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# WHAT HAPPENED WITHIN THE POLICE SERVICE WHEN THE GOVERNMENT CREATED THE OFFENCE OF “CORRUPT OR IMPROPER PRACTICE” IN SECTION 26 OF THE CRIMINAL JUSTICE AND COURTS ACT 2015?

Brendan Brookshaw

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PHD

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GOVERNMENT CREATED THE OFFENCE OF “CORRUPT OR IMPROPER  
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2015?**

Brookshaw, Brendan

**Award date:**  
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University of Plymouth

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# UNIVERSITY OF PLYMOUTH

## **WHAT HAPPENED WITHIN THE POLICE SERVICE WHEN THE GOVERNMENT CREATED THE OFFENCE OF “CORRUPT OR IMPROPER PRACTICE” IN SECTION 26 OF THE CRIMINAL JUSTICE AND COURTS ACT 2015?**

by

**Brendan Peter BROOKSHAW**

A thesis submitted to the University of Plymouth  
in partial fulfilment for the degree of

**DOCTOR OF PHILOSOPHY**

School of Society and Culture

# Acknowledgements

When first looking to undertake a research PhD around the subject of corrupt police behaviour I was struck by the paucity of national funding for such a project and rapidly formed the opinion that, whilst some excellent work had been done for many years to dissect the issue (Punch 2000; 2010), there remained little desire from policing bodies to fund research. I recall that the funded research opportunities for police corruption that did exist in 2016/17 appeared to me at the time to be seeking confirmation of the 'bad apple' formula or were heavily focussed on the law, process, and procedure. As these elements of study incited no passion in me, I made the decision, with my wife, to self-fund this part time PhD as a longer-term project with a view to following my nose and seeing where the journey would take me. My first and most heartfelt thanks must therefore be to Julie. We have been married for thirty years and it is her unstinting support, physically, emotionally, and intellectually which has allowed me the time, energy, and space to complete this doctoral project. Without her I am nothing, with her nothing is unachievable, she is an amazing woman who inspires me daily and whom I love to the ends of the earth.

I wish to say thank you to my supervisors, Professor Zoë James, Dr Iain Channing and Dr Dan Gilling for their help and support over the course of this project. Zoë for sage council and excellent guidance in every one of our supervisory meetings. You always knew the right thing to say to encourage me and show me the way. To Iain for our many, many cups of coffee and Gold Bars over which you listened to my wilder ramblings and quietly chiselled away at the rough stone of my emerging concepts to help smooth and prepare them to be presentable to the world. And lastly to Dan for being present for so long and bestriding Policing and Criminology at the University of Plymouth like a Colossus. Your ease of address and offering of ready humour have been an emotional and intellectual tonic in the darkest points of my journey. We are a product of our environment and I have been blessed in working with people in the Criminology and Criminal Justice team at Plymouth who have been exemplars of collegiality and genuine support, but to pick out some of the team who have helped vastly in my academic development I would like to thank, Tom Raymen, Oliver

Smith, Sian Lewis, Soozi Baggs and Trish Grey. I feel very lucky to have started my second full time career as an academic in the company of such amazing colleagues and I enjoy coming to work each day and learning from them.

Almost every doctoral acknowledgment carries a word about the authors parents, and I am utterly incapable of breaking with that tradition. Both of my wonderful parents left school at 14 years of age with no qualifications and went on to have successful, fulfilling lives which are overflowing with duty, honour, and kindness to others. I watched with pride how they represented their home city as Lord Mayor and Lady Mayoress in 2012 when they demonstrated their sense of love and care to its citizens through charity and patronage. I always felt lucky that they worked hard and went without many of the finer things in life to afford a private education for my sister and I in the 1980's. Of course, at the time I had no conception of the sacrifices they made for us and, like any thoughtless child, I squandered some of that amazing advantage on mischief and mayhem, but I recognise now that I had the best childhood any parents could provide. My schooling left me with friends for life, a sense of public service and duty to others as well as a relish for responsibility and a plethora of leadership skills arising from all the extracurricular activities in which I was fortunate to have participated.

I thank the police service for providing me with the opportunity to live out my values of duty and service in an environment which, I am certain, has improved the lives of many people across the 30 years of my career. It was incredibly sad at times, but I have also laughed till it hurt and on balance I feel an abiding affection and respect for what the police do and police officers as a group of people. In the main they are brave, honourable, and run towards danger whilst others turn away. That is not to say that over the course of my career my naiveté on joining was not gradually replaced by world weariness and cynicism so that I also became aware of the darkest elements of policing and the police. In my new career as a policing academic, and in researching and writing this thesis, my balanced experience of the police service as both hero and villain, simultaneously Batman and Joker, has enabled me to produce a richer and more deeply nuanced profile of the modern police service. I cannot name them here, but I thank all those officers, on both sides of the 'honest cop' coin, who through both good example and despicable deviance, have inspired me to make a new

career in the study of corruption within a service that I still admire. My aim now is to pass on some of this hard-earned wisdom and experience to future generations of police officers so that when they join the service, they do so with eyes wide open and are fully aware of the spectrum of good and ill that the police can represent and indeed that the very concept of such Manichean polarity is itself worthy of Derridean deconstruction and examination.



# Author's Declaration

At no time during the registration for the degree of Doctor of Philosophy has the author been registered for any other University award without prior agreement of the Doctoral College Quality Sub-Committee.

Work submitted for this research degree at the University of Plymouth has not formed part of any other degree either at the University of Plymouth or at another establishment.

This research has been conducted under a formal agreement with the University of Plymouth.

This study was self-financed.

Word count of main body of thesis: 78,425

Signed Brendan P Brookshaw BSc(Hons) MSc MILM fHEI



Date 30<sup>th</sup> November 2022

# Abstract

**Title.** *What happened within the police service when the government created the offence of “Corrupt or Improper Practice” in section 26 of the Criminal Justice and Courts Act 2015?*

**Author** *Brendan P Brookshaw*

**Purpose.** *This PhD thesis offers explanations for the way in which the offence of Corrupt or Improper Practice by police officers was implemented within the service and is analysed through a framework of the psychology, ethics, and management of implementation. Using autoethnographic data as policing parables, it explores stories of police misconduct and suggests theoretical underpinnings for the drivers of corruption and how the police may react to it.*

**Design/methodology/approach.** *This research is an autoethnographic examination of the author’s last two years as a serving police officer leading the Professional Standards Department of a large rural UK police force. The data consists of reflections on the emotional and philosophical impact on the author created by day-to-day interactions with police officers recorded in personal journals.*

**Findings.** *The paper offers the new concepts of The Honest Cop Belief, the Ethical Trihedral, and Hyper-Procedural Pseudo-Compliance which are presented through an encompassing model of policing implementation named the Triangle of Kakistocracy. This model is offered as an original theoretical lens for other researchers to consider when examining the workings of the police. It discusses organisational and personal arrogance arising from the psychological impact on officers of ingrained cultural icons such as the Blue Wall of Silence. The Ethical Trihedral is presented as a model for analysing ethical incompetence in the police which is the suggested outcome of tension arising from conflicting philosophical paradigms. The impact of neoliberal managerialism in liquid modernity is examined to offer explanations for perceived moral cowardice in police managerial decision making which takes the form of hyper-procedural pseudo-compliance.*

**Originality/value.** *Autoethnographic insider-research on police corruption is rare in the literature. Public trust and consent are vital to the British policing model, so divining esoteric police attitudes towards the harms perpetrated by abuses of their power is increasingly valuable in understanding police/public relationships.*

**Keywords.** *Autoethnography, corruption, police, implementation, culture, ethics, management*

**Paper type.** *PhD Thesis*

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# Chapter 1

## Introduction

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- 1.11 Recommendations for Further Research

### 1.1 Introduction

*“Whatever you do you needs courage. Whatever course you decide upon, there is always someone to tell you that are wrong. There are always difficulties arising that tempt you to believe that your critics are right. To map out a course of action and follow it to an end requires some of the same courage a soldier needs. Peace has its victories, but it takes brave men and women to win them”*

Ralph Waldo Emerson in Johnson (2004).

Courage to do the right thing in the face of your critics, as described by Emerson (2004) above, is the abiding and defining impression of the things I have witnessed and experienced in a thirty-year career in the police service. The physical courage of officers who are frightened half to death when being pelted with bricks and petrol bombs, the emotional

courage of victims of horrific crimes gaining justice after being forced by the system to repeatedly relive the event in front of the police and courts, and the intellectual courage to break the deep conditioning of the Blue Wall of Silence (Westmarland 2005) and write openly and truthfully in this thesis about my experiences of policing. They all require us to map out a course of action and see it through to the end in the face of adversity.

## 1.2 A Doctoral Journey

At the start of this doctoral project, I was still working in the police as the temporary Detective Superintendent in command of a Professional Standards Department which included the Counter Corruption and Vetting teams. In leading that team, I developed a deep interest in the idea of police corruption and how it was perceived both inside and outside the service. I was in this role when the government created a new offence of “Corrupt or Improper Practice” under Section 26 of the Criminal Justice and Courts Act 2015 (Government 2015) and I immediately took a professional view that it was a potentially useful tool for handling those elements of police corruption that were under-addressed. It seemed incredible that from the inception of the Peel’s modern police in 1829 (Emsley 2014) until this Act in 2015 there was no offence of corrupt practice which police officers could commit. Misconduct/ Misfeasance in Public Office and other older legislation covered some aspects of police corruption but were so outdated and unclear that the Law Commission (Government 2020) recommended reforms to the legislation. The recently revitalised use of Misconduct in Public Office as a catch all offence (Heaton et al 2019) led to a recognition that certain behaviours were not accounted for and therefore not subject to criminal censure. The police consequently became reliant on recourse to civil processes through the police misconduct regulations where the maximum outcome was dismissal from the service (Hine et al 2020). In considering gross misconduct activities like sexually predatory behaviour, passing sensitive police information, and abusing search and arrest powers, I wanted to explore whether this was a sufficiently robust method to address individual misconduct and to understand the underlying cultural forces which drove such behaviours (Sweeting & Cole 2022).

In my role in the Professional Standards Department (PSD), I tried on several occasions to charge officers with the Section 26 offence (Government 2015) but inexperience and reluctance from both investigators and the Crown Prosecution Service meant that, at the time of my retirement in 2018, my own force had not charged a single officer with this new offence. This reluctance to charge the offence was noticeable from my discussions with Professional Standards Department colleagues around the country and we were all surprised at the lack of apparent appetite to use the new Section 26 offence (Government 2015) to deal with a range of corrupt or improper police practices. At the time of writing, October 2022, I have only been able to find four examples in the national media of officers convicted of the Section 26 offence (Government 2015), three were for sexual misconduct (Northampton Chronicle 2022; Worcester News 2021; The Mirror 2019) and one was for improper disclosure of information (Merseyside Police 2020). Whilst these were the types of abuse of police privileges that the legislation was designed to address, it remained a low number of national convictions in comparison to the real and apparent size of the misuse of police powers suggested by the most recent reports on police corruption (Casey 2022; HMICFRS 2022). The issue is current and extremely relevant because addressing corrupt behaviours like misogyny and racism, have emerged as the key strategy of the incoming Commissioner of the Metropolitan Police, Sir Mark Rowley, in seeking to regain public trust in a failing service (Mail Online 2022) and has been noted as a source of public mistrust in the police for some time (Punch 2000; 2010)

### 1.3 A Review of the Literature

My PhD journey started when I was still a serving officer and the development of my literature reviews in Chapters 2 and 3 demonstrates the direction I took, from initially looking at the legal and policy implications of the new Section 26 offence (Government 2015) into a more granular examination of the culture and ethical impact of policing on the police themselves. I introduce and discuss the National Decision Model and Code of Ethics (College of Policing 2014) which is the mechanism selected by the police for their justification of every policing decision and the ethical basis which underpins those decisions. In Chapter 3 I develop the concepts in the literature with an examination of the Klitgaard equation (Klitgaard 1998) and a review of criminological theory in respect of policing. I also

describe the Dixon Dogan (2003) reality paradigm model as a means of understanding police praxis within a philosophical framework.

#### 1.4 A Methodology

In seeking to better understand the nature of the police response to the creation of this new offence I wanted to go beyond a socio-political examination of policy production and implementation. I felt that a deeper and more nuanced comprehension of the forces acting within and from outside the police service could be gained by looking at my own experiences of working within that environment. This led to the purely qualitative autoethnographic methodology set out in Chapter 3 which enabled me to explore my own positionality with respect to the police, and my post-police appreciation of the work I had done as an officer. It enabled a rare glimpse into the interactions that occur within the closed world of the police station and the impact of those interactions on me as a police officer and human being. Autoethnography is an undervalued way of working (Wakeman 2014) and I defend its value as the richest form of data available, a far cry from the common suggestion that it is egotistical navel gazing (Dean 2018). I concluded that noticing the impact of external stimuli on oneself and subsequently reviewing that impact through a theoretical framework with the additional benefit of esoteric insider wisdom can produce the “thick slice of life” descriptions introduced by Geertz (1973:16). The acceptance of the impact of emotion and the value of subjective experience in enlightening the hardest places for researchers to reach was well explored by Murphy (2008) who examined why autoethnography is increasingly highly prized and more widely adopted and accepted by criminologists (Crawford 1996).

Throughout my working life I habitually wrote personal development journals to record my thoughts and feelings as a means of making sense of the day and found this to be a highly effective method of dealing with the trauma and stress arising from my work as a police officer. During my last two years in the police service, as I made that move from insider to outsider, I journaled as normal whilst conducting a review of the literature around police corruption and the introduction of the new Section 26 legislation (Government 2015). At this point in the PhD I had not fully framed my research question and I simply wanted to explore

what the public and the police meant by the term corruption. At a point just after my retirement I began to recognise that my personal journal notes were a potential treasure trove of data. It was at this point that I settled on using autoethnographic review of my notes, thoughts, and feelings as a method for the research (Ellis & Bochner 2000), sometimes referred to as reflexive ethnography (Alvesson et al 2008). I first had to understand my own research journey, from the purely quantitative focus of my undergraduate bioanalytical science degree in the mid 1980's, through a mixed methodology of semi-structured interviews in the Master's in Public Administration that I completed in the mid 2000's to the maintenance of a purely qualitative and interpretive study of my own experience for this doctoral project. It has not been an easy journey and I have at times slipped back into word count analysis and other quantitative approaches as my nerve failed me and my epistemological naturalism (Dixon and Dogan 2013) tried to reassert itself as my habitual reality paradigm. However, with the help of my supervisor and other senior colleagues as discussants I have presented this methodology in several fora and have effectively defended the use of autoethnography as a valid and vital way to get under the skin of the police service and to better understand myself, my positionality within the police, and therefore the police response to the new legislation. I have used a bricolage technique (Kincheloe et al 2011) during this PhD to produce themes by coding and analysing data derived from my lived experience of the police, working from a grounded bottom-up approach to create nodes, groups, and concepts which I compared with existing literature. This process led me to offer an explanation of what happened in the police when the government introduced the offence of Corrupt or Improper Practice through the three lenses of implementation: the psychology, ethics and management of that process.

## 1.5 Results – The Psychology of Implementation

In Chapter 5 I examine the psychology of implementing the new act using the evidence in my data to build a picture of why individual officers experience two lives in their service (Bion 1970), the day-to-day experience of managing the emotional impact of police work and the creation and maintenance of a deeper lie that allows them to carry on with that role in the face of its monstrous and oppressive underpinnings. I examine the data which supports the notion of a blue wall of silence (Chin & Wells 1998; Loftus 2010; Conway &

Westmarland 2021) and introduce the concept of an honest cop belief which appears to be commonly held by officers. I suggest that this belief in their colleagues' unassailable morality leads to intense emotional labour to maintain the illusion which was described by Grandey (2000) as surface acting. Officers find it physically hard to stomach the idea of colleagues' misconduct and therefore turn an unintentional blind eye, but this disavowal results in significant emotional and psychological energy being expended leaving officers exhausted in their suppression of the turmoil associated with fear of facing the terrifying Real (Žižek 2002). I show that, when faced with unassailable evidence of misconduct, police officers can experience a significant psychological and emotional trauma. I demonstrate that the Manichean police doxa of the Christian dialectic, where the complexity of life is simplified to good or evil, saint and sinner (Linnemann et al 2014) within a bounded rationality, is used by the police to "fetishistically disavow" (Žižek 2008:53) police misconduct by turning a blind eye to the nuance, messiness, and inherent violence of police work. I present the idea that fetishistic disavowal of complexity and nuance is the source of an arrogance associated with a prevailing 'police know best' attitude. Even in cases where the police cause the death of a member of the public, I suggest that the state intentionally mistakes that police arrogance for police competence and therefore applies its own form of fetishistic disavowal of police violence (Linnemann 2017a).

## 1.6 Results – The Ethics of Implementation

In Chapter 6 I address the ethics of implementation by examining the espoused values (Schein 2010) of the service as set out in the Code of Ethics (College of Policing 2014) and the National Decision Model (College of Policing 2017). I set out an ethical trihedral using data which shows a clear differential between Kantian deontology (Kant 2002) observed more frequently in rank-and-file officers and Machiavellian contractarianism (Inoguchi & Le 2020) which was used by more senior managers (Matthews et al 2022). This tension is explored through my own moral and philosophical situation in which I felt the tug of both these reality dispositions as well as the National Decision Model, the espoused organisational norm of Benthamite utilitarianism (Bentham 2001). I explore how this creates significant ethical tension in the service which results in a Kakistocratic milieu where an officer's character can be considered inconsequential as they are judged purely on the

quality of the process they apply to decision making with little consideration of their underlying moral beliefs. Such an environment of procedural justice (Trinkner et al 2018; Terpstra & van Wijck 2021; Donner et al 2015) favours a heavy reliance on training over education and, I argue, creates moral and occupational incompetence by officers who are disincentivised from innovating responses to problems from first principles and encouraged to use the policy or process they have been trained to apply.

## 1.7 Results – The Management of Implementation

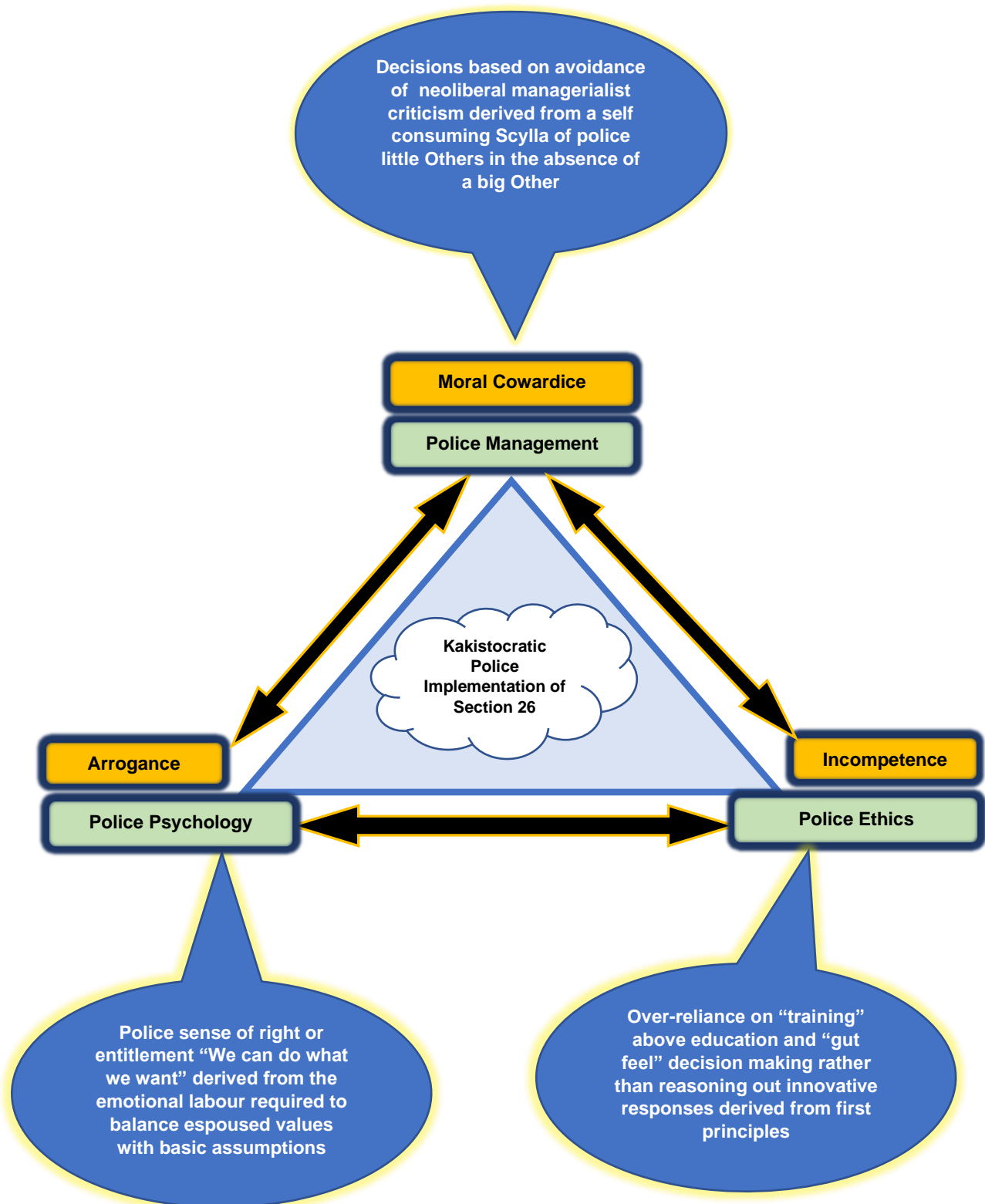
My final empirical output, Chapter 7, explores the management of implementation and introduces data such as the *“cover ass, retain employment or CARE model”* (NVivo Ref 15.28) as described to me by a member of the public, and officers’ description of police managers operating within a self-constructed *“snow globe”* (NVivo Ref 12.20). I have described these phenomena through the lens of Bauman’s liquid modernity (Bauman 2013) and the impact of the hegemony of neoliberal new public management on the police (Butterfield et al 2005). The pressure felt by me and other managers to resort to individually competitive behaviours, including blaming others and taking credit for the work of others (Wathne 2020), results in a managerial tendency to make decisions on what will attract least opprobrium rather than on any sense of right or good arising from professional experience. I propose that this creates an environment of moral cowardice which, acting together with the arrogance and incompetence identified in the other two empirical Chapters, results in the Triangle of Kakistocracy (Figure 1) as a model to describe the process of implementation of Section 26 (Government 2015) within the police service.

## 1.8 A Discussion

In Chapter 8, my discussion, I set out a Triangle of Kakistocracy model in graphical form, reproduced below as Figure 1, explaining how each of its constituent elements is constructed from both my analysis of the data and prevailing theories of the psychological disconnect between how officers are expected to behave and how they act behind closed doors.

## Figure 1. The Triangle of Kakistocracy.

How Moral Cowardice, Arrogance and Incompetence create the prevailing policing milieu in liquid modernity.





I discuss how Schein's cultural model (Schein 2010) is a useful metaphor for the different levels of a psychologically constructed organisation which are observable within the police. Understanding how espoused or official values differ from the basic assumptions of the police themselves has contemporary resonance in a recent report on misconduct in the Metropolitan Police by Baroness Casey (Casey 2022). I go on to suggest that this disconnect could be problematic as a new generation of degree entry officers begins to populate the service with critical thought and the legitimate questioning of authority in the face of a service which values compliance and control above other forms of leadership. I end the Chapter with a discussion on how managerialism links to perverse police behaviours around the measurement of performance and game playing to secure individual advantage in an environment of capitalist pseudo-marketisation of policing resources (Fisher 2009).

## 1.9 Some Conclusions

Chapter 9 brings together the elements of the doctoral research as a summary of the journey I have undertaken and the impact that has had on my reality disposition, life, and career. It explains the theoretical underpinnings of the methodology I adopted and how analysis of the data from my personal journals led to the creation of three clear Chapters in which the results were presented, the psychology, ethics and management of implementing Section 26 within the police service. In seeking to answer the research question "what happened within the police when the Government created the offence of 'Corrupt or Improper Practice' for police officers in Section 26 of the Criminal Justice and Courts Act 2015" I started by examining why legislators felt that post-Plebgate (BBC News 2013b) the police were in need of counter corruption reform in addition to a manifesto promise to "make the police accountable through a directly elected individual" (Conservative Central Office 2010:57). In practice, very little change occurred in policing because of the new legislation, and I demonstrate that it remains a largely unknown concept amongst officers. The police and Crown Prosecution Service have charged just a handful of cases in seven years which are not particularly well publicised, so the aim of the legislation to alter police conduct for the better seems unfulfilled. The Chapter concludes by using the theoretical framework of the Triangle of Kakistocracy to explain why the police and other criminal

justice agencies may have been so reluctant to employ Section 26 to charge officers who have engaged in Corrupt or Improper Practice.

### 1.10 Contemporary Relevance

The research question, “what happened in the police when the offence of Corrupt or Improper Practice was created by the government?” is a gateway to a wider understanding of police corruption and it has contemporary importance following the murder of Sarah Everard by a serving police officer (BBC 2021) and the recognition of “alarming toxic behaviour and attitudes amongst some police officers” by Sir Tom Winsor in his Annual Assessment of Policing (HMICFRS 2022a:para 7). The Independent Office for Police Conduct recommendations following an investigation into Met culture of bullying and harassment in the ranks (IOPC 2022) also demonstrates this lack of desire by the police to endure oversight and examination. My research and the findings I present, rooted in experience of the police and more recent data from my notes, provide a means of examining the subject of police corruption which can be of immediate value to researchers and practitioners in seeking an improvement in police praxis. I maintain that this thesis is an original addition to human knowledge in this under-examined subject where the hegemony of ‘a few bad apples’ being responsible for the horror of the police (Linnemann 2022) has held currency for far too long. In her independent report on the misconduct within the Metropolitan Police (Casey 2022) Baroness Casey gives quantitative and qualitative data which support the findings and conclusions of this thesis in that the application of hyper-procedural pseudo-compliance in respect of police misconduct processes have led to ineffectual outcomes, which are themselves an example of the failure of the police to effectively implement regulations intended to root out corrupt officers. The arrogance, incompetence, and moral cowardice of the police, implicit in Baroness Casey’s report, arise from the psychological, ethical, and managerial drivers identified in this research and can be combined in the model Triangle of Kakistocracy (Figure1). The triangle and theory behind it would make an effective tool for a more detailed and nuanced exploration of the failings identified within the Metropolitan Police Service and, by extension, the wider police service. The international doxa of police power comes, not from a monolithic police culture, but from the interplay between specific and identifiable cultural schema, the blue wall (Westmarland & Rowe 2016), cynicism

(Loftus 2009), and hypermasculinity (Nolan 2009), which could now be viewed through the lens of the Kakistocratic triangle so that the conflict arising from the ethical trihedral in which neoliberal managerialism and the zemiotic psychology of police work are seen to underpin behaviours which are only now being brought into the light.

### 1.11 Recommendations for Further Research

I suggest that the cultural and ethical drivers behind the reluctance of the Metropolitan Police to correctly implement oversight are to be found in many police forces internationally. I foresee that the most recent report by Baroness Casey (Casey 2022), which caused the new Metropolitan Police Commissioner to “shed a tear” over the state of his force (Guardian 2022b para 7; Telegraph 2022), should become a watershed for all Chief Constables and Police and Crime Commissioners to re-examine the forces for which they have responsibility as my thesis indicates that they too will discover the same issues and therefore the same risks to the public and the reputation of UK policing.

I recommend that further research into the deeper causes behind the reluctance of the police to implement counter corruption legislation would be beneficial to advance the discussion in the policing literature. This should be conducted locally, nationally, and internationally to seek greater understanding of the esoteric machinations of the police, as individuals and as organisations, which work hard to prevent them from becoming more open and accountable to those they purport to serve. I venture to suggest that the novel and useful mechanism which I have described as the Triangle of Kakistocracy and its theoretical underpinnings in psychology, ethics, and managerialism, offer a potential ray of sunlight by which this dark shadow on the face of contemporary policing can be further exposed, examined and eliminated.

# Chapter 2

## Initial Literature Review

### 2.3 Introduction

### 2.4 The Socio-Legal Context

#### 2.21 Definition of Terms

#### 2.22 Misconduct in Public Office

#### 2.23 The Purpose of the Section 26 Offence

#### 2.24 The Underpinning Ethical Concepts

#### 2.26 Legislative Environment

### 2.3 Public Policy

#### 2.31 What is Public Policy?

#### 2.32 The Peelian Position

#### 2.33 Governmentality

#### 2.34 Rationality

#### 2.35 Arationality and Metarationality

#### 2.36 Extrarationality

### 2.1 Introduction

The question to be explored is “what happened within the police service when the government created the offence of “Corrupt or Improper Practice” in Section 26 of the Criminal Justice and Courts Act 2015?”

The initial literature review revolved around historic corruption within the police in the international context but latterly became an examination of more contemporary articles focussing on the police service within England and Wales to which the legislation applies. This mode of policing is often referred to as the British model of policing (Reiner 2010) and is characterised by three interlinking concepts, “the Office of Constable, operational independence and policing by consent” (UK

Parliament 2021 para 1). There are some comparisons made with other anglo-saxon derived policing models, (Virta, 2017), from the United States, Canada, Australia, and India which help in understanding the cultural memes of policing that extend beyond national boundaries and are common to the job of policing. The primary focus of the study is an autoethnographic reflection on attitudes of UK police officers and staff towards corrupt behaviour by their colleagues and will therefore focus on the key cultural themes associated with policing in England and Wales.

During the literature review process, it became clear that the research question naturally resolved itself into four key themes of criminological theory forming a framework for generating a better understanding of police corruption and its drivers. The first theme was the socio-legal context of corrupt or improper police practice. The next was the public policy context in which police reform was occurring at the time the legislation was passed. The third was the personal impact on officers of corrupt practice by colleges and the final section reviews the concept of police culture as it relates to deviant police behaviour. To allow greater depth of discussion and debate these themes have been separated into two literature review Chapters.

## 2.2 The Socio-Legal Context

This section of the Chapter examines the literature relating to the introduction of the Criminal Justice and Courts Act 2015 in the context of a nascent code of ethics, the late introduction onto the Bill of the offence of Corrupt or Improper Practice which applies only to sworn police officers, and an exploration of the legal landscape as it impacts on corruption and policing.

### 2.21 Definition of Terms

The Criminal Justice and Courts Act (Government 2015e) received Royal assent on 12<sup>th</sup> February 2015 and covered a range of criminal justice matters as part of the continuing police reform agenda delivered by the UK's Conservative Government. Its intended purpose, as set out on the UK Parliament website, was "To make provision about how offenders are dealt with before and after conviction; to amend the offence of possession of extreme pornographic images; to make provision about the proceedings and powers of courts and tribunals; to make provision about judicial review; and for connected purposes" (Government 2015a:para 1)

In this sense “connected purposes” includes the newly created criminal offence of “corrupt or other improper exercise of police powers and privileges” under Section 26 of the Criminal Justice and Courts Act 2015 (Annex A) which is completed where a police constable exercises the powers and privileges of a constable improperly and the officer knows or ought to know that it is improper. It is of note that, in an increasingly privatised and pluralised policing environment (Stenning & Shearing 2015), the legislators intended and created the offence to apply only to those who hold the office of constable, this being an increasingly limited element of those providing pluralised policing services in modern Britain (Stevenson et al 2018). Other people employed by the police including uniformed patrolling Police Community Support Officers and accredited police staff (Government 2018), as well as the public at large, cannot commit this offence.

The Act defines the improper exercise of the powers and privileges of a constable as being for the purpose of achieving a benefit to the officer, or a benefit or detriment for another person, and that a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment. The terms benefit or detriment are to be taken as meaning any form of benefit or detriment, whether or not in money and whether or not permanent, although the level or amount of benefit or detriment is not specified. The absence of any specific reference to the harm done or other measure of seriousness in impact caused by the benefit or detriment of this offence means that it has a very broad sweep indeed. As drafted, the nature of that benefit to the officer could include an officer accepting a significant bribe for unlawfully securing a certain outcome for a criminal investigation through to the other end of the spectrum where an officer accepts a small gift from a grateful member of the public for coming to see them about a recent spate of antisocial behaviour.

The term power as used in the offence is relatively easy to define in relation to sworn officers as their legal powers are defined in various statutes, however the use of the term privileges does pose some questions as to what the legislators intended to achieve by its inclusion. The Law Commission Issues paper (2016a:65) sets out a hint of what might have been intended by quoting a segment of the Home Office Impact Assessment for the intended offence which describes a failure in the existing legislation to be able to address one occasion where an off-duty officer “inappropriately” sought to secure a discount when buying a car for his own use (Government 2014c:3). The Law Commission paper dissects a number of elements around this discounted car scenario and concludes that it would be extremely difficult to prove any such offence under Section 26 (Government 2015) as it potentially precludes any police officer from ever accepting any discounted item in their private

dealings with traders as “The mere fact that he or she is a police officer may carry an implied threat to use coercive powers and may intimidate or persuade the car dealer to agree to the discount. Such situations would need to be considered on a case-by-case basis.” (Law Commission 2016a:para 3.101). The legislation exposes police officers to significantly greater risk of criminal charges than other public service workers when seeking to negotiate any kind of discounted price on a private sale.

The Act (Government 2015) goes on to further define the meaning of improper exercise of a power or privilege which will occurs where the officer does or does not exercise a constable’s power or privilege or threatens to exercise or not exercise the power in each case for the purpose of achieving the benefit or detriment. This further opens the officer to criminal censure for both act and omission so it would be hard to clarify the differential between an officer exercising their discretion, a strong international premise in establishing the legitimacy of policing (Bradford & Jackson 2016), as opposed to neglecting their duty for nefarious ends. Indeed, neglect of duty through incompetence or poor performance could also be picked up within the Section 26 offence wording, both of which sit below the level of criminal activity and have traditionally been regarded as performance considerations which are addressed through internal management processes and set out in the national Standards of Professional Behaviour for police officers (College of Policing 2014a). On conviction on indictment the sentence for the offence of Corrupt or Improper Practice under Section 26 of the Act (Government 2015) was set at 14 years imprisonment or a fine, or both.

## 2.22 Misconduct in Public Office

Misconduct in Public Office has traditionally been the offence with which police officers have been charged in circumstances where: “a public officer acting as such; wilfully neglects to perform his duty and/or wilfully misconducts himself; to such a degree as to amount to an abuse of the public’s trust in the office holder; without reasonable excuse or justification” (Attorney General 2004 para 4). The offence was described by The Royal Commission on Standards of Conduct in Public Life (1976 para 76) as having: “a useful, though small, part to play in the battery of criminal sanctions against malpractice in public life, and that it should be retained”, which was the last occasion when the legal accountability of public servants was fully reviewed. The offence carries a maximum life sentence, and the severity of the offence may be a reason why juries seem reluctant to convict police officers (Warren 2018) unless there is a clear indication of the seriousness of the breach of public trust. The Law Commission’s Issue Paper 1 (2016a) provided a comprehensive legal review of the terms of the

offence of misconduct in public office and examined points of overlap between that offence and the new offence of Corrupt or Improper Practice by a constable created under Section 26 of the Criminal Justice and Courts Act 2015 (Government 2015). A full summary of the Law Commission's (2016a) paper need not be repeated here but it concluded that there are difficulties with the imprecise nature of the wording of the offence as it was framed. The review examined international examples of quashed convictions for Misconduct in Public Office from Hong Kong and Canada to highlight the requirement for a "seriousness threshold" to any such offence (Law Commission 2016b:182) but Section 26 has no such element of seriousness of the breach of public trust included within it. Data from the Crown Prosecution Service and Ministry of Justice in the Law Commission's Issue Paper 1 (2016:5) showed a substantial increase in prosecutions for Misconduct in Public Office from just two in 2005 to 135 in 2014, many of which involved alleged corruption activities by police officers. Examples of the police behaviours considered under the offence included causing the death of Thomas Orchard in a Devon and Cornwall Police cell (BBC News 2014b), Metropolitan PCSO Batmaz who supplied cocaine and disclosed highly confidential police information to members of a criminal drug gang (BBC News 2013a), and PC Adam Rushton who had sexual relations with vulnerable witnesses whilst at work and when off duty (BBC News 2015a).

Gillespie (2017), in his critique of the Law Commission's Consultation Paper (2016b), describes some further examples of the type of behaviours which Misconduct in Public Office has been used to address. He also sets out behaviours which should not be considered to constitute the offence as well as discussing the unfairness of the new Section 26 offence in being applicable to one form of public official only, police officers. Gillespie points out that the offence of Misconduct in Public Office could be disestablished and renewed with a new offence using one of two constructions. The first (Law Commission 2016b:11-17) is framed as a "Breach of Public Duty" to prevent harm by a relevant office holder and is premised on the belief that, where an office holder has coercive powers or has a duty of protecting the public, any sufficiently serious breach of that duty requires criminal punishment. The second model under consideration by the Law Commission, analysed (Law Commission 2016b:17-19) is one based on the concept of "Corruption" and uses very similar language to the existing Section 26 Corrupt or Improper Practice offence but covers all public officers and not merely those holding the office of constable.

The Law Commission (2016b) paper on suggestions for reform of the Misconduct in Public Office concluded its consultation phase and reported its findings in 2020 (Law Commission 2020a) wherein it acknowledged that the existing common law offence of Misconduct in Public Office is ripe for



reform as a potentially outdated 13<sup>th</sup> Century legal construct. The summary document of key findings (Law Commission 2020b) recommended the creation of a new offence of corruption in public office which would replace misconduct in public office to align existing legislation where there is common ground to enhance fairness in the application of the law in the sphere of corrupt public officials including the police. The Commission recognised the potential for Section 26 to be misused in cases of relative triviality in its final report (Law Commission 2020b:5).

“We conclude in Chapter 5 that the offence in Section 26 is broader than our proposed offence and has the potential to criminalise relatively trivial conduct that the officer may not have appreciated was improper. We recommend that, should our proposed offence of corruption in public office be enacted, Section 26 of the CJCA 2015 should be repealed.”

There was substantial overlap between the incidents exemplified above by Gillespie (2017) and the type of offences currently covered by Section 26 as being Corrupt or Improper Practice which was why the Law Commission’s (2020a) report recommended the creation of a new catch-all offence and the removal of Section 26 from the statute. The case is made later in this Chapter why Section 26 was considered poorly drafted legislation and was introduced in haste at a time when there was pressure on legislators to create a new offence in the face of high-profile police corruption incidents. It remains to be seen whether the recommendations contained within the Law Commission’s report (2020a) arising from its four-year review will be acted upon and that, in reforming Misconduct in Public Office in the context of a corruption model, any future Government may negate the necessity for the existing Section 26 offence of Corrupt or Improper Practice by police officers. Any such repeal of the new Criminal Justice and Crime Act offence for police alone may, on the face of it, render redundant this PhD research into the impact on the police psyche of Section 26 but, I argue, any new offence built on the corruption model for Misconduct in Public Office, albeit applicable to all public servants and not the police alone, would so closely resemble the existing Section 26 offence as to be indistinguishable from it in both wording and impact on policing delivery. The potential value of the research is therefore valid for both Section 26 and any future version of it incorporated into changes to the offence of Misconduct in Public Office.

The categories of officer considered a police constable for the purpose of the offence include, most obviously, constables of any of the 43 Home Office police forces but also the British Transport Police Force, Civil Nuclear Constabulary and special constables (HMICFRS 2022b). It also includes National Crime Agency officers designated with the powers and privileges of a constable (Government 2015b). The neoliberal growth and acceptance of the commodification of policing functions has been a key feature in the changing look and feel of policing in late modernity and is demonstrated and

discussed internationally in the literature (Thumala et al 2011; Crawford et al 2005; Rigakos 2002). It is therefore hard to understand why a government so committed to the pluralisation and privatisation agenda should seek to narrowly restrict the effect of this new offence to sworn police officers alone. If the question vexing the government concerned public trust in policing and the desire to improve it, why did it not extend the legislation to include the wider police family of police community support officers and unsworn police staff who are directly paid by the public to provide policing services? The question can also be asked of a burgeoning private security industry in the UK as licenced by the Security Industry Authority (2023) in line with their joint framework agreement with the Home Office (2018) which could be viewed, as argued by Karmel (2008) in the United States, as an extension of public law enforcement agencies and therefore subject to laws regarding the enhancement of public confidence through regulated standards of behaviour and ethics. Button and Stiernstedt (2017) examined the regulatory frameworks for private security companies within the European Union and concluded that there is no burning desire or capacity for pan-European legislation on the prevention of corruption by such private security companies and, as in the UK, there was clear water between governmental views on regulating the employee behaviours of the private security industry and state police agencies. The answer to the question may simply be that the legislators, whilst seeking police reform in terms of marketising the sector to provide for private sector growth, still retained iconic and traditional views of what constitutes 'The Police'. This notion of a more nuanced dance between the rationality of the public good and the rationality of the market was put forward by White and Gill (2013) when seeking an understanding of how private security was understood in advanced liberal democracies. It was stated (Government 2015c:11) that the key benefits of the new offence include,

“a possible deterrent effect on police officers as the offence is more clearly linked to them and this may in turn lead to fewer incidences of police corruption. In addition, the new offence may increase public trust in the police as it is clearer that police corruption is being directly addressed”.

This suggests that the legislators were seeking to draw a direct line between the reduction of misconduct by sworn police officers as a driver for improving public trust in the whole service.

The Criminal Justice and Courts Bill (Government 2014b) was a natural continuation of the police reform contained within the Conservative party election manifesto (Conservative Central Office 2010:55) which promised

“We will reform the police, giving them back their professional discretion – getting them out of police stations and onto the street, fighting and preventing crime – in return for making them truly accountable to the people they serve.”

The language here in terms of “out of police stations” and “fighting crime” indicated that the manifesto authors were primarily concerned with the activities of sworn officers. Theresa May, as Home Secretary and latterly Prime Minister, introduced a range of primary legislation to honour the pledge of making the police accountable to the people they serve. Beginning with the introduction of Elected Police and Crime Commissioners through the Police Reform and Social Responsibility Act 2011 (Government 2011) through to Section 124 of the Antisocial Behaviour, Crime and Policing Act 2014 which required the police service to create and adopt a Code of Ethics for the first time in its history (Government 2014). Published by the College of Policing in July 2014 the Code of Ethics and its associated Standards of Professional Behaviour (College of Policing 2014) are a legal adjunct to the Police (Conduct) Regulations 2012 (Government 2012a), Police (Complaints and Conduct) Regulations 2013 (Government 2013), and the Police Reform Act 2002 (Government 2002) becoming the formal yardstick against which all matters of police discipline, including more serious corruption matters, are weighed. These primary legislative changes, coupled with the introduction of legally qualified chairs of police gross misconduct hearings and the requirement for them to be held in public (Government 2016) demonstrated substantial changes to the way in which police misconduct was addressed in every year between the 2010 election of the Conservative Government and 2017, when it may be suggested (Carrapico et al 2018) that the focus moved away from police corruption towards the implementation of Brexit and the impact on cross border security and information sharing. The policy of seeking to reform police behaviour through legislative amendment has been an incremental process leading to significantly enhanced public scrutiny of police actions and conduct. The evolution of the Independent Police Complaints Commission into the Independent Office for Police Conduct, the doubling of its staffing (IOPC 2020a), and the effect of the Policing and Crime Act 2017 (Government 2017) in transferring responsibility for public complaints about the police from Chief Constables to elected Police and Crime Commissioners from 2020 demonstrated the continuing steps taken by the Government to hold the police service to account and, taken together, amounted to the biggest police reform agenda for a generation.

### 2.23 The Purpose of the Section 26 Offence

The passage of the Criminal Justice and Courts Bill (Government, 2014b) into law started on February 5<sup>th</sup> 2014 and there were a significant number of amendments with the Bill ‘ping ponging’ between

the Lords and Commons over matters such as the creation of secure colleges for young offenders. However, the addition of Clause 23 (later to become Section 26) relating to Corrupt or Improper Practice by a police officer was not added to the Bill until its 3<sup>rd</sup> reading in the Commons on 17<sup>th</sup> June 2014. Opposition to the Bill was best summarised in the comments of Sadiq Khan MP who said of the Bill in that debate (Hansard 2014:6.19pm).

“There is no point beating about the bush—this is a poor Bill. We know that the Justice Secretary was sucking up to the Prime Minister when he begged his Cabinet colleagues earlier this year for Bills—any Bills—to fill the gaping hole in the parliamentary schedule. What he brought forward was a mishmash of leftovers. Ministers have thrown into the Bill their scrag ends and afterthoughts, making for an incoherent mess. It is a Christmas tree Bill on which many baubles have been hung. I was reminding the House of the 18 new clauses that the Justice Secretary brought before the House today, 14 of which we have seen for the first time and many of which have not been debated. His lack of respect for due process has led to him crow-barring many new proposals into the Bill. Some of them have merit, but we should at least have been able to debate them in detail. We have been deprived of that opportunity.”

Implicit in this and similar contemporary statements in the House of Commons was the idea that the hasty introduction of the Bill was a political tool providing a knee-jerk reaction in an effort by the Government to be seen to be doing something. The dangers of “legislating in haste and repenting at leisure” were well recorded by Blick and Dickson (2020:68) who provided a litany of ill thought through acts of parliament from the last decade which almost immediately fell foul of unintended, or more accurately, unanticipated consequences after enactment. This results from the tension between acting with political expedience without sufficient consideration of the matter in hand and in this vein Sadiq Khan (Hansard 2014:6.19pm) added, “The clauses on wilful neglect by social care workers are a welcome move, as is the new offence regarding police corruption” indicating that there was cross party agreement that police corruption was considered a real and present danger requiring primary legislation. Clause 23 was therefore enacted as Section 26 with no amendments or changes as part of the progress of the Bill through Parliament. There are however changes in the wording of the equality impact assessment drafts which are useful to identify why legislators created the new offence and, in framing the research question, it is important to observe these subtle changes in the tone of the policy makers as clause 23 evolved into Section 26. The impact assessment dated 13<sup>th</sup> of June 2014 described the intention of the policy.

“To send a clear message that police corruption is a serious matter and will be severely punished. We also intend that offenders are punished and face the appropriate penalty for

their crime, to deter police corruption and to show the public clearly that this offence will be dealt with. The overall objectives of the policy are to reduce the incidence of police corruption and increase public trust in the police.” (Government 2014c)

## 2.24 The Underpinning Ethical Concepts

The equality impact statement (Government 2014c) appeared to anchor the development of the new law in three concepts. The first was the Kantian ‘Lex Talionis’ (Gilbert 2010) or the concept that the punishment-fits-the crime and the prevailing ethical view that corrupt police officers were deviants from acceptable norms. This absolutist ethical position relies on an individualistic, deontological, blame-based concept of justice. The second is that the public would see justice being done to corrupt officers, based on the largely discredited but still highly prevalent lone operative or bad apple conceptualisation of police corruption (Punch 1985, 2000, 2009). Thirdly, the final point in the last line of the impact assessment (Government 2014c) touched on increasing public confidence in the police service and was seen as a vital component in the British model of policing by consent (Government 2012b). In summary this document seemed to present a rationale for legislation to target ‘bad cops’, and to set an example *pour encourager les autres* which could be construed as one of the early appearances of the new English form of authoritarian popularism described by Schwartz (2019).

The final version of the impact assessment document numbered MoJ001/14 and published on 12<sup>th</sup> February 2015 (Government 2015c:11) states the following in respect of Section 26,

“In order that police officers can discharge their duties effectively, it is vital that the public have confidence that the police will act honestly and in the public interest. Where officers fail to do so, they must be investigated and punished appropriately for any wrongdoing. The well-established police disciplinary system deals with minor wrongdoing but, in the most serious cases, including cases of corruption, only a criminal sanction can deliver the appropriate punishment.”

This second iteration of the document seemed to change the priority of the legislators’ intent to a primary focus on the effectiveness and honesty of the police so as to improve public confidence that they act for public benefit. This was a move towards a more Lockean social contractarian position (Inoguchi and Le 2020) and added an element of proportionality in recognising that only the most serious cases should be addressed by criminal sanctions. There remained an underlying sense that “where officers fail” they must be punished for the wrongdoing which still supported the idea that

individual deviance was considered the norm as opposed to intrinsic organisational and systemic corruption which was thought to exist (Punch 2000). To speculate on why this occurred we must look at the context of the period in which the legislation was being conceived, drafted and enacted.

