



The Office of Constable

The bedrock of modern day British policing



Foreword

by Jan Berry,
Chairman of the
Police Federation
of England and
Wales

The Office of Constable has evolved over the centuries and the ‘British Bobby’ is recognised across the world, but what is it that makes it so special, so endearing, so different?

There is, as this pamphlet seeks to set out, a legal status, being the holders of an Office, the coercive powers that come with that Office. There are also the high standards and restrictions placed on our professional and private lives.

But what is at its heart, and why does it remain a recognised and trusted brand leader around the world? Why does it conjure up feelings of safety and security, and why do the public want to see more ‘bobbies’? Why do those of us who hold this proud Office of Constable go forward into dangers when others go back?

The answer is simple; it’s about integrity, impartiality, and most importantly, political independence. It is the tie breaker, the ultimate check and balance in our democracy to protect against a tyrannical abuse of power.

The imposition of targets and the employment of non-sworn staff in operational policing roles are slowly eroding the Office of Constable. It is a proud and honourable Office and one which I have had the honour to hold for 35 years.

“Where is this Office

The above quotation is not made up. It was actually said by a Member of Parliament upon hearing the term the Office of Constable.

The Police Federation is always quick to raise the merits of the Office of Constable. But in view of the above quote, what does it mean to those outside the police service? Where does the Office of Constable originate from, and is it as important today as it was two centuries ago?

This pamphlet takes a look at the Office of Constable – what it is, what its values are, what it means for the police service today, and gives a summary history which shows how the Office of Constable is not only the bedrock of traditional policing but also the platform for any change required for modern day policing.

The independent Office of Constable operates within, and is accountable to, the rule of law. The rule of law is the principle that no one is above the law. Perhaps the most important application of the rule of law is the principle that government authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedural steps. The principle of the rule of law is intended to be a safeguard against arbitrary governance. The law must be accessible, intelligible, clear and predictable and must apply equally to all. It must also afford adequate protection of fundamental human rights. It is the independent and impartial holder of the Office of Constable who is tasked with upholding and enforcing the law.

Whilst the rule of law binds our society together, of equal importance is the

of Constable – is it in the Home Office?”

separation of power, which prevents over-concentration of power in any one institution. At one level this reflects the legislature, the executive, the judiciary. In the case of policing, politicians – democratically elected – make the laws, police officers enforce them, and the judiciary decides on the outcome post-charge. However, we are each independent and separately accountable. Operational independence is a guiding principle of policing.

Whilst this may be understood by some, the thirst and struggle for power needs to be balanced and controlled. During a Parliamentary debate on policing in July 2002, Nottingham North MP Graham Allen made the following observation: “Home Secretaries of all political colours will not only set targets, but will ensure that money is allocated to meeting them, so it is almost inevitable that chief constables and local police officers will have to pursue those targets. In that way there is interference, almost by stealth, in the operational objectives of local police forces.”

It was in the words of Lord Denning, in his judgement in the case of *R v. Metropolitan Police Commissioner ex parte Blackburn* in 1968, that the doctrine of police independence found its most expansive and most often quoted modern expression:

“I have no hesitation... in holding that, like every constable in the land, the Commissioner should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act 1964 the Secretary of State can call on him to give a report, or to retire in the interests of inefficiency.”

“I hold it to be the duty of the Commissioner of Police, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace.”

“He must decide whether or not suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought; but in all these things he is not the servant of anyone, save of the law itself.”

“No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone.”

(R v. Metropolitan Police Commissioner at 769)



Why now?

For the first time since 1919 police officers are talking of industrial action, and the Police Federation of England and Wales has recently held a poll of its membership on the important subject of industrial rights. What has become abundantly clear during that process is that many of the politicians and opinion formers who have a direct interest and influence on policing do not understand what the Office of Constable is, its history, meaning and purpose.

