



LONDON POLICING ETHICS PANEL
OPENNESS AND TRANSPARENCY
IN THE METROPOLITAN POLICE SERVICE

APRIL 2023



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EXECUTIVE SUMMARY

This report considers aspects of openness and transparency in the Metropolitan Police Service (MPS).

Our aim in writing it is to contribute to the work being undertaken by the MPS in its current programme of cultural renewal. We considered how transparency and openness are enacted when the MPS is dealing with members of the public and with its local authority partners, because transparency and openness play an important role in achieving trustworthiness.

SECURITY, OPENNESS AND TRANSPARENCY

We begin our report by discussing how, morally speaking, secrecy is essential to human functioning but is also potentially poisonous when abused. Institutional openness and transparency are the necessary antidote. As the terms 'openness' and 'transparency' are frequently left undefined, and often used interchangeably, we used these definitions to guide our discussion:

Transparency is preparedness to give an account of matters that are properly the interest of others. It may be best understood as a governance standard for institutions. It requires internal accountability, so that accurate data and information are gathered, and the existence of effective mechanisms to supply relevant data and information to those who seek it.

Openness is a positive attitude towards actively offering knowledge, information and supporting analysis; and engaging with the response this elicits. It emanates from individuals and the institution as a whole, demonstrating an accessible, amenable and non-defensive mindset. This non-defensive mindset means that openness is about being willing to listen and to inform.

We argue that openness and transparency are important 'facilitating' ethical principles, which enable police to demonstrate that they meet the demands of 'fundamental' moral principles, such as demonstrating respect for bodily integrity.

We carried out two case studies to explore openness and transparency in practice in policing London.

OPENNESS AND TRANSPARENCY IN SEARCHES EXPOSING INTIMATE PARTS

The first case study was a review of the conduct of searches of adults that expose intimate parts (these are referred to in the MPS by the acronym MTIPS). The purpose of this case study was to examine the implementation of principles of openness and transparency by MPS officers when dealing with individuals in a situation of some sensitivity; and the internal recording and monitoring of this activity. The MTIPS case study has already been published as a separate detailed report and is available on our website, together with the MPS's response to our findings and recommendations. We were pleased that the MPS accepted the points that we made, and we will follow up on the action that has been taken in due course. There is a summary of the MTIPS report, focusing on issues of openness and transparency, in Section Three, below.

OPENNESS AND TRANSPARENCY IN WORKING WITH LOCAL AUTHORITY PARTNERS

The second case study focused on perceptions of openness and transparency among local authority (LA) partners working with the MPS, and among key officers leading on partner engagement. The aim of the case study, which was carried out through one-to-one interviews, was to explore (a) what openness and transparency mean to people working across agency boundaries, (b) how issues of openness and transparency play out in, structure, facilitate or hinder their work, and (c) whether there was any difference between police and LA staff in the way issues were conceived of or experienced.

We found significant agreement between police leads and local partners about what openness and transparency meant. They described it as being honest and authentic; showing the workings behind a decision; and being receptive to feedback. Both police and LA participants

expected openness and transparency to contribute to increases in public trust, confidence and legitimacy.

Police participants thought the MPS genuinely tries to be open and transparent with its own staff, partners and the public, but acknowledged that it could do better. Internally, communication was an area identified as needing improvement, both across ranks and across directorates and departments. There was some frustration that the MPS could not be as open and transparent with the public as the participants would like, as well as some criticism that it tended to be defensive in its narrative with the public.

LA participants described how the individual officers they work with locally are open, transparent and willing to share with them as trusted partners. However, LA participants voiced frustration at the frequent change in local leadership, so that relationships between local police leads and LA partners had to be built and rebuilt constantly. They also noted that, at an institutional level, there was a lack of openness and transparency around organisational and structural changes, as well what they termed a "culture of defensiveness".

A significant perceived barrier to openness and transparency, described by both police and LA participants, was cultural, relating to a fear of criticism, defensiveness and risk aversion within the MPS. Other barriers identified by police participants were the range of legitimate legal and operational reasons information cannot be shared, and a paucity of resources and time to devote to the issue. LA participants also cited a lack of recognition of the benefits of partnership, and issues around data protection and information sharing.

The findings imply that openness and transparency are dependent on relationships of trust between people working together at the

individual level, as well as on established institutional frameworks and organisational cultures. Indeed, interviews suggested that cultivating openness and transparency in individual relationships may be the most important overall contribution to experiences of trust and trustworthiness. But institutional practices seemingly unrelated to the question of openness and transparency – that is, the frequency with which staff are moved around for operational, bureaucratic and personal reasons – can have a significant impact on the capacity of the organisation to be consistently open and transparent.

Additionally, openness and transparency are multidimensional in nature. Some aspects of openness and transparency in policing, at both individual and corporate levels, concern relationships with peers; others, relationships with subordinates, clients and 'the public'; and yet others, relationships with agencies of oversight and governance. Given these multiple demands for openness and transparency, the issue of resourcing organisational practices to meet these needs presents a problem in a time of resource constraint. Arrangements for openness and transparency are neither cost-free nor resource-neutral.

Interviews indicated a clear need for better understanding of data-protection and information-sharing protocols, not only within the police but also on the part of those requesting information from the police (e.g. partner agencies or the public).

Finally, to realise the full potential of openness and transparency is to call for a cultural shift within the MPS at many levels of the organisation. Interviewees spoke of leadership needing to demonstrate the confidence to admit shortcomings promoting responsiveness to positive and negative feedback; and showing willingness to explain the rationale for decisions, including decisions not to share information.

CAUTIONARY TALES

The report has set out several arguments for the benefits of openness and transparency, but it is also right to point out that openness and transparency initiatives can go wrong. There is not a simple and direct causal relationship between openness and transparency, and increased trust and legitimacy. In the final section of the report we have offered four 'cautionary tales' drawn from policing research that illustrate some of the unintended consequences of well-intended projects involving openness and transparency. These are not presented as a counterargument against the need for openness and transparency. Rather, their purpose is to demonstrate the need for carefully designed interventions that avoid already-known pitfalls.

CONCLUSION

The London Policing Ethics Panel (LPEP) reports generally make recommendations based on the report findings. We did so with the MTIPS report; and our recommendations, together with the MPS response, can be found on the website. We decided not to make recommendations in relation to the openness and transparency discussion, but rather to offer some points for consideration that we hope will be of value to leaders at every level as the MPS continues its transformation work.



SECTION ONE Introduction

Our aim in this report is to contribute to the work being undertaken by the MPS in its current programme of cultural renewal. The MPS aspires to be the most trusted police service in the world; and to be recognised as a responsible, exemplary and ethical organisation. In a recent speech to the international policing conference, 'Exceptional Policing', Commissioner Sir Mark Rowley expressed the MPS's commitment to increasing transparency, and pointed to how sharing data with communities and hearing their views builds trust. We share and support these important ambitions. This project will consider the demands of transparency and openness in light of these aspirations.

