PUBLIC SERVICE LEGITIMACY – A CROSSOVER WITH POLICING?

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Abstract

Legitimacy is an important consideration for any business, but within monopoly, public services – especially policing – is critical in order to retain public support and gain trust and confidence. The murder of George Floyd and subsequent Black Lives Matter movement highlighted the fragility of that legitimacy.

Every single public sector worker, every contact and every action by those actors can make a difference to how those services are viewed. In law enforcement, this has a wider impact as discussed by Stenkamp et al (2021) '…if people feel that [law enforcement]… behaves in a procedurally just manner, it will be deemed legitimate, resulting in greater voluntary compliance with its orders and instructions…' (p. 7).

Every individual employee has a responsibility themselves, but this is amplified for public service leaders to ensure that the training received by their staff is effective in meeting learning outcomes, ultimately resulting in ethical decision-making in every situation.

In 2020, significant changes were made to recruitment routes into policing (College of Policing, 2020). These changes fundamentally shifted initial police officer training with many new recruits now attending university for at least part of their training. However, there was no academic evidence-base of how the current training affects ethical decision-making, nor the efficacy of the current training provision to achieve this outcome.

In this study, the primary research questions were:

1. How effective is current initial police training in shaping the ways in which student officers subsequently make decisions?
2. Is there alignment between policy intent and practice in the use of the College of Policing Code of Ethics by student officers in their everyday decision-making post-training?
3. Does student police officer decision-making change between three specific time junctures (their first week after joining the service; immediately after initial training, and six months later after becoming independent patrol officers)?

A qualitative, longitudinal approach was undertaken using semi-structured interviews, coupled with three vignettes (ethical dilemmas) with new, student police officers. The interviews were thematically analysed to identify key themes and sub-themes that were common across participants/interview junctures.

Six major themes and fourteen sub-themes were identified. The principal findings showed that:

- The teaching of ethics at initial training led only to student officers learning about the meaning of ethics, rather than them becoming more ethical;
- Experienced officers have a much greater impact on student officers than the training that those officers received;
- Use of the National Decision Model (NDM) – the model used across policing in England & Wales – diminishes over time; the opposite to what one would expect/hope to see;
- Knowledge of the Code of Ethics by new officers is limited and, in some cases, non-existent.

Several recommendations are made for policing which will resonate with other public service leaders, including a review of recruitment processes; a focus on regular top-up training, and the use of ethical dilemmas to facilitate such training.

Introduction

> *Police departments must gain their legitimacy – and keep it – through an ongoing daily dialogue about the moral basis of what police do. Police must persuade the public, as well as themselves, of the moral rightness of their work, their decisions, and their systems for hiring and retaining individuals who make those decisions.*
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> (Bottoms & Tankebe, 2012 cited in Sherman, 2020, p. 8)

In his book Humanity: a moral history of the twentieth century, Glover (2001) talked about some of the atrocities in modern times – from the Nazis, to Hiroshima, to Apartheid. But a recurring theme in his book was the role of the police: at times acting as the strong-arm of Government or as the secret police in Moscow, and at other times as critical actors to secure the safety and security of everyday citizens. Perhaps the most striking part of his oratory on the police was his realisation that without trust in the police and wider public services, modern life as we know it would be difficult (p. 335).

The world of UK-policing is one that is forever-changing; from stop search to human rights, and more recently, ethics and sexual harassment[1]. But this forever-changing nature is important; it ensures that policing and those responsible for its delivery remain current and constantly evolve to provide the very best service to the communities that they serve. Inquiries into police misconduct or identified deficiencies and subsequent police reform are of course not restricted to UK-policing but are commonplace on the worldwide stage. (Alain 2004 cites nine enquiries over ten years in the Canadian province of Quebec alone (p. 40)). However, the UK has seen its share of inquiries from the Taylor Inquiry (Hillsborough), 1990; the Macpherson Inquiry (Stephen Lawrence), 18 1999, to the Jay report into child abuse in Rotherham, and more recently, the Undercover Policing Inquiry, 2018.

The way that the police are seen and operate across the world matters now more than ever. The expansion of the internet and more recently social media mean that things that go wrong or are dealt with badly in one country can have a significant impact in other places in the world. This was never truer than with the recent death of George Floyd in the USA which sparked the Black Lives Matter movement (BBC, 2020). Twitter saw the hashtag #BlackLivesMatter rise from under 100,000 mentions at the beginning of 2020 to 8.8 million uses of the hashtag on 28 May 2020 – three days after the death of Floyd (Pew Research Center, 2000). Riots took place in all major cities across the UK (The Guardian, 2020) with many calling to defund the police; a term used to divert money from policing into other services such as housing, employment, health and social care (The Guardian, 2020). This response is testament to the almost immediate exchange of news, information and opinion and the resultant global response to what was viewed as an injustice within policing in the USA.

Culture, police education and ongoing supervision of police officers are all critical to ensuring that the legitimacy of those officers is maintained and strengthened. And this is true not only in policing, but in all public services. The simple fact is that if the public are dissatisfied with the service that they receive from a public service, they do not have the option to chose a

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[1] A search on Scopus for the terms 'police' + 'ethics' resulted in 2923 hits in 2020, compared with 1139 in 2010, and only 198 in 2000. The amount of research undertaken has continued to grow each year. Similarly, a search for the terms police + sexual harassment yielded 566 hits for 2020 compared with 185 in 2010 and only 45 in 2000.

different provider – as they would perhaps with their local supermarket or even to a degree, their medical provider – those essential, monopoly public services are therefore charged with an even greater responsibility to ensure that the services they provide are open to scrutiny; transparent and above all of the highest quality.