The police service is undoubtedly more accountable now than it ever has been, and

to that end, faces far greater public scrutiny than it has to date. No-one is suggesting that has a negative impact on policing, but there does seem to be a greater degree of accountability based on quantitative assessment (such as the satisfaction of national targets) rather than based on the quality of service provided. This is having a negative impact on the independent and impartial Office of Constable, as decisions which should be based on discretion and common sense are often now determined by targets for which officers are held accountable to achieve.

The Tripartite relationship

In England and Wales there exists a tripartite arrangement in policing, which provides checks and balances between the Home Office, police forces and police authorities. This means that no one part has complete and overall control and power over the others. The roles of each element of the tripartite arrangement are as follows:

1) The Home Secretary is answerable to Parliament and the public for the provision of an efficient and effective police service.

The Home Secretary sets out annual strategic policing priorities, and a statutory performance framework against which police performance will be measured and compared.

Assessments of Policing and Community Safety (APACS) is a performance assessment framework for policing and community safety. It is being developed by the Home

Office and its partners, including; the Association of Chief Police Officers, the Association of Police Authorities, Communities and Local Government, the Audit Commission, the Local Government Association and Her Majesty's Inspectorate of Constabulary.

2) Chief officers retain overall operational independence. The chief officer is responsible for the direction and control of the force, including civilian staff and delegated financial management.

3) Police authorities have a statutory duty to maintain an efficient and effective police force for the area and to hold the chief officer to account for the exercise of their functions and those of persons under their direction and control.

“ Constables use their discretion superbly, with compassion and commonsense. The office of constable can never – and must never – be just about targets. It is much more important than that and the British public knows it.

**David Ruffley MP,
Shadow Police
Minister**



Change, change and more change

Since the turn of the Millennium the policing structure, processes and workforce has experienced constant change on an unprecedented level. All of this change has been in a piecemeal way, without any overview of the long term impact it will have on the structure of the service, the resilience of police forces and the roles and purpose of police officers and police staff.

Whilst recognising the need for specialist police officers and police staff, the Office of Constable must be the bedrock of modern day policing. It provides the most flexibility and resilience to the police service. As well as the day to day policing required, you only have to look back at recent examples of flooding or terrorist attacks to see first hand how police officers have the skills and abilities to be used wherever and whenever required.

Worldwide the British police constable is a recognisable and respected figure, but has any government ever seriously examined why this is so? Taking it apart piece by piece through ill conceived reform risks destroying the value of, and deskilling, the Office of Constable by separating the component parts that make it work. The Office of Constable provides impartiality, stability and accountability in the legal and constitutional framework, as well as resilience and flexibility for frontline operational practical policing.

The demands upon policing are constantly changing. We didn't have drug squads until the government focus was tackling the growing drugs problem, or robbery squads until that became a core objective to focus on. By having multi-skilled police officers with a full range of powers, training, knowledge and experience, the service has



been able to respond appropriately to the needs of the day. Current workforce modernisation plans are creating a greater number of specialist non-sworn police staff in operational roles. This will limit the resilience and capability of the police service to be able to respond appropriately to the many unknown demands suddenly placed upon it, and reduce the opportunity for police officers to become proficient and gain experience.

“ The Office of Constable bestows upon an ordinary citizen an extraordinary range of powers. The impartial execution of these powers, free from political interference, is the cornerstone of the criminal justice system and the non-negotiable key to maintaining any civilised democracy. We change this at our peril.

**Clive Chamberlain, Chairman,
Dorset Police Federation**



Demands on the frontline

The number of 999 calls to the police service increases year on year. Whilst Police Community Support Officers (PCSOs) may have a role supporting their frontline police officer colleagues, this must not be at the expense of police officer numbers.

PCSOs are the most visible providers of the non-sworn operational functions. In the last year many Chief Officers have openly stated that they will be increasing PCSO numbers and not police officer numbers. This cannot be right and will weaken the protection the public can be afforded. The public too are clearly opposed to replacing constables with PCSOs, as they recognise this reduces flexibility and resilience. If money was not an issue then the additional resource would be welcome, but not when it replaces rather than compliments police officers on the street.

