

Policing in the New Dynamic Environment

Thomas P Winsor, Her Majesty's Chief Inspector of Constabulary

29 April 2013

1. Good morning, ladies and gentlemen. Thank you for your attention at this, my first major public speech since my appointment as Her Majesty's Chief Inspector of Constabulary.

2. I have been in office for almost seven months, and in that time HMIC has been very active in carrying out its programme of inspections, inherited from my distinguished predecessor Sir Denis O'Connor, whose exemplary record of achievement and public service over many years deserves the highest praise and public acknowledgement. In addition to the inspection programme, we have received and carried out commissions from the Home Secretary. HMIC also makes assessments and reports in relation to other matters concerning policing which are excluded from publication on national security grounds.

3. I have not made any material public statements in these seven months, until today, because I thought it wise to spend the time meeting as many people in and involved in policing as I could, and listening. I have been travelling the country, meeting chief officer teams and frontline police officers and police staff on their home territories, and police and crime commissioners, learning of their plans, the difficulties and pressures that police officers and staff are facing, and the obstacles and frustrations which beset them. I have also engaged with the judiciary, the legal profession, Ministers and officials, the senior members of the other criminal justice inspectorates (CPS, prisons and probation), academics, think tanks, the private sector who provide – or wish to provide – services to the police, the national law enforcement agencies and others. And now I think it is time for me to explain my approach to this job, and how HMIC may be expected to operate in the new policing landscape.

4. The maintenance of peace, order and security is one of the oldest functions of civil society. The prevention of crime and the successful, timely and efficient apprehension and conviction of criminals, their humane treatment and effective rehabilitation, are amongst the highest obligations of the state, in discharge of its duty to protect citizens and their property. The police and their partner law enforcement agencies, including the Serious Organised Crime Agency and the security services, together with the armed forces, are the most important instruments by which this objective is attained. In the internal affairs of the state, the lack of efficient and effective policing -- visible and otherwise -- would deny public safety. The police are therefore one of the most essential of our public services. It follows that the resources of the police, and the uses to which they are put, are of the

CHECK AGAINST DELIVERY

highest importance. Those resources are, predominantly, the service's human capital. In most police forces in England and Wales, more than 80% of expenditure is on people. It is therefore of the greatest importance that, especially at a time of considerable national financial restraint, the police service operates at the highest attainable standards of efficiency and effectiveness.

5. The policing landscape in England and Wales is already very different to how it was a few years ago, and it is destined to continue to change in the next few years.

6. The most significant single change is the creation of police and crime commissioners, taking the place of police authorities, as the principal local mechanism of accountability of the police to the public they serve. This is a very significant alteration in the substance and dynamics of this essential relationship. (I will say more about police and crime commissioners in a few minutes.)

7. The National Policing Improvement Agency has been wound up and the College of Policing will soon have its legislative birthright, buttressed by a Royal Charter. It has a very considerable workload, with very high service, political and public expectations. It too is a significant change to policing on a national as well as a local scale.

8. The National Crime Agency is also soon to have its legitimacy, and the Serious Organised Crime Agency is working hard to ensure the transition from SOCA to the NCA is as smooth as possible.

9. Collaborations between police forces will need to intensify to secure economies of scale if the policing front line is to be protected as we enter the next spending review period. Forces and police and crime commissioners will, as a matter of necessity, need to find new ways of exploiting opportunities to save money whilst maintaining operational integrity and increasing effectiveness.

10. The provision of services to police forces by private sector organisations, and agencies and organisations in the public sector (such as fire, health and local authorities), is likely to increase markedly, as efficiencies and economies have to be found. That development is likely to have the greatest success for both partners if these joint ventures are well-designed at the outset, and made sufficiently flexible and adaptable to deal with changed circumstances as the contract period progresses.

11. Advances in information and communication technology continue materially to change and enlarge the capacity of offenders to engage in crime at all levels, from street crime to cyber crime, from petty crime to organised crime and terrorism.

12. Fourteen new chief constables have very recently been appointed according to a process in which HMIC has played no part.

CHECK AGAINST DELIVERY

13. There are reforms to pay and conditions of service, some already implemented and some still to come. Of these, the most significant are the move away from time-service pay to skills-based pay, direct entry at higher ranks, proposals for compulsory severance, and the decision of the Government to set up a police remuneration review body to take the place of the Police Negotiating Board and the Police Arbitration Tribunal.

