

**Howard League for Penal Reform submission to the College of Policing
consultation on the scope of the review of the Code of Ethics**

8 September 2021

Summary

1. The Howard League for Penal Reform welcomes the opportunity to respond to the College of Policing consultation on the scope of the review of the Code of Ethics
2. We support the focus in the review on the principles of fairness and respect in policing
3. The process should ensure it involves consultation with people with lived experience of policing and the criminal justice system
4. The formation of the review committee is a missed opportunity to include the views of people with direct experience of policing
5. The criteria for membership of the committee should be amended to encourage people with lived experience of the criminal justice system to become a member
6. The committee should consider how it intends to include the views of those with different experiences of policing if they are not represented within the membership
7. The views of people who are disproportionately affected by policing and crime must be part of the discussion on the ethics of policing
8. Different groups should be able to feed their views into the committee in a way that is meaningful, inclusive and empowering.

1. About the Howard League for Penal Reform

1.1 The Howard League for Penal Reform welcomes the opportunity to respond to the College of Policing consultation on the scope of the review of the Code of Ethics

1.2 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

1.3 The Howard League works for less crime, safer communities and fewer people in prison. The charity achieves these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.

1.4 The Howard League legal team works directly with children and young adults in prison.

1.5 This response draws on the Howard League's legal and policy work, including our successful work with the police to stem the flow of vulnerable people into the criminal justice system.

1.6 The Howard League would welcome the opportunity to provide further information about any of the points below.

2. Our work with the police

2.1 Since 2010, the Howard League has been campaigning to reduce the number of child arrests with a view to "stemming the flow" of children into the youth justice system. The charity collects (and publishes) the numbers of child arrests made by police forces annually through Freedom of Information requests and works closely with police forces all over England and Wales to identify and address issues in order to prevent unnecessary arrests of children. Child arrests have reduced by 74 per cent over the last decade. The charity launched a campaign to reduce the disproportionate and unnecessary criminalisation of children in residential care and has worked with police forces to promote good practice.

2.2 The Howard League is also conducting a programme of work to reduce the arrests of women, building on its successful work with the police regarding children. The Howard League provides administrative support to the All-Party Parliamentary Group on Women in the Penal System which is conducting an inquiry into reducing the arrests of women.

2.3 The Howard League would like to register an interest in contributing to practice evidence and would also like to be notified of the progress of the review.

3. The scope of the review

3.1 We support the focus in the review on the principles of fairness and respect in policing. We agree that leaders set values and standards in policing and the behaviour of senior leaders can promote ethical standards and decision making across forces and among officers. It is particularly important that ethical standards are clear and robust given the recent expansion in the number of police officers.

3.2 We welcome the fact that the process of review will involve consultation with stakeholders, practitioners and the public. The process should ensure it involves consultation with people with lived experience of policing and the criminal justice system.

4. The review committee

4.1 The College of Policing states that it will work with a committee of subject matter experts, academics and frontline officers and staff in order to conduct a review of the code of ethics. This is a missed opportunity to include the views of people with direct experience of policing and there is a danger that certain voices will not be heard.

4.2 The criteria for membership of the committee should be amended to encourage people with lived experience of the criminal justice system to become a member. Limiting the committee to experts, academics and police staff or volunteers is likely to narrow the range of voices around the table and may mean important ethical issues are ignored or missed. People with protected characteristics and direct experience of policing should be actively encouraged to apply.

4.3 The committee should consider how it intends to include the views of those with different experiences of policing if they are not represented within the membership. Care must be taken to avoid mis-representing or diluting the views of people who are not directly represented.

5. Promoting inclusive practice

5.1 The College of Police should ensure that it seeks the views of people with different experiences of policing in order to promote inclusive practice and to reduce adverse impacts on individuals.

5.2 Different groups of people will have very different experiences of policing. For example, the Howard League found that children in residential care found were more likely to be criminalised than other children of the same age. They were also more likely to be criminally exploited or abused by gangs and criminal networks. The Lammy review (2017) found that arrest rates were higher across minority ethnic groups compared to the white group and the disproportionate use of stop and search on Black and minority ethnic communities continued to drain trust in the criminal justice system.

5.3 The process of the review should listen to the experiences of Black and minority ethnic people, women and girls and children in care in order to fully understand ethical decision making.

5.4 The views of people who are disproportionately affected by policing and crime must be part of the discussion on the ethics of policing. The importance of fairness and justice must be reflected in the way in which the guidelines are developed.

5.5 Different groups should be able to feed their views into the committee in a way that is meaningful, inclusive and empowering. People should also be reimbursed for their time.

**The Howard League for Penal Reform
8 September 2021**

References

The Howard League (2017) Ending the criminalisation of children in residential care. London: the Howard League

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