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# Promoting Ethical Policing: Summary findings of research on new misconduct procedures and police corruption

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# Promoting Ethical Policing

## Introduction

The changing context of policing in recent years has given renewed prominence to the ethics of the police service. It has highlighted how critical it is for police officers to act fairly, professionally, and with honesty and integrity, and has signalled its importance in securing public confidence in the police.

Legislative developments have been central in renewing ethical policing. Recent changes have, for example, provided new avenues for the public to challenge unethical activities. The Human Rights Act 1998 has placed responsibility on all public bodies to ensure that their actions are compatible with the European Convention on Human Rights. Actions judged by the courts not to be compatible could, therefore, be unlawful. The implications are potentially significant, given the scope of the police to infringe the freedoms and rights of individuals. Also, the Independent Police Complaints Commission (IPCC), being set up under the Police Reform Act, will introduce a different approach to investigating complaints. With greater independence for more serious cases, the IPCC aims primarily to improve public confidence in the system and increase the openness of, and access to, the complaints process.

A number of high profile cases of police corruption have also brought ethical policing to prominence. While such cases have the potential to damage the reputation of the police service, less serious, but much more common, lapses in integrity also impact negatively on service delivery and public perceptions. An inspection into police integrity has highlighted poor officer behaviour (e.g. rudeness, arrogance and discriminatory comments) as the issue causing most public concern (HMIC, 1999).

The 2000 British Crime Survey found that 20% of adults interviewed recall being “really annoyed” with the police; the main reasons being because the police had been rude, unfriendly, or had behaved unreasonably (Sims and Myhill, 2001). These issues are, therefore, at the heart of both ethical policing and police-community relations.

In response, the Home Office Research, Development and Statistics Directorate (RDS) developed a programme of research on ethical policing. Parts 1 and 2 of this Briefing Note provide detailed summaries of two reports in the research programme:

- *An Evaluation of the New Police Misconduct Procedures* (Quinton, 2003); and
- *Police Corruption in England and Wales: An assessment of contemporary evidence* (Miller, 2003).

The reports look at different aspects of ethical policing. The first looks how new procedures have affected the way unethical activity is dealt with, whilst the second maps the nature of contemporary corruption (as a form of unethical activity) and identifies lessons for addressing it. However, common themes do emerge. The links between the reports are discussed further in Part 3, which aims to draw together the main conclusions from the programme (to date).

## 1. An evaluation of the new police misconduct procedures

After the Home Affairs Committee raised concerns about the police disciplinary process, the Home Secretary introduced new misconduct procedures in 1999. The main reforms were:

- a reduction in the standard of proof at hearings (from ‘beyond reasonable doubt’ to the ‘balance of probabilities’);
- the introduction of tribunal panels to preside over hearings (as opposed to a single chief officer);
- new fast-track procedures for cases with clear evidence of serious misconduct;
- a Code of Conduct setting out positive standards of behaviour expected from police officers;
- written warnings for dealing with less serious incidents of police misconduct; and
- separate procedures for dealing with poor performance outside the disciplinary process.

The reforms sought to improve the effectiveness of the disciplinary process. Their aim was also to raise police standards and help secure confidence in the process, but without having a negative affect

on police practice and officer morale. The study aims to evaluate the impact of the new misconduct procedures. It draws on data collected in eight police forces during the first two years of the new procedures being in operation<sup>1</sup> and includes:

- police monitoring statistics;
- disciplinary case files;
- interviews with 29 Complaints and Discipline (C&D) department staff; and
- individual and group interviews with 106 operational police officers.<sup>2</sup>

### Impact on the disciplinary process

Overall, the evidence did not suggest that the reforms had prompted, during the first two years, any significant changes in the disciplinary process:

- **Perceived effectiveness** – The view amongst C&D staff that the new procedures had little impact in practical terms was widespread. The procedures were seen to be effective, but no more so than the old procedures. They reported that implementation was relatively smooth, although raised concerns about ‘lead-in’ time and the level of officer training.
- **Investigations** – In the sample forces, numbers of investigations did not increase significantly after the reforms; investigations decreased and increased, in the metropolitan and non-metropolitan forces respectively, in line with longer-term trends. C&D staff reported that the number of cases had remained at “broadly similar” levels.
- **Charges** – Provisional case file analysis indicated that, perhaps contrary to expectations, the average number of charges per officer in each case had declined slightly; from 2.1 under the old procedures to 1.7 under the new misconduct procedures. About one-third of those interviewed reported no change in the number of charges.
- **Case outcomes** – Provisional analysis showed that hearings did not increase, as might have been expected. Indeed, their number was not as high as in the years preceding the reforms. Early evidence also indicated that case results had not changed significantly. These early findings may change in the longer-term as pending cases are concluded.
- **Written warnings** – The use of warnings increased substantially in sample forces (from 174 to 254 after their introduction). C&D staff saw warnings as one of the most significant reforms; about two-thirds viewed them positively. However, some were concerned that their use, at a local level, was patchy and inconsistent.
- **Timescales** – Provisional analysis showed a statistical reduction in the time taken to conclude cases. However, C&D staff were generally negative about the impact of the new procedures on reducing delays. The broad statistical finding should be treated with caution, and it should be noted that the size of the change may not affect individual cases.