14. HMIC has changed too. Its independence from ministers has been increased in some critical respects; it now reports direct to Parliament, not to Ministers. Its role in chief constable appointments has been abolished. It will not inspect police and crime commissioners in the way it inspected police authorities. And the Chief Inspector of Constabulary is, for the first time, someone who has never served as a police officer. Indeed, it is now the case that the majority of the five Inspectors of Constabulary have professional backgrounds outside policing.

15. None of these changes is in itself trivial. Collectively, they amount to perhaps the greatest amount of reform which the police service has undergone in many decades.

16. The present financial conditions of the nation are acute, and substantially all parts of the economy - the public and private sectors - must make savings. Many of these reforms have been devised or designed in that light, to facilitate the improvement in the efficiency and effectiveness of the police, to ensure that the safety of the public is not compromised.

17. Policing today has developed significantly from the occupation that Peel envisaged at the beginning of the 19th century. The sophistication, intelligence and resources of some who are engaged in crime, the malignancy of their motives and methods, and the technology available to all citizens, mean that the profession of policing will continue to require people of the highest integrity, intelligence and skill. The needs of the police service for such qualities are intensified by the weight of the modern criminal law, and the demands and expectations of the public and other agencies of the state.

18. The qualities required to be a good police officer are many. They include personal bravery, intelligence, physical fitness, maturity, sound judgment, the ability to assess a situation and to deal with people, self-control, integrity, honesty, compassion, courtesy, perseverance and patience. Policing is not a job; it is a vocation, and a noble one.

19. The culture of the police has many great strengths. It is a culture of determination, courage, hard work and achievement, of facing any challenge or danger and confronting it in full measure. There is a considerable degree of goodwill in the police, in making sacrifices - personal and otherwise - to protect the public, deter crime, disrupt criminal networks, apprehend criminals and so make communities safer. There are many rewards in policing; indeed I believe it may be

CHECK AGAINST DELIVERY

one of the occupations with the highest potential for job satisfaction of any. Not only is the variety of work in policing exciting and stimulating, but most people can only imagine the reward of securing the conviction of a person who has committed a crime of a serious nature, or of someone who presents a great threat to children, or a person has made life almost unbearable for the members of the community. And so must be the knowledge that the threat of a catastrophic nature has been averted, and those who present the greatest danger to innocent people have been taken out of society. These are not satisfactions which are available in most other kinds of work.

20. The greatest asset of the police service is its people - police officers and police staff. Those assets should be nurtured and developed with skill and sensitivity in order to release their greatest potential. In too many respects, officers and staff suffer frustration and must work around inefficiency and unnecessary bureaucracy, antiquated and malfunctioning systems and practices which belong to a past age, blunting their ability to serve the public which the very great majority are eager and determined to do.

21. And police officers and police staff have a very great deal of which to be proud. Too often their successes go unnoticed, or are not fully and properly understood or appreciated. I wonder if the citizens of the UK, and the citizens of the world, fully appreciate the enormous skill and professional dedication, expertise and sheer hard work which was the policing of the 2012 Olympic and Paralympic Games, which was exemplary. And it must also be recognised that much of policing is invisible, and yet provides safety and security to millions of citizens. The threats from serious organised crime, and in the fields of child sexual abuse and exploitation, and in working with other agencies to deal with repeat anti-social behaviour, are but three of the areas where the public has little appreciation or knowledge of just what the police and other law enforcement professionals do, and how well they do it.

22. It is also the case that the police do not just deal with crime; they have a material role to play in public reassurance and public safety; things which do not appear in the statistics.

23. The police service is almost certainly unique in investing in its lowest-ranking people the greatest amount of its executive power. In 1960, the Royal Commission on the Police stated that the individual responsibility of the police officer is more onerous than any delegated or assumed by any comparable profession or occupation. That remains the case. Some material aspects of policing are unique; police officers have the power to take away the liberty of the citizen, to use force and to subject him to search and detention. Police officers, in civil society, represent both the majesty and the threat of the state. They have a monopoly on the coercive power of the state. Unlike the military, police officers are in intimate daily contact with both

CHECK AGAINST DELIVERY

the people they are sworn to protect, and the people who would violate the rights of other citizens.