In mid-2018 within UK Policing, the College launched the Policing Education Qualifications Framework (PEQF) to ensure that policing, at all levels, has the correct national educational levels (College of Policing, 2018). PEQF enables all 43 Home Office[2] forces to have the option to recruit new officers in one of two principal ways (there are subcategories, but these broadly fall into the two listed): either as a university undergraduate or as an apprentice. Apprentices follow an initial training course which is much broader than the previous IPLDP training. They will now follow a curriculum agreed, and in many cases, delivered by Higher Education Institutes (HEIs) in partnership with forces. This results in student officers graduating with a level six qualification after three years. University/HEI graduates are differentiated into two groups: those with a policing degree, and those with a non-policing degree. Graduates who enter with a non-policing degree follow a similar path to the apprenticeship route but without the requirement to complete a final year dissertation. By the end of their training, all new police officer recruits will have a level 6 policing qualification.

Whether the changes discussed are for the better or worse, and regardless of the drivers behind them, the change in the way in which initial police training is delivered from the previous model to the new PEQF training model should not be underestimated (Thornton, 2018). From 1 January 2020, all police officers in England & Wales have, or will be working towards an undergraduate degree in policing or a similar field.

These changes have created both an opportunity and trepidation. The predicament in which many forces find themselves is that whilst their syllabuses and training departments have existed since 2005[3], the vast majority have not conducted any comprehensive review of the effectiveness of their current training[4]. For example, does training 'the Theft Act' in a certain way mean that the officers receiving that training are able to identify, interpret and effectively investigate incidents of theft that they are called to during the course of their careers? The evidence-base showing what works simply does not exist.

Significantly, the teaching and learning of 'ethics' and the way in which decisions are made based on ethics, has not been rigorously tested. Whilst forces may not prioritise ensuring a strong evidence-base in this area, favouring perhaps the basics of the Law, we have already seen the gargantuan impact that not policing with legitimacy, transparency and morality has on communities and their subsequent view of the police in the Black Lives Matter protests. Peace (2006) concurs with this assessment stating that '…overburden[ing the curriculum for new police officers] with "hard", technical aspects of law and procedures…[and] exclusion of the "softer" aspects such as problem analysis…could leave an empathy void in… officers' skills' (p. 343).

However, despite the lessons of history, it is difficult for one to negatively judge police forces on what could be perceived as lack of planning, or a lack of awareness of past mistakes and

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[2] Home Office force' is a term used to describe the 43 police territorial police forces of England & Wales that receive their funding directly from the Home Office – see:
https://www.college.police.uk/About/Copyright_Licensing/Pages/Home-Office-police-forces.aspx (College of Policing, 2020a).
[3] This was when the departments were established following the decentralisation of training from Centrex – one of the predecessors to the National Police Improvement Agency (NPIA) which pre-dated the College of Policing.
[4] It is accepted that the reason for introducing PEQF is standardisation, and to move the training to evidence-based practice and critical-thinking.

pertinent research. So much of forces' efforts have been focused on working with universities to ensure that the courses being offered are appropriate, and commissioning them to provide apprenticeship and professional practice courses. Additionally, when discussing ethics specifically, the Code of Ethics (2014) was launched across policing in July 2014 so has only been a part of police training for seven years (Home Office, 2014). Furthermore, the backdrop of austerity over recent years has meant that many forces have not recruited, and by inference therefore not trained any new recruits until 2018, resulting in there being very little – if any – opportunity for forces to review the outcomes of their specific training on ethics for student officers[5].

Literature review

For years, the world of business has viewed ethics and business as synonymous (Awasthi, 2008). There is also significant research within the medical profession (Deshpande (2009); Grindstone-Amado (2006); Lutzen et al. (2000); and Oberle & Hughes (2001)) showing a disconnect between the ethical decision-making of doctors and that of their nursing counterparts.

There is a wealth of research on ethics, decision-making and significant research in ethics more generally within other areas such as the business world. However, even on the international stage, policing has only seen pockets of research with very few authors discussing the efficacy of police internal training and associated outcomes for ethical decision-making. In his recent book Black Box Thinking, Matthew Syed (2015) questions how often we test our policies and strategies, highlighting that randomised trials to test the efficacy of these policies and procedures in medicine are commonplace but scarcely exist in criminal justice (p. 178).

The requirement for robust ethical decision-making which puts police integrity at the heart of police internal training was highlighted as a recommendation in the Rampart Inquiry (2000) following the identification of widespread corruption within the Rampart region of Los Angeles Police Department (LAPD). This damning report (Newton et al., 2000) into the actions of the third-largest municipal police department in the USA showed what the LAPD Police Chief called the worst corruption scandal in the history of the force, where officers were found to be carrying out criminal acts. The Rampart Report (2000) is cited by many academics worldwide including in the UK such as Neyroud & Beckley (2001), perhaps because of its wide-ranging findings and subsequent recommendations to prevent corruption and improve police legitimacy. Central to this was the finding that 'ethics remains almost an afterthought in the training of the City's police officers' (Rampart Report, 2000, p. 7). One of the recommendations of the Rampart Report (2000) was '…we must develop a comprehensive training program on ethics, integrity, mentoring, and leadership'. (p. 350). The report also specifically mentioned decision-making strategies.

Despite numerous calls over many decades arguing that decision-making is critical (some even specifically mentioning ethics), consistent training delivery and efficacy and outcome of police training in terms of ethical decision-making has not been academically measured, or at least, not publicly/academically published. This was further reinforced by a Scopus (2021) search for the terms: police, ethics, training and efficacy keywords which only found 1,124 academic texts worldwide, and fewer than 200 such academic references in the United Kingdom.