## 2.25 Legislative Environment

The period 2010 to 2015 saw significant events and publications which brought the issue of corrupt police behaviour into the purview of the public. Following the publication of the Hillsborough Independent Panel Disclosed Material and Report (2012), the Independent Police Complaints Commission (IPCC) conducted an independent investigation into the Hillsborough disaster, the biggest inquiry into alleged police criminality ever conducted in England and Wales (IOPC 2022b), concluding with criminal charges which were still ongoing as of December 2022. The Ellison Review into possible corruption and the role of undercover policing in the case of Stephen Lawrence (Government 2014d) highlighted several unsavoury practices involving spying on a grieving family carried out by the Metropolitan Police during the flawed investigation into Lawrence's death. The 'Plebgate' affair occurred in 2012 in which The Chief Whip, Andrew Mitchell MP, was accused of calling the police officers on security duty outside Downing Street "Plebs" and that officers had subsequently lied about hearing him use this term. The Prime Minister at the time insisted that Andrew Mitchell MP should receive an apology from the police in October 2013 (BBC News 2013b) with the officers involved facing misconduct hearings and imprisonment (BBC News 2015b). The Home Secretary was in open conflict with the Police Federation and demanded self-reform in May 2014 (BBC News 2014a). Throughout 2013 and 2014 several Members of Parliament were directly subjected to investigation by the Metropolitan police concerning historic child sex abuse allegations and were so concerned at the intervention that the matter was referred to the IPCC who commenced an independent investigation into the Met's handling of these cases in March 2015 (IPCC 2015). In March 2015 Neil Darbyshire (2015) wrote a feature in *The Spectator* detailing his growing unease about increasing police corruption in the UK and in the same month the BBC News (2015c) revealed that the Metropolitan Police had suspended 50 officers in two years for allegations of corruption. Couple these events with the Leveson enquiry report (2012) into improper relationships between police, politicians and the press and various IPCC reports on corruption (IPCC 2011, 2012a & 2012b) and it is easy to see why the belief in endemic police corruption was still fresh in the minds of parliamentarians at the time of the vote on the Criminal Justice and Courts Bill in December 2014. Although the Act *in toto* was vigorously debated, examined, and contested by the opposition and the Lords during its passage and was criticised as poor legislation, made in haste to

satisfy political expediency, very few of these criticisms appear to have been directed at the section which created the Section 26 offence of police corruption. This resulted in the introduction of a new, broad scope, offence with serious individual and organisational implications for the police without significant parliamentary scrutiny as to intended or unintended policy outcomes.

## 2.3 Public Policy

This section further examines the literature relating to the national environment within which police reform legislation was conceived and developed. The literature on the rationality of policy and legislative development and the gap between the apparent desire of legislators and the activities of practitioners in the delivery of the policy is also examined. It sets out a critique of how public policy may be understood, the factors operating during the process of a major public policy making exercise, and why the term policy has differing meanings in given circumstances. It will confine itself to considering policy analysis in the public sector and specifically the process applied to the creation of Section 26 of the Criminal Justice and Courts Bill 2015

### 2.31 What is Public Policy?

The dictionary definition of a policy is “a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions”, and “a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body” (Mirriam-Webster 2017). In light of these non-academic definitions, I am using the term ‘policy’ throughout this discussion to describe a choice, made in light of alternative potential courses of action, which defines the manner in which a body, particularly a public sector organisation like the police service, will achieve its stated objectives. Using this definition, a policy is a desired methodology which is created to ensure similar behaviours and common outcomes for given issues and in this respect the terms legislation and policy are analogous but, as set out by Van Aeken (2011) the two terms are, in all other senses, very different.

In his dedication within Public Policy, Parsons (1995:5) quotes John Milton as saying, “There is no art that hath been more canker’d in her principles, more soyl’d and slubber’d with aphorising pedantry than the art of policie”. Parsons (1995) goes on to say that over time the notion develops in the public psyche of an apolitical Weberian bureaucracy (Weber 2016) carrying out the policies of elected politicians. Other writers (John 2013; Dye 2013) echo similar ideas to Parsons (1995) in

describing that the bureaucrat derives their authority from being apolitical and the politician derives their authority from their position as an elected official. Parsons argued that policy therefore became an expression of political rationality and that the term has come to be synonymous with a rational choice between differing potential actions (Heclo 1972), the rationality of the choice being the factor upon which the efficacy of the policy was publicly judged.

There are paradoxes of working within all public sector management environments that arise from the potential differences of philosophical reality paradigms between public service managers and their political overlords. This is particularly evident within the police service whose symbolic function, as a form of Lacanian ‘Little Other’ (Hill 1997), is to maintain the status quo, follow instructions, and represent order and legal compliance. How much harder for the symbolically compliant police to disobey or resist the political rhetoric of Government policy, for example the austerity measures undertaken since 2010 (Caveney et al 2020)? Exhorting officers to ‘work smarter not harder’ contradicts the culture of a police service which has been determined and maintained by the mindset of senior staff over many years. Gabriel (2004) reviews the role of emotions within organisations which are often felt to be anathema to the work of policing as emotions are not thought to constitute evidence (Lumsden & Black 2018). The denial of an emotional element to the leadership of public sector organisations is a modern and increasingly incorrect assumption based on the growth of neoliberal, rational managerialism in the service (Chapin et al 2008). Gabriel takes us back to the work of Weber in 1946 in which he not only draws a distinction between leadership and management but also places them as diametrically opposed forces within the public management realm. Weber is quoted as saying,

*“Sine ira et studio, ‘without scorn or bias’ [the administrator] shall administer his office. Hence, he shall not do precisely what the politician, the leader, must necessarily do – namely fight. To take a stand, to be passionate – ira et studium - is the politician’s element, and above all the element of the political leader”* (Gabriel 2004:213).

## 2.32 The Peelian Position

Modern politicians have been very keen to display their passion for policing through the invocation of the nine Peelian Principles (Government 2012b) in the context of police reform to make the case for additional accountability, focussing on the issue of policing by consent set in Peel’s Principle 2, that the power of the police was dependent on public approval of their actions (Home Office 2012). However, the same attention was not often drawn to Peel’s Principle 5 which echoed the Weberian



sense of delivery of policing services *sine ira et studio* and made it even harder to reconcile with the introduction of elected police and crime commissioners. It is worth setting out principle 5 in full as it speaks, not to the process of policy, but to the law and the individual characteristics expected of police officers.

“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” (Home Office. (2012: para5).

This desire to selectively quote the founding principles of the new police was an attempt to refine the essential telos of the service, the deep reason for its existence or true purpose (Loader 2013; van Hulst & Tsoukas 2021). MacIntyre (1985) sought to reinvent the Aristotelian concept of Teleology, the study of the deeper purpose of things that exist, in a return to virtue-based ethics as a move away from the prevalence for modern rational utilitarianism. In this case the *raison d’être* for Sir Robert Peel’s formation of a modern police service in 1829 (Lentz and Chaires 2007) was enshrined in the nine principles of policing and MacIntyre would place these principles at the core of policing telos and therefore its ethics, values, and behaviours. The Peelian principles were intended to be taken as a whole and to be read as a set of virtues which act together to drive the telos of the service. The modern tendency to selectively pick and choose from the menu of the nine principles is indicative of a more consequentialist, post hoc, attempt by political leaders and some senior police officers to justify the modern reforms.

### 2.33 Governmentality

Foucault’s conception of Governmentality as the convergence of state government and government of the self (Lemke 2002) may be demonstrated in the way that Section 26 was introduced as the creation of public policy on the back of a form of moral panic (Cohen 1972; Sutton 2012) arising from increasing perceptions of police corruption. Horsley (2017) argued that the term moral panic was too simplistic as an example of a scandal and reform narrative which was a similar position to that adopted by Reiner (2010). The language in the drafted legislation surrounding widespread concern about corrupt police officers and the erosion of public trust leads one to conclude that meso-analysis (Talib & Fitzgerald 2016) of public concern about police corruption at the level of the state, filtered

through the refinery of the legislative process had produced Section 26 in its current form. The way in which social problems are effectively constructed into issues worthy of needing legislative intervention by governments, specifically the role of the media and latterly social media, was discussed in some detail by Parsons (2005). This “collective puzzlement on society’s behalf” (Heclo 1974:305) allowed liberal democracies to consider the societal impact of the erosion of trust in policing integrity. The Black Lives Matter protest was an example of a recent and dramatic example of such an issue arising, being deemed problematic by the public and therefore worthy of a political or policy response, specifically some political movement towards addressing the consistent issue of US police officers killing black men which was well described by Blum (2020). The condemnation of police conduct following the killing of George Floyd and counter condemnation of the resultant violent and peaceful protests in a time of policy-driven social isolation to prevent the spread of the Covid 19 virus (Independent 2020) felt akin to the process that occurred from 2010 through to 2015 to build a moral panic about police corruption. This corruption was perceived to be much wider and deeper than the institutional racism described by the Lawrence enquiry (Macpherson 1999) and was effectively leveraged as a “folk devil” (Cohen 1972:8) by the government to secure cross-party agreement to the production of the new Corrupt or Improper Practice offence. Discussion of police deviance became increasingly de-tabooed and more widely discussed in the media which was used by the government as the justification for the introduction of the Section 26 offence, the paucity of meaningful dissenting voices during the progress of the Bill through parliament appeared to support this hypothesis. This incitement of a Cohenian ‘moral panic’ (David et al 2011:223) could be seen as creating the rationality for this reform of the police service.

### 2.34 Rationality

The growth of scientific rationality arose from the 18<sup>th</sup> Century notions of reason and freedom which were described as ‘The Enlightenment’ and which led to secularisation and democracy in Western Europe. Wheen (2004) suggests that the ideals of the Enlightenment, particularly that of reason, which stems from the Greek argument dialectic of thesis, antithesis, synthesis, are under attack from a modern mix of aestheticism and mixed cultural mysticism and that this has led to a mass retreat from reason. It is possible that this retreat from reason and a growing distrust of the rationality of policy makers and policy implementers has resulted in two opposed outcomes (Farkas, & Schou 2019). Firstly, a greater desire in the public sphere to analyse policies to ensure that the outcomes are representative of the will of the people, thus increasing democratisation of public services like the police, and secondly the dawning of a post-truth (Foroughi et al 2019) age for the wider public

who simply no longer trust the advice of experts in public policy. The latter was evidenced by the rhetoric and analysis of the impact of the social media echo chamber effect following the Brexit referendum and Election of Donald Trump as US President (Gorodnichenko et al 2018) and discussions on the use of philosophical lenses to help navigate the shallow waters of the post-truth condition (Barzilai & Chinn 2020).

We also need to consider the implicit ideological influence of the neoliberal market capitalist milieu in which the global economy and western national governments of all colours are now steeped (Fisher 2009). It has been argued in a variety of ways by Fisher (2009), Steigler (2013) and Diken (2009) that this system of individual competitiveness has promulgated a form of cultural neo-nihilism which disregards the social world and concentrates individual effort and energy on the consideration and promotion of the self above any communitarian urges. It refutes the very idea of a moral panic as this requires active ethical engagement which Horsley (2017:93) argued was absent because of an overwhelming lack of interest or “interpassive ennui” which has been engendered in the neoliberal worldview. We can conceive the impact of neoliberalism on the *sapere aude* or dare to know philosophy of the enlightenment (Gay 1996) as an atrophied *weissenstrieb* which is the idea that humans are inherently curious and desirous of knowledge. The belief in human *weissenstrieb* is robustly challenged by Horsely (2017) and by Lacan (in Žižek 2002:61) when he says that the natural state of humans is not innate curiosity but rather “I don’t want to know about it”. This lack of interest resulted in the deliberate or unconscious turning of a blind eye to matters which were unpleasant or unpalatable such as corruption by police officers.

Bentham (1780) espoused that the correct policy or intervention would always be that which caused the greatest happiness for the greatest number, developing a method for scientifically calculating the degree of happiness caused by an action or policy which he called felicific calculus. Bentham felt that an empirical value could be placed on the efficacy of a policy so that policy analysis could be conducted through this epistemological focus on complex systems. Even at the time this idea met with some derision although the strains of it remain in the desire for modern politicians to justify their policies through the application of statistics and rationality to achieve the maximum felicific efficiency. There are historic and current drivers for policy analysis to be rational, as the definition of policy indicates that there is an intention in the design and therefore some sort of structure to the decision-making process must exist. Parsons (1995:271) indicates that there are sociological and economic sources for the propensity for rational decision-making, the economic from the development of neoliberal economic theory in modern public service culture, and the sociological

through theories of organisational structure and function. Parsons believes that the literature on rationality in policy analysis has therefore been dominated by the influences of economic theory. There is a propensity for Homo Economicus (Read 2022) to see the world in terms of absolute *a posteriori* knowledge, the reasoning from observations to deduce probable causes as opposed to *a priori* knowledge based on deduction of causes from theory rather than observed experience. This Foucauldian (2008) Homo Economicus understanding of knowledge is epistemologically naturalist and empirical in its position that knowledge is always linked to the external physical world and that it is measurable and repeatable. At the same time as displaying naturalist epistemology, neoliberal thinking also holds a structuralist ontological view of the nature of reality leading to an ethical conviction that there are some defined principles through which the behaviour of individuals or agents, in this case sworn police officers, can be predicted. One such rule or presumption is that the officers act as individual agents and in their own self-interest and that societies in general and the police service in particular are merely groups of people acting independently within contractual limits. Dixon and Dogan (2003a, 2004) define such 'naturalist-agents' as being possessed of a synoptical rationality which leads them to only accept as rational what can be empirically measured as objective reality. This rationality assumes that individuals or agents within the sphere of the policy analysis and implementation will act upon rational choices and that they have the capacity and capability to examine all possible consequences of a policy prior to making a policy decision. The lack of challenge evident in the record of parliamentary debate about the introduction of the new police corruption offence gives an indication that the possible consequences of the policy were not in fact examined to this comprehensive extent (Hansard 2014:6.19pm). Such rational choice theory has come to underpin decision making in public bodies although legislators are forced to make sweeping generalisations about the nature of rationality.

To be fully rational and consistent decision makers, the consumers of public goods such as policing services require access to information on those products and services which is very unlikely to be available given the secrecy with which police information is collected and retained. People do not always make rational decisions in the true sense of the word and historic policy decisions, made in light of religious belief or in the public good, appear to contemporary eyes to be non-rational or even irrational when they were rational according to the contemporary policy maker's understanding of the nature of reality. To try to retain some elements of rationality, whilst accepting that synoptic knowledge is essentially unachievable, Herbert Simon (1945) explained that most people are only partly rational and in fact make decisions based on emotions and previous patterns of behaviour, he stated "boundedly rational agents experience limits in formulating and solving complex problems

and in processing (receiving, storing, retrieving, transmitting) information" (Simon in Williamson 1981:553). Simon therefore establishes a notion of bounded rationality within which decisions can safely be made to justify courses of action. Parsons (1995:277) summarised the factors by which human rationality is limited and these included the sheer amount of information necessary for modern policy analysis and the fact that a single human brain was not capable of retaining and analysing that amount of data or of conceptualising and extrapolating consequences from it. A similar problem faced Bentham two hundred years earlier when trying to identify all the factors required to make a completely accurate felicific calculation on the greatest good for the greatest number. The notion of a being with the time and understanding to make fully rational decisions in a world where the biological reality is that of limited time and knowledge was patently absurd to Gigerenzer (1991) when dissecting heuristic decision-making processes. Pierre-Simon de Laplace believed strongly in the philosophical proposition of causal determinism, which espoused that every event had to be determined by an unbroken chain of prior occurrences. Hahn (2005), in his biography of Laplace, neatly encompassed the theory of a bounded rationality by suggesting that any sufficiently developed intellect capable of calculating the positions of every atom, particle and energy could conceivably predict, knowing that every cause has an effect, all the possible outcomes of an event or all outcomes arising from a policy or law. Such an intellect, the so called LaPlacean Demon (Hempele 2015), could thereby predict every event that ever occurred or will occur. This concept is more recently explored in the BBC2 science fiction drama DEVS (Garland 2020) which explored a world in which quantum computers were capable of such immense predictive calculation thereby calling into question the very nature of human free will which is examined by Gilbert (2020). The practicality of creating the immense amount of computational power necessary for such a detailed analysis of cause and effect remains firmly in the realms of science fiction or demonology leaving us with the fact that we must cope with imperfect rationality in the design and delivery of effective policy and law.

### 2.35 Arationality and Metarationality

Another approach to policy analysis is to be deliberately arational i.e. to take a consequentialist view of the policy and to judge its success, not by set values and ethics, but by its outcome alone. This form of end justifying the means policy analysis is often given a negative connotation by use of the term Machiavellian. The term has come to mean a self-interested or corrupt methodology when in fact it asserts an arational approach. In his treatise *The Prince*, Machiavelli (1515:56) suggests that,

“a man who strives after goodness in all his acts is sure to come to ruin, since there are so many men who are not good. A prince should not deviate from what is good, if that is possible, but he should know how to do evil, if that is necessary”.

In complex processes such as policy making, chaos theory suggested that a very small change in the input of the system can result in large and unpredictable differences in the output (Faggini & Parziale 2012). To manage this phenomenon Lindblom (1959), in his seminal article “The Science of Muddling Through” proposed an incrementalistic approach with small changes stemming from a rational comprehensive root where a good policy was defined as the most appropriate means to a desired end. This concept retained contemporary relevance as the aggregation of marginal gains theory espoused by David Brailsford in coaching the British Olympic cycling team to outstanding success (Moore 2014). This ethically sceptical methodology highlighted the fact that ethics, values and the nature of human motivation and power compliance cannot be rationalised in an empirically verifiable way. Instead, they rely on the accretion of small improvements through trial and error with no link to the rightness or wrongness of the actions taken except the degree to which they advance the particular function being measured e.g. the time in which a cyclist can complete a race. The final solution policy to the ‘Jewish problem’ devised in Germany in the 1940’s was a rational response to the perceived issue within the system of ethics and beliefs that the Nazis had been socially constructing since the 1930’s (Katz 1992). In hindsight it can be seen as irrational as the holocaust policy acted against national interests but at the time it was arational because within the context of national socialism the end justified the means. Modern policy makers use similar, though less drastic, arational appeals to the public to secure public approval of their policies sometimes referred to as nudge leadership or arational persuasion technique (Sawicki 2016).

In the adversarial policy arena, such as the creation and adoption of reforming legislation in the face of political opposition in both Houses, the rationality that existed was modelled using a principle developed by economists called game theory. Zeng et al (2005:456) describe a policy as being “analogous to a strategy in game theory in that it specifies an action for each state in a conflict” and suggested that the moves available to a decision maker in a non-cooperative game can be mapped using a metarational tree graph. This type of graph allowed the modeller to understand the number and consequences of decisions through time and theoretically allowed a LaPlacean prediction of outcomes (Hahn 2005). In the preface to his book Raiffa (2007) countered this idea of metarational mapping and analysis as an effective tool of policy making stating “I found the assumptions made in standard game theory too restrictive for it to have wide applicability” and suggested that other approaches to decision making, decision, behavioural, and negotiation analysis were entwined with

game theory to produce a theory of successful negotiating and policy production. The term metarational then arose from a mathematical principle that all possible outcomes could be divined for a policy or decision as the probability of one decision leading to further logical or rational decisions could be calculated, which returns us to the issues identified when considering the LaPlacean demon (Hahn 2005). Metarationality could also be used in the wider context in that it alluded to the situation in complex systems where there was an understanding that not all decisions within the complex system may be rational but that the overall outcome can be held to be rational within the prevailing ethical and values framework. This concept of metarationality neatly allows Homo Economicus, the neoliberal capitalist exponent (Dixon 2010), to fulfill their world view by placing a numeric value on human inconsistency and thereby retaining the illusion of a synoptic rationality with which they feel comfortable. The very fact that, at a mathematical level, the concept of metarationality existed demonstrated that presumptions made about ethics and values, human nature, motivation, power and compliance cannot be rationally verified. As soon as any legislative or policy change was analysed the ethics and values of the analyst, the policy maker, the policy implementer, and the policy recipients all became relevant to any discussion on whether the policy worked. Each of these people had a wide range of philosophical outlooks which in turn influenced their thinking on the way in which power was applied through political intervention, it was a statistically remote possibility that full agreement could be achieved on the success or otherwise of the introduction of Corrupt or Improper Practice as a criminal offence. This led to a conclusion that some form of policy failure was an inevitable part of the policy process. If one applies pure Benthamite utilitarianism (Bentham 1780) a successful policy will be the one which provides the greatest good for the greatest number of people. How the good was assessed is of course open to ethical interpretation by those involved in creating and implementing the legislation.

The assumption of policy failure was also the case in any arational policy model where the end justifies the means and in nonrational models such as anarchic or garbage-can decision making (Cohen et al 1972). These decision-making preferences occur within the philosophical disposition that Dixon and Dogan (2003b) identify as hermeneutic agency in Homo Existentialis who ontologically relies on a belief in the supremacy of the self and epistemologically values the creation of knowledge through subjective experience. Dixon and Dogan (2003b) espoused that it was through hermeneutic epistemology that a critical reality could be constructed between interested parties through discursive activity and common agreement with little reliance on a sense of naturalist or empirical truth. To acknowledge that this element of rationality was essential in modern political decision-making government organisations have increasingly attempted to consult with stakeholders

at all stages of policy formation, ostensibly introducing the discursive or hermeneutic element to policy creation. It is of note that such discursive consultation was not strong element of the wave of governmental police reform since 2010 which has may have led to the public disagreement between the Home Secretary and the Police Federation (BBC News 2014a). This can also be described as a metarational approach as it was trying to achieve the ideal of a rational policy through stakeholder inclusion and critique of the policy through its lifetime. The success or failure of the policy was not a finite pass or fail situation but was seen as an organic, outcomes-focussed result based on continued incrementalistic or satisficing adjustment to the policy (Schilirò 2018). A full analysis of the results of any policing policy must therefore consider the essential dichotomy that exists in modern public policy making. There remains a desire to be seen as rational in the wider sense of the word when making decisions that will affect peoples' lives, and will be paid for by public taxation, whilst acknowledging that full or synoptic rationality is an unattainable goal for humans to achieve (Proeller & Siegel 2022).

### 2.36 Extrarationality

In between the rationalist and incrementalistic camps sits the half-way house of Dror's (1963) normative-optimum model. This model defines the term extrarational as combining an acceptance that humans do not always make rational choices whilst recognising that governments need to display rational actions. This element is particularly true during self-imposed governmental austerity where a rational explanation involving budgetary savings may mask other human drivers (Caveney et al 2020). This extrarationality injects some of the hermeneutic thinking of Lasswell (1970) into the debate on policy analysis by introducing subphases to the policy analysis methodology which attempt to ensure that the various forms of rationality are taken the into account. One subphase includes the processing of values and the agreement of what success will look like amongst policy players, in the case of the development of Section 26 (Government 2015) the success criteria were unclear as described earlier in this Chapter, but the stated aims revolved around the improvement of public confidence in policing and the punishment of corrupt officers. This is set against a second subphase of rational gathering of empiric data to act as a hard foil to the soft cognitive psychological aspects considered in the first subphase. This could include a post implementation review of the new legislation in which the number of charges and convictions are examined to assess the success or otherwise of the Section 26 offence. This PhD research was itself a review of the impact of the legislation on the activities of the police through an examination of the attitudes about the offence experienced through the reflections of the author. From this normative-optimum model Dror (1989)



constructed an 18-stage process for policy making which was broken down into three main areas, metapolicy-making, policy-making and post policy-making and which allowed the extrarational factors of values and non-rational elements to be considered during the policy making process. Parsons (1995) agrees with Dror (1989), Etzioni(1999), Simon(1955) and Lasswell (1970) that the best approximation to rationality that can be achieved is extrarationality which accepts that the reasons behind decisions may often be subjective and that policy results will be viewed differently through different lenses of understanding of what is, essentially, objective reality. The failure of a policy like the introduction of a new police corruption offence was therefore not inevitable under the conditions described, it merely needed to be viewed in the light of extrarational decision making and understood as being essentially subjective and not objective in nature.

# Chapter 3

## Extended Literature Review

### 3.1 Introduction

### 3.2 Police Culture

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### 3.1 Introduction

The previous literature review Chapter discussed the prevailing socio-political environment between 2010 and 2015 during which the concept of creating the criminal offence of police corruption arose. This included a review of rationality in public policy making and concluded that extra-rationality, which considers subjective reality as well as objective policy analysis, may be the ideal paradigm within which any examination of the new legislation should occur. The Chapter also covered the

socio-legal aspects of the offence of Corrupt or Improper Practice in Section 26 of the Criminal Justice and Courts Act 2015, its passage through the legislative process, and how it compared with an older offence of misconduct in public office. This Chapter sets out the second pair of themes which were uncovered during the whole literature review, police culture and personal factors and is focussed on understanding the prevailing cultural environment within which the new law was being implemented and the impact of police corruption on individual police officers.

### 3.2 Police Culture

No examination of corruption within the police service can be complete without considering the context in which the behaviour occurs and much of the criminological literature on the police service puts heavy emphasis on understanding the pervasive influence of the culture of the service and its impact on the public, policy makers and law enforcement workers. The use of the term culture is itself divisive as presented by Loftus (2010 & 2022) and can be viewed as a spectrum from a monolithic and all-pervasive culture of the police to a group of enduring cultural memes which form a patchwork of interdependencies. All organisations have their own cultures which have historically been very difficult to identify and characterise, indeed Kroeber and Kluckhohn (1952) concluded that there are at least 164 different definitions of various cultures. Gabriel (2004) suggests a simple way to understand culture is to examine it as the interaction between the norms and the values of a given society, organisation, or group of people. Norms are described by ethicists as being the expected standards of behaviour that tell what is ideal or required, or more simply 'the way we do things round here' (Godfrey 2001), whereas values are the deeper personal and organisational sense of what is objectively necessary for humans to live a good life (Shafer-Landau 2015). Organisational cultures imbue each day for employees with meaning which in turn elicits emotional responses and Gabriel (2004:210) explains that the culture of all organisations is created and driven "more by irrational fantasies and emotions than by rational plans and calculations" which is aphorised in the oft quoted but unattributed management mantra that "culture eats strategy for breakfast".

There has been a change in attitudes amongst the police themselves towards the concept of a definitive police culture derived from the very nature of the work as described by Skolnick (1966) and again by Reiner (2010) and whether this sense of 'cop culture' has any reality at all. Chan (1997 & 2004) and Campeau (2015 & 2019) described police cultures as being a potential resource for the organisation and a survival mechanism for the officers themselves. These ideas are extended by Loftus (2022) to suggest a reason for the police eschewing the very idea that their culture exists i.e.

that it has so often been portrayed by earlier academics as a negative force (Waddington 1999). Leadership attitudes in the 1980's and 1990's were reflected by Holdaway (1991) who stated that police officers did not openly accept the existence of culture except as a hidden but inaccurate set of behaviours and beliefs which were exhibited by others within the organisation but not themselves. This reflected a sense that culture was invisible to those who were most imbued by it and suggested that many police officers of the period would strongly assume that every other officer apart from themselves was influenced by the prevailing police culture. There was still evidence (Loftus 2022) that this police disbelief in their own culture had a strong resemblance to the widely held sense of mutual exclusion or social isolation (Skolnick 1966) within the service and that the recently introduced Code of Ethics (College of Policing 2014a) was 'not really for me' but certainly applied to everyone else, a principle previously noted amongst police officers by Kingshott (2003). These leadership attitudes can be seen to be evolving somewhat to move beyond a naturalist epistemology and acknowledge the hermeneutic and interpretive existence of culture or cultures within the police (Dixon et al 2004). In 2006, when I attended the national High Potential Development Scheme (College of Policing 2014b) at the Police Staff College in Bramshill, there was no mention of cultural impact within the police leadership courses designed to identify potential senior leaders at an early point in their policing careers and provide a central five-year programme of education and experiential training. It was felt that the scheme, coupled with a path to early promotion bypassing the traditional delay for 'dead men's shoes' vacancies, might help to negate some of the cultural hegemony of traditional police promotion routes (Grint et al 2017). The scheme was replaced by a more direct challenge to established police time-served culture in the form of fast track to Inspector and direct entry to Inspector and Superintendent ranks (Hoggett et al 2019). The College of Policing (2020a:para3) described the rationale for the direct entry programmes as supporting the national policing vision by introducing exceptional leaders straight into the higher ranks to "make an immediate impact on culture, efficiency and effectiveness". This clearly set out the desire of the College at the time to create senior officers who were not steeped in the culture of the organisation and the 3-year evaluations of direct entry programmes report (Government 2022b) stated that they had been successful in introducing new blood to the higher ranks of the service. It is perhaps surprising then that the direct entry programmes have been suspended in 2022 pending further consultation with forces on their future viability (College of Policing 2022b). Notwithstanding this retreat from direct entry to challenge cultural bastions there was a change reflected in the national leadership training provided by the College to those already working within the police which embraced the existence, and powerful impact of, culture and is manifested by leadership modules entitled "leadership and culture" (College of Policing 2019) which adopted Johnson and Scholes (1993) cultural web model.

This model recognised culture as a real phenomenon and its relative impact on corporate bodies, concluding with the more nuanced view that “no organisation adopts a single type of culture” (Cacciattolo 2014:7) who suggested that complex organisations like the police service have several interwoven sub-cultures that contradict and reinforce each other in different situations as suggested by other ethnographies of the police (Bacon et al 2020a & 2020b).

An important aspect of the endurance of police cultural memes is the prevalence of storytelling in the police service. The communication and promulgation of culture occurs in several ways including the sharing of reflective narratives and storytelling and are a strong international trope of policing observed in New Zealand by Macauley and Rowe (2019), in the Netherlands by van Hulst (2013, 2017) and well documented in the UK as a folkloric form of applied police ethnography by Smith et al (2014). Fletcher (1999) suggested that police organisations are filled with storytellers and that good stories provided an iterative tool to vicariously pass on important survival skills within organisations which not only include practical lessons on officer safety and knowledge of criminal activities in a given policing area, but also the more esoteric cultural survival skills, those unspoken and unwritten rules which are inaccessible to outside observers (Fletcher 2006). Yiannis Gabriel (1991, 1996, 2000, 2009) wrote extensively about stories as extremely powerful tools to help demystify the politics, emotions and symbols within organisations and suggested that the best method of studying the life of organisational culture was by listening to the enduring stories told within and about organisations as these illuminated the hidden values which existed there. The autoethnographic methodology selected for this study makes use of recounting these stories and reflects on the multi-layered meaning which can be extrapolated from such policing parables.

### 3.21 Criminological Theory

Police officers, as agents of social control, are responsible for identifying public deviance from social norms and applying both formal and informal corrective methods which can be examined through the lens of classical labelling theory (Becker 1963). Cockcroft (2017) set out a range of criminological theories associated with the deviance noted in the police and it was entirely possible that officers took on a master status label, not only of police officer, but also of ‘a character’ within the service as described by Delattre (1996), internalising that label and defining themselves, not on the basis of their deviant behaviour, but on how others within the service reacted to that behaviour. This could drive increasingly excessive breaches of procedure and law to live up to the label of a ‘character’ and ultimately scale up to criminal corruption. Labelling theory has been shown to be present where

mentally ill officers have been negatively stigmatised by colleagues and episodes of mental illness were commonly repeated for many years, labelling the officer as unfit for their entire career even though they were no longer suffering from mental illness (Bullock & Garland 2018). Within police culture this highlighted the high value placed on hypermasculine conceptions of resilience and capability (Silvestri 2017) which in turn were linked to what it means to be 'real man', that working-class hegemonic masculinity described by Ellis (2016) from whom the police are primarily drawn (Whitaker, 1979). There were a number of cultural themes which appeared to be recognised as common to police officers around the world so that there was a sense of an international brotherhood in the law enforcement profession. Waugh et al (1998) discussed this in terms of international police attitudes to misconduct, the impact of female officers on the masculine culture and it was examined in respect of the cult of masculinity in policing by Silvestri (2017). I discussed earlier that, since the early 1990's, it became increasingly accepted that police culture was not monolithic but was a much more nuanced set of intertwining sub-cultures and this process was believed to begin even before applicants became a warranted officer. Conti (2006) discussed the process of socialisation of civilians into US police norms long before going to police training college as part of an unconscious selection process to ensure that only the right people were successful in gaining a badge at the end of their selection and training. To this end, and to limit the discussion to a more manageable size, when looking at police culture in this review I concentrated on those aspects of culture which were thrown into sharp relief by the issue of corrupt police behaviours; the first being the blue wall of silence (Westmarland and Rowe 2016; Nolan 2009) and the second the hypocritical concept of "what is real, and what is really real" in the *Lebenswelt* or lifeworld (Habermas 1981) of the police.

### 3.22 Police History

To fully understand the nature of the police in England and Wales it was necessary to consider the wider aspect of Englishness and the strong cultural behaviour associated with this as it formed the basis of the British policing (Holdaway 1979; Alderson 1979; Grieve 2015). In her comprehensive ethnography of English culture, Fox (2014) defined the reflexive responses of moderation, hypocrisy and humour combining to form the central tenet of Englishness, which was social dis-ease, whereby unwelcome feelings of embarrassment were engendered when faced with social interactions of almost any kind. Policing, being almost exclusively a socially interactive process and dealing as it does with the vicissitudes and vagaries of embarrassing human failings, was a prime candidate within an English cultural milieu for the use of moderation, humour, and hypocrisy. This helps ease the process

and allow both policer and policed to experience the minimal amount of social dis-ease and embarrassment which arises from the conduct of the policing interaction in which they are engaged. Both Reiner (2010) and Paxman (2007) echoed Fox's recollection of the ethnographic work done on Englishness by Gorer (1955) in which he argued that some of the key elements of Englishness, namely orderliness and sense of fair play, developed from the 1800's to 1950's were brought about by the invention of a peculiar style of British policing which allowed for the policing intervention to be carried out humorously, and with minimal fuss and embarrassment. Fox (2014) uncovered a very strong streak of unconsciously applied hypocrisy in the national character impacting on everything from subtle racism, well-honed class radar, and use of false modesty and courtesy to subliminally demonstrate exactly what is meant and the social status of all those involved. This was inherently connected to the way in which British police culture has a fundamental dichotomy at its core, are the police there to help us or harm us? British policing is perhaps unique in that even today it is represented and arguably hindered by the press, politicians and the public maintaining a bygone image of the desired operating model of a monopolised public service. Shearing and Marks (2011) argue that this utopian ideal of policing never actually existed and was certainly not present in the managerialist, neoliberalised and polycentric conception of policing in liquid modernity (Bauman 2000). The identity of the British police was a manufactured propaganda constructed by the 1950's English cinema at Ealing studios and centred around "a fictional image of the bobby on the beat" (McLaughlin 2007:24) the mythical PC George Dixon of Dock Green in "The Blue Lamp" (McLaughlin 2005). The very fact that Dixon was shot and murdered in the film should have been an indication, even then, that times were changing, and the quintessential bobby was past their sell-by date. Seeking to make this change to the existing bureaucratic, machine-metaphor, police métier (Manning 2010) in a reflexive and self-choosing liquid modernity was thought to be an impossible task akin to "King Canute commanding the tide with a sword" (Sheptycki 2017:296). British police officers find themselves in an environment where internal organisational or cultural change has been stultified for nearly 200 years since the inception of the New Police in 1829. Indeed, the current post-legitimacy era for the police service as described by Reiner (2010) could now be said to be fully realised in a post-truth period of neoliberal and austerity-driven policy making (Foroughi et al 2019). Police officers appear to hold on to a golden myth around policing, that it is somehow an eternal feature of British life and not a 19<sup>th</sup> Century political construct. The British Bobby, like the Canadian Mounty, are the embodiment of national character traits (Mawby 1999) and this belief persists in the face of the current political environment expressed by Bayley and Shearing (1996) who describe the current era as one which marks a change in systems of policing brought about by pervasive managerialism from late into liquid modernity.

### 3.23 Schismatic Telos

The current state of the police represents a split personality in terms of the essential telos or *raison d'être* of the police service and the tension between a changing sense of telos with the subsequent impact on existing police *métier* and culture. Raymen (2019) argues that this has wider impact in his zemiological examination of the cultural effects of liberalism on wider society. The value of police ethnographies in gaining glimpses into this secretive and hypocritical behaviour, thereby extrapolating a hypothesis on a key cultural icon of policing, the “blue wall of silence”, is emphasised by Bacon et al (2020a;2020b). Loftus (2010) in her treatment of the classic themes of police culture concluded that, even though it was tempting to recognise the advancements and improvements in the traditional cultural norms, specifically racist and sexist behaviours, it was also valid to remember that police culture could still be perceived as monolithic and that the changes merely scratched the surface of a very strong cultural identity in the service. She recognised that police culture had become somewhat clichéd in the literature and in popular culture due, in no small part, to the portrayal of aberrant officers in police dramas which Huey and Broll (2012) argued were significantly influential in defining public attitudes to the police and how the police enjoyed thinking about themselves. This relationship between the police and media representations of them was further explored in terms of the collection of work-related trophies (Linnemann 2017b) and the police use of social media memes to create an image of themselves which Wood & McGovern (2021:305) term “Copaganda”. The impact of police drama on police self-image and public understanding of what might occur behind the veil of policing was explored by Parry (2022) could be inferred from the plethora of police dramas, such as *Line of Duty* (Mercurio 2012; Gilbert 2019) and *The Bodyguard* (BBC 2018) with an audience of 17.1 million, which filled the broadcast schedules and attracted viewers and advertising revenue alike.

In a similar vein Greer and McLaughlin (2017) argued that the news media was an important source of influence on public attitudes to policing and criminal justice through the creation of myths and stories defining communities and cultures of which we do not have first-hand experience, such as the hidden world of corrupt or improper behaviour by officers (Dowler 2016; Dowler & Zawilski 2007). This conclusion leaned heavily on the work of Chibnall (1977:x-xi) who said that the purpose of the news media was “to eulogise on conformity, to establish norms and values, and to warn of the consequences of deviance”, thus articulating the particular nature of the potential threat to the status quo and helping to formulate a socially acceptable plan to treat, tolerate or terminate that threat. Loftus (2020) summed up police culture as possessing an exaggerated sense of mission,



craving excitement, celebrating masculine exploits, a willingness to use force and to engage in informal working practices. She echoed Skolnick (1966) and Banton (1964) in describing police officers as continually suspicious, socially isolated, conservative in politics and morality, and both cynical and pessimistic. The police employ a bounded rationality (Reiner 2015) allowing them to apply the rigid architecture of the legal system to the fluid network of messy human interactions and frailties described as a generalised “good guy - bad guy” construct (Loftus 2010:1). This leaves the police with a simplistic and decontextualized understanding of criminality within which it was deemed a virtue for police officers to display defensive solidarity with colleagues and this concept was thoroughly examined with new data in Chapter 5 where I introduce the idea of a prevailing ‘Honest Cop’ belief amongst police officers.

### 3.24 The Blue Wall of Silence and Hegemonic Masculinity

The closed shop nature of policing was internationally recognised in the literature discussing corruption and, more particularly, why corrupt behaviour appeared to be tolerated or even denied within the police service. This is exemplified by the UK police reaction to being branded institutionally racist in the report on the death of Stephen Lawrence by Lord Macpherson (1999). Lea (2000 & 2013) charts the ongoing denial of the label by the police, and it was demonstrated in 2013 by Kevin Hurley, a former Metropolitan Police Detective Chief Superintendent who was elected as Surrey Police and Crime Commissioner. When responding to a local newspaper 20 years after Stephen Lawrence’s murder Hurley, who had been elected after a campaign extolling the virtues of zero tolerance policing, said that the Macpherson report was the result of “post-colonial guilt” (The Independent 2018). Such examples, arising from that culture of defensive solidarity with colleagues, demonstrate the “blue wall of silence” which was first identified and addressed in New York as part of both the Knapp (1972) and Mollen (1994) Commission investigations into police corruption where investigators noted a significant reluctance by so-called clean cops to report the corrupt behaviour of their colleagues. This concept has been explored in several policing contexts and has been found to be a universal element of international policing cultures (Chin & Wells 1998; Cottler et al 2014; Daly 2011; Nolan 2009; Westmarland 2005; Westmarland & Rowe 2016). There has been a significant enhancement to UK legislation in respect of encouraging reporting or ‘whistleblowing’ by police officers but its effectiveness has not been effectively researched (Newburn 2015) and the prevailing culture in the UK, whilst not exactly warm towards officers who step out from behind the blue wall of silence, is not as severe as the attitudes of the public observed by Westmarland (2013: 311) in US homicide teams i.e. “snitches get stitches”. Other aspects of police culture may well overlap with the

cultural resistance to report bad behaviours and include the hypermasculinity and heteronormative tropes reported across the field of police cultural research (Nolan 2009). Ellis (2016) suggested that the hegemonic maintenance of masculine power demanded that it was seen as more manly to personally challenge a colleague in a face-to-face conflict about a difference of ethical opinion rather than go 'running to mummy' by reporting the bad behaviour through organisational systems and processes which existed for the purpose of disclosing misconduct by a colleague. Kimmel (1994: 125), when examining homophobia arising from toxic masculinity, describes the nature of western manhood as being seen to be "strong, successful, capable, reliable, in control". Conversely, to whistleblow on misconduct rather than address it personally and directly, carries an implied emasculating sense of being weak, incapable, and lacking control even though such a personal challenge may be strongly opposed to the prevailing received wisdom described by Sims and Sauser (2013). The impact of police culture on those tasked with investigating corruption by fellow officers has not passed unnoticed in the literature and Miller (2003) warned of the particular vulnerability of counter corruption investigators in the face of hostility at the hands of colleagues when they returned to more conventional policing duties. He strongly advised senior officers to be vigilant for this expression of cultural revenge-taking when managing that process as it was an emotional and stressful time for the officers returning to normal police duties and also for their new colleagues who may have perceived a spy in their midst. In Chapter 5 I discuss the personal psychological impact on my own life when I retired from my role in such a counter corruption investigation team.

### 3.25 Corruption Theory

As we saw in Chapter 2 definitions of what is meant by police corruption are hard to elucidate as they can take the form of the very small; a cup of tea at a roadside incident, to the very large; bribery by organised criminal gangs as well as deeply embedded policies and processes such as institutionalised racism or hypermasculine heteronormativism. It may help to review a general description of international corruption within and between nation states and economic actors which was developed by Klitgaard (1998), and which has been used by The European Union Agency for Law Enforcement Training (CEPOL 2016) in counter corruption conferences to help explain drivers for corruption. Klitgaard (1998) posits that three key factors appear to always interact to create the opportunity for corruption activity and he summarised them in the pseudo-mathematical equation:  $M + D - A = C$ . There are no numeric values for these highly qualitative functions, but the equation forms a neat shorthand for demonstrating that C, (Corruption of public officials), occurs in situations where M, (Monopoly Power), and D, (Discretion to apply that power), exist together without

sufficient A (Accountability) to provide oversight to the process. The simplified concept of a 'corruption equation' is examined in more depth by Pallai and Klotz (2016) when looking at public integrity advisors in Hungary. Klitgaard (2017:15) developed this idea to arrive at a "Prisoners' Dilemma where many people may wish they didn't have to participate", establishing the notion that some organisational cultures became so inured with corrupt behaviours that the behaviours ceased to be considered corrupt because individuals perceived there to be no alternative to that conduct. This self-perpetuating culture was potentially that of the police service where corruption in its widest sense was so deeply embedded that no one within the organisation, or even the wider public, recognised it any longer as aberrant activity. Wilson et al (2001) suggested that the discretionary use of power, devolved to the lowest operator made the UK police service unique in giving significant discretion to use or not use the powers of a constable. This was exacerbated in England and Wales as the officer was most likely to be operating alone because most forces had, through the financial pressures imposed by austerity cuts, implemented single crewing patrol policies to ensure that the organisation gained most benefit from the expensive asset of a patrolling officer by not doubling them up, in effect, halving the available resources to meet demand. In 2017 a petition to the Home Secretary Amber Rudd asking her to "Stop single crewing police officers" (Change.Org, 2020) received nearly 219,000 signatures which give an indication that single crewed officers and the lone discretion that they wield was still a live issue. Rowe (2020 chptr 2) reviewed in some depth the accountability of the UK police service through a revision of Romzek and Dubnick's (1987) model which encapsulated hard, soft, internal, and external control mechanisms and stressed the difficult balance between external accountability, the consistent and fair application of police powers, and the exercise of individual officer discretion. The UK police clearly had a monopoly position in the exercise of their functions as pointed out by Stenning and Shearing (2018) even though the pluralisation of policing has accelerated in recent years and there was no doubt that this highly discretionary application of monopoly power led to the exceptional "clout of the British Bobby", advanced by Loader and Mulcahy (2003:69-100) who dedicated an entire Chapter to this dynamic. The study of "cop culture" must be of wider importance to society as the Klitgaard equation strongly suggests that without suitable accountability and oversight processes, the pressure towards corruption will drive an identifiable set of beliefs and assumptions which will determine how the police behave operationally.

### 3.26 What's Real and What's Really Real?

The second key aspect of policing culture is the concept of the differential between what is real and what is really real when dealing with police constructions of what constitutes corrupt behaviour. Previous literature (Punch 2000; Newburn 1999; HMIC 1999) attached importance to changing the culture of policing organisations to reduce corruption but this raised a question of exactly how real this desire for change really was. Promoting an ethical culture was seen as most likely to involve strong leadership throughout the organisation, a clear statement of ethical principles, and clear attention to improve integrity through effective education and training. Newburn (1999: 45) gave a realistic overview of the literature on police corruption at that time and concluded that police corruption was “pervasive, continuing and not bounded by rank”. His key points remain largely true today in that the boundary between corrupt and non-corrupt activities is difficult to define within a policing context and must include both financial and process corruption considering the differing means, ends and motives of corrupt activities by officers. Crucially Newburn echoed the work of Punch (1985 & 2003) that the issue could no longer be explained away as the product of a few bad apples and could better be described as rotten orchards in that the nature of police work itself and the pervasive impact of the struggle to identify ‘what’s real and what’s really real’ means that police corruption was above else an ethical problem. Miller (2003:38) noted that forces should centrally monitor their “ethical health” as a key plank in their counter corruption strategies. I thoroughly examined the data on the ethics of implementing the new offence of Section 26 Corrupt or Improper Practice in Chapter 5 as ethical concerns arose from the analysis of data and were clearly linked through the existing literature to any discussion of corruption.

Charman (2017) reviewed and reinforced Newburn’s exposure that potential drivers of corruption arose as the unintended consequences of a managerialist dependence on key performance indicators or COMPSAT culture (Willis et al 2007) imposed through the political and task environments which were so prevalent in neoliberal new public management (Wathne 2020). Newburn (2015) recognised that, pragmatically, culture does eat strategy for breakfast and that all the evidence pointed to police reform tending not to be sustainable, concluding that continued vigilance and review was always necessary. The New York experience was seen as proof of this final point following the revelations of Officer Frank Serpico and the Knapp Commission in 1972, after which internal counter corruption teams were established and were seen to successfully clean up the police. However, when the political focus of police leadership changed to zero tolerance under

Mayor Rudi Giuliani the graft or bribe culture reasserted itself and corruption returned leading to need for the Mollen Commission in 1994.

### 3.27 Institutional Racism

Following the death of Stephen Lawrence in 1993 and the subsequent report into the failings by the Metropolitan police service by Lord McPherson (1999) the focus of improper practice in the UK was institutionalised racism and the unfair or discriminatory use of police powers. McLaughlin (2007) explained that, even though there were significant outward changes to the police post-Macpherson, the Panorama Documentary “the secret policeman” (BBC News 2003) demonstrated a continued sense of racial prejudice in white working class police recruits and a lack of change to the core culture of the service, the real culture of the police was either reasserting itself, or indeed had never really gone away at all but was hidden behind this idea of a dissociation between what was said and what was actually done, the real and really real. The police service purports to be representative of wider British society but strives for higher moral and social virtues around equality and diversity with attendant tensions in this relationship observed by Charman (2017) during the socialisation and personal adaptations of identity and culture which take place when redefining a new label or master status from member of the public to police officer.

The press use of phone hacking and the involvement of senior police officers in unethical relationships with the press was widely reported (The Guardian 2012) and was the subject of the report by Lord Justice Leveson (2012). The 2011 inspection and report “Without Fear or Favour” (HMIC 2011:9) in the wake of the phone hacking affair found “no evidence that corruption was endemic in police relationships with the media and other parties”. It did however make several recommendations and observations including the lack of clarity about what constituted a proper relationship with such parties and the acceptance of gifts and hospitalities by police officers, which was deemed to make the service vulnerable to the perception of corruption. This difficulty in defining the police/press relationship, a ‘real’ function of the police service to inform the public of its activities through the media, was a manifestation of the ‘really real’ cultural construct which might include significant opportunities for personal reputational gain by senior officers and political positioning in a public arena. This dynamic was well documented in the autobiography of former Commissioner of the Metropolitan Police, Sir Iain Blair (2010), who described the constant fear of being undermined by his senior command team through press briefing in a subtle and Machiavellian way for personal gain, career acumen and promotion opportunities. This fear retains contemporary

resonance (Matthews et al 2022) and I discuss this concept of apparent corruption by senior ranking officers in Chapter 7 where I introduce the concept of moral cowardice as an outcome of neoliberal performance pressure in police management. The HMIC revisited this matter in its 2012 inspection “Revisiting Police Relationships” a progress report on the original recommendations. They concluded that it was imperative that the College of Policing developed “sound professional standards for training and development in connection with issues of integrity” (HMIC 2012:9). This recommendation was later to become the Code of Ethics and national Standards of Professional Behaviour (College of Policing 2014a). The report acknowledged the deferential nature of a hierarchical system, noted a lack of forces checking and challenging chief officers regarding matters of integrity, and a need for independent scrutiny of the police service. This echoed the dangers inherent in the blue wall of silence as a cultural example of a community of practice which is described as the interrelations between people, behaviours, and the wider world over a period of time and how these interact “with other tangential and overlapping communities of practice” (Lave and Wenger 1991:98). The Independent Police Complaints Commission (IPCC 2012) surveyed public views on police corruption and concluded that it was felt by the public to be rare but when it did exist it was intensely corrosive to public confidence which was vital for any policing model based on public consent.