24. It is therefore essential that the infrastructure around the constable is designed and attuned to his and her needs, so that they may discharge with the greatest efficiency and effectiveness the onerous duties which society has placed upon their shoulders.

25. It is often said that the British model of policing is the best in the world. That is because it is. In the United Kingdom, we have a precious system of policing by consent. There are 132,000 full-time police officers, 19,000 special constables and a further 80,000 police staff, responsible for the safety and preservation of order in a population in England and Wales of 51 million. It is not a militaristic model, where the police are the coercive arm of the executive government. It is fundamentally different. It is a civilian police service; police officers are civilians in uniform, possessing and discharging powers given to them freely by the consent of the communities which they serve. Police officers are not employees; they are Crown servants, accountable to the law and not to the political leadership of the country. A police officer has a discretion in relation to the use of his powers, and no police officer can be ordered to make an arrest. In establishing the principles of policing in 1829, Home Secretary Sir Robert Peel said that the ability of the police to perform their duties is dependent upon the public approval of police actions, and the police must secure the willing co-operation of the public in voluntary observation of the law. He said that the police seek and preserve public favour not by catering to public opinion, but by constantly demonstrating absolute impartial service to the law. He said that the police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police. In that, he drew upon the historic tradition and obligation of every member of the community to suppress crime and detect and apprehend offenders. Those obligations come from the centuries long before we had police officers, where every citizen had to answer the call of hue and cry, and citizens took it in turn to keep watch at night for the safety of their communities.

26. These principles are as valid and applicable today as they were 184 years ago, and they should never be forgotten. It is in that respect, fundamental as it is, that it is necessary, not only desirable, that citizens should rediscover and discharge their common obligations to co-operate with the police and one another, in the prevention and detection of crime. That requires the police having the trust and confidence of the communities which they serve, so that people will give them information and assistance which can be used to keep the whole community safe.

27. We should never forget that the primary purpose of the police is the prevention of crime and disorder, and as Sir Robert Peel said, the test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it. Virtually all of the costs of the criminal justice system are

CHECK AGAINST DELIVERY

incurred downstream of the commission of an offence. Prevention is far better than cure in policing and criminal justice. It is therefore extremely important that the first obligation of the police, in preventing crime, is given the attention and resources required. In that respect, crime prevention is likely to be a major part of HMIC's inspection programme for 2013-14.

28. It should also be acknowledged that crime prevention is not the sole obligation of the police; as I have said, it is the obligation of every citizen. And that includes the other agencies and emanations of communities and the state. Parents and families, as well as schools and other educational institutions, must instil in children a strong appreciation of right and wrong, and the reality, instincts and inclinations, motivations and means, to behave as responsible, law-abiding citizens, and not to be drawn into disorder, crime or the circumstances which create and intensify the conditions in which crime is the easiest and most attractive option. Prevention is also an obligation of health professionals, particularly in the field of mental health where undiagnosed or untreated illness can, as we know, lead to the commission of serious violent crime. And the other parts of the criminal justice system, namely the Crown Prosecution Service, the judiciary, the prison service and probation, have material parts to play in ensuring that offenders are prosecuted, receive appropriate sentences which meet the combined purposes of punishment, public protection and rehabilitation, and that the probabilities of reoffending are kept to the irreducible minimum.

29. The criminal justice system should operate as a single system, with properly designed and efficiently operating interfaces. In too many respects, this is still not the case. And the quality of interaction and cooperation between the wider public and protective services, including social services, health and education, needs to be improved, with each service fully and properly discharging its responsibilities rather than abdicating duty in favour of the one public service which will never say no. In this and so many other respects, police and crime commissioners have a very significant part to play.

30. If the police are to maintain and intensify the essential levels of public support which I have described, it is necessary also that, consistent with the single and overriding principle that entry into and advancement within the police service should be entirely according to merit, every effort is made to ensure that the people who join the police service come from the widest possible pool of talent in society, including the communities which are under-represented in so many other fields of public and private activity. The degree of public acceptance of the use of police powers, and the extent to which communities will support the police in the ways I have described, is, to a material extent, a function of the trust and confidence of communities, and whether the police officer in that community resembles the inhabitants of that community. And therefore, consistent with the principle of merit I have described, the police should significantly intensify the steps they are taking to inform and encourage

CHECK AGAINST DELIVERY

members of the parts of communities who are not proportionately represented in the police, about the attractions of a police career.