Greater numbers of PCSOs and falling numbers of constables will impact on the service frontline officers, whether that be uniform or CID, can provide. Research conducted by the Police Federation of England and Wales has clearly demonstrated that both frontline uniform officers and their CID colleagues are run ragged with increasing demands, many

generated by PCSOs who do not have the powers, training or equipment to deal with them. Both reports are available to read or download on the Police Federation website at www.polfed.org.

Police officers, as Office holders, are accountable for their actions or inactions 24/7 – they are involved in off duty interventions and arrests every day. They do not have the option of turning a blind eye, otherwise they may face criminal charges. They cannot refuse to work extra hours; they are the most flexible workforce the service could have. While it is right that police officers have increasingly needed specialist skills to deal effectively with changing demands, all require a basic foundation of skills they get as a constable upon which to build their specialist expertise, such as patrol, interview and statement taking. These are extremely valuable attributes that will be lost if workforce modernisation plans to reduce police officer numbers and roles continues.



Swearing allegiance to the Crown

In England and Wales those who decide to become police officers take an oath at the point of becoming a constable. The oath, or attestation, is set within the legislation of this country, and is as follows:

“I do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality,

upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.”

What is the Office of Constable?

Every sworn police officer in England and Wales is a 'Constable', irrespective of rank. It is from the Office of Constable that each officer derives their powers.

On appointment each police officer makes a declaration to "faithfully discharge the duties of the Office of Constable". In England and Wales, police officers swear an oath of allegiance to the monarch; this is to ensure the separation of power and political independence of the Office of Constable.

The Office of Constable means a police officer has the additional legal powers of arrest and control of the public given to him or her directly by a sworn oath and warrant.

These are not delegated powers simply because they have been employed as an officer. Police officers are not employees.

Each sworn constable is an independent legal official; they

are not agents of the police force, police authority or government. Each police officer has personal liability for their actions or inaction. The chief officer of the force to which the constable is attached also has a level of corporate responsibility.

Those who hold the Office of Constable are servants of the Crown, not employee. Police officers have access to most statutory employment rights afforded to employees, but it is a criminal offence for police officers to take industrial action.

“ A citizen appointed to police a given area with impartiality and without political persuasion. Fully accountable to the public they serve, which they police with their full consent and trust.
PC 360 Ingram, Lancashire Constabulary ”

What it means to hold the Office of Constable

Holding the Office of Constable means a police officer executes their duty independently, without fear or favour.

With the Office of Constable comes personal accountability and responsibility for the protection of life and property, the prevention and detection of crime, the maintenance of law and order and the detection and prosecution of offenders.

Police officers must be allowed to police using common sense, free from political preference and political targets. Again, the

Office of Constable and the rule of law protect this.

The Constable must be at the heart of policing communities, ensuring cohesion and security at a local, national and international level.

Those holding the Office of Constable do so in full knowledge of the increasing dangers they face, the accountability both on and off duty and the restrictions placed on their family lives (see Restraints upon the Office of Constable).



The strengths of the

Sometimes you never know what you have until it has gone. There is a very real danger this will happen with the Office of Constable – we know the price of everything but the value of nothing.

- Police officers must be allowed to police with discretion. Discretion is the bedrock of policing; it allows reasoned and fair decisions based on experience to be taken by police officers without the need to take a course of action merely to satisfy targets. The drive to satisfy targets has resulted in the many ludicrous arrests that make a splash in the tabloid newspapers.
- Police officers cannot legally be instructed to arrest a person. It is a decision they must take for themselves, using their experience, knowledge and discretion to take the most appropriate course of action to fulfil their function as officers of the Crown.
- Police officers have authority under the Crown for the protection of life and property, maintenance or order, prevention and detection of crime and prosecution of offenders against the peace. With the imposition of central and politically set targets there are dangers that officers' discretion and operational independence is being compromised.
- Police officers must be apolitical, impartial and accountable for their actions. If not, how and what we police will become subject to political whim and electioneering. The operational independence of our police service comes with the Office of Constable.
- The Office of Constable ensures the integrity, impartiality and accountability of operational policing.