More recently the HMICFRC (2022b) State of Policing Report and Dame Casey’s (2022) report on misconduct in the Metropolitan police service both highlighted that corruption and systemic failure to address it were continuing issues. The IOPC and politicians expressed repeated concerns that, in investigating complaints internally, the police were thought to be marking their own homework and that cultural reticence to disclose any conduct by self or police colleagues avoided public scrutiny by draping a heavy curtain of silence over the actual work done by the police. All attempts to address and reform the police service appear to have fallen foul of the recidivistic tendencies noted in many European civil service environments and described by Araújo (2001:931) as “old wine in new bottles”, where the dominant culture of the organisation imprinted itself on those who operated within it to the extent that the introduction of new ideas was fitted to their existing worldview. The preoccupation and expectation that colleagues will act with integrity and professionalism, which I introduce in Chapter 4, can be the cause of significant personal distress for officers when they first perceive that not all of their colleagues behave ethically, and this is discussed in the section 3 of this literature review considering the personal impact of corrupt behaviour on police employees.

### 3.3 Personal Factors

#### 3.31 Introduction

In this section of the literature review I examine the interaction between individual philosophical reality dispositions and the psycho-social and emotional drivers of ethical or unethical behaviours in a policing context. The action of a police officer in choosing to break the law or behaving in a corrupt or improper manner is contrary to ethical, professional (College of Policing 2014a) and disciplinary standards (Government 2012a & 2013) and is examined in the light of the personal factors affecting their decision-making capability to reflect the discussion on extraterritoriality given in Chapter 2.37.

#### 3.32 Calculated Risks

Framed with the expectation of upright behaviour placed on the police by the public, deviant activity seems to be entirely outside the realms of a rational decision and more of an irrational hunch as described by Baer Jr (2007). Hardman and Harries (2002) suggested that humans were not fully rational when making decisions because they did not predict outcomes as gains or losses from a subjective reference point as we saw in Chapter 2.36. The similarities between psychopathic traits and heroism have been well researched (Lykken 1995) and the contemporary literature confirms that fearlessness and risk taking-behaviours are all forms of successful psychopathic expression within populations of police officers (Libretti 2018; Falkenbach et al 2017). Coupled with the cultural memes of thrill seeking and danger (Loftus 2009) this may indicate that, whilst officers are cautious about obtaining gains, preferring a certainty to a chance event, they may also be risk-seeking towards losses when making heuristic calculations about corrupt behaviours. Kahneman & Tversky (1996:583) identify this as the “Value Function” and suggest that, to avoid a certain loss, people will accept a gamble that could lead to an even bigger potential loss. In the case of the police this might mean following the bad example of other officers in taking a bribe with a certain loss in personal integrity being weighed against the abstract loss of status, pay and even liberty associated with a criminal conviction for bribery. Prospect theory (Kahneman & Tversky 1979) described the prediction of events and hypothesises that decisions were taken on experience-based and pre-thought through models of the decision required at any particular point through the use of the value function. Hardman and Harries (2002) pointed out that those who did not support the thinking behind Prospect Theory e.g. Schneider (1992) and Wung (1996) demonstrated this scepticism because there was no obvious psychological rationale for Kahneman & Tversky’s (1979) value function although Kahneman & Lovallo (1993) argued that the basis of the value functions arose from cognitive assessment of risk by individuals. In the case of corrupt officers this reflected

criminological rational choice theory (Phelan 1940 & Becker 1963) which suggested that officers will make a cost-benefit analysis on the likelihood of being caught, the potential impact on their career and life set against the potential gains and benefits arising from the corrupt or deviant act. This calculation may hypothetically be capable of being accomplished, especially in cases of acquisitive corruption, but it was unlikely that the officer would have every piece of information necessary, and every risk fully calculated to make the decision rational in the purest form of the term. Where the act may be completed in an instant, e.g. an emotionally driven, unpremeditated excessive use of force on a detainee, it may intuitively appear that the behaviour is irrational or even arational but Clarke (1987) stated that perpetrators could still be demonstrating a form of rational choice where they operated within a bounded rationality and excluded data which contradicted their existing police world view, for example, the confirmation bias thought to be the root of many wrongful convictions (Rossmo & Pollock 2019). How then do police officers form their assumptive world maps to construct these assessments of risk around corrupt behaviours? What do they understand by social concepts like knowledge and truth and do officers recognise that decisions on corruption are primarily ethical as set out earlier (Punch 1985 & 2003)? Ekblom (2001) developed rational choice theory to address these questions and suggested that effective control mechanisms for offending will affect the decision making of the officer and their capability to behave in a corrupt fashion.

### 3.33 Reality Paradigms and Emotional Labour

Dixon and Dogan (2003a) introduced the idea that our social realities are formed from a contention between what is knowable, how it can be known and therefore the nature of truth i.e. epistemology, and what exists or has causal capacity and therefore the nature of being i.e. ontology. Olli (1995) sets out three types of individuals against whom the Dixon Dogan (2003b and 2003c) social reality paradigms can be compared. The first of these models is the coherent individual who holds firm opinions with immutable values. This person is not reflexive, does not question their core values and could be described as 'the unaware'. They are termed Naturalist-Structuralists or Homo Hierarchus (Dixon Dogan 2003a) and are therefore drawn to hierarchic, command and control organisations such as the police service which have simplistic and ethically monistic value sets (Delattre 1996). The second model described by Olli (1995) is the sequential individual who holds adaptable attitudes but resilient core values and could be described as 'the aware' which equates to Dixon and Dogan's (2003a) Homo Sociologicus or Hermeneutic-Structuralist, who prefers the concept of a socially constructed morality through discursive agreement. Such personalities are present in the police service but tend to question the prevailing habitus (Bourdieu 2004) and seek to generate newly



agreed norms. The third of Olli's models is the synthetic individual who has adaptable behaviours as well as mutable core values and who is reflexive by instinct, perpetually questioning and self-aware. Dixon and Dogan (2003a) introduced us to this reality paradigm, which is known as Homo Economicus, the Naturalist-Agent and it appears to be in the ascendant as a representation of liquid modernity's self-defining and individually competitive New Public Management (Bauman & Raud 2018). In Chapter 6 I present data to support the suggestion that there is a conflicting ethical trihedral evident in the police service.

Naturalist epistemology seeks to reduce the complex human relational decisions involved in the emotions and feelings engendered by corrupt policing to the level of objectively solvable engineering problems. It cedes more and more responsibility for rationalising decisions to the scientific cult of the expert where morals and values are distained as irrational and not therefore valid data on which to base public service decision-making (Wisman 1980). The absurdity of this view was brought out by Kousman et al (2001) who highlighted the dangers in not recognising emotionality in the neoliberal desire to downsize and reengineer services within the public sector which has been especially prevalent in a policy milieu dominated by austerity. Dixon et al (2004) set out four ways in which situational logic can be applied to enable a police officer, who may not be one of Olli's (1995) synthetic auto-reflexives, to deal with the cognitive dissonance caused by trying to simultaneously exist in more than one social reality paradigm, the moral police officer and the immoral deviant for example. In Chapter 6 I look at the reasons why people might move between paradigms are why they are dependent on the philosophical attitudes they adopt.

Officers may well hold contending realities in respect of their own powers and privileges to intrude upon the privacy of others but deeply resent and resist any form of eternal surveillance of their own activities. In a study by Ashworth et al (2002) public sector organisational responses to regulation by government were clearly different between public bodies such as local authorities, the police and local housing associations and it was proposed that these differences reflected the prevailing philosophical disposition of those in power within the organisations tested. Senior leaders' attitudes and behaviours appear to help create the milieu within organisations to validate ethical decision making by their staff in a way which reconnects with Armstrong's (2005) view that organisations are created by people and therefore take on the prevailing morality of the people within them. From the work of Kahneman & Tversky (1979) on prospect theory there was a direct link with Dixon and Dogan's (2003b) suggestion that decision-making was based on the application of ontological and epistemological dichotomies arising from the life world or *Lebenswelt* (Habermas 1981) of individuals

created by the sum of their past experience. *Lebenswelt* is perhaps best explained as the philosophical lens through which the world is viewed and the consequential construction of a subjective reality by individuals. Dixon and Dogan (2003a) as well as Dixon (2010), Tripathi & Dixon (2008), Dixon et al (2005) and Sanderson (2007) argued that people with given social reality paradigms used identifiable sets of rules or heuristics to habitually make decisions in social intercourse. This use of preferred heuristic mechanisms would make their decisions predictable (Kahneman et al 1982) and was thought to include moral and ethical judgements. Haight (2001) argues that moral reasoning does not exist except as a post hoc system of rationalisation and that moral judgements are made in an automated, intuitive, quick-and-dirty fashion using a set of predefined guidelines derived from prior experience. This was a social institutionalist model as opposed to an individualistic rationalist one and it placed more emphasis on the importance of social and cultural influences rather than the internal rationalising done by individuals. Bakan (1966) described the ontological dichotomy as a balance between agency and commune and believes that human beings would only be fully evolved when both aspects could be present simultaneously within one individual. This was clearly at odds with the view of Dixon and Dogan (2003a), set out above, that attempting to hold simultaneous contending philosophical models of the world, i.e. that a police officer stood for good and justice but at the same time experienced a desire to abuse the trust and power of the office, almost invariably led to cognitive dissonance and mental illness.

The emotional labour of officers working to hold contending internal value systems was undeniably felt and has become an axiomatic element of policing which Bourdieu (1977) describes as a police doxa. It arises from a constant struggle between personal values and police habitus, the use of past physical and emotional knowledge to adapt to new circumstances (Chan 2004) and was shown to be the cause of occupational stress in Australian police officers (Chan 2007) and a bar to ethical police reforms in Indonesia (Sonta 2020). The strength of police habitus was deeply engrained on the individual and Parnaby & Weston (2020) documented many examples of police doxa influencing the mental schema of Canadian police officers well into their retired lives as a role-residual experience with lasting behavioural consequences. In Chapter 8 I discuss an example from my data of officers breaching the blue wall of silence to report the wrongdoing of a senior colleague and chart their journey of existential terror as a result of trying to hold contending ethical and philosophical positions.

### 3.34 The Power of the Gaze

Ethics and morality were defined and maintained within the modern police through the development of a Code of Ethics (College of Policing 2012) which helped to set out the formal organisational expectations. This is discussed in greater depth later in this Chapter when making the link to police training and education. The presence of a definitive set of police standards was reminiscent of a Ten Commandments style (Rooker 2010) absolutist morality within the service and contained within it a clear indication that transparency, openness and accountability, coupled with a duty of candour to report mistakes and wrongdoing of colleagues and even oneself were an absolute necessity. The words transparent and open infer the act of observation, that the organisation must be exposed to external scrutiny and this is reinforced by the presence of an oversight architecture which ostensibly acts to observe and report on the police service. This includes, on a legal footing, politically elected Police and Crime Commissioners, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, the Independent Office for Police Conduct as well as the non-statutory but nationally recommended bodies such as independent advisory groups, staff support groups such as the Gay Police Association and non-governmental organisations like Amnesty International and the Equality and Human Rights Commission. There is a formidable array of watchers who are looking at the police service and I will argue in Chapter 8 that such a gaze is strongly felt by officers who, in response, make use of the Blue Wall and other obfuscating devices to protect the esoteric arcana of 'real' policing.

The impact of being observed is embodied in both the Lacanian gaze (Lacan 1981) and Foucauldian panopticonism (Foucault 1996) as well as the ancient philosophical construct of an ideal observer. The arguments surrounding the nature of an ideal observer, one who judges human lives in terms of their adherence to a given set of moral values, can be understood by re-examining Plato's morality play about the argument between Socrates and Euthyphro (Prior 2019) who ascribed morality to divine command theory i.e. that ethical behaviour was fundamentally derived from the gods. Like Socrates we need to consider two questions, first, if the gods love actions because that are pious there must be some intrinsic quality to the actions that the gods like i.e. morality sits outside the gods. Secondly if the gods command that humans behave in a certain way and that makes their behaviour moral, what made the gods chose certain actions to prohibit e.g. murder or rape. Surely there must have been some qualities to those things that made the gods choose them as either moral or immoral in the first place. In either example logic demands that morality is not fundamentally created by the gods and therefore has a reality of its own leads us to one of two

conclusions. Either the Kantian transcendental idealist view (Allison 1983) that humans make mistakes so a moral law built on their imperfections could lack universal credibility, or the prevailing view in liquid modernity, that humans simply create their own individual morality (Bauman & Raud 2018).

Lacan (1981) argues that, at birth, humans have no subjective self and that we are merely a collection of terrifying and inexpressible internal needs and drives which echoes the earlier concept that humans are born as a Lockean *Tabula Rasa* or clean slate (Woolhouse 1983). Subjectivity cannot exist in the early human state, described by Lacan as the Real, because all that exists for a newborn is the terror of the ineffable and inexpressible which humans never truly forget. Lacanian psychology (Lacan 2011) posits that this creates a lifelong subconscious desire not to return to that state of existence. To attain any form of subjectivity we must make sense of the world first through a Lacanian symbolic order, a social world of symbols, customs, rules, values, morals, and ethics to help us overcome the Hobbsian (2016) life of a man as nasty, brutish and short. Žižek (2002) claims that we have absolutely no choice of our symbolic order as we are the product of the conditioning inherent in the society of our birth and infant nurture. The very first grinding of our *Lebenswelt* life lens is derived from the hegemonic symbolic order into which chance throws us as a means of escaping the terrifying Lacanian Real of our infancy. In absorbing the values, morals and symbols of the symbolic order we must submit to the physical manifestation of that order which Lacan (2011) calls the big Other. Can this psychology then be transferred to policing? We have already seen that the conditioning of police recruits starts before they are employed (Conti 2006) and it can be said that pre-police, the person is outside the Lacanian little Other of the policing. They have a concept of policing as a citizen but are not indoctrinated into its schema, doxa or habitus and so have a paucity of data on which to form any subjectivity regarding the actual nature of policework. On joining the service, the symbolic order of the police becomes the currency of forming a new subjective reality for policing, creating cultural icons such as the blue wall of silence (Cottler et al 2014) with the attendant requirement of living two lives as the self-protecting paranoiagenic zoo described by Jacques (1955), Bion (1970) and Gabriel (2005).

### 3.35 The Death of the big Other

The tension which exists between the formal rules, ranks, laws and ethics of the police and the informal, intrinsic culture is about personal survival in the face of psychic damage. Gabriel (1991; 2000 & 2009) highlights that storytelling is the mechanism for establishing and promulgating the

symbolic order of policing and embedding it in new officers, it helps to maintain the collective shared fiction or myth of policing, an ideological illusion of the symbolic order of the police and its role as a little Other (Lacan 2011). Žižek (1997) describes symbolic efficiency when he maintains that we can only exist and perform the ordering of our social existence if we all act as if these myths and stories are real and exist. Raymen (2019) sets out the decomposition of the big Other (Johnston 2013; Hook 2008) from a zemiological, social harm, perspective by contending that post-modern neoliberal scepticism, in which everyone's opinion is equally valid within the self-consuming Scylla of liberal capitalism, has left Western democracies without a viable symbolic order with which to identify. The subject is left with a choice, to continue to act as if the myth of a benign liberal capitalism is the real status quo or, in dismissing this shared collective fiction, risk returning to the terrifying real of Lacan (Žižek 2002). Žižek (2002 & 2014) argues that the creeping death of the symbolic order or big Other has been brought about by two forces from opposite poles of the political spectrum. First the impact of economic liberalism, that of the neoliberal, competitive, libertarian, consumerist capitalist right, and secondly classical liberalism, that of the identity politics obsessed, individualistic, socio-culturalist left. The increasing emotivism and relativism in personal and political reasoning encourage and support the primacy of the individual over communitarian ideas or the concept of a human telos which might include a sense of duty to others. This suspension of mutual belief or symbolic efficiency in the in the customs, rules, ethics and morals of the symbolic order renders inoperable the network of social institutions dedicated to maintaining that symbolic efficiency which defines the big Other. In Chapter 7.2 I examine and investigate this idea with regard to policing and the impact of managerialist thinking, specifically why officers and the public may turn a blind eye to corruption. As stated in Chapter 2.34 above the accepted notion that all humans are possessed of a *wissenstreib* or inherent curiosity was challenged by Žižek (2002:61) who used Lacanian psychology to claim that we are in fact in the thrall of the deliberate ignorance characterised by "I don't really want to know about it". The maintenance of this agreed logical fallacy is the least personally damaging route and is reflected in the public's attitude to policing, notwithstanding that transparency is widely accepted as a core value, no one really wants to know what the police get up to and, as demonstrated by the Casey (2022) report the police certainly seem to remain reluctant to lift the sheet and see what depravity is occurring within the prostitute's bed of 'real' policing.

The dissolution of the big Other over the last three decades has left society without an overarching symbolic order and in its place, there remains a febrile collection of little Others (Johnston 2013), of which the police service is just one example, a morally ambiguous morass of reflexive individual liberality. This has left the policing of liquid modernity (Lippi 2013) in a world of competing human

rights where people are free from various actions like torture or discrimination but are not required or expected to stand up for anything except their own unconstrained self-interest. Police officers with normatively naturalist-structuralist organisational and personal reality paradigms therefore find themselves in a world with no symbolic order or big Other. They are trapped in a little Other with habitus and culture that has a reliance on procedural correctness rather than any sense of telos or duty to do the right thing leaving officers ontologically insecure as to what it means to be successful in that milieu. Such 'me first' individual competitiveness flies in the face of the public service myth or foundation lie of the police (Loader 2013), that *in auxilium omnium*, they are here to help everyone.

### 3.36 Virtue in Policing

Armstrong (2005:20) believes that humans often exaggerate the amount of “sustained mental effort” which it is necessary to expend on managing the contradictory nature of day-to-day work experiences. As a means of coping with the excessive mental processing involved in balancing police doxa with personal habits or ethics officers in fact resort to a more extrarational set of short cuts and heuristic processes to make mundane work-a-day decisions. This might explain why it is apparently so difficult for police training to create the thinking space to cut through the customs, feral intelligence, and tricks of the trade which police officers fall back on in their normalised working practice or habitus. In seeking to create subjective reality from the physical and social stimuli of the world around them officers will subconsciously apply an extrarational model to make sense and order from a cacophony of personal, societal, and organisational doxa which surround the concept of policing. Briñol et al (2002) add to this mix the suggestion that the extent of thinking done by a person about a particular problem or issue and the direction of issue-related thought are only parts of the processes when considering attitudinal change in the individual. They suggest that a third dimension, the confidence that people have in their own thoughts, also comes into play. They demonstrate that such self-validation effects occur with greater frequency in situations that require significant amounts of information processing, such as the active participation in a social interaction or the consideration of a complex policing matter like a domestic abuse incident. In Chapter 6 I expand on evidence from observation to discuss how the self-validation effect may affect the competence of police decision making through tensions between the ethical positions of officers and the organisational expectations of them.

Ignatescu and Sandu (2019:62) claim that it is not enough for the words and actions of police officers to be “meritorious in themselves” for the officers to be considered virtuous as they examine the

concept of Aristotelian virtue ethics within the police service. The Kantian concept of virtue (Formosa 2014) also needs to be present in that the officer must be rational and autonomous in being fully aware of their actions as well as having the intention to act in a virtuous manner and being universally consistent in their virtuous action (Burdman 2020). In other words, to be considered ethical, moral, or virtuous the officer must live by virtuous maxims, an *Actus Virtuosi, Honesta Mente* or virtuous act and intent as opposed to more frequently encountered and opposing concepts of *Actus Reus, Mens Rea* or guilty act and intent necessary to prove criminal culpability (Hill 2012). We have earlier observed how the friction of police culture impedes the changes of liquid modernity and the moves towards societal ethical relativism (Shafer-Landau 2015). The police may retain some more traditional versions of virtue ethics which are still held by the wider public and Delattre (1996) says that the principle of ethics should not be the treatment of moral problems concerning policing but rather the formation of habits of good character. This reaffirmation of virtue rather than consequentialism has driven a resurgence in the monistic focus on personal virtues as a means of improving individual and societal ethics (MacIntyre 2007) or in the contemporary cultivation of Ross's (2002) seven prima facie duties which include reparation, beneficence and gratitude as described by Meyers (2003).

### 3.37 Police Decision Making

In order to seek broadly similar outcomes from a complex set of social stimuli such as any policing engagement it is necessary to require officers to use a common model of decision making. This is taught to all officers and police staff as the National Decision Model (College of Policing 2017) (Figure 2) . It involves an iterative cycle in which the individual should consider all the information and intelligence available at the time the decision is to be taken followed by an assessment of the threats and risks posed by the information. They are then asked to apply existing powers and policy to the threats to seek a mitigating set of options and contingencies following which the officer selects one of the options and acts on it, monitoring the results which in turn will create new information upon which the cycle can be repeated. At the centre of this cyclical model, and impacting on every part of it, is the officer's set of ethical and moral values and the policing Code of Ethics (College of Policing 2014a).

The Integrity Matters Inspection (HMIC 2015) gave a progress update on their earlier report (HMIC 2012) suggesting that placing the Code of Ethics at the centre of the National Decision Model should provide the definitive organisational ethical underpinning for UK policing. The College demands that, as officers are required to make decisions that “involve ethical or moral considerations” (HMIC 2015:48), the combination of the Code of Ethics and the police National Decision Model should be followed by police officers in all decision-making processes. This has become enshrined within national police training as a belief that it is never possible to totally eliminate risk and that decisions should therefore be governed by ACPO Risk Principle No. 4 (College of Policing 2018a:para1) which states that “Harm can never be totally prevented. Risk decisions should, therefore, be judged by the quality of the decision making, not by the outcome.”

**Figure 2. Diagram of the National Police Decision Model (College of Policing 2017)**



This has resonance in relation to police corruption as a standardised set of ethics for the police service make it clear that decision making should be based on the ethics of the service and not purely personal ethics. This should assist individuals within the service in challenging aberrant behaviour of peers because it may be perceived less like a personal judgement on their morality but more like holding them to account against the standards set by the organisation. To produce officers



capable of managing the complexity of modern policing there has been a drive to address the issue that the police are over-trained and under-educated. This concept arises from principles taught on the nuclear incident emergency command course (College of Policing 2020b) as it summarises the descriptions, set out by Walker (2004), of the control room staff during the Three Mile Island nuclear incident in 1979. He suggested that the first control room shift were well trained in the normal running of the nuclear power station but were not sufficiently educated in the physics of the plant to seek different ways to resolve the emerging coolant issue. The second shift, coming on duty at the height of the crisis immediately identified another way of addressing the issue as they worked from first principles and did not make assumptions based on 'how-to' training. The same patterns of behaviour are seen in police officers, often resulting in complaints from the public who are now not interested in the legality or policy of the issue but whether they have received a good quality of service from the officer in question. This mindset is more recently referred to within the service as a propensity of officers to do things right i.e. follow policy, rather than doing the right thing i.e. seeking the best outcome for the customer. The National Decision Model is therefore the tool given to the police service to allow the flexibly to make decisions outside of policy but where the outcome is better for all those concerned.

### 3.38 Over-Trained but Under-Educated

Traditionally police officers had to possess no formal academic qualifications but merely needed to pass the police initial recruitment test consisting of basic numeracy, literacy and attention to detail skills (Holdaway 1991; 2017). Although resisted by the police themselves it is an increasingly held view (Williams et al 2019) that, to meet the demands of a modern world, officers should have a degree level qualification in line with their colleagues in nursing, teaching, local government, law and the ambulance service. The introduction of higher educational standards in police officers is believed to challenge prevailing poor social behaviour in teams (Luft 1970) by introducing critical thinking skills at all levels and is "a valuable option in developing high potentials and in combatting group think processes" Lee and Punch (2004:235). Neyroud (2012) agrees with seeking a decline in the current format of the police being over trained but undereducated and sets out what he terms the clinician model in which officers are highly skilled, evidenced based practitioners with significant operational autonomy. He contrasts this new educated professional vision with the old-style professionalism which consisted of a paramilitaristic answering of emergency calls and the application of trained responses which is deeply rooted in the culture of policing. When discussing emotions in groups within distinct cultures it has been suggested that human beings tend to sense

and copy the emotions of those around them thereby amplifying their impact on behaviour thus “invariably giving way to the contagion when we are in a group” Freud (1921:117). The inclusion of higher educational standards may be the contagion necessary to challenge the evidence of police anti-intellectualism I found in my data which is discussed in Chapter 6.42. Newburn (2015) in his literature review for Her Majesty’s Inspectorate of Constabulary confirms that higher educational standards and intellectual capability of officers are useful tools in counter corruption. In essence it is possible that higher education of police officers and greater understanding of the impact associated with the legitimate use of their powers and privileges may reduce the likelihood that they will resort to excessive force or illegitimate means of achieving their lawful aim thus countering the perennial ‘Dirty Harry’ problem or so-called noble cause corruption (Punch 2009).

# Chapter 4

## Methodology

### 4.1 Introduction

### 4.2 Autoethnography

#### 4.21 My Research Journey

#### 4.22 Reality Paradigms

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### 4.5 Summary

### 4.1 Introduction

From the time I joined the police in 1988 I was encouraged to adopt the prevailing organisational wisdom by developing the habit of a virtuous cycle of reflective practice derived from Schön (1983) and Kolb (1984). The ability to use a reflective model to analyse past experiences and learn from them to engage in continuous professional improvement is still a mainstay of the teaching provided

for contemporary policing students across England and Wales (Wood 2020). Staller & Koerner (2021) add that it is a deeper reflection on personal bias, the nature of policing and the police/public interaction which has added value to police professionalism rather than a surface level reflection of merely what the officer did or said. I retired after 30-years as a police officer and in the last 4 years of my service I was a Temporary Detective Superintendent Head of Professional Standards and Counter Corruption for a coastal, urban and rural Constabulary in England. It has been a habit of mine for many years to write a personal self-reflective journal during key periods of my police career using an emotionally intelligent reflective cycle to debrief incidents or events. As highlighted by Manzella & Papazoglou (2014) and Saville (2006) I have found real value in the simple discipline of journaling my observations of day-to-day work. The process of committing events, reactions and emotions to a handwritten journal is extremely useful in helping me to make sense of my work environment and assists in enabling me to cope with the multiple sources of stress and concern that it entailed. This process is recognised by researchers and police health professionals as a powerful tool to address police trauma (Andersen & Papazoglou 2016) and is described by Schön (1991:42) to help manage the “swampy lowland” of the professional environment in which the police operate.

As stated above (Wood 2020) self-reflection was formally encouraged within the police service when I joined and, although still seen as a beneficial process (Manzella & Papazoglou 2014), is found to be generally resisted and underutilised by officers (Christopher 2015) because the process is anathema to the hypermasculine culture of personal capability (Loftus 2008, 2009 & 2010). During the last two years of my service, 2016 to 2018, I wrote 475 journal pages of personal reflections and observations and selected these pages for analysis as they covered the period immediately following the introduction of the Section 26 legislation coinciding with my tenure in the Professional Standards Department. I therefore have personal notes which contain details of specific incidents, conversations with colleagues and others whom I met in the course of my duties as well as my instant interpretations and reflections on what may have been occurring during those interactions. These notes were made for my personal reflection and development and are not traditional ethnographic field notes as described in the ethnographic literature (Kraidy 2002). They are more akin to the description of reflective practice given by Ghaye (2000:6) as “a way of trying to make sense of the uncertainty in our workplaces and the courage to work competently and ethically at the edge of order and chaos.”

As part of this doctoral research I re-examined my personal reflections as a blended source of autobiographic ethnographic data as described by Reed-Danahay (2009) and used the data within

the journals to inform my research question and look at potentially deviant behaviours by police officers and their attitudes towards corruption and deviance by colleagues. As part of the ethical approval process, I set out early in the project my research objectives which were to analyse my notes which I reframed as an autoethnography (Reed-Danahay 1997). This enabled me to reflect on the recorded descriptive text to analyse many everyday lived experiences of police corruption across the full breadth of all its manifestations, from prejudice and discrimination to excessive use of force and misuse of police powers for sexual gain. Through this process I was able to examine the perceptions of police corruption and how they have been traditionally shaped by accepted and normative policing cultural factors. I critically dissected my experiences of the impact of the new Section 26 Act (Government 2015) on police officers and whether it had altered their perceptions of their role in maintaining public confidence in the wider police service. Analysis of the journals also allowed me to make suggestions as to whether the introduction of the new Section 26 criminal offence had any effect on the behaviour of police officers in their everyday practice.

My journal notes are anonymous in that any persons I mentioned are not named in the text. As they are my personal reflections upon behaviours and events, I have not requested permission from those involved in my notes as this would undoubtedly have led to a breakdown in trust of my working relationships with them and therefore frustrated the personal development rationale for making the journal. As pointed out by Christopher (2015:334) “Trusted colleagues can be a profound source of feedback for critical reflection and it is important that officers seek out other perspectives to inform their analysis, especially where circumstances are opaque or challenging” from which I concluded that the impact of the words and actions of other people on me, recorded in my journals, are a valuable research resource.

## 4.2 Autoethnography

I need not here dilate on the differing aspects of rationality which underpin relativistic and subjective research having done so at length in Chapter 2.3. I will however return to some of those themes in examining the potential issues arising from the autoethnographic methodology I have employed. Not least of these is that it is an entirely qualitative review of the journal notes I made at the time or soon after the interactions described. To examine the effect of self-validation (Briñol et al 2002) on the journaling process it is apt that I first understand and record my own background and personal reality paradigm using the Dixon & Dogan (2003d) reality paradigm model as a means to enable an examination of their impact on the validity of such research material. Giddens (1991) describes how

individual professionals can make use of reflective practice to create an autobiographic narrative of self, this is analogous to a selfie photograph taken at a given point in time and examined and reviewed by the subject. Imagine then that a selfie is taken at regular intervals for professional development which allows the subject to construct a reflexive story of their development as a professional and a human being. In the end, the use of the external media of a selfie is rather like the use of the self-reflective narrative process in that it comes to define, for the subject, an image of themselves and indeed to generate a belief in their own “internalised biography” (Giddens 1991:53). I concluded that recording my thoughts and feelings in my journals has been my means of taking that selfie over many years of police work enabling me to observe the changes in my positionality across three decades (Reyes 2020). It has therefore allowed me to establish significant confidence in my internalised biography and therefore to recognise the notes as a valuable research resource.

#### 4.21 My Research Journey

My undergraduate background was in the purely empirical, scientific research at the core of my BSc (Hons) Biochemistry dissertation in 1988. I evolved through a post graduate Master’s in Public Administration dissertation in 2007 where I triangulated qualitative research to reduce the impact of the Forer effect (Forer 1949). This is a natural human tendency to read into any text the positive aspects that the reader wishes to project and to deny the presence of other terminology. At that time in my life, and operating as a full-time serving officer, I was immersed in the culture and practice of the police service and arguably the overarching culture associated with UK New Public Management. Lorenz (2014) proposes that this is also a predominant factor within the academic instructional culture of which I have since become a part. One of the rules or presumptions associated with the New Public Management school of thinking (Grüning 2001) is that people behave as individual agents acting in their own unconstrained self-interest and that societies are merely groups of people acting independently within contractual limits. As explained in Chapter 2.34 Dixon and Dogan (2003c) define such behaviour as naturalist-agency which operates within a framework of synoptical rationality leading modern managers to lean heavily on accepting as rational only that which can be empirically measured as objective reality. Such a rational choice theory (Green & Shapiro 1994) has come to underpin the Benthamite utilitarianism (Bentham 2001) of police decision-making which has become the prevailing hegemony from the inception of the National Decision Model (College of Policing 2017) and sits in contrast to the professionalised and deontological decision-making processes that preceded the modern police service as described by Rawlings (2008). Other public bodies adopt this form of rationality, including the decisions made by

academic ethics committees where “metrication of output” as described by Lorenz (2014) and a self-protective conservatism of outlook have become the norm (Winlow and Hall (2012).

Triangulation of methodologies in itself is not a guarantee that the data thus obtained is valid (Sarantakos 1998) however it indicates that the researcher is aware of the potential pitfalls and has taken steps to overcome them but is premised on a belief that somehow research is not valid unless the sources are varied. Creswell (1994:177) states, “It is advantageous to a researcher to combine methods to better understand a concept being tested or explored, consider integrating the paradigms at several phases of the research process and use a mixed methodology design to combine qualitative and quantitative approaches in a single study.” This indicates that qualitative research in criminology is still a poor cousin to quantitative data and that any criminologist seeking to publish purely qualitative data runs the risk of “a struggle for credibility within the discipline itself” (Hall in Davies et al 2018:286).

The observational methods I used in my Master’s research were rooted firmly in the more ideographic end of the research continuum (Gill and Johnson 1997) in that they emphasized the analysis of subjective accounts, and this is almost unavoidable with the type of research question I am exploring in this doctoral thesis. In such an environment Trist et al (1963) contend that the observed organisational culture is a psycho-social construct derived from sets of “basic assumptions” (Bion 1970; Armstrong 2005:11). The insider researcher working in this environment is compelled to make interdisciplinary, i.e. sociological and psychological, adjustments in order to make sense of the multifaceted real-life, real-time situations with which they find themselves presented as reflected in Fassin’s (2013) observation of the French police at work in Parisian Projects. Westmarland (2016:165) makes a similar point with reference to her experiences of “outside-insiders” when conducting police ethnography. She states that such individuals “tend to consist of serving or recently retired officers” who also have an academic background and suggests that such officers can offer a combination of two vital ethnographic skills; “insider knowledge” and the “ability to observe, analyse and recount the activity, beliefs and sometimes the misdemeanours of their colleagues” (Westmarland 2016:165) which can deliver a unique and enhanced perspective on the work and world in which the police operate. Davies et al (2018) agree that the art of the (auto)ethnographer is to create the minimal amount of disruption to normal interpersonal relationships and interactions with the aim of observing and recording authentic words and behaviours exchanged between individuals to derive an unpolluted inkling of the symbolism that such data convey. In this way grounded theory can be developed from the data to identify and understand the cultural norms

driving those words and behaviours. Noakes and Wincup (2004) further debunk the myth that ethnographic research lacks academic rigour because of the inability to empirically repeat the research or to draw up universal generalisations from specific circumstances. They suggest that these aspects need to be thought through and addressed by the researcher beforehand to build confidence in the outcomes of such research.

#### 4.22 Reality Paradigms

As introduced in Chapter 3.33, Dixon and Dogan (2002a) developed the idea that our understanding of social realities is formed from contentions about what is knowable, how it can be known and therefore the nature of truth i.e., epistemology, and what exists or has causal capacity and therefore the nature of being i.e. ontology. Dixon and Dogan (2003a), Dixon (2010), Tripathi & Dixon (2008), Dixon et al (2005) and Sanderson (2007) argue that the essential dichotomy of both core dimensions creates a quadrant that defines four contending social reality perspectives as shown in Figure 3. The two polar aspects of epistemology are the naturalist schools of deductive and inductive logic and the hermeneutic school of discursive interpretation. The similarly polar aspects of ontology are structuralism, which favours the concept of recurring patterns of behaviour based on social structures, and agency, which assumes that behaviour arises from individual disposition and intention. The Dixon and Dogan (2003d and 2002b) reality paradigm model thereby defines four reality dispositions namely naturalist structuralism, hermeneutic structuralism, hermeneutic agency, and naturalist agency. This concept has been developed into a framework for analysing management and an improvement in praxis that is set against traditional ideas of what good methodological and management practice might contain (Dixon and Dogan 2003d;2002b). The four social reality dispositions of the model are also relevant to a greater understanding of corporate decision-making and governance, (Dixon and Dogan 2003e;2003f) and in policy analysis (Dixon and Dogan 2004). A summary of the model is provided at Figure 3.



		Epistemology	
		Naturalism	Hermeneutics
Ontology	Structuralism	<b>Naturalist Structuralism:</b> Presumes an objective social world, knowable by the application of the scientific method, in which structures exercise power over agency, which makes human behaviour predictable. <i>"Bounded rationality"</i>	<b>Hermeneutic Structuralism:</b> Presumes a subjective social world, knowable only as it is socially constructed, with people's action being determined, and made predictable, by their collective interpretation of this reality. <i>"Critical rationality"</i>
	Agency	<b>Naturalist Agency:</b> Presumes an objective social world, knowable by the application of the scientific method, in which people are agents of their actions, with their behaviour made predictable by their unconstrained self-interest. <i>"Synoptical rationality"</i>	<b>Hermeneutic Agency:</b> Presumes a subjective social world that is contestably knowable as what people believe it to be, with agency constrained by their subjective perceptions of social reality, which makes human behaviour unpredictable. <i>"Nonrationality"</i>

**Figure 3. A Taxonomy of Philosophical Methodologies (Dixon & Dogan 2003a).**

Over the course of 11 years using this model to analyse and operationalise my understanding of the world I have come to the view that my own reality paradigm most closely approximates to “Homo Sociologicus” or hermeneutic-structuralism as described by Dixon and Dogan (2002a). I am ethically routed in the Socratic dialectic technique for attaining knowledge (Malik 2014), a Talmudic belief (Simon 2022) that “we don’t see things as they are, we see them as we are” (Nin 1961:124). This is expressed in the aphorism often wrongly attributed to Marcus Aurelius, “Everything we hear is an opinion not a fact. Everything we see is a perspective not the truth.” It is acknowledged that the methodology for this current research is weighted heavily towards the relativist end of the methodological spectrum (Williams 2003) indicating a desire to seek and construct an epistemologically hermeneutic truth through discursive examination of my subjective journal notes rather than an objective and epistemologically naturalist truth which I conclude is an unattainable goal within the context of this type of social research.

Hammersley and Atkinson (1991) place this into a classical ethnomethodological context when they suggest that accounts of social interactions observed by ethnographers cannot merely be a representation of the real world alone as their positionality, bias, and *Lebenswelt* (Habermas 1981) are intimately enmeshed with the observed data and the contexts in which they occur. Kreiger (1996:178) echoes these thoughts when she describes the lack of value in objectively distancing oneself from the research and she stresses the importance of “reinjecting” herself into her research to understand and record her subjective emotional responses to the people she interviewed. I have in this way examined my own reality paradigm and concluded that a critical review of my personal journal set against the literature dealing with police corruption would constitute a valid methodology to address my research question.

#### 4.23 Emotion

My methodology is a study of the anonymous notes which I made about my own performance and reflections on my life as a police officer and to that extent it could be described as an auto-ethnography. Coffey (1999) argues that there can be great value in using esoteric, insider knowledge when analysing autoethnographic reflections at a distance. My recent retirement from the police provided exactly the opportunity Coffey describes in that the subject of study is essentially myself, my interactions, and my interpretations of meaning during two years of personal journaling about my own performance. Whilst I have obviously written about individuals and events, they are entirely

unknown to others and often even to me and it is therefore impossible to imagine any harms befalling the individuals whose behaviour I have described and about whom I have recorded my thoughts and responses which are often laden with my immediate emotions associated with the event or recollection. The challenge of subjectivity is easily levelled at such data but to seek to deny that every ethnographic record is in a similar way influenced by the emotion of the observer is patently absurd. Coffey (1999:11) sets this view in the context of a feminist research philosophy where “emotion is a real research experience” and that relationships between observer and the observed revolve around the capability of an insider to “be there” when unguarded behaviours are exhibited.

### 4.3 Ethical issues

I now turn to the key ethical aspects of social research. Williams (2003) maintains that the core ethical issues for social research can be dissected to four key themes; Avoidance of harm, avoidance of deception, right to privacy and the principle of informed consent which are reflected and expanded by the 14 points laid out under “Researchers Responsibilities to Research Participants” within the British Society of Criminology (2015:5) Statement of Ethics for Researchers. As a criminological ethnographer I am regulated by this Statement of Ethics (British Society of Criminology 2015) which was revised to reflect the changes evolving from the Economic and Research Council (ESRC 2022) which cuts across geographical and disciplinary boundaries. The British Society of Criminology as a professional body promotes the maintenance and improvement of research integrity and addresses incidences where there have been breaches of their statement of ethics for researchers and are thus affiliated with the UK Research Integrity Office (UKRIO 2022). As a serving police officer when I made my journal notes I was regulated by the College of Policing (2014a) Code of Ethics which is a code of practice for the principles and standards of professional behaviour for the policing profession of England and Wales.

#### 4.31 Avoidance of Deception

I have reflected at length about the impact of my rank and position within the police service at the time my journals were written. I examined the literature on police culture in Chapter 3.2 and Loftus (2010:1) accurately sums up police culture as possessing an “exaggerated sense of mission, craving excitement, celebrating masculine exploits, a willingness to use force and to engage in informal working practices”. She describes police officers as continually suspicious, socially isolated,

conservative in politics and morality, both cynical and pessimistic and I experienced first-hand the hierarchical and suspicious nature of the organisation as she describes it. I must assume that all the police officers and staff I described in my journals were, to a greater or lesser extent, aware of the theoretical harm that they could attract in any conversation with the Head of a Professional Standards Department who also held the rank of Detective Chief Inspector. The combination of rank and position would have subconsciously influenced behaviour so as not to attract opprobrium from me or contravene a bastion of police culture the blue wall of silence (Westmarland 2005) which underpins the reluctance by officers to report the corrupt behaviour of their colleagues. This concept has been explored in several policing contexts and has been found to be a universal element of international policing cultures (Chin & Wells 1998; Cottler et al 2014; Daly 2011; Nolan 2009; Westmarland 2005 and 2013; Westmarland & Rowe 2016). In my day-to-day dealings with these officers and staff I made no attempt to hide my rank or position. They were all aware of the fact that they and I were circumscribed in our behaviours by the Code of Ethics for the police service (College of Policing 2014a) and I must assume that any interactions I had with people in such circumstances were a valid reflection of what they were prepared to offer me within that frame of reference. I accept that my long-standing working relationships with many of the people may have led them to be much more transparent and candid in their discussions with me than with an officer where no such relationship existed, but I believe that this gives a unique opportunity to construct an inside perception of the prevailing organisational milieu through an examination of my reactions to such stimuli. Coffey (1999:117) explains the rationale behind this thinking in some depth concluding that “placing the biographical and narrated self at the heart of the analysis can be viewed as a mechanism for establishing authenticity” and she builds on the value of a self-revelatory narrative set out by Atkinson and Silverman (1997). I was not exhibiting deception when compiling my notes as I was unaware at the time of writing them that they held significant potential value as research data. My later decision to make use of these journals as autoethnographic data for more detailed academic examination-at-a-distance and from a position outside the police service does not, in my view, constitute a betrayal of the trust which existed between myself and those about whom I have written. In this sense my journaling was not deceptive in any way as it was designed and executed for the purpose of my continued professional development and only later adapted and anonymised for use as research material.

#### 4.32 Right to Privacy

I have dealt with the right to privacy in my explanation of the type of notes I made in my journals. I do not mention the names of the people I spoke to and where they are possibly identifiable by a descriptor, for example “a detective constable in the counter corruption unit”. I can ensure that, in any written use of the comments or observations where such descriptors are located, I have edited the text to prevent that potential revelation of identity from occurring. I limited myself, when quoting individuals, to such unidentifiable descriptors as “a mid-service female sergeant from a rural police station” or “a young constable from a large urban response section”. As my journal does not mention names or other identifying factors, I cannot go back to officers for retrospective permission to use the data but there is consequently no risk of a breach in confidentiality. As described by Emerson et al (1995) this was not covert activity in so much as there was no deliberate attempt to deceive officers, but it involved the active collection of material in the normal course of conversations in the workplace which has subsequently become potentially pertinent to the study question. I am content that the use of these forms of *noms de guerre* will protect the privacy of the officers and prevent any future harm to them or their reputations whilst allowing a flavour of the gender, experience and area of policing in which they operate. My journal notes, viewed autoethnographically, constitute interpretivist (Geertz 1973:16) ‘thick description’ or ‘slice of life’ accounts of the encounters I recorded, and I followed the advice of Taylor (2002) to avoid the temptation to abstract this data to produce reductive conclusions. As a phenomenological piece of research my notes are open, unstructured, interactive, interview methods and include a ‘walking and talking’ approach to capture relevant contextual information that allows a more nuanced understanding of the lived experiences of the participants (Creswell 1994:148).

#### 4.33 Informed Consent

Bourgois (1995) in Taylor (2002:16) speaks about the “self-conscious reflexivity” seen in contemporary ethnographers when seeking to engage with people who are extremely unlikely to behave in a natural or normal way with someone from a dominant position. Such changes of behaviour arise when a subject is knowingly observed and are generally referred to as the ‘Hawthorne Effect’ which has been noted in previous police ethnographies (Westmarland in Brunger et al 2016; Punch in Hammersley 1993). The decision to not ask for informed consent is clearly moot here as my journal notes were initially not made for the purpose of research but for self-analysis and professional development. It would therefore have been impossible to have sought informed

consent in the usual manner for ethnographic data and in any event the act of requesting consent would have certainly changed the nature of the interaction to render it less authentic and valuable as a set of data. I did not advise every person I engaged with at work in that two-year period that I would be writing a self-reflective journal and neither did I obtain their informed consent to use the material gathered. This differs from covert insider police researchers, notably Holdaway (1979 & 1983) and Van Maanen (1988), in that the unit of study is me and my interactions with a variety of police personnel, it is not the third parties with whom I engaged. This is especially relevant when considering the access which I had to observe the unguarded behaviour of police elites as it has been noted that the use of qualitative methods (Tong 2011) can prove extremely valuable in the study of very senior police officers who are traditionally difficult to access in a meaningful manner and from which “belief systems, meaningful practices and subjective motivations can be deconstructed” (Brunger et al 2016:140). Williams (2003) describes the concept that all informed consent is illusory as there is no case in which the subject can be as well informed as the researcher carrying out the work and the consent must therefore be sub-optimal in terms of its informed nature. The information given to subjects is, Williams points out, often designed and intended to gain the subject’s agreement and is therefore neither truly informed consent nor ethical on the part of the researcher. Purdy and Jones (2013) show that informed consent of participants and overt observation by the ethnographer does not preclude the female researcher from engaging in potentially dishonest dramaturgical performances to gain the trust and confidence of the subjects and thereby gain access to supposed male-only interactions. Whilst I concur that it is a legitimate research tactic, I do not believe that I engaged in such dishonest dramaturgy to secure information as the nature of the research space was my ordinary working environment at the time and therefore my interactions, reactions, and recollections, as recorded contemporaneously in my personal journals, were merely for the purpose of self-reflection and continued professional development when they were written.

Roberts and Indermaur (2011) discuss the potential threats to participants from the use of signed consent forms in criminological research. This would also be true in the policing environment where some discussions involved the potential misconduct of police officers and staff and the danger of consent forms being subpoenaed for civil hearings would have been a real concern. I therefore suggest that it is more moral, honest, ethical and less harmful to acknowledge the participation of third parties in the construction of my personal notes whilst concluding that no informed consent is necessary or even possible in such circumstances and that this process can still meet the British

Society of Criminology's (2015) ethical standards in all respects. Williams (2003:169) sums this up beautifully when he says,

“Being ethical is a much more personal and subjective quality and it is about the realisation of oneself as a moral agent and being able to reflexively evaluate the consequences of one's own actions on the life of others”.

I am confident that unnecessary use of informed consent was ethical at the point the journal notes were written and the least harmful approach to their subsequent use once their value as research materials had been recognised.

#### 4.34 Avoidance of Harm

It is recognised that the act of disclosing corrupt behaviour by colleagues is potentially emotionally and physiologically stressful for police officers as it breaches the subconscious 'blue wall of silence' (Westmarland 2005) that is found to be so prevalent in police cultures internationally (Nolan 2009).

In contrast to this potential harm to those officers upon whom I reflect in the journal was the positive impact for those officers in discussing significant life events with me at the time. I represented an independent but mutually interested party in a relative position of power and potential influence and I could see that such a discussion could feel like a positive experience for disempowered and/or vulnerable individuals. Such opportunities to discuss these important life events had the potential to illicit feelings of connection to the work and a level of transference that could promote internal change. In studying my journal reflections, I maintain that there can be no physical, psychological or reputational harm caused to the people I engaged with as they were able to respond to me as a colleague in the full knowledge of my positional and personal power and authority within the work context. Harm is likewise minimised as there can be no possibility that any person discussed in my journal could be identifiable because their anonymity is protected as set out in 4.23 above.

I have considered the aspect of harm relating to myself as the autoethnographer and sought to mitigate this through the support of an excellent doctoral supervisory team. I have however recognised the potential for harm to myself in terms of exposure to personal and traumatic experiences that participants may have shared and the guilt and helplessness that could be felt in exiting the field, the so called “guilty knowledge and dirty hands” (Fetterman 1989:120) associated with police autoethnography. I countered this potential impact by planning researcher debriefing conversations with members of my supervisory team as I coded and analysed my journal notes. I also

maintained some academic distance from the notes by transcribing them into NVivo which I used as a tool to code the data and draw out themes against the four key areas which arose from the literature review (Bazeley and Jackson 2013). I remained focussed on the potential for both individual positive impact and the value of generating wider understanding and increased knowledge about the lived experiences of officers who have experienced police corruption. In this way I effectively reduced the harmful impact of the research on my own wellbeing as will be examined in greater detail in Chapter 5.