Both openness and transparency are concerned with what people in positions of power know, and how what they know should be shared with others. It is commonly acknowledged that police officers are in a position of legally sanctioned social power, which rests upon the legal authority granted to them. It is less often noted that both police officers and police staff hold considerable informational power. The informational power is vested in the professional knowledge that supports their actions (which it is not easy for the public to challenge), and in the decisions they are continuously making about what to communicate to whom.

We recognise the very many practical difficulties, technical challenges and legal complexities inherent in knowledge management in policing. As an Ethics Panel, it is not our role to review the details of such systems. However, it is appropriate for us to pose questions and invite discussion about how key ethical principles, such as transparency and openness, are realised in practice. In this report we have considered how transparency and openness are enacted when the MPS is dealing with members of the public and its LA partners, because these issues have a material impact on MPS aspirations for trustworthiness.

There are many different constituencies with whom the MPS interacts, and we acknowledge there will be specific rules of engagement when it comes to dealing with them. The recent press and public responses to the Lancashire Police Force investigation into Nicola Bulley's disappearance served to demonstrate how challenging it can be to balance openness and transparency with privacy and confidentiality; and illustrated the complex role played by the media in representing what they consider to be 'public interest'.¹

We start with the view that openness and transparency should be the default position of the MPS, except for activities where preserving confidentiality and secrecy is appropriate. We believe this view is shared by the MPS. However, there are many challenges to consistent implementation; these are likely to be exacerbated by the following circumstances:

- There is not a shared understanding of the meaning and value of openness and transparency among all concerned with sharing information.
- The ethical rationales underpinning both secrecy and openness are rarely articulated, so their importance is not understood or promoted as part of a shared organisational ethical culture.
- The organisational culture has historically been inclined towards defensiveness, so that transparency and openness are an aspiration for cultural change.

We therefore begin this report by offering clear definitions of 'openness' and 'transparency', and outlining the reasons they are important. This is covered in Section Two, below.

In order to provide an evidence base, we have carried out two case studies to explore openness and transparency in practice in policing London. These case studies are discussed in Sections Three and Four of the report.

For our first case study we looked at the how the MPS approaches MTIPS when applied to adults. We considered openness and transparency in the provision of information to individuals subject to such a search, and internal transparency in how these searches were recorded and monitored by the MPS. We wanted to understand how openness and transparency in carrying out intrusive searches could impact (negatively or positively) the trust that Londoners place in the MPS.

There has recently been considerable public interest in and discussion around MTIPS when these are carried out on children. However there has been less discussion of MTIP searches of adults. They are as intrusive and can be just as distressing. As MTIP searches of adults are more frequent and have received less attention, we focused our case study on adults. We also decided to publish an interim report on that aspect of our work. That full report is available on our website,² so we have here provided an abbreviated version, highlighting key points.

For our second case study, we looked at experiences of partnership working between the MPS and local government to address crime and increase safety in London. We asked how openness and transparency are understood and experienced by senior MPS officers and local government leaders alike, and how openness and transparency can contribute to the trust that is a vital element of partnership.

Following the case studies, we introduce four 'cautionary tales' to prompt further consideration of how to reap the benefits, and avoid the risks, associated with greater openness and transparency

1. We do not discuss the relationship between the MPS and the media. These issues were explored in the Leveson inquiry and revisited in the Daniel Morgan Panel report. Leveson, B. (2012), 'An Inquiry into the Culture, Practices and Ethics of the Press— Executive Summary and Recommendations', available [here](#).

2. LPEP, [Report on conduct of searches exposing intimate parts by the Metropolitan Police Service](#), September 2022

SECTION TWO Secrecy, transparency and openness, and why we need them

In her seminal work, *Secrets*, philosopher Sissela Bok described secrecy as being as indispensable to human beings as fire, and as dangerous.³ Secrecy is the intentional concealment of matters that others might wish to know. Concealment serves those who are in possession of the secret – those who can choose when and to whom information is revealed. It may serve to disempower and exclude others who are not privy to the information. Secrecy is thus of such value that principles of transparency and openness are necessary to balance it.

Secrecy is both a blessing and a curse. On a personal level, secrecy is indispensable to all of us if we are to live as free individuals. Our sense of personal identity results from choosing to whom and how we reveal ourselves, and what matters we choose to reveal and conceal. Like the air that we breathe, we take for granted how much we routinely conceal information about ourselves in order to function as autonomous social beings.

Privacy, and hence the promise of intimacy, are states guarded by secrecy. These states are so important that the right to privacy is protected as a human right, and principles of confidentiality are enshrined in professions and institutions that are apt to become the keepers of secrets.

Just as individuals rely upon being able to conceal information from others, so too do social institutions. Information may have to be concealed in order to serve such institutions' own plans and purposes, which may be to operate commercially in a competitive market or to carry out a policing operation where surprise is of the essence. Social institutions also become the repository of others' secrets, such as health records, tax records, criminal records, whereabouts and identities.

Clearly, we cannot function as free individuals or as a free society without concealing information about ourselves and others. But as Bok argues, excessive or inappropriate secrecy is dangerous for (at least) three reasons:

- Firstly, when secrecy shuts out challenge and feedback, it debilitates judgement. Closed people, and closed institutions, lose the benefit of external perspectives on their thoughts and actions. At best, they may become self-serving and stale. At worst, they may lose touch with the moral foundations of the social world in which they are a participant. They lose their way.
- Secondly, secrecy can corrupt character, moral choices and relationships, because the reality of a person's or organisation's actions may become hidden behind a deceptive façade. An organisation that hides behind secrecy runs the risk of losing trust, precisely because interactions may come to be built on a pretence. Pretence is a perilous foundation from trust.
- Thirdly, secrecy has a tendency to spread. When people and organisations habitually seek to exercise control over secrecy and openness, they are inclined to seek more control whenever they can. Secrecy is rarely given up.

To have, or to deny others, access to knowledge and information is a formidable power. Openness and transparency are, then, essential ethical principles if the need for concealment is not to be corrupted by an excess of secrecy. The unequal distribution of informational power (intelligence) is intrinsic to policing. Much policing activity turns on who knows what; to whom what is known will be told; and how what is known is shaped in the telling. Some aspects of policing are not possible without the keeping of secrets. Keeping secrets can help to keep citizens safe, but can also place citizens in danger or at a disadvantage.

Practices and policies of transparency and openness apply to interactions between individuals, such as the daily interactions between police officers and citizens, or police officers and journalists; and between institutions such as the Mayor's Office for Policing and Crime (MOPAC) and the MPS, the MPS and local government, or the MPS and central government. These multiple interactions involving the flow of information help to build trust, and can potentially undermine it. We have focused in this report on two paradigmatic examples, in order to explicate the challenges that openness and transparency present.

A) DEFINITIONS OF OPENNESS AND TRANSPARENCY

As part of our work for this project, we have sought to pin down definitions of transparency and openness. We have reviewed ethical literatures; asked our MPS and MOPAC contacts for their views; and interviewed MPS officers and local government partners to explore what openness and transparency mean to them.