Office of Constable

- If we value the rule of law, we must protect the Office of Constable and convert PCSOs into sworn apolitical, impartial, independent, accountable police constables.
- A fragmented workforce becomes disjointed, lacks cohesion and a sense of purpose.
- Non-sworn police staff should be recruited into non-operational roles to support and assist those who hold the Office of Constable.
- Police officers must gain a foundation of knowledge and experience in the execution of duty according to the rule of law, the use of authority and discretion, core skills and the practicalities and reality of policing. This must be gained via entry to the police service at the rank of Constable.
- Government must provide the resources to ensure sufficient numbers of multi-skilled sworn officers that can be called upon whatever the demands.
- The government should, as a matter of urgency, undertake a full, independent and holistic review of policing examining role, structure, governance, function and accountability. Otherwise there is a genuine fear that the current workforce modernisation programme could destroy the Office of Constable by default.
- The Police Federation of England and Wales will resist any moves to introduce non-sworn officers into operational policing roles.



A brief history of the Office of Constable

- In England the office of constable was in existence during Henry I's reign – the principal duty of the constable, which was a military term at this stage, being to command of the army.
- The term constable first appeared on the scene after the Norman conquest, and towards the end of the 12th century acquired the local significance it has held ever since.
- *The Statute of Westminster 1285* enshrined the principles of two high constables appointed in every hundred with responsible for suppressing riots and violent crimes and for the arming of the militia to enable them to do so.
- The Statute was the only general public measure of any consequence enacted to regulate the policing of the country between the Norman Conquest and *The Metropolitan Police Act 1829*.
- By the end of the 13th century the constable acquired two distinct characteristics; the executive agent of the parish and an officer recognised by the Crown for keeping the King's peace.
- This system reached its height under the Tudors and progressively disintegrated during the 17th and 18th centuries. Nothing replaced it until the Victorian era.
- As more laws were passed to protect property and the person, the Office of Constable becomes more established.
- In 1798, Patrick Colquhoun convinced wealthy merchants to set up and fund a police service in the Port of London. It had 60 salaried officers, with Colquhoun as its superintending magistrate.
- Following this, a number of police forces were established:
 - the Thames River Police in 1799.
 - Royal Irish Constabulary in the first decades of the 19th century by Robert Peel; they were an armed force whose primary role was the maintenance of order.
 - Peel's attempts to introduce a similar model in mainland Britain failed.
- In the early 18th century, the Bow Street police office, under the chief magistrate, operated a rudimentary police force – most famously the Bow Street Runners of Henry and John Fielding – but they were short-lived because of a lack of Government funding.





- Robert Peel pushed through the *Metropolitan Police Act* in 1829 to create the Metropolitan Police, who had just over 1,000 officers.
- Peel created a police office under the direction of the Home Secretary. Specifically appointed magistrates should be in charge of the police, with costs met by the Government and the Metropolitan ratepayers. The Bill was passed with very little debate and no opposition, mainly because the City of London retained its own police.

“ The Office of Constable is the very bedrock of an independent police service. The ability to take decisions, based on an officer’s individual discretion, within the bounds of the law, is a principle that must be maintained. Police officers must remain independent of government, of party politics and be totally unbiased in their approach to the public.

