external accountability measures and increasing awareness of MoPs. Comments from participants in RM1, indicated that further enhancements need to be made to increase accountability. Officers have a considerable amount of discretion (Reiner, 1992; Reuss-Ianni, 1983; Waddington, 1999a; Westmarland and Conway, 2020) and legitimacy in police powers is linked to perceptions that the powers are used ethically and legally (Home Office, 2015a). Further comments from participants in RM1, suggested that this is not always the case, such as:

“I think that would be important but more importantly to me is (1) that they should understand the impact ... on people who experience [S&S] and (2) they really need to have an understanding, around how discrimination works ... there are those people who think that actually, we’ve hit equality, we’ve done it now; we did that; we passed legislation and we’ve done it, so it doesn’t exist anymore and even people that I would say were relatively enlightened, potentially often still come out with the view that actually it’s been done without the kind of awareness... that actually discrimination does happen and does have a significant impact on, not only the victims of discrimination but all of the organisations that they work in. So, yes, ... that is the bigger importance of it” RaEC/01

Therefore, indicating that more work needs to be conducted, so that PCC’s and police officers understand the impact of MoPs experiences of S&S and further understanding of discrimination operating in practice. In relation to racial inequality, public confidence is linked to tackling discrimination, by prioritising equality (IOPC, 2022). However, previous inquires (Scarman, 19781; Macpherson, 1999) have recommended increasing diversity within the police force, as well as discussions of PCCs to be more representative of the population that they serve (Bowling *et al.*, 2019). In the qualitative research (RM1), PCC/05 offered a reflection of this below:

“Policing by Consent where police are the public, the public are the police. You have to reflect your communities in your workforce to get the trust, confidence, and

cooperation and if you don't, you are alienating yourself from your communities and therefore, there will be more tension and suspicion as opposed to trust and that is the issue and it's constant. We have to fight for that and possibly because we've got a smaller number of ethnic minorities, that must play into confidence and trust, but I think the issues are still there" PCC/05

PCC/05 comments in relation to 'policing by consent' (see Appendix H) and that policing and PCCs are not representative of the population (Hymas, 2021). The 'lack of diversity' (RQ4) of PCCs and police officers was a theme highlighted within the qualitative research (RM1). Further examples of comments made by participants, relating to the representativeness of PCCs/police officers, were that:

"[they are] not representative" RaEC/02

"The difficulty with our current ... structures that we have PCCs [that] aren't representative and police officers aren't representative, so until we start to see greater ... opportunities for people to enter into these positions of governance, to hold us to account, we are not going to see the outcomes changing" FL-MI/01

Parliament have acknowledged that PCCs/policing is not representative of populations diverse ethnicities (Parliament. HASC, 2013a). Of the 40 PCCs elected in 2016 (Parliament. House of Commons, 2016), only one PCC of the PCCs in post between 2016-2021 was from an ethnic minority background, the then PCC for Derbyshire (APCC, 2020, p.2), which equated to 2.5% of PCCs being from an ethnic minority background. In the 2021 PCC elections, the then PCC for Derbyshire lost the election, where 39 PCCs were elected (BBC News, 2021c). However, the first Black PCC was elected in Bedfordshire - Festus Akinbusoye (BBC News, 2021d). Yet, one in thirty-nine equates to 2.56%, which illustrates that PCCs are not representative of the population of England and Wales (see previous discussions in Chapter 2, regarding population statistics for England and Wales).

Previous discourse has suggested that the lack of representation represents the "[white] male hegemony" (Lister and Rowe, 2015, p.364). Police workforce statistics for England and Wales indicate that the majority of police officers are white and that ethnic minority officers only "represented 7.3% of all officers who stated their ethnicity" (Home Office, 2020d, p.27). In 2022, the number of officers from ethnic

minority backgrounds increased to “8.1% of the workforce” (Home Office, 2022b, section 5, para 2). Although there has been a slight increase in representation of officers between 2020-2022, policing is still not representative of the population of England and Wales. The 2011 Census (ONS, 2020a, para 1) statistics stated that “14%” of the population are from ethnic minority backgrounds. The Census 2021 indicated that the percentage has now “increased... to 18.3%” (Duncan *et al.*, 2022). Nevertheless, policing is still more representative than PCCs, as only one in the thirty-nine (2.564%) PCCs are from an ethnic minority background (BBC News, 2021d). Overall, this section has identified that the theme of racial inequality and lack of diversity of police officers and PCCs (RQ4) that was highlighted in the qualitative research (RM1/RM2). The quantitative research of the PCPARs (earlier in this chapter) suggested that there is a lack of consistency within PCCs level of response nationally to tackle racial inequality in S&S, to increase the level of oversight through introducing measures to increase external/independent accountability (such as SSSPs). The next section focuses on policing accountability mechanisms in S&S, to hold to account officers to account.

4.5 Policing accountability mechanisms in S&S (RQ2)

There are additional concerns of how officers are held to account for breaches of legislation and regulations during S&S practices, as well as breaches of the Code of Ethics or Standards of Professional Behaviour (College of Policing, 2014). Discussed previously during Chapter two, PACE Code A contains the regulations for S&S, discussing the 17 pieces of legislation conferring powers to officers to S&S a person in England and Wales (Home Office, 2023). In the qualitative research (RM1), chief officers were clear on their perceptions, of the actions that should be taken against officers who have breached ethical guidelines (College of Policing, 2014) during S&S. Comments included:

“If you’ve got behaviour ... as a result of something that has happened on [S&S], we need to know about that. Whatever it is” CC/02

MoPs who participated in the perceptions survey (RM2) ($n=388$), also indicated their perceptions of the actions that should be taken against officers who have breached ethical guidelines. A sample of the numerous quotes from participants are below:

“If police officers commit actions that they shouldn't have done, then they should be taken into account for those actions. These might be requiring a simple internal discipline measure or in extreme cases they should be considered as crimes and officers might need to face trial and then dismissed from the force” (RM2/MF/MoP8)

“Should be treated seriously but proportionately” (RM2/MF/MoP16)

“Should be dealt with promptly and transparently” (RM2/MF/MoP18)

“Clear performance issues and disciplinary action if [S&S] cannot be justified”
(RM2/MF/MoP23)

“Remove power from those who misuse it” (RM2/MF/MoP29)

“The police officer should be sanctioned” (RM2/MF/MoP39)

“I think any officer caught breaking any rule should be reprimanded”
(RM2/MF/MoP48)

“Breaches should be automatically a disciplinary offence with a range of consequences up to and including termination” (RM2/MF/MoP52)

“Officers should be disciplined” (RM2/MF/MoP69)

“Dismissal / disciplinary action” (RM2/OP/MoP19)

“There should be stricter penalties for any breaches up to and including officers losing their jobs” (RM2/OP/MoP47)

“I believe ... officers making the breaches should be held accountable”
(RM2/OP/MoP76)

“Officers should be disciplined” (RM2/OP/MoP99)

“It should be dealt with strongly to set an example on why it's not acceptable”
(RM2/OP/MoP104)

“Every incident should be investigated with full responsibility if applicable”
(RM2/OP/MoP140)

“Police who don't carry out correct procedures should be held accountable”
(RM2/OP/MoP165)

“Should be fully investigated and if no good reason for breach, should be disciplined”
(RM2/OP/MoP185)

“Disciplinary action through investigation” (RM2/OP/MoP225)

“Disciplinary” (RM2/OP/MoP279)

In RM2, the online panel (OP) responses ($n=308$) were that 66.9% ($n=206$) gave comments indicating strong opinion of what should happen if breaches are made; 31.8% ($n=98$) indicated that they did not know/unsure and only 1.3% ($n=4$) suggested that officers should only use S&S, when they have suspicion or agree with use of the power. In RM2, the MF responses showed that 76.25% ($n=61$) of the MoPs participants, gave comments indicating strong opinion of what should happen if breaches are made; 21.25% ($n=17$) indicated that they did not know/unsure and only 2.5% ($n=2$) indicated that officers should only use S&S, when they have suspicion or do not think there are breaches of accountability in S&S. In order for the police force to be made aware of a suspected breach of S&S policy/legislation or regulation, which fall below the required professional standards (Police (Conduct) Regulations, 2020, Schedule 2), forces need to be made aware that this suspected breach has occurred (IOPC, 2022).

If an officer has their BWV switched on during a S&S, it records video/audio of the encounter (HMICFRS, 2021). However, BWVs were not fully in place at the time that PACE Code A was amended in 2023 (Home Office, 2023). Although, there is evidence to suggest that BWV are being used more, since 2015 (HMICFRS, 2021; IOPC, 2022). Prior to BWV being introduced, the requirement was that officers' pocket notebooks were checked by supervisors and subject to random checks, as the supervising officers are required to hold their staff to account, ensuring they were performing their lawful duties during shifts (West Mercia Police, 2018). This is linked within the College of Policing APP (College of Policing, 2021b) and it is stated within the revised PACE Code A, that:

“Police supervisors must monitor the use of [S&S] powers by individual officers to ensure that they are being applied appropriately and lawfully. Monitoring takes many forms, such as direct supervision of the exercise of the powers, examining [S&S] records (particularly examining the officer's documented reasonable grounds for suspicion) and asking the officer to account for the way in which they conducted and recorded particular searches or through complaints about a [S&S] that an officer has carried out” (Home Office, 2023, p.20, para 5.5).

Although BWV is not specifically mentioned in the above quote, it is mentioned within the College of Policing APP related to S&S and transparency, but it is stated that BWV “should be used in accordance with force policy” (College of Policing, 2021b). Therefore, it is highly likely that force policies will differ between the 43 police forces in England and Wales. During the qualitative research (RM1), one of the FLS/Is stated that:

“[If] he can’t remember or she can’t remember [FLPO], I then will see it. I will have to look at the [BWV] then... but it’s not something I regularly do.... No, not necessarily gone back and looked unless there’s a reason to do that... There’s some concern around something or something was missing” FLS/01

Therefore, this indicates that BWV is not viewed in all circumstances and is a ‘barrier impacting accountability’ (RQ4). Recent research by HMICFRS (2021) raised concerns regarding not all S&Ss having ‘reasonable grounds for suspicion’ (Home Office, 2015b). It is stated that the review of a:

“sample of 9,378 [S&S] records from 2019, we estimate that in England and Wales 81.7 percent of [S&S] records had reasonable grounds recorded. This is worse than in our last review in 2017, when 94 percent had reasonable grounds recorded. Forces need to place more emphasis on ensuring officers and their supervisors understand what constitutes reasonable grounds and how to accurately record the grounds for a search” (HMICFRS, 2021, p.35).

Thus, highlighting the importance of monitoring and accountability mechanisms conducted by supervisors and concerns that accountability is declining. This research highlighted that external scrutiny to ensure accountability (RQ2) is key. Regarding external accountability (SSSPs), within the qualitative research (RM1), one of the FL/Is interviewed indicated that:

“I don’t know that the scrutiny should just come from within the police. I think it needs to come from the community and specifically, it needs to come from members of the community who are likely to be stopped and searched so the difficulty is some officers, I believe, are reluctant to see teenagers marking their [S&S] forms and saying whether they are right or not because they say “How can they tell me if I am doing my job properly or not?”, my argument being that if you are not writing up a form well enough for a 14 or 15 year old to understand it, and that is who you are stopping and searching, then actually your [S&S] is no longer lawful and you need to

be able to explain it to them properly. So, we still have a way to go around that ... essentially [need]...two sets of community panels. They all go through supervisors... dip-sampling that goes on from the inspector... If people are found to have one that falls short of the mark, their next two [S&S should be] mandatory referrals back into the group so they will definitely get reviewed... a mentoring programme if they continue to not be able to do that and there is like a whole escalation process for people if they are not routinely getting it right. The difficulty is that some people just won't do it again. They just won't do it if they are told they are not doing it well" FLI/01

This suggests the need for both internal force panels and external SSSPs, ensuring that SSSPs have members who are likely to get stopped and searched, such as young people and people from the local ethnic minority population (Kalyan and Keeling, 2019). Furthermore, the need to ensure officers are being held to account, if it has been determined that the S&S they have conducted “*falls short of the mark*” (FL-MI/01). Therefore, suggesting further training is required or if the S&S has breached ethical guidelines or regulations, that the officer is held to account for these breaches. This echoes back to the importance of BWV, which would provide footage of the behaviours displayed, which a S&S form cannot (HMICFRS, 2021). In relation to unethical/unlawful behaviour or behaviour that breaches regulations, it was made clear in the revision of Code A that “where officers are not using their powers properly... they will be subject to formal performance or disciplinary proceedings” (Parliament, 2015, p.1, para 4.3). Previous research shows that this does not occur in all instances, which leads back to earlier discussions in Chapter two and relates to Herbert’s (1997) argument, that officers are not supervised directly during their duties. Consequently, this enables there to be substantial variances in policing practices (Bowling *et al.*, 2019). HMICFRS have highlighted this further in a recent report, stating that their inspection which was conducted in 2019, identified that:

“just over half had good monitoring and governance procedures. These involved regular supervision of records and a structured process for regular reviews of a comprehensive set of data to understand how the powers are used, to help the force improve its practice and procedures. Although this represents an improvement since 2017, some forces’ monitoring and governance processes did not include sufficiently detailed data for them to understand fully how effectively or fairly the powers are used” (HMICFRS, 2021, p.40)

Arguably, “just over half” (HMICFRS, 2021, p.40) is not sufficient. All forces should instil the same governance and monitoring procedures and as PCCs are to hold policing to account, they should be monitoring the ‘accountability’(RQ2) mechanisms of these. Within the qualitative research (RM1), one of the chief officers stated that:

“They’ve got to be supported by... a team with a really good bench strength. If I was doing that role [PCC], I would want a very small but highly skilled team of data scientists to tell me and explore what was going on. I would want to know that the information I was being given was accurate” DCC/01

This suggests that this is not a mechanism within all offices of PCCs. Further comments provided in RM1, indicated concerns that PCCs are not actively monitoring the governance procedures. When asked about the impact that PCCs have had on accountability of S&S, responses given were:

“Regarding [S&S], limited. Limited, there’s a few who have made it an interest area, but not many...” DCC/01

“the responsibility [of] PCCs, because if they are acting in the public interest, it should be in their public interest that they spearhead the transparency and the public oversight... sorry, not data, we have a responsibility to publish data. But in terms of ride around schemes and public meetings and community consultation groups, PCCs should lead that” DCC/01

These comments align with the recent HMICFRS (2021) findings, that not all forces have sufficient governance mechanisms and there is significant improvement required to enhance accountability in S&S practices. All PCCs have not made S&S a priority (see PCPAR section earlier in this chapter). Therefore, this indicates that there is a high level of concern regarding what impact PCCs have had on S&S accountability. Reiner’s (2016, p.141) research was critical on the impact PCCs can have, suggesting that PCCs are not working effectively to ensure that “basic rights [are] protected and preserved for a system to be called democratic”. Furthermore, that mechanisms to hold policing to account, needs to provide sustained focus on ensuring that there are no:

“policies or practices that may be grossly disproportionate in their impact on particular sections of the community, such as [S&S] if these are carried out within the very permissive limits of the law...institutions [that are] representative of the majority may formulate substantive criminal and other laws that whilst formally impartial end up reproducing the domination of particular minorities because of the way they play out in unequal and hierarchical societies” (Reiner, 2016a, p.141).

Consequently, the representation of ethnic minorities in policing and PCC roles is key (as discussed previously in this chapter, regarding ‘lack of diversity’ (RQ4) in positions). The analysis of the PCPARs show that not all PCCs have prioritised S&S and instead have focused on concerns of their local majority population, to the detriment of their ethnic minority population concerns. However, accountability is not only the responsibility of PCCs. Glass (2012, p.6) indicates that there are further complexities, as “accountability is variously shared between the IPCC [now IOPC], chief officers, HMIC [now HMICFRS], Ministers and now PCCs, with the ...College of Policing also having a standard-setting role”. However, this does not negate the issue raised by HMICFRS, that:

“effective monitoring and governance should consider not only [consider] individual officer’ decisions but also senior level decisions, like the deployment of teams of officers and their use of [S&S], as both can influence disproportionality” (HMICFRS, 2021, p.35).

This is in the remit of CCs ‘operational independence’ and PCCs should as part of their responsibilities, hold the CC ‘to account’ (PRSRA, 2011). Within the qualitative research (RM1), there was acknowledgement from one of the PCCs, that further accountability is required:

“Are we really there yet? No, we’re not” PCC/04

Further comments made during the qualitative research (RM1) by chief officers were:

“it is a direct one-on-one accountability, so the [PCCs] is only one person... legally that they can hold to account for policing the area and that’s the [CCs]” CC/02

“the politicisation of policing and although there is a lot made of the operational independence of [CCs], that no [PCC], whether they’re a political one or an independent member, can actually direct how we operationally do the business. Whilst in Law that may be true, there can still be a lot of indirect pressure applied through things such as “I can hire and fire you, the priorities that are set, so these are the priorities we want you to deliver against. I’m not going to tell you how to do it but there are the priorities for policing within the local area” CC/01

This indicates that the PCCs powers under the PRSRA (2011) gives PCCs a style of relationship not seen in the tripartite structure (as discussed in Chapter 2). In relation to increasing accountability in S&S, discussions during RM1 suggested that ‘operational independence’ was seen to be a barrier (RQ4) to significant reforms being directed solely from PCCs. This goes back to the relationship between PCCs and CCs and the level of influence that PCCs have over policing practice, which is seen as being curtailed due to the ‘culture’ within police forces (Chan, 1996; Herbert, 1997; Reiner, 1985, 2010; Waddington, 1984; Westmarland, 2018). Culture is discussed in the next section.