### Impact on C&D departments

The research looked at the impact of the procedures from the perspective of C&D staff:

- **Investigation process** – A majority of those interviewed reported that the new procedures had not greatly changed the investigation process. They did not see the lower standard of proof as having much impact; the same level and type of evidence would be gathered. However, a small number questioned whether it had been implemented fully.
- **Code of Conduct** – Views amongst C&D staff about the Code of Conduct were mixed. They saw its introduction as making the process of charging officers more involved and detailed. A significant proportion added that charging was now more difficult because the principles in the

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<sup>1</sup> 1999/00 and 2000/01

<sup>2</sup> Carried out by BMRB Qualitative.

code were imprecise and open to interpretation. C&D staff did not always perceive the introduction of the Code of Conduct as a significant change, and some viewed it positively.

- **Hearings** – There was no prevailing view amongst C&D staff about how the lower standard of proof had affected hearings; whereas a significant proportion said a ‘sliding scale’ was in use (i.e. the standard increasing with a case’s seriousness), a small number reported that it had no impact. C&D staff viewed tribunal panels positively. In general, they were seen to be effective and fair, to draw on more ‘grounded’ experiences of policing, and encouraged leadership amongst panel members.

## Impact on operational officers

To assess the wider impact of the reforms, the research examined the perceptions and experiences of operational police officers:

- **Officer knowledge** – Overall, operational officers were aware that new procedures had been introduced, although their knowledge of specific changes was limited to the lower standard of proof. Training was generally seen to be limited.
- **Views on the disciplinary process** – Officers generally viewed the new procedures in negative terms. For example:
  - they were seen as a way of dismissing officers rather than a tool for reducing misconduct;
  - officers were insecure about, and distrustful of, the investigation process;
  - the lower standard of proof was seen to be unfair, making officers feel more vulnerable; and
  - perceived timescales, and communication, were highlighted as the cause of much resentment.
- **Defining police misconduct** – Operational officers were uncertain about how the new Code of Conduct defined misconduct; the old Discipline Code was seen to be clearer and more specific. However, operational officers had developed their own working definitions of misconduct because of the lack of a clear framework. Rather than being fixed and precise, these tended to consist of examples of behaviour considered by officers to be unacceptable.
- **Officer practice and morale** – Officers did not see the new procedures as having affected the perceived ‘risks’ associated with policing (e.g. receiving complaints). They were not in the forefront of officers’ minds and not reported to have affected officers’ decision-making, practice or morale. Officers said they were more cautious with their language and in public encounters, but that this was prompted by broader factors (e.g. police culture, integrity tests, negative public and media attitudes) rather than the new procedures. Officers also linked morale to other factors (e.g. staffing, and public and media views), which were seen to have a cumulative effect.

## Conclusions and recommendations

Overall, the research shows that, during the first two years of implementation, the new procedures have had relatively limited impact.

The Home Office should:

- clarify the guidance and attempt to resolve practical problems with the Code of Conduct.
- extend communication with, and between, forces to encourage best practice and consistency;
- monitor the use and impact of the procedures on an ongoing basis;
- identify good practice and ways of improving the effectiveness of the current framework; and
- provide extensive implementation support to assist the delivery of future reforms.

C&D departments should:

- use the new procedures as part of a more proactive approach towards misconduct based on problem-solving;

- ensure poor performance problems are not dealt with under the new misconduct procedures;
- monitor investigative and hearing decisions, and written warnings, to ensure consistency;
- develop, with partners, strategies to teach officers about ethical standards and misconduct ‘risks’;
- encourage local supervision to identify, monitor and challenge problems of officer conduct;
- build on existing reporting mechanisms; and
- continue to secure police and public confidence in the disciplinary process (e.g. reducing delays, and demonstrating openness and fairness).