Nick Clegg, Leader, Liberal Democrats



- Peel was determined to establish professional policing in the rest of England and Wales. The Special Constables’ Act 1831 allowed JPs to conscript men as special constables to deal with riots
- The outbreak of serious disorder in many towns over Parliamentary reform led to a sudden expansion of provincial policing during the 1830s.
- *The Municipal Corporations Act 1835* established regular police forces under the control of new democratic 178 boroughs town councils:
 - many boroughs simply appointed the old watchmen to implement the Act as cheaply as possible.
 - some ignored the Act completely, without reproach or penalty.
 - therefore the Act’s good intentions were nullified.
- A 1839 Royal Commission proposed that there should be a single police force for the whole of the country (including Wales) outside London, controlled by

local magistrates rather than the local authorities, but the idea was rejected.

- In the 1850s, the Government attempted to reform provincial policing, but faced furious opposition from the local authorities. Finally, despite the resistance of local authorities, it passed the *County and Borough Police Act 1856*:
 - a rural police force was to be created in all counties, and county policemen would have the same powers in the boroughs that borough policemen had in the counties.



- the major issue in this debate was, who controlled or – ought to control – the police?
- The Government was forced to make concessions to the local authorities, including dropping a proposed power to enable Home Secretaries to decide the size of a county force.
- In the early 20th century, the police service was “a collection of Victorian bric-a-brac”, with little co-operation between forces and no common standards of pay or conditions of service.
- In 1919 the Desborough Committee recommended that the pay and conditions of service of all police officers should be improved, standardised, and placed under the control of the Home Secretary.
- Desborough rejected “nationalisation” of the service and increased a constable’s pay to that of a semi-professional worker, rather than an agricultural labourer or unskilled worker.
- Local authorities protested about the extent of central government control, especially the new pay scales. Protests were ignored, and the Home Office began to exercise a measure of control over the police for the first time, designed to bring uniformity to policing throughout the country.
- The 1929 Royal Commission seemed to reject the unique status of the constable, stating: “A policeman, in the view of the common law, is only a person paid to perform, as a matter of duty, acts which if he were so minded, he might have done voluntarily.”
- However, the next year a judge restated the importance of the office of constable:

“The office of constable is a fundamental facet in the provision of an effective public service delivery for policing in England and Wales, and its political independence is vital. For too long we’ve seen that independence being eroded and a corresponding reduction in public satisfaction. The message to the politicians is: Let the police police!”

Wayne Baker, Secretary, South Wales Police Federation



“The powers of a constable, whether conferred by statute law or common law, are exercised by him by virtue of his office, and cannot be exercised on the responsibility of any person but himself. A constable, therefore, when acting as a peace officer, is not exercising a delegated authority, but an original authority.”

- It was not until the *Police Act 1964* that the chief officer was liable for the wrongful acts of a constable of his force. This was so that a citizen with a justifiable complaint could obtain financial redress. It did not affect the doctrine of a constable’s individual responsibility for his actions.
- In 1955, the Judicial Committee of the Privy Council stated: *“(The constable) is an officer whose authority is original, not delegated, and is exercised at his own discretion by virtue of his office: he is a ministerial officer exercising statutory rights independently of contract.”*
- The 1931 and 1955 judgements came to be relied upon by chief constables who wished to assert their independence of their police authorities when it came to the exercise of police powers.



Historic policing pictures
courtesy of Simon Dell

“The Government recognises the important role of the Office of Constable in the successful delivery of policing for over 175 years. It remains central to the successful delivery of policing in the 21st century.

Tony McNulty MP, Minister of State for Security, Counter-terrorism, Crime and Policing



Are there any restraints upon the Office of Constable?

Police officers terms and conditions are laid out in Police Regulations. There are not many employment rights that police officers don't have that ordinary employees do. However, holding the Office of Constable and being a sworn officer of the Crown does mean there are some restraints upon action that the individual can take:

- Section 91(1) of the Police Act 1996 provides: "Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of any police force, or

induces or attempts to induce, or does any act calculated to induce, any member of a police force to withhold his services, shall be guilty of an offence..."