4.6 Culture (RQ4)

‘Culture’ was a theme which was highlighted within the qualitative research (RM1 and RM2), in regard to ‘barriers impacting accountability’ (RQ4). Within RM2, the issue of organisational/officer behaviour was also highlighted, with MoPs giving their perceptions of issues in policing culture and regarding lack of accountability. A sample of the comments are as follows:

*“I think that the policy [is they] should have an understanding of cross cultures”
(RM2/OP/MoP237)*

“PCCs don’t impact behaviour of officers on the streets” (RM2/MF/MoP1)

“will not fully embrace a need to acknowledge misogyny and racism...A complete ideological overhaul and change of mindset [needed]” (RM2/MF/MoP17)

“Local policing will be unaffected by PCC influence they will respond to emergencies or mange the ‘quality of life’ issues in their communities” (RM2/MF/MoP18)

“Uniformed organisations have strong and durable cultures that take time to change... I feel these issues are quite structural and long term” (RM2/MF/MoP19)

“Policing powers are at street level. It’s no good if senior officers introduce policies that are ignored by a racist police force, with little or no accountability to their communities” (RM2/MF/MoP20)

“Feel that sometimes the police typecast people in the situations where they have contact with you e.g., if a motorcyclist or out late at night or wearing unusual attire” (RM2/MF/MoP27)

“Recent cases suggest a significant cultural problem” (RM2/MF/MoP41)

“Several questionable events and scandals about policing behaviour and decisions” (RM2/MF/MoP41)

“help when crimes occur, but their culture and hierarchy blocks it, is inefficient and stops them taking accountability” (RM2/MF/MoP57)

“Culture of - A closed/anonymised pathway for reporting accountability issues that does not go to a member or supervisor within the team as they could be friendly with the officer having accountability issues” (RM2/MF/MoP58)

“it appears that there are still systematic issues of behaviour, which would suggest that awareness alone is not enough to deter bad policing behaviour...” (RM2/MF/MoP59)

“hearing about certain cases in the media makes me consider how many we aren’t hearing about of that nature e.g., ... misogyny, racism, homophobia” (RM2/MF/MoP60)

“Police culture appears to be based around closing ranks when issues are pointed out” (RM2/MF/MoP64)

“Culture of officers is worse on the streets - this hasn’t changed” (RM2/MF/MoP70)

“bad apples have always existed” (RM2/MF/MoP79)

These perceptions by MoPs indicate that there is awareness of some of the cases of police misconduct, which have been discussed in the media and aligns with findings of previous research (Chan, 1996; Bowling *et al.*, 2019; Herbert, 1997; IOPC, 2022; Jackson and Bradford, 2010). In addition to the comments (above), which suggested MoPs perceptions of the culture within policing, officers interviewed in RM1 provided their perceptions about misconduct and policing culture:

“Policing culture is massively... massively influential” FLS/01

“I don’t know where they’re going to begin to tackle that [misconduct] because that is cultural” FLS/01

“[Culture]...When I joined, ... diversity was such a big thing. It was plastered all over everything ... I don’t think we’re doing that any more ... I certainly don’t hear it but... back then we were doing the right things to pick those people out [who breached standards] ... so, sometimes they do slip through the net, and I think it’s important that we are still picking those people out” FLI/04

“I think, institutional racism [Macpherson definition] is all the things within that institution which contribute towards racism, whether that’s one individual officer... or the culture or ... That’s the way we do stuff around here... This is how we do S&S here” CC/02

“I think that’s the challenge... as to working out where it [poor culture] really is in an organisation and how you address it...” CC/01

“Culture... You have to deal with it and deal with issues around race and racism... in a way that produces results, rather than just drives everything under the carpet and in terms of the individual stuff, that’s all there” RaEC/01

The findings from RM1/RM2 indicate that there are perceptions that there are still issues within policing culture, although throughout the years, concerns have been raised regarding policing culture. Goldstein (1990, p.57) suggested that even when a CC promotes a strong ethical culture that front-line officers “daily life is heavily dependent on how well the officer satisfies the expectations and demands of his or her immediate supervisor”. Therefore, indicating that chief officers are not fully aware of unethical/illegal practices in operational practices. Additionally, when new amendments to policies and new strategies are introduced:

“Sergeant[s] present problems. Sergeants are new to it as well. They do not know from their own experience how the job should be done, or what works [and can be resistant to change] Because they are the transmission belt’ that translates the policies of higher-ups into action, it is important that they represent organisational policies... if they actually believe in them, that would help too” (Skogan, 2008, p.25).

Goldstein (1990) and Skogan (2008) are referring to policies that have been created by senior officers in a police force, how they are disseminated to FLPOs and that if the front-line management have no belief in the policies, they are unlikely to present in changes to occupational practices. Additionally, previous research has suggested that FLPOs have a considerable amount of discretion whilst on the streets (Bowling *et al.*, 2019; Chan, 1996; Herbert, 1997). The disparity between what officers actually do on the front-line, compared to what management wants officers to do, is relatively well documented (Reiner, 1992; Reuss-Ianni, 1983; Waddington, 1999a; Westmarland and Conway, 2020). Previous research indicates that the unusually high level of discretion, equates to individual officer's actions being to be difficult to control, whilst they are policing the streets (Bowling *et al.*, 2019; Goldstein, 1960; Skolnick, 2011; Waddington, 1999a). Goldstein (1960) suggests that this is due to the actions of FLPOs not being routinely recorded and therefore, management cannot always know what each FLPO is doing (Bowling *et al.*, 2019; Goldstein, 1960; Waddington, 1999a). This aligns with the research discussed further in Chapter two.

Furthermore, previous research has highlighted the negative attitudes some officers have held towards MoPs (Bowling *et al.*, 2019; Reuss-Ianni, 1983; Rubinstein, 1973; Skolnick, 1994; Westley, 1970). As part of a 'us-versus-them' outlook (Van Maanen, 1978), research has shown that officers have been suspicious of and have a general distrust of the citizens in which they police. The perception of 'outsiders' (those who are outside the policing profession), suggest that some officers would have a general distrust of 'outsiders', who they believed would not assist them in performing their duties (Hodgson *et al.*, 2006; Loftus, 2009; Sparrow *et al.*, 1990; Van Maanen, 1978). Even if "outsiders" did try to assist, they would not be able to provide any real assistance (Loftus, 2009; Sparrow *et al.*, 1990; Van Maanen, 1978). Conversely, research on police typologies suggests that officers vary in their negative attitudes toward citizens (Loftus, 2009; Westmarland and Conway, 2020). Muir (1977) suggested that FLPOs are the main enforcers of law and order and are more likely to place citizens into the unfavourable "them" category, within an 'us-versus-them' distinction, whereas the professional (senior management) hold more favourable views of citizens. Further research has discussed the boundaries of occupational culture and policing sub-cultures (Chan, 1996; Haarr, 1997; Herbert, 1998; Manning,

1994a; Manning, 1994b; Paoline *et al.*, 2000; Westmarland and Conway, 2020) (see Chapter 2).

Additional aspects of organisation culture displayed in the findings of the qualitative research (RM1), was that there were differences in opinion given regarding occupational culture of the relationship between PCCs and CCs to increase 'accountability' (RQ2). Previous research had highlighted issues regarding 'localism' (Wilson and Game, 1994), which was discussed previously (Chapter 2). In RM1, one PCC was clearly in favour of 'localism', highlighting that:

“The approach of [PCCs] and [CCs] is very different, area to area, rather than it being blanket approach across the whole country and if we want to keep policing local, which I think we should do because the PDM principles are very clear and they stand the test of time around policing by consent and that can only happen if it is a local organisation, we run the risk of damaging that principle if we do not stop and the media don't stop treating policing as though it's one service” PCC/03

Yet, when the researcher highlighted that throughout England and Wales, there are many 'PCPARs' (RQ3) that do not mention S&S, another PCC highlighted that localism can be detrimental and stated that:

“governance of the police, which is very local, and it does depend on peoples' idiosyncratic [views]...” PCC/04

However, two PCCs indicated that accountability has been improved since that change from police authorities to PCCs, as:

“We are more challenging. We can get more under the skin and that structure I think gives us... the relationship is weighted towards the [PCC]” PCC/05

“I think it's changed it hugely... I can refer the Constabulary to the plan and not just refer them but actually have some confidence that my plan is being used by them... to set the operational plan. That changes accountability hugely. I was thinking back

to the days of the police authority, where really the [CC] would come along and say, 'This is what I am proposing to do this year' and really only at that point would the police authority say 'Yes, we approve that or disapprove of it'. Actually, it's entirely the other way around...entirely and I think it's a very positive development" PCC/02

On the other hand, further perceptions provided were:

"I think, harder because the [CC] and the organisation, I think, still can close ranks, not to the same extent as they would against police authorities, but you have to be still alert and use not just professional constructive ways but really understand what is happening under the skin of policing and what impact it is making on local communities. That is where the engagement element and understanding communities and listening to them is really important for PCCs" PCC/05

"The [CC], Chief Supers, Supers can say so-and-so. Actually, changing behaviour, influencing behaviour on the ground, It's quite difficult. You can't tell people what to do and that's what typically the police do but actually you've got to enthuse people and do it from the bottom up." PCC/04

PCC/05 indicated the importance of being aware of what is happening in front-line policing, to understand the practices that are being used. To ascertain perceptions from the community, MoPs were asked during the qualitative research survey (RM2), whether they 'believe that there is a disconnect between the policies and practices of PCCs and practices conducted by police officers on the streets'. Table 18 below, provide the results of the question posed:

Table 18: Public Perception Survey (RM2) results – whether MoPs 'believe that there is a disconnect between the policies and practices of PCCs and practices conducted by police officers on the streets'

Survey method	Online panel (n=308)	Microsoft Forms (n=80)	Results for all participants (n=388)
Answer to question 12:			
Yes	43.18% (n=133)	36.25% (n=29)	41.75% (n=162)
No	19.16% (n=59)	7.5% (n=6)	16.75% (n=65)
Not sure	37.66% (n=116)	56.25% (n=45)	41.5% (n=161)

Table 18 indicates that of the MoPs surveyed ($n=388$), 41.75% ($n=162$) believe that there is a disconnect, 41.5% ($n=161$) being not sure, whilst only 16.75% ($n=65$) believed that there is no disconnect. Therefore, suggesting that the majority believe that there is a disconnect or were unsure. Previous research has identified that PCCs are 'far removed' from front-line policing (Reiner, 2016a), with powers afforded to them under the PRSRA (2011) and the PPO (2011). The BUSSS (Home Office, 2014a) and the recommendations provided by HMICFRS (2017b, 2021b), suggest the need for external 'accountability of S&S' (RQ2) practices. HMCIFRS stated that MoPs should be able to see the:

"raw reality including examples of positive policing, sometimes in extremely difficult circumstances, but also behaviours and cultures that need to be challenged and changed. Forces could then use the panels' observations to improve the behaviours of officers and staff" (HMICFRS, 2021, p.20).

Therefore, indicating that external accountability is crucial. Discussed previously were barriers impacting accountability (RQ4), which include a lack of awareness of accountability in S&S by MoPs in this research. This has been identified by previous research (HMIC, 2013; Release, 2022; Shiner *et al.*, 2018). PCCs should ensure that they hold the CC to account, in relation to introducing and enforcing measures which have been identified by the national review of S&S (IOPC, 2022), in addition to the recommendations made by HMICFRS (2021). The recommendations include SSSPs having access to data and BWV footage, to identify "behaviours and cultures that need to be challenged and changed" (HMICFRS, 2021, p.20). PCCs should be aware of cultures within their local force that need to be challenged. In RM1, culture and behaviour are areas which were highlighted as requiring further accountability, as:

"the individual attitude and behaviour [are] a key because individual attitude and behaviour when they go on the streets, that gets displayed" RaEC/02

Discussed previously, some participants in RM1 agreed with the use of BWV being provided to SSSPs, which would show attitudes and behaviour in S&S. However, during an interview with a PCC, the researcher highlighted that the PCCs force area has a policy regarding BWVs, which stated that all BWV should be on unless there

are exceptional circumstances (name of force redacted to preserve anonymity of PCC). The researcher asked the PCC during the interview why was it that: *only 75-80% of [S&Ss] are recorded using a BWV camera? What is happening to the other 20-25%?* The response provided was:

“Right. So, that’s a very good point for you to raise with me and I give you the undertaking that I will raise it with them. Do remember, I don’t direct operational policing” PCC/01

It is suggested that this an area of accountability that PCCs should be monitoring in relation to S&S. Forces have policies in relation to BWV and some SSSPs were using BWV as a method of scrutiny, during the time that the interviews were conducted (discussed previously). Moreover, there have been debates relating to use of BWV, due to “concerns about data protection and confidentiality” (Kalyan and Keeling, 2019, p.13). Kalyan and Keeling ‘s research (2019, p.12) highlighted that “many [SSSPs] also have access to ...BWV footage ..., although again the survey results indicate this lacks consistency between force areas”. Furthermore, that forces only keep BWV footage for a short period of time, “31 days” (Kalyan and Keeling, 2019, p.13), which limits the ability for SSSPs to examine them during meetings. One of the recommendations by HMICFRS (2021, p.21), is that SSSP members for police forces should be given access to examples of S&S BWV. The College of Policing (2021b) APP for S&S, was then updated and now includes:

“guidance to forces about [BWV] footage being viewed by [SSSPs] as part of community oversight... Forces should work to overcome any barriers to [BWV] footage being a regular part of internal monitoring and external scrutiny processes” (HMICFRS, 2021, p.20).

The IOPC (2022, section 27) have confirmed during the national review that SSSPs should have access to BWV, as when it is not available the SSSP “members are not able to consider the full picture”, which impacts the scrutiny can be undertaken. Additionally, it suggests that the ability for SSSPs to detect any behaviours from officers which have been linked to policing culture (such as ‘machismo’), is curtailed.

SSSPs were created as part of the BUSSS (Home Office, 2014a), in order to improve public confidence in policing. Confidence is discussed in the next section.

4.7 Confidence (RQ4)

During the thematic analysis of the findings of the research, ‘confidence’ was highlighted as a theme. Discussed within chapter two, was a crisis of confidence between 2020-2022 (The Police Foundation, 2022). In RM2, MoPs were asked if their level of confidence in policing accountability changed since 2020 (prior to Coronavirus lockdown periods). Table 19 below provides an analysis of the answers provided by MoPs:

Table 19: Public Perception Survey (RM2) results – public confidence

Survey method	Online panel (n=308)	Microsoft Forms (n=80)	Results for all participants (n=388)
Answer to question 6:			
Yes	32.8% (n=101)	33.75% (n=27)	33% (n=128)
No	47.4% (n=146)	55% (n=44)	49% (n=297)
Not sure	19.8% (n=61)	11.25% (n=9)	18% (n=39)

These results indicate that out of the MoPs surveyed (n=388), 49% (n=297) said that their confidence in policing had not changed since 2020; 18% (n=39) were not sure and 33% (n=128) said that their confidence in policing had changed since 2020. MoPs were asked to give their reasons for their answer to question 6 of the survey (see Appendix C for survey questions). Regarding the MoPs who had indicated that their confidence in policing had changed since 2020 (n=128), a sample of the comments is provided below:

“Police misconduct in high profile media cases” (RM2/MF/MoP8)

“I am influenced by the general negative feeling and reduction in confidence in the police nationally” (RM2/MF/MoP9)

“Several questionable events and scandals about policing behaviour and decisions” (RM2/MF/MoP38)

“There’s been so many more reports and documentaries on police failings and it’s been more noticeable” (RM2/OP/MoP35)

“Public confidence in the police is at its lowest” (RM2/MF/MoP70)

“Every story showing a negative light in police accountability gives the general public less confidence in law-and-order problems” (RM2/MF/MoP76)

“Confidence is at an all-time low” (RM2/MF/MoP79)

“there have been more issues reported in the media, so my confidence has decreased” (RM2/OP/MoP200)

The thematic analysis of MoPs comments suggest that misconduct was having an impact on their level of confidence. The level of confidence in policing (discussed in Chapter 2) has been discussed in previous research (Bradford and Jackson, 2010; HMIC, 2013; HMICFRS, 2021; IOPC, 2022; Jackson and Bradford, 2010; Reiner 2000). The Crime Survey for England and Wales has indicated that public confidence levels rose “between 2006 and 2012, followed by stabilisation and then a decline after 2016” (Police Foundation, 2022, p.49). The Police Foundation (2022) suggested within the ‘strategic review of policing’, that levels of confidence have been reducing due to lower visibility of officers in communities and numbers of neighbourhood policing officers. Although it is recognised that high-profile misconduct cases are “linked in part” to the reduction in public confidence (Police Foundation, 2022, p.5). From the comments that MoPs ($n=388$) made in the qualitative research survey (RM2), it was apparent that misconduct was impacting perceptions of the MoPs level of confidence in policing, more so than officer numbers, as only 1.28% ($n=5$) MoPs mentioned officer numbers/not seeing officers.

In addition to MoPs perceptions of confidence in policing, MoPs were asked if they ‘believe that the introduction of PCCs has improved public confidence in policing’. In

RM2, the result of the answers provided to the question in survey, are collated within table 20 below:

Table 20: Public Perception Survey (RM2) results – perceptions of the introduction of PCCs having improved public confidence in policing?

