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by Plag Plag

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POLICING AND POLICE POWERS

Introduction

The basic responsibility of police service has been observed in protecting the public in the process of detecting and preventing crime. These duties are seen to be established in common law by the decisions of the court and it has also been observed that the police have the power of legislative and common law in order to execute it for the purpose of protecting the population. The information highlights that the police powers should have perfect compatibility with equalities legislation along with human rights. The police personnel are considered to be individually responsible for ensuring the fact that their power is lawful and at the same time necessary and proportionate.

They have a range of powers in order to collect evidence that is needed to identify the suspects along with supporting their effective and fair trial. In addition to this, the effectiveness of their power can be seen in maintaining public order while preventing the anti-social behaviour of the offenders. In regard to this, this particular essay has focused on identifying the accountability of the ¹ range of actions they perform within their daily work roles. In addition to this, investigating ensures the fact ¹ that the police act in a professional manner by serving the needs of the public.

Discussion

a. Discussion of the roles of police and crime commissioner, independent police complaint commission and the parliament of England in police accountability

- *Roles of Police and Crime Commissioner*

It can be seen that British policing activities are based on consent, which gives light to the fact that the ability of the police can be seen to carry out their functions, based on the actions and behaviour of the public. Due to this fact, accountability is known to be an essential component to ensure the responsiveness of police in order to protect the public. However, it has been noticed that several high-profile scandals have been able to strain this particular relationship and has given the focus on strengthening the accountability of police power (Ahrens and Ferry 2021). Going into the detailed discussion of the roles of police and crime commissioners (PCCs), it has been observed that they ⁴ are directly elected politicians. They are responsible for securing an effective and efficient police force for their particular area. A PCC is seen to represent each and every police force area in Wales and England without having any presence in Greater Manchester, London and West Yorkshire (Selby-Fell and Roach 2023). In these areas, the powers of the PCC are seen to be held by a mayor who has been elected.

The information highlights that the functions of PCC have been ⁵ set out in the *Police Reform and Social Responsibility Act of 2011* (Hudson, D., 2019). Some of their roles are:

- Securing effective and efficient police force in specific areas.
- Setting the crime objectives and police for their are with the help of crime plan and police.
- They have the ability to set the force budget along with determining the percept.
- PCC is responsible for contributing to international and national policing capabilities (Cooper, 2020).
- They also help in bringing together criminal safety partners and community safety.

On the other hand, it should be also mentioned that PCCs ⁸ are not actually responsible for operational policing, which have remained with the chief constables. According to the *Policing Protocol Order 2011*, it has been seen that a particular framework is there that is maintaining the relationship between Chief constables and PCC regarding their working procedure. In addition to this, this framework has stated that, in order to ensure accountability, PCC and the chief constable should work together in the process of safeguarding operational independence (Yesufu, 2021). Democratic accountability is seen to be exercised with the help of elected PCCs and they are also responsible for appointing, scrutinising and dismissing the chiefs. In many cases, some of the negative reviews can be found about the working process of the PCCs along with the politicisation of police governance. In regard to this, it should be mentioned that the relationship between PCCs and chief constables is another area of concern. The basic reason behind this is the lack of balances and checks on the power of PCCs.

In regard to this, it should be mentioned that the relationship between PCCs and chief constables is another area of concern. The basic reason behind this is the lack of balances and checks on the power of PCCs. It has been identified from the various resources that PCCs ensure the fact that community needs are met in an effective manner and at the same time improve local relationships in the process of restoring trust and building confidence (Javid and Morrell 2019). They are seen to work in partnership across a variety of industries at the national and local levels by developing a unified approach in the process of reducing and preventing crimes.

- *The Independent Police Complaints Commission*

In the process of investigating the role of the Independent Police Complaint Commission (IPCC), it has been observed that they exist in the process of increasing the confidence of the public in the police complaint system in Wales and England (Khan *et al.*, 2021). In addition to this, it has also been seen that their responsibilities also revolve around investigating serious

issues, complaints and allegations against the police along with handling appeals. According to *The Police Reform Act 2002*, the basic reason for setting up the IPCC talks about replacing the *Police Complaints Authority (PCA)* as a significant part of the police reform agenda of the UK government (Heaton and Tong 2022). Delving into the details of it, it can be seen that the IPCC has the specific powers that were lacking in its predecessors, in the process of deciding how the inquiries for a case investigation should be conducted. In addition to this, they have the power of carrying out the independent investigation along with carrying out the overall inspections. It has been identified that the powers have been able to extend the role of the commission's guardianship in the process of covering the integrity of the overall complaints system. Besides, the powers have been enhanced within the overall phenomenon in order to decide how it should be operated.