#### 4.35 Data Management Plan

All information related to and arising from the analysis of my journals was stored securely to ensure appropriate anonymity and confidentiality. My original notebooks were retained at my home address in a locked filing cabinet. The risk of their loss, theft or unauthorised disclosure was very low. They were the source material which was transcribed to an electronic format for coding and analysis, and they were anonymised as they were being transcribed. I personally transcribed them so there was no risk of a third party accessing the information they contained through the transcription process. It should be noted that the original handwritten notes contain some pieces of information which could, if carefully analysed and collated together, be used to identify a small number of police officers and staff, for example location of workplace, rank, length of service and gender. The risk of this was extremely low given the physical security of the documents and the analysis required to achieve any form of identification. In the transcription to electronic format these data have been entirely anonymised to remove even the low risk of identification entirely.

I transcribed the data directly into MS Word documents in a password protected file within my personal storage space on the University OneDrive for Business cloud system. I did not intend to use external storage devices to store the research data which will only be kept on the University OneDrive as a secure and regularly backed up system thus reducing the risk of lost, damaged, corrupted or stolen data from any memory stick, hard drive, laptop or desk top device. The OneDrive for Business used for this PhD was cloud storage and sometimes Research Funders specify that research data must be physically housed within the University. I was self-funding my research and therefore there were no external requirements for cloud storage imposed by any funder. OneDrive for Business easily allows data sharing with any collaborators but I have not shared my transcribed research notes with anyone during the research period and I set the permissions so that the research data file was only accessible by myself.



The data analysis tool NVivo (Dhakal 2022) was licensed for use by the University and was used to store and analyse the data. This was a secure system using password entry for myself alone and was not shared with any other person during the analysis. I attended NVivo training provided by the University to ensure that I was familiar with the system and the retention of research data within it.

Research data of future historical interest and all research data that substantiates research findings should be deposited in an appropriate national or international data service or subject repository or the University repository. I intend to publish the analysis and conclusions arising from the notes as part of the PhD and therefore the electronic data will be stored for the purposes of writing up and analysing research findings and securely destroyed after a period of 7 years from the date of first publication to allow publication of the PhD and subsequent papers. The physical notebooks will likewise be destroyed at that time. It is felt that, in compliance with university guidelines (University of Plymouth 2021 & 2019 a), any checking that is required by peer reviewers will have been completed within a 7-year period and therefore the notes will no longer be necessary. The University Research Data Management Policy requires that research data are “Kept in a manner that is compliant with legal obligations and, where applicable, the requirements of funding bodies and project-specific protocols approved under the Plymouth University Research Ethics Policy”. (University of Plymouth 2019b:7). I was therefore content that the data storage systems I implemented were sufficient to meet all legal and ethical criteria and that the data was as secure as possible.

#### 4.4 Coding

The coding manual (Saldaña 2021) describes coding and how it can be used to analyse data. A code is a word or short phrase which captures the essence of a piece of text or graphic data. Saldaña (2021) sets out that families of codes can be considered as categories. In looking at hypotheses and relationships between the categories from my data concepts were developed. It was from the concepts that theories from the data were derived.

##### 4.4.1 Why Code and Why NVivo?

Beekhuizen et al (2010) make a distinction between a methodology, described as a system for understanding the principles sitting at the core of any research and guiding an investigation to

enable the application of theories within that context, as opposed to a method which is the somewhat lesser function of gathering data and information, for example questionnaires or structured interviewing (Ellen 1984). The purpose of making this distinction is that one is a principle and the other a process. Qualitative research needs to go beyond mere measurement of events and incidents but rather “to understand fully the meaning of phenomena in context and to provide thick accounts of phenomena under study” (Leininger 1992:401). The data in this PhD were recorded as set out in Chapter 4.1 above but consideration was given to how best to analyse it in enough depth and breadth to derive insights, synthesise it and develop theory from it. For this purpose, NVivo 12 was chosen as a commonly used piece of computer aided qualitative data analysis software (CAQDAS) (Bringer et al 2006) for the recording, coding, and analysis of a qualitative textual information. NVivo was selected after reviewing the literature (Edhulund & Douglas 2019; Bonello & Meehan 2019; Salahudin et al 2020) on the functionality of the software for ubiquity and ease of access through university systems. The University’s Doctoral College provided NVivo training sessions which enabled rapid me to rapidly up-skill in using the tool.

The coding of my data was a key process in qualitative research and NVivo was recognised as a sound tool for supporting the researcher to iteratively break apart raw data and bring differing focus to the emergent themes as they arise (Morse and Richards 2002). Beekhuyzen (2010) notes that NVivo creates the opportunity for transparent review of the data by other researchers, which is of importance when considering the qualitative and subjective nature of this type of research although it is accepted that NVivo is by no means the panacea to qualitative textual research (Salahudin et al 2020) and that, for many years this process was conducted without software of any kind. It is important to recognise that a rigorous literature review and deep understanding of research principles are more important than becoming too enthused about a particular data management system like NVivo, as the same process can be achieved with literal cutting, copying and pasting using scissors and glue. One of the main advantages of using NVivo was the speed with which the work could be accomplished and the large amounts of data that could be coded and recoded to gain insights from the data. Breaking apart the qualitative data during coding has been metaphorically represented as Alice through the Looking Glass (Strauss 1987) in that the data is broken like a mirror into manageable fragments and can be repeatedly examined and reconstructed through the looking glass of a given theoretic gaze to show differing perspectives on the same raw data. NVivo acts to a certain extent as this mirror enabling the raw data to be iteratively smashed and reconstituted through different theories to provide insights and angles that might otherwise be denied to the researcher. Bazeley (2009) describes the importance of moving beyond the mere identification of

themes from the data and this is akin to examining it from the multifaceted aspect of a broken mirror. She describes the process as resembling her dog in a field putting in time and effort in a systematic and laborious search for scent back and forth across the grass before homing in on the actual location of the rabbit. She applied this metaphor to qualitative research in three steps, “Describe-Compare-Relate” (Bazeley 2009:10) and I found this a useful concept in continually revising my data during the analysis.

The literature on using NVivo (Miles & Huberman 1994; Patton 2002) emphasises the importance of describing the contextual framework within which the data was occurring and to think about recording details of the data in a similar fashion to that set out by Richards (2014). This might include demographic information on source materials, participants, and the relationships between those elements and people. In the case of my research this included location, rank and position in the organisation as these all have relative impact on the willingness with which information might be given to the study. The collection and collation of these descriptive features would provide the ethnographic backdrop against which further analysis and comparison could occur. I initially chose to simplify the process of coding by using the three principles recommended by Richards (2014) which are Descriptive, Topic and Analytical coding.

#### 4.42 Descriptive Coding

The first and most basic coding process set out by Richards (2014) is Descriptive coding, but my research was an autoethnography and, although I started to code in this way, I came to the conclusion that descriptive coding was entirely unnecessary as it sought to place a numeric value on the number of officers with varying characteristics such as female, mid service, ranks which were spoken of in my journal. I came to realise that the unit of study was not the officers I had mentioned but rather the impact of their words on me and my recorded reactions to the positions they took on a variety of policing issues. I understood that I would never use the data I collected in the descriptive coding file as it would potentially compromise the anonymity of the officers and was quantitative in nature. It was unnecessary for me to consider for example how many officers I spoke to who held the rank of sergeant or whether the views of those who work in rural stations differed from urban stations. This introduced an element of quantitative analysis that I specifically chose to exclude from my research, and I therefore made a policy decision in my research diary as follows.

*“As a result of clarifying my understanding through reflection on matters methodological I will not be populating this coding node any further in the research. It is simply not of value within a qualitative autoethnography and therefore the data is not needed and will not be extracted for that node. I will concentrate on coding out topics and analytical nodes as before.” NVivo Ref 29.1*

#### 4.43 Topic Coding

The second form described by Richards (2014) is Topic coding and in this research, I based it around the four key themes or topics which arose from the literature review. I adopted this process which might also be described as a framework approach as described by Smith & Firth (2011) and was developed at the National Centre for Social Research in the 1980's. This form of coding allowed me to examine the key themes from the initial literature review and I explored the data through this structured set of topic headings. There was some advantage to this approach in that it enabled systematic analysis based upon existing ideas and was therefore viewed as being rigorous, transparent, and credible (Ritchie and Lewis 2003). The themes used for this topic or framework coding were, firstly, the Legal Context in specifically seeking evidence to explore whether the Criminal Justice and Courts Act 2015 and its code of ethics, including the late introduction onto the Bill of the offence of Corrupt or Improper Practice (Section 26), have had an impact on corruption and policing. The second of these themes was Public Policy relating to the socio-political landscape within which the policy to enact police reform on corruption was conceived and developed. This includes reflections on the implementation of that policy by police forces through criminal law, staff training and cultural impact. Thirdly Personal Factors looked for data about the interaction between the individual philosophical reality dispositions of officers and the psycho-social and emotional drivers of ethical or unethical behaviours in the context of corrupt policing behaviours. Finally, the theme of Police Culture examined reflections on information highlighting the pervasive influence of the culture of the service and its impact on the public, policy makers and law enforcement workers (Loftus 2010).

As the topic coding progressed, I came to understand that the four key themes in the framework were too broad to address the nuances and granular detail of the material under study. I therefore started to develop a number of nodes, which, as described by Saldaña (2021) were simply the files in which NVivo stored coded data and which are the finer offspring of the gross themes there were initially identified. There were no additional nodes under the 'Legal' heading, but 'Personal Factors'

began to resolve itself into two clear areas. The first of these was a grouping I named, 'Žižekian little Other or police symbolic order' (Žižek 2014) and the second was 'Use of power or its misuse'. The topic of 'Police Culture' rapidly became a confusing environment necessitating the development of nine additional nodes including Misogyny and sexism, Hypermasculinity and hero worship, Warfare metaphors, blue wall of silence (Westmarland and Rowe 2016; Nolan 2009) and Anti-academic (Constable & Smith 2015). The final topic of 'Public Policy' neatly bisected into two nodes for consideration which I named 'Procedural Justice' and 'Implementation Gap'.

I started to use NVivo to produce cluster diagrams as a visual representation of the data in the form of word clouds, often called Collaizzi's method (Vignato et al 2022) and generated using a mathematical statistical process called the Pearson correlation coefficient (Langdrige & Hagger-Johnson 2009). This formula identified the strength of correlation between two variables and the visual aids it produced in NVivo could help the researcher to visualise a first pass review of the nodes compared in the search by word similarity. I found that Pearson coefficient diagrams highlighted two areas which show some alignment with the initial thematic assessments I had started with as my topical framework. The first of these was the esoteric symbolic order of the police service which manifests itself through police culture and behaviour and the second was the failure of national law and policy to change police understanding and behaviours in relation to corruption. Hutchison et al (2010) point out that there is debate on the value of using prior knowledge from a detailed subject-specific literature review to construct a pre-coding framework as advised by Strauss & Corbin (1998) but this approach potentially clouded and narrowed theory development very early in the study. Glaser (1992) suggests that studies rooted in grounded theory do not benefit from the early adoption of topics founded on literature reviews arguing that it stifles the organic emergence of analytical nodes contrary to the iterative nature of grounded theory (Charmaz 2006).

Sinkovics & Alfoldi (2012) take this argument further by damning researchers who strive for perceived legitimacy of their results by suggesting that qualitative data, such as the text from my journals, cannot be converted to pseudo-quantitative word counts using NVivo's Pearson Coefficient diagrams (Holmes & Rahe 1967; Dăncăică & 2007) or visualised word clouds from Collaizzi's method (Vignato et al 2022). They draw on the work of Pratt (2009:858) who suggest that 'the worst of all worlds' is a scenario where a pretence at quantifying qualitative data can lead to the subsuming of the best attributes of such data. I felt it better not to suppress the freeform associative nature of my analysis and therefore the organic flowering of entirely unexpected connections from the humus of the raw data. I found, in conclusion, that topic coding was of value to start the coding process as it

provided a form of structure and architecture based on prior knowledge, but it became apparent that the final groupings resulting from this analysis were not those with which I entered the process. Whilst this might appear to be counterproductive it created within me the enquiring mindset required of a grounded theorist as I entered the final phase of the process which Richards (2014) describes as Analytical coding.

#### 4.44 Analytical Coding

My Analytical coding created nodes arising organically from the data as notions not previously considered in other forms of coding. The nodes created by this process were named on an ad hoc basis as they came into being. For ease of reading, they are listed as bullet points below.

- Arrogance
- Emotional Responses
- Hostility to the Professional Standards Department and oversight generally
- Incompetence
- Kakistocracy
- Lacanian and Foucauldian gaze (Krips, H. 2010).
- Moral cowardice
- Police training
- Self-knowledge
- Sexual misconduct
- Sunlight is the best disinfectant
- Teamwork
- The big Other of neoliberalism

I found four areas which showed some alignment with the thematic assessment and theoretic alignment I formed as the coding progressed. The first of these areas was the personal impact on the people involved in terms of cognitive dissonance, mental and emotional distress when their psychological contract with the police was broken. The second was a Kakistocratic milieu in police leadership and management based on the three pillars of arrogance, incompetence, and moral cowardice. Thirdly I developed a concept I called “sunlight is the best disinfectant” in terms of the panoptical effect of an external gaze on police behaviour (Krips 2010) and, lastly, I noted the development of my self-knowledge during this research process.

I became unhappy with the value of word counting using the Pearson coefficient (Holmes & Rahe 1967; Dăncă & 2007) as the outputs were produced using an element of mathematical and therefore quantitative modelling. My reason for initially including them was that there were some elements of commonality between the coefficient outcomes and the themes that I developed through the “bricolage” approach to data analysis which I personally applied during the coding process (Kincheloe et al 2011:680). The word *bricoleur* translates from the French as a “handyman”, “craftsman” or “DIY enthusiast” (Collins 2020) and was adopted by the French anthropologist Levi-Strauss (1966) to describe a multidisciplinary social research process drawing on the skills and crafts of various fields to effectively analyse qualitative autoethnographic data such as that used in this study. The *bricoleur* seeks to find truths, not through a narrow lens of a single discipline, but to hermeneutical construct meaning from phenomena by a broad range of methods thus synthesizing the information into a more sophisticated teleological explanation (Zammito 2012) arising from their observed purpose rather than from what caused them to occur. With this ‘jack-of-all-trades’ research experience I am drawn to *bricolage* as a methodological philosophy as I agree with the idea that “bricoleurs can make more informed decisions about the nature of the knowledge produced in the field and how researchers discern the worth of the knowledge they themselves produce.” (Kincheloe 2011:691)

#### 4.45 Manual Coding

Saldaña (2021) helped me establish better clarity about coding which caused me to go back over my NVivo data and the nodes I had created. It was apparent that I had used two methods to produce the codes. The first was deductive content analysis, or the Topic coding (Richards 2014) I had done based on my literature reviews which produced 13 codes. I had also developed 14 codes from the second method, inductive reasoning, which I previously referred to as Analytical coding (Richards 2014) and which is based on grounded theory i.e. bottom up (Charmaz & Mitchell 2001). I had therefore drawn out 27 codes in total from analysis of the coded data and used this body of codes to identify familial groups of similar nature creating categories as suggested by Saldaña (2021). Sorting the 14 codes from the inductive or analytical coding into groups I discovered four readily apparent categories, Emotional Labour, Fear of the Outside, Kakistocracy, and Learning the Culture. I then reviewed the categories I had produced from the 13 deductive topic codes and found that these needed no revision as Legal, Personal Factors, Police Culture and Public Policy. I noted that these headings neatly aligned with the two literature reviews as I discussed in Chapter 2, the legal aspects and public

policy development of the new Act (Government 2015), and in Chapter 3 I introduced the cultural and personal issues of the Act (Government 2015) together with criminological theory associated with these concepts.

To progress the analysis of the data further I abandoned the use of computer assisted analysis of the data and grouped both inductive and deductive codes together to form a single group. I wrote them all on Post-It notes before sorting them into obvious categories which appeared organically from the data. Much as described by Basit (2003) I found this manual sorting of the data extremely useful in becoming more intimately familiar with my data and playing with different connections and ideas. I ran this process many times, noting the outcomes each time and formulating new ideas about the data as a result. After several iterations of this sorting process I found that a series of categories intuitively and repeatedly aggregated and named these categories Epistemological Dichotomy, Cultural Icons, Kakistocratic Milieu, Oversight and Gaze, Power and Procedure. From these five categories I developed the concepts which subsequently became the names of my three empirical Chapters and which evolved from the realisation that the implementation gap between the introduction of the Section 26 offence (Government 2015) and its use by the police to modify police behaviour was the key factor.

The first of the three concepts from this analytical process became Chapter 5 the 'Psychology of Implementation' which covers the influence of oversight on police officers and the impact of the gaze leading to the emotional labour undertaken by police when breaching the Blue Wall of Silence. The key categories in this concept were Epistemological Dichotomy, Cultural Icons and Oversight and Gaze. The second concept was the 'Ethics of Implementation' which became Chapter 6 where I postulate that there is an epistemological schism between the reality paradigms of officers and the symbolic functioning of the police. In that Chapter I explore how individual morality links with the espoused police Code of Ethics and the key categories in this concept were Epistemological Dichotomy, Kakistocratic Milieu, and Oversight and Gaze. The final concept from the manual analysis of the data was the 'Management of Implementation' which became Chapter 7. The Kakistocratic Police Milieu, and seemingly ubiquitous lack of confidence in police leaders, was described in that Chapter through the interplay between arrogance, incompetence and moral cowardice and was a product of the interplay between police cultural icons and the due process of managerialist norms. The key categories in this concept were, Milieu, Cultural Icons and Oversight and Gaze Power and Procedure.



#### 4.5 Summary

In adopting a methodology of autoethnographic examination of my policing experiences over the last two years of my career, I identified the themes which emerged from the data contained within my personal self-reflective journal notes and set them in the context of current criminological theory to help address the research question. I did not seek to employ any quantitative data to back-up, support, triangulate or baluster the rich descriptive narrative which I believe it is possible to gain from my journal notes. I sought a contextualisation of the fragments of police *Lebenswelt* (Habermas 1981) which I observed and recorded over two years working in a police Professional Standards Department.

The process and its outcomes were intended, like poetry, “to defamiliarize common sense reality in a bracketed context of performance” (Tyler 1997:254) and, using metaphors as a tool of analysis, to ask questions of the thick descriptive data and come to a new understanding of its relevance and value. My aim was to produce a lyrical criminological autoethnography as described by Wakeman (2014), engaging readers and encouraging an understanding of the material through feelings, rather than be driven to it through unemotional narrative. Foucault (1988:155) described a critique as “a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices that we accept rest” and it is this challenge to the familiar and unconsidered status quo around the implementation of the new Section 26 (Government 2015) that I aspired to emulate through the use of the research methodology described in this Chapter.

# Chapter 5

## Psychology of Implementation

### **5.1 Introduction**

### **5.2 The Implementation Gap**

5.21 Legislators Motives

5.22 The “Honest Cop” Belief

5.22 Behavioural Inertia

### **5.3 Emotional Impact and Emotional Labour**

5.31 Emotional Dissonance

5.32 Ontological Uncertainty

5.33 Schismatic Teleology

### **5.4 Hostility to Oversight and Accountability**

5.41 The Blue Wall of Silence

5.42 The Power of the Gaze

5.43 Police Arrogance

### **5.5 Summary**

## 5.1 Introduction

This chapter explores the psychology associated with the implementation of new ideas in the police service using police story telling data from my personal journals (van Hulst & Tsoukas 2021). It provides insights into the research question “what happened within the police service when the Government created the offence of Corrupt or Improper Practice for police officers in Section 26 of the Criminal Justice and Courts Act 2015?”.

The chapter begins by looking at evidence suggesting a gap between the intention of the Act and its implementation in a policing context. The emotional labour of police work is discussed with the idea of an essential lie at the core of policing which prompts examination of the deep purpose or Telos of the police (Steidley & Ramey 2019). By deconstructing particular stories and considering the psychology of police officers in seeking to create a subjective reality, I propose that there are identifiable mechanisms employed to prevent psychic collapse in a system which is perceived as ontologically uncertain and teleologically schismatic (Martin 2018). The cultural icon of policing known as the blue wall of silence (Westmarland & Conway 2020) and its links to a sense of police hostility to oversight and scrutiny are reviewed in light of data from my journals. The power of the gaze, both Lacanian and Foucauldian panopticonism, is used to seek an explanation for the apparent separation in the police between what is real and what is really real. The chapter concludes by suggesting that the reluctance to implement the corruption legislation derives from a manifestation of psychological tensions as behavioural arrogance revealing a general kakistocratic police leadership milieu.

## 5.2 The Implementation Gap

Chapter Two demonstrates that Section 26 of the Criminal Justice and Courts Act 2015 could be perceived as ill thought through and introduced in a hurry at a time of increased concern amongst political policy makers that the police needed legislative reform to address. The information suggests that the legislation was introduced after relatively little consultation with those whom it would affect and could be considered as an example of rational, top-down or forwards-mapping policy creation and implementation (Hood 1976; Gunn 1978; Nakamura and Smallwood 1980). This style of policy implementation could be thought of as a machine metaphor where the passing of the legislation was regarded as pulling a lever with the expectation that existing managerial control mechanisms were sufficiently established to ensure compliance with the policy aims (Parsons 1995).

Critique of the top-down model included six key points set out by Sabatier (1986) which were seen as requirements for the model to succeed. The impact of bottom-up or backwards-mapping (Ingram 1977; Elmore 1980; Hjern & Hull 1982) stemming from the values, culture and behaviour of the “street level bureaucrats” (Lipsky 1980:xi) who were responsible for implementing the policy was also examined. One of the six elements of bottom-up implementation was the requirement for an adequate and understandable causal theory for the development of the policy which, as Chapter 2.25 sets out, was not well presented in the case of the offence of Corrupt or Improper Practice (Sabatier & Weible 2007). The impact of police street level bureaucracy is identified throughout my journal as officers of all ranks and positions appear to have little or no knowledge about Corrupt or Improper Practice as a criminal offence. For example, over the course of two years I delivered training on ethical decision making to every course of new police recruits for the Initial Police Learning and Development Programme (IPLDP) and found that not a single student officer said that they had heard of the Section 26 (Government 2015) offence or had contemplated the implications for themselves. This group of staff had not yet taken their attestation oath and consequently did not hold the office of constable at the time I spoke to them, so were not at that point covered by Section 26 which only applies to constables. This apparent lack of preparation for a potential 40 year career meant that officers demonstrated poor understanding of the risks and restrictions to civil rights associated with taking the attestation oath. I felt that this reflected the prevailing system of police training in which, from the very start, little self-initiated study or research is expected from officers. This was noted in my journal reflections on discussions with officers who had little understanding of the section 26 offence.

*“They felt that Section 26 had not been “marketed or trained” to staff and had resulted in very little direct impact on the actions of staff on the street.” NVivo Ref 17.7*

This statement appeared to show an expectation from staff that the responsibility for updating officers sits fully in the hands of the force and precluded professionalised self-ownership of learning.

At the other end of the scale in terms of police personnel I spoke with a number of elected Police and Crime Commissioners (PCCs) about their views on Section 26 (Government 2015) and there was a similar lack of specific knowledge about the changes to legislation expressed by PCC’s. I could find little apparent grasp of the potential implications that such legislation might have for the reputation of the police at a strategic level. In reviewing the data of discussions with officers of all ranks up to

and including an assistant chief constable I found that only a tiny proportion were in any way aware of the Section 26 legislation and that none had given serious consideration to its impact on them and their policing roles. There are several themes which I have drawn out of my observations of officer attitudes to the introduction of Section 26 including a mistrust of the rationale of legislators in creating the new offence, a sense that their colleagues are all honest people and behavioural inertia with regard to implementing the legislation. These elements are evidenced in detail in 5.21, 5.22, and 5.23 below.

#### 5.21 Legislators Motives

My data identified that officers tended to dismiss or deride the motives behind the enactment of the legislation which was exemplified in the words of one officer.

*“that’s just this bloody government in another attempt to bully and discredit the police. There is no need for such a law, it just helps Theresa May believe she is calling the shots”.* NVivo Ref 10.6

This is evidence of Lipsky’s (1980) street level bureaucracy in action. In the absence of a credible causal theory, culturally normative views come to fill the void, in this case a mistrust of legislators’ motives. A senior Police Federation representative described Section 26 as.

*“a publicity gimmick by the government” which would have “no significant impact on real life policing”.* NVivo Ref 10.8

This was typical of views I heard repeatedly, indicating this sense of being done-to amongst officers or the exposing of a police-as-victim mentality identified in the United States as “cop fragility” (Cooper 2020:621) arising from the ‘Blue Lives Matter’ movement. The officer quoted above also said.

*“No one has been done for it because its unenforceable, an idea dreamt up by Theresa May to help her look good, it worked for her, didn’t it?”.* NVivo Ref 10.8

It is notable that the Home Secretary at the time, Theresa May seems to come in for specific mention which may simply be due to the fact that she was a major sponsor of the legislation. It is also possible that the fact that a woman led the government’s police reform agenda is perceived by the

service as a threat to the hegemonic hypermasculinity which so consistently characterises police service culture across the world (Brough et al 2016; Loftus 2022; Nolan 2009; Silvestri 2017).

## 5.22 The 'Honest Cop' Belief

The honest cop belief which I propose refers to a common theme from my journals around the self-identification of officers as essentially good people with high moral standards. In an impromptu discussion with several mid service constables and sergeants the topic of Section 26 came up and, as previously described, a minority were aware of the legislation. When I asked them how they had heard of it, they laughed and replied that I had told them about it the previous year during presentations I gave to all 720 first line managers in the force area. I recorded that.

*"The consensus of the group was that "cops are moral by nature" so such a law was not needed. However, about half the group took the view that acting morally diminished as people went up through the ranks." NVivo Ref 10.9*

One constable expressed the view that senior officers were corrupt by nature and drawn to power as a means of exercising authority over others for their own self-gratification. This reflects Herbert's (1985:60) observation "All governments suffer a recurring problem: Power attracts pathological personalities. It is not that power corrupts but that it is magnetic to the corruptible." I asked the officer if this was only applied to senior police officers or if the power associated with being a police officer of any rank also attracted corrupt people. The officer laughingly responded.

*"Well, you've got me there boss, you could be right, you certainly have to be well-odd to want to do this job". NVivo Ref 28.4*

I have often reflected on why I joined the police in 1988 and I explain it to others by describing how, on leaving university, I wanted a job with a degree of financial certainty and stability, and this undoubtedly arose from the perilous state of the job market in the late 1980's. I also wanted a job where I could exert influence and be a force for good in the world. This sounds rather trite after 30 years, but it has been my belief all through my career. Much like the officer's reflection on power and pathology and my question about whether it applied at all ranks, I have always told myself that my seeking promotion within the service was to gain greater financial security for my family and to be an influence for good over a wider area. I believed therefore that my promotion was a function of

my core reason for joining the police in the first place but, with the benefit of analysis at a distance, I have re-examined this long-held assumption. Even a cursory examination of criminological theory evinces the likelihood that, under a capitalist economic system, a key function of the police service is to maintain the stability of the hierarchy and encourage social order (Weis 2017). This stability may be seen as a force for good because it benefits the lives of many by reducing crime and harm but there is an additional effect, which may indeed be the primary reason for the existence of the police, that of providing a stable marketplace with peaceful customers to facilitate the underlying purpose of making profit and accumulating capital (Cohen 1988). This results in the use of the publicly funded police to defend private property rights, thereby over-criminalising the precariat and marginalised working class whilst simultaneously under-criminalising systemic abuses by capitalist elites and perpetuating the determinant ideological neoliberalism of the state (Bittle 2020). Storch and Engles (1975:1) recognised this when they described the impact of the police on the working class as a “Plague of Blue Locusts”.

My own desire to be a force for good appears to remain the primary reason why many officers join the police and demonstrates the continuing belief that it was a vocation (Klockars 1985; Loftus 2010) rather than a basic job. This vocational aspect of policing was reflected in my journal on numerous occasions with comments from officers indicating that they acted as honest cops mainly on gut feeling arising from deeply held moral beliefs and not from fear of being charged with an offence of corruption. As set out later in Chapter 5.43 I did not find evidence in the journal of officers expressing an overt desire to oppress the working class in defence of those who own the means of production and the political elite (Marx 2008) although the emotional dissonance arising from this dichotomy was observed.

### 5.23 Behavioural Inertia

Officers’ unconscious or conscious resistance to the new legislation built on the prevailing internal belief that police officers were essentially moral and law-abiding creatures. This was demonstrated in my journals with repeated references from officers that the potential of 14 years imprisonment places an unbearable burden of risk on officers’ decision making and reflects Campeau’s (2019) research on cultural inertia in the police. I found this an interesting position from other officers as I recorded that I did not hold that view.

Discussions I had with middle police managers revealed that most were unaware of the legislation, and I noted the potential impact of this lack of knowledge, given that these were the very people making daily decisions which could be open to scrutiny against the criminal standard of Section 26 (Pülzl & Treib 2017). This is exemplified in a journal entry I made after I had the opportunity to car-share with two acting inspectors and discuss Section 26, Corrupt or Improper Practice. These were bright and capable younger officers who were experienced sergeants and had been temporarily acting up a rank in preparation for an Inspector's promotion board. Neither of them had heard of the new offence although both knew about Misconduct in Public Office. They focussed on the seemingly vague notion of what behaviours might be described as corrupt or improper.

*"One said, "I assumed such conduct was all covered under the discipline code" and the other agreed that the use, and specifically the non-use, of police powers for personal gain or loss to another would be dealt with under 'dishonesty or neglect of duty'." NVivo Ref 14.17*

Both officers expressed the strong view that 14 years seemed unreasonably harsh as a criminal outcome especially since it appeared to them that the behaviours which might lead to a Section 26 charge could already be dealt with civilly under the misconduct regulations leading to dismissal from the police and in some cases reduction in pension. One officer said.

*"it's a bit worrying that we are trying to promulgate a learning-not-blame culture in our teams but as soon as someone makes a mistake they could fall under this new law and end up in the blame spotlight of a criminal court". They went on to ask the question "How the hell are we supposed to fail fast and fail forward and learn from our mistakes when, as soon as something goes wrong, everyone is on our backs, politicians, the IPCC, the press". They also referenced recent sexual misconduct stories in the press at Westminster adding, "bloody politicians are the worst offenders – totally immoral some of them. How they have got the nerve to bring in 14 years for police if they make a mistake is beyond me". The other officer expressed a widely held view which underpins the reluctant police response to the changes, "it seems to me that existing legislation was fine for officers committing crimes, MIPO [Misconduct In Public Office], rape, bribery etc. An extra criminal offence which is imprisonable seems grossly disproportionate". NVivo Ref 14.17*



On a different occasion, I journaled a conversation I had with a former constable who now works as a police staff member. They mentioned that they had noticed many more reports of local police misconduct and criminal behaviour as compared to when we both joined in the late 1980's. The officer wondered whether the Professional Standards Department and Counter Corruption Unit were just getting better at locating and prosecuting corrupt officers, whether the police service had simply become more open about such issues, or whether there really had been a decline in the moral standards of the service over the last 30 years or so. We discussed Section 26 (Government 2015), which the officer had not heard of, and their reaction was.

*"If I thought I could end up in prison for 14 years just for not being perceived to have done the right thing I wouldn't join. It's just not worth the risk". NVivo Ref 14.14*

Some Inspectors told me that if they actively considered the risk of prison in every decision they would be paralysed into inaction. One sergeant seemed genuinely perturbed by the potential for 14 years prison time if convicted for the offence. They seemed to have an unshakable faith that.

*"The government wouldn't do that to us" and was in denial that the offence had been created at all. They took the view that policing would carry on regardless as it was somehow immortal and unable to be changed at a practice level, "they can do what they like strategically", they said, "it doesn't change what we do on a day-to-day basis, serving the public." NVivo Ref 14.14*

These comments indicate to me a sense that there has been behavioural inertia in that no appreciable change in operational conduct was evident since the introduction of the Act because officers themselves believe that they act, in the main, on deeply held personal moral values and are not consciously considering the potential criminal liability arising from their actions. This phenomenon within the police seemed to marry criminological reviews of deterrence theory (Pratt et al 2017) in that the traditional rational choice fear of punishment (Beccaria 1764: Becker 1968) and its more modern reiterations as a rational cost-benefit analysis by potential offenders (Stafford and Warr 1993; Clarke and Cornish 2001) were seen as important drivers to the improvement of crime desistance amongst the general public. The introduction of Section 26 (Government 2015) and the associated rhetoric at its birth shown in Chapter 2.25 were reminiscent of other criminal justice

'get tough' policies as described by Garland (2001) but the data from my journals suggested that the fear of punishment arising from the new offence seemed to have a limited impact on the likelihood of corrupt offending by police officers. Indeed, the apparent dismissal of the new legislation and the behavioural inertia observed in preventing corruption is directly linked with the conclusions from wider research in the field of deterrence theory, "the deterrence perspective by itself-falls well short of being a theory that should continue to enjoy the allegiance of criminologists" (Pratt et al 2017:385).

### 5.3 Emotional Impact and Emotional Labour

#### 5.31 Emotional Dissonance

There has been much study of the cognitive and emotional exhaustion associated with emotional labour amongst police officers and other service sector workers (van Gelderen et al 2017). It arises where officers presented an acceptable professional performance of the emotional response to given stimuli which was deemed appropriate by both the service and the public. This professional face may have been in stark contrast to the emotional state the officer was experiencing at the time and Hochschild (1983:7) describes this process as the "pinch between a real but disapproved feeling and an idealized one". Emotional dissonance (Abraham 1998) is often manifested as false empathy displayed to victims and witnesses when the officer really felt intensely irritated by the nature of the work at hand (Zapf 2002). Grandey (2000:102) described this emotionally labour-intensive process as the "surface acting" occurring when officers merely mask their underlying emotions with a false persona, and which is premised on behaviours that are both proscribed and encouraged by the police Code of Ethics and Standards of Professional Behaviour (College of Policing 2014). The dramaturgy of behaving differently from one's feelings or "backstage region" (Goffman 1959:110) was described by Goffman as acting in the "front stage region". This phenomenon has been observed in a policing context by Manning (2022) and specifically the police frontstage acting involved in the management of police social media accounts (Bullock 2018).

A second method of managing emotional dissonance was the more fundamental and taxing process of deep acting (Grandey 2000) in which officers must apply a cognitive process to the management and indeed alteration of their responses to given stimuli so that they felt a real emotion and not a fake or surface-acted response. The management of deep acting, because of its more cognitive and less reactive element, is an even greater drain on the battery of emotional labour which officers have

in store (Zapf 2002). Therefore officers have developed varying stages (Goffman 1959) or surface and deep acting layers of behaviour (Grandey 2000) in response to the harms associated with police work and the need to present a different and more formal front (Skolnick 1966; Holdaway 1977; Reiner 2010) than the internalised drama they experienced within themselves. This concept of holding differing emotional states across differing compartments of the same life is further explored by Duxbury et al (2021:997) in the sense of “bringing the badge home” and the impact of police work on officers’ behaviour at home. This personal response to emotional labour through an individual’s pseudo-emotional construct is further reflected at a macro level as the dramaturgy of police image work (Mawby 2013) which is unashamedly conducted by policing agencies to maintain their public image as “guardians of the symbolic order” (Ericson 1989:205). Such extrapolation of the personal emotional performances of officers within the context of dramaturgical police roles (Mawby 2013; Goffman 1959) occurred when the police were acting as primary definers of major societal issues such a domestic abuse and their responses to violence directed at the police. One such definitive area of police work described by Monaghan (2020) was counter-terrorist activity which was seen by the police as protecting the public from mass murder but held by Monaghan (2020) to be an ideological means for distracting public attention from colonial, racist, corrupt, and unequal treatment meted out by policing agencies around the world. The difference in paradigm between police-as-protector and police-as-oppressor has been recognised as the cause of cognitive and emotional dissonance in officers and I presented evidence of that in Chapter 3.23. I will return to this schismatic teleology of the police as an ethical issue in Chapter 6 to connect personal psychology with individual and organisational ethics.

Whilst not having models of dramaturgical layers of acting to reflect on at the time I was working in the police I now recognise this sense of emotional exhaustion at the conclusion of my 30 years of service and it is well exemplified in my journal when, in the last month of my service, I met a colleague with whom I had joined the police in 1988. We spoke about the impact of policing on our lives and the reasons why we had joined in the first place. In the end, as we were skirting around Post Traumatic Stress Disorder and mental ill-health, I asked him directly.

*“Do you feel a bit fucked up by police work?”. He replied “not by the blood and guts. That was just a part of the job and I always seemed able to cope with that. Even as a firearms officer I never seemed affected by the possibility of being shot myself or shooting someone else”. He added “it’s not really a bravado or macho*

*thing. I suppose I just thought 'these things are part of my job and if not me then who?'" NVivo Ref 27.29*

He spoke about feeling compassion fatigue (Andersen & Papazoglou 2015) and recognised that he had less and less patience with public concerns at the end of his career as compared to his ability to manage his emotions years before. He said.

*"It's not like corruption, bribery, whatever. But the constant misery we see has a corrupting and demoralising effect on you. I don't think anyone can do policing and be unaffected by the grind of dealing with many, many horrible things".*  
NVivo Ref 27.29

I clarified what he meant by demoralising as its modern meaning is that it reduces morale. Originally in Victorian contexts it meant menial repetitive work which literally took away people's soul or morals and morality, more akin to the modern word dehumanising. He said.

*"That sums it up exactly, the constant and long-term exposure to many forms of human misery does destroy your soul. It wears you down morally until you struggle to actually recognise your own ethics and morals. That's exactly it, demoralising. You only realise it after a while when something fucking horrible happens and you turn up to deal with it and it's not till later you think 'I'm numb to that person's pain, I didn't really care about them, I was more worried about missing my meal break'. That's when you know your morality is reduced or that you are just exhausted by and indifferent to human suffering". He concluded, "I'm sort of hoping that if I don't have to constantly resolve horrible shit that I might start to feel human feelings properly again." NVivo Ref 27.29*

This seemed a very negative position, but I absolutely recognised many of the feelings in myself and they matched the description of the phenomena known as "police complex spiral trauma" (Papazoglou 2013:202) which was the accretion of trauma over time and the leaching away of humanity as a result. I left the meeting feeling happy and oddly buoyed up by the fact that I was not alone in experiencing moral scepticism at the end of my police career. In retrospect it may well have been the exhaustion of daily emotional labour, either surface or deep acting, which finally became such a heavy burden to me.

Before leaving the subject of expending considerable emotional labour in breaching the unwritten rules of the police service, I have reflected on my own blockages in thinking and writing about this subject for this PhD. Now that I am no longer part of the police service, I had assumed that the influence of the blue wall of silence (Westmarland 2005; Westmarland 2013; Westmarland and Rowe 2016) was behind me. In writing this thesis I experienced significant difficulty in recounting, thinking about and deconstructing my thoughts and feelings. At first I thought this was just normal writer's block or the normal trials of an early career researcher but I had a Damascene flash of self-awareness after my mother asked me, "what do you actually do in that university"? It came to me in that moment that I have been consciously and unconsciously avoiding writing about this subject for some time, procrastinating, always finding something of greater priority to do. I reluctantly concluded that it is not so easy to rinse away the flavours associated with being marinated in police culture for 30 years and the reason for my procrastination is a deeply embedded fear of breaching the powerful cultural icon of the blue wall. Conway & Westmarland (2021) examine this through the emic and etic approaches of Morris et al (1999) in their discussion on why keeping silent may not always be a conscious choice in organisations like the police. It seems obvious now that I am critically exposing and evaluating the hidden aspects of the police that there is an emotional and psychological cost to me in doing that and I have had to consciously take steps to reduce the self-inflicted harm to my own wellbeing as a result.

### 5.32 Ontological Uncertainty

The methodology discussed in Chapter 4.1 explored the positioning of police work in the "swampy lowland" of ethical environments (Schön 1991:42). The question of how this is managed and the emotional labour involved in balancing personal feelings and professional reality involves a fundamental consideration of police ontology. In his deconstruction of popular police drama 'True Detective' Linnemann (2019:10) draws on Laycock (2015) to describe police ontology as "decidedly Manichean" in that it is reflected almost completely across film, TV, and literature as comprising a polar battle of dark/evil verses good/light. This ontological placement of victims and offenders on the spectrum from sinner to saint is invoked by western Christian political ideals of social order, opposing forces of heaven and hell (O'Brian 2015) and can be termed the dialectic of Christianity (Linnemann 2019). I have reflected on this polarised psychology of the police throughout subsequent chapters as ethically and managerially this dichotomy arises regularly from my data.

In my journal I recalled my reaction to a conversation with a Detective Sergeant from a small rural town about the creation of the Section 26 offence of Corrupt or Improper Practice (Government 2015). The officer said that it made sense to them to have such a criminal offence to deal with the *'few bad apples'* who spoil the police's reputation for everyone else. They also said they found it hard to believe that any police officer would do serious harm to a person as it was against everything the police stood for.

*"The officer said it made them feel really angry and physically unwell to think of any officer conducting themselves in such a way."* NVivo Ref 27.18

Such a visceral reaction at the thought of police corruption was echoed by other officers and stemmed from the deep ontological uncertainty in which they operated and where the idea of a few bad apples (Cockcroft 2020) was a palliating balm for officers who adhere to the honest cop belief. I suggest that it was easier emotional labour to believe a police myth of the incorruptible officer battling monsters, than to consider the Nietzschean alternative that the task of fighting monsters might create monstrous officers (Nietzsche 1886). It was less hard work for officers than recognising that the police were considered by the public as a tainted profession because "there is something of the dragon in the dragon-slayer" (Reiner 2010:69). These concepts are positioned fairly within the spectrum of the Christian dialectic and give no voice to the concept I addressed in Chapter 4, that such labels may be entirely false as no monster is entirely evil and no police officer entirely good. The Detective Sergeant demonstrated this with an illuminating self-examination in which they stated that they would never cover up in an active way for any 'bent officer' but recognised that they would give an officer the benefit of the doubt as they find it so hard to conceive of a 'corrupt cop', essentially supporting the honest cop belief described earlier. I asked the officer if they were the same with the public and they replied.

*"No, I'm fair but I remember my detective training, ABC, accept nothing, believe nothing, challenge everything".* NVivo Ref 27.29

This refers to the Police Practice Advice on the Core Investigative Doctrine which describes the ABC of investigative challenge as "Assume nothing, Believe nothing, Challenge everything" (College of Policing 2005:62), an ontologically and epistemologically sceptical foundation by any definition which endorses the observations of police culture as mistrustful of the public and cynical (Loftus 2020:

Skolnick 1966). I asked the Detective Sergeant why they did not apply the same principles to other police officers and the reply was.

*“well good point boss, frankly I trust the police and I suppose I mistrust the public. It really makes me sick to the stomach to even think that a cop would breach that trust I suppose I don’t want to ever even think about it. It’s probably dangerous as I might well not pick up if an officer is doing bad things because I’d always want to think the best of them”. We discussed whether they had ever seen or witnessed any police corruption and they said that they had “never had a whiff of it in 15 years” and concluded, “but now I wonder if it was there and I was just blind to it or, God forbid, just let it go on”. NVivo Ref 27.29*

This type of question, with which all officers should continually challenge themselves, has become a common feature of the higher education delivered in Central American specialized police institutions (Arévalo Herrera 2018) rather than relying on over-training and under-educating as I discussed in Chapter 3.38. In Chapter 6, I have re-examined additional evidence that this question was rarely tackled by the UK police and that self-reflection of this type was a useful tool to address and deconstruct the ontological myths of a Manichean policing reality because, for most officers, pulling at that string of self-awareness was a deeply unsettling and emotionally laborious task.

### 5.33 Schismatic Teleology

One story from my journal exemplifies the emotional labour arising from the schismatic teleology of the police service. The timeline of this story starts on the 1<sup>st</sup> December 2013 when a serving police inspector, nearing the end of their 30 year career, attended the arrest of a suspect by members of their team. Although the suspect was handcuffed and docile, the inspector hit him repeatedly in the face with a large police handlamp knocking some of his teeth out. This was witnessed by four police constables, junior in rank to the inspector and directly under their command.

By the 6<sup>th</sup> December 2013 the Professional Standards Department (PSD) had received reports of this assault from all four officers via different routes. The inspector was investigated but retired in early 2014 as the legislation was not then in place to prohibit such a retirement before the gross misconduct was addressed. The Crown Prosecution Service decided that there was sufficient evidence to charge Grievous Bodily Harm and the inspector went to trial at Crown Court in 2015

where all four officers gave evidence of the assault on the victim, who was a well-known and prolific criminal. None of the officers had ever given evidence in court and the jury returned a not guilty verdict in a matter of minutes as they accepted the defence that the use of force was proportionate in the circumstances.

After this acquittal and without a criminal conviction, I made the formal determination under Police Regulations in my role as the head of Professional Standards that there no case to answer for gross misconduct and I wrote to the victim to apologise and explain that, as the inspector had retired from the police, no further action could be taken. The criminal and misconduct cases were therefore finalised in the summer of 2015. On 7<sup>th</sup> December 2015, the retired inspector lodged 18 allegations in a complaint about the investigation and the witnessing officers, including alleged criminal acts of perjury and perverting the course of justice. Ordinarily the police complaints process is not open to serving police officers but, as the inspector had retired by the time of their trial, the complaints had to be recorded and were remitted to an investigation team from another police force to ensure independence.

On 27<sup>th</sup> January 2017, a senior officer from the independent police force made a formal and legal determination of no case to answer for all 18 allegations and the retired inspector exercised his right to appeal this outcome to the Independent Police Complaints Commission (IPCC). On 30<sup>th</sup> March 2017, the IPCC found that appeal was not upheld in any respect and, uniquely in my experience, made comment on the appeal outcome letter that.

*““The officers should be commended for coming forward” and apologised for the additional stress caused by the appeal process.” NVivo Ref 8.4*

On the 1<sup>st</sup> June 2017, I was asked to attend a debrief with the witnessing officers and their representatives from the Police Federation, which carries out a similar function a trade union as the police are prohibited from union membership under Section 64 of the Police Act 1996 (Government 1996). The meeting was requested because the officers felt unsupported by the organisation in their reporting of the retired inspector’s wrongdoing, and I recorded my reflection on this in my journal where I state that I felt.

*“A palpable sense of hostility towards the Professional Standards Department both in the invite to attend and at the start of the meeting”. NVivo Ref 8.3*



The officers in this example were faced with living through the emotional and psychological consequences of the sudden catastrophic collapse of their worldview and, I argue, this stems not from the superficial relationship they have with the police as the organisation they work for, but the organisation which they themselves create in their minds as described by Armstrong (2015). When considering the impact of this incident on the officers I recorded that.

*“Their world view had undergone a seismic shift and it had been and remained very painful for them.” NVivo Ref 8.3*

I therefore suggest that, in this description of their response to serious misconduct by a senior officer, the reporting officers were expressing the concept that the police force was symbolic of truth and justice for them, and I further suggested that they derived their sense of self from operating within the Manichean Christian dialectic of that heroic context (Linnemann 2019).

Jacques (1951) postulated that, arising from their psychological relationship with organisations, humans experienced two emotional lives. The first was the mundane attention paid to consciously meeting the requirements of role related tasks and the second, subconsciously, was working on recognising internal phenomena which can create psychic anxiety, to bring them explicitly into the lived experience of the organisations within which the individual operated as a form of culture. Jacques (1955) concluded that humans create organisations, and the cultures within, them in order to defend their mental wellbeing against the psychotic anxieties which, paradoxically, may be generated by the very work the organisation requires of them. The misalignment between the difficulty of the function being asked of the staff and their personal capability, coupled with a failure to be specific about accountability and authority, ends up leaving “individuals to exercise personal power or otherwise manipulate each other in order to somehow get things done” (Jacques 1995:344), which he defines as a “paranoiagenic zoo”.

This evidence for police officers experiencing two levels of reality within the police service differentiates Bion’s (1970) understanding of a lie, which was merely an individual deceit practiced by police officers to get through the day, from the deeper lie that was practiced throughout the organisation, which officers knew was false but clung to fiercely, as not to do so would bring the psychic roof down. This second or deeper lie, which I described in Chapter 3.26 as the really-real, was a creation known by its inventor to have been false, but one that was continuously refreshed as a

defensive shield against any words or behaviours which would “otherwise lead to psychological or emotional upheaval” (Bion 1970:97). This is most clearly observed in the police service as a sense of disconnection between the values and ethics espoused by the organisation and the adherence, or lack of it, to these ethical principles evident internationally and at all ranks in the literature (Punch 2003) through the actions and behaviours of police officers. This idea echoes the Lacanian concept of the void described by Saint-Cyr (2012) in which she suggested that humans measure a thing against its relationship to the enclosed or surrounding void which sublimates the thing and therefore helps to define it. In the case of the police it could be argued that the lie which officers told themselves and others to get through the day was the very thing which Lacan (2001) told us was defined and created by the void of the deeper or true lie (Bion 1970) which officers lived with but feared to acknowledge as existing.

This process of sense-making by the unconscious creation of a façade organisation in the collective imagination of officers, based on oft-repeated stories and myths about the heroism and high moral value of the work of policing (Lumsden & Black 2018) was the creation of a fundamental untruth, what Bion (1970:103) calls a “true lie”. This type of lie, retold within organisations and suspected by the user, deep down, to be false, is a form of individual protection against the type of catastrophic change which a genuine appreciation of the terrifying Lacanian Real might illicit (Žižek 2002). Bion (1970) asserts that this is how we all guard against emotional upheaval, psychological damage, and threat to the fragile sense of our own value in the world when faced with any phenomena which “outrage the moral system” (Armstrong 2005:19).