- There is also a common law criminal offence of misconduct in a public office where an officer wilfully neglects to perform a public duty or misconducts themselves to such a degree as to amount to abuse of the public's trust and without reasonable excuse or justification.

Restrictions on the private life of a Constable

Unlike ordinary employees the unique status of Office of Constable does place some restrictions on the private life of police officers and their families. These include:

- Abstaining from any activity which is likely to interfere with the impartial discharge of duty, or to give the impression to the public that it may interfere. This can be applicable to immediate family also.
- Getting permission from the appropriate disciplinary authority for place of residence
- Not wilfully refusing or neglecting to discharge any lawful debt.
- Not being able to have a business interest without the consent of the appropriate disciplinary authority.
- Abstaining from an 'active' role in any party politics.

“ The office of constable is the bedrock which underpins the delivery of justice in this country. It reminds us that those charged with enforcing law and order are office holders who are ultimately accountable to the law, not to any employer, politician or anyone else with a vested interest, for their actions. Its value and worth to the public has been demonstrated time and time again and it is the office which provides chief constables with their operational independence – from which legitimacy and consent flows.

Ken Jones, President, Association of Chief Police Officers



How are those who hold the Office of Constable different to employees?

- Employment law requires all employees to be 'protected' by a contract of employment. Constables are not employees.
- Police officers' conditions of service are provided by Police Regulations, Police Conduct Regulations and Police Performance Regulations; many reflect similar provisions to employment law but from a police perspective. The Police (Health & Safety) Act 1997 requires chief officers to provide safe working environments for police officers.
- Some employment law specifically applies to police officers, some does not; i.e. Sex Discrimination Act, Race Relations Act.
- Once employed, a police officer (out of probation) cannot lose their job unless there is accompanied misconduct, poor attendance or poor performance and even then only after prescribed procedures. Police officers therefore cannot complain of constructive dismissal.

Can police officers strike?

It is illegal for police officers to take any form of industrial action. As Officers of the Crown, they are bound by the Police Act. Section 91 of the Police Act provides that a criminal offence will be committed by:

- those who cause, or attempt to cause, amongst members of the police service disaffection, and
- those that induce them to 'withhold their services'.

There would be a breach of Section 91 if anybody were to encourage or promote any of the following:

- strike action
- an overtime ban (including bans on both compulsory and voluntary overtime)
- a 'work to rule' – in effect a withdrawal of goodwill; the incitement to do so by the Federation or by a member of other members might well be viewed as causing disaffection contrary to Section 91.

Can police officers withhold services?

It's been suggested that if officers could withdraw consent to certain activities (such as holding back their Firearms Certificate or Driving Permit), this is something they could be encouraged to do. However:

- Any incitement to members to do so would probably breach the terms of Section 91 ('causing disaffection', if not inciting members to 'withhold services').
- There is a (albeit limited) risk that such a move (industrial action being unlawful) might leave a member open to claims of misfeasance in public office if their action was to lead to, say, injury to a third party.
- Depending on the circumstances the officer and any person encouraging them might incur criminal liability for misconduct in a public office.

What are the Principles of Policing?

Since the modern policing began in 1829 there have been fundamental principles that defined the function and purpose of policing. These principles have evolved over the years but the basics and core objectives have stood the passage of time.

The first principles were introduced by Sir Robert Peel. As Home Secretary, he introduced a number of important reforms of British criminal law, most memorably establishing the Metropolitan Police Force

(Metropolitan Police Act 1829). Robert Peel developed the 'Peelian Principles' which defined the ethical requirements police officers must follow in order to be effective. His most memorable principle was: "The police are the public, and the public are the police."

It is interesting to note that the fundamentals of policing have not changed over the centuries, as the following versions of Nine Points of the Law demonstrate.

Sir Robert Peel's Nine Principles of Policing

1. The basic mission for which the police exist is to prevent crime and disorder.
2. The ability of the police to perform their duties is dependent upon public approval of police actions.
3. Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
4. The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
5. Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.
6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.
7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence
8. Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.



