

TRANSLATION OF THE RULE OF LAW

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TAKEAWAY

1. QUICKLY TOUCH ON THE **TRANSLATION OF THE RoL** INTO PRACTICE BY POLICE THAT NEEDS REFLECTION IN ORGANIZATIONAL POLICIES AND PRACTICES.
2. CONSIDER HOW EXTERNAL CHECKS AND BALANCES ARE PARTICULARLY CRITICAL FOR A **'THICK' RATHER THAN A 'THIN' VERSION OF THE RoL.**
3. BRIEFLY REVIEW 3 CASE STUDIES FROM THE UK WHICH UNDERLINE HOW **CHECK AND BALANCE INSTITUTIONS** TRANSLATE EXPECTATIONS OF FAIRNESS TO THE POLICE.

YOUR FOCUS 'ORGANIZATIONAL POLICIES, STRUCTURES OR 'PRACTICES ENABLE A POLICE SERVICE TO PROMOTE THE RULE OF LAW'



David Bayley

- Change from the 'Outside in'
- the harnessing of science and robust empirical evaluations;
- a focus on studying police behaviour, rather than legal frameworks and rules;
- and the involvement of outsiders to construct a view of what needs to change

THE LAW AND THE POLICE

- *“LET JUSTICE BE DONE THOUGH THE HEAVENS COLLAPSE”
MAY BE APT FOR A JUDGE: BUT IT CAN LEAD A POLICEMAN
INTO TACTICS DISRUPTIVE OF THE VERY FABRIC OF SOCIETY”*

LORD SCARMAN, (1981) THE BRIXTON DISORDERS

THREE CASE STUDIES ENGLAND & WALES

- **WHAT'S PROMISING-FOCUSSED AUDIT** HMIC ,JULY, 2009
'ADAPTING TO PROTEST' AND 2021 'GETTING THE BALANCE RIGHT'.
- **WHAT'S WEAKER REGULATION OF DISCRETION** COLLEGE OF
POLICING. 2020 .RECOGNISING AND RESPONDING TO
VULNERABILITY RELATED RISKS **GUIDELINES**, CONSULTATION, SEE
ALSO AUTHORISED PROFESSIONAL PRACTICE FOR FIREARMS,
HOMICIDE AND PROTEST.
- **SIGNIFICANT GAPS - POLICE ACCOUNTABILITY**, HALES, G. &
HIGGINS, A. 2016 'POLICE PRIORITISATION IN A CHANGING
WORLD: SEVEN CHALLENGES', POLICE FOUNDATION

Sarah Everard vigil: Police arrest four at central London protest

🕒 6 days ago



Sarah Everard case



Police arrested four people and handed out two fines at the event in central London

Police have arrested four people at a vigil for Sarah Everard in central London on Monday.

Hundreds gathered outside Parliament and New Scotland Yard to pay tribute to the 33-year-old **whose body was found in Kent** last week.

WHAT WENT
WRONG ?



Figure 3: Word cloud of Police and Crime Plan headline priorities as at May/June 2016

CHECKS AND BALANCES TO ASSIST THE POLICE TO SUCCESSFULLY TRANSLATE THE RULE OF LAW ?

- COMMUNITY POLICING CAN GIVE THEM SITUATIONAL AWARENESS BUT NOT IF VAGUELY DEFINED OR DE-FUNDED.
- WHO INDEPENDENTLY TRACKS AND PUBLISHES PRACTICE CHANGES OR THE NEED FOR THEM ON A COMPARATIVE BASIS
- WHO PROVIDES INDEPENDENT TIMELY EVIDENCE TO ENABLE REVISION OF THE HIGHEST RISK LEGITIMACY ISSUES
- WHO INDEPENDENTLY ASSESSES COST EFFECTIVENESS OF PROPOSED NEW PRACTICES COMPARED TO EXISTING
- WHAT HAS HAPPENED TO ACCOUNTABILITY IN MEDICINE