## 5.4 Hostility to Oversight

### 5.41 The Blue Wall of Silence

In the example of the assault on the detainee by the inspector, the formal police duty of candour, which was the subject of discussion in the House of Lords (Hansard 2021), was complied with as all the officers present individually reported the matter to the Professional Standards Department in different ways. They used the confidential hotline, in person to a trusted PSD officer, and via email to the office and it was notable that none of these officers told any of the others that they had reported the matter so as to comply with their legal requirements and the police Code of Ethics (College of Policing 2014a). I postulate that this reluctance to share that they had each reported the matter stems from the emotional labour (Van Gelderen et al 2017) associated with complying with the

organisational and legal requirements whilst internally battling against the cultural pressures of the blue wall of silence and the fear generated at the very thought of being seen as the whistle-blower or attracting unwarranted attention from the inspector, who was still their line manager.

In my journal I reflected on the relevance of these data and it awakened in me an understanding of the psychological trauma which the officer experienced in reporting the actions of the inspector.

*“I think this speaks volumes about the extreme impact of rank and hierarchy in the police, but also the emotional anguish in those officers when attempting to breach the unwritten rule of the blue wall.” NVivo Ref 7.5*

The international police cultural trope of the blue wall of silence, about which so much has been written in the academic literature (Loftus 2010; Nolan 2009; Silvestri 2017; Westmarland 2005; Westmarland 2013; Westmarland and Rowe 2016), was never officially or unofficially discussed in the workplace. I can certainly never recall having any overt discussion about backing up your colleagues or not being open with those outside the blue wall. Rowe and Macauley (2019) demonstrated the power of the co-creation by officers of police narratives in attributing positive value to the work they undertook and explained that Bourdieu’s (1990) ideas on habitus and field have the potential to drive cultural change or maintain the cultural status quo. Chan (1996) found that these narratives have implicit and esoteric existence, outside of any official genesis, and are contagiously passed from generation to generation of officers through observed example, police story telling (van Hulst 2013 & 2017) and unspoken looks and non-verbal cues. In my meeting with the officers in 2017 I recognised that I needed to be sensitive, and I journaled that there were strong emotions displayed by all three officers present.

*“One was visibly choked and tearful throughout the whole meeting and the other colleagues were maintaining a stoic demeanour but clearly holding a lot of pent-up emotion which was noticeable in the looks they continually exchanged, the tone of voices and clipped phrases adopted in their speech.” NVivo Ref 27.8*

I could sense anger and disappointment in their non-verbal communication, and they all said that they experienced a strong dichotomy of emotions at the time of the assault. One officer expressed this by saying.

*"I wanted to nick him, [the inspector], there and then. Had it been a member of the public I would have, but this was a senior officer, and I just didn't know what to do. I knew what I'd seen and that it was wrong, but I didn't want to be the only one to do something". NVivo Ref 27.8*

The officers all agreed that they felt shocked by the inspector's actions, knew it was wrong and felt a strong urge to act but were unsure what to do as he was a senior police officer and they therefore felt both mentally and physically paralysed into inaction whilst the incident occurred. I have no doubt that, if a member of the public had committed this assault in front of them, they would have rightly made an immediate arrest. It was evident to me in the meeting, and on reflection afterward, that all the officers were severely emotionally affected by their experience with the inspector, indeed two of them reported going through counselling because of the incident, having presented with symptoms of post-traumatic stress disorder. I was moved by the experiences of the officers and empathised that reporting wrongdoing by colleagues was extremely hard and intensely emotional. The officers reported feeling let down and annoyed with the inspector as he was a senior colleague who had breached the expected standards of behaviour and therefore caused them to experience these unfamiliar strong emotions as their duty of candour conflicted with the cultural antipathy to whistle-blowing.

One officer, a late joiner who had wanted to be a police officer since being a small child, explained that this experience had been career-ruining for them, and I journaled that.

*"She and the others expressed that they always felt that the police should stand for right, justice, goodness and in one moment she had seen that this was not the case." NVivo Ref 27.8*

This simplistic and idealistic mental model of the police, so accurately described by Loftus (2009), had been shattered by the experience and that officer had seriously considered resigning, telling me through their tears that the police service was not the job they had believed it to be. This sceptical or cynical drift had not developed over a long period but had been thrust on them in an instant with little time to adjust and had left all the officers feeling incredibly resentful of the Court, Professional Standards Department and the IPCC for forcing them to undergo the painful process of giving evidence against a colleague. It exemplified an 'Event' as described by Žižek (2014) in which he uses the Lacanian dimensions of the Imaginary, the Symbolic and the Real to explore the trauma caused

during an event which transcends the symbolism of the big Other when confronted with the echoes of the terrifying Real (Lacan 2011). In this sense the assault by the inspector constituted a Žižekian event for the other officers present which required them to measure their imagined selves against the symbolic order represented by their view of policing as a concept and a job. Once their symbolic order was challenged to the point of destruction by the aberrant behaviour of the senior officer, they perhaps caught a glimpse of the void which formed the boundary between their understanding of the symbolic order and the terrifying and ineffable Real. Lacanian psychology would suggest that it was this glimpse which engendered such fear in the officers resulting in emotional turmoil and significant distress.

I was very conscious during my meetings with the officers of the antipathy towards me, as a formal representative of the policing system and a personification of the Lacanian Real (Žižek 2002), not only from the officers involved but also the Police Federation representatives present and the senior police manager who had requested the meeting to try to draw a line under the incident. It felt to me as though their anger was reserved, not for the inspector's actions, but for an organisation which had forced them into making a choice between their deontological duty of candour to disclose the misconduct and their deeply held emotional desire to remain silent. In meeting them and experiencing their raw emotions I concluded that they had experienced a breakdown of the emotional, ethical and psychological contract they had once enjoyed with the 'The Police' (Noblet et al 2009) which was perceived simultaneously as both their employer and the lodestone of their sense of self. Their *Lebenswelt* (Habermas 1981) or life lenses had undergone a seismic shift in this experience, a Žižekian 'Event' (Žižek 2014), and it had been a traumatic and painful process for the officers. I recorded in my journal that.

*"The meeting appeared to be cathartic for the officers". NVivo Ref 3.9*

I suggest that catharsis occurred because the officers were able to express to each other and to me, as a visible manifestation of the organisational gaze, just how much emotional labour was being undertaken to allow them to overcome their unconscious bias against exposing wrongdoing by a colleague. For the first time they might have been able to feel increased locus of control deriving from enhanced ontological agency (Dixon & Dogan 2003) instead of feeling fully subsumed by the unwritten, unspoken network of influences which exerted structurally ontological restrictions on their individual capability. Indeed, this shifting of philosophical reality disposition using locus of control counselling has been used to move officers in similar distressing positions beyond the

‘dialogue of the deaf’ described by Johnston & Shearing (2009) in which no one could hear the plight of the officers because of the differing philosophical dispositions in which they were rooted. This hinted again at the fear seen in police subjects of trauma which was generated from glimpsing the edge of the terrifying Real (Žižek 2002) following a significant emotional event (Žižek 2014) as described above. Such therapeutic use of locus control counselling has been studied as a potentially successful means of addressing police corruption in the Nigerian police service (Aremu et al 2009).

#### 5.42 The Power of the Gaze

The impact of being observed was embodied in both the Lacanian gaze (Lacan 1981) and Foucauldian panopticonism (Foucault 1996) as well as the ancient philosophical construct of an ideal observer set out in Plato’s morality play about the argument between Socrates and Euthyphro (Prior 2019). The concept of being observed in a corrupt act can be linked to Tittle’s (2004) control balance theory where police officers have a surplus of control in respect to other citizens but a perceived deficit of control in relation to external observers. There was evidence in my data to support the suggestion that the police view the world arrayed against them as an increasingly Sauronesque electronic panopticon (Garland 2004). In reflecting on the reluctance of my staff to meet an undergraduate media student who had requested to speak with a Professional Standards Officer as part of her dissertation I wrote.

*“The combination of an academic college plus the media seems to have combined in their minds to have become a hugely untrustworthy “other” or “not-us” with whom they simply refuse to engage.” NVivo Ref 13.6*

The idea of a constantly observed model prison, the panopticon, (Bentham 1996) in which prisoners were never sure whether they were being watched in their cells but were acutely conscious that they could be under scrutiny at any given moment, derives from an epistemological assumption that humans behave well when observed so the presence of a potential observer alters our actions for the better. This concept was one which drove the societal desire to answer an age-old question, *quis custodiet ipsos custodes?* who does watch the watchers themselves? (Juvenil in Ramsey 1920) and directly results in the establishment of legislative and societal systems to observe the actions of the police (Wall & Linnemann 2014). Foucault (1996) developed this theme from the basic sense that we behaved when watched, to suggest that we internalised that external gaze so that, even when it was not present, we still adopted certain behaviours according to the power relationships of society. This

internalisation of a real or potential gaze harks back to the ideal observer as a god who may or may not be panoptic, but the very thought of whom, regulates human actions. As reflected by Voltaire (1768:402) “if God did not exist, we would have to invent him”, the need to internalise an external guardian, real or imaginary, has long been a strong driver in preventing deviant behaviour and exerts significant emotional pressure to conform to norms. I introduced the concept of the power of the gaze in Chapter 3.34 and such an ideal observer links Benthamite and Foucauldian panopticonsim with the deterrence theory (Pratt et al 2017) discussed in Chapter 5.21 in that the fear of punishment (Beccaria 1764: Becker 1968) arising from being observed in a deviant act leads to behavioural inertia. To expand this exploration of the power of the gaze it is suggested that the capable guardians of Cohen & Felson’s (2003) Routine Activity Theory assume the function of observer to prevent crimes from occurring. The power of the human gaze takes on a slightly different form for Lacan (1981) as an anxiety provoking scopic drive which simultaneously enjoys and despises the act of watching and being watched, creating a physical and emotional tension or *jouissance* (Bourlot 2019). Krips (2010) suggests that the Lacanian gaze goes beyond the here and now of spectatorship to encompass an external realisation of oneself, viewed from the outside, as if in a film, so that we experience our own class, biases, loves and lies in comparison to the others whom the external gaze encompasses. Copjec (1994) explains that Lacan presents us, not with an almighty architect, ideal observer or capable guardian who observes and records our conduct through life, but rather a consciousness about ourselves and our lives derived from our imagined self-gazing.

At the conclusion of the IPCC appeal process in the assault by the inspector I wrote to all the officers to express my personal and organisational thanks for their bravery in coming forward and to pass on the message of support from the IPCC who acknowledged how hard it was to display candour in such circumstances. I recorded at the time.

*“There remains a large part of me which wants to scream out “for fuck’s sake, you just did your job”. NVivo Ref 3.9*

I acknowledge that this relates to my own ethical stance as I have never been afraid to come forward and report such matters. For example, I once arrested a fellow inspector for the attempted murder of his wife which seemed like a ‘no-brainer’ to me at four in the morning. I well remember how I felt at half past nine, just before I ended my shift, when another inspector came to my office, hugged me and said, “I don’t care what the others think, you did the right thing”. Whilst this was well intentioned support, up till that point it had not even occurred to me that ‘the others’ would have an

issue with me making this arrest and I suddenly felt the full emotional force of acting outside the cultural norm. In that respect I have always been an outsider in the police and have experienced strong emotions associated in that role. This appeared to be a cultural phenomenological expression of the ontological dichotomy between what's real and what's really-real. That openness, transparency and honesty are the espoused values of the police but where officers display them, they may become exposed to uncertainty from others which manifests itself as the culture of silence and the dislike of oversight, the blue wall of silence (Chin & Wells 1998; Loftus 2010; Conway & Westmarland 2021) introduced in Chapter 3.24.

This idea that the real police coexist with a deeper policing reality can be examined using Edgar Schein's (2010) model which explains organisational culture as a function of its externally observable phenomena. Schein makes use of three observable layers of culture: artifacts and behaviours, espoused values, and basic assumptions. The first of these, artifacts and behaviours, are highly recognisable to an external observer of the police service as the iconic symbolism of police uniform, ranks, structure and norms and are an international brand which is intimately wrapped up in a sense of what it means to be British (Fox 2014). The espoused values of the police are those which are formally recognised and promulgated by the organisation such as the Code of Ethics and the standards of professional behaviour (College of Policing 2014) and a plethora of individual force mission statements, visions and strategic goals. These values are often based on exoteric, quantifiable sources and are officially used in organisational decision making and leadership. They are the spoken-of moral rules which ostensibly create publicly visible police artifacts and behaviours. In this way the duty of candour is one of Schein's espoused values, but this does not explain the intense emotional labour so clearly required for officers to comply with it. I suggest that the third and inner layer of Schein's (2010) model, basic assumptions, can help us understand the observed phenomena better. It is the unspoken but universally understood set of basic assumptions which underpin the real culture of the police. Like the buried foundations of a cathedral, it is the hidden basic assumptions upon which the whole edifice rests and, when they are attacked or challenged in an event such as the one endured by the officers at the assault, the result is a fundamental undermining of the espoused values leading to a catastrophic collapse of the visible, symbolic, superstructure of the police (Žižek 2014).

Bentham's panopticon (Bentham & Božovič 1995) and the well-studied Hawthorne effect (Paull 2020) describe the tendency towards improvement in behaviour when being observed. The officers in this case were in a group and therefore aware of the actual external gaze of other professionals in



the context of regulating their own behaviours. Conversely, the actions of the inspector, although he must have realised that he was being observed, sparked a chain of externalised introspection when he arrived, and immediately broke Schein's (2010) police espoused values by assaulting the detainee. It speaks to the power of the assumption of police silence that the inspector did not moderate their behaviour in front of the other officers but continued with the deviant assault. I hypothesise that it was at this point that the other officers were able to internalise the non-existent public gaze, as earlier described by Lacan, and to see themselves in a movie through the lens of Foucauldian panopticonism (Brunon-Ernst 2013). From Foucault, this means that the officers, in taking no immediate action against their colleague, recognised their behaviours in the wider societal context of how others might judge them against the espoused police values of bravery, honesty and truthfulness. Foucault suggests that the officers, in viewing themselves as others might view them, judged themselves against those societal values of the police and found themselves sadly wanting. I therefore posit that it was this psychological mechanism at work which created a sense of failure against a set of societal values which in turn had a deleterious impact on the officers' sense of self-worth and emotional wellbeing. The Lacanian gaze by contrast (Krips 2010) appeared not to facilitate the judgement of society, but a self-judgment against the officer's own values and sense of self. The viewing of oneself as though through a film camera puts everything into a different perspective, the cameo of the officers immobilised and allowing the assault to occur puts their actions in stark contrast to the deeply held values which caused them to join the police in the first place. When Lacan speaks of the sexually orgasmic *jouissance* associated with this tension (Evans 2018) I believe he is describing the commingled pleasure of the officers in recognising that their deep desire to do the right thing is real and has emotional power. This strains against the pain of experiencing the externally internalised movie in which they utterly failed to do their deontological duty. This bittersweet sense of *jouissance* was the aftertaste of their failure and means that they did not merely let down the society they serve, but also their own deeply held beliefs which, I argue, led to significant emotional erosion of self-worth and the cataclysmic reimagining of their own values because they were unable to act on them when the call came for them to do so. Žižek (1999) points out that when faced with such a choice we can either reject it utterly or sublimate it as part of the hidden truth we dare not face.

#### 5.43 Police Arrogance

In "A Few Good Men" (Columbia Pictures 1992) a senior US Marine Officer was found in court to have ordered an illegal punishment activity in the pursuit of the greater good of military discipline

and shouted the words, “The truth, you can’t handle the truth”. This denial of the apparent truth within the police, and indeed by the public, was akin to the fetishistic disavowal described by Žižek (2008) and may have created the environment within which the police can assume an arrogance which is reinforced by the assumption of the “honest cop belief” discussed in Chapter 5.22. Such Žižekian fetishistic disavowal was reflected in the data I gathered on the views of officers about their senior managers.

*“One officer used the term “we are lions led by donkeys”. Another spoke about the reluctance of senior officers to hearing “the truth” and how it was “immoral” to be “wilfully blind”.” NVivo Ref 2.24*

Another officer used a quote from popular Television series Blackadder Goes Forth (BBC 2022) to express their view.

*““When I want your opinion Baldrick, I’ll give it to you” this officer felt that this quote summed up the arrogant culture of the hierarchy in that “they think they know best and no one below the rank of sergeant has anything useful to say”.” NVivo Ref 2.24*

Given this apparent arrogance within the service it may not be too extreme to suggest that such arrogance extends from the police to the public and that as suggested by Loftus (2022) they believe in the idea that they are separate and distinct from the public. I further suggest that the police fetishistically disavowed the nuance, messiness, and inherent violence of police work in favour of a bounded rationality and lack of complexity which was the source of an arrogance associated with police officers. The psychological truth about the police as described earlier in this chapter may be unacceptable to society and certainly to officers who must lie to themselves about their motives for joining and remaining within the service because exposure of their biases makes them seem monstrous to both us and them. Can we ever have a mature and adult understanding that police officers are human beings, both compassionate and intolerant, wise and stupid, strong and weak? In accepting this, we must also accept that they cannot be the perfect beings we wish them to be and as they arrogantly seek to present themselves. The cost of police openness and transparency could have led to the loss of innocence and ignorance about the true nature of policing and its Telos, which was to oppress the masses on behalf of the powerful, and this manifests itself as arrogance and police bullying of the public. If we accepted that the current policing model was the means by which

the state bullies its citizens into fearful compliance with norms, then the harm of the police might outweigh the good and we should perhaps seek an alternative. These thoughts were demonstrated contemporarily in the Black Lives Matter (Joseph–Salisbury et al 2020) and Reclaim These Streets (Sugiura 2021) initiatives which were spontaneously emerging in the U.S. and U.K.

I always said in combatting police corruption that.

*“sunlight is the best disinfectant”* NVivo Ref 22.8

On reflection however the alternative to sunlight may be that we need to make an active or subconscious choice to operate in the ethical gloom of ignorance and innocence, maintaining a fictitious belief that the police are a benign force for goodness, fairness and justice. However, once we transcended to ‘eyes open’ from ‘eyes shut’ we could never unsee the shape of a malign police force as described by Linnemann (2022) even if we choose to plunge ourselves back into the ambiguity of Lacanian anamorphosis (Dolar 2016) which Hegel referred to as human pathological subjectivity, because it can only be biased and distorted by our previous experience (Žižek 2000). Thus, if we and the police themselves expect ‘the police’ to be a force for good because that is our biased conditioning, then it becomes very hard to view them, or for them to view themselves, in a negative light and the public and the police continued to enshrine policing within the context of our existing and pathological *Lebenswelt* (Habermas 1981). Using Hitchcockian films to illustrate such a concept Zizek (1992:108) posed the question “what happens when our eyes are closed yet kept open?” and I propose that the answer lies in the adoption of arrogance by the police as a recurring milieu, premised on the idea that they are better than and distinct from the people they serve.

## 5.5 Summary

I sense that the reporting officers in the story about the assault had been kidnapped by circumstances and forced on an unlooked-for journey of self-discovery. During the assault itself I conclude that they employed psychological processes to form judgements about their own lack of immediate action, weighing themselves in the balance against either their own values or the values of society and, ultimately, finding themselves wanting. Faced with the realisation that they had not fulfilled the espoused values of the service but had bowed to the pressure of their basic ‘honest cop’ assumptions, that an inspector could do no wrong, they were faced with the emotional effort of scaling the Blue Wall of Silence (Chin & Wells 1998; Loftus 2010; Conway & Westmarland 2021). This

is an extremely emotional event for them (Žižek 2014) as it goes against the grain of police hegemonic hypermasculinity (Nolan 2009) and further damages their sense of self-worth.

The impact of the immediate gaze of another may be present in the fact that none of the officers told any of the others that they were reporting the matter to the Professional Standards Department for fear of being seen as a whistle-blower (Holgersson 2019). Having overcome that barrier, the officers were then exposed to the intense public scrutiny of a Crown Court trial where they were all giving evidence for the very first time. This is hugely symbolic as they were mid-service officers and, the first time that they gave evidence to a court, a nerve-wracking experience at the best of times, it was against a colleague and former boss. I asked myself how must they have felt then when a jury of the public returned a not guilty verdict in an unseemly short time? The inspector certainly felt vindicated and emboldened to make a complaint to the force that the officers had lied on oath so, to add to their sense of betraying the blue wall, they found themselves under a gross misconduct investigation for potentially criminal acts. The emotional dislocation from the organisation that they had created in their minds (Bion 1970; Armstrong 2005) up to this point must have been immense. Following the scrutiny and oversight of an external force and a finding of no case to answer for any criminal or misconduct matter the inspector, the progenitor of this whole incident, appealed the decision to the Independent Police Complaints Commission, who undertook further external independent scrutiny leading to excruciating tension for those officers who were once again exposed to the gaze of an external body. Only at the end of the process, when the inspector's appeal was dismissed were the officers granted the healing balm of compassion from the IPCC who specifically stated that the officers had done the right thing and should be congratulated.

This conclusion was completely at odds with my initial reaction, that the officers were only doing what they were required to do and, in reconsidering that initial reaction, I reflect on the antipathy of the officers and their managers towards me, the Head of Professional Standards, as the very visible and symbolic representation of internal censure. In the four years from the time of the initial incident till I met them, the officers had been severely psychologically challenged by their emotional reactions to the implementation of law and policy, the reporting of the assault. They did not direct this ire against the initiator of the angst but rather towards me. I feel this was because the catastrophic collapse of their police "organisation-in-the-mind" (Armstrong 2005:77) was caused by the tension in overcoming the cultural barriers to do the right thing. Therefore, they perceived that the organisation itself was the cause of the trauma as its rules and regulations had been the thing against which they had psychically crashed. If not for the existence of the organisation's rules, and

the Professional Standards Department as the part of that organisation which held them to account for adherence to the espoused values, they could have potentially ignored the corrupt behaviour with little emotional or psychological trauma. The victim of the assault was a career criminal, how much easier would it have been to have simply agreed with the eventual decision of the jury, that he deserved what he got? How much harder to have been placed in a psychological vice by the duty of candour and then bent out of shape by the culture of no snitching.

# Chapter 6

## Ethics of Implementation

### 6.2 Introduction

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### 6.5 Summary

## 6.1 Introduction

This chapter draws on examples from the research data which indicated the ethical underpinnings of implementing the offence of Section 26 Corrupt or Improper Practice (Government 2015) within the police and the wider criminal justice system. It suggests that the underlying ethical and philosophical disposition of the police is complex and graduated, with rank-and-file officers more often observed displaying Kantian, duty-based, deontological ethics (Hill 2012) whilst those attaining higher rank more often displayed a reality disposition akin to individualistic hedonistic pragmatism. The chapter examines how such ethical polarity impacts the implementation of a law intended to highlight and prevent police corruption. The nationally standardised police Code of Ethics is discussed and found to be inherently utilitarian and consequentialist in its design which forms an ethical trihedral within the police alongside the Kantian and hedonistic ethics also identified. The chapter will use the Dixon and Dogan (2003) reality paradigm model to offer explanations of how these nuanced ethical positions interact and potentially create rank related and interpersonal conflict linking to Chapter 5 on the psychological aspects of implementation within the police service. It also introduces ideas on the impact of managerialist New Public Management praxis on the ethics of implementation and links forward to the Chapter 7 which will discuss that concept in greater detail.

## 6.2 The Police Code of Ethics

As set out in in the literature review Chapter 2 the police were required by Section 124 of the Antisocial Behaviour, Crime and Policing Act 2014 to create and adopt a national Code of Ethics for the first time in their history (Government 2014).

### 6.21 Formal and Legal Code Requirements

Published by the College of Policing in July 2014 this Code of Ethics and its associated Standards of Professional Behaviour (College of Policing 2014b) were a legal adjunct to the Police (Conduct) Regulations 2012 (Government 2012a), Police (Complaints and Conduct) Regulations 2013 (Government 2013), and the Police Reform Act 2002 (Government 2002). These ethical codes and standards of behaviour were the legally mandated benchmarks against which all allegations of police disciplinary misconduct were assessed. At the core of the Code of Ethics were the nine policing principles of Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect

and Selflessness which were derived from the Nolan principles of public life published by the Committee on Standards in Public Life (Government 1995). These principles have underpinned all public sector organisations in the UK since their inception in 1995 but were not legislatively incorporated into policing until 2014 when the Code of Ethics and Policing Principles were introduced. The National Policing Principles (College of Policing 2014a) can be seen as the moral heart of the Code of Ethics, but it is not possible to ascertain whether a given officer has a personal morality which accords with these espoused organisational values (Schein 2010). It is however possible to compare the behaviour of officers against the Standards of Professional Behaviour which form a more codified set of expressions of internal values and are also contained within the overall Code of Ethics (College of Policing 2014c). There are ten standards associated with professional behaviour identified in Schedule 2 of the Police (Conduct) Regulations 2012 (Government 2012a) and these expanded on below with a brief explanation of the expectations on officers and others involved in policing.

‘Honesty and Integrity’ sets the expectation that police officers are honest, act with integrity and do not compromise or abuse their position of public trust. ‘Authority, Respect and Courtesy’ leads to the expectation that officers demonstrate self-control and tolerance of others and that they specifically treat the public and their colleagues with respect and courtesy. Officers should not abuse their powers or authority and should show respect for the rights of all individuals with whom they interact. ‘Equality and Diversity’ establishes that officers must act with fairness and impartiality in all they do and must not unlawfully or unfairly discriminate against people or groups. In a civil society the only agency empowered to use significant force on citizens is the civil police service and therefore under the standards called ‘Use of Force’ the police must use only such force as is necessary, proportionate, and reasonable in the circumstances of the incident. The PLAN (Proportional, Legal, Accountable, Necessary) Mnemonic taught as part of professional police practice for tactical planning of police operations (College of Policing 2018c) captures this requirement. The Standards of Professional Behaviour enshrine the concept that the police are a disciplined and regulated profession through the inclusion of ‘Orders and Instructions’ whereby officers can only give and carry out lawful orders and instructions. Members of the police service are therefore required and expected to abide by police regulations, force policies and lawful orders. To demonstrate ‘Duties and Responsibilities’ officers should be personally diligent in the exercise of their duties and responsibilities in holding the office of constable, which is described as “an independent legal official and each police officer has personal liability for their actions or inaction” (Police Federation 2018:2). The police service has access to a significant amount of private



information on the public and therefore the professional behaviour of 'Confidentiality' seeks to ensure that they treat all such information with respect and access or disclose it only in the proper course of police duties.

Police officers must be in a fit condition mentally, physically and emotionally in order to carry out their duties to the public and therefore they are bound by 'Fitness for Duty' to present themselves for duty in such a manner as to be able carry out their responsibilities. This includes random testing to guard against the consumption of drugs or alcohol on duty, physical fitness for their role, and maintaining mental and emotional health. The term 'Discreditable Conduct' encompasses a prohibition on any behaviour which may bring discredit onto the police service and specifically undermine that crucially important public confidence which underpins the concept of policing by consent (Morgan & Newburn 1997). This standard is applied whether the officer is on or off duty, online or in person and therefore represents a significant infringement to the officers' human rights for privacy, freedoms of thought and expression, assembly and association (Van Dijk et al 1998). It is a requirement under this regulation that officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice. The final standard of professional behaviour, 'Challenging and Reporting Improper Conduct', is intended to address the cultural tendency of non-disclosure of poor conduct, the 'blue wall of silence' (Westmarland and Rowe 2016). It aims to engender both a culture and a duty of candour by requiring officers to report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

The Standards explain that breaches of the above ten elements may range from minor infringements, which would warrant immediate verbal challenge, right through to a criminal investigation and proceedings. They include gross misconduct for which an officer could be dismissed from the service and, in some circumstances, have the officer added to the barred list of individuals who cannot thereafter practice any form of policing activity in the UK (College of Policing 2022c). Whilst under investigation for any serious breaches of the standards officers can be suspended from duty or placed on restricted duties which removes them from contact with potential witnesses or victims (Government 2020). Suspension or restriction are legally neutral acts but there is recognition by most police forces that this legally neutral act can be highly damaging to an officer's reputation and career even if they are subsequently cleared of any wrongdoing. They therefore have extensive welfare policies to manage the impact of suspension on the officer and their family (North Yorkshire PFCC 2021).

## 6.22 Foucauldian Governmentality

The birth of the police in Europe can be examined through Foucauldian governmentality by describing the police as being concerned with the regulation of the life of people, enabling human flourishing and proliferation where the police appear as “producing social conditions where life was more than just survival” (Marinković & Ristić 2019:359). Foucault (2007) spoke of the Disciplinary Dispositive, which was one of three apparatuses of power, alongside the regimes of Sovereignty and Security and consists of the development of regulatory police practices which govern the lives of the people. Such an interest in the behaviours or “occupation” (Foucault 2007:322) of the lives of those who are policed was a defining feature of a police state in which the ethical rationality and techniques of governing and governance become known as the ‘art’ of governmentality.

Governmentality within the police was similarly evident in the creation of the Code of Ethics which, with its principles and standards of behaviour, was a governing mechanism for those who themselves conducted the dispositions of societal discipline and security. The more recent additional control mechanism for the police of the criminal offence of Corrupt or Improper Practice (Government 2015) is not well known within the police as demonstrated in the previous Chapter 5. The police are however aware of the Code of Ethics (College of Policing 2014a) and a significant amount of internal training has been devoted to embedding this disciplinary dispositive. The nature of the relationship between the police and those charged with investigating and enforcing the standards of internal discipline are exemplified in a story from my journal arising from my attendance at a training course on modern slavery. As the Detective Chief Inspector and Head of Operations for Professional Standards Department I had become used to my slow ostracisation from the wider police service and so I sat on my own at a table on the edge of the room as, in my last year of service, I increasingly felt marginalised from mainstream police attitudes.

*“The table was of course the last to fill up. Many of those sitting at my table had never met me and I heard a few whispered conversations including “DCI in PSD”, whereafter the attitude of the officers seemed to move from friendly to studied indifference. I see this behaviour all the time in officers and regard it as a sort of protection mechanism. Like an armadillo, officers close up their facial expressions, comments and body language in the presence of a perceived threat i.e. the Head of Professional Standards.” NVivo Ref 8.12*

I noticed that people from my table were approached by other officers and engaged in conversation which resulted in a surreptitious glance towards me followed by nervous laughter which, I fantasised, was a conversation about the dangers of sitting on a table with me in case they said something which might get them into trouble. Indeed, I heard almost exactly that conversation in the men's toilet at coffee break when I was in a cubicle and two unknown officers had the following exchange at the urinals.

*"Be careful that's the DCI from PSD". I laughed inwardly as it was followed by the officer who had been warned saying "Oh cheers mate, thanks for the heads-up. He seems alright though, for PSD". I was treated throughout the day with wariness and distance by most of the officers."* NVivo Ref 8.12

The level of trust that officers had in their own internal investigation methods appeared to be low, as shown above, and one of the key themes arising from the coding of my data was general sense of hostility towards the Professional Standards and Counter Corruption teams and oversight processes in general. I postulated that this was because officers judge the ethical approach to internal investigation in the same manner that they themselves conduct public investigations. The distance and suspicion this created between internal investigation teams and the wider service seemed to mirror the distance and hostility that some members of the public had for the wider police service (O'Brien & Tyler 2019). This sense of isolation I felt from the organisation was shared by Counter Corruption officers across the region and my journal records that I particularly enjoyed the regional meetings of like-minded PSD colleges.

*"One can't share jobs, PSD comments, etc with many people - if any- in force for fear of disclosing information or appearing to be a 'gossip' and thus reducing the important confidentiality which is so important to organisational confidence in the PSD/ACIU. Regional meetings are therefore cathartic opportunities."* NVivo Ref 8.1.

## 6.23 Procedural Justice and Decision Making

Peacock (2021) clearly demonstrates across 26 European countries that the public perception of police legitimacy is more influenced by normative values arising from police adherence to procedural justice than the more instrumental values arising from the effectiveness of the police in carrying out their functions. It has also been established in international research that public perceptions of

police corruption impacted on feelings of police legitimacy as a function of police effectiveness (Tankebe 2008; Jackson et al 2014). Given that each police officer is possessed of their own entirely unique *Lebenswelt* (Habermas 1981) and therefore interpreted reality based on their individual moral and ethical positionality, how can the public expect that fair and consistent procedural justice is likely to be delivered by the police? The question extends to the internal relationships of trust between police officers and the specialist units tasked with uncovering and prosecuting police corruption and misconduct. It has been shown for example (Ivkovic & Shelley 2010) that, where officers feel the punishment regime is excessively harsh, they become less likely to report misconduct by colleagues.

With regard to the governmentality involved in the application of procedural justice inside the police service, the principles of consistency, lack of bias, and transparency are clearly important in establishing the legitimacy of the process. Fridell et al (2021:1095) found in their study that “officers might anticipate clarity and transparency in both expectations and processes, safeguards to promote bias-free decisions, and consistency across punishments”. In this sense the tension of procedural justice is experienced on both sides of the investigative coin, and I detailed a case in my journal where my team prosecuted an officer for an offence of perverting the course of justice after the officer lied in a statement about being assaulted by a member of the public whom they then arrested. I felt that the officer had lied to cover up their apparent incompetence in dealing with a street incident and therefore demonstrated the potential in police officers, noted by Chin & Wells (1998), to lie to prevent the extent of their incompetence from becoming known. The first trial of the officer resulted in a hung jury which occurred because six of the twelve jurors wanted to convict and six wished to acquit with no hope of a majority verdict. In a conversation with a counter corruption detective constable who was the officer in the case, he reported feeling depressed about the trial and the justice process. In particular, the judge’s attitude towards the Professional Standards Department had been playing on his mind and the perceived partiality towards the police officer defendant, whom the judge appeared to treat as a victim of internal police investigative action. My journal records that the counter corruption detective had come to the point of asking.

*“Why the hell I bother. It feels like, even when you do a good job and get an officer, who is in my opinion corrupt, into court, the ‘powers that be’ seem to take a view that we are just harassing the ‘poor’ officer. It’s like we are the Gestapo or the Stazi. You would think that a judge would welcome some oversight and regulation of the use of police powers, especially where evidence is*

*just made up. I'm feeling really down and at the point of thinking 'what's the point'? I might as well leave". NVivo Ref 3.6.*

I tried to reassure the investigator that I thought it was not a waste of time as it was vital work to raise public confidence. I was able to show them an email I received from the female victim in the case which thanked the investigator and I for our support during the case and how, even though the experience itself was horrific for her, she felt that the police had believed her and acted on her behalf. There was also an email from the civil solicitor echoing those sentiments and from the senior Crown Prosecution Service barrister saying.

*"I know you feel down about the case but the work you are doing is a worth a great deal". It went on to explain that contrary to the judge's view, there was nothing more important in the justice system than faith in the police to be honest and truthful and not to corruptly abuse their powers. The DC understood and was cheered up by the comments but still felt disheartened as they said that the 'establishment' had let down the witness and they felt professionally and personally challenged by the judge who questioned their capability and intent when giving evidence. Sometimes you have to accept the old adage that "the law is an ass" and console yourself that you have done the right thing for the victim regardless of the outcome." NVivo Ref 3.6.*

Such notions of mistrust of Professional Standards Departments within police forces are commonplace and Williams (2021:149) notes in his research with police officers that

*"participants were very suspicious of PSD and almost thought of them as a KGB-style body that 'is out to trip them up'; perceiving any dealings with PSD as potentially risky to their career. This can have a substantial effect on decision-making, as officers become concerned about how a decision could affect them or their own career, interfering with the simpler choice of them deciding to 'do the right thing'."*

It appeared to me that the attitudes of the police towards my team and their counter corruption activities were clearly endorsed by the judge in the case of the officer who had lied in their evidence that was brought to trial suggesting that the concept of breaching the blue wall was not merely a police construct but one which was also held by the wider public, akin to concepts of loyalty which Kleinig (2001:3-5) suggests are derived from the social constructs of "family", "friendships" and "membership". Kleinig (2001) used these common police tropes of being members of a family and

went on to make the comparison between the police blue wall of silence and the *omertà* or traditional code of silence towards police informants employed by mafia members.

#### 6.24 The National Decision Model

The police employ a systematised process for managing risk and harms known as the Police National Decision Model (NDM). The ethics of this model are procedurally relativistic and largely utilitarian in seeking to achieve the greatest good for the greatest number. As we have examined in Chapter 6.23 above, the police both make use of and rely themselves, on procedural justice, governmentality and the application of a bounded rationality (Harper 2021). They do this by using the national decision model (College of Policing 2017) which is rooted in the Association of Chief Police Officers risk principles, specifically Principle 4 which says, “Harm can never be totally prevented. Risk decisions should, therefore, be judged by the quality of the decision making, not by the outcome” (College of Policing 2018a Para 4).

The National Decision Model was described by the College of Policing (2017 Para 1) as “suitable for all decisions and should be used by everyone in policing.” The college strongly advised that the model should be applied equally to spontaneous, dynamic incidents or pre-planned operations. It referred to decisions made by single officers or groups, teams and departments and recommended its use for non-operational and business-related decisions as well those involving front line operational situations the model could be employed retrospectively to review or assess the quality of previous decisions and the rationale for them. On the same web page (College of Policing 2017 Para 1) it is recognised that,

“In a fast-moving incident it may not always be possible to segregate thinking or response according to each phase of the model. In such cases, the main priority of decision makers is to keep in mind their overarching mission to act with integrity to protect and serve the public.”

The national decision model (NDM) consisted of six steps or phases and was intended to be iterative. It can perhaps best be represented in diagrammatic form as first shown in Chapter 3.37 and Figure 2 below which demonstrates the nature of the process, developing from gathering as much information and intelligence on the required decision as possible in the time available before using that information to assess the threats and risks associated with the incident or decision. In essence this was a brief analysis of the situation in which the decision maker formulated a working strategy as to whether an immediate decision or action were required, what caused the situation, and who or

what may be under threat as a result. It also allowed them to think about what they were trying to achieve in seeking to resolve or respond to the incident or situation. Clearly both these first phases were deeply reliant on the experience and personal *Lebenswelt* (Habermas 1981) of the decision-maker. To seek broadly similar outcomes from disparate individuals and across different police forces, the procedural justice element of the NDM became apparent in the next phase which required the decision maker to consider what powers and policy were available to them to address the issue at hand. It was evident that the main tools of the trade for police officers must include a thorough working knowledge of the legislation and policy which applied to the role. After considering the various options available to them officers should apply the mnemonic PLAN i.e. what is Proportionate, Lawful, Accountable and Necessary (College of Policing 2018c) in order to pick one option from the others. At this point there was a clear ethical link to Benthamite utilitarianism (Bentham 1789 & 2001) in that the officers were essentially seeking to make a felicific calculation on which option could deliver the greatest good for the greatest number of people (Troyer 2003). The final phase in the model was to take action and review the outcome of that action with the intention of iteratively repeating the NDM process, what the police refer to as 'spinning the model'.



**Figure 2. Diagram of the National Police Decision Model (College of Policing 2017)**

Seeking to implement Section 26 Corrupt or Improper Practice (Government 2015) within the police service through the existing disciplinary and counter-corruption architecture necessarily led to the use of the National Decision Model in making decisions about investigations and charging with offences or breaches of the Standards of Professional Behaviour. The nature of internal investigations and the potential harm to the career and reputation of accused officers meant that confidentiality deriving from the Code of Ethics was a paramount concern in the NDM decision-making processes of the Professional Standards Unit. The inability to share the decision-making rationale to the wider force has the effect described in the research of Williams (2021:147) where “supposition is used to fill-in the missing parts by officers concerned that they will lose their jobs for any small misdemeanour or oversight on their part”, further fuelling the mistrust between the police and any form of oversight of their activities. As demonstrated in Chapter 6.22 and 6.23 above, a procedural justice model such as the NDM enabled the internal processes of the police to build confidence in the quality and consistency of decision making as a manifestation of internal police disciplinary dispositive (Foucault 2007).

## 6.3 The Ethical Trihedral of Policing

### 6.31 Deontological Duty-Based Ethics

In the previous chapter I introduced the idea that police officers in general and more especially, Constables, Sergeants and Inspectors tended to hold an ‘Honest Cop Belief’ that their colleagues were essentially ethical, moral and good. It was a common theme within my journals that junior officers were mistrustful of the motives of their senior colleagues and often talked of senior officers being ‘corrupt’. I recorded in my journal a discussion with a Detective Inspector who expressed frustration with having to manage their reaction to situations where senior officers attempted to exert undue influence, either for excessive lenience towards favoured officers, or excessive harshness towards those officers whom the senior manager disliked for other reasons. The Detective Inspector said they had formed the opinion that.

*“All senior officers displayed corrupt tendencies as they had risen to their rank in a system which is inherently subjective and corrupt. Being the least moral in a system which has no value for morality leads to promotion in that system. He*



*phrased it thus, "Brendan even in a sea of shit, the biggest turds still float to the top".*" NVivo Ref 12.6

The next example demonstrated my own affinity with the deontological ethical position which, I argue, is more prevalent in junior ranking officers. I noted that a police staff member had been called with his family to receive a 20-year long service certificate from the Chief Constable at a force presentation. He has previously received a long service medal in his former career as a police officer and he was a police cadet prior to that having joined the police in 1967. The result was that this member of staff had completed 52 years of continuous police service making him the longest serving member of staff in the Constabulary. I always made time for any officer or staff member achieving a long service award, attending the event as a senior manager so that I could speak to their families and share the event as a celebration of the officers' commitment to serving the public. This was based on a sense of moral duty to others and that a life spent in service to the public is worth recognising. At the time of this event my role no longer included line management responsibility of the staff member and so I expected that another senior management team member would represent the Professional Standards Department as a member of their team was being formally recognised by the organisation as its longest serving staff member. I recorded my thoughts at the time.

*"I felt a very strong sense of duty to {the person} and his family to attend and represent the SMT at the ceremony. I recognise this deontological drive within me and it is starting to feel "old fashioned" in this force. Clearly, although they {the person's current line managers} were aware of this unique 50-odd year event there was not one member of the SMT who was prepared to adjust their day or put themselves out to be present to support {him} and say thank you for his years of service."* NVivo Ref 20.15

I felt then as I do now that not attending to recognise this achievement was a selfish act and demonstrated the point that, as the staff member could do nothing for career progression, he was not worth the effort. He and his family were delighted that I attended and represented the senior managers of the department. His daughter told me that she was so pleased that someone of rank could be there on the day to speak about her dad's achievements. Attendance at such events really means something to junior ranking officers as it is a symbolic recognition of duty, honour and public service and I have always felt that character is reflected by how you treat people who can do nothing for you. This aligns with the Kantian principle of humanity (Kant 1998), a sense of duty to others, of

treating humans as an end in themselves and not a mere means to promotion or advancement (Formosa 2014).

The value placed on such a duty to others is clearly seen in the rationale given by most officers as their reason for joining the police in the first place, in my case this was a desire to be a force for good in the world, again stemming from the absolutist Kantian ethical basis of universalizability (Kant 2002), i.e. that an action is moral only if its accompanying maxim or reason are also moral and capable of being universally applied (MacVean & Neyroud 2012). I had no conscious ulterior motive in joining the police and no sense of the true lie (Bion 1970) of policing previously discussed in Chapter 5.33, it was a genuine desire to serve the public and to do good, so both my action in joining and my maxim, to do good, were deontologically ethical at that time. My understanding of the police has developed over time in the service of the public and in researching this PhD and I can now reflect on the subconscious biases which influenced my initial decision to be a police officer. I believe that my initial reason for joining remains ethically sound and that most of the rank-and-file officers I encountered also retained their original sense of duty and a desire to do good. For the avoidance of doubt, it was not my experience that all junior officers had high moral standards or acted ethically. It was an observation and personal reflection that a greater proportion of junior ranking officer retained their initial sense of ethical purpose and did not move beyond it during their service. Kohlberg's (1984) model of moral development advises that most adults never move beyond his definition of stage four, or conventional ethics, which are driven by authority and social order and where the individual equates the law with morality. I suggest this was a way of understanding the observed phenomena amongst junior officers indicating that their attitudes and beliefs were rooted in stage four of Kohlberg's moral reasoning model. This deontological ethical position provided a basis for the schismatic teleology of the police revealed in Chapter 5.33.

### 6.32 Consequentialist Contractarian Ethics

My journal contained several entries which, on reflection, were examples of Hobbesian (1651) contractarian or desire-driven hedonistic (Mill 2007 & 2018) ethical behaviours by more senior staff. Far fewer people in society hold an ethical position which tends towards stage six of Kohlberg's (1984) moral reasoning model, where the individual can eschew the constraints of equating legality with morality to apply universal ethical principles. Here the individual acts because they themselves regarded the action as right, and not because it avoided punishment, was expected, legal, or previously agreed upon. It may be unsurprising then that a smaller number of officers began their

careers with this post-conventional ethical view or developed it as they progressed in the service and therefore found it easier to contend with the moral morass associated with climbing the notoriously slippery promotion pole. I will discuss in the Chapter 8 how this may be related to the growth of managerialism in the police service, but one example seemed to embody the sense that, the more senior the officer, the less they felt the need to comply with the ethical constraints which they happily applied to junior officers.

In my position as Head of the Professional Standards Department I was contacted by a senior officer who had been given tickets for a rugby game and a meal afterwards with the club directors. This was done to ensure that the Gifts and Hospitality Register was updated as the Counter Corruption Unit maintained this register and it was published regularly to show where officers had been offered gifts and whether they had accepted or rejected them. As a default position, officers were not allowed to accept or solicit gifts and hospitality and the force policy at the time stated that invitations to sporting events would generally be unacceptable unless approved by the Head of the Professional Standards Department. If the gift from the public was a spontaneous and genuine thankyou and to refuse would cause offence it was considered acceptable, but only where the gift was less than £30 in value and was never cash or alcohol. The principle was to maintain police independence so that there was no real or apparent inducement for police to behave in a certain way. I checked the website of the Rugby Club who had offered the gift and found that the intrinsic value of the tickets and the meals was about £180 and, because it was a sporting event, I refused to authorise it and emailed the senior officer to advise him. In a matter of seconds, he telephoned me and was aggressive and confrontational, demanding to know why I would not authorise it. I explained the policy and he replied that this was a thankyou from the club for all the work he had done for a recent international rugby tournament. I reminded him this was his job, the intrinsic value of the gift was well over the £30 limit, and sporting events were specifically excluded by the policy. He was very put out and could not understand why the council and other agencies would be allowed to go to the event and he could not attend for free. I explained that he would be unhappy if a member of his staff had caught a burglar and was given £180 cash from the victim to say thanks.

*“He replied “that’s entirely different”, but was unable to answer when I asked him “why is it different?” The answer in my view is merely his rank and apparent sense of entitlement to a thank you from the club for work he is paid to do anyway. He started haggling with me as I had suggested he would need to pay for both tickets if he took up the offer. He replied, “if I knew I’d have to pay I*

*wouldn't have fucking agreed to go". He went on to add "the problem with this job Brendan is that it is ridiculously over-ethical". NVivo Ref 2.6*

I was taken aback by these comments as I felt they were a direct attack on me for enforcing the policy. I also noted the arrogance and entitlement in the attitude about the gift. It was clear that the senior officer was unwilling or unable to see that similar actions by a more junior officer would be a clear breach of the Code of Ethics (College of Policing 2014a) as well as force policy. He certainly did not accept the view that more senior officers have a requirement under paragraph 1.4.4 of the Code of Ethics (College of Policing 2014a:2) to demonstrate a higher level of ethical behaviour as a role model to others. I became very angry with the senior officer at his apparent lack of moral competence but also, on an annual salary of nearly £100,000, I could not comprehend why he was arguing over £180 tickets. I felt that it had more to do with being questioned by a less senior officer and being asked to explain his rationale for seeking to enjoy this ego boosting gift, a challenge to his sense of entitlement as a senior ranking officer as explored by Kingshott et al (2004). It demonstrated a lack of competence in terms of knowledge of the law and policy as well as a failure to appreciate the poor example he was setting and the perception of corruption that it may give within and outside the police service.

This story was far from isolated, and Figure 4 below demonstrates the context of many approaches by the Executive of the rugby club to senior police officers, nearly all of whom had a predilection for rugby. The club was always seeking to give free or discounted tickets to officers but often did not include police staff, so it was targeted at sworn officers with the potential perception that the club was getting free policing at matches. This difference of opinion about the use of free tickets for police as a potential ethical concern around police gratuities was examined in U.S policing by Dwenger (2020). It was further exemplified in my journals by a force-wide communication (Figure 4) from the Deputy Chief Constable allowing officers to attend a specific sporting event using a police warrant card as identification whilst the force policy at the time was clear that a warrant card should never be used to gain free or discounted access to any events. This communication was agreed by the superintendent who had taken over from me as Head of the Professional Standards Department in the last month of my career without consultation with the wider Counter Corruption Unit and the last paragraph in the document advises staff.

*'For advice contact CCU. [Counter Corruption Unit]' NVivo Ref 2.6*

This generated several calls and emails from staff who were deeply unhappy about the deviation from normal practice and the dangerous precedent it might set. Every officer in the Counter Corruption team, including myself, felt that any free offer for police officers should be negotiated through the Police Federation and should never be gained by the showing of a police warrant card as the impression it gave to the public was of the police being given a bribe. The official 'Blue Light Discount' card or a Federation membership card would be the correct tool of identification in such offers. The rugby offer was open to military and emergency services personnel but of course their ID did not come with the authority to arrest people or enter premises and seize property, so did not hold the symbolic and totemic power of a police warrant card. In reporting this to the Head of Professional Standards the team were told that they were being.