Openness and transparency are frequently used interchangeably, as for example in the College of Policing's current Code of Ethics – Principles of Policing.⁴ Both are strongly associated with honesty. However, the concepts are not identical. Recognising the differences between transparency and openness invites consideration of the ways an institution such as the MPS can strive towards being both truly open, and truly transparent.

In summary, before looking at transparency and openness separately in greater detail, the key differences are:

- *Transparency* is preparedness to give an account of matters that are properly the interest of others. It may be best understood as a governance standard for institutions. It requires internal accountability, so that accurate data and information are gathered, and the existence of effective mechanisms to supply relevant data and information to those who seek it.
- *Openness* is a positive attitude towards actively offering knowledge, information and supporting analysis; and engaging with the response this elicits. It emanates from individuals and the institution as a whole, demonstrating an accessible, amenable and non-defensive mindset. This non-defensive mindset means that openness is about being willing to listen and to inform.

TRANSPARENCY

Contemporary demands for greater transparency in significant institutions are commonplace. However, it is worth pausing to consider briefly what transparency is, and the functions it is called upon to serve.

Transparency is akin to the notion of 'publicity' that can be found in philosophical literature dating back at least to the work of the philosophers Immanuel Kant and Jeremy Bentham, in the 18th and 19th centuries. Its most important function has been seen as providing a counterbalance against secrecy and self-interest, notably in the governance of state institutions. Jeremy Bentham memorably referred to publicity as one of the vital "securities against misrule" and an essential constraint on state action in democratic societies. Similarly, philosophers have more recently presented publicity as an antidote to corruption of both institutions and individuals.⁵

3. Sissela Bok (1983), *Secrets – On the Ethics of Concealment and Revelation*, p.18

4. College of Policing, *Code of Ethics*, p.3

5. See e.g. Bok op. cit., Ch.8

To be transparent is to make available the information that third parties consider they need if the public is to repose trust in an organisation.⁶ These third parties may be individual citizens or others acting for them. Where some information is justifiably subject to confidentiality, or where it is held by professionals who claim a unique interpretative expertise, other bodies such as regulators and inspectorates represent the public interest in transparency and should press demands on their behalf. Transparency and public trust are thus closely related.

OPENNESS

Demands for transparency can be satisfied by effectively gathering data and information, and supplying it to those who ask for it. Openness is a more expansive requirement.

The first point to note is, openness requires that information is provided in ways that make it intelligible. 'Data dumping' is, arguably, transparency but not openness; openness is providing all relevant information, with analysis that shines light on actions, issues and achievements.

Second, openness implies volunteering information even when it is not requested. Recent discussions around introducing a principle of candour to policing reflect this aspect of openness, notably proactive provision of honest information at appropriate time(s) when things have gone wrong.⁷

Third, when contrasted with defensiveness, openness implies a willingness to listen and to hear challenge. Openness goes beyond merely instructing others in one's own perspective. It involves considering to whom, when, what and how information is to be shared; considering each of these may present an ethical conundrum.

Alongside transparency, openness contributes to building trustworthiness in organisations. Transparency and openness represent the two aspects of accountability: answerability, which is the obligation to provide information in response to questions about performance; and responsiveness, which is the democratic commitment to respond to relevant community opinion, even if those opinions are thought to be flawed.⁸ Accountability contributes to trustworthy institutions.⁹

It is encouraging that these understandings of transparency and openness were by and large shared by our interviewees in both the MPS and local authorities. For many, honesty in terms of factual accuracy and willingness to have frank conversations was a starting point in outlining their understanding of transparency and openness. It is commendable that MPS officers also spoke of the importance of inviting scrutiny, and seeking and listening to feedback, when they defined openness.

6. Levi, M. (1998), 'A State of Trust', in V. Braithwaite and M. Levi (eds), *Trust and Governance*, pp. 77–101, New York: Russell Sage

7. The [National police response to the Hillsborough Families Report](#) refers to the College of Policing's forthcoming renewed Code of Ethics which includes a Code of Practice whereby 'Chief officers have a responsibility to ensure openness and candour within their force'.

8. Goldsmith, A. (2005), 'Police reform and the problem of trust', *Theoretical criminology*, 9(4), pp.443-470

9. A recent review of police department online transparency cites empirical literature showing that increased access to government data is correlated with greater trust among citizens. See: Chanin, J. and Courts, J. (2017), 'Examining the determinants of police department online transparency', *Criminology, Criminal Justice, Law & Society*, p.18(1).

B) OPENNESS AND TRANSPARENCY FACILITATE THE MORAL GOALS OF POLICING

We draw a distinction in this report between fundamental ethical principles that have to be taken into account in policing activity, and the facilitative ethical principles of openness and transparency. Both are essential to support effective and ethical policing. We have set out the relationship between fundamental and facilitative ethical principles, and how they relate to the case studies in this report, in the diagram below.

An example of a fundamental ethical principle is respect for bodily integrity. In our discussion of police MTIPS (see next section) we explain why respect for bodily integrity is morally, socially and psychologically important. Given the moral importance of respect for bodily integrity, there must be compelling grounds to carry out a search that intrudes upon it. Openness and

transparency then serve as facilitative ethical principles here. Openness is ethically important when officers explain their grounds for the search and how it will be done. In being willing to engage in justifying their action, they demonstrate respect for bodily integrity even in circumstances when it is proportionate and necessary to carry out an intrusive search. The facilitative principle of transparency applies to the subsequent recording, reporting and review of events. It is essential if a policing organisation is to monitor and manage the exercise of this exceptional power. Individual and organisational openness becomes important again if there is a retrospective complaint or challenge to the use of the power.

Acting in accordance with both fundamental ethical principles, and the facilitative ethical principles of openness and transparency, is central to policing by consent.



C) THE ETHICAL TENSION BETWEEN SECRECY AND OPENNESS

We acknowledged earlier that secrets are essential to effective policing; and we also propose that publicity, in the form of transparency and openness, supports trust. As both secrecy and publicity are desirable, how is the inevitable tension between them to be resolved?

The philosopher's answer to this conundrum has been to recommend that – if it is believed information should not be shared – the arguments for and against secrecy should be submitted to some form of critical debate (including debate with interested parties or those who represent them). In individual cases this might be critical debate with a colleague or ethics committee; in strategic decisions it might be through MPS Independent Advisory Groups or similar, or, again, an ethics committee. Bok suggested a three-step procedure for deciding dilemmas of secrecy and openness:¹⁰

- i. Ask whether there are alternative courses of action that will achieve the same aims without requiring secrecy; as much secrecy; or deception.
- ii. Explain the moral reasons that are thought to justify the secrecy in this case, as well as any counterarguments.
- iii. Ask how a public of reasonable persons would respond to the arguments made in (i) and (ii), and include in that model public the people who may be interested in contesting claims for secrecy.