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[5] It could also be argued that forces have had ample opportunity to carry out similar research since this time with the existing workforce. However, there is no academically robust literature to suggest that this has been undertaken

It has been suggested that one of the most powerful aesthetics of police culture is the sense of solidarity shared by its members (Manning,1977, p. 83). This solidarity is introduced as part of the police academy training[6], is enhanced in the rookies' first encounter with the occupation (where values, norms and a shared belief system are established), strengthened by the nature of the work itself, and transmitted by the shared relationships (Kingshott, 2003). Within policing, Chan (1996) has been prominent in the field of culture within the police service both in Australia and other parts of the world. In 1996, Chan (1996) noted at this time that 'police culture ha[d] become a convenient label for a range of negative values, attitudes, and practice norms among police officers' (p. 110). Chan's work is important in conceptualising police culture and details the link between what Chan describes as the 'field' of policing and police organisational knowledge. Significantly, Chan (1996) criticised existing theory on police culture in four major ways[7]. In later years and in the context of UK-policing, culture within the police service is something that the Chief Inspector of Constabulary for England & Wales, Sir Thomas Winsor recently drew upon in his annual State of Policing report. Winsor (2018) said that '…the police service's cultural strength is also the source of one of its most persistent weaknesses' (p.11). Winsor cites the police service in general, lacking the ability to self-reform due to the enduring willingness of frontline officers to make the best of the situation in which they find themselves.

Throughout the service, culture is seen as something that is critical to getting the job done and anecdotally, is one of the things commented on by new officers joining the service, similar to those joining the military (perhaps part of the reason that the service is seen as a vocation). Loftus (2009) concurs with this assessment concluding that whilst there have undoubtedly been changes in police culture, 'it would be erroneous to overstate the extent to which new emerging cultures have displaced the hegemonic police culture' (p. 193). Chan and colleagues further discuss police training and the effects of socialisation within the workplace culture: Chan et al. (2003) state, 'the conventional wisdom is that as recruits become integrated into the operational ('street cop') culture, they adopt…deviant practises' (p. iv). Chan et al. (2003) develop this further by stating that police culture is almost a breeding ground for unprofessional practises. Westmarland (2013) concurs with this view stating that regardless of senior officers' best intentions and clear professional ethical standards, police recruits are moulded and socialised by more experienced colleagues into the existing culture (p. 472). This was also a key message in Cockroft's (2012) work on police culture where he states that even improving training is unlikely to garner improvements in officer behaviour if internal pressures – for example from colleagues – exist to do things a certain way (p. 122). Charman (2017) is less proscriptive in her work but highlights that in terms of the individual(s) who have influenced them most during their first few years as a new police officer, 'overwhelmingly, tutors and police colleagues (in the form of the shift that they work with regularly) were evidenced as the most influential' (p. 220). There is a significant gap that exists in the literature about how training has an effect on ethics and the subsequent decision-making by police officers post-training.

The answer of how to achieve and sustain ethical decision-making by the 130,000+ police officers in England and Wales is a significant one, but answering the obvious question about what works within existing training provision is a critical starting-point. The need for a strong

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[6] US-based initial police training is conducted in a Police Academy.

[7] 21 Chan (1996) noted these as:
   i.   the failure of existing definitions of police culture to account for internal differentiation and jurisdictional differences;
   ii.   implicit passivity of police officers in the acculturation process;
   iii.   police culture's apparent insularity from the social, political, legal, and organizational context of policing, and
   iv.   an all-powerful, homogeneous and deterministic conception of the police culture insulated from the external environment leaves little scope for a cultural change.

empirical evidence-base has never been so important than at the present time, not least because of the recent fundamental changes to police training (introduction of PEQF) but also because police legitimacy is being questioned more than 56 ever in light of the killing of George Floyd in the USA in 2020 and the subsequent rise of the Black Lives Matter movement. There is also an intrinsic link and cross-over to the decision-making, ethical discussion, training, recruitment and culture across public services not only in the United Kingdom, but worldwide.

Method

The research was conducted using one qualitative method, looking at one specific area of the police service at three different junctures, from an equal starting point for all participants to minimise the variables insofar as was possible. There are some quantitative numbers throughout the research that have also been included where this added value. The research was undertaken in a single police force. For the most part, it was conducted by an individual researcher who is also a senior practitioner within the same police force. The student officer participants that were interviewed for the study all started their careers within the same police force, on the same date and in the same class in June 2018.

Semi-structured interviews were used as the principal research method, and those interviews were conducted longitudinally at three different junctures: time A, time B and time C .Those specific junctures were carefully chosen in order to identify any potential link between training and student officer decision-making. All of the interviews were recorded and fully transcribed. Thematic analysis (using the Braun & Clarke (2006) six stage model) was undertaken on the transcribed interviews, assisted by NVivo, and themes and subthemes were identified from the analysis.

The aims of the research were:

    i.   To evaluate the efficacy of internal police training on the way decisions are made; specifically, how those decisions are arrived at/the basis for those decisions amongst student police officers;

    ii.   To explore how, if at all, the training that student officers receive changes their decision-making;

    iii.   To examine whether student officers have freedom to change their minds without feeling constrained by colleagues, supervisors or other factors;

    iv.   To examine how significant a part, if at all, ethics and the Code of Ethics plays in student officer decision-making;

    v.   To examine whether the force ethics committee is well-known, understood and what part in plays in student officers' everyday decision-making.

The study was divided into three distinct junctures, dissevered naturally by the timetable of new police officers. These have been named Time A; Time B, and Time C for consistency throughout the study.