31. In addition, it is essential that the criminal justice system never forgets that when an offence has been committed, a victim has been created. There are hardly any victimless crimes, and psychological injury can be just as severe as physical harm. The destruction of the fragile confidence of a citizen in his or her safety in the home or community can be severe, life-changing and long-lasting. It is important that the police, and the other agencies of the criminal justice system, discharge their obligations of compassionate and sensitive engagement in communication with the victims of crime, to rebuild their trust and faith in their safety and security, and the common obligations of their fellow citizens to use their strength to help those with a deficit in it, particularly at times of vulnerability and crisis. In very many respects, the police do this extremely well.

32. I mentioned earlier the nature and extent of the reforms which have taken place, and are continuing to take place, in the policing landscape. Some of these reforms concern the creation of new institutions and other policing bodies, and the enhancement or alteration of the jurisdictions of existing ones. In this respect, it should be recognised that the core jurisdiction of HMIC is unchanged. The Inspectors of Constabulary were established under the County and Borough Police Act 1856 to inspect and report upon the efficiency and effectiveness of police forces. That remains precisely the case in relation to HMIC's current jurisdiction; it has never changed. It is true that the role of the inspectorate in relation to the appointment of Chief Constables has been abolished; we play no formal role in chief officer appointments for Home Office forces. That is the will of Parliament, and it would be improper, not to say unlawful, for the inspectorate to engage in any action which would circumvent that democratic decision. We will not do so.

33. The independence of the inspectorate has been increased insofar as it now reports directly to Parliament and not to ministers. The work which the inspectorate does is a function of its inspection programme, which requires the approval of the Home Secretary, and the commissions which it receives from the Home Secretary and police and crime commissioners. They are the institutions and entities which have democratic accountability for the police. However, by virtue of the Police Reform and Social Responsibility Act 2011, it is also provided that every year the Chief Inspector of Constabulary must make a report to the Home Secretary, to be laid before Parliament, containing an assessment of the efficiency and effectiveness of policing in England and Wales for the year in question.

34. The independence of the inspectorate is a function of two material things. First, there are in HMIC's statutory remit no criteria or considerations of a political nature in the work which it does. Second, the statutory scheme confers no right on a minister or police and crime commissioner to control the judgment of the inspectorate or the contents of any report. The inspectorate will carry out its

CHECK AGAINST DELIVERY

functions strictly in accordance with its statutory remit, accountable to the rule of law, including of course the rules of administrative law in relation to the legality, rationality, proportionality and procedural fairness of its actions, and subject to the constraints, checks and balances provided for in the legislative scheme.

35. We take very seriously our duty to explain, and the right of every citizen to fair treatment at the hands of a public authority.

36. It is essential, of course, that the inspectorate establishes sound and efficient working relationships with other actors in the policing landscape, including the new College of Policing and the Independent Police Complaints Commission. In those respects, in particular, we will establish concordats, which will be published.

37. Policing is a safety-critical, asset-intensive, monopoly essential public service. In these essential respects, in principle it is not different from other public services which share these characteristics. All such services need to have a sound understanding of the condition, capacity, capability, serviceability, performance and security of supply of their assets. In policing, the assets in question are, predominantly, the most complex kind of asset of all, namely people. It is also important to recognise that, in the case of policing, an appreciable proportion of the environment in which those assets are required to operate is hostile and determined to frustrate their purpose. The police deal with dishonesty on an industrial scale, and also with human frailty and weakness. Given all that, it is especially important that police officers are nurtured, protected and developed with sensitivity, skill and efficiency, so as to realise their greatest potential, which is in their selfless commitment and dedication to public service.

38. The quality with which these things are done are central to the purpose and objectives of the inspectorate.

39. It is important also to recognise there are material differences between an inspectorate and a regulator. HMIC is an inspectorate, not a regulator. Regulators have the power of direction, to order things to be done or not to be done, to issue, amend, enforce and withdraw licences to operate, to determine investment and operational programmes, and, in some cases, to allocate public funds. An inspectorate has a different kind of power - a softer power - and it is the power of its voice and the authority with which it speaks. It is for others, principally Chief Constables, the Home Secretary and police and crime commissioners, to act upon the reports of the inspectorate. As I have said, Parliament has invested in the Home Secretary and police and crime commissioners the right and the obligation to hold Chief Constables democratically to account.