Bok points out that we often justify secrecy by falling back on familiar rationalisations rather than compelling reasons for secrecy in the case in hand. For example, talk about 'confidentiality' can be used when there is reluctance to talk candidly with people who are angry or upset; and there is recourse to talk about 'reputational risk' or 'loss of public confidence' to avoid the embarrassment or censure associated with admitting to getting things wrong.

D) OPENNESS AND TRANSPARENCY ARE CENTRAL TO PROCEDURAL JUSTICE

Procedural justice research has provided a compelling evidence base for how police and probation services' interactions with the public shape people's views of authority and, significantly their willingness to engage and comply with requests.¹¹

When people are treated in a procedurally just way, they tend to view authority as more legitimate and deserving of respect, and are more likely to conform to authority's expectations. This willingness to abide by authority's decisions holds true even when the outcomes or processes are unfavourable or inconvenient to the individual. Conducting interactions in a procedurally just manner is therefore of very real practical importance to policing.

Openness and transparency appear in various guises in procedural justice theory and research. The research has tended to focus more on interactions between officers and the public (where, in accordance with our definitions above, we would hope to see genuine openness) and less on the stance of the institution towards information sharing (where we would hope to see transparency).

10. Bok, *op. cit.*, p.113

In empirical research looking at procedural justice in actual police practice, indicators of procedurally just behaviour have included neutrality and honesty.

- *Neutrality* is closer to our definition of openness, above. For example, in studies involving direct observation of police-public interactions, researchers examined officers' willingness to explain why they were involved in the situation; why they chose to resolve it as they did; and what the rationale and justifications were for their decisions.¹²
- *Honesty* more closely matches our definition of transparency but could extend to being open. For example, questionnaires have asked whether police have given an honest explanation for their actions, or whether a supervisor has supplied an honest explanation for how decisions were made. This honesty question could either refer to the nature of a response to a request for information (transparency) or to a practice of proactive explanation (openness).

Procedural justice theorists have also recognised that the concentrated power of state institutions creates obligations of respect, due process and equality, so as to "ensure that the differential power, authority and status attached to office holders ... do not enable them to wield arbitrary power and dominate those who are subject to their commands".¹³ These obligations of respect, due process and equality include, in our terms, providing citizens with the knowledge and information they need to ensure meaningful accountability; that is, through consistent transparency and openness.

There is good evidence that acting in accordance with procedural justice principles secures consent and compliance in the public. This calls for an attitude of openness in officers.

11. This body of evidence has been widely recognised as practically important for example by both the College of Policing, which cites it widely in its Authorised Professional Practice; and by HM Inspectorate of Probation, [Procedural Justice](#).

12. Jonathan-Zamir, T., Mastrofski, S. D., & Moyal, S. (2015), 'Measuring procedural justice in police-citizen encounters', *Justice quarterly*, 32(5), 845-871., Tyler, T.R. & Fagan, J. (2008), 'Legitimacy and cooperation: Why do people help the police fight crime in their communities?', *Ohio State Journal of Criminal Law*, p.230

13. Mackenzie, C. (2020), 'Procedural justice, relational equality, and self-respect', *Procedural Justice and Relational Theory*, pp. 194-210, Routledge

SECTION THREE Case study: openness and transparency in conducting MTIPS

As we noted in the introduction, our full report on carrying out searches exposing intimate parts (we use the MPS acronym MTIPS for the rest of this discussion) on adults was published in September 2022 and is available on the LPEP website.¹⁴ That report includes many observations that are not directly concerned with openness and transparency, and contains a far wider discussion of an ethical approach to MTIPS than we have included here. However, our exploration of MTIPS was carried out as an integral part of this project on openness and transparency. In this section, therefore, we set out some key findings on matters directly pertaining to openness and transparency in the use of MTIPS. The full report made nine recommendations to the MPS, to which the MPS has responded (the response is published on our website).

MTIPS illustrate why and how openness and transparency are important at individual, organisational and societal levels:

- First, such searches call for openness in the relationship between an officer proposing to carry out such a search, and individual members of the public faced with a potentially humiliating experience who are unlikely to know their rights in relation to it.
- Second, these searches call for openness and transparency in internal recording and monitoring, both for internal organisational governance purposes and to facilitate external review by bodies such as MOPAC, the Independent Office for Police Conduct (IOPC) and (latterly, in the case of the MPS) the Children's Commissioner.
- Third, they raise larger questions about openness and transparency with the public, in terms of how policing explains the need for and their exercise of intrusive powers.

After setting out the background, we consider MTIPS from individual, organisational and societal levels.

BACKGROUND ON USE OF MTIPS

In 2021, the MPS recorded 4,287 MTIPS. Some 266 of these were of people below the age of 18. Of all MTIPS searches that year, a little more than half resulted in no further action. There has been understandable controversy regarding such searches involving children and young people – but as these figures show, most MTIPS are of adults. The total number of MTIPS almost doubled between 2018 and 2021.

MTIPS are governed by the legal framework that applies to stop and search, notably the Codes of Practice A issued under the Police and Criminal Evidence Act (PACE). They are legally distinguishable from searches carried out post-arrest in an MPS custody suite. Powers to require removal of clothing are set out in PACE Code A with further guidance, and in the College of Policing's Authorised Professional Practice (APP). The College of Policing's APP notes that, in legal terms, "the physical act of searching a person is use of force, even if it does not involve any element of restraint or physical compulsion".

It should be noted that PACE Code A, the College of Policing's APP on stop and search, and the MPS's own guidance to officers all emphasise that an MTIP search must not be carried out merely on grounds that less intrusive searches have failed to yield a prohibited item. There must be additional substantive grounds justifying a decision to carry out this more intrusive search. These stipulations are not set out directly in legislation, but in different sections of PACE. Notably, they are not readily accessible, nor amenable to public understanding and scrutiny. The lack of clarity in legislation, and the fine line between the justification for a 'more thorough search' and a 'more thorough search exposing intimate parts' provides scope for considerable variation in how officers exercise their discretion, and affords only minimal protection to citizens' privacy.

INTRUSIVENESS OF MTIPS

The sociologist Barbara Górnicka observes that, in nearly all societies, “the sight of the naked human body has been hedged around with avoidances, restrictions and taboos, enforced by the emotions of fear, shame and embarrassment.” Even when exposing the genitalia to strangers is done without coercion and in one’s own interests – as it is in medicine – both men and women can experience shame and embarrassment. While to a layperson MTIPS seem an exceptional power, police officers can become habituated to the powers that they hold.

Political philosophy and human rights-based arguments address two distinct but related concepts: bodily sovereignty and privacy. The political philosopher J.S. Mill asserted, “Over himself, over his own body and mind, the individual is sovereign.”¹⁵ However, bodily sovereignty is subject to the harm principle. According to Mill, a legitimate purpose by which “power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”

This approach is replicated in modern form in Article 8 of the European Convention on Human Rights, which asserts the right to privacy; this right, and its application to strip-searching, were considered in the case of *Wainwright v UK*. In its judgment, the European Court of Human Rights described strip-searching as “a highly invasive and potentially debasing procedure”, the use of which was to be constrained by acting “in accordance with the law” and only when “necessary in a democratic society”. The Court went on to find that the existence of an endemic drugs problem in the prison rendered strip-searching of visitors legitimate in principle. However, a strip-search was only proportionate to the extent that the interference was minimised through the search being done in a dignified and respectful manner.