Time A (Week 1). The very start of police training when a new, student officer first walks into a police station/training facility to start their training.

Time B (Week 26). The week after those same student officers finish their initial training course; all classroom-based training as part of the Initial Police Learning Development Programme (IPLDP) including practical based scenarios and formal examinations will have all finished. Participants will have just started (or about to be starting) their tutorship period (the period where they work alongside an experienced officer to gain hands-on experience of undertaking a frontline policing role).

Time C (Week 52). A year after those same individuals started with the police service, by which time the officers will have completed all of their training and tutorship, and become fully independent (that is, have been signed-off as competent by the organisation to patrol on their own without constant supervision).

Ethical Vignettes

Three ethical dilemmas (vignettes) were used that were all real-life situations in which officers had found themselves in anonymous forces throughout England and Wales (see Appendix D – Semi-structured interview questions and probes). All of the dilemmas were police-based but did not require any pre-existing police knowledge or any legislative knowledge[8]. Moreover, they were intended to provoke challenge and elicit participants' opinion and importantly their reasons for arriving at these conclusions.

Findings

A total of 55 interviews with student police officers were conducted in this study. The interviews took place at key junctures within officers' policing service: week one – Time A; week 26 – Time B, and week 52 – Time C.

Semi-structured questions and ethical dilemmas (vignettes) were used for all interviews (Appendix D – Semi-structured interview questions and probes). Identical interview questions and ethical dilemmas were asked at each interview time (A, B & C). Conducting the interviews at these junctures and consistency in the question-set used enabled the researcher to qualitatively evaluate the impact and efficacy of training on participants' decision-making.

All interviews were subsequently fully transcribed and analysed using thematic analysis as described by Braun & Clarke (2006). The explanation and interpretation of these themes is contained within this chapter. Six major themes were identified through the research and fourteen subthemes associated with each.

The major themes were:

Theme 1   The Process of training that leads to decision-making;

Theme 2   Culture & decision-making – the effect of experienced colleagues; officers' feeling of public service, and how changing one's mind is perceived;

Theme 3   The ethics of decision-making – how much use is made of the NDM, and how well the decisions are communicated by the force;

Theme 4   Top down and bottom-up accountability – re. Discussions with managers/feedback etc.;

Theme 5   The tension between personal morality, politics and force policy;

Theme 6   Where are the ethics? – use of the Code of Ethics; off-duty matters, and latency of the force ethics committee.

Each theme and their sub-themes will now be presented in turn. Each sub-theme starts with a brief introduction about why the sub-theme is important. The findings for each sub-theme

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[8] It was felt that this was important so that participants' views were gained on the actual detail rather than on the policing activity itself. This was important as the focus was to understand what their decision was, and why the rationale behind why they arrived at that decision.

are also presented, together with a discussion at the end of each sub-theme. Relationships with other sub-themes are also highlighted.

Themes identified

Theme 1 – The process of training that leads to decision-making

Theme 1A – Classroom ethics – the teaching of ethics in the classroom leads only to knowing about ethics and not making individuals more ethical.

This theme showed the tension between knowing and being/doing. Participants were often able to articulate what was important but were less able to evidence acting in the way that they had articulated when operating within the workplace.

Overall, the training appeared to have little effect on the way that participants thought about the ethical dilemmas, or the way in which they came to their decisions for these dilemmas. This is consistent with Caldero et al.'s research (2018) which questioned whether we should be treating new officers as blank canvasses. The research showed that post-training, participants changed their minds several times and for different reasons, and did not use any decision model or ethical framework in order to justify or discuss their decision-making. This is despite the National Decision Model (NDM) being used during training, during practical sessions, and during participants' tutorship period.

This sub-theme showed that participants claimed that the training had an effect but there was a lack of evidence to show that this was the case. The participants were also unable to explain how the training had resulted in them making decisions differently across all interviews. The changes in opinions and approach across all three interviews could just as easily be explained by them following the lead of more experienced colleagues, or some other factor, than as a result of the training that they had received.

Theme 2 – Culture & Decision-making

Theme 2A – Experienced colleagues trump training – the most significant driver behind new officer decision-making is their experienced colleagues rather than training, their own ethics or any other factors.

The effect of non-supervisory, experienced officers on student officers/less experienced officers was clear to see by time C interviews. When asked why they review their decisions, participants said that the principal reason for reviewing them was 'after discussing with a colleague' (n10), whereas in the time B interviews, 'reflecting generally on the decision' was the most prevalent reason. This was a significant change from the time A and time B interviews.

The data showed an inverse correlation between participants' likelihood to tender an apology to the party-goers[9] and the length of time they had been in the police service. 33% (n6) attributed their change in decision-making to working alongside experienced police officers/culture, and 67% (n12) attributed their change in decision-making to some other factor in the service. The inference being that experience and culture within the service has had a far greater impact that the training that they had received, and thus their likelihood to apologise (only 17% (n3) mentioned training as being the principal factor for them changing their decision-making).

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[9] This was one of the ethical dilemmas that asked participants whether the party-goers had acted appropriately or whether they perceived the police had acted as they should.

It is notable that when participants were asked why they felt that their decision-making had changed, there was a shift between time B and time C interviews, with fewer attributing that change to the training that they had received in time C interviews than in time B interviews. This also correlated with more participants saying that they changed their decision as a result of discussing what to do with someone more experienced or senior. Whilst it is of great importance that student officers draw on the experience of those around them, and learn from them, it is concerning that some participants felt that this should be the principal driver behind their decision – rather than their own values, ethics or the training that they had received.