Survey method	Online panel (n=308)	Microsoft Forms (n=80)	Results for all participants (n=388)
Answer to question 21:			
Yes	22.4% (n=69)	11.25% (n=9)	20.1% (n=78)
No	40.6% (n=125)	47.5% (n=38)	42% (n=163)
Not sure	37% (n=114)	41.25% (n=33)	37.9% (n=147)

The results indicate that out of the MoPs surveyed (n=388), only 20.1% (n=78) thought PCCs had increased confidence in policing, 37.9% (n=147) were not sure and 42% (n=163) did not believe that PCCs had increased confidence in policing. Further thematic analysis of the comments provided by MoPs for reasoning for their answer, were linked to confidence (RQ4) and awareness (RQ1). A sample of the comments is below:

“As I based my answer on my own lack of knowledge it perhaps suggests that others are also not aware of the introduction of PCCs and thus, public confidence may not have improved much” (RM2/MF/MoP8)

“Confidence is at an all-time low” (RM2/MF/MoP12)

“I hold no confidence in local and national police forces and have seen no reason for this to change.” (RM2/MF/MoP23)

“I suspect that confidence has never been lower” (RM2/MF/MoP37)

“I’m not particularly aware of them, and I’m not sure most people are. The improved public confidence in policing would come from the PCCs impact on accountability in policing and as I mentioned at the beginning, I still feel that this is force dependent.” (RM2/MF/MoP39)

“Lack of public awareness - so how can this increase confidence” (RM2/MF/MoP43)

“many people don’t know about it [PCCs]” (RM2/OP/MoP41)

*“Because it doesn’t appear to have changed anything and didn’t know about them”
(RM2/OP/MoP132)*

*“I suspect most people view them as another layer of bureaucracy”
(RM2/OP/MoP141)*

“Most people don’t know what they do” (RM2/OP/MoP165)

“A lot of people remain unaware of the role” (RM2/OP/MoP171)

The comments from MoPs above, again highlights that there are MoPs who are unaware of what a PCC is/does, and this aligns with previous research regarding lack of awareness (RQ1) of PCCs (Committee of Standards in Public Life, 2015; IPSOS, 2013). Within RM1, in response to the same question, the majority of the 21 out of the 25 (84%) (of the non-PCC interviewees), did not perceive that PCCs had improved public confidence in policing. Three interviewees (12%) perceiving that PCCs had improved confidence, and one participant (4%) said that they were not sure. A sample of the comments provided are below:

“No [and] I don’t think the police/PCCs have improved relations with ethnic minorities” RaEC/01

“I still think there’s a disconnect with actually people not knowing what the PCC does” SSSP/02

“No, people don’t know who they are” MoP/03

“Nationally...the overall impact of the PCCs has done some good stuff... in terms of it’s created a narrative around policing that perhaps didn’t exist before But, I think... the bit where have they internally ... got the role of the Police Authority Chief, “We’re scrutinising what’s going on and we’re going to have, you know, processes to do that”, is probably less strong than it was [compared to police authority]” CC/02

“I think it’s too early to say there’s evidence of it” DCC/01

“I wouldn’t know because I wouldn’t know what [PCCs] changed” FLPO/02

The findings from the research (RM1 and RM2) suggests that there is further work required by PCCs, to improve public confidence in their local police force/policing, including building more awareness of the accountability mechanisms they have instilled to increase accountability/public confidence.

4.8 Conclusion

The content analysis of the PCPARs (RQ3) was discussed in the first section of the chapter, which identified that there has been a varying level of focus on S&S by PCCs and external accountability in S&S (SSSPs) mentioned within PCPARs. Secondly, the themes that were identified during the thematic analysis of RM1 and RM2 were discussed, including the 'lack of awareness' (RQ1) of PCCs, the BUSS Scheme (Home Office, 2014a), and of SSSPs. 'Additional barriers' (RQ4) impacting accountability were highlighted, such as issues of racial inequality, a lack of diversity in police forces and PCCs. Furthermore, participants' perceptions of mechanisms for accountability in S&S (RQ2) was discussed, including failure in the mechanisms to hold police officers accountable for misconduct or breaches of ethics/standards in S&S practices. The thematic analysis (of RM1 and RM2) identified the theme of culture being a 'barrier impacting accountability' (RQ4), which was shown to have an impact on the MoPs (within this research) perceptions of public confidence in policing. Additionally, perceptions of whether PCCs have increased confidence in policing, were also discussed in relation to 'additional barriers' (RQ4). The next chapter focuses on provides a discussion of the research and the formulation of a new model, using adaptations of the models discussed in chapter two, whilst incorporating the findings of this research.

Chapter Five: Discussion and Conclusion

This final chapter further discusses the findings of the research, regarding the impact that PCCs have had on policing accountability in S&S (as stated in the research aim), as well as the challenges that are posed, which create barriers for increasing accountability. Within this chapter, the model of 'Challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales' is presented and discussed as the major contribution to knowledge made by this thesis. The chapter first revisits the cultural characteristics within policing (Chapter 2). The chapter then discusses the new knowledge derived from the research, in relation to challenges that are creating barriers for increasing accountability (Chapter 4). These challenges include the layer of force bureaucracy (Chapter 2 and 4); the limited impact that PCCs can have on S&S in practice (Chapters 2 and 4); the impact of the mechanism to introduce 'democratic accountability (by introducing PCCs), has had on the level of bureaucracy and other challenges posed (Chapters 2 and 4). The chapter finishes with conclusions to the thesis, addressing the aim and objectives of this research and suggesting opportunities for future research. Recommendations that have resulted from the findings of the research, are then presented.

5.1 Policing cultural characteristics

As discussed in Chapter two, there is no universal definition of policing culture, although definitions include focus on organisational culture (Bowling *et al.*, 2019; Herbert, 1997; Loftus, 2009; Reiner, 2010; Schein, 2016; Westmarland, 2020). Additionally, definitions include police occupational culture (Chan, 1996; Skolnick, 2011). Discussions of the collective nature of cultures within organisations, as well as focusing on values and beliefs (Schein, 2016), to identify the "working personality" of police officers (Skolnick, 2008, p.36). Reiner's (2010) characteristics of policing culture were expanded during the fifth edition of 'The Politics of the Police' research (Bowling *et al.*, 2019). These cultural characteristics included "mission, action, cynicism, pessimism; suspicion; isolation/solidarity; conservatism; machismo; racial prejudice and pragmatism" (Bowling *et al.* 2019, p.172-180). Reiner (2010)

discussed the difficulties of instituting reforms of policing culture, due to these cultural characteristics (Bowling *et al.*, 2019).

However, not all characteristics of policing culture are negative. 'Solidarity' provides "reassurance" (Goldsmith, 1990, p.93) amongst policing colleagues, for the safety of themselves, their fellow officers, and citizens (Bowling *et al.*, 2019; Herbert, 1997). Although, the negative aspects of 'solidarity' has been referred to as the 'blue wall' (Skolnick, 2008, p.35) also known as the "blue code' of silence" (Westmarland and Conway, 2020, p.378). For policing in England and Wales, this is regarded as officer not "challenging and reporting improper conduct" (The Police (Conduct) Regulations, 2020, Schedule 2, Standard 10). Furthermore, that misconduct occurs when for example, cultural characteristics including "racial prejudice" (Bowling *et al.* 2019, p.178), work alongside the "blue code' of silence" (Westmarland and Conway, 2020, p.378). This results in breaches of regulations such as PACE Code A (Home Office, 2023) and the College of Policing (2014) Code of Ethics. These are the types of cultural characteristics that policing "should be focused on rooting out" (Ellis, 2010, p.211) and have been shown to impact public confidence in policing (HMICFRS, 2021; IOPC, 2022).

In summary, previous research on policing culture and the findings of this research, indicate that policing cultural characteristics and other elements that are included within 'the habitus' (Chan, 1996, p.128), poses 'challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales'. PCCs are far removed from front-line policing (Reiner, 2016a) and the occupational culture of police practices. Therefore, limiting the impact that PCCs can have on FLPOs operational practices, due to police occupational culture.

5.2 Contributions to Knowledge

This research has focused on the impact that PCCs have had on increasing accountability in S&S, including the impact that measures such as the introduction of the BUSSS (Home Office, 2014a) and SSSPs, has had on increasing external accountability. Furthermore, examining challenges that are creating barriers for increasing accountability. The purpose of this section is to explain the contributions to knowledge made by this research. The themes from Chapter four will be discussed further, to highlight the major findings of this research. These are re-addressed to demonstrate how these findings enabled the development of the model: 'challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales' (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010). Further in this chapter, a discussion is provided of the limitations of this research, the conclusions to the thesis and recommendations that can be provided as a result of the findings of this research.

5.2.1 Organisational culture

The review of previous literature (Chapter 2) included a discussion of Chan's (1996) model of policing culture, which drew on Bourdieu's 'field' and habitus concepts (Bourdieu and Wacquant, 1992). These concepts are relevant to policing culture as:

“A field consists of a set of objectives, historical relations between positions anchored in certain forms of power (or capital), while habitus consists of a set of historical relations 'deposited' within individual bodies in the form of mental and corporeal schemata of perception, appreciation, and action” (Wacquant, 1992, p.16).

The field is the area of policing culture, where there is a tussle between actors, to gain control/authority and ultimately power over social space (Chan, 1996). Within Chan's (1996, p.128) model of policing culture, the 'field' consists of “Social, political, economic, and legal context of police/minority Interactions”, which was discussed in Chapter two. Additionally, Chapter two discussed policing accountability in England

and Wales. The chapter moved on to discuss S&S and disproportionality, discussing previous research which indicated the impact that social/historical relations have had (Bowling *et al.*, 2008; 2018; HMICFRS, 2021; Lammy, 2017a; Shiner *et al.*, 2018). Barrett *et al.* (2014, p.207) suggested that there are “historic and deep-rooted racial issues” in policing in England and Wales. The findings of this research (qualitative research RM1 and RM2) indicates that the history of policing relations with the population of ethnic minorities in England and Wales, impacts perceptions of racial inequality. Examples of this were evidenced by comments given by participants during the qualitative research (RM1/RM2). In RM1, this was evidenced through comments made by MoPs and RAEC Representatives, as well as police officers (CCs, FLPOs and FLS/Is). In RM2, this was evidenced by perceptions provided by some of the MoPs participants (see Chapter 4). Therefore, confirming the above-mentioned literature and suggesting that social/historical relations are still key aspects of ‘the field’ (Chan, 1996) in policing culture.

Additionally, Chan’s (1996, p.128) model of policing culture refers to law within ‘the field’. The range of policing powers provided by legislation in England and Wales, is discussed within Chapter one. This includes the PACE CoP, which offers guidance in relation to the mandatory legal requirements regarding the ‘application and interpretation’ of S&S powers (contained within PACE Code A) (Home Office, 2023, p.23). The legislation that created mechanisms of policing accountability, was discussed within Chapter two. However, previous research has indicated that although laws and regulations are in place, there are incidents where officers have abused their powers, when dealing with ethnic minority communities in England and Wales (Bowling *et al.*, 2008; HMICFRS, 2021; IOPC, 2022; Marshall, 1965; Reiner, 2016a). Previous inquiries (Lammy, 2017a; Macpherson, 1999; Scarman, 1981) and reviews (HMICFRS, 2021; IOPC, 2022; Shiner *et al.* 2018) have suggested reform of police practices and provided recommendations. These inquiries/reviews have provided evidence of spurious S&Ss, disproportionate and discriminatory treatment of ethnic minorities (HMICFRS, 2021; IOPC, 2022; Lammy, 2017a; Macpherson, 1999; Scarman, 1981; Shiner *et al.* 2018). Therefore, indicating the ineffectiveness of law and regulations to provide sufficient control for every instance of police misconduct (Herbert, 1997; Skolnick, 2008), that takes place in S&Ss in England and Wales (Miller and Alexandrou, 2016; Vomfell and Stewart, 2021).

Additionally, within the 'the field' (Chan, 1996, p.128) refers to "political [and] economic". PCCs were introduced in 2012, and they have "formidable powers to set objectives and budgets" (Reiner, 2016a, p.138), provided to them by the PRSRA (2011, PPO, 2011). Therefore, suggesting that in England and Wales, PCCs roles are applicable to the 'political/economic' aspects of 'the field' (Chan, 1996, p.128). In addition to 'the field', connected aspects were found in 'the habitus' (Chan, 1996, p.128). During the findings of this research, the analysis of PCPARs (Table 10) indicated that it was clear that some PCCs have used their powers to develop recommendations for change in relation to S&S and commissioning budget for external scrutiny (SSSPs). However, previous research by HMICFRS (2021, p.27) report identified that the number of forces who have "good arrangements in place that help them benefit from feedback from external scrutiny", was insufficient. This aligns with the findings of research conducted by Kalyan and Keeling (2019) and the findings of the 'national review of [S&S]' (IOPC, 2022). Through the content analysis of the PCPARs (RQ3), the findings identified that the number of SSSPs has increased throughout the years. The numbers mentioned in the PCPARs were 6 in 2016/17; 9 in 2017/18; 10 in 2018/19; 13 in 2019/20; 15 in 2020/21 and 18 in 2021/22 (see Chapter 4). This is an improvement from only 6 in 2016/17. Although, this illustrates that not all PCCs have prioritised accountability of S&S, through creation of external accountability SSSPs/or a panel of independent members scrutinising S&S. Therefore, suggesting that the budgetary powers are not being used sufficiently for all PCC/force areas. Regarding the impact that PCCs have had, the findings of RM1 identified that prioritising accountability in S&S:

"depends on the approach that the individual [PCC] takes" CC/02

The perceptions of CCs, FLSIs and RaEC representatives (in RM1) indicated that there was a perception of 'localism' (Wilson and Game, 1994, p.66). The findings of this research through the content analysis of the PCPARs (RQ3), indicates that 'localism' (Wilson and Game, 1994, p.66) is still a challenge, as not all PCCs have prioritised increasing accountability/external accountability of S&S practices. This aspect of localism would be situated within 'the habitus' (Chan, 1996, p.128), as it is regarding "action" (Wacquant, 1992, p.16), or lack of action.

In addition to 'localism' (Wilson and Game, 1994, p.66), another challenge is 'lack of awareness' which was identified in this research. This included lack of awareness of PCC 'policies/strategies to increase policing accountability' (RM1/RM2). In RM1, it was suggested by both RaEC representatives' participants, that there was a lack of awareness of PCCs with the ethnic minority electorate. Within the findings of RM2, the MoPs perception survey indicated that of those who participated in the research ($n=388$), awareness is lower amongst MoPs from ethnic minority backgrounds (see table 12, Chapter 4). This supported the view of the RaEC representatives in RM1 and suggests the possibility of the lack of awareness of PCCs with the ethnic minority electorate in England and Wales. Furthermore, in the qualitative research (RM1), the lack of awareness by FLPOs/FLS/Is participants indicates that there is still work to do to ensure that all officers (as well as MoPs), are aware of the initiatives provided by PCCs and the mechanisms instilled to increase accountability in S&S. This lack of awareness is situated within 'the habitus', as it is regarding 'perception' (Chan, 1996, p.128).

Additionally, situated within 'the habitus' (Chan, 1996, p.128), would be the CCs 'operational independence' (Lustgarten, 1986). The Police Act (1964, section 5 (1)) did not define 'direction and control', nor has the PRSRA (2011, section 2 (3)). Chapter two discussed how over time, policing accountability provisions became increasingly blurred (Murphy *et al.*, 2017). PCCs must set the strategic direction and objectives of the force but must not 'interfere' in operational decisions (PPO 2011, s.28). Therefore, the discretion of CCs in 'operational matters' remains independent. PCCs are elected in their role and Lister (2013) suggested that PCCs may believe that they have some entitlement to affect how policing in their area is organised. However, PCCs are not able to direct or 'control' how policing is delivered (Lister, 2013; PRSRA, 2011 section 2 (3)). Therefore, 'operational independence' is in conflict with the statutory responsibility held by PCCs, to ensure that policing is effective and efficient (Fielding, 2005).

In relation to 'operational independence', the BUSSS (Home Office, 2014a) demonstrates the power and political pressure that can be asserted by Home Office/Home Secretary on forces, to change their practices relating to S&S. All 43

forces volunteered to join the BUSSS (Home Office, 2014a). Yet, the findings of the qualitative research in both RM1 and RM2, highlighted that there is a 'lack of awareness' of the BUSSS and its mechanisms. This 'lack of awareness' was shown by the comments made by PCCs, FLPOs/FLS/Is (in RM1) and MoPs (in RM1/RM2), regarding the usage of the 'CCT' that was created by the BUSSS (Home Office, 2014a). All of the PCCs interviewed in the qualitative research (RM1) and eight out of the nine FLPOs/FLS/Is participants in RM1, had not heard of the BUSSS (Home Office, 2014a). This indicates that there is a possible lack of awareness of the 'CCT', as well as the other elements within the BUSSS (Home Office, 2014a) (see Chapter 2). This suggests that this bureaucracy mechanism of policy creation, does not lead to changes in practice if those who are conducting S&Ss (FLPOs/FLS/Is), as the research indicates that there are officers who are not aware these mechanisms exist.

Previous research which examined the community scrutiny of S&S powers included "surveys and interviews with academics and [SSSP members]", which indicated that there was a 'lack of awareness' (Kalyan and Keeling, 2019, p.10).