*"Over-dramatic and that the DCC [Deputy Chief Constable] thought there was nothing wrong with it". NVivo Ref 2.6*

This difference of view between very senior officers and the rank and file within the Professional Standards Department is a clear expression of Kohlberg's (1984) differential between stage four and stage six of the moral reasoning model. Rank and file officer using stage four, or conventional thinking, would believe that it was against the law and policy to gain free entry to events therefore it was deontologically wrong for senior officers to condone it. The senior officers here took a stage six, or post-conventional view, that this individual event warrants a different approach as they held the view that laws and policies are not moral absolutes but rather organisational constructions which can be reviewed if differing circumstances arise.


I suggested putting the matter to the force ethics committee to test the thinking and rationale of the Counter Corruption team as it seemed at the time that officers in the Professional Standards Department were out of step with the Deputy Chief Constable, the officer in charge of the Department, the Force Executive and the Police Federation. My journal records.

*"I have asked the staff to reflect on whether we are hyper-sensitive to such corruption issues and therefore risk averse in terms of public response to the use of a warrant card for personal gain. Over the course of a couple of days we have discussed it at length and believe that this is a loosening of moral and ethical standards. It has now transpired that other very senior officers have been encouraging the "free tickets for cops" ethos for some years. If we simply*

*transpose the game and call it football not rugby the issue is clear. Our football clubs "buy" policing services for match security so the impact of police officers gaining free entry via warrant card takes on heightened sensitivity."* NVivo Ref 2.7

Figure 4. Services Day Offer (Redacted). (NVivo Ref 2.6)

Services Day offer



Force policy and the Code of Ethics is very clear that the production of a force issued ID card in order to gain any form of hospitality is prohibited unless expressly authorised by the Force. DCC [REDACTED] has agreed that the kind offer in the detail section of this message can be made use of by officers and staff, but that outside of this event, any such use of an ID card is likely to be considered a breach of the Code of Ethics and disciplinary code.

The offer from [REDACTED] Rugby Club is as below:

[REDACTED] will once again reward the efforts of our current armed forces and frontline emergency services by dedicating a special match-day in their honour next month. Club officials have confirmed that they will be carrying out a special ticket offer for their upcoming [REDACTED] Cup clash with [REDACTED] on Saturday [REDACTED] at 3pm.

Building on the success of previous years, any serving member will be able to watch the game for **free**, providing they show a current and valid ID card to club staff.

This offer can only be claimed by personnel visiting the [REDACTED] on a Monday to Friday (9.30am to 4.30pm) or on the day of the game itself from the main ticket office, which will open three hours before kick-off.

**In addition, the terms and conditions of this offer by the club must be strictly adhered to and the use of an ID card in order to gain a ticket for someone who is not a serving member of the Force may be considered as a breach of the standards of professional behaviour.**

For further advice, please contact the counter corruption unit or please feel free to consult with the Police Federation or your staffing association.

[REDACTED]

### 6.33 Organisational Norms of Utilitarianism

This ethical schism between ranks manifested through my experience and reflection as the Kantian, deontological, Naturalist-Structuralist (Dixon & Dogan 2003 a,b,c), Christian dialectic of the rank and file appeared in stark contrast to the hedonistic, contractarian Naturalist-Agency (Dixon et al 2004) of more senior officers. The national College of Policing (2017) has attempted to bridge these ethical poles through the imposition of the utilitarian, consequentialist, National Decision Model with the Code of Ethics at its core. I concluded that a deepening chasm was developing between the espoused organisational Code of Ethics (College of Policing 2014a) and the expectations, activities and example of more senior officers. The Professional Standards Department, as the team responsible for holding the organisation to account for breaches of the Code of Ethics and Standards of Professional Behaviour, felt increasingly undermined and marginalised. As the head of this department, which I defined as the moral heart of the organisation, I was saddened to see my staff leaving the department for positions elsewhere in the organisation or indeed retirement. Often, they could no longer reconcile their beliefs with those that they were being asked to uphold.

One of the reasons why I wrote a journal in my professional life was to seek some understanding of my own *Lebenswelt* (Habermas 1981) in an effort to identify my own unconscious biases so as to avoid discriminating against people on the basis of those biases. I recorded any words or phrases that chime with my personal thoughts and feelings and often used the concept Paolo Coelho (2021:2) set out in his Statutes for the Present Moment, “Each human being has been granted two courses of action: that of deed and that of contemplation. Both lead to the same place.” This has most often aphorised to ‘The world is changed by your example not your opinion’ and it became a personal mantra in my own life. My experience of the schismatic system of ethics in the police which I have described above was reflected in modern biographical accounts of the service (Tangye 2020) in which there was a clear differential between what are often termed ‘front line’ officers and their more senior ‘back room’ colleagues, where the former had a sense that the latter are morally corrupt and place their own needs over the needs of the staff they command or the public they serve. I identified this as a fundamental conflict of philosophical and ethical paradigm which was further complicated by an official ethical code that differs from the two observable poles adopted across the ranks. There was an observable ethical tension between the deontology of the majority of officers, the contractarianism held by many of senior rank, and the utilitarianism of an imposed and required organisational decision-making process.



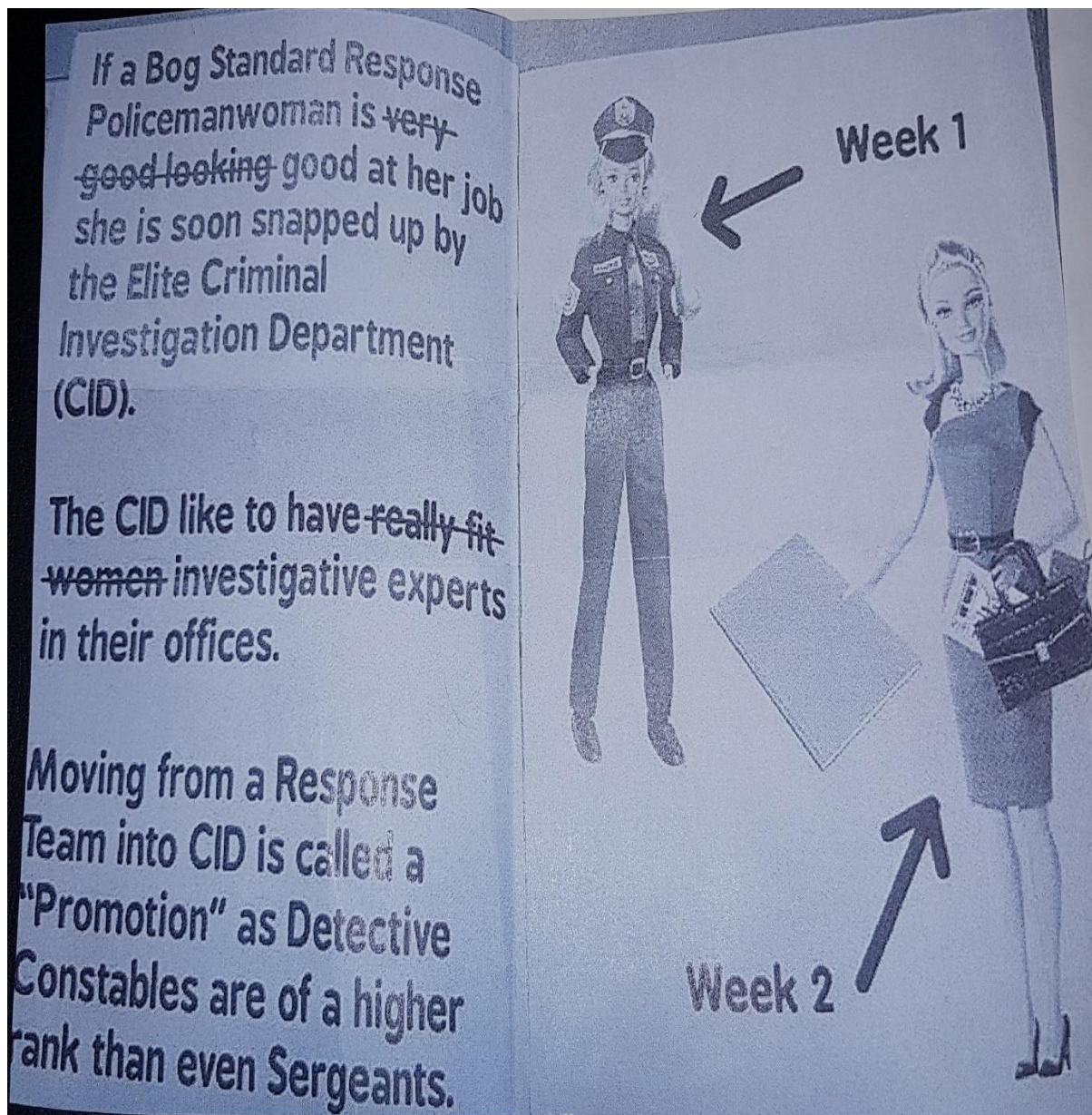
## 6.4 Self Knowledge

The question raised in considering the ethical complexity of the models being used in the police is how aware officers were of the ethical underpinnings which they individually applied in their day-to-day decisions. If asked, officers would say that they were governed by the Code of Ethics and were trained to apply them through the National Decision Model (College of Policing 2014a & 2017) and there has certainly been contemporarily increased international focus on the importance of ethics training for the police (Cohen 2021).

### 6.41 Compliance with Existing Norms

The murder of Sarah Everard in 2021 by a serving Metropolitan Police was headline news in the UK press (BBC 2021) and sparked academic debate on the norms of misogyny in the wider police service (Cunningham 2021). Ethically the official situation was clear, with the Code of Ethics extolling equality, diversity and freedom from discrimination as mandated virtues. Indeed, failure to demonstrate behaviours which demonstrated these policing principles should always be reported as wrongdoing under the legally mandated duty of candour also present in the national standards of professional behaviour. Brown & Silvestri (2020) pointed out that, although changes appeared to be occurring in the police service with increased proportions of female officers, the gains and changes to women's experiences in the police were fragile and often overstated. My journal contains an example of a non-official poster on display in a Crime Investigation Department (CID) office in a market town police station. I was advised that it had been in position for at least five years and was the subject of comment and debate by female officers in the station as it was above the desk of an experienced detective constable and it was clear that other officers had not challenged the detective about the poster as to do so would invite scorn and derision and accusations of being over-sensitive, or 'woke' in modern parlance. Eventually the poster was removed by a sergeant and brought to my office where I took the photograph of it (Figure 5).

The poster depicts female officers as Barbie Dolls and indicates that they only move to CID from uniform because of their looks and not their ability. It likewise expresses a belief that 'CID' is an elite group and should be considered as a promotion.



**Figure 5 - CID "Policewoman" Poster (NVivo Ref 4.7)**

The officer I spoke with about this poster had tried hard to drop hints and be subtle about the possible interventions, describing their approach as.

*"Ethical voice behaviour, nudge training (Thaler & Sunstein 2008) and gentle conversations to address such ethical and cultural issues."* NVivo Ref 4.7

Eventually becoming reconciled to the fact that the detective who had posted the item on the wall was deliberately or unconsciously ignoring the hints being given the officer spoke to both Detective Inspectors working in the same station. Their office was near the poster and they came in and out of that office every day. On being asked why they had not requested that the DC take it down they replied.

*"It's just X being X", "it's not hurting anyone" and "we don't want to upset X, you know what he's like". NVivo Ref 4.7*

The officer who noticed the poster concluded that, through their inaction, the two Detective Inspectors were implicitly colluded with the Detective's imposition of a culture which portrayed CID as elite and objectified women as incompetent, taking no account of the ethical experiences of women (Gilligan 1993). The officer took it upon themselves to simply remove the poster one day as it fell below the ethical standard they expected in the workplace. The officer gave examples of verbal and non-verbal exclusionary behaviour by male officers in that station and on one occasion, when raising such behaviour with a fellow sergeant who had been demonstrating misogynistic and hypermasculine behaviour, was given the reply.

*"Oh for God's sake [name] it's not all about you". I replied "no it's about the other officer. I can handle you being a prick". He replied, as he normally did in such circumstances, "Oh, get a sense of humour for God's sake"". NVivo Ref 16.6*

I recalled a story retold many times by a former Detective Chief Inspector in the workplace about an incident that happened in a remote part of the force in the late 1990's. The officer was investigating a rape which had been reported by a male witness who had woken up in the middle of the night to find a distressed woman sitting on his bed. It was a summer evening and so the witness was sleeping naked and had no idea who the female was. He comforted her and called the police but was concerned as he was naked in bed with a distraught female who had just told him she had been raped. The officer telling the story recounted it entirely from the male's viewpoint saying.

*"Imagine how worried you would be if you had a woman crying on the bed saying that she'd been raped, and you were starkers in the bed with the police on the way. It must have been horrendous for the chap worrying she would say he was the offender". NVivo Ref 16.4*

It is noteworthy that other police officers present found the whole thing amusing and were talking about how horrible it must have been for the male witness. I and a younger Detective didn't laugh and caught each other's eyes.

*"I said 'it's interesting that you identify with the young man and think his experience was bad. Didn't we also have a rape victim in this story, that must have been much more horrendous. The ex-DCI said 'oh yeah, that goes without saying. But what about the poor lad though?'"*. NVivo Ref 16.6

These two are example of Schein's (2010) cultural artifacts and behaviours as described in Chapter 5.42 indicating that the espoused culture of ethical standards around equality, especially in relation to misogynistic attitudes, were contemporary basic cultural assumptions and not a thing of the past or even particularly well hidden once deeper police behaviours were examined just a few miles outside of a headquarters environment. I was however heartened that in both cases the behaviour was challenged as the poster was removed and a detective constable privately spoke to me after the rape story saying.

*"They just don't get it do they?"* NVivo Ref 16.6

The officers who told the story and posted the poster seemed to lack the reflective ability to view their actions through the lens of the Code of Ethics despite the prevalence of ethics training in the police over recent years. Brown (1986) suggested that our self-perceptions on ethics were always biased, the true test was how an individual's ethics were perceived by others and Brown (2006) discussed the rationale for ethics training in public sector organisations and the potential problem with failing to recognise the difference between training and education.

#### 6.42 Over-Trained and Under-Educated

Building on the matter of police training introduced in Chapter 3.38 I recall the story of the 1979 Three Mile Island nuclear accident which I heard when I undertook my nuclear accident emergency command course. We were told that the technicians in the reactor control room responded to the increasing levels of radiation in the way that they had been trained but the normal method of reducing the reactor core temperature did not work, leading to a release of contaminated materials. The next shift on duty were physicists and not merely technicians so were able to use other

techniques and equipment to immediately resolve the problem. In a post-incident report (Malone et al 1980) it was noted that the issue had arisen because those in charge of the reactor had been over-trained but under-educated, in that they had been trained to respond to day-to-day issues but, in an emergency, did not have the underlying theoretical knowledge to work from first principles in varied circumstances and make effective choices on action that could be taken (Rogovin 1980). I have always likened this scenario to my experiences in policing. Even with the most senior officers it was often the case that training was the primary source of their knowledge and understanding. Most officers have a simplistic and decontextualised understanding of the nature of crime and its causes (Loftus 2009 & 2010) and therefore they tend to apply the same responses repeatedly to similar stimuli and this has long been identified as one of the key issues with training officers to deal with emerging crime types (Bayley & Bittner 1984). If officers are trained and not educated, they are simply given a series of tactical options which they can apply in certain circumstances. This prevents them from generating new and innovative responses to difficult and novel problems based on the application of underlying theory and principles (Johnson 2021). The National Decision Model has focused on the application of powers and procedures as part of its iterative cycle and therefore encourages officers to stick to tried and tested methods rather than innovate from first principles. This was true in the field of ethics as in any other field and the fact that officers have received training in the Code of Ethics does not in itself ensure that they will behave ethically in the face of longstanding cultural bastions as we are human-beings not human-doings in that our ethical positions arise from a deep sense of being, and not merely the actions we undertake in the world.

I suggest it is this heavy reliance on looking at past training for solutions to new problems that has led to a common belief amongst the public that the police are not very bright. As the old joke goes, why do the police go around in threes? One to read, one to write and one to look after the intellectuals. I often found that the most surprising thing for a member of the public was to engage in intelligent conversation with an officer as their expectation of police intellect was invariably low. My journal records this anti-academic belief expressed within the police service.

*"I reflected on whether my style, analytical methodology and academic focus has evoked similar reactions in senior officers on previous occasions, particularly those without any higher education. I have been seen for most of my career as an outsider simply for this reason alone. I can remember in 2006 when doing my Masters, I was described by an Assistant Chief Constable in an introduction to a meeting as "Brendan, the dangerous intellectual"". NVivo Reference 1.1*

### 6.43 Virtue Ethics in Policing

Having identified the ethical trihedral which exists in the police and shown that it predominantly manifests in the between rank-and-file officers, senior officers and the official Code of Ethics, I have considered whether there are other ethical models which may prove useful in understanding the way in which the police implement changes arising from the Section 26 Corrupt or Improper Practice offence to alter their visible cultural identity (Schein 2010). As explained in Chapter 3.36 it seems intuitive that personal character as described by Delattre (1996) and Sacks (1972) should matter in those who work in a publicly accountable body such as the police. This became increasingly apropos during 2022 when the UK Prime Minister faced declining confidence in his character and ethics from the public and his own MP's. Flinders (2020) and The Guardian (2016) discussed the importance of character in public leadership and that flaws in character have a profound effect on public life which applies to the police as much as to politicians

Gillette (2021) examined how U.S. police chiefs attempted to resolve moral dilemmas in the workplace and proposed that they believed in an intuitionist form of ethical characterisation. This is perhaps best described through an examination of Ross's (1930 & 2011) seven *prima facie* duties as revaluated by Phillips (2019) in which the idea of an all-encompassing moral code, or ethical monism, is eschewed in favour of a pluralist approach which is also morally particularist. Dancy (1991) argues that all moral reasons are particular and context-sensitive, rather than general. He also defends the holism of reasons, namely that a reason for acting in a certain way in one case may not be a reason for acting in that way, or even a reason for not acting in that way, in other cases. In this sense, reasons are context dependent. Dancy further argues that the holism of reasons provides a major support for the main claim of moral particularism, that there are no overarching moral principles, but that morality can get on perfectly well without them.

According to the ethically consequentialist theories which underpin the National Decision Model (College of Policing 2017) what people ought to do should be determined only by whether their actions will bring about the most good. By contrast, Ross (1930) argues that maximising the good is only one of several *prima facie* (or self-evident) duties which play a role in determining what a person ought to do in any given case. The seven *prima facie* duties suggested by Ross were Fidelity, which was a duty to act fairly with others whom we engage with in daily life. Reparation, to make up for the injuries we have done to others. Gratitude was our duty to be grateful for benefactions done to ourselves and, if possible, to show it by benefactions in return. The duty of Justice was of

particular importance in policing as it required the fair distribution of both benefits and burdens. Ross himself emphasized the negative aspect of this duty which was a requirement not just to be fair in our own transactions but, insofar as possible, to prevent unjust distribution of benefits or burdens by others. The duty of Beneficence was to do good to others and foster their health, security, wisdom, moral goodness, or happiness. It was the twin of the duty of non-injury, also known as non-maleficence in which we should strive not harm others physically or psychologically and avoid harming their health, security, intelligence, character, or happiness. But the duty extends to prevent injury to others by action and omission. We should not, Ross says, deliberately harm another or, through our deliberate inaction cause another to come to harm. This resonated with the National Decision Model in which failing to act was a decision to take no action and was therefore ethically accountable. The final duty Ross promoted was that of Self-Improvement which encouraged actions to promote our own good, i.e., health, security, wisdom, moral goodness, and happiness. This type of virtue ethics not only dealt with the rightness or wrongness of individual actions but also provided guidance as to characteristics and behaviours which a good person could seek to achieve in their police work as well as their entire life. It differed from the Police Code of Ethics and standards of professional behaviour in that it was concerned with the holistic totality of a person's moral life, rather than episodes, actions or displayed behaviours. Much like the four classical cardinal virtues of Justice, Temperance, Prudence and Fortitude (Keenan 1995) the concept of character as a personal asset feels Aristotelian and old-fashioned in modern Britain and within the police. My journal noted my thoughts around the notion that extensive police training on ethics did not necessarily result in officers leading ethical lives.

*"Knowing and understanding ethics is not the same as applying ethical standards. We are human beings not human doings!" NVivo Ref 11.1*

I have come to question whether an ethically monist and essentially utilitarian consequentialist system of ethics is correct for policing. Whilst it helps the police by focussing heavily on the procedural application of the National Decision Model regardless of outcome, it does not encourage staff to adopt and maintain holistically moral lives which the adoption of Rossian virtue ethics may achieve. In summary the police can still be personally morally bankrupt but as long as their behaviour at work does not demonstrate this they can continue to 'do' policing without actually 'being' ethical.



#### 6.44 Police Incompetence

The issue of over-training and under-educating was a recurring theme in my journals and led me to conclude that this was the source of police incompetence across all ranks. I recorded one conversation with officers who were very candid, and I assumed this was in the knowledge that I was not far from retirement, so they felt able to be critical about the quality of the new leadership team within the Professional Standards Department and the specifically their lack of visibility, leadership, and direction. One staff member said.

*"They avoid making decisions like the plague or else they are so incompetent they don't know what to do and are scared of showing their ignorance". NVivo Ref 11.22*

I recorded my own annoyance that, for three weeks, I was doing my own job and covering for a Detective Chief Inspector and Detective Inspector who had been allowed to go off on a training course at the same time.

*"I spoke to my line manager who said that because I was an "old sweat" I could handle the pressure and that it "wouldn't be right for the other DCI to come back to 3 weeks work"". NVivo Ref 11.12*

At the time I formed the opinion that this was down to unconscious sexist bias in my manager because the female DI and DCI should be protected as they were somehow not as competent as a male colleague, although they had both been in the role for twelve months.

*"When I mentioned this to my manager he said, "no, no, that's not the case at all. Don't go around telling people I'm sexist"". NVivo Ref 11.12*

I recorded this normalisation and acceptance of perceived incompetence at the time as follows.

*"I feel slightly abused in terms of my willingness to pick up new work, especially as the level of competence of other SMT members has been shown to be lacking." NVivo Ref 11.13*



Police incompetence, I suggest, stems from the concept of over training and under educating and, also because the police want and need clarity in a messy world with wicked problems (Innes 2019). They therefore apply a bounded rationality and prefer training to education within a procedural justice framework as it allows them to use heuristic decision making (Gigerenzer & Gaissmaier 2011) based on long established bias and stereotyping.

## 6.5 Summary

I highlighted in Chapter 5.45 that my mantra in combatting police corruption was that 'sunlight is the best disinfectant' and this relates to Vroom's (1964) expectancy theory and the way it operates in the socialisation of police officers (Van Maanen 1975) i.e. that it is good management practice to censure in private and praise in public. It also directly hints at not wanting to air dirty linen in public and my previously established subliminal desire to protect police reputation by not breaching the Blue Wall of Silence (Sweeting et al 2022; Kutnjak et al 2022; Duru & Cochran, 2022; Westmarland & Conway, 2020; Westmarland & Rowe 2016).

The impact of the Sarah Everard case (Rainbow 2021) exposed the extent of heteronormative sexist and sometimes misogynist attitudes in the police (Miller 2021). I recorded earlier (5.31) that I am marinated in the sauce of police culture and my research diary reflects my thoughts on my own attitudes to women.

*"I am aware those biases exist and I'm constantly fighting to not discriminate on the basis of them, but self-awareness is hell when I worry that I might be influenced by baser sexual attraction then by high level thought and rationalisation". NVivo Ref 22.18*

When examining the ethics of the police it was fair to say that many policing criminologists conceive the much touted 'bad apple' argument (Punch 1985, 2000, & 2010) to be either unconsciously or disingenuously specious, but was the whole orchard rotten as Punch (2003) suggests? Was it not surprising in the extreme that any of the apples were unbruised and undamaged? Why were they not all rotten to the core because of the daily treatment they receive? The institutional zemiocritics of 'the police' in the form of harms done by the public, the press and the very nature of police work, to those individuals who do the work of policing was immense. I concluded that damaged apples were the norm and that they and the wider public were operating in a world where they are compared

against an idealise but fictional shiny, red, Disney apple and therefore the ethical stance taken by the public towards the police is primarily as described by Kohlberg (1973) and Jorgensen (2006), an underdeveloped state of moral judgement. The concept that no one is all good or all evil was neatly encapsulated in my journal where I recorded a quote from Peter Tremayne's (1982; 2) sci fi novel "The Destroyers of Lan Kern"

*"There never was and they never can be a hero who is faultless, a wise man who is not foolish, nor a compassionate man without a trace of intolerance. Neither can there be an evil person who has not a corner for goodness and love in his heart. There is no such thing as perfect good or perfect evil, there are only the complexities of human reactions". NVivo Ref 22.18*

Phillipa Foot (2001) proposed a moral conundrum when she suggested that, because lobotomised patients were very happy sweeping up the leaves in the hospital grounds, we should perhaps all seek lobotomies for our loved ones so they could fulfil the societal ideal of living happy lives (Shafer-Landau 2015). If we opened our eyes fully and the police were completely open and transparent, we would see that they probably did more moral harm than good in society, and therefore we could be rationally dissatisfied with the current provision of policing. To be happy with the police as they are currently constructed and delivered, we may need to self-lobotomise and be willing to keep our eyes closed, perpetuating the myth that we are all morally protected by a benign police service which are part of civil society rather than a totalitarian regime (Neocleous 2021).

# Chapter 7

## Management of Implementation

### 7.1 Introduction

### 7.2 Managerialism

7.21 New Public Management of the Police

7.22 Liquid Modernity and the Police

7.23 The Cost of Everything and the Value of Nothing

### 7.3 The Self-Consuming Scylla

7.31 The little Other of policing

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7.33 The CARE Model of Police Leadership

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7.42 Kakistocracy within Police Implementation

7.43 Corporate Mergers and Snow Globes

### 7.5 Summary

## 7.1 Introduction

This chapter builds on the previous psychological and ethical facets of the police implementation of Section 26 of the Criminal Justice and Courts Act 2015, the offence of Corrupt or Improper Practice. It uses data from my autoethnographic journals to explore the management of implementation within the police service and presents evidence of the neoliberal managerialist influences which have become well-rooted in police leadership praxis (Johnson 2014). The way in which police leaders make decisions in liquid modernity (Bauman 2013) is linked to the Žižekian concept of a Lacanian big Other (Raymen & Kuldova 2021) which I explored in Chapter 3.35. The question of how police management occurs within such an ontologically bereft climate is examined through examples of what I term ‘hyper-procedural pseudo-compliance’ by police leaders, in which procedural justice and decision making can occur with little apparent concern over the morality or correctness of the outcome of such decisions (Wall & Linnemann 2020). This chapter describes the police implementation of the new offence of Corrupt or Improper Practice as a swirling and dynamic whirlpool or Scylla which enlightens a little Other of policing maintained by storytelling and the underlying power of cultural icons such as the Blue Wall of Silence (Westmarland 2005) and Hypermasculinity (Bikos 2016). The increasing paucity of a big Other within which to anchor policing in society creates a self-consuming Scylla of police stories, doxa and schema as the contemporary policing métier and milieu within which events such as the murder of Sarah Everard (BBC 2021a) and the resignation of Dame Cressida Dick (Guardian 2022) have occurred. The evidence supporting this self-consuming Scylla leads to the conclusion that police management employs a system of decision making which could be described as moral cowardice and that, as a result, police leadership and management operates as a kakistocracy.

## 7.2 Managerialism

### 7.21 New Public Management of the Police

The steady growth of managerialist thinking within the police arising from the influence of New Public Management (Grüning 2001; Gilling 2014) in the early 2000’s has been well described by police observers over the last three decades (Newburn 2001; Lippi 2013; Hood & Dixon 2015) and is indeed now so deeply engrained in police managerial psyche as to seem irrevocably embedded within police leadership theory and practice (Ramshaw et al 2019). The five key elements of New

Public Management reform were described as downsizing (Kelman 2006), corporatisation (Andrews et al 2016), contracting-out (Domberger & Jensen 1997), customer orientation (Aberbach & Christensen 2005), and flexible employment practices (Guest 2004) and were evident in contemporary UK police management practices as part of a continued push towards more efficient and effective service delivery. Gilling (2014) and Bacon (2019) both offer evidence that police managerialism, whilst dominant amongst senior officers, has had a more restrained impact on delivery of policing at the ground level and, on a day-to-day basis, it is not seen favourably by rank-and-file officers. This is evident in my journal notes in which, after a conversation with a senior police staff member, I reflected.

*“There is a sense of decisions being made by senior officers based on “gut feel” and a self-reliance on their own decisions, values, and capability as they are under stress. The reliance on “expert” opinion, data and supporting facts seems to be diminishing as a mistrust of “experts” spreads from the wider world of post-truth Trump and Brexit into the police service” NVivo Ref 12.8*

This data seemed to reinforce my suggestion from Chapter 2.37 that the absolute rationality which should underpin new public management was, in human interactions and organisations such as the police, expressed more accurately expressed as the extrarationality described by Parsons (1995), Dror (1989), Etzioni(1999), Simon(1955) and Lasswell (1970), where the influence of biases and heuristics are accepted as a part of human rational decision making.

The College of Policing (2022a) has focussed heavily on the requirement for forces to use the burgeoning concept of evidence based policing (EBP) which should be underpinned by scientific fact and research in what could be termed pseudo-rational self-delusion. Evidence based policing was promoted by the College of Policing which advised on its use alongside the National Decision Model (College of Policing 2017) when deciding on the operational delivery of limited resources for the sake of financial efficiency and operational effectiveness. The Society of Evidence Based Policing (SEBP 2022:1) consists of police officers, police staff, and research professionals “who want to improve policing from within by using the best research evidence” and therefore it extolls the virtues of the EBP approach. Whilst fully adopted as a principle in national policing (Betts 2022; Todak & Huey 2022) this was challenged as counterintuitive by studies in the UK and Europe (Lapiente & Van de Walle 2020; Hammerschmid et al 2019) given that evidence of New Public Management efficacy has itself been found to be scant leaving little to support the prevailing belief that evidence based

policing has been successful in delivering improved public services in policing. The prevalence of extrarational thinking processes could be somewhat negated by retaining the self-delusional idea of a fully rational and scientific approach leading to actions by the police which go through the motions of rationality whilst delivering outcomes heavily influenced by bias and emotion. I describe this as hyper-procedural pseudo-compliance which arises from the impact of the neoliberal architecture of New Public Management and discuss this in more detail at Chapter 7.41.

This focus on the commodification and marketisation of the police was noted in my journal after I attended the national Police Strategy Forum (2022) which was marketed as an opportunity to exchange policing experiences and learning amongst leaders in the field of policing. On attending, I rapidly formed the opinion that it was more akin to a cattle market designed to give the event sponsors access to police budget holders. There is arguably some value in opening these channels of communication, but I felt quite uncomfortable attending a 5-star hotel with meals and wine all paid for on the pretext of gaining knowledge from a series of international speakers. I noted.

*“Whilst the exchange of ideas was interesting (as it always is), I won’t be attending again. I was particularly annoyed to see a former Chief Constable of another force as a rep for a software company selling to police forces. It’s only been a year since he was dismissed for Gross Misconduct for harassing female employees.” NVivo Ref 24:1*

I experienced the conference as a market-capitalist, neoliberal and tawdry affair where delegates were warned that failure to engage in the ‘speed dating’ system with the sponsors and, specifically, failure to get their ID cards stamped and laser scanned to prove they had networked with sponsors, could mean they had to retrospectively personally fund their own place at the event. I felt that my discomfort at this event arose from the tension between my existing deontological ethical position and the contractarian ethics more usually noted in senior officers which I discussed in Chapter 6.3. It further evidences the opinion of rank-and-file officers that more senior colleagues who attend such events are somehow tainted or corrupted by their more obvious engagement with the private sector and profit driven motives.

## 7.22 Liquid Modernity and the Police

There seems little contradiction in the policing literature of the impact of neoliberalism on police management (Seifert & Mather 2013), coupled with the public focus on individual competitiveness which such a milieu encourages. Reiner (2010:255) concludes that, “the conception of the police as a body with an omnibus mandate, symbolising order and harmony, became increasingly anachronistic”, in the context of the neoliberal hegemony which has blossomed as a politicised police reform policy (Caveney et al 2020) under New Public Management and UK austerity policy. The placing of such a managerialist emphasis on policing can be considered in light of ideas about liquid modernity developed by Bauman (2000, 2002, 2003, 2006, 2007, 2013) and specifically his notion that, in the period of modernity, societies sought to liquify the existing societal solids such as the church, monarchy and nationhood, the so called “dead hand of its own history” (Bauman 2013:3) with the original intent of reinventing new solids to replace the old. In liquid modernity no such reformation has occurred and the instrumental rationality which led to the slaughtering of these societal sacred cows leaves us with a hollowed and eroded expression of the symbolic order or Lacanian big Other (Homer 2004). The hollowing of the police in this way and its move towards the capitalist economic model of public service delivery has meant that neoliberal influence has moved downward from a systemic and state level to a societal one and from the political to the personal (Kouzmin & Dixon 2011). Bauman (2013:7-8) describes this society as “an individualised, privatised version of modernity, with the burden of pattern-weaving and the responsibility for failure falling primarily on the individuals’ shoulders”.

The modernist cull of the solid anchors of public life can be described as the “desacralization of English policing” (Loader and Mulcahey 2003:6) which has been occurring since the end of the Second World War and well describes how the actual, real and fallible police, subjected to the strong currents of competitive managerialism arising from the post 1980’s neoliberal hegemony, can only ever be unfairly compared to a perfectly Peelian (Home Office 2012) “Police force of the imagination” (Loader and Mulcahey 2003:316). It bears a strong resemblance to the ultra-realist premise of Transcendental Realism (Hall 2012) in that the absence of a societal symbolic order in the neoliberal present means that police officers, sensing continued degradation of this big Other, seek to avoid the trauma of facing the void-of-meaning which is the Terrifying Real (Žižek 2000) as described in Chapter 3.35.

Tomkins et al (2020) described the relationships between leadership, learning and experiences of failure including whether and how both organisations and individuals learned from failure. They suggested that there were three clear asymmetries in management and leadership which intertwine to help create the culture of an organisation's managers. Asymmetry of agency in which managers felt that they had responsibility for much more than they could actually control, asymmetry of response where they experienced and therefore anticipated more blame than praise from others. These combine with asymmetry of reason where managers felt, as suggested by Bauman (2013), that the causes for any failure are focussed on personal fault rather than on any consideration of the nature of the work or its complexity. Ciulla (2018:62) suggests that the primary duty of leaders is to take responsibility, but "taking responsibility is different from being responsible in the sense that a leader may not be personally responsible for doing something or even ordering that something be done". This distinction lies at the very heart of police leadership ethics for,

"The most ethically distinctive aspect of being a leader is that leaders receive praise or blame for the good and bad things that happen under their watch - even when they know nothing about them or have nothing to do with them. In these cases, normal notions of agency that include the intent, capacity or causal connection to an action do not always apply" (Ciulla 2018:61).

In other words, when things went wrong, ethical leadership behaviour involved taking responsibility for the failure, even when it was not one's own fault, and this flies in the face of a very agency-oriented blame avoidance drive which arises from the harmful competitive individualism of neoliberal New Public Management. This has been exemplified by the introduction of politically appointed Police and Crime Commissioners to UK policing with the vaunted authority to 'hire and fire' Chief Constables and hold them personally responsible (Lister 2013). Tomkins et al (2020) therefore put forward the idea that police leaders were more exposed to the asymmetries of agency, responsibility and reason as their sense of individual responsibility was out of kilter with their desire to control matters when set against the impossible task of anticipating and mitigating all risks for their managerial and leadership tasks. I suggest that police managers therefore experienced the intense fear of transcendental realism's Terrifying Real (Raymen 2019) because the symbolic framework within which the police operated as part of the wider symbolic order of society, the big Other (Hook 2008), was reduced to a hollow, harmful shell. I discuss in more depth in Chapter 7.3 my thesis that, without the architecture of the big Other, police managers recognised that their power rested on a fragile framework of personal authority which is void of any greater society or moral authority.



Was this perhaps an asymmetry of expectation in how the police saw themselves and how they are viewed by the public? In law, the police role was an impartial collector of evidence for presentation to a properly recognised court. Giving evidence should be the process of helping the judge and jury to understand the evidence being given – no more, no less. However, there was heavy emotional investment in giving evidence in court because it remains adversarial and combative which engenders a win-at-all-costs attitude. In my journal I noted that.

*“I fear that the application of a neoliberal economic market-driven ethos to criminal justice in this way is almost bound to lead to corrupt outcomes as officers under pressure to convict may behave unethically to secure the same – so called “noble cause” corruptions.” NVivo Ref 24:2*

Noble cause corruption is well identified in the literature (Caldero et al 2018) and is often identified as ‘The Dirty Harry Problem’ (Klockars 1980; Skolnick & Bayley 1988; Westmarland 2005; Reiner 2010) where officers circumvented the judicial process to ensure that people who are considered very bad by the police were punished without due process. This competitive sense of the criminal justice system and especially the court as a colosseum where the officer was a gladiator doing battle has been enhanced by managerial pressure from governmental performance measures on the criminal justice system i.e. the “value for money” and “efficiency savings” derived from measuring success by the number of convictions in court (Taylor 2021; Kemp 2014). It was not unreasonable to suggest that the impact of neoliberal liquid modernity led to the slow dismantling of the moral framework of procedural justice within which the police believed they operated as demonstrated in Chapter 6.23 and that the ‘dirty Harry’ issue was no longer limited to individual officers but became a systemic problem driven by managerial gaming of performance indicators.

### 7.23 The Cost of Everything and the Value of Nothing

The impact of neoliberal thinking on the decision about whether to charge with the offence of Section 26, Corrupt or Improper Practice was evidenced in my journal data. I recounted two discussions with colleagues from other police forces who, like me, had made so called ‘gatekeeping’ decisions about potential prosecution of police officers. This was a process whereby a senior police manager reviewed all the evidence of a case and made a decision, using the three legal tests required (Crown Prosecution Service 2020), on whether there was sufficient evidence to seek a criminal charge. The gatekeeping officer then completed a report setting out the potential charges

arising from the evidence for the Crown Prosecution Service for final charging decision. Where police officers were suspected of offences, the files were sent to a CPS lawyer in a different region from force involved to reduce the possibility that the CPS lawyer might know the accused officer. This was a standard technique to minimise bias and reduce the chance of further corruption.

Soon after the creation of Section 26 (Government 2015) I realised that it appeared to be simpler to prove than alternative charges such as Misconduct in Public Office (Crown Prosecution Service 2018) or Perverting the Course of Justice (Crown Prosecution Service 2022). My counter corruption colleagues making similar gatekeeping decisions agreed that, provided it could be shown that there was an abuse of a power or privilege and a detriment to another or benefit to the officer, there was little emphasis on the intent of the police officer committing the Section 26 offence. In theory this should make it much easier to demonstrate beyond all reasonable doubt that the officer had committed the offence and should be charged with Corrupt or Improper Practice. The legal aspects of this process in more detail were previously explained in Chapters 2.21 -2.23 and Appendix A.

In regional and national meetings, I heard examples of counter corruption managers making requests for the offence to be prosecuted though the gatekeeping process but, up until I retired, I was unaware of any officer in England who had been charged with the offence of Section 26, let alone convicted of it. One Detective Chief Inspector from another force explained to me why they had been unable to secure agreement from the CPS to charge an officer with Corrupt or Improper Practice.

*They told me that they had not been able to persuade the CPS prosecutor to run the prosecution and were so frustrated that they had rung the regional CPS lead. They said that the CPS “were reluctant to charge as they were unaware of any cases that had been charged nationally and they didn’t want to be the first one’s doing it. There is a risk that the CPS end up spending money to define a stated case and they are strapped, like us, so they go with the cheapest option- the known element”. NVivo Ref 24.5*

I had similar experiences with CPS decision making and concerns over the novelty of the offence and the potential for additional costs associated with any appeals which would potentially create a stated case for the reference of future such prosecutions. This indicated to me that the police were not

alone in being heavily influenced by the neoliberal fear of failure and blame for incurring additional cost in the market dominated managerialism of modern public agencies.

I recalled a case in which an officer arrested a Black female for assaulting a police officer during a minor public incident. During the arrest and handcuffing, the detainee's finger was broken and the officer described the arrest to the custody officer when they booked in the detainee, made a Section 9 Magistrates Court Act statement of evidence and repeated the account when recording the crime on the police crime recording system. The officer claimed that the Black female had approached them aggressively with waiving arms then grabbed the officer's right arm and yanked downwards firmly three times towards the floor causing pain in the officer's shoulder.

During the custody search £3.00 worth of cannabis was found in the detainee's bag. The following day the Divisional Interview Team sergeant reviewed CCTV evidence of the offence from street cameras and noticed that what was described by the officer in terms of an assault on police simply did not occur. The footage showed the officer approaching the detainee from behind with no apparent verbal communication, before grabbing their arms and handcuffing them to the rear. The detainee was cautioned the following day for possession of cannabis resin and an offence under Section 5 of the Public Order Act but was not even questioned for the assault on the police officer for which she was arrested as it clearly did not happen. Following a gross misconduct investigation by my team into the actions of the officer and in my role as Head of the Professional Standards Department, I made a gatekeeping decision that the evidence test was passed for three potential offences, common law perverting the course of justice, common law misconduct in public office and Corrupt or Improper Practice under Section 26(1) Criminal Justice and Courts Act 2015. I then carried out the public interest test on all three offences using the gravity matrix (National Police Chiefs' Council 2019) to assess whether an out of court settlement would be appropriate and decided that all three offences warranted a court appearance. I forwarded the file to the Crown Prosecution Service for a charging decision on all three offences and they decided to charge with perverting the course of justice. I met with the Crown Prosecutor to go through the evidence, and we concluded that a viable defence against the fabrication of the assault by the officer was hard to imagine apart from the possible motive of overt or subconscious racist bias. The officer was arrogant in her interview under caution even though she had everything to lose by not recognising or admitting that she may simply have been mistaken about the event. The prosecutor and I agreed that this case went to the heart of public confidence in the police as, if the CCTV had not been present, the detainee would likely have been convicted of a criminal assault that she did not commit. We sought

to understand whether the arrest had been deliberately fabricated by the officer because of racial bias or if she panicked and made up a reason for arrest later i.e. was this a case of corruption or incompetence? The Crown Prosecutor and I agreed that we would have accepted incompetence as everyone had to learn their job and everyone makes mistakes. Indeed, I demonstrated in the Chapters 2.34 and 3.33 in the discussion about heuristics (Kahneman et al 1982), humans make better decisions through experience gained through learning from our poor decisions (Gigerenzer & Gaissmaier 2011). The Investigating Officer who had conducted the interview felt that the issue with the officer was their arrogance and inability to accept that they may have just got it wrong. This arrogance, on top of incompetence, led to an unwillingness or inability to self-reflect, learn, and grow. In turn these attitudes resulted in corruption and untruthful behaviour by trying to cover up the mistake in a way which was at best, unethical and at worst, illegal.

I asked the senior CPS lawyer why they had chosen perverting the course of justice and not the Section 26 Corrupt or Improper Practice offence and they replied that the offence of 'perverting' was clearly made out on four occasions, the arrest, the custody presentation, the criming and the Section 9 statement of evidence. I said that we needed to demonstrate the intent to pervert as well and therefore Section 26 might be easier to prove and the CPS responded that Section 26 had not been chosen for two main reasons. First, the officer had not gained anything by the lying/corrupt act and I explained that the offence could be made out even if an officer did not gain anything e.g. a bribe or a promotion, as they did gain some kudos for the arrest and therefore increased standing amongst their peers. Provided there was a benefit or detriment to another i.e. arrest, detention, loss of job etc, as in this case with the Black female's teaching career was ruined due to the cannabis caution, then the offence would be completed as that rendered the use of a police power or privilege, in this case arrest, improper. It appeared to me as though the CPS lawyer had imagined that the offence needed to show benefit to the officer, but their second focus was that perverting the course of justice, with a maximum sentence of life imprisonment, was more serious than Section 26 where the maximum sentence is 14 years. Lastly the Prosecutor talked about the cost of the new offence saying.

*"The fact that we had been engaged in these discussions for a new offence, where there was no case law to guide the prosecution, meant that the case may be appealed on some point of case law leading to a greater chance of acquittal and increased cost to the Crown for engaging in the formulation of case law for an offence where none currently exists."* NVivo Ref 24.7

I fully accepted that the CPS had good reasons not to charge with the offence of Section 26 in favour of perverting the course of justice but the additional burden of time, resources and finances being consumed in a potential appeal and stated case resulted in the selection of the most risk averse of the available charging options and not the most suitable offence for the circumstances. My journal contains data of unsuccessful attempts to charge with Section 26 recounted by colleagues across England and the underlying rationale from the CPS was the potential cost without considering the value that a successful prosecution would have in terms of challenging the police and raising public confidence in their accountability. Apart from some isolated examples around new offences such as coercive and controlling behaviour (Bishop & Bettinson 2018) and causing death by driving (Cunningham 2013) there appeared to be limited literature available on the reluctance of the CPS to charge with new offences. My suggestion that this reluctance was based on a deep neoliberal motivation to select the cheapest over the more appropriate charging choice is an area worthy of further research across a number of newer criminal offences including Corrupt or Improper Practice as described in this paper. There is no intention here to revisit traditional tensions between the police and the CPS over charging decisions because my data supports the suggestion by Soubise (2022) that both police and CPS occupational cultures have been altered by increasingly managerialist pressures that drive decisions based on cost alone.

### 7.3 The Self-Consuming Scylla

#### 7.31 The little Other of Policing Liquid Modernity

If, as I have set out in Chapter 3.35 above, the Lacanian big Other (Hook 2008) has been significantly eroded in the UK and other westernised liberal democracies during the period that Bauman (2013) describes as liquid modernity, the question must be posed, what are we left with? In my research journal I recorded my thoughts on this matter.

*“Because the big Other has been eroded slowly by neoliberal individualism there are only little others to grasp onto. This is reminiscent of Plato's cave of shadows and the concept of hermitically swimming underwater. The sand of the riverbank has been washed away by the slowly rising meltwaters of neoliberalism. Now as the waters recede the whole bank of the river is only held together by the roots of the grass, those tiny tendrils of little Others that interconnect together to*

*provide a modicum of stability with no supporting ground to really bind them together.” NVivo ref 24.10.*

I fully accept that my sociological imagination (Mills 2000; Blommaert 2018) is based on allegoric imagery but it has been my way of visualising complex problems and therefore I experienced the erosion of the big Other or symbolic order of society like the riverbank I described. Where neoliberalism has eroded the wider authority of key state structures such as the police, they have been left have nothing within which to ethically frame their authority. As suggested in Chapter 5.33. there was a connection between the managerial impact of neoliberalism on the police service and the paranoiagenic zoo (Jacques 1995) where a personal reality must be created by officers to prevent psychic disaster or upheaval (Bion 1970) and authority for day-to-day work must be continually created by the individual. I suggest that such reliance on personal authority created individualistic erosive scepticism in policing to mirror the sceptical drift in wider society (Caruso 2019). No big Other meant no support in times of emergency, no wider moral authority leading to managerial fear of blame as I suggested in Chapter 7.22 and, as I will introduce in Chapter 7.42, results in what I term hyper procedural pseudo-compliance to procedural justice within an ethical vacuum. I suggest that the visual metaphor of the riverbank is a useful tool for understanding the managerial influences at play within the police service. We may envisage this as the whole riverbank being constructed from the roots and tiny tendrils of multitudinous little Others that provide a simulacrum of stability without the loamy solidity of the big Other binding them strongly together so that, my data relates.

*One false step. One grasp. One exertion of stress and it's only then we see that there is nothing to grab hold of.” NVivo ref 24.10.*

Once the system is stress tested, by a global pandemic for example (De Camargo 2022; Dewey 2020), we may suddenly comprehend that there was nothing solid to grasp because the support washed away a long time ago, sold down the river of liquid modernity leaving only the illusion of social solidity.

Black Lives Matter (BBC 2021b), Reclaim These Streets (BBC 2021c), and Extinction Rebellion (BBC 2022) are all examples that point to the ethical hollowness of the police which now exists as one of these weak networks of little Others. As mentioned in my journal (NVivo ref 24.10), like Plato's cave of shadows, the police are increasingly perceived, not as a real and vital force, but as the impotent shadow of a past authority (Nolan et al 2021). The police may thus no longer stand for morality and

goodness as the essential foundation myth has previously established them have been exposed as lacking in societal authority (Miller 1975; Asch 1971) and reliant on individual officers to maintain the illusion of control by the state through personal oppression and coercion of the public (Cohen 1986). The perceived threat posed to the state by this desacralising of the police (Loader & Mulcahy 2003) can be sensed in the enthusiasm from the Home Secretary to introduce a significant enhancement of coercive police powers in the Police, Crime, Sentencing and Courts Act 2022 (Government 2022a).