Theme 2B – Changed your mind? No problem! – there is a general acceptance of a changed decision/opinion; officers can change their minds without others perceiving it as a weakness.

The number of participants that said that they self-reflect on their decision-making diminished at each interview juncture. However, it did not appear that this was as a result of them perceiving that a changed decision is viewed negatively by the organisation or by their peers. There was a positive correlation between participants' length of service and how they perceived that a change in their decision is viewed, with 78% (n14) of participants saying that they perceived that changing your decision would be viewed as a positive by time C interviews (compared with 22% (n4) in time A interviews and 53% (n10) in time B interviews). Only one participant said that they perceived that this would be viewed negatively by time C interviews.

This theme clearly shows that if an individual feels able to change their opinions without prejudice or a negative impact on how they are viewed, they are more likely to do so. This contrasts with the findings of Reiner (2010) who talks about '…policy reforms producing at best cosmetic alterations' (p. 137) when discussing how he perceives that policy has not met its intended outcomes in reforming police culture. These findings show that the changes in police discipline regulations which have seen the police service move to a more learn from your mistakes culture from one that blames staff when things go wrong (Malthouse, 2020) have started to have an effect on the service and the way that decisions are made. Whilst these changes have only recently been enacted, they have been discussed and trialled in forces over the last three to four year.

Theme 2C – Officers become public servants – officers grow organically through experience, training and regular dealing with the public in terms of their feeling of 'duty' as a public servant, with this featuring more greatly as they become more experienced.

Whilst the purpose of this research was not to gauge participants' feeling of public service[10] in any way, this was a sub-theme that became apparent during the analysis phase. Public service/duty was not a standalone question within the research but was identified from in-depth analysis of the responses. This sub-theme was most apparent in participants' responses to the ethical dilemmas and the reasons that some participants gave for their responses therein.

The reasons behind this shift towards some participants becoming more public-focussed, or at least considering this more in their decision-making needs further explanation. Van Maanen's research (1975) which evidenced how new recruits adopt the perspective and views of experienced, long-serving officers may be an explanation, but further research is required to fully understand why this was the case. In conclusion, the longer participants do the job, the

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[10] When discussing the definition of public sector ethics, the term 'best serves the public's interests' is often used (Naamen et al., 2013, p. 123).

more that they consider the wider role and reputation of the police as public servants. This is a good thing, but it is not entirely clear from the research as to why this has happened. Whilst untested, this is also likely to be the case in other public sector organisations.

Theme 3 – The ethics of decision-making

Theme 3A – NDM use diminishes – the basis for decision-making has diminishing returns (NDM is not used by more than 33%).

As discussed in the literature review, the National Decision Model (NDM) is the principal decision-making model used in UK-policing. The NDM is a standalone lesson within the first week of training for all student officers but a theme that is continued throughout the 26-week training period and subsequent tutorship. The expectation is set at this juncture that student officers will learn and put into practice the NDM for all operational decisions.

Despite participants talking about the importance of the NDM, the term 'common sense' was used by participants far more by time C interviews than in time A and B interviews when discussing decision-making.

This sub-theme showed that the use of the NDM has diminishing returns correlated with time in employment in the police service. More (22%; n4) participants attributed their decisions to 'common sense', and fewer participants to using the NDM in the way it was intended by time C interviews. When the NDM was used, very few participants were able to articulate any meaningful knowledge or understanding about the Code of Ethics that is a key feature of the NDM.

It is striking that by time C interviews, not only did participants evidence using the NDM less, but they also concurred in terms of decision-making more with experienced colleagues, evidencing the effect of socialisation within the workplace as highlighted in the work of Chan et al. (2003, p. 220) when she talks about the adoption of existing culture and practices by new officers.

The more experienced participants became, the less they used the NDM. Despite participants claiming to use the NDM to make their decisions, this was clearly not the case, and almost all participants were unable to show a detailed understanding of the Code of Ethics upon which the NDM is based. Participants who said that they based their decisions on 'previous experience' were less consistent in their decision-making. And overall, in terms of decision-making, the effect of their training diminished over time.

Theme 3B – The why needs explaining – forcewide decisions are communicated well with staff, but the reasons behind those decisions less-so, which may affect individuals' decision-making detrimentally and/or affect their view of procedural justice within the force.

A multitude of forcewide decisions are made on a daily basis. These decisions are often collective decisions either by, or on behalf of Chief Officers. Many of these decisions go unnoticed by frontline staff and officers as they relate to finance, estate, procurement or some other important but relatively unseen area of policing. However, there are some decisions that are communicated regularly to staff on the frontline, the most prevalent – and perhaps contentious – being cancellations of rest days. There are other regular communications such as legislative amendments, policy changes or staff benefits, all of which are also publicised forcewide with a particular emphasis on frontline, operational staff.

The purpose of the question as to whether the force communicates the reasons behind their decisions or not was to ascertain whether staff perceived that the force followed their own

rules in effect: does the force give their rationale behind decisions as they expect their staff to, and if not, does this have any impact on staff feeling of procedural justice within the force. The inference is that this could have an impact on how compliant staff are with the NDM and their decision-making if they perceive that the force does not practise what they preach in this important area.

When participants talked about force decision-making, it was notable that there was a 50/50 split between those participants that thought that the force did publish their rationale and those who did not. Whilst this is a matter of fact – that is, one could easily review forcewide decisions and see whether the reasons behind these decisions were included or not – the fact that some believe the decisions are given, and some believe that they are not is an important point of note. Perhaps the method of communication, the wording of those communications, or some element needs to be changed or improved.