## 2. Police corruption in England and Wales: an assessment of current evidence

In the late 1990s, a number of scandals placed the issue of police corruption in the spotlight. Yet, such scandals are far from unique. The history of British policing has included many high profile examples of serious malpractice, including the concealment of serious crimes, bribery, and the fabrication and planting of evidence (see Newburn, 1999). This research assesses current evidence on police corruption<sup>3</sup> in England and Wales and considers approaches for forces to tackle the problem.

Research visits were made to Professional Standards Units (PSUs) in eight forces and the National Crime Squad.<sup>4</sup> PSUs, which are a recent development in British policing<sup>5</sup>, proactively cultivate and analyse information or ‘intelligence’ on unethical police activity from a range of sources (e.g. police colleagues, informants, the public, other agencies, audits, surveillance) and mount formal investigations into the suspects identified. The research principally involved interviews with PSU staff and analysis of some supplementary statistics. It should be noted that the evidence presented here is likely to represent a partial and still emerging picture of corruption.

### Contemporary police corruption

#### *General features of corruption*

It is difficult to assess the extent of corruption using PSU intelligence, partly because it is unlikely to provide a full picture of the problem. Also, some people will be identified as potential corruption ‘suspects’ as a result of misleading information. A direct measure of police corruption is not therefore possible. However, intelligence over a one year period from some forces involved in the study indicated that between about half and one per cent of police staff (both officers and civilians) were potentially (though not necessarily) corrupt.

The intelligence picture across forces covers a range of corrupt activities, including police staff:

- leaking information to those outside the force (an activity dominating the intelligence picture);
- using their power to obtain money or sexual favours from members of the public (e.g. prostitutes);
- conspiring with criminals in committing crimes;
- carrying out thefts during raids; and
- using their position within the organisation to undermine proceedings against criminals.

PSU intelligence also identifies other police criminality and misconduct across forces (e.g. dealing and using drugs, fraud, theft, domestic violence, and spurious claims of illness to get sick-leave). Those involved in corruption include support staff as well as police officers, and can be found across ranks.

#### *Organisation*

PSUs revealed that contemporary corruption can be divided into two main forms:

- **Individual corruption** – This, apparently more common form of corruption, involves members of police staff engaged in corrupt activities more or less in isolation from colleagues. It is found across a range of forces types (whether large or small, urban or rural) and staff types (i.e.

<sup>3</sup> Corruption is taken to involve a direct abuse of position and/or relationship of implicit or explicit exchange with others – it does not encompass other forms of police criminality or misconduct.

<sup>4</sup> Between November 2000 and May 2001

<sup>5</sup> Across the forces examined, these had been established for periods ranging between six months and four years.

detectives, uniformed officers or support staff). This form of corruption is dominated by the leaking of police information, with corrupt contacts often originating in social networks outside work.

- **Internally-networked corruption** – This appears to be less common. While there are occasional examples from across a range of policing environments, current intelligence suggests it is relatively rare outside of London. It is closest to a traditional image of corruption and typically involves detectives in CID departments or specialist squads, operating together. It often involves corrupt relationships between detectives and their informants, and has been associated with a range of different corrupt activities.

### *Information compromise*

According to PSU intelligence, information compromise represents the single most common type of corrupt activity. It can involve information from a range of police sources, including databases, files or documents, and word-of-mouth. Forms of compromise include obtaining information for personal purposes, passing information to friends and associates, leaks to the media, and deliberate leaks to criminals.

Leaked information can find its way to criminals even where this is not deliberately intended. In some cases, it is passed to associates, such as relatives, friends, social acquaintances or even ex-police colleagues, who, in turn, pass this information on to criminals. These types of arrangements apparently allow some criminals to network their way indirectly into police circles to obtain police information.

PSU staff gave examples of where information compromise had apparently had adverse implications for the police and public. They included the failure of police operations and ability of criminals to evade detection. In some instances, this appeared to involve waste of significant resources.

### **Origins of corruption**

The research finds strong evidence that corruption has its roots in both work and non-work contexts:

#### *Work factors*

- **Professional attitudes/behaviour** – While no factors reliably predicted corruption, there were examples of police staff who:
  - had histories of complaints against them;
  - appeared demoralised with the job; and
  - by contrast, displayed apparently high-levels of performance.
- **Opportunities for corruption** – These included easy access to information, inadequate supervision, relationships with informants, other relationships formed with criminals, and the specific targeting of police staff by organised crime.
- **Organisational culture/values** – These included poor security awareness, an emphasis on high-performance, and protection of corrupt staff by police colleagues.