It has been observed that IPCC investigators have been able to meet the targets in the process of carrying out managed and independent investigations in an effective way. The legal duty of the IPCC talks about overseeing the whole of the complaint system and making changes happen in the guardianship role. Discussing it in a greater way, it should be mentioned that Guardianship is not actually about fancy packaging and self-promotion but it is known to be a requirement of the IPCC (The Independent Police Complaints Commission, 2022). It ensures the fact that the whole system is operating in a particular way in which the public can feel confident. In regard to this, the four components can be seen that are enriching the overall process of guardianship. Setting up, reviewing, monitoring and at the same time inspecting the standards in order to operate the police complaint system is part of the guardianship. In addition to this, it has the ability to promote confidence in the complaint system among national and regional stakeholders and the public. Besides, it also looks after the fact of building effective relations with the stakeholders. Guardianship is also able to ensure the accessibility of the complaint system along with drawing and promoting the lesson which is arising from the work of the IPCC.

It has been seen that IPCC is continuously working on the process of making access to the Complaint system comparatively easier for the public (Staddon, 2021). While taking the Complaints down by using telephone and information highlights that the commission is interested in extending access by utilising local organisations which can help the public complain. From different sources, it has been observed that the IPCC has been given a vote of confidence in order to have its power extended. This can help them to cover serious complaints which are made against the enforcement and investigative arms of the newly merged customs and HM revenue.

- The Parliament in England

The parliament of England is made up of 3 central elements that are dealing with the House of Commons, the House of Monarchy and the House of Lords. It has been seen that the main business of parliament usually happens in the houses and the decisions made in one house are needed to be approved by the other. While discussing the role of the UK parliament in the process of ensuring police accountability, it has been observed that scrutinising and challenging the work of the government is considered to be one of the significant works of Parliament. In addition to this, bringing changes in the legislation along with debating about the important issues of the day also get primary importance in the UK parliament. Apart from that the Parliament also gives a larger focus on checking and approving the government's spending such as budget and taxes. Going into the details of this discussion, it can be said that the Commons is publicly elected and the members of the Commons are able to debate the big political issues of the day along with developing the proposal for the new laws. Additionally, it has also been observed that the Commons is responsible alone in the process of making decisions about the financial bills which the Lords can consider but cannot block or amend. On the other hand, The House of Lords is known to be the second chamber of the parliament of England and is taken to be an independent entity complementing the work of the House of Commons. Going into the details, it can be said that the Lords usually share the task of making and shaping the laws along with challenging and checking the work of the government (Park, 2019). Academic evidence shows that the UK Parliament has a variety of waste in the process of informing policy making along with rising procedures, laws and legislation. Parliamentarians along with the parliamentary persons are seen to be interested in engineering and scientific expertise that is helpful for them to deal with the current issues of the parliamentary agenda. Data reveals that Parliament is there in order to represent the interest of the people and make sure that they are taken into account by the government of the UK (Colenutt, 2020). Because of this issue, the government is unable to make new laws or any kind of taxes without the agreement of the Parliament. It has also been identified that Parliament is made up of people who have been appointed and who have been elected in the process of sitting in two separate houses.

b. Investigation of the current system of police accountability ensuring their act to serve the needs of the public

Police accountability plays a major role towards addressing the various requirements of the public of the UK. With respect to this, the police force of the UK is responsible towards maintaining an adequate level of safety and security within the UK without any obstacles. A maximum part of the UK police force is associated with democratic accountability which is exercised by the means of electing police and crime commissioners (PCCs). However, in some areas, the mayor is accountable to do the same wherever it is required. The PCCs also appoint the chief constable of the forces in order to handle the complaints that are being made from the different territories of the UK. During the time of the elections, the PCCs become more active so as to handle any critical situations (Richards, 2023). This reflects that there the police force of the UK is observed to have huge support towards serving the public. Apart from this, the PCCs also formulate the appointment of the chief constable who ascertains the budgetary statement in terms of achieving the strategic objectives. The budget over here is considered to be the aggregate amount of funds that are required to be introduced within the police force in order to have an overall development of the same. Further, the chief constable also formulates the operational delivery in terms of setting the standards for national operations. In a broader sense, it can be stated that the chief constable develops the overall strategy by which the police forces are liable to be accountable towards their own responsibility.

Apart from the PCCs and Chief Constable the Home Secretary of the UK also sets the major capabilities that are required to face an international level of threat. This indicates that in case the UK is facing an international threat then the Home Ministry sets the strategies required to use in terms of meeting with the same. In simple words, it can be stated that during the time of international threat, the Home Ministry of the UK is accountable towards the development of the entire strategy to be followed (*The Strategic Policing Requirement*, 2023). Considering this, it can be stated that the Home Ministry of the UK is having the most important responsibility in terms of serving the requirements of the public at an international level.

However, it has been observed that the complaint processes within the UK police forces are relatively slower. At an average rate, it has been observed that it takes about 400 days to make a decision over the allegation of misconduct. As a result of this, there are various cases whose results have been declared after the dismissal (*UK parliament*, 2023). In the UK, most of the complaints are managed by the forces. For this reason, the senior officials of the forces are free from these small cases. As a result of this, the senior officials look after the major cases and threats to the country in order to maintain an adequate level of accountability towards their own responsibility.