Critically, if the force does not explain their reasoning behind their decisions, their reasoning is left to supposition or conjecture by officers and there is a potential for a negative impact on procedural justice. This was evident in some of the responses by participants that used words such as unfair, and inconsistent. This was similar to the findings in research by Van Craen (2016) who said that '…when officers experience their supervisors explaining decisions to them, they observe accountability in action and experience the importance of this principle' (p. 6). Van Craen (2016) talked about how this has a positive effect on officers' actions when dealing with the public, as this encourages them to explain decisions and actions to citizens. Perhaps more importantly, Van Craen's research (2016) found that those officers also '…imitate internal procedural unfairness…' (p. 6) when dealing with the public if that is what they experience internally within the force.

Theme 4 – Top down and bottom-up accountability – re. Discussions with managers/feedback etc.

Participants' views of their experiences with supervisors were explored during the study; this was an important area to consider as several participants said that they referred things to their supervisors or learnt from them when making decisions. It was also felt that a supervisor can be extremely formative in the experience of student officers – both positively and negatively – and that some of the things that the supervisor teaches new officers at this point in their career can remain with them throughout their service.

By time C interviews – critically when student officers are independent but very inexperienced and on-shift alongside regular colleagues – only 33% (n6) of participants said that their supervisor 'generally' or 'regularly' discusses decision-making with them. If responses are narrowed to include only 'regularly', then the number drops to only 11% (n2) of participants.

Overall, the results showed a mixed picture in terms of supervisory oversight around decision-making which does not correlate with the force intention/desire. This mirrors the findings of Engel and Peterson (2013) who found significant differences between supervisors in the same police forces (p. 400).

These findings showed that supervisors are simply not having the effect that the organisation planned. The culture of 'he/she knows best because of time-served' prevails in too many instances and 'doing the right thing' diminished as a response to the overarching question of 'what do you base your decisions on' by time C interviews. This is unexpected considering that the intention of the training department is for critical-thinking and engendering standing-up for what is right. This could perhaps be explained by cultural acculturation (Sam & Berry (2010); Bacon (2013)).

In conclusion, generally, decision-making is not being discussed with or reviewed by the inexperienced participants. The more experienced participants became, the less likely they were to question the viewpoint of a more senior officer.

Theme 5 – The tension between personal morality, politics and force policy

Theme 5A – Police versus the public – participants start very clear in their decision-making but move to a more 'police-strong' view – culture takes over their initial views.

Participants were not specifically asked about whether they favoured the views of their colleagues in any question, nor were they asked specifically about whether they related more to the views of their colleagues rather than the public. However, as the interviews progressed, this sub-theme of a police-centric view by participants became more evident over several different questions and participants, specifically within the ethical dilemmas.

Participants' shift gradually across interviews to a more police-centric view was striking. Despite this being over three interview junctures, this was relatively quick in terms of time (within a year), and almost ubiquitous by time C interviews. By time C, there was a noticeable change in the way that the majority (83%; n15) of participants perceived the first ethical dilemma with a clear correlation between the number of participants who thought that the police had done the right thing and their increased length of service within the police.

In conclusion, within twelve months of becoming police officers the opinions of the participants had become far more defensive in favour of the police, even when the police had not complied with the Law themselves. Participants also seemed to be increasingly of the opinion that their individual interpretation of the Law was superior to that of wider reviews/lawyers etc. By the end of the twelve months, the participants were more readily able to rationalise doing things that they would have classed as unethical when they first joined. This extended to participants increasingly becoming unable to see things from a non-police perspective. This non-compliance with the Code of Ethics and NDM is a significant problem because of the level of power and autonomy afforded to PCs in applying the Law.

Theme 5B – Ethics versus the law – there is confusion over ethics/morality versus the law and how these two things co-exist and work together.

Participants were far clearer in time A interviews about the importance of justifiable, ethical decisions. However, there was evidence by time B interviews and a proliferation of comments by time C interviews, that showed that participants found the distinction between the law and ethics confusing, and at times indecipherable or even irrational to consider ethics and law in the same situation(s).

This confusion was seen to the highest degree in ethical dilemma 3, time C interviews, where a significant portion of the sample (44%; n8) were very confused about the conflation between the law, ethics and their own values. Some used the law to justify not doing CPR[11]; whilst others used the law to justify why they should do CPR. Despite the confusion amongst participants, this question did separate participants from each other, inasmuch as the majority of participants being very definite about which way they would go and using various justifications for doing so.

Overall, this sub-theme is an important finding for police training. It highlights the need to ensure that knowledge that is acquired within the classroom is applied in the expected way when that officer is conducting his/her everyday work. It is not enough for an individual to be

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[11] Whether or not to conduct CPR on a patient who had stopped breathing was one of the ethical dilemma vignettes.

able to talk through a scenario/respond in a specific way in a practical training scenario – the way that they respond to a real-life scenario needs to be tested to ensure the efficacy of the training, and ensure that the training is meeting its intended outcomes. In conclusion, this sub-theme showed that almost all of the participants struggled to differentiate between something being ethical and something being lawful.

Theme 5C – The personal impact of decisions – some officers feel hamstrung by concerns about the effect of their decisions on them as individuals, which can have an overriding bearing on the decision to which they come.

The initial aims of the question-set were not to specifically look at procedural justice or the role that the standards of professional behaviour played in officers' decision-making. However, an unanticipated finding from the research was this sub-theme. This showed that for some participants, underlying concern about their own jobs, incomes and the potential of getting fired dominated their decision-making.

There were clear views expressed throughout time B and C interviews by some participants who specifically mentioned how a decision would affect them personally. Some strongly inferred that this would result in them taking a different course of action or making a different decision as a direct result of their concerns about the potential adverse impact on them personally.