In common with many other areas of police decision-making, then, proper use of MTIPS turns on balancing necessity and proportionality, which in turn demands an understanding of the nature of the intrusion.

We suggest MTIPS are a qualitatively different power to other less intrusive searches. The seriousness of the intrusion requires:

- a high threshold of justification for carrying out such searches
- a commitment to open and clear explanation of the justification to people on whom the powers are to be used
- transparent recording practices that support good supervision and robust scrutiny.

OPENNESS AND TRANSPARENCY WITH INDIVIDUAL CITIZENS

To gauge the expectations the MPS has of its officers in relation to openness in MTIPS, we reviewed the MPS’s own guidance, and in some cases compared it with the College of Policing’s APP. We were not ourselves able to observe or audit how MTIPS were being conducted by officers on the ground, but the MPS Guidance and the APP supply standards against which this could be done. We were able to view one of the new suites in which MTIPS can be carried out, and considered what information should be available there.

14. LPEP, [Report on conduct of searches exposing intimate parts by the Metropolitan Police Service](#), September 2022

15. Mill, J.S. (1859), *On Liberty*

OPENNESS – THE EXPLANATION TO BE GIVEN TO INDIVIDUALS

The MPS guidance is silent on what the citizen should be told prior to an MTIP search. This may be because standardised prior information is required for all stop and searches, but at first sight it is a striking omission. We therefore made a recommendation, in our main report, on improving this aspect of the guidance.

The College of Policing's APP for stop and search promotes the "GO WISELY" acronym (Grounds for the search; Objective of the search; Warrant card if not in uniform; Identification; Station attached; Entitlement to a copy of the search record; Legal Power used; and You are detained for the purpose of a search). However, we doubt this is sufficient for the purposes of MTIPS, when the citizen experiences a demand to submit to an exceptional interference and may be justifiably distressed and fearful.

The MPS guidance on how to conduct the search itself is clear and in line with the College of Policing's APP, which states upper and lower clothing should be removed separately.¹⁶ Whilst intimate and genital exposure is intrinsically embarrassing, we accept it may be a little less so when the person knows they will not be required to be wholly naked in front of officers. It is not clear to us how far officers inform, or are expected to inform, search subjects as to how the MTIP search will be conducted.

At the time of our discussions with the MPS, they were developing MTIPS areas distinct from police custody suites, where MTIPS could be carried out. We were able to view one of these search areas, and were shown guidance for officers that was available in the suite to help support good search practice. We understand that some officers show this guidance to those being searched in order to reduce the subject's anxiety.

We see benefits to giving a clear explanation to search subjects about how they will be searched (notably, that they will never be entirely naked and that their intimate parts will not be touched). Unambiguous information would go some way, we believe, to demonstrating respect; minimising anxiety; and reducing the degrading and humiliating elements associated with being subject to another's power. In the new suites, visible and clear MPS standards against which the MTIP search can be judged could provide a protective function for both subject and searching officer through creating shared expectations. If this information can be provided without compromising the integrity of the search, we would urge it to be made routinely available to search subjects and in the MTIPS area.

TRANSPARENCY – WHO CAN SEE WHAT OFFICERS DO?

We consider here further elements in the MPS guidance relating in the main to transparency.

The MPS guidance states that MTIPS must be authorised by an Inspector. It is recognised that that a higher threshold of justification needs to be met for an MTIP search; and an officer who proposes to carry out such a search must be able to account for their reasons to the satisfaction of an experienced senior officer. (The MPS guidance sets a slightly higher standard than the College of Policing's APP, which states only that a "supervisor's authority" is required for MTIPS.) This requirement to explain the reasons for the search can only serve transparency if the Inspector is conscientious in inquiring into the reasons, and does not just rubber-stamp the proposed action. The authorisation initiates a point of accountability from the searching officer to the authorising Inspector; clarified and recorded, the proffered reasons contribute to organisational transparency.

¹⁶ College of Policing, [Stop and search](#)

The guidance also sets out the need for an appropriate adult to be present when an MTIP search is intended to be carried out on a person under the age of 18 (unless the person does not wish for an appropriate adult to be present); and stipulates who counts as an appropriate adult for these purposes. The requirement for an appropriate adult is an important transparency mechanism, serving to reassure all those concerned that the search was carried out properly. Unless the need for an appropriate adult is fully explained to the subject of the search, and raised by the authorising Inspector, this mechanism cannot function as it should.

Differently, MPS guidance currently instructs officers to switch off body-worn video (BWV) and CCTV when conducting MTIPS. This differs from the current APP which (presumably for reasons of transparency) advises that during an MTIP search, BWV cameras should be directed away from the person; but audio recording should remain activated so that there is a non-visual record of the interaction. We understand that this is not currently MPS practice and in our main report we requested clarity on the reasons for the MPS divergence.

Finally, the MPS guidance on MTIPS refers to giving the person searched a copy of the search report. It suggests consideration also be given to speaking with them and/or the appropriate adult to identify any concerns that may have arisen during the search. The APP guidance goes a little further, to include ensuring that the person is made aware of how to make a complaint – an illustration of where transparency becomes openness.

YOUNG LONDONERS' VIEWS ON OPENNESS AND TRANSPARENCY IN MTIPS

To explore the thoughts and experiences of young people, MOPAC's Young People's Action Group convened a focus group on our behalf. Their accounts of their own experiences, and those of their family and acquaintances, were concerning, and suggested a lack of openness in relation to justifying and explaining the search. They gave examples where searches were not conducted in a respectful manner, and with slender justification. There was a strong sense in the group that compliance was the only option. They perceived themselves to have better relationships with local police officers than 'outsider' police such as TSG and CID.

These young people's experiences had led many of them to believe that police had targets and quotas to meet for searches and arrest, which encouraged police to act when it was not strictly necessary (a concern that is not entirely misplaced – see Cautionary tale 1, later in this report).

These young people considered that merely being in possession of cannabis was not sufficient justification for MTIPS.

We considered whether members of vulnerable groups, such as children or people with a learning disability, should be exempt from MTIPS given the greater level of distress or trauma that may impact these groups. Arguably, the scale of the intrusion that MTIPS represent would almost always be disproportionate, except in the most serious offences or where immediate harm to self or others was at issue.

However, we note the potential for unintended consequences if a protected group, such as minors or vulnerable adults, were to be generally exempt from MTIPS. An automatic exemption could make vulnerable people more liable to

being exploited as transporters of drugs or other contraband (whether through trickery, coercion or payment). Indeed, PACE Code A notes that younger children are already being exploited in this way. An exemption may therefore not be protective but rather have the reverse effect, placing minors and vulnerable adults at greater risk of criminal exploitation. The young people we spoke with could see a real prospect of coercion by others more liable to be searched than themselves. We recognise this is a complex issue, and we expect that it will be pursued by other stakeholders looking at the treatment of those under 18.