Sir Richard Mayne's Nine Principles of Policing, 1829

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
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.
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.
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.
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.
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.

“ Constables provide a service to the public by exercising their powers **with** honesty, fairness and understanding but **without** fear or favour for the benefit of and the protection of the communities they serve.

**Steve Edwards, Chairman,
Lancashire Police Federation** ”

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.

Looking forward: Nine Points of the Law, 2008

This year the Police Federation of England and Wales has developed a new Nine Points of the Law. This captures the core principles which will continue to ensure that policing is delivered professionally, independent, impartially and remain fully accountable. If government and chief officers take note it will inject some healthy common sense back into policing, restore discretion, see more police officers back on the beat and value and protect the Office of Constable.

Police Federation's Nine Points of the Law, 1991

1. Law and order must be a first priority of government and a first claim on resources.
2. The police must have the means and the power to protect life and property.
3. Punishment must fit the crime, not just the criminal.
4. Victims must be compensated and helped to recover from their ordeals.
5. Priority must be given to cutting crime among the young.
6. More emphasis must be placed on crime prevention and partnership between the public and the police.
7. Criminal trials must become a search for the truth.
8. The bail scandal must end.
9. There must be a Royal Commission on policing.

“ The Office of Constable is fundamental to our system of politically independent policing by consent. It's enabled the holders to discharge their duties with impartiality and discretion. Communities are policed by members of the community. You can't have greater accountability than that.

Ian Pointon, Chairman, Kent Police Federation



Define and specify the role of the police

To re-define and clarify the role of the police in the face of increasing demands and reduced resources, restoring the independence of police forces from central control and recognising the responsibility of others in order to establish the necessary integrated structure, governance arrangements, accountability, performance framework and workforce and rewards systems.

Recognise Office of Constable

To ensure the Office of Constable remains the foundation of the police service, enabling officers to assume the personal responsibility to act impartially, with discretion and free from political control, recognising the restrictions on their personal lives which this entails; to also ensure that entry for all officers remains at the rank of constable, enabling a thorough grounding in the experiential skills which is imperative for all ranks.

Restore discretion

To ensure officers, and each police force, have the support and confidence they need to use their integrity, common sense, experience and discretion when enforcing the law and providing reassurance to the public.

Reduce bureaucracy

To ease the burden of unnecessary

bureaucracy, utilising new technology where appropriate to maximise useful and productive contact with the public.

Improve operational resilience through best use of resources

To provide continuous professional development that remains focused on operational improvements to balance the competing demands on the 24/7 police service: that of a crime-fighting organisation, an emergency response force and reassuring the public.

Establish fair and equitable pay agreements with binding arbitration on all parties

To establish fair, transparent and equitable pay agreements for all police officers in the UK, and, in the absence of industrial rights, an independent arbitration process that is binding on all parties without exception.

Establish meaningful targets that reflect public priorities and take account of quality of policing delivered

To ensure meaningful targets are set locally and address local priorities within the wider cross-border context, rather than a national political agenda.

Establish shared accountability for re-offending rates throughout the criminal justice process

To recognise the impact of re-offending on police resources and society in general, understanding that it is a small number of offenders who commit a significant proportion of the volume crime, and that the bodies that share responsibility for tackling re-offending must be held fully accountable.

Establish a fully-integrated, cohesive criminal justice system

To ensure a more cohesive, consistent and collaborative criminal justice system, with complementary targets and an IT structure that is secure, fully-integrated and fit for purpose.

“ When the public see a uniformed police officer attend an incident, they are confident that that person has the power to deal with it. ”
PC 852 Edwards, Lancashire Constabulary





The Police Federation of England and Wales will fight to protect the independent, impartial and accountable Office of Constable, and to ensure that it is supported and valued in modern day policing structures and processes.