In order to analyse the accountability of the current police system, to serve the needs of the public, The government has been seen to create a positive impact on PCCs. It has been able to give the local communities a stronger voice in the process of dealing with their situation. In a report provided by the *House of Commons Home Affairs*, it has been seen that the work is creating greater advantages in public accountability along with bringing clarity of leadership in policing (Jones and Lister 2019). Going into the details of it, identified data depicts the fact that public understanding and engagement of the public with PCCs are considered to be poor. The actual connection between the PCCs and the chief officers is not able to facilitate the effective management of police forces. In addition to this, it has been identified that PCCs are not effective and unable to provide strong leadership advice to the police forces and are considered to be ⁴ too parochial and struggling to drive collaboration between different forces on crimes across police borders. Some of the specific incidents involving PCCs that have received public attention about their ineffectiveness. Giving an example in this regard, it can be said that the PCCs for Cleveland and Cambridgeshire both resigned in the years 2019 and 2020, for the allegations of inappropriate behaviour (Reives, 2019).

The Conservative Party Manifesto of 2019, is able to highlight a significant commitment in order to strengthen the accountability of PCCs in the process of expanding their role. The focus has been given to ensuring its accountability in the process of scrutinising the mechanism of the existing model (Cutts *et al.*, 2020). In addition to this, it is needed to identify and share the best possible practices across the sector while examining the effectiveness of the relationship between the chief constable and the PCC. Apart from that, importance should also be given to mapping out the longer-term ambition of the PCC role. It is also important to improve the overall transparency of PCC to the public and at the same time bring more consistency to the role of the PCC by raising their professional standards. Several measures have been taken in the process of sharpening local accountability which includes amending the legislation in ⁵ section 38 of the police reforms social responsibility Act 2011 (Deuchar *et al.*, 2020). This has been done to bring changes in the chief constable dismissal process by making it more rigorous and transparent. Besides this, it should be ensured that all the PCCs should adopt the best practices while improving their resilience, which can help them to provide the best possible services to the public.

Analysing the accountability of the IPCC system, it has been seen that the remit is not restricted in this case to the process of handling different complaints and appeals. It also included allegations of misconduct along with the death and serious injury matters following the contact with the police. A particular need can be felt in the IPCC while giving emphasis on resources

⁹ in cases where Article 2 or 3 of the European Convention Based on human rights has been engaged (Livingston and Rummukainen 2020). Information from the different sources is able to highlight the fact that some people have been convinced that the IPCC has taken the side of the police only in their investigation process. In addition to this, it has also been observed that individual police officers are equally not sure of the merits of the methods of the commissions. The overall factors are actually disappointing that both the complainant and the individual police officer are so alienated from the entire investigation process. In many cases, it has been difficult to find out whether IPCC is failing in its duty to maintain impartiality or objectivity in an effective way to serve the basic needs of the public in terms of having fair treatment in an investigation (Yesufu, 2021).

Discussing it Broadly, information depicts the statutory remit to increase the confidence of the public in the overall police complaint system. However, certain statistics are able to convey the fact that the IPCC has been successful enough in the process of dealing with the general public. On the other hand, the commission has not been able to inspire trust and confidence among those with whom it has dealt with. Some insensitive communication, lack of empathy and inconsistency in approaches can be seen in the activities of the commission in the process of doing an investigation (Murphy-Oikonen *et al.*, 2022). In regard to this, the commission must remember the fact that in the time of dealing with stressful and controversial cases in a non-emphatic manner can be responsible to harm the reputation of the wider complaint system. Additionally, it can not be able to satisfy anyone such as the public in the process of ensuring the fact that justice has been done. The requirements of having a much more complainant-centred approach is needed, that can help to bring a radical change.

The tripartite system has been able to provide accountability to the local population with the help of the local police authorities that consist of magistrates, business representatives and local councillors. In addition to this, from the various information, it can be identified that ³ in Scotland, there is no agency analogous to IPCC. All the complaints of the misconduct of the police are continuing to be investigated by the police themselves. A right of appeal can be experienced regarding the way an investigation is being conducted. All of these factors are able to give light on the current system of police accountability in an effective way. Besides, with the help of the provided information, it has been able to highlight whether the police act is serving the public needs or not.

Conclusion

Based on the Overall discussion, It has been really easy to provide the greatest knowledge to the audience about the usefulness of police powers along with various factors related to it. From the given sources it has been identified that Police powers are governed by strict rules, And they can be used after authorisation has been obtained specifically from the public prosecutors effectively. It has also been noticed that the police have the power to dispose of criminal cases outside of the court or in many cases charge the suspect so that they can be prosecuted. A wide range of accountable actions can be observed in the daily work roles of police, in the task of protecting the population along with punishing the offenders.

In order to enrich this essay with credible sources of information, the emphasis has been given to doing a critical analysis of the various roles of the police in order to find accountability. An introduction is providing the overall concept and the aims and objectives of the essay. In the discussion section, the various roles of the police along with the analysis of police accountability in the process of serving the needs of the public has been discussed. All of the provided information has made the overall essay authentic and dependable to the audience effectively.

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