INTERNAL ORGANISATIONAL TRANSPARENCY IN RELATION TO MTIPS

Monitoring and assurance require collection, analysis and interpretation, and publication of appropriate data. In the main report we have discussed the minimum data requirements to support effective controls. In this section we draw out issues relating to the reliability of data, and hence the quality of internal transparency.

The MPS (along with other police services) faces challenges in gathering and monitoring accurate data to provide assurance on how well officers, supervisors and organisational policies are fulfilling the roles and purposes assigned to them. We recognise that data collection is rarely cost-free, but minimising the intrusion associated with MTIPS (as well as custody strip-searches) requires effective data collection and analysis.

It has been recognised both within the MPS and by others (including MOPAC and the Children's Commissioner) that the MPS's current data systems do not support effective monitoring of MTIPS. This was apparent to the LPEP when we requested some typical examples of MTIPS of both adults and children, and the MPS carried out a small dip-sampling exercise on our behalf. We noted in the course of this work that retrieved records relating to both MTIPS and searches in

custody included a proportion that appeared inaccurate or incomplete. Free-format text boxes permit data that should be recorded to be omitted completely, or to be recorded in different boxes to the one intended, making manual checking for completeness or automatic data processing of records more difficult.

A key area of confounding information is the age of those subject to MTIPS. There is no legal requirement on people who are stopped and searched to provide a date of birth or produce identification with their date of birth recorded. Many of the search records we sampled supplied an age, but it is hard to judge the extent to which the recorded age is accurate, particularly for those on the cusp of adulthood. According to the Children's Commissioner's data, in 2018-20, 73 per cent of MTIPS of minors were of males aged 16-17. It seems possible that other, older children may have been treated as adults during MTIPS, because their age was misjudged or misstated. As MTIPS cannot be carried out on a minor without the presence of an appropriate adult, accurate age identification to differentiate older children from young adults is of considerable importance.

PUBLIC OPENNESS AND TRANSPARENCY IN RELATION TO USE OF MTIPS

In consequentialist ethical analysis, the extent to which an action is morally supportable rests to a significant degree on the likelihood of socially desirable outcomes being achieved by the action. Ethical commitments to fairness and equality also mean that benefits (e.g. community safety) and burdens (e.g. stop and search) generated by police action should, as far as possible, be evenly distributed. The principles of proportionality and necessity should limit the circumstances in which a search is carried out to those that are individually fair, and genuinely justifiable, because this will achieve the valued social outcome of policing by consent to prevent harm.

HOW IS USE OF MTIPS JUSTIFIED?

In search of an authoritative source against which we could compare MPS practice, we referred to the 2015 HM Inspectorate of Constabulary (HMIC) report on stop-and-search powers. This included a focus on the use of both more thorough searches and more thorough searches exposing intimate parts. We found it said little about the operational justifications for carrying out more thorough searches exposing intimate parts. It merely restates the principle that they should be lawful, necessary and proportionate. It is also silent on crime seriousness in relation to necessity and proportionality.

However, HMIC found that some senior officers did not think there was a need for this type of search, arguing that it was preferable for officers to arrest a person and then conduct a search using post-arrest powers at the custody suite. On the other hand, HMIC noted that some 15 per cent of officers they surveyed reported conducting a search exposing intimate parts in the past month. This degree of divergence between senior and junior officers is striking. That some senior officers did not see a need to conduct searches exposing intimate parts except following an arrest, suggests they reason such a search requires the same high threshold of suspicion as would justify arrest. On the other hand, frontline officers appeared to view it as a useful method for establishing whether grounds for arrest existed.

We recognise that a valuable purpose of stop and search is to avert the necessity for an arrest. Avoiding unnecessary arrest is in itself valuable to both search subjects (who would otherwise acquire an arrest record) and the police service (reducing processing time). On the other hand, carrying out an arrest prior to conducting an MTIP search could institute a clearer boundary around such searches. It would respect the degree of intrusion involved in such searches, and make the need to justify MTIPS starker.

We noted MPS data indicating that MTIPS will frequently be used to confirm or disprove suspicion of possessing or dealing in small quantities of cannabis. Given the serious nature of the intrusion, it might be argued that necessity and proportionality suggest MTIPS should be restricted to more serious crimes; or to circumstances where a high threshold of suspicion (such as might justify an arrest) can be met.

DOES PUBLICATION OF MTIPS DATA INCREASE TRANSPARENCY?

We discuss the challenge of making sense of MPS MTIPS data at greater length in the full report. We draw out here the difficulty for the public in judging claims about the success or failure of MTIPS (the likelihood of these searches generating valued outcomes) and judging whether MTIPS are being used disproportionately in some areas (whether the benefits and burdens of police action are being evenly distributed).

We recognise that police officers cannot always accurately predict the outcomes of their actions, and have to make a judgement on proportionality and necessity at the time. Retrospective data analysis cannot tell us whether every individual search decision was justifiable in light of what was known at the time the decision was made. However, reviewing aggregated data on outcomes seems to afford the public an opportunity to gauge how far the ethical justifications for MTIPS are being realised and the extent to which police action is fair.

Of the 4,287 MTIPS searches the MPS carried out in 2021, 52 per cent of the adult cases and 40 per cent of searches of minors resulted in no further action. Putting this in numbers, 2,085 adults and 106 young people experienced an MTIP search where their intimate parts were exposed and it would appear that they were not, in fact, carrying prohibited items.

But what would be a reasonable proportion of cases to result in no further action? If having grounds for reasonable suspicion means believing it more likely that not that the suspect has concealed contraband about their person – a 51 per cent likelihood – perhaps the MPS statistic suggests that, on the whole, good judgements are being made. On the other hand, this bald statistic could mask all sorts of variations, with some frankly inappropriately intrusive searches offset by considerable restraint in others. While publishing a percentage success rate is a clear example of transparency (i.e. publication of data), without greater openness (i.e. provision of sufficient background information to allow it to be interpreted, or to prevent it from being over-interpreted) it does little to contribute to genuine public understanding.

Monitoring for disproportionality also presents challenges. Using statistical data to test for evidence of systematic discrimination requires comparing the proportion of groups in a sample (e.g. young Black men who have been subjected to MTIPS) with the proportion of those same groups within an identified reference population. Calculating over-representation or under-representation in a sample requires specifying what that reference population should be for purposes of comparison. Apparent disproportionality may be a result of policing practice and policing bias (including over-policing of some communities and under-policing of others). It may also result from factors such as the pattern of use of public places by different groups.

For example, patterns of drug purchase that allow better-off people to acquire illicit drugs via home delivery means that others undertake the risks of carrying them in public places. Lower-level, localised data is required to interpret the causes of statistically evident patterns of criminal and policing activity. We recognise that selection of appropriate reference points presents a considerable challenge if data are to be fairly interpreted.