Recommendations included that the 'CCT' within the BUSSS (Home Office, 2014a) should be used by SSSPs (Kalyan and Keeling, 2019). Within this research, the content analysis of the quantitative research (RM3), identified that not all PCCs have taken on the remit of having SSSPs managed by their offices, so that police forces are not "*marking [their] own homework*" (CC/02). Although, SSSPs are composed of members of the community, the findings within RM2 ($n=388$) indicated that a total of 59% of participants ($n=229$) had not heard of the BUSSS, with a total of 87.4% of participants ($n=339$) stating that they were not aware or not sure if they had heard of the BUSSS (Home Office, 2014a). Amongst participants from ethnic minority backgrounds, the percentage of awareness was lower (see Table 14 – Chapter 4). From the ethnic minority MoPs participants within RM2 ($n=48$), a total of 70.83% of participants ($n=34$) indicated that they had not heard of the BUSSS, with a total of 91.67% of participants ($n=44$) indicating that they were not aware or not sure. Therefore, this suggests that there is a possible 'lack of awareness' amongst some MoPs in England and Wales, regarding the 'CCT and 'BUSSS' (Home Office, 2014a) and possibly further 'lack of awareness' amongst ethnic minority MoPs in England and Wales.

The recent national review of S&S by the IOPC (2022, para 27) also highlighted concerns regarding effectiveness of SSSPs and recommended that SSSPs have “a [CCT]”. However, there is no set mandate for SSSPs for forces in England and Wales (as previously discussed in Chapter 4). Police force areas/PCCs have discretion as to how they create the CCT for their local area (HMICFRS, 2021). Within the findings of this research (RM1), CCs were asked if protocols regarding referring complaints to the ‘CCT’ (Home Office, 2014a) and whether SSSPs should be standardised nationally. Comments made by CC/01 and CC/02 were in favour of this, due to varying policies between forces. However, the findings also indicated that the ‘CCT’ may not be working effectively, due to how the complaint is categorised, in line with the required complaint categories (IOPC, 2021; 2022). Therefore, S&S complaints are “*not necessarily*” (CC/02) filtering through to SSSPs, suggesting a weakness of the ‘CCT’ element of the BUSSS in practice (Home Office, 2014a) and a challenge to increasing accountability in S&S.

In addition to awareness of the ‘CCT’, the qualitative public perception survey (RM2) conducted in 2022, asked MoPs whether they had ‘ever heard of a SSSP’. The results were that out of the total number of MoPs surveyed in RM2 ($n=388$), 89.94% ($n=349$) indicated that they had either not heard or were unsure if they had heard of a SSSP. In order for SSSPs to be able to have an impact on improving accountability/promoting public confidence in accountability mechanisms in S&S (RQ1), the public need to be aware that SSSPs exist. These research findings suggest that there is ‘lack of awareness’ within a percentage of the electorate in England and Wales and indicate that further public engagement needs to be conducted, to improve awareness of accountability mechanisms in S&S (RQ1).

Furthermore, the findings indicated that there were clear differences of opinion regarding the effectiveness of some SSSPs, between PCCs and CCs/FLS/Is interviewed in RM1 (see Chapter 4). Discussions included a lack of external scrutiny and limiting the impact that these accountability measures can have, with “*less governance and challenge of scrutiny from the PCC*” (CC/02). Three out of four of the FLPOs interviewed in RM1, were not aware that SSSPs exist. For FLS/Is, three out of five interviewed (RM1) were not aware of the mechanisms that SSSPs have, and two were not aware that they exist, suggesting lack of awareness. However, the

findings of the MoPs perception survey (RM2) indicated that of those who were surveyed ($n=388$), 31.7% ($n=123$) lacked understanding/awareness of what a S&S is. Additionally, 61.1% ($n=237$) did not identify any legal requirements of a S&S, in their answer to question 13 of the survey (see section 4.3.3). These findings align with previous research which has identified that there is a 'lack of awareness' with MoPs in England and Wales, about their rights/entitlements (HMIC, 2013b; Shiner *et al.*, 2018; Stopwatch, 2016). This indicates that further public engagement needs to be conducted, to improve MoPs and police officer awareness (RQ1).

In addition to 'lack of awareness', the 'lack of representativeness' was a theme within the findings of this research. Previous research by Kalyan and Keeling (2019) identified that the representativeness of members on SSSP varied between SSSPs. Previous inquiries (Scarman, 1981; Macpherson, 1999) have recommended increasing diversity within the police force, as well as discussions of PCCs to be more representative of the population that they serve (Bowling *et al.*, 2019). However, only one of the thirty-nine PCCs in England and Wales (2.56%) are from an ethnic minority background (BBC News, 2021d), which illustrates that PCCs are not representative of the population. Policing in England and Wales is also not representative of the population, as only 8.1% of those working in policing, are from an ethnic minority background (Home Office, 2022b, section 5, para 2). The 'lack of diversity' (RQ4) of PCCs/police officers and within SSSPs, were themes highlighted within this research and was discussed by participants (in RM1) and MoPs (in RM2) (see Chapter 4).

Opinions/Perceptions of those in RM1 and RM2, also indicated that the theme of 'confidence' within the research. Discussed within chapter two, was a crisis of confidence between 2020-2022 (The Police Foundation, 2022). The findings of RM2 were that out of the MoPs surveyed ($n=388$) 49% ($n=297$) said that their confidence in policing had not changed since 2020; 18% ($n=39$) were not sure and 33% ($n=128$) said that their confidence in policing had changed since 2020. Previous research by the Police Foundation (2022, p.5) recognised that high-profile misconduct cases are "linked in part" to the reduction in public confidence. From the comments that MoPs ($n=388$) made in the qualitative research survey (RM2) (see Chapter 4.7), it was

apparent that reports of misconduct were impacting MoPs perceptions/level of confidence in policing. Furthermore, MoPs were asked (in RM2) whether the introduction of PCCs has improved public confidence in policing. The results were that out of the MoPs surveyed ($n=388$), only 20.1% ($n=78$) thought PCCs had increased confidence in policing, 37.9% ($n=147$) were not sure and 42% ($n=163$) did not believe that PCCs had increased confidence in policing. Comments provided suggested that confidence had not increased (see Chapter 4.7), due to the 'lack of awareness' of PCCs role. These "perceptions" (Wacquant, 1992, p.16) of 'confidence', are situated within the description of 'the habitus' (Chan, 1996, p.128)

The above section has discussed aspects of 'the field' (Chan, 1996, p.128), that were identified from the findings of this research, in relation to the impact PCCs have had on increasing accountability in S&S and barriers impacting accountability (RQ4). This included a discussion of "social/[historical], political, economic, and [law]" issues within S&S. This is in addition to aspects of 'the habitus' (Chan, 1996, p.128), which included PCCs, CCs 'operational independence', 'localism', 'confidence', lack of awareness of BUSSS/the CCT (Home Office, 2014a) and SSSPs. The next section focuses on aspects of 'the habitus' (Chan, 1996, p.128) of culture and normative orders (Herbert, 1997), which pose challenges/barriers for PCCs to increasing accountability of S&S in policing.

5.2.2 Occupational culture/Normative orders

Normative orders devised by Herbert (1997, p.4) discusses multiple facets of policing, there are six orders which include "law, bureaucratic regulations, adventure/machismo, safety, competence [and] morality" (see Chapter 2.2). Herbert (1997) suggested that it is impracticable to be able to define which of the six 'normative orders', have more power over each individual officer or what each individual officer perceives is more important. This is due to difference in the space they police, the differences of behaviour of citizens during different times of the day (see also discussions of 'available populations' in Chapter 2), the rank held and the

diverse responsibilities between ranks, which can provide an explanation to why there are recurring discrepancies in the policing organisations (Herbert, 1997).

The legislative requirements that define what is lawful and justifiable, are separate to 'bureaucratic regulations' that construct rules, which are laid down in policing procedures (Herbert, 1997). These are created through the hierarchical structure of the organisation, in order to vary responsibilities throughout differing roles in the force (Herbert, 1997). Criticisms by previous research on the conceptualisation of culture, suggest the failure to acknowledge the differentiation between forces (Chan, 1996). Herbert's (1997, p.62) research further suggested that this differentiation is in reference to 'horizontal bureaucracy', regarding the differences within the diverse units/divisions of the forces. Additionally, that 'vertical bureaucracy', which is defined as the differences between ranks (Herbert, 1997, p.62). The findings of this research support this, as discussed previously in this chapter (within RM1), it was identified through discussions with chief officers that there is 'no set mandate' for SSSPs for forces in England and Wales (see also Chapter 4). Police force areas/PCCs have discretion as to how they create the CCT for their local area (Kalyan and Keeling, 2019). This suggests horizontal bureaucracy' (Herbert, 1997, p.62), regarding the differences between forces.

The concept of 'vertical bureaucracy' (Herbert, 1997, p.62), has also been identified within this research. The FLPOs who participated (in RM1) lacked awareness of democratic accountability mechanisms, such as the introduction of PCCs. This suggests that it is possible that there are a percentage of FLPOs in England and Wales, who also lack awareness. Additionally, as discussed previously in this chapter, FLPOs/FLS/Is displayed a 'lack of awareness' of mechanisms to increase accountability in S&S (such as BUSSS and SSSPs). None of the FLPOs who participated in this research (RM1), were aware of the BUSSS 'CCT' (Home Office, 2014a). The majority (four out of the five interviewed of FLS/Is interviewed), were not aware of the 'CCT'. These examples illustrate 'vertical bureaucracy' (Herbert, 1997, p.62), as if Chief officers are provided with information on new mechanisms to

increase accountability, that this information may not be communicated effectively to lower ranks.

In addition to 'horizontal/vertical bureaucracy' (Herbert, 1997, p.62), the third 'normative order' is 'adventure/machismo', where 'adventure' is relating to police officers who are "courageous individuals that embrace danger as a test of individual ability" (Herbert, 1997, p.3). This definition of 'adventure/machismo' (Herbert, 1997, p.80) differs from Reiner's definition of 'machismo' (Bowling *et al.*, 2019, p177), which is primarily focusing on the masculine characteristics of policing and the difficulties that female officers have/do face in the course of their employment (Archbold *et al.*, 2012; Rief and Clinkinbeard, 2020; Westmarland, 2008). Herbert's (1997, p.80) definition of 'adventure/machismo', focuses on officers who display cultural characteristics of adventure, which is suggested to be officers who "value the use of the 'instinct' (as opposed to bureaucratic regulations)". Previous research that examined 'instincts' of officers (Ellis, 2010; Singer, 2013), has focused on "hunches" (Greater London Authority Police and Crime Committee, 2014, p.18, para 3.2). Previous research has suggested that these have been based on stereotypical perceptions, which then effect an officer's decision-making (Quinton, 2011; The Young Foundation, 2013; Vomfell and Stewart, 2021). Within S&S, PACE Code A is clear that "generalisations or stereotypical images" cannot be used to form reasonable suspicion (Home Office, 2015b, section 2.2B). Within the findings of RM1, comments made by CCs/FLPOs/FLS/Is indicated awareness of unconscious bias and conscious bias/racism being apparent in some officers' behaviour (see Chapter 4.4). These findings align with previous research (Bowling and Phillips, 2007; Ellis, 2010; HMICFRS, 2021; IOPC, 2022). The focus on these types of "action[s]" (Wacquant, 1992, p.16) are situated within the description of 'the habitus' (Chan, 1996, p.128)

Additionally, previous research has indicated that "action[s]" (Wacquant, 1992, p.16) by individual officers and actions by the 'collective organisation', are linked to the Reiner's (2010) cultural characteristic of "racial prejudice" (Bowling *et al.*, 2019, p.178). Previous research has suggested that disproportionate S&Ss heighten

concerns regarding institutional racism in policing (Bowling, 2018; Delsol and Shiner, 2015; Ellis, 2010; Flacks, 2020; Hall *et al.*, 1998; HMICFRS, 2021; IOPC, 2022; Jackson *et al.*, 2012; Macpherson, 1999; Murray *et al.*, 2020; MVA and Miller, 2000; Phillips and Bowling, 2007; Quinton *et al.*, 2000; Runnymede Trust, 2009; Shiner *et al.*, 2018; Solomos, 1993; Waddington *et al.*, 2017). The findings of this research (in RM1) indicated that perceptions of the FLS/Is; CCs; MoPs and RaEC Representatives suggested that there are still concerns regarding institutional racism and disproportionality, with less focus being seen from PCCs regarding how to tackle racial disparity. Within RM2, there were 60 comments made from the MoPs surveyed ($n=388$), identifying the theme of racial inequality and suggests that there are MoPs who perceive policing to be racist. Furthermore, the opinions given by the FLPOs within RM1 (discussed above) indicated awareness that some officers are unconsciously biased and those who are consciously biased/racist. Comments by chief officers in RM1, indicated that in relation to bias/racism, “*we’re still at the tip of the iceberg*” (CC/02). Therefore, suggesting that ‘actions’ of ‘racial prejudice’ (Bowling *et al.*, 2019, p.178) by individual officers and by the ‘collective organisation’, are situated within ‘the habitus’ (Chan, 1996, p.128).

Police forces and all PCCs need to prioritise tackling racism and disproportionality in S&S, as well as increasing external accountability. Overall, the findings of the qualitative research (RM1) indicated that the majority of the FLS/Is, FLPOs, CCs/DCCs and RAEC Representatives interviewed, suggested that there are S&Ss taking place that are based on stereotypes/racial profiling. Therefore, suggesting that not all S&Ss are based on ‘facts, information and/or intelligence’ (Home Office, 2023, para 2.2). ‘Racial prejudice’ (Bowling *et al.*, 2019, p.178) breaches the fundamental principles of the Code of Ethics, APP and PACE Code A (College of Policing, 2014, 2021; Home Office, 2023). Additionally, this leads to breaches the ‘Standards of Professional Behaviour’ contained within the Police (Conduct) Regulations (2020, Schedule 2) (see Appendix J). Officers in England and Wales are required to abide by these regulations, when conducting their duties (College of Policing, 2014). Furthermore, the findings of the public perception survey (RM2) indicated that there is awareness of some cases of police misconduct in relation to racism and other cultural aspects, which have been discussed in the media (see Chapter 4.6 for a sample of comments that were provided). This aligns with findings of previous

research (IOPC, 2022; Jackson and Bradford, 2010). Overall, these findings indicate that “racial prejudice” (Bowling *et al.*, 2019, p.178) is still a challenge of the ‘adventure/machismo’ characteristics of Herbert’s (1997, p.3) ‘normative orders’, in addition to the challenges this poses to improving accountability in S&S practices.

The fourth ‘normative order’ to be considered by this research is ‘safety’, which Herbert (1997, p.99) regards as referring to the creation of regular practices to guard the police officers from unjustifiable injury and conserve life. This can be linked to Reiner’s (2010) concept of ‘solidarity’. The review of the literature discussed the ‘blue wall’ (Skolnick, 2008, p.35) also known as the “blue code’ of silence” (Westmarland and Conway, 2020, p.378). As previously discussed, the research identified that there were FLPOs who acknowledge that there are officers who are consciously biased/racist and those who are unconsciously biased (see Chapter 4.6). This suggests that there are operational practices being conducted by some officers, that are biased/racist and the need to ensure that officers are “challenging and reporting improper conduct” (The Police (Conduct) Regulations, 2020, Schedule 2, Standard 10).

Under ‘normative orders’ (Herbert, 1997), PCCs would be within the bureaucracy elements, which is a ‘professionalisation’ of the police through bureaucratic control. Previous research on policing accountability is discussed in Chapter two. Examples such as Brown’s (1981) research, determined that there are acute disparities between the bureaucratic controls and the actual policing practices. This is due to the widely unsupervised actions that officers have, as well as their individual discretion (Reiner, 2010). The fact that officers’ actions are not monitored in a way in which these controls can be safeguarded (supervised), enables a sub-culture to arise where the bond between officers of “safety” (Herbert, 1997, p.99) and “solidarity” (Reiner, 2010, p.122). These work to protect officers from mistakes/misconduct they may commit in operational practice and lead to officers not whistleblowing these to supervising officers (Westmarland and Conway, 2020), creating a ‘barrier impacting accountability’ (RQ4).

The disjuncture between officers' operational practice and the work of PCCs, enables what Herbert (1997, p.61) suggested is the sustainable "significant gap between [bureaucracy] and practice". The findings of this research suggested that the 'gap' between the work of the PCC and FLPOs, is a barrier to reforms to increase accountability. Amongst the FLPOs who participated in the qualitative research (RM1), there was "cynicism, pessimism" shown (Bowling *et al.*, 2019, p.172). This was shown in comments regarding the introduction of PCCs and the impact that external accountability mechanisms (such as SSSPs) can have on increasing accountability. There was a consensus amongst FLPOs (in RM1) that PCCs were far detracted from operational duties and did not understand sufficiently the pressures on front-line. This view was also supported by a CC (see Chapter 4). Comments from FLPOs in RM1 (see Chapter 4) suggested that the PCCs should be '*getting out and about*' and speaking to FLPOs, having a more visible presence. Although, the findings also suggested that this depends on the individual PCC and the time they afford to doing so, as well as their willingness to engage and ensure communications are sent throughout the force.

The fifth 'normative order' to be considered by this research is 'competence' (Herbert, 1997, p.123), which is regarding policing space and asserting power over the areas which officers have responsibility. Herbert (1997, p.125) suggested that "what constitutes competence varies considerably, depending upon an officer's bureaucratically defined responsibilities". As discussed previously in this chapter (and in Chapter 4), the findings of this research (in RM1) indicated that perceptions of the FLS/Is; CCs; MoPs and RaEC Representatives, suggested that there are still concerns regarding institutional racism and disproportionality. Within RM2, there were 60 comments made from the MoPs surveyed ($n=388$), which included comments about racism within (some) officers' practices.