The removal of the big Other (Lacan 1981) indicates that, not only the ontological reality of the existence of policing changes, but also the epistemological nature of truth. In a world which has been characterised by fake news (McNair 2017) where notions of uncertainty and doubt have been cast on which facts to believe and the epistemological erosion of the concept of absolute truth, it appears that the last legitimate cause of truth may be the pursuit of profit (Bakan 2012). The moral morbidity associated with individualistic ‘I’m alright, pull up the ladder, Jack’ mentality is reminiscent of Hall and Winlow’s (2018:11) “special liberty” in the form of social inequality arising from the willingness of people to cause multiple harms to others in the pursuit of their own unconstrained self-interest. The constant undermining or washing out of the connecting big Other and erosion of naturalist-structuralist philosophy (Dixon & Dogan 2003a,b&c), which has traditionally been the defining paradigm of policing, can be seen as an ontologically and epistemologically sceptical drift through the course of a career as mentioned in Chapter 6.4 towards a hermeneutic-agency outlook with all its mistrust and fear (Dixon & Dogan 2003a,b&c).

I reflected in my journals that my own reality paradigm shift has taken me away from being a naturalist-structuralist (Dixon & Dogan 2003a,b&c) with objective Christian dialectic concepts of good and evil (Linneman 2019) towards a more hermeneutic-structuralist perspective and a greater desire to do subjective good through collegiate and discursive understanding. I am confident that my apparent drift away from deontological ethics towards a more cynical and sceptical position mirrors the observations of police officer culture made by Loftus (2009) and the impact of consistent managerialism on my own *Lebenswelt* (Habermas 1981) as I advanced through the ranks. By the end of my police career, I recorded feeling isolated and lonely, which I attributed to a realignment away from the pressures of the New Public Management milieu in which I worked.

*“Feeling very redundant and unrequired today. As though it’s time for me to leave but I am just in the way.” NVivo Ref 6.32*

I felt a sceptical drift towards hermeneutic-agency which created mistrust and a Hobbesian fatalistic sense of the life of man being nasty, brutish and short (Hobbes 2016). I wrote.

*“I left work today feeling really down that all I had heard all day was negative things about the police from employees. No one seemed positive and in looking back over the last week I have struggled to find people who feel optimistic about the service, alliance, merger or future.” NVivo Ref 6.34*

Through the process of this PhD, I have come to the understanding that what I latterly experienced in my policing career was my own reaction to the death of the big Other and its impact within policing. The emotional labour discussed in Chapter 5.3 that I recorded at the time arose from trying to navigate the tangled web of police stories, culture and schema within the service which I argue, struggled to maintain the position of the police as a little Other within society in the absence of the big Other and a moral foundation of the telos of policing that I discussed in Chapter 3.23.

### 7.32 Police Managerialist Schema.

I have introduced the impact I noted on myself when navigating the milieu of maintaining the police as a little Other and this was reinforced by Van Hulst and Tsoiukas (2021) who established the importance and power of police storytelling on common police conceptions or schema. One story evidences the potential difference in mental schema between senior leaders and rank and file officers which I posited in Chapter 6.32. It arose from a clash between ethical deontology and managerial consequentialist culture which Dempsey (2021) noted in research on public responses to the Covid 19 pandemic. All UK police officers must requalify twice a year in basic first aid, a fitness test, and officer safety skills which included the use of force, handcuffs, baton, pepper spray and what was termed tactical communication which was best described as how to verbally diffuse conflict. As all ranks must attend these sessions, they were one of the only opportunities where very senior officers spent an entire day in close discussion and joint activity with their more junior colleagues. At one such training session I was present to requalify in first aid and officer safety together with around 40 other officers. The most senior officer in the room was an assistant chief constable (ACC) and I was the second highest ranking officer with the rest of the staff being sergeants and constables. The normal conversations in such training consisted of war stories about use of force or the gorier incidents where first aid may have been required in the past as a form or reaffirmation of the hypermasculine culture of the service (Nolan 2009).



In this session the main topic of discussion, linked with first aid training, was the noticeable increase in the time taken for ambulances to arrive at the scene of injured persons, especially when the police had made the request for attendance. Traditionally the blue light services had a good working relationship (Charman 2014) and if the police called for a paramedic, they arrived very quickly. However, in the era of austerity the response time for ambulances had worsened considerably and the consensus in the room was that it was normally a 40-minute wait. This was a new phenomenon and in previous training we had certainly never discussed the tactic of using police cars to take the injured person to hospital to avoid a long wait for the ambulance. Officers explained that where they had done this, they faced a considerable wait outside of the Emergency Department along with dozens of ambulances in a similar position. The instructor explained that a new protocol had been adopted by the local Ambulance Service Trust in which the triage process considered whether a medical professional or first aider was already present at the scene and, if so, they allocated a lower priority to such incidents as opposed to a case where no first aider was present. This makes clear clinical sense but only in situations where ambulance resources were so stretched that they were unable to respond effectively and within their target of eight minutes.

The ACC present advised that there had been discussions about equipping every police car with a defibrillator, but the chief officer group had rejected this policy as they wanted to prevent the police being used as co-responders instead of the NHS Trust dispatching ambulances for medical emergencies. The training Constable challenged this approach saying.

*“They will end up sending the police anyway, but we just won’t be as well prepared as we could be. Our first mission is the preservation of life after all”.  
The ACC said, “if you are the NHS commissioning body for ambulance services you must commission sufficient resources to meet your demand and not rely on the police to plug the gaps”. NVivo Ref 24.3*

Both points of view were valid in this dramaturgical expression of disagreement in the prevailing milieu of the police. There was an apparent misalignment of policing doxa or habitus here (Bourdieu 2004) which I suggest arose from the impact of ubiquitous neoliberal pseudo-market economic thinking and over a decade of public sector austerity policy. The more junior officers focused on the act of saving a human life as a deontological duty, the right thing to do, whereas the ACC gave this much less weight when set against the reputational impact on the police service arising from a potential investigation by the Independent Office for Police Conduct for death or serious injury in

police contact (IOPC 2020b). The more senior officer was applying a consequentialist or contractarian position in defending against the organisational risk of encroachment onto the mission of the Ambulance Service without additional resources to compensate as previously evidence in Chapter 6.32. This shrinking apart rather than shrinking together of public services in austerity was described by Wankhade et al (2019) and clearly is demonstrated in the attitude of the senior leader who considered the financial cost of service provision. I suggest that their remoteness from day-to-day front line policing means that the activities of immediate service provision have become an abstract concept for more senior officers. Street-level practitioners seemed more likely to eschew the managerialist approach in favour of a more duty-based ethical stance as they will be closer to the human impact of the financial decisions as noted by Gilling (2014) and Bacon (2019).

### 7.33 The CARE Model of Police Leadership

There was evidence in Chapter 6.3 of a schismatic moral relationship between the deontology of rank-and-file officers and the contractarianism of more senior ranks which both operate in tension with Benthamite utilitarianist (Bentham 2001) organisational standard established by the National Decision Model (College of Policing 2017). This ethical trihedral was introduced in that Chapter as a potential cause of the mistrust in both directions where higher ranks appeared not to trust the rank and file to toe the corporate line and therefore be seen as safe. Lower ranks did not trust their perceptions of the self-serving motives of higher ranks within a system which promoted liquid modernists with situational and flexible ethics and who were not predictable to more junior officers through the use of Kantian deontology (Kant 1988). I suggest that I have evidenced in the example above and will discuss in greater depth in Chapter 7.4 the moral cowardice by officers of all ranks, but particularly more senior ranks, who made decisions based on what could attract least criticism rather than a duty-based response in the circumstances.

Towards the very end of my career, I recorded an amusing incident in my journal which neatly summed up this dynamic of moral cowardice in police leadership and decision making. I had returned my old equipment to headquarters and was enjoying a motorcycle ride back over some moorland to clear my head. I stopped at a lay-by to buy a cider lolly from an ice cream van and got talking to the seller who was an interesting man. He had a wealth of life experiences including a spell in the army, as a lobster fisherman in New England, a butler, and being homeless as well as his current job as an ice cream vendor. We spoke about the police, and he said that he had experienced a few issues with more senior officers to whom he had complained about his treatment. I noted that.

*“In his view, the police followed the “CARE model”. I asked him what he meant as this was not one that I was familiar with. He said “Cover Ass, Retain Employment”. NVivo Ref 15.28*

I remember almost laughing out loud. This was a short and pithy summary of my views on police ethical decision making, especially at senior level, and completely accorded with the concept of an ethical gap between senior and junior officers driven by the impact of the ethical trihedral of policing described in Chapter 6.3 and its interaction with the force of neoliberal individualism that I have unpacked in this Chapter. It felt amusing and apposite to have my organisation so accurately described to me by an ice cream vendor in a remote moorland car park.

## 7.4 Moral Cowardice

### 7.41 Hyper-Procedural Pseudo-Compliance

In the Chapter 6.23 I examined the concept of procedural justice as a means of gaining public trust in the police service and securing confidence within the police themselves that the professional standards team would apply the law and procedure fairly and equitably. My journal recorded an example of such managerial fears about asymmetries of agency, reason and responsibility (Tomkins et al 2020) and it further highlighted the concept of moral cowardice. In a departmental meeting of all senior managers from the professional standards and counter corruption units there was discussion about an officer who had recently been acquitted of a rape at Crown Court. The officer scored highly on the matrix of behaviours which is used by counter corruption units to identify officers at high risk of sexually predatory activity. New allegations had been made against this officer, namely downloading pornographic images on their phone in work time and sending thousands of texts, some highly sexual in nature, again in work time.

The two senior managers from the professional standards department (PSD) advised that the officer had threatened to submit a lengthy grievance about their previous treatment by the PSD. The PSD managers were therefore considering not taking any more investigative action against the officer in case it led to criticism of the department and a time consuming and expensive grievance process. I saw that the counter corruption detective inspector was becoming frustrated with the direction of the conversation, in which the other PSD managers put forward a case that the suspected officer

should be left alone, as it may appear as though the department had a vendetta against him due to previous investigations in which the department had not been able to fully prove his alleged sexually predatory nature.

I explained that to be fair to all parties and the public, we should apply the misconduct process as a matter of procedural justice and use the law as a framework for any decisions as this would be ethically sound and demonstrate freedom from perceived bias. I said we should imagine what we would do if the most recent allegations had been made against an officer of previously good character. If we felt that a gross misconduct investigation and suspension from duty would be initiated in the case of such an officer, then we must cut through worries about the reputation of the PSD by doing what was right according to law, policy and procedure. This procedural justice argument, based on the application of Kantian rules of absolutist ethics (Kant 1998) effectively negated any ethical or moral considerations arising from perceptions of persecution. The management team thought this was a useful mechanism to employ and decided to engage more research to show the policing demand that the officer had not been able to meet because he was downloading pornography in work at those times.

Once the meeting concluded the counter corruption detective inspector (DI) explained to me privately that he was very frustrated with the apparent reluctance of colleagues to make a decision which was procedurally and morally correct because it may have a negative impact on their personal reputation or standing in the organisation. The DI stated that in his view.

*“The biggest threat to good public service delivery in the police at this time is the moral cowardice at the highest levels, a tendency to take the easy route to avoid conflict and criticism rather than “do the right thing”. NVivo Ref 18.3*

In this case I suggest that the other senior managers were severely influenced by a hypothetical question of what people might think about them, rather than following the legal process. They did not want to be thought of as bullying the officer or persecuting him when in fact there was easily enough material on the new pornography allegations to warrant investigation. I regard this as a display of what I have termed hyper-procedural pseudo-compliance by the managers involved in that the decision was not arrived at through collegiate hermeneutic-structuralist (Dixon & Dogan 2003a,b&c) assessments of the information and possible outcomes. Rather, the decision was arrived at through a naturalist-agency philosophical reality disposition (Dixon et al 2004) in which the

individual needs of the managers outweighed any deontological duty to others or even the more utilitarian felicific calculus of the greatest good for the greatest number demanded by the National Decision Model. In this context managers felt that they must be seen to follow the existing procedure but had no apparent intention of complying with the outcome so there was evident surface level acting within a procedural framework whilst consciously or unconsciously steering the decision towards a result which was personally favourable to the desires and needs of the managers. I classified this as a form of corruption as the rules and procedures were not being applied in a fair and consistent way as demanded by the police Code of Ethics and the national decision model (College of Policing 2014a & 2017). It was clear in the example that the PSD managers had not considered that they were doing anything wrong but were unconsciously steering the decision away from one which may have attracted criticism in preference to a decision where they could not be blamed. They were, in my analysis, trying to rigidly apply the existing procedure but were consciously or subconsciously determined not to comply with the rational outcome of that process and I define this as hyper-procedural pseudo-compliance where the police misuse existing processes extrarationally as described in Chapter 2.37.

#### 7.42 Kakistocracy within Police Leadership

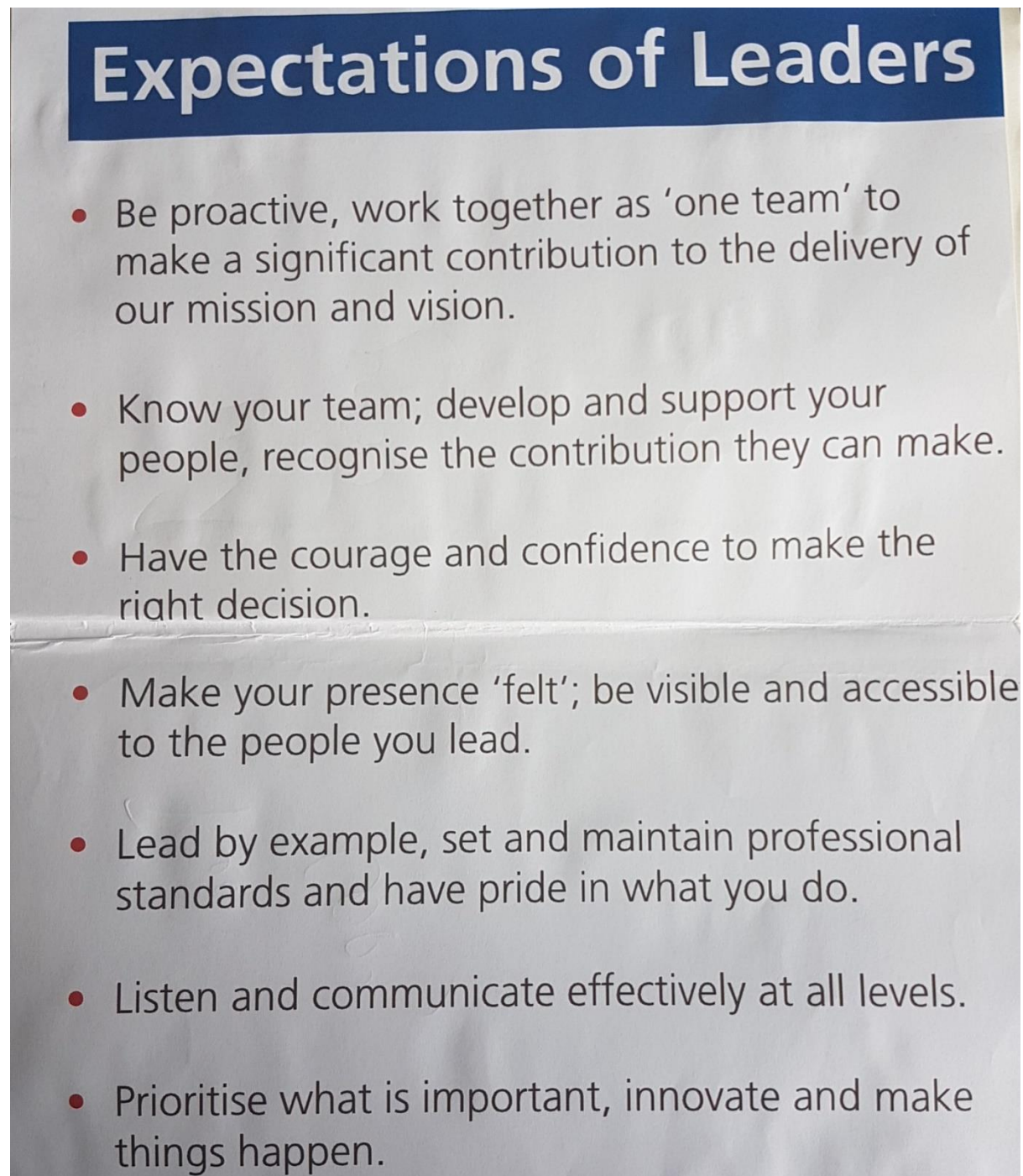
It is normal within large organisations for those at the top of the rank scale to communicate their preferred leadership messages in the form of corporate messages (Cornelissen 2020) but such messages can become fetishized within the promotion and selection systems of the organisation so that knowledge of the 'magic words' and adherence to them become the primary reasons to appoint and promote staff to roles (Simpson 2018). The atomisation of group power (Treadwell et al 2013) and the investiture of individual competitiveness within the police service arose from the powerful influence of decades of anti-communitarian neoliberalism in wider society (Dixon et al 2005) and this created space for an unapologetic 'homo economicus' viewpoint within senior police managers as a managerialist manifestation of New Public Management (Dardot & Laval 2013; Foucault 2008; Mirowski & Plehwe 2009). Dixon et al (2004) define homo economicus in their reality paradigm model as a naturalist-agent (see figure 3 Chapter 3.33), that is someone with strong beliefs in agency ontology and naturalist epistemology. Such a personality focusses heavily on individual responsibility and eschews the impact of society or other external influences as excuses for poor personal performance and those possessed of this reality disposition also believe that knowledge is binary, there is absolutely a right or wrong way to do things and that these positions exist as universal and objective absolutes with no sense that the truth might be a hermeneutic construct (Dixon 2012). The

impact of this reality disposition, which I introduced in Chapter 3.33, on leadership behaviours and therefore managerialist interventions was recognised in public sector literature (Tripathi, & Dixon 2008; Dixon 2010; Dixon & Frolova 2013) and evidence of it can be seen in my journals.

From 2007 until my retirement in 2018 the 'magic words' for the police force in which I worked were termed the 'Expectations of Leaders' and were listed on all corporate documents, promotion and selection processes and displayed on posters in most rooms within police stations (see Figure 6). The list of expectations spelled out to managers within the constabulary a series of principles which they should seek to employ in their leadership interactions with staff. They were urged to be proactive and work together as 'one team' to make a significant contribution to the delivery of the policing mission and vision. Managers were encouraged to get to know the people in their teams and to develop and support them by recognising the contribution they could make to the mission. Perhaps recognising my suggestion that police decision making is characterised by moral cowardice, leaders were exhorted to have the courage and confidence to make the right decision. I argue that such an exhortation would have been unnecessary if there was no problem with the decision making in the first place. Leaders were asked to be visible and accessible to the people they led and to make their leadership presence 'felt' within the workplace, leading by example to set and maintain professional standards thus generating pride in a job well done. Finally, managers were required to make effective use of their listening and communication skills and to feel empowered to prioritise what was important and innovate solutions to try to make things happen. As a set of leadership statements there was nothing inherently wrong about these expectations as they are set out in Fig 6. Indeed, they were almost a straight lift from any books on police leadership (Pearson-Goff & Herrington 2014; Filstad & Karp 2021) describing qualities that leaders may adopt and they mirror the recommendations in the Home Office report on police leadership (Dobby et al 2004).

When walking around a police station I found a parody document of the official 'Expectation of Leaders' (Fig. 7). It was in the form of a poster which closely mirrored the original and I photographed it and placed it into my journal. The parody document in Fig 7 reiterated the issues of managerialism as well as ethics and psychology from Chapters 5 and 6 in that it focused on the differing reality paradigm of senior leaders and the author who was speaking from the position of a rank-and-file officer. The parody described the concept of making your presence felt as a leader by being visible to those above you in the organisation and yet inaccessible to those you lead. The poster emphasised the sense from junior ranks that promotion occurred only if you exploited those under your command to further your own career and explicitly demonstrated the concept of moral

cowardice that I introduced in this Chapter 7.4 as an artifact of neoliberal managerialism on leadership behaviours

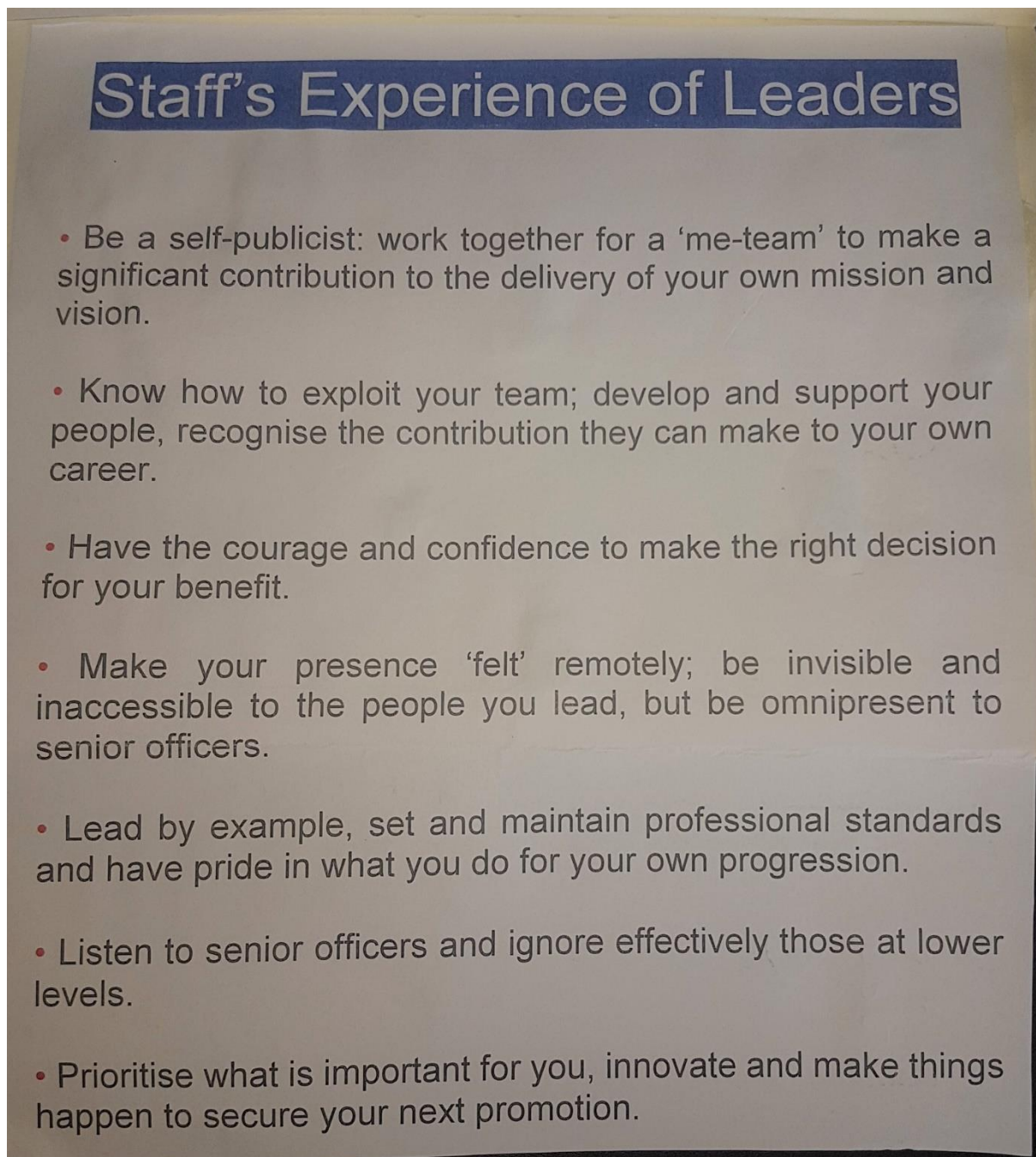


**Figure 6 - Photograph of Corporate 'Expectations of Leaders' Poster displayed in police stations from 2007 to 2017**

**(NVivo Ref 12.3)**



Figure 4. 8.



**Figure 7. Photograph of Parody 'Staff's Experience of Leaders' Poster displayed in police station, August 2017**

**(NVivo Ref 12.3)**



When I saw the poster on display in a police officer station, I thought the parody was amusing, as it was apposite to the prevailing views of officers that I worked with. I remember the consensus in the police station was of resigned risibility because it was funny but sadly true in the view of many junior officers. This form of rebellion against the espoused values of the service was not uncommon and often appeared in the form of similar anonymous posters or private displays within work areas. I present two other examples of such protests which I encountered in police stations and included in my journal as ethnographic phenomena which captured the prevailing feelings of the staff. See Figures 8 and 9.

**Figure 8. Poster Expressing Staff Views in Police Station. March 2017 (NVivo Ref 12.1a)**





**Figure 9. Visible Representation of Staff Views in Police  
Station Lift. December 2017  
(NVivo Ref 12.1b)**

After making informal enquiries I found the author of the parody poster (Fig 7) and initiated a conversation with them to discuss their reasons for doing it. The officer was a long service Detective Constable (DC) who had been inspired to produce the poster after completing a recent corporate staff survey that had been circulated. It was a university-led research study of attitudes amongst staff to a recent major change process and the DC's view of the survey exactly mirrored my own

experience when I had completed it online. We both initially started to complete the survey as a disinterested duty and did not imagine that it could elicit strong feelings about the proposed structural changes to our organisation. However the DC said that, as they progressed through the questions in the staff survey, they found themselves becoming angry at the lack of consultation that had been undertaken before the huge structural changes to the force had been commenced. There was a sense that strong-arm tactics were being applied to making sure all staff were on board with the proposed major structural changes and the DC said that.

*“Failure to be seen to be on board, and any reasonable criticism, was seen as heresy” against the change process hegemony. The DC felt that there was a religious zeal amongst their departmental Superintendent and the change management team which simply brooked no dissent from the line they wished to take.” NVivo Ref 12.3*

The DC informed me that there had been considerable staff losses from their department and those who remained in post were disillusioned and demotivated by what appeared to be a shift away from the previous high standards of the organisation to a lower expectation of standards for all officers and staff. The DC stated that.

*“Although their post was being civilianised, they had already arrived at the point where they no longer wanted to be part of the department which was being led in a corrupt and misguided manner, where the needs of the organisation and protecting its reputation was of more importance than getting to the truth and rooting out wrongdoers” NVivo Ref 12.3*

In my journal I recorded that the officer was quite emotional that, in their view, the department and the force was being poorly led. The officer used the term “*kakistocracy*” (NVivo Ref 12.4) to describe the prevailing milieu within which the implementation of the Section 26 offence of Corrupt or Improper Practice was being managed.

#### 7.43 Corporate Mergers and Snow Globes

In my last week as a police officer, I arranged to say farewell to my closest colleagues in various parts of the force and thanked them for their support. I recorded these interactions in my journal and

their effect on me at this emotional and unsettling time in my life. One Inspector was openly critical of the current senior leadership and direction of the force, vehemently disagreeing with the policy then being adopted of a strategic alliance or corporate merger with a neighbouring police force. In force presentations on the progress of this alliance all senior managers had been told that it resulted from the requirement for cash savings arising from the government's austerity policy. On several occasions we were enthusiastically informed by the Chief Officer Group that such an alliance would create the fifth largest police force in England and Wales which was financially desirable due to potential economy of scale savings. It was also heavily suggested that there was reputational status in such critical mass and that the merged force would have a much bigger say in policing matters at a national level with a greater opportunity to attract new funding. This marketized view of the advantages of merger was eagerly taken up by many middle and senior ranking officers whom I suggest scented the opportunity for an increased number of promotional opportunities as I noted in my journal.

*"It seems that there is an element of religious fervour around the alliance and, if you are a member, you become a zealot-priest of the order. On the flip side if you express even the slightest apprehension about it then you become branded as a heretic to the alliance and are marginalised and silenced. Merger and alliance are the prevailing hegemony and zealous pursuit of them is most evident at HQ but not felt in geographic areas where the religion has yet to take root". NVivo Ref 28.7*

Chief Police Officers were selected for their skills and experience in operational policing but I suggest that their competence in the business skills necessary to manage a corporate merger of such unprecedented magnitude was questionable. In one of the conversations in my last week of service these general doubts about managerial capability were summarised by an inspector serving in a remote part of the force who described the alliance concept as.

*"A merger of Waitrose and Mace where the person left in charge is the manager of Mace in [name redacted]", which is a very small village in the force. NVivo Ref 12.20*

The Inspector went further than allegations of mere incompetence by senior managers describing as utterly corrupt the apparent lack of any strategic direction other than the "urge to merge" (NVivo

Ref 12.20). We discussed why so many rank-and-file officers hold the view that their senior officers were corrupt, and the Inspector explained that the current cultural environment was one in which.

*“No one is telling the truth in case it reflects badly on them or their promotion. It’s like the bloody emperor’s new clothes. When I have spoken up at a Basic Command Unit management meeting, I’m treated like I’ve just dropped a turd on the table. It’s not that I’m not speaking the truth, it’s that they don’t want anyone bringing them bad news or creating work for them to think about. They just seem to want a quiet life in a little bubble of unreality. It’s like they have no interest in the reality of delivering the service on the ground. They have a strong belief, given to them from above, and no one is willing to crack the glass on that snow-globe in case all the water leaks out and their perfect little castle is exposed to the real elements, not just fake snow”. NVivo Ref 12.20.*

The Inspector singled out for attention the Superintending ranks as being completely in thrall to the notion that the proposed merger would bring about vacancies aplenty amongst the Chief Officer ranks engendering an unseemly self-serving scuffle for a slice of that pie. From an operational perspective in a geographically remote part of the force the Inspector could see a lot of temporary promotions and new roles associated with the change management and program delivery functions for alliance and merger. This offered further reasons for senior managers to support the process without seeing any apparent gain for the public or the tactical deliverers of policing services thus demonstrating the self-serving, individual competitive harm driven by prevailing neoliberal managerialism. The perils of such marketisation of policing services have been observed and recorded by Hall (2020) in the recent creation of directly commissioned victim services by police and crime commissioners. The Inspector felt that all Superintendents and the ranks above were completely focussed on their own self-promotion by stealing ideas, claiming credit for the work of others and seeking to publicly ‘do the legs’ of competitors which echoes the sentiments of the author of the parody of leaders’ expectations at Fig 7 above. I recorded an example given by the Inspector who had been left alone to address the local council and press about a perception of lack of police action and resources when their team had been significantly reduced due to budget costs imposed at a strategic level. The Inspector maintained that this was because no Senior Management Team member wanted to go on public record as saying that.

*“The place is fucked because we have too few staff to cope with demand”. The Inspector had been very reserved in the public meeting recently going no further than “look, I’m doing the best I can with the resources available to me”. The Inspector added that they are “firefighting” the issues of greatest risk to human life and all else is on the back burner with little or no spare capacity for proactive work. The Inspector was clear that Senior Management Team had been told of the tactical challenges brought about by the need to cut costs but believes the message has gone no further up the chain of command as his senior officers don’t want to be “the messenger who ends up getting shot”. NVivo Ref 12.20*

## 7.5 Summary

This final data from my journal (NVivo Ref 12.20) demonstrates the palpable fear of shooting the messenger which was raised as a reason for failing to demonstrate the leadership of ‘making your presence felt’ which the organisation formally encouraged as shown in figure 6 above. The visual imagery of a snow globe as an analogy for the leadership of the police that the inspector experienced was powerful and clear. In describing the construction of a false membrane between the fake snow environment of the police and the real weather which is experienced outside of it he expressed my contention in this Chapter, that the influence of neoliberal New Public Management on the police has altered the professionalism of previous generations of senior leaders. It has resulted in a kakistocratic milieu in which decisions are taken on the basis of individualistic competitive fear where moral cowardice sits at the heart of implementing new concepts such as the offence of Corrupt or Improper Practice and this theme is developed further in Chapters 8 and 9.

# Chapter 8

## Discussions

### **8.1 Introduction**

### **8.2 The Psychology of Implementation**

8.21 The Essential Lie of Policing

8.22 The Emotional Labour of Policing

8.23 Police Arrogance

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### **8.4 The Management of Implementation**

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8.42 Hyper-Procedural Pseudo-Compliance

8.43 Police Moral Cowardice

### **8.5 The Kakistocracy of the Police**

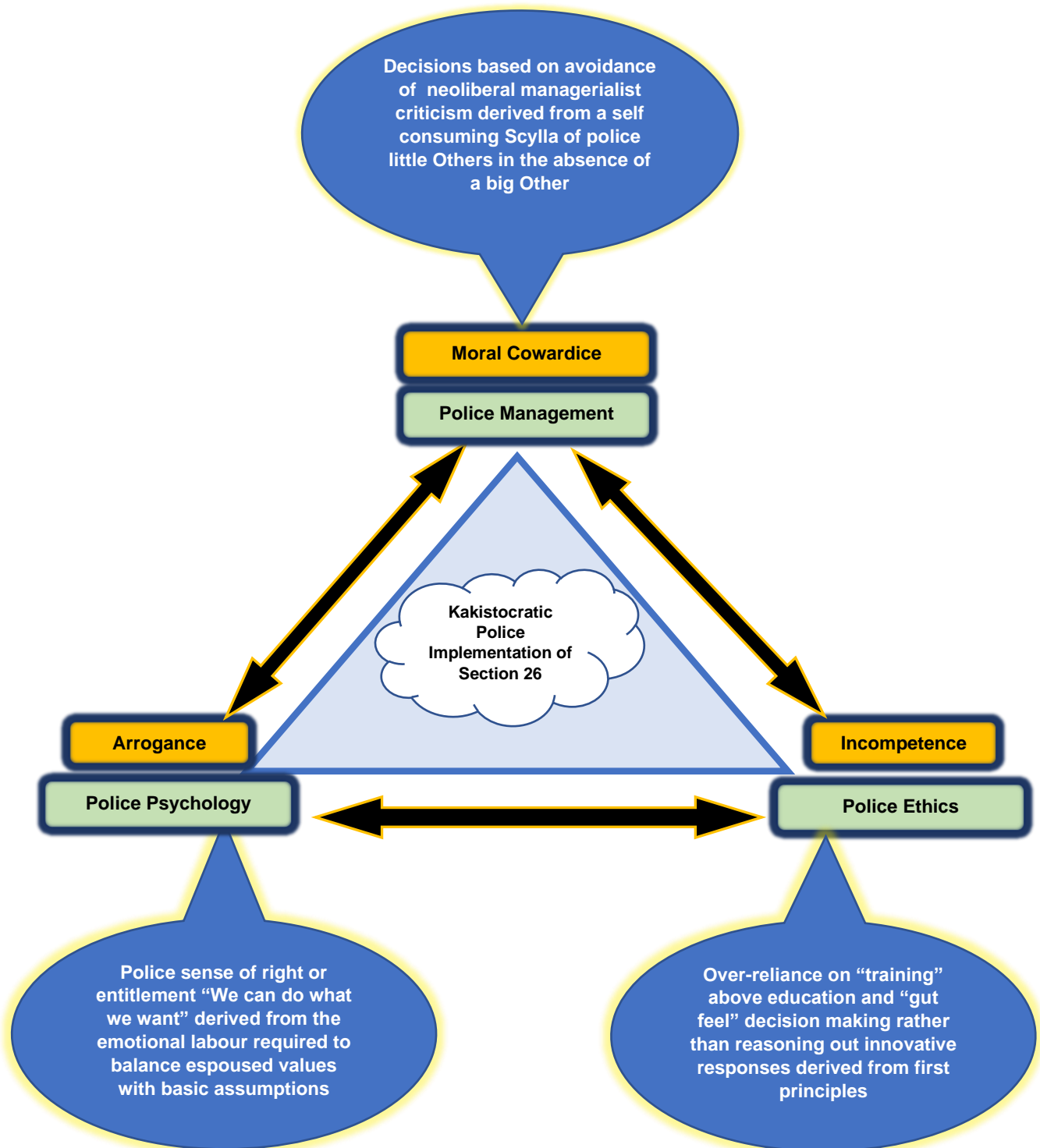
## 8.1 Introduction

This Chapter will discuss the findings arising from my research data which I introduced in the three empirical Chapters (5,6 & 7) and has been framed around a model which I call the Triangle of Kakistocracy (Figure 1) as a useful visualisation of the core findings of the research. This model was developed to answer the research question, what happened within the police service when the government created the office of Corrupt or Improper Practice for police officers in section 26 of the Criminal Justice and Courts Act 2015? I believe the model forms a unique addition to knowledge in that it frames the implementation of the new offence in terms of observed phenomenological events within the police service which occurred in response to the introduction of the legislation. I linked the emergent elements of psychology, ethics and management with the concepts of arrogance, incompetence and moral cowardice arising from analysis of the data. I posit this model of the kakistocratic police milieu as a theoretical framework for analysis of the police in contemporary neoliberal liquid modernity (Bauman2013) which could be used to explore other police phenomenological research data.



**Figure 1. The Triangle of Kakistocracy.**

How Moral Cowardice, Arrogance and Incompetence create the prevailing policing milieu in liquid modernity.



## 8.2 Psychology of Implementation

### 8.21 The Essential Lie of Policing

In Chapter 2.23 I examined the generative influences on legislators during the introduction of Section 26 (Government 2015) and extend this further in Chapter 5.21 where I introduced data which I argue demonstrated a cynical reception by the police of the new offence based on pushback from police street level bureaucrats (Lipsky 1980) and a refusal to accept the proportionality or necessity of the changes (Sabatier & Weible 2007). Evidence of a pervasive ‘honest cop’ belief, which I gave in Chapter 5.22, leaves officers with an apparent unwillingness to implement the new Act by consciously or subconsciously generating behavioural inertia. This, I argue, has resulted in the legislation failing to have the impact intended by its creators. It has been well argued (Garland 1996) that right and left realist governments (Matthews 1987 & 2014; Schwartz, M & DeKeseredy 1991) of all political persuasions tended to lean heavily on punitive ‘tough on crime’ policies (Newburn 2007) and I suggested in Chapter 2.25 that this punitive intent was a strong driver of the government’s response to the perception of police corruption. It appears from my data in Chapter 5.21 that police themselves doubt the motives of the legislators in creating the new corruption offence believing it to have been unnecessary and draconian which is a reversal from the usual position in which the police welcome new and extended powers granted to them by the government (Neocleous 2021). Police voices critical of new punitive government legislation are rare (Dowler 2003) except it seems when they are themselves the target of that legislation when their response is to bewail the punitive intent of the legalisation and deny its legitimacy.

In Chapter 5.4 I used Schein’s cultural model (Schein 2010) as an effective tool for examining the phenomenological behaviours and artifacts identified in my data against the idea of the power of the real or imagined gaze in moderating human behaviour (Krips 2010). I found there to be a clear tension between the espoused values of the police and the two other bottom-up ethical positions of deontology and contractarianism which are discussed in detail in Chapter 8.31. The espoused values are manifested as the ethical utilitarianism of the National Decision Model (College of Policing 2013) which is underpinned by a Code of Ethics (College of Policing 2014a) consisting of policing principles and monitored by the standards of professional behaviour that officers are required to display in their work and life. This tension, I posit, created psychological pressure leading to the police becoming overly concerned with professionalism as manifested by standards of dress and their punitive complaints and disciplinary system (Armstrong 2005) and which asymmetrically apportions

individual blame (Tomkins et al 2020) more often than identifying systemic failures of policing. This pressure in turn generated the emotional labour of daily surface acting described by Grandey (2000) as the act of putting on a professional face rather than displaying genuine and authentic emotion. Hobfoll (1988 & 1989) theorises a conservation of resources whereby officers usually took the least laborious path to manage their emotional responses, i.e. surface acting, but Martinez-Inigo et al (2007) point out that even the process of surface acting over the course of a shift, and certainly a full career, can be extraordinarily hard work. The data indicates that the surface artifacts of Schein's (2010) basic assumptions held by the police themselves include the honest cop belief and a Manichean Christian Dialectic (Linnemann 2019) that the world can be neatly bifurcated into right and wrong, those on the side of the police and those against them. This sense of the truth and lies being naturalistically determined echoes earlier descriptions of the police (Banton 1964) and stems from an absolutist ethical philosophy akin to Kantian deontology (Kant 1998). I suggest that it fits well with the Dixon-Dogan naturalist-structuralist, or homo hierarchus, reality paradigm for the police as individuals and as an organisation (Dixon & Dogan 2003).

The espoused values of the police can be described as lies in accordance with Bion's (1970) view, and I demonstrated in Chapter 3.23 that the telos or essential purpose of the police was schismatic. The history of the police was mythologised from its Peelian conception to the way in which the good natured and benignly helpful Dixonian Bobby (McLaughlin 2005) came to symbolise the British national character in much the same way as Canadian Mounties symbolise frontier grit and determination by 'always getting their man' (Mawby 1999). Officers like me joined the police with this in mind, desirous of being a force for good in society (Elntib & Milincic 2021) and perhaps adopting the unofficial lie that the police are here for that purpose alone. The way in which the College of Policing (2022b), the Police Federation (2018) and the press (Mawby & Reiner 1998; Reiner 2000) knowingly maintain this comforting lie allows everyone in the UK to preserve the defensive deceit of police mythology against the reality of contemporary policing. Jacques (1955) speaks about humans experiencing a mundane life in organisations which is about meeting the day-to-day requirements of the espoused values and turning a blind eye to the violent, oppressive, conservatism of the police (Wall & Linnemann 2020). A schematic telos was dissected when considering what it meant to commit a crime, quoting Bertolt Brecht's Threepenny Opera slogan "What is robbing a bank, compared to founding one?" Žižek (2014:95) invites our reflection on the possibility that the true nature of the police was the maintenance of the capitalist status quo and protecting societal elites from the ever-present danger of a proletarian realisation of the power in collective action.

Bion (1970) spoke about a deeper or true lie which existed in addition to the surface lie which officers appeared to adopt to make it through the day. The deeper lie was known by officers to be untrue but had to be continually refreshed and reinforced as it was their protection against the much deeper schism between organisational and personal values discussed in Chapter 5.3 without which they suffered significant psychological harm. Jacques (1995) recognised this deeper lie as the work done subconsciously to identify those phenomena, generated by the nature of work itself, which may be deeply harmful to police officers if they did not create falsehoods behind which to hide. This true lie underpinned police basic assumptions and was promulgated, not by official means, but by storytelling and behaviours (van Hulst & Tsoukas 2021) which took place behind the Blue Wall of Silence (Westmarland & Rowe 2016) as they were meant for police eyes only. I have always framed this concept around the 1963 film *Zulu* and its representation of the battle at Rorke's drift in that the perceived wisdom in policing emphasises that to reveal anything to outsiders would only 'upset civilians at their breakfast' (*Zulu* 1963) in much the same way as a massacre of Victorian soldiers would have shattered the illusion of an omnipotent British Empire. The data suggested that the psychological maintenance of the true lie similarly protected the police themselves from the psychological impact which arose when they realised that there was a chasm between the espoused values and the basic assumptions of the service they held so dear.

## 8.22 The Emotional Labour of Policing

The tension for police officers of balancing the espoused values of their organisation, which were essentially untruthful, and the deeper lies they told themselves to provide protection in the difficult and morally corrosive working environment described by Miller (2005) were manifested in the emotional labour required to overcome the psychological protection phenomenon of the Blue Wall of Silence (Conway & Westmarland 2021). In Chapters 3.34 and 5.42 I used the conceptual power of the gaze (Krips 2010) to muse on the psychology of officers who were suddenly caught in the spotlight and saw themselves, for the first time, contravening the basic assumptions which had guided their every step in the police. The story of the assault on the detainee in Chapter 5.42 and my attempt to deconstruct the psychological drivers for the emotions so obviously felt were a demonstration of the power associated with autoethnography as a research methodology. Much like Schien's description (Cockcroft 2014) of the layers of organisational culture, stories like this one can shade our view from the overwhelming glare of other datafied knowledge (Oosterloo & van Schie 2018) so that we can focus our attention on the deeper ontological and epistemological positions of

the officers as they struggled to survive the emotional trauma of balancing the organisation they had constructed in their minds (Armstrong 2005) with the terrifying real of an organisation which exerts emotional agency on them (Žižek 2008).

I therefore argue that psychological tension and emotional labour in officers was created by a continual subconscious battle between reality dispositions; surface acting to deal with the daily untruths of espoused police values and deep acting to sublimate the stories and narratives of what it means to be a real cop (van Gelderen et al 2017). This essential dishonesty at the heart of an organisation which has honesty as a core *raison d'être* led the police officers discussed in the data to seek refuge from external scrutiny and to resist oversight in multiple forms. It created and maintained the strongest doxa of defence for the police which was the Blue Wall of Silence (Nolan 2009) and the evident hostility towards Professional Standards teams and academia is an expression of that psychological struggle.

### 8.23 Police Arrogance

In the Triangle of Kakistocracy (Figure 1) and Chapter 5.43 I described this hostility to oversight as an observable arrogance in police behaviour exemplified by the attitude that they were beyond the gaze of the public, safe from oversight and scrutiny behind their blue shield and therefore the normal rules of public scrutiny did apply to them (Skolnick 2002; Laguna et al 2010). This arrogance was observable at street level in terms of the willingness of individual officers to dominate and control public interactions (Garland 2001) but was also evident as an organisational trope shown by the obsession the police had with establishing and maintaining control (Gilling 2016) throughout national and local policies, from public order to multiagency public protection. Police arrogance originated from ontological insecurity about their role which in turn arose from the daily psychodrama of police officers in maintaining the epistemological deceit to paper over the cracks of a schismatic telos. It led the police, individually and culturally, to seek expression of that arrogance and sense of superiority through an obsession with dominance, control, primacy and being 'othered' or apart (Loftus 2008) from the public services they work alongside daily.

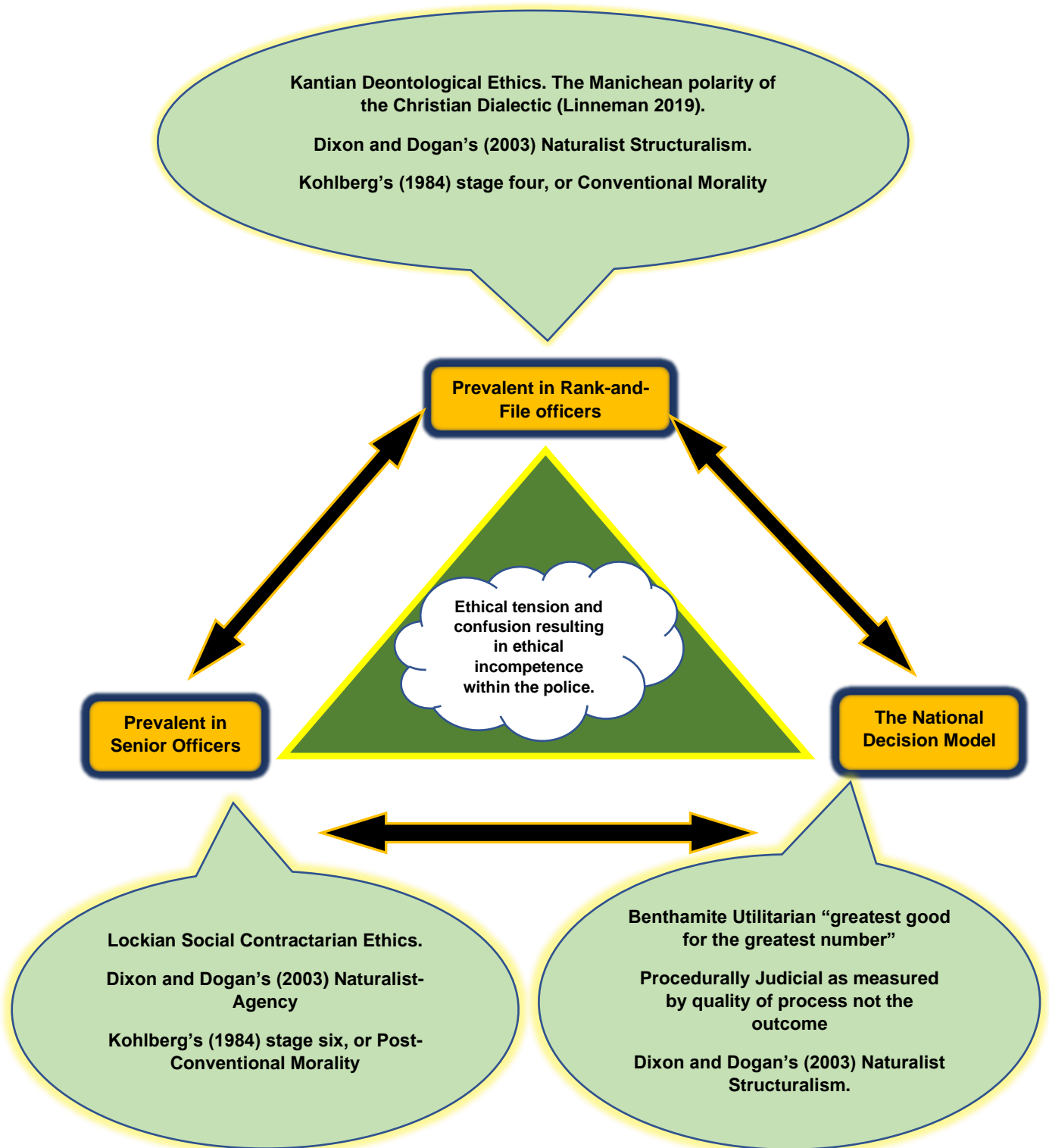
## 8.2 The Ethics of Implementation

### 8.31 The Ethical trihedral of Policing

In Chapter 6 on the ethics of implementing the Section 26 offence (Government 2015) in the police I presented the concept of, and evidence for, an ethical trihedral in the service which sets up tensions between ranks and with the espoused values of the organisation. This is represented in Figure 10 below.