We recognise the extensive debate that has taken place regarding the efficacy of stop and search in general, and how far it achieves a desirable balance of societal benefits weighed against unwarranted burdens. We think the same question must be asked of MTIPS. Looking at the available outcome data, from a consequentialist perspective, is the scale and nature of current MPS use of MTIPS ethically justifiable?



SECTION FOUR Case study: openness and transparency in working with partners

This section presents our findings from an interview study of perceptions of openness and transparency among LA partners working with the MPS, and among key officers leading on partner engagement. The aim of the case study was to explore (a) what openness and transparency mean to people working across agency boundaries, (b) how issues of openness and transparency play out in, structure, facilitate or hinder their work, and (c) whether there was any difference between police and LA staff in the way issues were conceived of or experienced.

Sixteen in-depth interviews with police officers and LA partners were conducted between 5 September and 15 November 2022. Eight Basic Command Unit (BCU)-based middle-ranking and senior police officers, six LA Community Safety Managers and two Council Chief Executive Officers were asked about:

- their understanding of openness and transparency
- whether they considered the MPS to be open and transparent
- barriers to achieving greater openness and transparency
- the value and positive gains from greater openness and transparency
- current arrangements for sharing information, and how these might be improved
- what needs to change to achieve greater openness and transparency.

SUMMARY OF KEY FINDINGS

Police and LA participants agreed on what they thought openness and transparency meant in their ways of working: that it is about being honest and authentic, showing the workings behind a decision, and being receptive to feedback.

Police participants thought the MPS genuinely tries to be open and transparent with its own staff, partners and the public; but acknowledged that it could do better. Internally, communication was an area identified as needing improvement, both across ranks and across directorates and departments. There was some frustration that the MPS could not be as open and transparent with the public as the participants would like, as well as some criticism that it tended to be defensive in its narrative with the public.

By contrast, LA participants thought that the individual officers they work with locally are open, transparent and willing to share with them as trusted partners; but that at an institutional level there was a lack of openness and transparency around organisational and structural changes, as well as what they termed a “culture of defensiveness”.

The main barrier to openness and transparency for both police and LA participants was cultural, relating to a fear of criticism, defensiveness and risk aversion within the MPS. Other barriers identified by police participants were the range of legitimate legal and operational reasons information cannot be shared; and a paucity of resources and time to devote to the issue. LA participants also cited a lack of recognition of the benefits of partnership, and issues around data protection and information sharing.

The main value of openness and transparency, identified by police and LA participants alike, was an increase in public trust, confidence and legitimacy. Police participants identified more understanding and respect from the public as another value, whereas LA participants identified better opportunities for collaboration and partnership working afforded by more openness and transparency.

Day-to-day sharing of information was judged to be good by both police and LA participants, but LA participants thought the more formal, structured sharing of data was an area of concern. They highlighted issues around access to police systems and data, and gave examples of times when they ran into difficulties when putting in formal requests for data.

UNDERSTANDINGS OF OPENNESS AND TRANSPARENCY

Participants were asked what they understand openness and transparency to mean in their current ways of working. Across police and LA participants, several key themes emerged. Firstly, the word 'honesty' was mentioned frequently to describe openness and transparency. Participants spoke about the importance of having honest conversations with people and being accurate with the facts. Honesty was also mentioned in contexts where there were limits to openness and transparency. For example:

"I think sometimes it is better to say, 'I can't share this with you because,' as opposed to just not sharing it at all or not saying something about it. I think people are much more willing to accept a negative answer if they understand why it's negative in the first place." [Police participant]

Secondly, both police and LA participants thought openness and transparency meant having a level of visibility through everything they did. Several described the importance of people being able to see the workings and rationale behind a decision that has been made. As one police officer described it:

"It's about explaining to the public why we've done things, why we've taken a certain course of action, why decisions are made, how we're going to do that and what it looks like, what it could look like and what it may look like."

[Police participant]

Another theme was around being receptive to feedback – critical or otherwise – and not being defensive. Both police and LA participants thought openness and transparency involved inviting scrutiny and accountability to policing, and being accepting of (and open about) situations where police have not got things right.

In terms of any differences between openness and transparency, while some participants thought they were the same thing, others saw openness as active and transparency as more passive. For example, openness was described as an active decision to disclose information, respond to a query, being willing to engage, have a conversation and work collaboratively. Transparency, on the other hand, was described as a more passive process concerned with providing an overarching level of visibility throughout the organisation.

"I think openness is actually about sharing what you can. Openness is more of an active word, transparency is passive. I think openness needs to be active, as in, if you're being genuinely open about something, you have to make things available and go out of your way to tell people what you're doing and why you're doing it." [LA participant]

Police and LA participants had similar views on what they thought openness and transparency meant. But police participants were more likely to qualify these views. For example, they spoke about the limits to openness and transparency, and the caveats around confidentiality and sensitivity that need to be taken into account when talking about these concepts. Police participants spoke about being mindful that sometimes operational information just can't be shared:

"We do need to be open and transparent, but we also need to be aware of the fact that some of the work that we do, and the sensitive nature of it, means that for all good intentions, it's just not possible."
[Police participant]

IS THE MPS OPEN AND TRANSPARENT?

How did our interviewees perceive the MPS in terms of its willingness to be open and transparent with partners? We present police and LA views separately.

Police participants

Police participants were asked to consider openness and transparency within the MPS across three different axes: 1) internally, with its own staff; 2) externally, with partner organisations; and 3) externally, with the public. Most thought the MPS genuinely tries to be open and transparent with its own staff. However, others did not feel the organisation was very effective at communicating decisions – and the rationale behind those decisions – with its more junior members of staff.

"I don't think we're very good at communicating decisions that we've made, the rationale of those decisions with our people ... As a result, people feel that

changes are made to them rather than with them." [Police participant]

There was also some discussion about a disconnect between the BCUs and New Scotland Yard (NSY), such that information often does not trickle down to the front line effectively. One police participant described how NSY "can almost feel like another world". It was generally felt that the organisation understood the importance of 'internal' openness and transparency, but its size and complexity, the pace of work, and resource and other constraints meant it could not be as effective as it might like in this area.

"I think it depends on how many layers that message has to go through. So if it's a message from a BCU perspective, for example, or within my team, I'm confident that we are open and transparent and understand that. But if we are delivering, for example, a message that's come from five or six ranks above, am I absolutely certain that the message that was delivered then is what I receive or what my officers receive? I don't know." [Police participant]

However, it was acknowledged by a couple of police participants that the situation has improved; and that senior leaders in the MPS had in recent years become much more engaged and eager to connect with officers across ranks:

"I think Senior Leadership Team's Management Board have become much more engaging, certainly during my time within the police. You know, there are constant Q&As. There are constant events held where, you know, staff from every rank get to engage with those senior leaders making the decision. So I think it's definitely in the right direction."
[Police participant]

With regard to partner organisations, most police participants believed there was good openness and transparency. They described the strong working relationships they have with colleagues from local authorities, and spoke about the various ways in which they share information and include partners in decision-making.