In conclusion, participants were very suspicious of PSD[12] 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'.

Theme 6 – Where are the ethics?

Theme 6A – A hidden ethical basis? – ethical decision-making is not overt in participants' decision-making rationale; that is not to say they are unethical, moreover ethics is not the 'golden thread' that was envisaged in training.

The Code of Ethics sits at the heart of the NDM. The expectation is that at each juncture around the pentagonal model, the decision-maker refers back and forth to the nationally agreed Code of Ethics (2014) throughout their decision-making.

When participants made decisions, there was little, if any evidence tendered of an ethical basis for those decisions. Only one participant across all three interviews overtly and specifically mentioned ethics in coming to his/her decision and in his/her rationale. And remarkably, in this example, he/she decided to go against what he/she perceived was ethical (notwithstanding the important part being that he/she had actually considered ethics in coming to the decision).

In summary, participants started their careers without overtly considering ethics and despite the training that they received, this lack of overt consideration for ethics continued throughout the first year of their service. The findings in this sub-theme concur with Cole's (1995) research which showed that students were not particularly influenced by the ethics course that they had taken. It also further confirms the work of Westmarland (2013) who found that even with ethical codes and training, it is difficult to get police officers to behave in a certain way based on that training.

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[12] Professional Standards' Department

The lack of ability by participants to articulate what is meant by the term ethics (other than to correlate it with a philosophy that is in-built within them, or a result of their upbringing) suggested that the ethical training they received since joining the police has not had the impact that was expected. In summary, participants' views on this topic were disparate and confused.

Theme 6B – Use of the Code of Ethics – the Code features less in participants' decisions as they get more experienced; whilst the term is mentioned, knowledge of the Code in any meaningful detail is limited.

There was an inverse correlation between the level of importance that participants placed on the Code and participants' length of police service by time B and C interviews.

Many participants said that they felt that one should already be ethical when they join the police and that the Code was therefore not a factor in the way that they now behave. Some participants said that they believed that the recruitment process should identify and remove any unethical individuals, inferring that all police officers would be ethical regardless of the existence of the Code and thus negating any necessity for a Code.

Notably, not a single person mentioned 'Code of Ethics' in their description of what 'ethics' meant to them in all time B interviews. By time C interviews, some participants openly said that they did not really remember much about the Code of Ethics and that they do use the NDM but that they just do not consider the middle bit (the Code of Ethics).

Participants generally believed that experience acted as the driver for becoming better at decisions rather than any other factor, for example having an in-depth knowledge of the Code of Ethics or utilising the NDM. And this was borne out by the findings. However, the question that could be asked is what if you're getting better and better at doing it incorrectly? That is, are those individuals becoming worse at decision-making or more regularly coming to the wrong decisions?

It appears that the main learning taken by participants from training was that the 'Code of Ethics is important', and that was the same line that was repeated regularly by participants despite them possessing little working knowledge of its content, and despite little to no overt use of the Code in any way by participants in their decision-making. There are a number of possible explanations for this: participants could be considering the Code of Ethics but not talking about it (in their subconscious); this could be 'ethical drift' as Kleinman (IBID) evidenced in her studies; or could be just a matter of socialisation into the workplace as highlighted by Charman (2017, p. 127) and Caldero et al. (2018, p. 63).

Theme 6C – Off-duty conduct is considered less – officers are less aware of the Code of Ethics in terms of how this affects them off-duty as they become more experienced.

In comparison to sub-theme 5C, officers became less aware of the potential personal impact of regulations and internal conduct legislation on them as individuals as their length of service increased, or at least did not feel this was important enough to raise during their interviews, despite several of them doing so in time A and B interviews (n3 in each interview).

The reason for this change was not explored and requires further research to fully explain. This is rather unexpected as anecdotally, one would have expected participants to have heard stories from existing officers, or by time C interview had been more aware of previous sanctions for officers for misconduct etc. Additionally, the cases that have been reported in local media are well-known; this is especially true for the recent case of the senior officers who

are were recently dismissed[13] from the force as this has featured across the BBC News network. Despite these cases, this was not mentioned in any way by time C interviews.

Theme 6D – Latency of ethics committee – the force ethics' committee is known to officers in general terms, however because of the lack of understanding about what the committee does/its purpose, this does little to promote procedural justice to new officers.

Greater numbers of the sample knew about the Committee's existence by time C interviews (83%; n15) than in time B interviews (42%; n8). This was despite no further training having taken place. It is therefore inferred that the knowledge about the Committee had either derived from having seen information on the force intranet (as evidenced by participant 20 in the findings above), the participants knowing about some change as a result of Committee recommendations, or by other officers talking about it, or potentially all three which is a positive thing.

That said, whilst participants were generally aware of the force Ethics Committee by their final interview, they had minimal understanding of the Committee or its role. The Committee needs to find a way to increase awareness of their existence and purpose, and for their importance to resonate more with new recruits.

Recommendations

There are many practical implications that police forces, the College of Policing, Home Office and Her Majesty's Inspectorate of Constabulary, Fire & Rescue Services (HMICFRS) should consider from this study. The most pertinent are:

1. All forces across England & Wales should adopt the College of Policing Code of Ethics and National Decision Model. This should be the sole basis for ethics and values for every force. This would create unanimity across forces in terms of training and recruitment, ensuring all forces maintain and work to the same standards.