40. The professionalism and objectivity, and the expert nature of the work of the inspectorate, are central to its authority. HMIC staff have a wealth of relevant knowledge and experience, including secondees from police forces with a considerable range and depth of specialist operating police experience. I have

CHECK AGAINST DELIVERY

explained the accountability of the inspectorate to Parliament, and the implied obligation to facilitate the expressed will of Parliament in altering the dynamics and substance of the democratic accountability of the police. In that respect, the relationship of the inspectorate with police and crime commissioners needs also to be properly understood. Police and crime commissioners, creatures of statute, have been constituted as stakeholders of very considerable importance to the inspectorate. Just as intelligence is the oxygen of policing, so is information the lifeblood of accountability. In relation to the efficiency and effectiveness of policing, that accountability needs to be informed by expert professional judgment, arrived at according to objective and publicly promulgated apolitical criteria. The inspectorate assesses policing from the public's point of view, adhering closely to its statutory remit. Just as the inspectorate does not inspect the efficiency and effectiveness of police and crime commissioners, nor is it the executive arm of any police and crime commissioner. It is neither close to nor distant from any particular class of stakeholder in policing or beyond. Where HMIC finds that external factors have impeded the ability of the Chief Constable to deliver efficient and effective policing in the public interest, we will say so. On some – perhaps rare – occasions, that may extend to the decisions of the police and crime commissioner in question. The inspectorate's closeness is only to the public interest, as determined under the authority of Parliament. This was my approach as an economic regulator, and it is my approach in this role; as far as I am concerned, it could not be otherwise.

41. The inspectorate has established very good working relationships with police and crime commissioners, and intends to improve and deepen them further.

42. The inspectorate's proposed inspection programme for 2013/14 is presently out for public consultation. It closes on 7 May 2013. It sets out the work which HMIC proposes to do, and includes inspections in relation to:

- (a) preventive policing, examining how police forces prevent crime rather than react to it, and how well officers are trained in preventive techniques;
- (b) police attendance – an examination of how efficiently and effectively the police respond to calls for help from the public, including response times, the quality of police interactions with the public and how efficiently the police are deployed;
- (c) police leadership and culture, including as to how well the police have responded to HMIC's recent work on integrity;
- (d) child sexual abuse and sexual exploitation; and
- (e) freeing up police time – what else can be done to reduce bureaucratic burdens on police officers, and how efficiency and working practices can be improved through better use of modern technology.

CHECK AGAINST DELIVERY

43. As we all know, very great advances have been made in the field of information and communication technology in recent years, to the point where the technology of only three or four years ago appears almost ancient. We also all know that the roots of policing are almost exclusively local, stemming from the mediaeval obligations of the citizen to pursue and apprehend offenders. Police forces were founded in villages, towns and cities, with no national plan, since none, at that time, was necessary. In the mid-19th century, the means of communication, particularly transport, between communities were primitive. Things are very different now, of course, with the capacity and efficiency of transport and communications at their highest ever levels. Over time, since the foundation of the Metropolitan police in 1829 and the county and borough police forces in the early and mid-19th-century, hundreds of small local police forces have been amalgamated until we reached the 43 in England and Wales today.

44. Because of local roots, local accountability and local autonomy, police forces have in the recent past specified and acquired technology separately or in collaboration with a few - but usually very few - others. Things are changing in this respect, but in places it is slow and patchy. In a world where multiple operational interfaces perpetuate - and may even intensify - complexity and lack of interoperability, it is essential that these difficulties – which are abundantly apparent – are kept to the irreducible minimum. However big a force may be, it has neighbours, and offenders of course do not respect police force boundaries. Interoperability and the absolute minimum of interfaces are essential to efficiency and effectiveness, and it is my view that a police force which takes an isolationist view is not operating efficiently. This is not a universal attitude, of course, but it is a dangerous one. Through efficient and effective joint working and the sharing of intelligence at local and national level, the operational boundaries of policing should be dissolved to the greatest extent reasonably practicable, even though the democratic accountability boundaries are intact and secure.