Although Herbert (1997, p.123) focus is primarily on officers' 'competence', this research has identified further aspects of 'competence' (Herbert, 1997, p.123). The need to be seen as 'competent', which is structured throughout police forces, in relation to 'operational independence' (Lustgarten, 1986). The CCs have "direction

and control” over ‘operational matters’, which remains independent (PRSRSA, 2011, section 2 (3)). As with previous research (Loveday 1983; Marshall, 1965; Reiner 1985; 2010; Waddington, 1984), this research also identified that the level of influence that PCCs have over policing practice, was seen as being curtailed due to the ‘culture’ within police forces. The PCCs powers under the PRSRSA (2011) and the PPO (2011) (see Chapter 2), provides them with the responsibility for setting the budget for their force area, as well as establishing the priorities for their Police and Crime Plans, which in turn impacts operational priorities. PCCs have the power to ‘hold the [CC] to account’ (PRSRSA, 2011) (see Chapters 2 and 4). The PCCs ability to improve accountability within S&S, is hampered due to ‘the doctrine of operational independence’ (Reiner, 2010). The doctrine has been commonly referred to as a mechanism to safeguard police decision-making from intervention from organisations/government, regarding a limited range of police matters (Stenning, 2007). PCCs must set the strategic direction and objectives of the force but must not ‘interfere’ in operational decisions (PPO 2011, s.28). Further details provided by the PPO (2011) (in Appendix G, of what the ‘direction and control’ of the CCs include). However, ‘operational independence’ does not negate responsibility nor accountability of policing powers (Basu, 2022), such as S&S. The findings of this research relating to ‘safeguarding’ police decision-making (Stenning, 2007), indicated that:

“I think, still can close ranks... you have to be still alert and use not just professional constructive ways but really understand what is happening under the skin of policing and what impact it is making on local communities” PCC/05.

This suggests challenges of CCs displaying their powers of ‘direction and control’ to assert their ‘competence’, competing with the PCCs need to understand the areas impacting accountability within their local force, to hold the force to account. Furthermore, the desire of CCs to show ‘competence’ (Herbert, 1997, p.123) within their forces, can come against the competing demands of the PCC priorities within their Police and Crime Plans (Reiner, 2016a). This research has suggested that not all PCCs have taken an interest in increasing accountability of S&S (review of PCPARs, see Chapter 4.2), despite the mechanisms which were created under the

BUSSS (Home Office, 2014a). In this research, the desire to be seen as 'competent' by PCCs, was indicated by the findings in RM1, through comments made by a CC/PCC (see Chapter 4.3.2). Overall, this suggests that mechanisms created by bureaucracy displays a power struggle between those in policing and those who have bureaucratic control/ability to create the laws, which are required to be enforced by officers (Chan, 1996; Bowling, *et al.*, 2019; Herbert, 1997). This is in addition to the 'suspicion' by police officers to political mechanisms shown in this research (RM1), which are viewed to be "out of touch" with actual policing practices (Bowling *et al.*, 2019, p.176).

The final 'normative order' by Herbert (1997, p.141) is 'morality'. Herbert (1997) indicates that this pervades the practices of police officers with a sense of what is right and virtuous, essentially that they should protect society from criminals and deviants. Herbert (1997) uses the work of Manning (1977), which discusses that the policing aim is for the public to perceive that they are displaying a moral attitude towards their work, in order to remain legitimate. Yet, the perception of who is good and who is evil, has been discussed by previous research, relating to stereotypes that are used and discussing the disparity in treatment, such as the policing of ethnic minorities (Bowling *et al.*, 2019; Chan, 1996; Herbert, 1997; Loftus, 2009; Reiner, 2010; Shiner *et al.*, 2018).

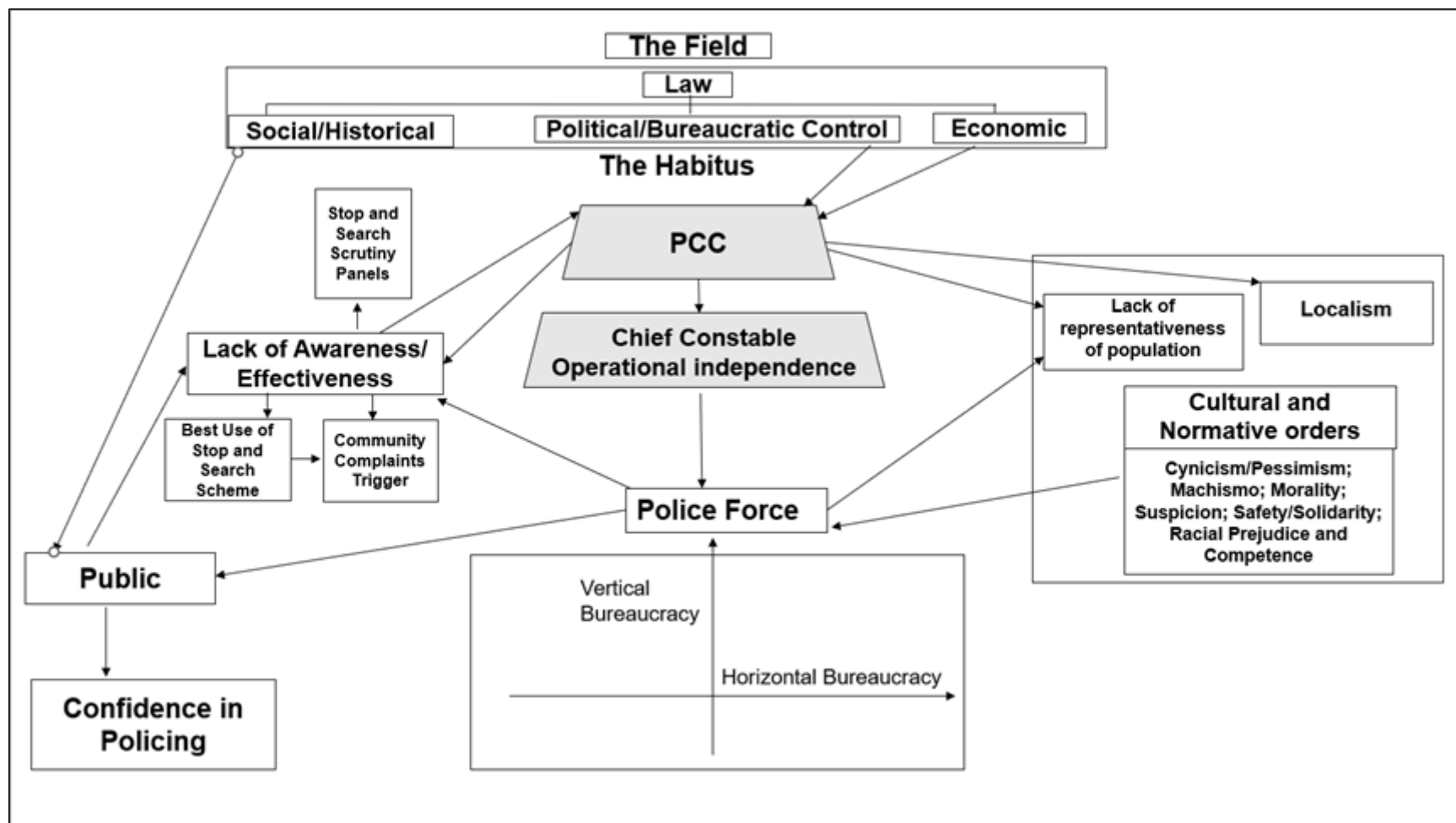
This research identified that there are perceptions of racial inequality provided in RM1/RM2. Even when positive cultural characteristics are incorporated into policing strategy, this does not negate the impact that discretion has on individual officers' decision making (Shiner *et al.*, 2018). Discretion has been previously highlighted as issues affecting accountability (Reiner, 2010; Tipping, 2016). Recent research by Vomfell and Stewart (2021) has also indicated that officers' discretion, increases the ethnic disparities/disproportionality in S&S powers. This suggests that officers' discretion in S&S is an area within policing culture, which is important to consider when establishing increased accountability mechanisms, in order to tackle ethnic disproportionality rates in S&S practices. The findings from the qualitative research (RM1) indicated that further enhancements need to be made to increase

accountability, as perceptions of racial inequality were provided (within RM1/RM2). Officers have a considerable amount of discretion (Reiner, 1992; Reuss-Ianni, 1983; Waddington, 1999a; Westmarland and Conway, 2020) and confidence/legitimacy in police powers is linked to perceptions that the powers are used ethically and legally (HMICFRS, 2021; IOPC, 2022; Home Office, 2015a). This indicates that monitoring officers' decision making is key to ensuring that disproportionality in S&S is not due to discrimination and external accountability of S&S (such as SSSPs) are important mechanisms for increasing accountability.

Furthermore, research by Reiner (1992) suggested that lower ranking officers are driven by factors that differ from police leaders, due to their day-to-day working on the streets. Whereas police leaders' drivers include external factors such as information provided by inspectorates and governing bodies/government (Reiner, 2010). The findings of this research indicate that it is not only drivers that differ between FLPOs and those in senior management in policing. None of the ten FLS/Is/FLPOs, as well as neither of the Police Trainers participants (in RM1), were aware 'of any policies/strategies that the PCC has instilled to increase policing accountability'. Therefore, suggesting possible lack of awareness within forces across England and Wales. Additionally, the findings indicated that the FLPOs/FLS/Is participants, lacked awareness of the BUSSS (Home Office, 2014a) and SSSPs. Therefore, suggesting the limitations within these mechanisms of accountability, to affect officers' operational practices.

As a result of the findings of this research, the model of 'Challenges limiting the impact of democratic accountability and accountability measures in S&S practices in England and Wales' is presented and discussed as the major contribution to knowledge made by this thesis (see Figure 3 below). The next section discusses the limitations of this research.

Figure 3 Challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010).



5.3 Limitations

The limitations of this research include that the research did not examine the longitudinal effects, due to the time available to investigate, carry out and analyse the results of the research (which was constrained by the submission date of the thesis). Future research could include re-interviewing the same subgroups of participants, as well as conducting a further public perception survey with more participants, in order to determine whether the views of interviewees have changed and whether public perceptions have changed, since the completion of this research.

The non-interlocking quota online panel survey had a number of participants (130) who completed less than 75% of the survey, as out of the 438 survey participants, only 308 participants surveys could be used. Due to financial and time constraints, additional ethics approval was sought and obtained to disseminate a MF (Microsoft, 2022a) version of the survey, to gain further participants (using the same questions and questions structure). An additional 80 participants were recruited through a river sampling method, resulting in overall 388 participants. Considering the later analysis, some of the survey questions could have been more specific of the impact culture has on policing. Although, viewpoints given during the piloting of the survey and a copy of the survey being sent to the researcher's then supervisors, led to wording of the questions being changed, due to ethical considerations of providing leading questions. Furthermore, the use of further Likert-scale questions, could have provided further elements of analysis.

A further limitation is that the qualitative research (semi-structured interviews and public perception survey), is based 'only' on comparatively small samples. Therefore, generalisation of the findings needs to be viewed with caution. However, for a research of this size, the analysis of $n=388$ public perception surveys (RM2), with 30 semi-structured interviews (RM1) with PCCs, CCs, DCCs; FLS/Is; FLPOs; MoPs who have been stopped and searched; RaEC representatives, PCP Members; SSSP Members, is in line with existing recommendations (Clark *et al.*, 2021; Creswell, 2009).

Additionally, it was out with the scope of the thesis to explore or analyse S&S outcome data (Home Office, 2014a; 2022), focusing specifically on those who are arrested as a result of a S&S. To examine this data further to identify whether charges were brought against the individual, or whether there was no further action and determine whether there is disproportionality in relation to ethnicity of those arrested. This level of research would require access to police systems in order to categorise the data, with the names of individuals who were arrested and the resultant outcome (whether charges were brought and the result of the case in court). Due to the time limitation of this research, in addition to issues of access to confidential information on police databases, this has been highlighted as an area for future research.

5.4 Conclusions to the Thesis

The central research aims (RAs) that will be addressed in this thesis are as follows:

1. To identify participants' perceptions of the impact PCCs in England and Wales have had on increasing accountability in S&S practices (RA1).
2. To assess participants' perceptions on additional barriers may impact the PCCs abilities to improve external of S&S policing powers (RA2)

In order to address the research aims (RA1/RA2), the research objectives which are conveyed as research questions, are as follows:

1. To explore participants' awareness of accountability in S&S been increased, since the introduction of the PCCs (RQ1)
2. To explore participants' perceptions of mechanisms for accountability in S&S, and the impact PCCs have had (RQ2)
3. Conduct an analysis of Police and Crime Plan Annual Reports (PCPARs), to determine how many PCCs have prioritised S&S accountability (RQ3)
4. To identify whether issues relating to SSSPs (introduced as part of the BUSS Scheme); racial inequality; disproportionality in S&S; a lack of diversity in police forces/police governance and policing culture, are still creating barriers and impacting accountability? (RQ4)

This final section will revisit the objectives and summarise the major contributions this thesis has made in advancing knowledge in the area. In completing RQ1, Chapter 2 examined previous literature regarding public awareness of S&S. An overview of the social and historical issues within S&S, including disproportionality in S&S practices, as well as reviewing statistics of S&S from 2011/12 to 2021/22, before discussing the change in political consensus which led to the BUSSS being introduced (Home Office, 2014a).

The research was conducted using a mixed methods approach (Clark *et al.*, 2021; Maarouf, 2019) including qualitative methods, of conducting semi-structured interviews ($n=30$) (RA1) and a 'public perception' survey ($n=388$) (RA2). Quantitative research was conducted by reviewing the current/previous PCPARs through content analysis (see Chapters 3 and 4). The experiences and opinions of participants within the 'public perception' survey ($n=388$) (RA2) and the 30 participants' perceptions (in RM1) were explored (Chapter 4). Valuable insights were obtained, indicating that all four MoPs who were interviewed, were unaware of what a PCC was or who the PCC was for their area. For the total number of MoPs who completed the survey ($n=388$), 76.55% ($n=297$) were not aware of policies/strategies that the PCC had instilled to increase policing accountability, and 11.85% ($n=46$) were not sure, with only 11.6% ($n=45$) stating they were aware. Furthermore, there was a 'lack of awareness' shown from the FLPOs and FLS/Is. The influences that this provided, contributed to the model of 'Challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010)'.

Research objective two (RQ2) was achieved, which identified that within participants in this research, there was a lack of awareness of PCCs, S&S, the BUSSS (Home Office, 2014a) and SSSPs. A review of prior literature in the area was discussed within Chapter two. Within the findings of the research (Chapter 4), a lack of awareness of PCCs amongst non-PCC participants (in RM1/RM2) was highlighted. However, findings indicated that of the five PCCs interviewed (in RM1), there were differences of opinion regarding the level of 'awareness' (RQ1 – 'public awareness').

Four PCCs indicated that MoPs are aware of who the PCCs are and how policing is held to account. Therefore, suggesting that this would impact the importance they place on increasing public awareness of their role in their force area and the level of communication with their electorate, due to their perceptions.

Lack of Awareness (RQ2) of what a S&S is, the BUSSS and SSSPs were identified as themes within the research. The public perception survey results showed that out of the number of MoPs ($n=388$) who were surveyed in (RM2), 31.7% ($n=123$) lacked understanding/awareness of what a S&S is. These findings align with previous research, which have identified that there is a lack of awareness with MoPs in England and Wales, about the powers that officers have to S&S and their rights/entitlements (HMIC, 2013b; Shiner *et al.*, 2018, Stopwatch, 2016). In relation to the BUSSS (Home Office, 2014a), the findings of RM1 indicated that four out of the five PCCs interviewed, were not aware of the 'CCT' element of the BUSSS. Out of the nine FLPOs/FLS/Is participants in RM1, only one of the five FLS/Is had actually heard of the BUSSS (Home Office, 2014a). Within RM2, MoPs who participated in the survey ($n=388$), a total of 59% of participants ($n=229$) indicated that they had not heard of the BUSSS, with a total of 87.4% of participants ($n=339$) stating that they were not aware or not sure if they had heard of the BUSSS (Home Office, 2014a). Therefore, these findings suggested that there are some FLPOs, FLS/Is, PCCs and MoPs that lack of awareness of the BUSSS (Home Office, 2014a). Regarding SSSPs, previous research (Kalyan and Keeling, 2019) indicated that there is a lack of awareness of SSSPs amongst MoPs. This research confirmed this finding and suggested that further mechanisms to increase awareness of the population in England and Wales is required. This is in addition to increasing their awareness/understanding of what a S&S is, as well as informing MoPs about accountability mechanisms in S&S and external accountability mechanisms (such as SSSPs).

Overall, lack of awareness is a barrier to the effectiveness of democratic accountability. If the public and police officers are not aware of mechanisms instilled to improve accountability (such as PCCs and SSSPs), then the impact that

improvements can have will be negligible on possibilities for changes of perception/confidence and culture in policing. The influences of the findings of 'lack of awareness' (RQ2), contributed to the model of 'Challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010)'. Building awareness with the communities in which they serve, is part of the function and responsibility of the PCC under the PPO (2011). The model highlights 'localism', which previous research has suggested that the introduction of PCCs has the potential to widen the disparity of priorities for each policing area (that PCCs govern) (Reiner, 2016a). As indicated by the findings of the content analysis of PCPARs (RM3), there is 'localism', as there were only 18 PCCs areas in 2021/22 (46.2 % of the 39 PCCs) which had a SSSP or a panel of independent members scrutinising S&S. This is an improvement from only 6 in 2016/17, although this illustrates that not all PCCs have prioritised accountability of S&S, in addition to lack of creation of external accountability SSSPs/or a panel of independent members scrutinising S&S.