The formal Code of Ethics (College of Policing 2014a) for the police service with its attendant standards of professional behaviour and policing principles provided an ethical framework which was mandated and sat at the centre of the national decision model (NDM) (Figure 2). The NDM (College of Policing 2017) was the mechanism for all decisions made by the police and was replicated in the Joint Emergency Services Interoperability Protocol (JESIP) decision model (Roycroft 2021) used by other emergency services. Theoretically all UK emergency service personnel, when operating in partnership strategically or in the tactical delivery of a major incident, should be working with the same decision-making process and from a coherent moral basis which in turn was founded on the Nolan Principles of public life (Government 1995; Chapman 2019). The purpose of such a system for the police was established in 2014 and was intended to standardise police responses to similar stimuli across time and geography. This replaced the reliance on professional expertise and trust in localised and individual police decisions which had existed for many years. The Code of Ethics and National Decision Model, I argue in Chapter 6.23, form a system of procedural justice within the police in much the same way as individual officers' discretion has been subsumed in police/public interactions to help standardise police responses and improve trust and confidence in the service (Maile et al 2022). The police have used procedural justice as part of the art of governmentality (Jessen & von Eggers 2020) to attempt to deliver the greatest good for the greatest number of people thus ensuring fairness and broadly similar outcomes across a range of diverse situations with reduced reliance on individual officers simply doing what they think is right.

**Figure 10. The Ethical Trihedral of Policing**



The consequentialism and utilitarianism of the National Decision Model and the Code of Ethics were demonstrated in the assessment of police in this statement, “risk decisions should, therefore, be judged by the quality of the decision making, not by the outcome” (College of Policing 2018:6). The emphasis on the quality of the decision-making process rather than the outcome placed the police in a position where, as long as they were seen to have applied the approved procedure, their personal ethical principles were never examined and indeed, the officers themselves were not required to develop self-knowledge or question their basic assumptions. This inaccuracy of self-examination and reflection (Brown 1986) was examined in Chapter 6.41 through the lens of the police cultural *métier* of sexist misogyny first identified by Hunt (1990). Using the Barbie Doll poster (Figure 5) and other stories I attempted to demonstrate in Chapter 6.4 that the espoused values of equality, diversity and candor are routinely and openly ignored in closed police spaces so that compliance with existing norms in such police-only environments outweighs the notions of ethical behaviour required by the official standards of professional behaviour.

I presented data in Chapter 6.32 and in Figure 4, stories about the policing links to rugby which informed my concept of a significant differential between the philosophical stance of many rank-and-file officers and the ethics of their more senior colleagues. I was noted that senior officers were felt to be corrupt by their junior colleagues because of their focus on self-advancement and ambition rather than a sense of duty to others. The reverse view from senior to more junior ranks was that they displayed naiveté and outdated notions of duty in failing to apply a naturalist-agency or *homo economicus* (Dixon & Dogan 2003) ethical position where one’s own needs and desires come first. As previously quoted, this was well demonstrated in the comment of a senior officer from my journal.

*“The problem with this job Brendan is that it is ridiculously over-ethical”.* NVivo Ref 2.6

This has resonance with Chapter 7 on managerialism within the police as the competitive individualism of neoliberalism views the *homo economicus* stance as advantageous and indeed virtuous in light of new public management governmentality (Grüning 2001; Gilling 2014). It is clear from the story about the rugby tickets in Chapter 6.32 that the senior officer quoted above was unwilling or unable to hold the scales of justice with an equal poise when considering their actions around a gratuity as compared to more junior officers. Thus, the belief amongst junior officers that their senior colleagues are corrupt is stoked by this type of ‘one rule for me and one rule for the rest’ hedonistic and contractarian behaviour.



When I considered my own rationale for joining the police and the story about the medal ceremony in Chapter 6.31, I was clear that I have held the same Kantian deontological and naturalist-structuralist ethical disposition (Dixon & Dogan 2003) as many rank-and-file officers for most of my police service and which was observed by MacVean & Neyroud (2012) and Sherman (1982). I still clung to them latterly as a psychological defense against the essential lie (Bion 1970) at the heart of what it meant to be a police officer. The sense of duty to the public, the Crown to whom I swore my attestation on becoming a constable, and to my police colleagues remained strong in me and it has been recognised it in police officers of all ranks as a form of self legitimising (Bradford & Quinton 2014), but I observed it to be less common in senior ranking colleagues. The official and espoused utilitarian consequentialist Code of Ethics and National Decision Model (College of Policing 2014a) was in tension with the Kantian deontology (Kant 1998) of many officers of junior rank as it was with the hedonistic naturalist-agency (Mill 2007 & 2018) of more senior ranks and together they formed an ethical trihedral in the police service as shown in figure 10. This trihedral is reminiscent of the morally misty vale of policing noted by Miller & Braswell (1992) and the balance between ideal and real decision making. Within this environment officers sought the impossible clarity of ethical high ground, a struggle which has been previously observed in officers by Ford (2003) as the phenomenon of saying one thing but doing another. Operating officially as a utilitarian on pain of disciplinary or criminal censure for corrupt or improper conduct against natural Kantian (1998) or Machiavellian (1515) philosophical dispositions created the same type of emotional and cognitive dissonance that was described in Chapter 5.3.

### 8.32 Character Ethics in Policing

The question of whether there is a better system of police ethics which might promote human flourishing without the need to remain deluded about the actual, real, present police service is beyond the scope of this thesis but is worthy of further study through the prism of the Kakistocratic Triangle model (Fig 1). I hypothesised in Chapter 6.43 that greater emphasis on virtue or feminist care ethics, such as the seven prima facie duties of Ross (2002) which teach that humans need to look at morality holistically and not fracture it into convenient pieces for police work, would produce officers who not only were seen to procedurally apply the National Decision Model, but were ethical beings by design and practice (Ford 2003). The original Greek meaning of Ethos was simply 'a habit', and Ross (2002) and Macintyre (2003) suggested that to become ethical by habit people must practice the art and deepen their understanding of philosophy so that they rationally develop their ethics as described by MacVean & Neyroud (2012). This particularist model (Dancy 1991) recognised

the importance of context for each decision enabling the police to be held to account, not through a monistic utilitarian model (Delattre 1996), but one in which police character is holistically considered and whether policing decisions uphold the prima facie duties of Fidelity, Reparation, Gratitude, Justice, Beneficence, Non-maleficence, and Self-improvement (Ross 2002).

The last duty of self-improvement emphasises our health, security, wisdom, moral goodness and happiness and this could be achieved by educating officers more effectively about the world and their place in it. Classical societies revered philosophy (Prior 2019) as an essential part of human learning and Theodore Roosevelt was apocryphally credited with the comment, “to educate a person in the mind but not in the morals is to educate a menace to society”. This accorded with my argument in Chapter 6.42 that the police were over trained and under-educated (Malone et al 1980). I demonstrated throughout Chapter 6 that, although the police received training in the Code of Ethics, it was still viewed as externally imposed and bears little resemblance to the stronger underlying moral doxa of policing. Knowledge of an ethical model and being legally required to adhere to that model does not in any way lead to the conclusion that officers act ethically in accordance with that model. The police, like all of us, are human-beings not human-doings and therefore expecting them to act in a given way simply because they are trained to is naïve. They may comply with the Code of Ethics but under pressure, as the ethical trihedral demonstrated, officers reverted to the inner guidance of their deeply held philosophical dispositions and sought to shoehorn those decisions into the National Decision Model format post hoc. The example of the assault by the inspector in Chapter 5.33 demonstrated the commonplace use of the NDM to justify incompetent actions after the event and was a reflection of the ethical struggle for officers in the moment that an incident unfolded.

### 8.33 Police Ethical Incompetence

I suggested in Chapter 6.44 that ethical conflict within officers, coupled with the anti-academic fear of oversight, explains apparent incompetence across the service and over-reliance on all forms of training. In novel situations training was found wanting (Belur et al 2020; Wolfe et al 2022) as it encouraged officers to apply blunt tools which exacerbated the issue and led to complaints and public dissatisfaction.

In the Triangle of Kakistocracy (Figure 1) I paired the ethical trihedral (Figure 10) and its problematic moral tensions with the concept of police incompetence because their over-reliance on training,

eschewing a deeper educational focus, means that the police were ethically unskilled and not morally competent (Bradford & Jackson 2016). As described above, the moral habit of behaviour and thought comes from a philosophical understanding of self, the drives, motivations and deeply held beliefs which derived from individual *Lebenswelt* (Habermas 1981). This cannot be arrived at by training but requires construction of reality from first principles and to persistently test an officer's knowledge and understanding of the world and their place within it. The education of a new generation of degree entry constables who have a proven ability in critical thinking may be a generational sea change for the whole service. It should no longer be acceptable do as you are told, because a critically aware officer would put to good use Kipling's six honest serving men whose names were "What and Why and When and How and Where and Who" (Kipling 2007:27).

Paterson (2011). Lumsden (2017), Brown (2020) and Rogers et al (2022) have begun the important work of evaluating the impact of higher educational entry requirements for the police service with early indications that the prevailing Kakistocratic police milieu I described is negatively impacting student officers through higher expectations on them. The direction of the National Police Chief's Council (2022) and College of Policing towards degree only entry to the police service will be worthy of ongoing study and evaluation and I suggest that the model I have devised from this research, the triangle of kakistocracy (Figure 1), may become a useful lens through which other academics could examine future research data on the burgeoning professionalisation of the police.

## 8.4 The Management of Implementation

### 8.41 The Self-Consuming Scylla

This section reiterates the observed differences in opinion between rank-and-file officers and senior managers but through the lens of neoliberal managerialism. To be clear on the difference between these two groups it should be stressed that The Police Act 1996 (Government 2011) makes it unlawful for a police officer to be a member of Trade Union and this has been the case in the UK since the Police Act of 1919 which also created the Police Federation (King 1988) as the statutory staff association for rank-and-file officers from Constable to Chief Inspector. The ability of the Federation to influence national policy making has been noticeably declining since 2010 as the Government's police reform agenda has been progressed (Holdaway 2017). In the US, by contrast, police unions hold a powerful position in the negotiation of local pay rates and in representing officers accused of misconduct. The growth of militantly unionised police forces has been a major

feature in the police response to 2020's Black Lives Matter protests (BBC News 2021c; Blum 2020; Joseph–Salisbury et al 2020) and has generated an increased desire for public access to information enabling scrutiny of police actions using so-called “sunshine laws” (Powell 2020:71). This burgeoning desire for access to police information in cases of police killings in the U.S. has led to the growth of police union membership in recent years (Bies 2017) which is contrary to the situation in England and Wales where the reputation of the Police Federation has been eroded over the same period (Mather & Siefert 2016) due to neoliberal pressure on trade unions and collective worker's power more generally.

The police management of the implementation of Section 26 (Government 2015) was deeply influenced by four decades of neoliberal managerialism through the imposition of New Public Management as the prevailing leadership *métier* (Newburn 2001; Lippi 2013; Hood & Dixon 2015). I introduced data in Chapter 7.21 of the Police Strategy Forum presenting itself as a networking exchange of evidence-based policing practice but, on attendance, it was quickly shown to be a marketised space for the sale and consumption of commodified policing activities and equipment. I also suggested in Chapter 7.22 that Bauman's (2013) liquid modernity could be used to explain how the police service has increasingly been undermined of much of its authority due to the societal erosion of the Lacanian big Other (Lacan 1981). The liquidation of an overarching big Other to make sense of the world and human inability to recrystallise a transcendental reality to replace it had, I argued, resulted in a police service which relied for its authority on a fragile network of internalised little Others of policing in the form of doxa, schema, stories, and ways of thinking that were iteratively passed between police generations to establish some sort of moral authority over and above the personal power of individual officers. These little Others of policing I called the self-consuming Scylla in Chapter 7.3 as they were the hollow remnants of a larger sense of moral authority, eroded after years of attack by the harms inherent in the individualistic competition espoused and encouraged by the capitalist pseudo-marketisation of the UK public services (Fisher 2009; Bakan 2012). The tensions created by manufacturing faux internal markets between departments and even sections within departments led to harmful and competitive behaviour as the neoliberal managerialist hegemony became compounded by cultural hypermasculinity and a need for managers to demonstrate personal dominance over others. I found it deeply risible to have this concept expressed to me in Chapter 7.33 by an ice cream seller in a remote car park as the CARE model of management i.e. ‘Cover Ass, Retain Employment’ as it neatly skewers the idea of every officer for themselves when it comes to maintaining their personal lifestyle and comfortable position in the organisation and in society.

#### 8.42 Hyper-Procedural Pseudo-Compliance

The CARE rationale and the example I gave of disagreements over how to deal with an officer accused of sexual misconduct in Chapter 7.41 were examples of my concept of hyper-procedural pseudo-compliance within the service. I used this term to encapsulate the sense of a pretend focus on the procedural justice associated with the police decision-making process which prevents it from producing consistent and rationally derived outcomes. In my data the desired outcome had been consciously or sub-consciously predetermined by the officer making an extrarational decision (Parsons 1995; Dror 1989; Etzioni 1999; Lasswell 1970) thus altering the process to reflect the desired outcome rather than one which a purely rational procedure might have otherwise delivered. I argued in Chapter 7.41 that there was evidence that the police used this process, intentionally or subliminally, to justify a pre-defined outcome. As I demonstrated in Chapter 7.23 it has also been constantly used by the Crown Prosecution Service (CPS) to justify not charging with the offence of Section 26 (Government 2015) through fear of budgetary impact and consequent criticism of overspend from senior police or CPS organisational managers or their political masters.

#### 8.43 Police Moral Cowardice

I termed this abjuration of correct procedure moral cowardice as I suggest that it stems from fear of personal criticism in a competitive neoliberal work environment as described by ultrarealists Hall & Winlow (2018) and Raymen & Kuldova (2021). The photographs I presented of the spoof 'Expectations of Leaders' poster (Figure 2) indicated that more junior ranks viewed the decision-making skills of their senior officers in poor light, especially the apparent ability to put morality to one side by having the courage and confidence to "make the right decision for your benefit" (Figure 2). I suggest this was a clear demonstration of the asymmetries of agency, responsibility and reason put forward by Tomkins et al (2020) and I argue that these asymmetries arise in the police from the neoliberal libertarian focus on the agency ontology preferred by Homo Economicus (Read 2022; Dixon 2010; Simpson 2018). Senior officers appeared to adopt the characteristics of Homo Economicus which favoured personal responsibility, blame and competitive individualism (Raymen 2019) over the more traditional deontological values of duty, honour and doing the right thing (Kant 1998; Hill 2012).

My data reaffirms the police as a rank obsessed service as described by Davis (2018) and indicates no diminution in police occupational stressors stemming from managerial frustrations more than operational trauma (Brown & Campbell 1990). The desacralisation of the police within society and the compulsory redundancy of older officers under regulation A19 (Bullock et al 2020; Cameron & Griffiths 2017) disproportionately affected those of higher rank and was driven by the rationale of national austerity policy (Caveney et al 2020). This, I suggest, cemented an element of fear within officers looking for promotion and solidified the power associated with compliance to the whims of those who promote as observed by Westmarland (2012). This was represented in my data by the story of the snow globe and the creation of a cosy environment in which management can be conducted with some fake snow, without recognising that this a false bounded rationality (Simon in Williamson 1981) which is rarely exposed to the ferocity of the real weather associated with life outside the police service.

The moral cowardice identified from the data was recognised by more junior officers and further deepened the chasm of trust between the rank and file and senior officers already examined in earlier ethical (Chapter 7) and psychological (Chapter 6) discussions. I have further linked moral cowardice in the Triangle of Kakistocracy (Figure 1) with the management of implementation in the police service and fear of criticism, and I suggest that it provides a rationale for the behavioural inertia in the implementation of the Section 26 offence since its inception in 2015.

## 8.5 The Kakistocracy of the Police

I believe that the answer to what happened in the police in response to the creation of the section 26 offence can be represented as an interaction between the psychology, ethics, and management of its implementation within policing. In Chapter 2.3 I discussed the wider literature around policy development and creation, evincing that the police implementation of Section 26 has been hard to notice, indeed one interpretation, noted in Chapter 1.2 was that it had been almost ignored by the police service. The outward expression of this failure in implementation is the minimal number of officers charged or convicted with the offence nationally (Northampton Chronicle 2022; Worcester News 2021; The Mirror 2019; Merseyside Police 2020) and I have reproduced in this thesis data on the views of officers whom I suggested in Chapter 5.22 held an 'honest cop belief' that police officers are inherently moral and therefore the requirement for an offence of Corrupt or Improper Practice was redundant. The official ethical foundations of the police are new grown and shallow, the College of Policing (2014) Code of Ethics is still in its infant nurture and, although taught to the police as a

Scheinian (2010) 'espoused value', I provided data to suggest that it has not yet become a basic assumption of the police (Schein 2010). Eight years on from its introduction the Code of Ethics (College of Policing 2014c) was still apparently perceived as an external imposition by many officers whom I refer to in my data and in Chapter 6.32. I suggest that this led to a failure of the police to embrace and fully implement the changes intended by the legislators of Section 26 (Government 2015). I set out evidence for a strong sense of arrogance in the police which is derived from a continued reliance on gut feel and the underlying mistrust of external oversight as noted in the literature and often termed the blue wall of silence (Loftus 2010; Nolan 2009; Silvestri 2017; Westmarland 2005; Westmarland 2013; Westmarland and Rowe 2016).

# Chapter 9

## Conclusions

### 9.1 Introduction

### 9.2 Literature Reviews

### 9.3 Methodology

### 9.4 Psychology of Implementing Section 26

### 9.5 Ethics of Implementing Section 26

### 9.6 Management of Implementing Section 26

### 9.7 Discussions

### 9.8 Summary Conclusions

### 9.1 Introduction

***“What happened within the police service when the Government created the offence of “Corrupt or Improper Practice” for police officers in Section 26 of the Criminal Justice and Courts Act 2015”***

This PhD has been a life changing experience for me. I have had the rare opportunity to read, learn and reflect on my career as a police officer in the immediate post-retirement period. I have also had the resource of my personal journal notes to look back on and deconstruct in a light of enquiry, which is very different from the light of expression in which they were written (Ellis and Bochner 2000). As an auto ethnographer I recognise that such extensive self-reflective notes are an unusual asset for a researcher who may often rely on hasty field notes or memory of incidents (Reed-Danahay 2009). My unexpected journey from policing into academia has occurred alongside the process of researching, thinking about, and writing the doctorate and has been a hugely enjoyable and challenging examination of myself and the police. Like Wakeman (2014), I find I am vastly altered because of the experience psychologically, ethically and behaviourally, having developed a *Lebenswelt* (Habermas 1981) which is much more inquisitive, questioning and ultimately leads to more fulfilling and happier life. As I conclude below, there are several aspects of the police service which could be improved but, as I near the end of my PhD, I believe the research process has arrested some of the sceptical drift (Dixon & Dogan 2004) which I was experiencing in my final days as a police officer where I experienced the overwhelming sense of despair described in Chapter 7.31.



I remain optimistic about the police service, the function it serves and the good it can do for society, and my newfound appreciation of the zemiotic impact of the police and its more negative aspects have rekindled the abiding affection I have for policing as a concept and police officers as a collective body. It was with this in mind that I started my academic career by designing and delivering a Professional Policing Degree Programme in which I hope to enable future generations of applicants to understand that it is eminently preferable to enter public service knowing that policing is not merely Manichean (Sheptycki 2022) and that it can be a life-affirming and enjoyable career whilst simultaneously understanding that the police service retains a residual dark side arising from its telos, Peelian genesis and contemporary execution. Using the research question above as a lens to observe the police, it has become increasingly apparent to me that the police service in the UK is vastly more nuanced and subtle than I had previously understood. This chapter is structured as a conclusion of each of the key chapters in the thesis.

## 9.2 Literature Reviews

I started this project by examining how and why the Section 26 offence (Government 2015) was created and the legislative and political hurdles its sponsors had to overcome to enable it to reach the statute book in 2015. Chapter 2, the Legal and Public Policy literature review, sets out the environment within which the decision to legislate on police corruption occurred. The moral panic (Cohen 1972) at the time, if indeed such a phenomenon can exist (Horsley 2017), arose from highly publicised cases of police wrongdoing such as the ‘Plebgate’ affair (BBC 2014a; Jones 2015) and the issue of undercover officers (BBC 2020; Walker & Hyland 2014). The need for reform of existing corruption legislation, to include an offence dealing directly with the corrupt actions of police officers, was felt to be justified by legislators as the only method of dealing with potential corruption before 2015 was through common law Perjury or Misconduct in Public Office and the new offence created a much wider sense of what police corruption might look like. I argued that the way in which the legislation was presented and passed through parliament, as a “Christmas Tree Bill” (Hansard, 2014, 6.19pm), all pointed towards kneejerk policy making to address a perceived issue. I explained this conclusion in Chapter 2.31 with discussion on the process of policy and legislative creation and the realisation that, to understand the success or failure of Section 26, a complex extrarational review of the legislators’ intentions is required (Parsons 1995; Dror 1989; Etzioni 1999; Lasswell 1970). I argued that an examination of deeply subjective intended and unintended outcomes should have taken place to mitigate the risk of the legislation being viewed by the police as invalid and

suggested that the reflexive nature of my research was well placed to look at key issues around policy implementation gaps and the cultural forces within the police service.

The second literature review Chapter builds on this by examining the cultural and personal factors surrounding police adoption of the new legislation in the context of criminological labelling theory (Becker 1963) and Cockcroft's (2017) deviance theories. In Chapter 3.2 I examined the literature on police culture and highlighted the modern view that it is complex and nuanced and not a monolithic and wholly negative influence (Loftus 2022). The English adherence to a 'Dixon of Dock Green' vision of the police (McLaughlin 2005) is presented as the potential cause of significant psychological and ethical stress in both officers and public as a result of a clash between this widely held fiction and the cruel reality of police work. Shearing and Marks (2011) suggest that modern policing has been portrayed as unchanging, a Peelian ideal, but the impact of neoliberal managerialism on the service has been largely ignored. The personal factors leading to corrupt conduct are discussed in terms of the rational choices (Phelan 1940; Becker 1963) that officers make in weighing potential cost against the self-beneficial gains from engaging in corruption. It draws in other ideas of irrational or arational Machiavellian (1515) behaviours amongst police officers and why holding contending reality dispositions can cause cognitive dissonance (Dixon 2010). I discussed the literature on Lacanian (1981) psychology and the power of the gaze in controlling police behaviours as well as the terror felt when faced with the concept of the Real (Lacan 2011) and how this is impacted by Raymen's (2019) notion of the death of the big Other. I introduced the Police National Decision Model (College of Policing 2017) and its underpinning Code of Ethics (College of Policing 2014a) as the single mechanism against which officers' actions are measured.

These literature reviews enlightened the research question which focussed the police implementation of the Section 26 legislation and such issues are described by Conklin (2006b:2) as "wicked problems" as they are so complex and with such diverse inputs that, as recognised by the Australian Public Service Commission (2007), they have no right or wrong outcomes and are ongoing by nature. The literature reviews helped to frame the various psychological, ethical, political, and social influences which have driven the evolution of policy making about police corruption since 2010 and resulted in the creation of the new offence of Corrupt or Improper Practice. In this thesis I have combined and connected theories of psychology, ethics, and managerialism in an original way and, in applying these theoretical lenses to the data, I have created space for new insights and inferences to be drawn from existing works. The literature reviews therefore guided my study to go beyond a socio-political examination of the implementation of a given law to examine the deeper

personal, organisational, and ethical reasons why the police have been demonstrably tardy in making use of the Section 26 counter-corruption legislation.

### 9.3 Methodology

In seeking an answer to the research question, I recognised early in the project that I was in a unique position in terms of my police service and having been head of a police Professional Standards Department (PSD). This research was an autoethnographic examination of my last two years as a serving police officer and my data consisted of reflections on the emotional and philosophical impact on me arising from by day-to-day interactions with police officers and recorded in my personal journals (Giddens 1991). This autoethnographic insider research (Coffey 1999) provided a rarely achievable original addition to knowledge on police corruption. Public trust and consent are vital to the British policing model, so divining esoteric police attitudes towards the harms perpetrated by abuses of their power is increasingly valuable in understanding police/public relationships (Macaulay & Rowe 2019).

There were ethical issues and concerns in researching a closed group like the police and I identified and acknowledged the extent of some of those difficulties (Skinns et al in Brunger et al 2016). Recognising that autoethnography has been unfairly characterised as unreliably subjective by the research community (Reed-Danahay 2009), I concluded that it is healthy for every police researcher to widen the debate on potential methodologies and keep under constant scrutiny the ethics of current approaches in light of societal and moral changes. In the final analysis as pointed out by Brunger et al (2016) the decision on what is ethical in research fieldwork is made on the spot by the researcher and, provided it is done without *mala fides*, it is likely to be good enough. My methodology identified key themes emerging from the data and I made a deliberate decision not to employ any quantitative data to triangulate or bolster (Creswell 1994) the rich descriptive narrative (Fletcher 1999) which I gained from my journal notes. I discuss the limitations of the autoethnographic methodology, sometimes stigmatised in the literature as egotistical omphaloskepsis, and the reasons why I believe it can transcend that label to produce deep and meaningful analysis of a very complex system.

In Chapter 4.4 I explained the process of coding the data using two methods. The first pass at the data was performed using deductive, top-down, topic coding (Richards 2014). I took key themes identified in the literature review and coded the data under the headings of Legal context, Public

Policy, Personal Factors and Police Culture. Whilst this was a useful process to become familiar with both coding and my data, I found it to be too blunt a tool to really describe the research material. I therefore started to create codes in secondary divisions and realised that the topic of police culture, for example, had to be dissected into a number of distinct cultures as it was not possible to conflate everything into one topic. I have discussed this with Professor Mike Rowe (2021) who described police culture as a 'Tupperware' issue, akin to putting leftover meals in the freezer for later consumption without labelling the containers. One is left with a chest freezer of police culture containing distinct elements or meals but until one opens each container and has a sniff, one has no idea which distinct element of the culture is being preserved, is it spaghetti bolognese or chilli? The Blue Wall of Silence or misogyny and sexism? The key to really understanding what is stored in this chest freezer called police culture is to take each Tupperware box out, identify and label it and this, it appeared to me, was the key purpose of coding the data. To achieve this granular analysis of the chest freezer I moved to the second type of coding, based on inductive reasoning, from grounded theory i.e., bottom up, which Richards (2014) terms analytical coding. In this process the naming of my codes arose organically from the data and felt much more grounded in the material leading to relationships between data trends and patterns which told a richer story than the deductive process had been capable of providing (Glaser 1992).

Between the two methods I created 27 different nodes in NVivo (Salahudin et al 2020) and I turned to Saldaña (2021) to become even more familiar with the data and what they were telling me by aggregating codes into groups or categories. For the final process of sorting and coding I felt that I had taken NVivo as far as it could go, and I needed to engage with my data manually and physically in a much more dynamic fashion to come to some final realisations about the meaning of it (Bazeley 2009). I used pens and Post-It notes to record the categories and codes and manually sorted them repeatedly over the period of a couple of weeks. Again and again, I read the source material of each coded item using Bazeley's (2009:10) "Describe-Compare-Relate" process and thought about the interactions before placing the notes in categories which began to resolve themselves into clear concepts. This manual analysis step helped me to consider the research question through the lens of public policy implementation and the data divided into three concepts which became my empirical Chapters, viz. the psychology of individual officers, the role of police ethics and the impact of managerialist mindsets on the implementation of the offence of Section 26, Corrupt or Improper Practice in the police service.

During the coding process my data clearly demonstrated the continuing power of the Blue Wall of Silence which has been consistently observed by police ethnographers (Skolnick 1966; Cain 1973; Van Maanen 1978; Bacon et al 2020; Bacon 2016; Loftus 2010; Westmarland & Conway 2020; Conway & Westmarland 2021). As the PhD research progressed, I uncovered the psychological impact of exposing the esoterica of the police on my own wellbeing. I recognised that my reluctance to write was driven by an unconscious but deeply disturbing sense of not wanting to expose police secrets. Since leaving the service I have met academics who tut knowingly and blame all the ills of the police on a wholly negative monolithic police culture but as someone who has marinated in that sauce for three decades, I experience the culture of the service as a complex stew of distinct flavours and textures which combine to create a meal in which some mouthfuls are delicious, and some are hard to swallow. This seems to accord with the more nuanced 'Tupperware' view of police culture that is being developed by long-time police observers such as Loftus (2022), Westmarland & Conway 2021, and Rowe (2021). Hypermasculinity, action orientation, cynicism, racism, and the Blue Wall are certainly noticeable in my data but, I argue, they are distinct and discrete elements of the whole and this nuanced understanding of police culture can only be achieved through the autoethnographic insider research (Coffey 1999) used in this thesis.

I am satisfied that my methodology is sound and that better results arose in analysing the data from a grounded approach rather than topic coding. If I could do the analysis again, I would start from a grounded position so that *a priori* knowledge from the literature review would not be able to influence the organic evolution of codes, categories and concepts from the data. I am confident that the time I spent as a *bricoleur* (Kincheloe 2011), becoming familiar with my data using NVivo and the added physical manipulation, has resulted in a thorough analysis which leads to sound theory development. The data led me to formulate three theories which are examined in the empirical Chapters.

**Theory 1.** The answer to the research question “what happened in the police when the government introduced Section 26” is not “fuck all” as I had originally thought. In fact, the police response to the adoption of such an exacting gaze and method of due process oversight is pragmatic, complex and nuanced, evolving from their dislike of such oversight. The conception of the impact of gaze on behaviour and accountability all add to the epistemological dichotomy between the nascent and externally imposed Code of Ethics and the organically evolving neoliberalism of policing in liquid modernity.

**Theory 2.** The concept of the gaze, both Lacanian and Foucauldian, could be used to examine how and why the police react to oversight in the emotional way that they do. It might explain some

aspects of key cultural icons like the Blue Wall of Silence and why the police perpetuate zemiocultural icons like misogyny and racism in the face of a Code of Ethics which prohibits and severely censures such conduct.

**Theory 3.** The official ethical foundation of the police, the Code of Ethics (College of Policing 2014) remains new grown and shallow. The College struggles to impose an ethical model on the organisation in the face of the impact of liquid modernity's neoliberal dismantling of a recognisable big Other within which policing can morally operate. Hegemonic managerialism is just one facet of this sense making process for the police and creates the epistemological dichotomy so keenly felt by police officers.

## 9.4 The Psychology of Implementing Section 26

In teasing out the data I found evidence in my own and others' attitudes to support the thesis of a strong belief amongst police officers about the essential honesty of their colleagues which was noted in the Mollen Report (Baer & Armao 1995). I call this assumption the 'honest cop belief' which forms a foundational schema within the service that all police officers are inherently good people doing a difficult job and can be trusted without question. The very concept of a police officer acting immorally was physically repulsive in the officers' recollections in Chapter 5.32 and I recalled that feeling myself. In my interview to be the Head of the Professional Standards Department I remember the positive impact of my statement that I loved the police service and any officer who damaged the reputation of the service that I loved would get short shrift from me. By the end of my 30-year career, my compassion fatigue was real (Davies et al 2022; Miller 2022) and I found myself to be unable to feel sympathy for victims and certainly not for offenders. All the more so if they were police offenders who had not just committed crimes against another humans, but in doing so had brought disrepute and public contempt onto an organisation for which I still had abiding affection. For those officers, I reserved double approbation and I therefore felt justified in essentially bullying them and punishing them for their actions, albeit through the procedural justice of the police disciplinary system (Tankebe 2008; Jackson et al 2014)..

I provide evidence of heavy police cynicism in Chapter 5.21 about the motives of legislators who introduced the Section 26 offence and deep mistrust that the new legislation was put in place to further political careers rather than make any appreciable change to the conduct of the police who were by nature 'honest cops'. The combination of an honest cop foundation with this cynicism of motive (Loftus 2009) is played out by the street level bureaucrats (Lipsky 1980) in the police and is

manifested as behavioural inertia in which officers either deny knowledge of the new offence or simply chose not to believe that such a thing exists. There was a recurring theme that, if officers considered the potential criminal ramifications of actions which may be considered corrupt or improper, they would be paralysed by fear of punishment into failing to act when the need arose. There was a gap between the conception and introduction of the new law and its implementation within the police service. The emotional impact of police work on officers cannot be overstated but the service remains in a state of denial due to the impact of hegemonic masculinity (Nolan 2009) and the prevailing belief that signs of emotion are weak and unmanly. I highlight examples of this in others but recognise in myself the impact of police complex spiral trauma (Papazoglou 2013) which goes unnoticed without significant introspection and self-examination.

As I demonstrated in Chapter 5.32 there is evidence that the police arrogantly view themselves through the *Lebenswelt* (Habermas 1981) of the Christian Dialectic in terms of being morally superior to the public they serve (Soares et al 2018a) and there is evidence that they feel they do not have to abide by the rules, hence the rejection of the new offence by simply failing to implement it effectively. The contrast between the heroic detective or public protector on one hand and the monstrous killer or violent protester on the other is not only a well-trodden dramatic device (Neocleous 2016) but frames the police through the monster and creates an ontological reality for the police themselves where the officer represents order and normality, and the monster becomes the embodiment of disorder and aberration (Braudy 2016; Soares et al 2018b). I used the story of an assaulted detainee in Chapter 5.33 to exemplify the emotional labour undertaken by officers in reporting the wrongdoing of a senior colleague and put forward the idea that this demonstrates the “paranoiagenic zoo” of Jacques (1995:344) within a police context. The dichotomy at the heart of the British policing model potentially stems from the original lie about its telos or fundamental reason for existence. Greenberg and Baron (1995:482) noted that “organisations often reward behaviours that violate ethical standards” and use the model of rewarding organisational counter norms which is described by Wolfe (1988:145) as “Madison Avenue Mentality”. This was an American cultural reference to the fact that Madison Avenue was the home of many famous advertising companies and became synonymous with using techniques which sought to elicit customer behaviour through unabashed manipulation of their emotions. In the context of the police service, and as used by Greenberg and Baron (1995), it is intended to convey the culture that any form of behaviour is acceptable provided it can be sold to the public as a necessary activity. These several points are summed up by Armstrong (2005) in his observations on British public service cultures and which apply to the concept of what’s real and what’s really real within the police service. Many police

officers experience cognitive dissonance between what the organisation officially states as the values, behaviours and the level of service which the public can expect, contrasted against the cultural norms and values, passed on by experienced colleagues, custom and practice which may be in stark contrast to the former. I concluded that it is personal uncertainty about what is expected and what is actually done, the difference between “what ought or ought not to be, as against what actually is or is not” Armstrong (2005:23) which is often externalised by staff as a preoccupation with values, professionalism and morality. The preoccupation and expectation that colleagues will act with integrity and professionalism, i.e. as honest cops, can be the cause of significant personal psychological distress for officers when they first perceive that not all their colleagues behave ethically (Punch 2009). Indeed, it may be more healthier for all officers to assume that their colleagues are not ethical at all i.e. a “dishonest cop” belief.

Chapter 5 introduced the use of the psychology of implementation as a lens to understand the unconscious processes at work in the lived experience of myself and other law enforcement officers. I conclude that this could be a valid tool for other researchers when considering why and how whistleblowing in all organisations appears to have such a significant impact on individuals who are wrestling with doing the right thing (Holgersson 2019). It helps us to recognise that there are day-to-day survival techniques used by members of many organisations, including police officers, to create a mythologised version of their organisations, themselves, and their roles and positions. By scrutinising this misalignment between reality paradigms, as exemplified by the inspector’s assault story, a form of hermeneutic sense-making can be brought to bear in analysing the psychological power of the myths and the force of the counter-whistle-blowing culture (Gabriel 2009). For all our fantasies about being actually or metaphorically observed by a Foucauldian internalised panopticon or all-seeing eye of universal conscience, or for that matter the self-reflexive Lacanian gaze, the devastating realisation may be that, in fact, there is simply no one effectively watching the police to affirm their existence and that they and we are all truly alone when we make our moral choices.

## 9.5 The Ethics of Implementing Section 26

In this Chapter I discuss the Code of Ethics (College of Policing 2014a) and the National Decision Model (College of Policing 2017) which the police in England and Wales are required to observe and argue that they form a disciplinary dispositive power (Foucault 2007) for the police themselves. I link this form of governmentality with the need for a strong perception of internal procedural justice (Donner et al 2015) before the police can view oversight and disciplinary power as ethical. Indeed,



the sense of mistrust and antipathy to the Professional Standards Units seemed to be a common theme in the service and when I carried out investigations into other forces or worked for HMIC as part of a specialist PSD inspection I vividly experienced this palpable hostility towards official oversight.

Developing the concept of a common police psychological belief in the ‘honest cop’, I found significant evidence of a differential by rank in who was seen as trustworthy in the organisation. I posit that rank-and-file officers tend to hold deontological ethical dispositions based around a Kantian sense of absolute right and wrong (Evans 2018) which dovetails with the psychological Manichean Christian dialectic (Linnemann 2019) which was observed in the Chapter 5.33. It was clear that junior officers almost universally believed that senior officers were selfish and behaved immorally, if not corruptly, in the pursuance of their own careers. I explained that senior officers can be seen demonstrating contractarian (Locke 1824) and consequentialist (Mill 2007 & 2018) ethical positions which are arguably hedonistic and based on the achievement of personal rather than organisational objectives. The mandated use of a highly utilitarian (Bentham 1789) organisational National Decision Model as an outgrowth of the police Code of Ethics creates a confusing ethical trihedral with the observed ethical positions of different ranks illustrated graphically in Figure 10. Linneman's (2019) Christian dialectic, and Laycock's (2015) Manichean milieu are a demonstration of the how the media, the public and the police view ‘the police’ in terms of being Saints or Sinners, and why the media, public and police therefore fail to address police ethical incompetence. My data highlights that mere training in ethics cannot capture the nuanced and complex recognition that the act of policing itself is ethically and morally precarious to both the police and the policed.

The data poses the question of whether the good done by policing can be quantified and can outweigh the zemiotic harm done by policing to the police themselves, the public, and society described by Linnemann (2022:1) as “the horror of police”. I conclude that we could continue, as a society, to accept the rhetorical police myth of bad apples, to maintain our ignorance, and therefore gain some moral good from policing by simply choosing to believe the Peelian principle that the police are there to help us by our own consent (Government 2012b). Alternatively, we could chose the more sophisticated but difficult path of living with the tension of a “good cop, bad cop” reality which in turn leads us to consider the alternative de-funding of the police which may be termed “no cop”.

If we are affected by the “complexities of human reactions” as suggested by Tremayne (1982:2), I argue that the ethical position of wilful blindness must be equally possible for the police and the public. In truth, the exacting standards demanded by the police Code of Ethics are unattainable by everyone in policing all the time, and therefore a failure of ethical implementation of Section 26 was inevitable under the prevailing ethical trihedral in policing.

## 9.6 The Management of Implementing Section 26

The appearance of the parody of police leadership expectations poster in the police station, coupled with the CARE model summary of police leadership given to me from outside the organisation in Chapter 7.33 synchronised well with the final example of police leadership as a snow globe. Throughout Chapter 7 there is evidence of differing influence from managerialism on the rank and file and more senior officers which is a recurrent theme in police research (Gilling 2014; Bacon 2019) and mirrors the ethical differences in Chapter 6 leading to the conclusion that the neoliberal *métier* directly leads to moral cowardice as individual competitiveness promotes the need to eschew responsibility for errors and therefore make decisions in the best interest of the individual rather than with deontological or utilitarian rigor.

I conclude that the snow globe is a useful and vivid visual metaphor for a revealed police managerial worldview or *Lebenswelt* (Habermas 1981). It represents a controlled and neatly bounded rationality isolated from the terrifyingly Real and chaotic wider world by a fragile membrane which serves to protect the police manager. The world outside the globe symbolises liquid modernity (Bauman & Tester 2001) in which the impact of neoliberal individualism has eroded the big Other (Hook 2008) to the point where it ceases to have continued influence and leaves the police in the position of having no moral or ethical authority from community-derived power. Sense can only be made of the wider world by the consideration of its symbolic and imagined structures which are constructed from weak residual little Others which, in the police are manifested and regenerated through storytelling and cultures (van Hulst & Tsoukas 2021). Inside the snow globe the police manager, it can be argued, remains blissfully unaware of the power of the real world but this self-delusional construction must include some fake snow to ensure managers can convince themselves that they are very cleverly and effectively handling the blizzard. As we saw from the Chapter 5 on the psychology of implementation when the snow globe cracks and those inside are exposed to the exterior atmosphere, the result is an alteration of worldview so catastrophic that it can shatter the psyche of the observers. In my journal I note that.

*"It is only now at the end of my career when I am adjusting to the idea of being  
"NOT US" but "OTHER" that I can start to glimpse the bubble from the outside."*

NVivo Ref 12.20

I conclude that the impact of managerial practice on the police mirrors the impact on wider society in that the diminution of a big Other (Žižek 2000) has led the police to exercise personal authority in the absence of moral authority, relying instead on individual character, use of force and the construction of myths which allow them to continue in their role (Delattre 1996). Instead, police stories, doxa, and schema chase their own tails in a whirlpool of oft-retold stories which demonstrate the managerial power of the individual over the power of a communitarian approach (Bell 1993 & 2001; Walzer 1990). This self-consuming Scylla forms the prevailing métier or milieu and nuanced cultures of the police service within which the management of implementing the introduction of the new offence of Corrupt or Improper Practice occurs.

## 9.7 Discussions

The key purpose of the discussion Chapter was to link the findings from my three empirical Chapters with the insights gained from the literature review by identifying the key original contributions that my research makes to the field of police research. The Honest Cop Belief (Chapter 5.22), the Ethical Trihedral (Fig 10), Hyper-Procedural Pseudo-Compliance (Chapter 8.42) are linked through the Triangle of Kakistocracy (Fig 1) which I present as an original model for other researchers to consider when examining the workings of the police.

I discuss my concept of the 'honest cop belief' which I contend is a powerful driver of police behaviours arising from the Manichean misconception that people are either good or evil (Linnemann 2019). This psychological assumption of police infallibility leads to the destructive emotional labour forced on some officers when their conception of the police service is shattered by another officer's misconduct, which I describe through the story of the assault by the Inspector in Chapter 5.41. I conclude that the arrogance so frequently observed in the police, for example their perception of ownership of public space activity and minorities as police property (Reiner 1992; Loftus et al 2021; Lee 1981), arises from this schismatic teleology and the insecurity it generates in the police themselves.

I present an Ethical Trihedral (Fig 10) as a means of conceptualising the ethical incompetence demonstrated by police arising from the confusion of working with three core reality dispositions. The key conclusion is that the police retain the dynamic of being over-trained and under-educated as described in Chapter 6.42 and can carry out their duties according to the police Code of Ethics (College of Policing 2014) whilst retaining malignant and harmful personal ethics.

I discuss the idea that the police, operating in Bauman's (2013) liquid modernity under the auspices of New Public Management (Butterfield et al 2005), have developed a tendency toward moral cowardice in their decision making. I discuss why my data indicates that senior officers are regularly described by their junior colleagues as corrupt due to a difference in ethical outlook and how this can lead to their use of hyper-procedural pseudo-compliance. This concept involves the police assiduously following policy and procedure to ensure that minimal criticism can be levelled whilst at the same time gaming the system to provide those outcomes which experience and gut feel dictate are correct.

I tie the three concepts together within the Triangle of Kakistocracy (Fig 1) as a potential model for exploring other police research and discuss how my data bring forth the three elements of moral cowardice, arrogance and incompetence as functions of the management, psychology and ethics present within the contemporary police service.

## 9.8 Summary of Conclusions

Rowe (2020) reviews in some depth the accountability of the UK police service through a revision of Romzek and Dubnick's (1987) model which encapsulates hard, soft, internal and external control mechanisms and stresses the difficult balance between external accountability, the consistent and fair application of police powers, and the exercise of individual officer discretion. The UK police clearly have a monopoly position in the exercise of their functions as pointed out by Stenning and Shearing (2018) even though the pluralisation of policing has been accelerated in recent years and there is no doubt that this highly discretionary application of monopoly power leads to the exceptional "clout of the British Bobby", advanced by Loader and Mulcahy (2003:69). The study of corruption within the police must be of wider importance to society as Klitgaard (1998) suggests that without suitable accountability and oversight processes, the pressure towards corruption will drive an identifiable set of beliefs and assumptions which will determine how the police behave operationally.

The data used for this thesis was collected within the police service from 2016 to 2018 and it is important to stress the rarity originality and value of my insider research when examining the contemporary policing environment. In September 2022, a new Commissioner of the Metropolitan Police Service, Sir Mark Rowley, was appointed and faced press questions about recent high profile police corruption cases within the Met and the fact that it was in special measures and seen as a failing force. It was reported that.

"Sir Mark also said the force needed "to be ruthless in rooting out those who are corrupting the integrity of the organisation; the racists, the misogynists". Among those, an off-duty police officer raped and murdered Sarah Everard, while two others photographed the bodies of murdered sisters Bibaa Henry and Nicole Smallman."

"Of course the organisation hasn't deliberately supported them, but unless leadership, culture, systems, technology, resources are all lined up to do it, then a wish doesn't become a reality and it hasn't been a reality."

"He added: "Everyone deserves a chance for an honest mistake but we can all see the difference between an honest mistake and toxic and corrupting behaviour."

"The commissioner said the force had let the public down as well as people within the organisation, the "good majority who come to work and do amazing things on behalf of the public day in and day out, and have been let down by their colleagues who have not been robustly dealt with, and let down by not being set up properly to succeed with their job.

That's what I'm trying to deal with". (BBC 2022b)

The Commissioner fell short of using the time-honoured phrase 'a few bad apples' (Punch, 1985, 2000, 2009) but apparently continued to cling to the concept that the "good majority" of officers have been let down by "colleagues who have not been appropriately dealt with". It is unclear how corrupt officers can let their colleagues down by failing to be properly dealt with and such an 'honest cop' view apparently avoids the thorny drivers for corruption uncovered in this research. I suggest that there are future research opportunities in all aspects of the current policing milieu and that the use of the Triangle of Kakistocracy as an analytical lens may prove a fruitful and innovative way in which to look at police corruption in a wider context than is currently the norm.

In my exploration of the research question, "what happened within the police service when the Government created the offence of Corrupt or Improper Practice for police officers in Section 26 of the Criminal Justice and Courts Act 2015?" I have been able to move beyond the obvious answer of "not very much". In examining my data, I have uncovered in myself and other police officers a series

of reasons for why implementation of the Act has been so stultified. The establishment of psychology/arrogance, ethics/incompetence, and management/moral cowardice as a framework for deconstructing phenomenological meaning from ethnographic police data has merit and is itself derived from two years' worth of observational data and a rich insider understanding of the police service and its complex, nuanced and hidden depths. It is this model and the insights from my data contained within this thesis that I offer as an original contribution to human knowledge with the desire that it be used to help define and construct a better police service than the one in which I served.

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# Appendix A

## SECTION 26 OF THE CRIMINAL JUSTICE AND COURTS ACT 2015

The full wording of the offence is taken from the Legislation.gov.uk website and is referenced in this thesis as Government. (2015e). Criminal Justice and Courts Act 2015. Legislation [Criminal Justice and Courts Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/2/section/26) (accessed 08/08/2022)

### Offence Wording

#### Section 26

##### **Corrupt or other improper exercise of police powers and privileges**

(1) A police constable listed in subsection (3) commits an offence if he or she—

- (a) exercises the powers and privileges of a constable improperly, and
- (b) knows or ought to know that the exercise is improper.

(2) A police constable guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both).

(3) The police constables referred to in subsection (1) are—

- (a) a constable of a police force in England and Wales;
- (b) a special constable for a police area in England and Wales;
- (c) a constable or special constable of the British Transport Police Force;
- (d) a constable of the Civil Nuclear Constabulary;
- (e) a constable of the Ministry of Defence Police;
- (f) a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable.

(4) For the purposes of this section, a police constable exercises the powers and privileges of a constable improperly if—

- (a) he or she exercises a power or privilege of a constable for the purpose of achieving—
  - (i) a benefit for himself or herself, or

- (ii) a benefit or a detriment for another person, and
- (b) a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.

(5) For the purposes of this section, a police constable is to be treated as exercising the powers and privileges of a constable improperly in the cases described in subsections (6) and (7).

(6) The first case is where—

- (a) the police constable fails to exercise a power or privilege of a constable,
- (b) the purpose of the failure is to achieve a benefit or detriment described in subsection (4)(a), and
- (c) a reasonable person would not expect a constable to fail to exercise the power or privilege for the purpose of achieving that benefit or detriment.

(7) The second case is where—

- (a) the police constable threatens to exercise, or not to exercise, a power or privilege of a constable,
- (b) the threat is made for the purpose of achieving a benefit or detriment described in subsection (4)(a), and
- (c) a reasonable person would not expect a constable to threaten to exercise, or not to exercise, the power or privilege for the purpose of achieving that benefit or detriment.

(8) An offence is committed under this section if the act or omission in question takes place in the United Kingdom or in United Kingdom waters.

(9) In this section—

- “benefit” and “detriment” mean any benefit or detriment, whether or not in money or other property and whether temporary or permanent;
- “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom's territorial sea.

(10) References in this section to exercising, or not exercising, the powers and privileges of a constable include performing, or not performing, the duties of a constable.

(11) Nothing in this section affects what constitutes the offence of misconduct in public office at common law in England and Wales or Northern Ireland.

**Commencement Information**

**11** [S. 26](#) in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 22](#)