2. Recruitment departments dealing with new officers' recruitment should consider how to specifically focus on attracting, recruiting and retaining those who have ethics that are in line with the College of Policing Code of Ethics, as this is not something that can generally be taught or imparted onto new officers in a training environment;

3. A comprehensive review of what training is currently given to student officers around ethics and ethical decision-making should be undertaken by the College of Policing. This would assist forces in understanding their current provision and importantly, the efficacy of that training in meeting policy intent. It would also create harmony across policing;

4. Ethics and specifically the Code of Ethics, need to play a more significant role in ongoing training within forces. The training should focus on the reasons behind decisions and how one comes to those decisions rather than discussing what is the correct or incorrect answer. This should be something that happens on at least a biennial basis. Vignettes/ethical dilemmas should be considered as well as practical-based training;

5. Practical-based training should specifically examine why the student officer came to their chosen outcome, and not just look at whether they came to the correct outcome. This will

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[13] At the time of the research, all of the officers were suspended from the force and the investigation was ongoing. That said, there was significant media coverage at this juncture.

ensure that knowledge from within a classroom-based setting is applied to practical activities and that this application is done in the correct way and for the correct reasons. There should be a specific focus on ethics, morality and how these juxtapose with applying the Law. This could be achieved thorough a debrief of the practical activity, and taking a collective view of participants' decisions across practical scenarios to ensure consistency and triangulate findings;

6. Supervisors at all levels need to proactivity discuss decision-making with their staff and give them regular feedback on decision-making, as opposed to solely doing this reactively post-incident. Reference should be made regularly to the National Decision Model and Code of Ethics, and should be given when the outcome is both good and bad and not just focus on 'learning' when there has been a perceived negative outcome;

7. Forces should be upfront with new recruits about what the job is about and the expectations on them, for example whether or not they will give references. This is particularly important for millennials who may not see a role in the police as a career for life. This is of great importance because three participants mentioned that they saw the force not providing a reference as a breach of mutual respect/trust between the force and the individual. This problem could be mitigated easily by managing expectations from the outset.

8. All forces need to consider how well they explain forcewide decisions, as this could have an impact on how procedural justice is perceived by their officers/staff. Forces should explain the rationale for forcewide decisions using the NDM format. By explaining decisions in this way, the force would set the standard for all staff by 'practising what they preach' and utilising the NDM in an identical way as to how they expect their own officers/staff to make decisions as individuals;

9. Forces need to consider how best to communicate with their own staff internally. It is worth forces and other people-based services noting that posters that are placed in the workplace are noticed by staff (this was mentioned by almost 30% of participants). Different mediums, including these more traditional methods – as oppose to digital channels – still remain relevant as a visual rhetoric to emphasise the importance of principal organisational messages.

Discussion

As cited by Sherman (1982) '…one way [to learn police ethics] is to learn on the job… these decisions are strongly influenced by peer group pressures, by personal self-interest, by passions and emotions in the heat of difficult situations' (p. 10). Sherman (1982) argues that this way of learning is very ineffective, and that the efficacy of ethical training is far greater if delivered from an objective perspective rather than using snap judgment.

Learning through experience is important, and it is important for non-supervisory, experienced officers within the force to understand the critical role that they play – often subtly – to new officers' development. However, ensuring that what is learnt in the training environment is the basis for important areas of policing such as decision-making is, arguably, of equal importance. It is only by ensuring that learning is translated into action that forces can prevent shortcomings such as ethical drift (Kleinman, 2006) or at the more serious end of the scalar, noble cause corruption. This is a point highlighted by Caldero et al. (2018) who argue that training is '…not simply a matter of a few hours of academy instruction on proper legal behaviour or ethical conduct' (p. 98), rather it is a matter of ongoing learning, re-training, role models and other factors. This is sacrosanct if ethical decision-making training is not to fall

into what Caldero et al. describe as '…that great reservoir of unapplied training knowledge that is shelved…' (IBID, p. 272).

A significant problem with relying on the ethics of non-supervisory, experienced officers is the potential for the current culture to pervade new, less experienced officers. This is perhaps true for not only ethics but more broadly. As Westmarland and Rowe (2018) highlight 'one of the main issues around the adherence to the blue code is the way group solidarity may prevent unethical behaviour coming to light due to its fostering of a 'no-snitch' culture' (p. 855). This finding by Westmarland and Rowe is perhaps evident in participants' diminished willingness to apologise to party-goers in ethical dilemma 1 as they became more socialised within the culture of the force (from time A to time B to time C interviews). Westmarland and Rowe (2018) talk about the importance of culture and that strategy (the Code of Ethics) will serve no useful purpose if cultural codes exist within the workplace that are not driven out.

Conclusion

This paper does not profess to be the bearer of all answers. Moreover, it provides a strong evidence-base for police forces throughout England & Wales and other public services to consider. It is important for those forces to note the research findings and ensure that the way in which they train their staff – both in initial police training and subsequent continued professional development – puts ethics and ethical decision-making at the very heart of the syllabuses. But equally important, that they consider their own evidence-base and what this is telling them about the efficacy of training within their own forces. As cited by Delattre et al. (2011) 'ethics learned in an academy will be forgotten if field training officers tell new police officers that it is irrelevant to the streets and to real police work' (p. 160). Without placing ethics at the very heart of all types of training, forces risk losing the legitimacy that has been the very foundation of policing since the early ninetieth century during the establishment of the Metropolitan police service.

It is therefore incumbent for all Chief Executive, Chief Constables, and Senior Leaders to ensure that ethics form a part of everyday business. And this research creates a firm evidence base that shows that solely adding an ethics module to initial police training or giving an input at a training day for non-supervisory, experienced officers, falls insurmountably short of that requirement. It is only with this truly all-encompassing approach to ethics, that one will be able to draw strong causal links between desired and actual outcomes in terms of embedding ethics and ethical decision-making throughout policing in England and Wales.

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