Additionally, previous research suggested that PCCs would prioritise their interests and concerns from members of their local areas majority population to the detriment of the priorities of minority groups in their local area (Lister & Rowe, 2015). During RM1, discussions of PCCs priorities in the Police and Crime Plan were aspects of the findings within RM1. Examples of discussions regarding impacts of localism by participants in RM1, included *"[if the] PCC haven't got their strategic directions correct; then how do you expect the [CC] to deliver that?"* (RaEC/02). Therefore, indicating the importance of strategic priorities set by PCCs in the Police and Crime Plan, to reflect concerns of all groups of the population in their local area. Additionally, that strategic priorities have equal treatment and due regard for all groups of the population and that PCCs hold CCs to account, for their force delivery of these strategic priorities.

Research objective 3 (RQ3) was achieved through the quantitative research (RM3), the content analysis. It identified that there is a lack of consistency within PCCs level of response nationally and indicates a lack of responsiveness to the concerns of

ethnic minority communities in PCCs local areas, being used to inform the Police and Crime Plan/police force priorities. Furthermore, the content analysis (RM3) identified that not all PCCs have taken on the remit of having SSSPs managed by their offices, so that police forces are not “*marking [their] own homework*” (CC/02). To ensure that S&S has external community scrutiny that has been provided by the BUSSS (Home Office, 2014a), forces should implement the recommendations by HMICFRS (2017b, 2021b) and IOPC (2022) into practice. PCCs should be monitoring the effectiveness of these mechanisms, to hold the CC/their local force to account, if these recommendations have not implemented/require improvement. Creation of SSSPs would provide PCCs with a mechanism of indicating to communities in their local area, how they are holding their local force to account and to ensure policing is more responsive to the concerns of the electorate and concerns of disproportionate treatment of minority communities.

In reference to research objective 4 (RQ4), a review of prior literature in the area was discussed within Chapter two and four. The research objective was achieved, within the findings/discussion section of the research (Chapters 4 and 5). Firstly, examining disproportionality in S&S, the review of S&S statistics (see Table 4 and 5, Chapter 2) indicated that there is still disproportionality in S&S practices, evidenced by S&S records examining self-defined ethnicity of the person searched. The disproportionality rate then increases further, when using officer defined ethnic appearance instead of a person’s self-defined ethnicity (Home Office, 2021a; 2022c). As discussed by HMICFRS (2021), there are forces who do not monitor officer definition ethnicity of the person who was searched. Therefore, this suggests that disproportionality rates may be higher, as the Home Office (201a; 2022b) only use the data that has been provided by forces.

Additionally, regarding a lack of diversity in police forces/police governance (RQ4), Parliament have acknowledged that PCCs/policing is not representative of populations diverse ethnicities (Parliament. HASC, 2013a). In 2021, 39 PCCs were elected (BBC News, 2021c) although there is only one ethnic minority PCC, equating to 2.56% (BBC News, 2021d). This illustrates that PCCs are not representative of

the population of England and Wales. Although, there is a lack of diversity in policing, even though previous public inquiries (Scarman, 1981; Macpherson, 1999) and subsequent reviews/inspections, have indicated the need for further representativeness in policing (HMICFRS, 2021; IOPC, 2022). Yet, policing is still not representative of the population of England and Wales, as the 2022 police workforce statistics state that the number of officers from ethnic minority backgrounds increased to just “8.1%” (Home Office, 2022b, section 5, para 2). The 2011 Census (ONS, 2020a, para 1) statistics have shown that “14%” of the population are from ethnic minority backgrounds. The recent census has indicated that the percentage has now “increased... to 18.3%” (Duncan *et al.*, 2022), indicating that the representativeness of policing is lower than previously perceived. The ‘lack of diversity’ (RQ4) of PCCs/police officers and within SSSPs, were themes highlighted within this research and was discussed by participants (in RM1 and RM2) (see Chapter 4).

Within this research, RM1 identified that there are still concerns regarding racial inequality, disproportionality in S&S, a lack of diversity in police forces/ police governance and policing culture. The content analysis within RM3 identified that there is disparity in the level of priority PCCs have made nationally, regarding how to improve external accountability mechanisms in S&S (SSSPs). In the qualitative research (RM2) survey, the thematic analysis identified themes of ‘lack of awareness of PCCs/BUSSS/S&S and SSSPs. Furthermore, public perceptions (in RM1/RM2) indicated concerns of racial inequality/disproportionality in S&S, which were linked to MoP perception of police legitimacy/confidence in policing. In RM1, CC/02 comments acknowledge the impact that “*racist behaviour by officers can have on confidence and legitimacy and that the practices of individual officers can undermine the good work of other officers within the force(s)*”. These findings align with previous research findings, that racial inequality/disproportionality in S&S effects public perceptions of legitimacy and confidence in policing powers, including S&S powers (Bowling and Phillips, 2002; HMICFRS, 2021; IOPC, 2022, Jackson *et al.*, 2012).

PCCs were introduced in order to improve democratic accountability of police forces in England and Wales (Murphy *et al.*, 2017). Therefore, they should be holding CCs to account, to ensure that the recommendations given by HMICFRS (2021) and the IOPC (2022) 'national review' are implemented. Within these recommendations (HMICFRS, 2021; IOPC, 2022), improving public confidence in S&S through external accountability measures such as SSSPs is discussed. Additionally, the findings of this research (RM1/RM2) indicated that PCCs should be prioritising increasing awareness of MoPs of what PCCs are, their roles/responsibilities. Moreover, PCCs should be prioritising raising awareness of what S&S is, a MoPs rights and entitlements in relation to S&S and increasing awareness of mechanisms of external accountability of S&S that has been implemented (such as SSSPs).

In addition to previous research in the area, the model created as a result of the findings of this research is: 'Challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010)'. It indicates that there are many challenges to accountability in S&S practices and there are limitations of democratic accountability of PCCs, as well as varying PCCs priorities (localism). PCCs are not police officers, they are far removed from front-line policing and the occupational aspects of policing culture (Bowling *et al.*, 2019; Reiner, 2010). The model provides further insight to challenges to democratic accountability, for researchers and practitioners who have an interest in accountability and policing culture. Secondly, the model and the findings of this research, can be used by PCCs to gain further understanding of the need to have strategic priorities and external accountability of S&S. Thirdly, the findings can be used during police training, to provide further knowledge to officers of the challenges faced to enhancing accountability in S&S, democratic accountability of PCCs and the prevalence of culture in policing.

The research also considered the wider social/historical context of policing discussed previous in Chan's (1996, p.112) model of policing culture. PCCs were introduced in England and Wales in 2012, sixteen years after publication of Chan's (1996) model

of policing culture. The model (Figure 3) created as a result of the findings of this research confirms that 'field' (Chan, 1996, p.112) is still a key conceptualisation of policing culture. A refocusing of the conceptualisation of 'habitus' (Chan, 1996, p.128) has been created. This incorporates PCCs and the challenges to accountability, including aspects of normative orders (Herbert, 1997) and characteristics of policing culture (Bowling *et al.*, 2019; Reiner, 2010). The model (Figure 3 above) provides a different focus and a deeper understanding of 'challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales'.

This research is linked to the existing body of literature (Chapter 2 and 4). The research conducted as part of this study, including participants' perceptions within RM1 and RM2, as well as the content analysis of PCPARs (RM3). The findings unfortunately suggested that not all PCCs have prioritised increasing accountability in S&S. However, the findings from the research (RM1 and RM2) suggests additional barriers such as lack of awareness of PCC/S&S/SSSPs/BUSS and reductions in confidence in policing (RQ4). This indicates that there is further work required by PCCs, to improve public confidence in their local police force/policing. This includes building more awareness of the accountability mechanisms they have instilled, to increase accountability/public confidence. Additionally, the impact of PCCs abilities to improve external accountability is curtailed due to issues of policing 'culture'. This suggests that overall, PCCs have had limited impact in increasing accountability in S&S practices and further reprioritisation of external accountability in S&S (such as SSSPs). Therefore, building awareness and further focus on increasing public confidence is required.

To consider opportunities for future research, these could include reviewing the S&S outcome data (Home Office, 2014a), focusing specifically on those who are arrested, as a result of a S&S, to determine whether there is disproportionality in relation to ethnicity. Future research could include re-interviewing participants from the same subgroups used within RM1. Additionally, conducting a further public perception survey with more participants, in order to determine further views or changes in

perceptions (since the completion of this research). Moreover, future research could be undertaken of a larger sample of police officers, to provide further knowledge of how the relationship between the public and the police actually affects police culture and to which extent.

5.6 Recommendations

The above contributions to the literature within this thesis highlighted areas where recommendations can be made to enhance accountability. This is in addition to the new conceptualisation of the model showing ‘Challenges limiting the impact of democratic accountability and accountability measures in Stop and Search practices in England and Wales (adapted from Chan, 1996; Herbert, 1997; Reiner, 2010)’.

As result of the findings of this research, recommendations that can be provided are firstly, that the BUSSS (Home Office, 2014a) should be amended to specifically state the requirement for PCCs to monitor compliance of their police force area, against the mechanisms of the BUSSS (Home Office, 2014a). Furthermore, PCCs should be more transparent about the monitoring of the compliance of their police force area, against the mechanisms of the BUSS Scheme (Home Office, 2014a) and the findings should be published as part of PCPARs, to aid transparency.

Additionally, in order to increase accountability, monitoring, and transparency in S&S, SSSPs should be created for each force area. SSSPs should be independent of the force and be organised by PCC offices, so that forces are not “*marking their own homework*”. Although, internal force panels should be operated in every force, reviewing BWV of S&S searches conducted and reviewing disproportionality statistics, as well as reinforcing the importance of monitoring and accountability mechanisms conducted by supervisors. Moreover, PCCs/SSSPs should be informed of the number of BWVs that have been reviewed, by front-line supervising officers, to demonstrate the internal monitoring and accountability that has taken place. This

could provide information of areas requiring further improvement. Furthermore, that a national protocol should be created for all forces, to referring all complaints relating to a S&S to a SSSPs.

Further recommendations are that PCCs should increase focus on ensuring that the recommendations by HMICFRS (2021) and the national review of S&S (IOPC, 2022) are implemented. Additionally, PCCs should increase their focus in order to build awareness with the communities in which they serve (which is part of the function and responsibility of the PCC under the PPO, 2011). This should be focused on increasing MoPs awareness of what a PCC is, how to contact a PCC and providing information regarding the roles/responsibilities of PCCs. Furthermore, PCCs should focus on increasing MoP awareness of what S&S is, a MoPs rights and entitlements for a S&S, increasing awareness of SSSPs and the BUSSS (Home Office, 2014a). Additionally, every PCCs should set aside time to build awareness with FLPOs, by 'getting out and about' and speaking to FLPOs, in order to have a more visible presence for the police force that they are PCC for and ensure communications regarding their Police and Crime Plan are sent throughout the force.

Moreover, regarding diversity, a recommendation is that there should be an increased focus by the Government, to provide further publicly available information regarding the roles and responsibilities of PCCs. This could lead to a more diverse pool of candidates for PCC elections. A recommendation for police forces is that further focus needs to be made on increasing the number of officers from ethnic minority backgrounds, so that policing is more representative of the communities they serve. Furthermore, the focus on representation on SSSPs should remain a priority, so that the SSSPs are representative of the population of the policing area. As a result of this, a recommendation is that offices of the PCC should conduct further work, to increase the diversity of panel members on SSSPs.

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Appendix A - Interview Questions

Note: The Interview questions were adapted to the person interviewed and semi-structured. Therefore, the following questions are only indicative of the topic of conversation.

Experience (asked to interviewees who have been stopped and searched previously)

1. Question: Can you explain the circumstances in which you were stopped and searched?

PCCs

2. Can you explain what differences there are, with police forces working with a PCC and their offices, compared to the previous Police Authority?
3. What policies has the PCC of your force instilled to increase policing accountability if any?
4. Have any policies been instilled by a PCC that are aimed to improve public confidence in policing, particularly by improving relations with ethnic minorities? If so, can you explain these?
5. PCCs have *“the legal power and duty to set strategic direction and objectives; decid[e] the budget for the force and allocating assets/funds to the Chief Constable; scrutinise, support and challenge the overall performance of the force including against the [forces] priorities; holding the Chief Constable to account...and the functions of the persons under the direction and control of the Chief Constable; providing the local link between the police and communities”* (Police Protocol Order, 2011, s.17).

Question: What is your opinion on the level of bureaucratic control granted to a PCC?

6. Herbert argues that there are acute inconsistencies between the Bureaucratic Controls and the actual policing practices, due to the *“disjuncture [which] is largely understood as a function of the incompatibility between the rigidity of bureaucratic strictures and the shifting flux of the events facing patrol officers”* (Herbert, 1997, p.61).

Question – Do you believe that there is a disconnect between the policies and practices of PCCs and the shifting flux of events facing patrol officers? Please give reasons for your answer.

Government

7. The coalition government abolished the national requirement for recording stops and accounts and reduced the stop and search forms from twelve tick boxes to seven (Sveinsson, 2010), through an amendment made to PACE Code A, which came into effect on 7th March 2011 - although forces have discretion to carry on recording stop and account, where there are still local concerns (House of Commons, 2014). The Ministry of Justice no longer report statistics on stops as well as stops and searches (Ministry of Justice, 2010).

Question - Do you believe that scrapping stop and account forms and reducing the stop and search forms has affected the monitoring, accountability and transparency in stop and search? If so, why?

8. Do you believe that the budget review, has had an impact on front-line police officers and stop and search practices? If so, how?

Stop and search

9. The statistics published in October 2017, for stop and searches up to the year ending 31 March 2017, shows that there were 303,228 stops and searches in England and Wales carried out. This is a decrease of *“21% compared with the previous year (382,625), continuing the downward trend since the peak in the year ending March 2011 (1,229,324 stop and searches)”* (Home Office, 2017).

Question - Why do you believe there has been a decrease in the number of stop and searches in the year ending 31st March 2017?

Disproportionality

10. Disproportionality can be defined as *“the extent or degree to which something appears to be inappropriate or ‘out of proportion’ to something else. Specifically, in relation to the police power to stop and search, the term has been used to describe a disparity or imbalance in the application of the power to different ethnic groups, in comparison with a neutral criterion”* (Bowling and Phillips, 2007, p.943-944).

Question – How would you define disproportionality?

11. Stop and search disproportionality amongst black people, fell from 6 times more likely to just over 4 times more likely between the years ending March 2011 and 2015, before rising to over 6 times more likely in the year ending March 2016, and has risen again to over 8 times more likely in the latest year - year ending 31 March 2017? (Home Office, 2017).

Question – Why do you think the rate of disproportionality, specifically for Black people, has increased so significantly, since 2014?

12. Research conducted by Waddington *et al.* questioned the use of comparing residential population in statistics, as they argued that “different sections of the population may use public spaces differently” (Waddington *et al.*, 2004, p.890).

Question - What is your opinion on this?

Training

13. What is your opinion on the training given to the police regarding stop and search and equality and diversity issues?

14. **(asked to police interviewees)** How do supervisors in your force ensure that their officers are filling out recording forms appropriately and that they comprehend their powers of stop and search and the codes of practice governing PACE properly?

15. Front-line police officers have “*low visibility [which] stems in part from the practical exigencies of police work, which is necessarily conducted largely out on the streets, beyond the gaze of supervisors*” (Reiner, 2016a, p.133).

Question - What additional policies and training do you believe should be implemented for front-line police officers?

16. What is your opinion regarding any abuse of the stop and search powers and how such abuse should be dealt with.? Please provide reasons for your answer.

Best Use of Stop and Search Scheme

17. What training do you provide for officers regarding the Best Use of Stop and Search Scheme? (Home Office, 2014a).

18. What is your opinion on the Community Complaints Trigger element of the scheme? (Home Office, 2014a).

19. Can you explain how your force has established the Community Complaints Trigger? And do you believe that all forces participating in the Scheme should be establishing common protocols for 'Community Complaints Triggers'?

20. It is stated that *"Forces participating in the Best Use of Stop and Search Scheme have local discretion to determine the most appropriate way to establish the 'Community Complaints Trigger'"* (Home Office, 2014a, p5).

Question: Do you believe that all forces participating in the Scheme should be establishing the same protocols for 'Community Complaints Triggers'?

21. Do you believe that Stop and Search Scrutiny Panels have increased public confidence, particularly by improving relations with ethnic minorities? If so, how?

22. **(Asked to PCCs/Police Trainers)** Have you ever attended a Stop and Search Scrutiny Panel Meeting? and are you aware of the issues that there are currently with stop and search in your force area?

23. Do you believe that mechanisms in the Best Use of Stop and Search Scheme (Home Office, 2014a), have increased public confidence, through increasing accountability and transparency?

Racism/Inequality

24. The Macpherson report defined institutional racism as

"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance,

thoughtlessness, and racist stereotyping which disadvantage minority ethnic people” (Macpherson, 1999, para 6.34).

Question - Do you believe that issues of racism is trilateral, including individual officer prejudices, organisational culture, and institutional practices?
Can you provide me with the reasons for your answer?

Accountability

25. What is your opinion on Body-Worn Videos? Do you believe that all officers should have one? And do you believe that they should be used to record all stops and searches?

26. Do you believe that Stop and Search Scrutiny Panels should have access to Body-Worn Videos of Stop and Search? Please provide a reason for your answer.

27. What is your opinion on the current structure of policing accountability?

28. What impact do you believe PCCs have had of the police accountability? and overall, do you believe that the introduction of PCCs and their policies has improved public confidence in policing, particularly by improving relations with ethnic minorities?