#### *Non-work factors*

- **Domestic/personal problems** – Problems with relationships, alcohol or drugs, or finance could provide a backdrop to involvement in corruption. However, this was not always the case.
- **Social networks with criminals** – Whether connections with criminals were direct or indirect, these networks are an important basis for corruption. This could involve longstanding relationships (e.g. old friends or relatives) or acquaintances made in leisure environments, such as gyms, pubs and clubs. Again, these networks can provide a basis for the targeting of police staff by organised crime.

## Investigation

PSU staff saw the investigation of corruption as different from conventional investigations. In part this was because achieving convictions of police officers appeared particularly difficult. Early lessons for corruption investigations include:

- **Alternatives to conviction** – While convictions of police staff are clearly desirable, the successful use of discipline procedures or ‘disruption’ tactics can, in some cases, be achieved more realistically and with fewer resources (potentially allowing PSUs to deal with more corruption).
- **Strategic decision-making** – This should take into account a range of factors (e.g. organisational risks, public risks, requirements for justice, prospects of success, and resource implications).

## Prevention

In addition to proactive investigation, existing literature and the findings of this research suggest that forces should be doing the following to prevent corruption. These have been taken up by some forces involved in this research. These approaches include:

- promoting an ethical police culture, through leadership, which educates all staff about work and non-work risks of corruption;
- strengthening management and supervision, particularly in high-risk areas;
- improvements in recruitment and postings (e.g. vetting and staff rotation);
- improving information security (e.g. physical security and a ‘need to know’ culture);
- monitoring and auditing of data on integrity issues;
- a range of policies for improving accountability; and
- the proactive investigation of corruption.

The key challenge that follows from this research is to apply and develop the existing range of interventions to effectively target contemporary corruption. Specifically, strategies should:

- target all types of staff;
- give particular priority to information security;
- target both work and non-work factors;
- ideally involve forces centrally monitoring their ‘ethical health’ using a variety of indicators; and
- include arrangements for inter-agency co-operation around corruption prevention.

The effectiveness of PSUs and other prevention measures should also be reviewed in the longer-term, with a view to identifying best practice.

## 3. Promoting ethical policing

Although the two research reports focus on very different aspects of ethical policing, both highlight the need for police misconduct and corruption to be dealt with in a multi-faceted way, but one which is also pragmatic and responsive to practical considerations (see also Newburn 1999). The approach flags up four inter-related principles:

- **Problem-solving** – The research highlights the importance to the development of targeted responses, at central and local levels, of detailed analysis which identifies the extent and nature of conduct problems. It shows clearly, for example, that analysis of police intelligence is valuable in mapping the key features of police corruption. Similarly, the research outlines a promising approach towards misconduct, from Merseyside Police, based on data analysis and problem-solving. The approach, which resulted in a significant reduction in recorded complaints, used central monitoring of complaints data to identify underlying problems.

- **Monitoring and accountability** – The effectiveness of problem-solving is likely to rest on having in place systems and policies for monitoring and accountability. The research identifies that these should include strengthened supervision and auditing particularly in ‘high-risk’ areas of police work. The disciplinary process is an important part of this, as a necessary and final ‘safeguard’, but is itself likely to be more effective when linked to monitoring and accountability (e.g. overseeing warnings, and giving investigating officers responsibility for specific police areas). Following-up identified problems is also key. The Merseyside strategy included a referral scheme which flagged, for further investigation, officers with three complaints against them in 12 months.
- **Proactivity** – Disciplinary procedures, because they are directed towards recorded incidents, are essentially a reactive tool for dealing with misconduct. Whilst procedures are clearly important, proactive methods are likely to be more effective at addressing wider casual factors and on-going problems. The research outlines various methods aimed at, for example, preventing and reducing police corruption (e.g. strengthened management and supervision, and improved systems for recruitment and postings). These methods focus on identifying and managing emerging problems, and limiting their impact, rather than dealing with individual cases in isolation.
- **Organisational culture** – A key issue emerging from the research is the need for unethical police cultures to be challenged at an organisational level. It identifies that measures supporting the development of ethical cultures are important in corruption prevention. In particular, education is central. The research shows that, amongst operational officers, knowledge of the new procedures and how misconduct is defined was limited. The development of educational strategies may, therefore, be a significant way of supporting officers. In Merseyside, for example, key messages were delivered to officers on integrity, including practical advice on how to minimise complaints from the public.

Overall, the research emphasises that a range of methods should be used within a strategic response towards ethical policing.<sup>6</sup> Formal criminal and disciplinary processes have an important role in such a strategy. However, the approach needs to focus on identifying, reducing, and preventing problems (and their wider causes). It should also aim to minimise the impact of breakdowns in police integrity.

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<sup>6</sup> Including methods which seek to monitor and improve police practice more generally (e.g. supervision, training, and recruitment).

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