45. Within England and Wales, there are 97 contiguous land boundaries between the 43 police forces. For example, the Metropolitan police has five land boundaries with neighbouring forces, as does Greater Manchester. West Mercia has eight land boundaries with neighbouring forces. When you add into the equation the operational relationships with forces more distant, the number of operational interfaces rises exponentially.

46. The citizens of this country need and deserve a seamlessly efficient and effective police service – what in other public services is called a network and the network effect. And in this respect, it is worth having regard to how other public services have been reorganised so as to preserve and protect the network effect when there are a multiplicity of interconnected and interdependent actors. When the safety-critical, essential public services of energy and transport were being restructured, it was necessary first to design and establish for each a network code, which specified common standards and operating procedures for things which had to

CHECK AGAINST DELIVERY

be consistent and work as one, so as to ensure quality and continuity of service to the public at a fair and affordable cost.

47. It is worthy of serious consideration whether the police service should, in matters such as information and communications technology, intelligence sharing and perhaps procurement, have regard to how some of these things were done in these other public service cases. The difference is of course that when these other public services were taking steps to protect network effects, they were starting from a single entity (or a very few), and creating their network codes before they were split up. In the case of the police, the issue is approached from the opposite end – we have 43 Home Office forces, and some national ones, which are already separate, and there is a need now to join them up in a coherent, efficient and effective single system which respects local accountability but acquires, maintains and develops all the benefits of a networked system. The principles are the same, and the techniques of other public services may well be adaptable in the case of the police.

48. In too many respects, the technology which officers have to work with is, in my view, quite far behind where it could be. On one recent force visit, I spent time - as I always try to do - with frontline officers, asking them what frustrates them, what gets in the way of their doing the job which they signed up to do. The frustrations come pouring out. The second-highest is usually technology and how primitive it is, how far behind it is when compared with what smartphones and other mobile devices can do. On one visit, a constable handed me the PDA device which he had been given two years ago, since when half of its functionality has been removed. I had not seen one of these in ten years. It was next to useless. This too must change. Police officers at the front line deserve much better. I therefore welcome the work which is being done at regional and national levels – led by the College of Policing – to extinguish these difficulties and obstacles to efficiency.

49. The police are taking this seriously, but the advances and improvements which have so far been made, particularly in relation to the Police National Database, need to be intensified and accelerated. HMIC is already examining how far police forces are alive to the capacity and capability of technology, and what they are doing with it; and if they are not exploiting it to the greatest extent reasonably practicable, we will be asking why not, and making judgments accordingly. That work will feed into the inspection programme for 2013/14.

50. In summary:

- (a) HMIC's focus is on the public interest, and we look at policing from the point of view of the public which it serves; that is our statutory remit, and we will honour it;
- (b) the prevention of crime is the primary purpose of policing, and that purpose should never be forgotten or diluted;

CHECK AGAINST DELIVERY

- (c) HMIC's independence, so recently enhanced by Parliament, is central to its objectivity, professionalism and the confidence with which its voice will be heard;
- (d) we take very seriously the duty to explain and the right of every citizen to be treated fairly;
- (e) our inspection programme is out to public consultation – which ends on 7 May 2013 – and covers areas such as preventive policing, police attendance, police leadership and culture and the improvement of the efficiency and working practices of the police, including through the use of improved technology; we wish to hear from the public whether these are the things we should be looking at in the current year; and
- (f) technology is one of the principal areas in which the efficiency of the police can be improved, and its current fragmented state must be improved markedly and urgently.

51. In short, it is the role of HMIC to examine, assess and report on all aspects of policing in terms of their efficiency and effectiveness. Through inspections professionally and fairly executed, we will use the powers given to us by Parliament to enable and facilitate the work of police forces in the prevention of crime and antisocial behaviour to the greatest extent reasonably practicable, and in disrupting, pursuing and apprehending offenders, so as to restore both the perception and the reality of the safety of citizens in their homes and their communities.

52. HMIC is about using its jurisdiction in the cause of improving policing. That is the measure of our success, and it is one to which I, my fellow Inspectors of Constabulary and everyone who works in HMIC, are privileged to be committed.