Appendix B – Interview Ethical Approval Confirmation Email

From: Robert Hudson
Sent: 17 November 2017 09:56
To: Worrell, Stephanie
cc: Helen Lord; Geoff Berry; Philip Hodgson;
Paul Elliott
Subject: Research Ethics

Dear Stephanie,

Thank you for re-submitting your ethics forms and other documents to the College Research Ethics Committee so swiftly. I am pleased to say that the amendments have been approved by Chair's Action and I wish you every success in your research project.

With best wishes,

Robert

Professor Robert Hudson PhD, M.Phil., BA Hons, PGCE, FRSA, SFHEA
Professor of European History
and Cultural Politics Visiting
Professor - University College
American Skopje Jean Monnet
Scholar

College of Arts, Humanities and Education
University of Derby
Kedleston Road
Derby
DE22 1GB
United Kingdom

Appendix C – Survey Questions

Participant Information

Please can you assign yourself a code, to preserve anonymity. Please take a note of this code, as should you wish to withdraw your answers to the survey (by the date provided on the information/debriefing form), you will need this code to withdraw your data from the research.

The code is:

Years of age/County of residence/first letter of the mother's name and the first letter of the middle name

An example is: 25MerseysideWS

1. Please enter your participant code -----
2. Are you? Male Female Non-binary Prefer not to say
3. What age range are you?
18-24 25-34 35-45 46-59 60+
4. How would you define your ethnic background?

Self-Defined ethnicity table provided by:

Home Office (2020) *Police Powers and Procedures, England and Wales, year ending 31 March 2020 – Second Edition*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935355/police-powers-procedures-mar20-hosb3120.pdf (Accessed: 21 March 2022).

SELF-DEFINED ETHNIC CLASSIFICATION CATEGORIES	Please Tick
White	
<ul style="list-style-type: none">English, Welsh, Scottish, Northern Irish or British	
<ul style="list-style-type: none">Irish	
<ul style="list-style-type: none">Gypsy or Irish Traveller	
<ul style="list-style-type: none">Any other White background	

Mixed or Multiple ethnic groups	
• White and Black Caribbean	
• White and Black African	
• White and Asian	
• Any other Mixed or Multiple ethnic background	
Asian or Asian British	
• Indian	
• Pakistani	
• Bangladeshi	
• Chinese	
• Any other Asian background	
Black, African, Caribbean or Black British	
• African	
• Caribbean	
• Any other Black, African or Caribbean background	
Other ethnic group	
• Arab	
• Any other ethnic group	
Prefer not to say	

Confidence

5. What would you indicate is the level of confidence you have, in policing accountability?

1. Very low 2. Low 3. Moderate 4. High 5. Very High

Please provide further information:

6. Has your level of confidence in policing accountability changed since 2020 (prior to Coronavirus lockdown periods)?

Yes No Not sure

Please provide reasoning for your answer:

7. Has your level of confidence in policing accountability been impacted, due to high profile instances of breaches of accountability displayed in the media?

Yes No Not sure

Please provide reasoning for your answer:

Police and Crime Commissioners - PCCs

PCCs were introduced under the Police Reform and Social Responsibility Act (2011) and the first elections for the role took place in November 2012. Prior to PCCs, Police Authorities that were established under the Police Act (1964), were responsible for improving local accountability in their local policing area.

8. Are you aware of what differences there are, with police forces working with a PCC and their offices, compared to the previous Police Authority?

Yes No Not sure

If yes, please provide further information:

9. Are you aware of any policies/strategies that the PCC of your local police force has instilled to increase policing accountability?

Yes No Not sure

If yes, please provide further information:

10. Are you aware of any policies that have been instilled by a PCC, which are aimed to improve public confidence in policing, particularly by improving relations with ethnic minorities?

Yes No Not sure

If so, can you explain these?

11. PCCs have *“the legal power and duty to set strategic direction and objectives; decid[e] the budget for the force and allocating assets/funds to the Chief Constable; scrutinise, support and challenge the overall performance of the force including against the [forces] priorities; holding the Chief Constable to account...and the functions of the persons under the direction and control of the Chief Constable; providing the local link between the police and communities”* (Police Protocol Order, 2011, section.17).

What is your opinion on the level of control granted to a PCC?

12. Do you believe that there is a disconnect between the policies and practices of PCCs and practices conducted by police officers on the streets? Please give reasons for your answer.

Yes No Not sure

Please provide further information:

Stop and Search

13. Can you explain what a stop and search is and are you aware of any specific stop and search powers officers have?

14. The statistics published in November 2021, for stop and searches up to the year ending 31 March 2021, shows that there were 695,009 stops and searches in England and Wales carried out. This is an increase of 24.29% “*compared with the previous year*” (559,201) (Home Office, 2021).

Question - Were you aware there has been an increase in the number of stop and searches conducted? And why do you believe there has been an increase in the number of stop and searches in the year between April 2020 to March 2021?

Disproportionality

15. Do you perceive there to be higher proportion of persons from ethnic minority backgrounds, being stopped and searched by police officers in England and Wales?

Yes No Not sure

Please provide reasons for your answer:

Training

16. Do you perceive that police officers in England and Wales, are given sufficient training regarding stop and search and equality/diversity issues?

Yes No Not sure

Please provide further information:

17. What additional accountability measures, including policies and training do you believe should be implemented for frontline police officers?

Please provide further information:

18. What is your opinion regarding any breaches of the stop and search legislation/policies by police officers and how such incidences should be dealt with?

19. Best Use of Stop and Search Scheme/Stop and Search Scrutiny Panels/Body Worn Video

The Best Use of Stop and Search Scheme (Home Office, 2014, p.2) was introduced *“to achieve greater transparency, community involvement in the use of stop and search powers”*.

As a result of the introduction of the Best Use of Stop and Search Scheme (Home Office, 2014), there are now Stop and Search Scrutiny Panels for police forces in England and Wales, which have been established to scrutinise stop and searches by the member of the communities that the police force(s) serves.

	No		Not sure			Yes	
	1	2	3	4	5	6	7
1. Have you ever heard of the Best Use of Stop and Search Scheme?							
2. Have you ever heard of a Stop and Search Scrutiny Panel Meeting?							
3. Have you ever attended a Stop and Search Scrutiny Panel Meeting?							
4. Do you believe that Stop and Search Scrutiny Panels have increased public confidence, particularly by improving relations with ethnic minorities?							
5. Do you believe that Stop and Search Scrutiny Panels should have access to officers' Body Worn Video footage, of stop and searches that have been conducted?							

Please provide any additional comments for the above questions:

Accountability/Public Confidence

20. What impact do you believe PCCs have had of the police accountability?

1. Very low 2. Low 3. Moderate 4. High 5. Very High

21. Do you believe that the introduction of PCCs has improved public confidence in policing?

Yes No Not sure

Please provide further information:

Appendix D – Survey Ethics Approval.

Kedleston Road, Derby
DE22 1GB, UK
T: +44 01332 591060
E: researchoffice@derby.ac.uk
Sponsor License No: QGN14R294

Dear Stephanie

ETH2122-3619 (Tuesday, May 31, 2022)

Thank you for submitting your application to the College of Business, Law, and Social Sciences Research Ethics Committee, which has now been reviewed and considered.

The outcome of your application is: approved.

Feedback on your application is available here.

If any changes to the study described in the application are necessary, you must notify the Committee and may be required to make a resubmission of the application.

On behalf of the Committee, we wish you the best of luck with your study.

Yours sincerely

Elina Spitieri

Additional ethics approval:

Thursday, July 14, 2022,
Ethics application ETH2122-3619

From the ethics perspective - happy for you to carry on the current ethics clearance as the survey instruments and the research approach does not change. The change is just the platform for survey design and launch.

Best wishes,

Polina

Dr Polina Baranova

Senior Lecturer in Strategic Management

Programme Leader Doctor of Business Administration

Chair of the College Research Ethics Committee

Appendix E – Creation of Modern Police service.

The force commanders were two Commissioners, a military veteran and a lawyer, were responsible for the daily control of officers, who were allocated and appointed by the then Home Secretary (Emsley, 2009; Reiner, 2010). Additionally, a Receiver was appointed to control financial aspects (Emsley, 2009). However, the introduction of the first 'professional' police force faced opposition from members of society, as wealthier members of society voiced concerns regarding paying for officers who were not under their direct control, as watchmen had been (Emsley 2009). Poorer members of society feared that it would amount to undermining liberties and civil society (Emsley, 2009; Reiner, 2010).

Nevertheless, the Metropolitan Police Act (1829) created the first British police force, the MPS. However, the County and Borough Authorities did not have the opportunity to establish their own police force, until the Municipal Corporations Act (MCA) (1835). It proposed that the new policing model be spread across the counties and boroughs (Hart, 1955; Reiner, 2010). Some areas of the country, such as Birmingham and Liverpool, already had a strong police force (Godfrey *et al.*, 2008), many boroughs and counties choose to increase their existing resources of nightwatchmen and parish constables, instead of implementing the reformed policing model at that time (Hart, 1956). The Rural Constabulary Act 1839 enabled police forces to be created in counties across England (Emsley, 1996). By the mid-1950s, only two thirds of the fifty-four provincial counties were in England at that time had created constabularies (Emsley, 1996). Counties did have other policing methods, such as utilising the Lighting and Watching Act (1833), to create patrols or enhance their provision of parish constables (Emsley, 2010). Introduction of fee earning superintending constables, were created utilising the Parish Constables Act (1842).

The next legislation was The County and Borough Police Act (1856), which required local councils in counties to establish a police force and a separate local Watch Committee of elected councillors (Emsley, 2008). Although, the Government was unable to gain sufficient support by all counties, as local authorities hung onto their

powers (Emsley, 2008; Taylor, 1997). CCs were created for every force, and they were required to be appointed by County Magistrates, then confirmed by the Home Secretary, which added further layers of bureaucratic control (Emsley, 2008; Taylor, 1997). The Act established a system of supervision nationally, through the creation of Inspectors of Constabulary (Emsley, 2008). There were three Inspectors at the time and teams of Inspectors would visit/ inspect forces, then produce reports annually on the efficiency of each force (Emsley, 2008). The Government introduced financial incentives through a grant provided by the Treasury, which was given to local authorities (Emsley, 2008). These grants were linked to the efficiency of the forces, such as contributing to police wages and clothing, if the force was judged as being efficient by the Inspectors (Emsley, 2008). Therefore, further increasing the bureaucratic control, finance was provided centrally (Emsley, 2008).

The next set of enhancements were made by the MCA (1835), which established Watch Committees (Emsley, 2008, Jones *et al.*, 1994). There were criticisms that this resulted in few changes and that that “the watch simply became the paid police” (Emsley, 1983, p.68). Further to the MCA (1835), the County Police Act (1839) provided further accountability mechanisms in which ‘Justices of the Peace’ were given the power to appoint CCs, who held office and dismissal of the chief officer could only be granted at Quarter or General Sessions (Newburn, 2003). The Rural Constabulary Act (1839) enabled County Magistrates to decide whether to establish a force for the area or not. Additionally, it provided powers to decide the number of policemen, of which a ratio which had to be no higher than one policeman per 1000 population (Reiner, 1985). However, not all counties took advantage of the provisions under the legislation “and even where they did, this did not usually signal a drastic change in either style, personnel or intrusiveness of policing” (Reiner, 2000, p.62). At the time there was a vast amount of public opposition towards policing (Storch, 1975) and there were concerns regarding recruitment of constables, some of which were deemed to have been recruited from what was then classed as the lower end of society. Additional concerns were regarding policing becoming more like the military (Emsley, 2010). Reiner (1985, p.25) suggests that the drive for police reform was “the maintenance of order required by the capitalist class” and that opposition towards policing came from:

“the emerging ‘respectable’ working-class strata, [who] saw control of ‘the most dissolute and abandoned’ habits of the rougher elements as not only an immediate menace in everyday life, but a threat to the political and social advance of the whole class” (Reiner, 1985, p.41).

Further amendments to legislation in future years changed provisions regarding the type of officers recruited and the powers conferred to the Watch Committees (Reiner, 1985).

Legislation which offered further accountability mechanisms were provisions within the MCA (1882, section 191(1)) This legislation provided Watch Committees with further powers to appoint borough constables, as well as the power to dismiss officers who were deemed to have committed misconduct, in addition to creating regulations for managing town police forces (MCA, 1882, section 191(3) – 191(5)). At the time, Watch Committees had control over their own forces and the Home Secretary had control of the Metropolis (London) (MCA, 1882). The Home Secretary was required to be provided with quarterly reports by Watch Committees (MCA, 1882, section 192). Two or more appointed Justices were given the power to appoint Special Constables, who had the power to act, if the police force was “insufficient at the date of the warrant to maintain the peace of the borough” (MCA, 1882, section 196(4)). The legislation did not enhance accountability sufficiently, as there was a lack of standards and accountability mechanisms for police constables. Under the MCA (1882, section 193), police constables were provided with a wide array of discretionary powers.

In England and Wales, police officers when using their powers, ‘police by consent’, referring to the nine principles of policing, which are attributed to Sir Robert Peel (Emsley, 2014). There has been debate regarding whether they were written in 1829 and whether Peel was the author (see Emsley, 2014) (Appendix E provides the nine ‘policing by consent’ principles). The nine ‘policing by consent’ principles emphasise that public co-operation and good relations are key (Home Office, 2012a). Therefore, indicating that policing should be ‘by consent’ (Emsley, 2014; Reiner, 2010). However, there were instances of police misconduct/malpractice, yet no

rules/guidance were given to officers regarding questioning/dealing with suspected persons until 1912, when the four 'Judges Rules' were devised (Emsley, 2014). Then "in 1918, they prepared another five rules and in 1930, issued a statement clearing points of ambiguity in the nine rules they had made" (St. Johnston, 1966, p.85). Nevertheless, if an officer were to breach any of the rules, it could result in evidence in cases being judged inadmissible and officers could face disciplinary action (Royal Commission on Police Powers and Procedure - RCPPP, 1929). The RCPPP (1929) commented that it was considered that instances of police misconduct were uncommon at that time. Furthermore, there were concerns over differing interpretations of the Judges Rules and commonly neither of the two accountability measures were applied (Wood, 2010).

Regarding increased accountability, the Home Office and the then Her Majesty's Inspectorate of Constabulary (HMIC) which is now called His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) (HMICFRS, 2017) began to make changes to the organisational model of policing, overseeing policing activities for all forces. The Police (Expenses) Act (1874) was enacted, to increase the powers that were given to the Exchequer, to grant forces either a quarter or half of their expenditure (HMIC, 2006). The Local Government Act (1888) created the pattern for administration for policing, which was considered as standing until the enactment of the Police Act (1964; Reiner, 1985). The Local Government Act (1888) brought about the county councils and standing joint committees, which were made up of one third local Magistrates and two thirds elected councillors becoming a police authorities for county forces (Newburn, 2003; Reiner, 1985). Regarding the Watch Committees, Reiner (1985, p.29) indicated that at the time, police control was at the hands of "local elites in the counties (through Magistracy) and in boroughs (... Watch Committee[s])". However, by "the 1870s, [CCs] in both counties and boroughs began to assert and exercise a greater measure of professional independence" (Reiner, 1985, p.46). A number of disputes between CCs and the Watch Committees were highly publicised, which concerned whether a CC was able to act independently to enforce the law, rather than complying with their Watch Committees' judgements during this period, up to the beginning of the First World War (Brogden, 1982; Spencer, 1985).

The next period of change was the beginning of the First World War, when police numbers were reduced and there were growing discontent over conditions and pay, leading to the creation of the Police Union in 1913 (Klein, 2002). A dispute arose over whether the Union and membership of the Union was legitimate (Klein, 2002). Officers disputes were not dealt with by the Watch Committees, this then led to “the organisation of the National Union of Police and Prison Officers (NUPPO)” (Klein, 2002, p.5) being created, and led to police strikes in 1918 and 1919 (HMIC 2006; Klein, 2002; Lustgarten, 1986; Reiner, 1985). It became apparent that CCs were obtaining further control over operational matters, as the Home Office took overall control and liaised with CCs directly, instead of with police authorities (Emsley, 1997). Emsley (1997) suggests that this was due to the national concerns of industrial action being taken by officers and the effect this would have on the police forces.

In 1930, the judgement in the case of *Fisher v Oldham* (1930, 2 KB 364), undermined the local committees further (see operational independence section – Chapter 2). The judgement was to become an important spring point, which further highlighted the restrictions that police committees faced, when trying to increase accountability in “police operational decisions” (Emsley, 2010, p.78; 1996, p.163-4; Lustgarten 1986). The autonomy accorded to police officers was highlighted, amid claims that the powers given and used were not subject to adequate accountability measures (Emsley, 2010). MoPs had raised concerns regarding a “succession of scandals during the 1920s” (Emsley, 2010, p.78) were depicted in the media (Reiner, 2010). However, there was a famous scandal known as the Hyde Park case, which was “in 1928, [involving] the arrest of a leading economics expert, Sir Leo Chiozza Money, for indecency with a young woman [Irene Savidge] in Hyde Park” (Emsley, 2010, p.78). The charges of ‘public indecency’ were dropped “by a magistrate, ... The ... arrest had ... raised anxieties about excessive policing... Savidge’s accusations regarding her interrogation... caused a wave of outrage” (Wood, 2010, p.477). Due to the level of public outrage (Emsley, 2010; Wood, 2010), the Government ordered an inquiry into police powers, which was the Royal Commission on Police Powers and Procedures (RCPPP) (1929).

Criticisms were made on the level of impact that the RCPMP (1929) report had, such as it “was being disingenuous when it rejected out of hand the claim of some of its witnesses that the police frequently abused their powers” (Laybourn and Taylor, 2011, p.3). Additionally, that the Commissioners that led the inquiry had a particular ‘mind-set’ and were clear in their denial of the evidence that was presented to them regarding police brutality and the abuse of policing powers that had been committed by officers (Laybourn and Taylor, 2011). Therefore, leading to the suggestion that these inquiries led to no real impact of improving accountability in police practices (Wood, 2013). This is despite the scandals drawing attention from the media, who publicised these and informed MoPs, which then undermined public confidence (Wood, 2013).

Furthermore, the RCPMP report (1929, p.15, para 38) indicated that the Watch Committees concerns were “mainly...matters of policy and finance and interfere[d] little, if at all, with the executive or technical control of the Force”. Additionally, the report (RCPMP, 1929) discussed the disciplinary authorities which had the responsibility of ensuring that the Code was administered against officers who had committed breaches. It suggested that the Watch Committees “often...delegates its powers in a greater or lesser degree to the [CC]” (RCPMP, 1929, p.108, para 285). Thereby, disregarding the previous extent to which the Watch Committees had instituted controls and democratic accountability mechanisms over their police forces and showing the lack of control mechanisms that the Watch Committees then utilised. By 1930, the ‘direction and control’ that the Watch Committees had, was limited by the ‘doctrine of operational independence’, which was “developed in the late 1920s, crystallized by the 1930 judgment” (*Fisher v Oldham Corporation*, 1930, 2 KB 364; Reiner and O’Connor, 2015, p.47) (see operational independence section, Chapter 2).

Between the periods of 1930 - 1950s, there were increasing tensions not only between Watch Committees and the CCs (Brodgen *et al.*, 1988). An example is the sacking of the CC in Nottingham by the Watch Committees, who was then reappointed by the Home Secretary (Brodgen *et al.*, 1988). Additionally, there were

increasing tensions between the public and the police and further widespread controversies including the 1958 race riots in Nottingham and Notting Hill (Antonopoulos, 2003; Hall, 1999; Reiner, 2010; Rowe, 2004). The Home Secretary then announced a further Royal Commission to “review the constitutional position of the police” (Reiner, 1985, p.49). The Police Act (1964) was enacted as a method of creating a system of policing accountability, in response to the recommendations stated in the Royal Commission Interim Report (Royal Commission on the Police, 1960) and the Royal Commission Final Report (Royal Commission on the Police, 1962).

(See Chapter 2 for further discussion of the Police Act 1964)

Appendix F – Macpherson (1999) recommendations – S&S

In relation to S&S, these were recommendations 60-63, which state:

“60. That the powers ... under current legislation ... should remain unchanged.

61. That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision not just the... [PACE]. Non-statutory or ... "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.

62. That these records should be monitored and analysed by Police Services and police authorities and reviewed by HMIC on inspections. The information and analysis should be published.

63. That police authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of " [S&S]" provisions and the right to receive a record in all circumstances” (Macpherson, 1999, p.381, Chapter Forty-seven).

Appendix G – PPO (2011)

Section 17 – Legal Powers of PCCs

“has the legal power and duty to—

- (a) set the strategic direction and objectives of the force through the Police and Crime Plan... which must have regard to the Strategic Policing Requirement set by the Home Secretary;
- (b) scrutinise, support, and challenge the overall performance of the force including against the priorities agreed within the Plan;
- (c) hold the [CC] to account for the performance of the force’s officers and staff;
- (d) decide the budget, allocating assets and funds to the [CC]; and set the precept for the force area;
- (e) appoint the [CC] (except in London where the appointment is made by the Queen on the recommendation of the Home Secretary);
- (f) remove the [CC] subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a);
- (g) maintain an efficient and effective police force for the police area;
- (h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the [CC] (where this relates to the functions of the police force, then it must be with the agreement of the [CC]);
- (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- (j) hold the [CC] to account for the exercise of the functions of the office of [CC] and the functions of the persons under the direction and control of the [CC];
- (k) publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and [CC];

- (l) comply with all reasonable formal requests from the Panel to attend their meetings;
- (m) prepare and issue an annual report to the Panel on the PCCs delivery against the objectives set within the Plan;
- (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the [CC]" (PPO, 2011, section. 17).

Section 33 – ‘direction and control

“The direction and control of a [CC] will include—

- (a) the ability to issue a warrant to an attested officer with which that officer may exercise their police powers;
- (b) decisions in relation to the appointment and dismissal of officers and staff;
- (c) decisions concerning the configuration and organisation of policing resources (or) the decision whether, or whether not, to deploy police officers and staff;
- (d) total discretion to investigate or require an investigation into crimes and individuals as he or she sees fit;
- (e) decisions taken with the purpose of balancing competing operational needs within the framework of priorities and objectives set by the PCC;
- (f) operational decisions to reallocate resource to meet immediate demand; and
- (g) the allocation of officers’ specific duties and responsibilities within the force area to meet the strategic objectives set by the PCC” (PPO, 2011, section 33 (a)-(g)).

Appendix H – Nine ‘policing by consent’ principles

Table 21 Nine ‘policing by consent’ principles
<i>1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.</i>
<i>2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions, and behaviour and on their ability to secure and maintain public respect.</i>
<i>3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.</i>
<i>4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.</i>
<i>5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.</i>
<i>6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.</i>

7. *To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public, and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.*

8. *To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.*

9. *To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.*

(Home Office, 2012a)

Appendix I – Lawful Stop and Search

In order for a S&S to be deemed as a 'lawful' S&S, certain criteria need to be met and “failure to meet these standards will result in the unlawful use of their S&S powers” and there is additional guidance in the form of standards which have been set, that “officers should follow” (Parliament. House of Commons, 2020b, p.11).

These standards are that:

- The S&S must be conducted within a reasonable time period and take “no longer than is reasonable” (Parliament. House of Commons, 2020b, p.11).
- S&Ss must be conducted “with dignity and respect ... [Officers] are required to consider a person’s vulnerabilities before conducting a search and exercise their search powers accordingly” (College of Policing APP, 2020b, section 2.3.1; Parliament. House of Commons, 2020b, p.11).
- Officers “should make every effort to be polite even when those they are searching appear confrontational” (Parliament. House of Commons, 2020b, p.11).

Additionally, officers must provide the person who is being stopped and search with a series of specific information, which are:

- Officers “are required to tell them their name (except where officers reasonably believe that giving their name might put them in danger), their police station, the object they are trying to find and the legal basis of the search (including the reason for an authorised pre-condition search) (Parliament. House of Commons, 2020b, p.11).
- Officers must inform those they are searching of their rights to a copy of the search record” (PACE, 1984, section 2; Home Office, 2015b, para 3.8).
- Plain clothes officers must take reasonable steps to show those they are searching their warrant card” (Parliament. House of Commons, 2020b, p.11).

As a method to support officers to remember the information that they must provide and are given guidance to provide, an acronym has been devised, which is provided below:

Figure 4: GOWISELY (College of Policing, 2020b)

G	A clear explanation of the officer's grounds for suspicion, eg, info/intel or specific behaviour of person.
O	A clear explanation of the object and purpose of the search in terms of the article being searched for.
W	Warrant card, if not in uniform or if requested.
I	Identity of the officer(s): name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number.
S	Station to which the officer is attached.
E	Entitlement to a copy of the search record within 3 months.
L	Legal power used.
Y	You are detained for the purposes of a search.

All persons stopped and searched must be informed at the outset that they are 'being detained for the purposes of a search' so as to activate section 117 PACE (1984) power to use reasonable force. The physical act of searching a person is a use of force even if it does not involve any element of restraint or physical compulsion, and the issue when assessing reasonableness is the degree of force used.

PACE (1984, section 117) allows officers to use reasonable force to carry out a S&S if necessary, their starting point should always be to seek cooperation from the person. Officers should only consider it necessary to escalate to a forcible search where the person resists or makes it clear they are unwilling to cooperate.

Additional legal obligations are placed on officers, regarding recording the S&S, where officers are required to make a record of the search (PACE, 1984, section 3). Specific information is a requirement, in which the officer “must state; the self-defined ethnicity of the person searched; the date, time and place of the search; the object that was being searched for; the legal basis of the search (including details of a relevant pre-condition search authorisation); and whether the search resulted in an arrest” (Parliament. House of Commons, 2020, p.11; Home Office, 2015b, para. 4.3).

For additional information, please see the College of Policing S&S APP, available here: <https://www.app.college.police.uk/app-content/stop-and-search/?s=>

PACE Code A: <https://www.gov.uk/government/publications/pace-code-a-2015>

Appendix J – Standards of Professional Behaviour

“1. Honesty and integrity I will be honest and act with integrity at all times and will not compromise or abuse my position.

2. Authority, respect and courtesy I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. I will use my powers and authority lawfully and proportionately and will respect the rights of all individuals.

3. Equality and diversity I will act with fairness and impartiality. I will not discriminate unlawfully or unfairly.

4. Use of force I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate, and reasonable in all the circumstances.

5. Orders and instructions I will, as a police officer, give and carry out lawful orders only, and will abide by Police Regulations.

6. Duties and responsibilities I will be diligent in the exercise of my duties and responsibilities.

7. Confidentiality I will treat information with respect, and access or disclose it only in the proper course of my duties.

8. Fitness for work I will ensure, when on duty or at work, that I am fit to carry out my responsibilities.

9. Conduct I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.

10. Challenging and reporting improper behaviour I will report, challenge, or take action against the conduct of colleagues which has fallen below the standards of professional behaviour” (College of Policing, 2014, p.4; Police (Conduct) Regulations, 2020, Schedule 2).

Appendix K - Self-Defined Ethnic Classifications Categories

As part of the recording procedures for S&S, there is a section regarding the suspects' self-defined ethnicity, see Table below (Home Office, 2015, p.27).

Table 22 SELF-DEFINED ETHNIC CLASSIFICATION CATEGORIES
White W
A. White –British W1
B. White – Irish W2
C. Any other White background W9
Mixed M
D. White and Black Caribbean M1
E. White and Black African M2
F. White and Asian M3
G. Any other Mixed Background M9
Asian/Asian – British A*
H. Asian – Indian A1
I. Asian – Pakistani A2
J. Asian – Bangladeshi A3
K. Any other Asian background A9
Black/Black – British B
L. Black – Caribbean B1
M. Black African B2
N. Any other Black background B9
Other O
O. Chinese 01*
P. Any other 09
Not Stated NS

However, in 2019/20, the Home Office decided to group Asian/Asian British and Chinese into one classification category, which then alter the ability to make comparisons to previous years data for Asian/Asian British S&S statistics (Home Office, 2020b, p.15), see table below:

Table 23 NEW SELF-DEFINED ETHNIC CLASSIFICATION CATEGORIES

White

- | |
|---|
| <ul style="list-style-type: none"> English, Welsh, Scottish, Northern Irish or British |
| <ul style="list-style-type: none"> Irish |
| <ul style="list-style-type: none"> Gypsy or Irish Traveller |
| <ul style="list-style-type: none"> Any other White background |

Mixed or Multiple ethnic groups
--

- | |
|---|
| <ul style="list-style-type: none"> White and Black Caribbean |
| <ul style="list-style-type: none"> White and Black African |
| <ul style="list-style-type: none"> White and Asian |
| <ul style="list-style-type: none"> Any other Mixed or Multiple ethnic background |

Asian or Asian British

- | |
|--|
| <ul style="list-style-type: none"> Indian |
| <ul style="list-style-type: none"> Pakistani |
| <ul style="list-style-type: none"> Bangladeshi |
| <ul style="list-style-type: none"> Chinese |
| <ul style="list-style-type: none"> Any other Asian background |

Black, African, Caribbean, or Black British
--

- | |
|---|
| <ul style="list-style-type: none"> African |
| <ul style="list-style-type: none"> Caribbean |
| <ul style="list-style-type: none"> Any other Black, African, or Caribbean background |

Other ethnic group

- | |
|--|
| <ul style="list-style-type: none"> Arab |
| <ul style="list-style-type: none"> Any other ethnic group |

Appendix L– PCP – Further details on the responsibilities of the PCPs, under the PPO (2011)

"This includes—

- (a) the power of veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the level of the PCCs proposed precept;*
- (b) the power of veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the PCCs proposed candidate for [CC];*
- (c) the power to ask ...("HMIC") for a professional view when the PCC intends to dismiss a [CC];*
- (d) the power to review the draft Plan and make recommendations to the PCC who must have regard to them;*
- (e) the power to review the PCCs Annual Report and make reports and recommendations at a public meeting, which the PCC must attend;*
- (f) the power to require relevant reports and information in the PCCs possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;*
- (g) the power to require the PCC to attend the Panel to answer questions;*
- (h) the power (outside the Metropolitan Police District) to appoint an acting ... [PCC] where the incumbent PCC is incapacitated, resigns, or is disqualified; and*
- (i) responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the IPCC in line with legislation" (PPO, 2011, section 24).*

Appendix M – Police Complaints

The definition of a police complaint under the Police and Crime Act, 2017 is:

“any expression of dissatisfaction with a police force which is expressed (whether in writing or otherwise) by or on behalf of a [MOP]...is a complaint...where it relates to conduct of a person serving with the police,...in any other case, only if the person in question has been adversely affected by the matter...an expression of dissatisfaction that relates to conduct of a person serving with the police, [where] the person is—a person who claims to be the person in relation to whom the conduct took place; [or] a person ... who claims to have been adversely affected by the conduct; or a person who claims to have witnessed the conduct” (Police and Crime Act, 2017, section 14 (1)-(2c)).

The Act included an array of measures which were created in order to: “improve the efficiency and effectiveness of police forces... enhance the democratic accountability of police forces ... build public confidence in policing” (Home Office, 2017b).

Criticisms have been made of mechanisms under the PCA (2017), including by Murphy *et al.* (2017), who indicated that the Act added further complexity in policing accountability regarding how complaints are dealt with. Additionally, the changes made to disciplinary proceedings, where officers are disciplined for any misconduct, they may have committed during practice (Murphy *et al.*, 2017).

Previously, complaints against police force forces were dealt with by the Police Complaints Board, which was created in 1977 (Glass, 2012). The reason that the Police Complaints Board (PCB) was established was due to political agenda at the time, although it was suggested to be “the most token of political responses it was given virtually no powers, it could just scrutinise a police report” (Glass, 2012, p2). However, soon after the PCB was created in 1977, the Brixton Riots of 1981 occurred (Hall, 1999; Bourne, 2001; Glass, 2012). The Police Complaints Authority was established in 1985 (Glass, 2012). However, the powers provided to the Police Complaints Authority were only slightly expanded to include providing supervision to investigations (Glass, 2012). Glass (2012, p.2) suggests this was “a fine example of the government of the day paying lip service to the need for independent oversight

without giving the body charged with the responsibility the tools to do the job” (Glass, 2012, p.2). Therefore, indicating that the powers provided were insufficient in being able to independently assess complaints against police officers/forces.

Complaints against officers and forces were further scrutinised during the Macpherson (1999) inquiry. As a result of the recommendations provided in the Macpherson (1999) report, in 2004 the Police Complaints Authority was replaced by the IPCC (Glass, 2012). Glass stated that this was:

“the first time in the history of England and Wales actually has the power to investigate cases involving the police. Our investigators have and use police powers when carrying out criminal investigations – to arrest and search, even to use intrusive surveillance” (Glass, 2012, p.2).

The IPCC (2016) indicated that they took into account the Human Rights Act (1998), when investigating complaints made against police officers. PCCs were introduced as part of the PRSRA (2011). The enactment of PPO 2011 created a mechanism in which the PCPs have “responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the IPCC in line with legislation” (PPO, 2011, section 24 (a)). Although, a PCC can only be suspended by a PCP, if a PCC has been “charged...with an offence...which carries a maximum term of imprisonment exceeding two years” (PRSRA, 2011, section 30 (1) (a-b)), which limits the power that PCPs have to suspend a PCC.

Further changes to the complaints system were made in January 2018, when the IPCC was replaced by the Independent Office for Police Conduct (IOPC) (Police Conduct, 2018), under the PCA (2017, section 33). The reform provided the IOPC with further powers, were revealed by the then Home Secretary, Theresa May (Home Office, 2018c). The powers include:

“initiate its own investigations without relying on a force to record and refer a particular case for investigation; reopen cases it has closed where there are compelling reasons, such as new evidence; increase the IOPC’s independence from the police by abolishing ‘managed’ and ‘supervised’ investigations; investigate all disciplinary investigations against chief officers; present cases against officers in the police disciplinary process when the force disagrees with the IOPC’s findings” (Home Office, 2018c)

More information about the IOPC, can be found on their website:

<https://www.policeconduct.gov.uk/>

Appendix N - Policing and Crime Act – PCA 2017

The Policing and Crime Bill (2016) which became the Police and Crime Act (2017), was introduced in order provide the public with further mechanisms to hold forces to account. Revisions incorporated into the PCA (2017) included mechanisms to “increase the accountability and transparency of the Police Federation for England and Wales by extending its core purpose to cover the public interest” (Gov.uk, 2017, para 8). Additionally, powers under the Act enable PCCs to apply to become responsible for the “fire and rescue authority for that area” (PCA, 2017, section 6). This has led to criticisms regarding the time that PCCs would be able devote to policing would be reduced, in order to discharge their functions for Fire and Rescue Commissioner as well (Murphy *et al.*, 2017). Under the Act, strengthening of the powers regarding complaints were given to the IPCC, in which the IPCC was replaced by the Independent Office for Police Conduct (IOPC) under the PCA (2017, section 33). The IPCC became the IOPC in January 2018 (Police Conduct, 2018).