“Partners are invited onto the daily calls where we go through our business from yesterday, looking forward ... For partner agencies, we don’t normally have anything to hide so we’re quite open with them.” [Police participant]

However, some police participants thought the level of openness and transparency was dependent on individual officers’ partnership experience, their personal relationships, and the levels of trust they have in individuals within the local authorities. It was suggested that some officers, particularly those who have less experience of partnership, do not understand its value and are reluctant to share information with established partners, despite data-sharing agreements being in place. As one participant noted, “A lot of it comes down to personal relationships and trust with individuals within a local authority.”

When asked about openness and transparency with the public, police participants again thought the MPS tries to practise these values insofar as it can, but many thought it could be much more open and transparent than is currently the case. There was frustration from some participants that there were mechanisms in place preventing the MPS from being as open and transparent as they would like. For example, they mentioned that in serious incidents or high-profile cases, the IOPC gets involved and the MPS is prevented from speaking about the cases publicly.

This was made more frustrating by the fact that, often, there is social media footage of these

incidents in the public domain, but MPS officers were unable to rebuff it or provide their own perspective due to the sensitivity of the information.

“I think there are mechanisms in place that make it very difficult for us to be. So for example we know that if there’s a criminal investigation we can’t speak about it publicly. Whereas if there is social media footage or, I don’t know, whatever it may be, people just put it out there and the mechanisms that are in place prevent us from effectively saying actually, no, this is what happened.”
[Police participant]

Police participants also discussed how they thought the MPS tended to be defensive in its narrative with the public, rather than acknowledging mistakes or inviting scrutiny. One believed that the rationale for this was to limit reputational damage, but noted that it often had the opposite effect, having a negative impact on public confidence and trust.

“I think it has tended to be more defensive in its narrative with the public rather than, you know, acknowledging mistakes and apologising and inviting scrutiny. Some of that might be due to judicial reasons, very good reasons, why we wouldn’t. So we need to be clear on expectations around openness and transparency. But I also think that [is] almost ironic in its attempt to limit reputational damage and therefore protect trust, it’s become more defensive, but then that gives the impression that there’s something to hide. And that has the opposite effect then on trust.” [Police participant]

Despite the issues raised above, several police participants thought the MPS’s level of openness and transparency with the public has improved and is now better than it has ever been:

"I think we're much more transparent than we ever have been. Like the sort of data we put on the website. It's better than some of the stuff you can find internally ... So we don't hide our stop-and-search demographics. We don't hide volume percentage outcomes, use of Taser, use of force. It's all out there to see ... I think we put what we're doing, why we're doing it on social media more than we ever have done." [Police participant]

Local authority participants

LA participants were also asked whether they believed the MPS was an open and transparent organisation. The main theme that emerged was

that, at an institutional level, LA participants would not describe the MPS as open and transparent; but at a local or individual officer level, it was much more so.

From a partnership perspective, LA participants spoke about the strong working relationships they have with individual police officers in the BCUs, and their willingness to share information and to work collaboratively. **Box 1** illustrates this openness and transparency by using an example given by one of the LA participants.

However, several LA participants spoke about the high turnover of staff at senior leadership level in the BCUs, and how this meant they were

BOX 1 – Good openness and transparency: Daily "Pacesetter" meetings

"The police have a meeting every morning and every afternoon. It's called Pacesetters. And this is usually chaired by a Chief Inspector or Superintendent with the on-duty inspectors for the response teams, the on-duty inspector for the neighbourhood teams. They discuss what's going on in the borough or in the BCU and they make decisions about how they're going to actually deal with them. Are there any real emerging issues we've got? Any tensions coming up? How do we need to deploy? And that's always been very police focused ... This is the second borough that I've been at now where we have been invited as a local authority to join those. So there is a wide view of all of the things going on in the BCU ... they have asked us because they value an input from us.

"That's a really good example of how the culture has changed and they want to be open and transparent about decisions that they're making that are going to impact us. And it shows that they're willing to learn off others. Because there are shared issues. We host all of the CCTV, for example. That's our

infrastructure. It's our staff. If something comes up in Pacesetters, we can say well, we've got cameras there, we'll keep an eye on that for you ... They weren't sharing that information before. We wouldn't know if they were particularly looking for something. It gives us a greater awareness and understanding of what their pressures are because we put a lot of demand on the police as the local authority.

"And it enables us when we're dealing with our elected members, we've got some oversight about what's going on right across the BCU ... It allows us to be really proactive and manage our stakeholders. And it allows them also, on the flipside, to demonstrate that they are working in partnership with others that have an interest. So it's good, it's good PR for them that they're able to turn around and say in their comms, we are working with the local authority or that we've alerted the local authority. And we're able to say we're working closely with the police. I think it's reassuring for the public. To know that the left hand knows what the right hand is doing."

constantly having to build new relationships and reaffirm why specific arrangements are in place. A couple of LA participants described feeling like they almost had to prove they could be trusted every time there was a change in staff.

“They don’t value the relationships with well-established partners ... to say that actually, you know, we’ve got well-established relationships ... they can be trusted and you get a change of Chief Inspector and it all stops, and you’ve got to build that relationship again and it’s down to you. But senior leadership in the Met, the turnover is huge so we’re constantly having

to introduce ourselves, constantly having to set out what we do ... and people start questioning things and stuff, so that’s a constant battle.” [LA participant]

As with some of the police participants, a couple of LA participants noted that the MPS tended to have a culture of defensiveness. One LA participant described their observation that, when the MPS is under pressure, it tends to look inwards rather than outwards, and does not ask for help or work to maintain external relationships.

Box 2 illustrates this defensiveness via an example given by one LA participant.

BOX 2 – Lack of openness and transparency: defensiveness around stop and search

“The transparency of the police is I think a real challenge around [stop and search]. So we undertook an analysis ... and we did a piece of work where we looked at London-wide data and we came up with comparisons across London as well as across the BCU, broke it down per 1,000 populations so that it was a mean average and then broke it down into population demographics. Now we do that.

Obviously, the disproportionality becomes more and more and the Black and minority ethnic groups were very disproportionately affected. When we then talk about issues around openness and transparency, that is something that really comes to the fore.

“So we asked around, how do the police profile and how do they decide on who they stop? We didn’t get much of a very clear answer to that. We asked around positive outcome rates, to which the response was, ‘Well, every single stop is positive because you prevent someone from carrying a weapon,’ which I get the meaning of but the rhetoric is wrong ... And it caused us a lot of problems because the

police would not be transparent around how they profile, how they stop, how they train officers and how they reflect.

“When we go back to openness and transparency, we’d rather the police said, ‘Well, actually if you look at the crime statistics, then actually young Black men are more likely to do this, young White men are more likely to do that, and therefore we stop them based on this.’ But they don’t do it. They were a bit hidden and very defensive around that ...

I think the police feel that the community and possibly the councils use it as a stick to beat them with and we said to them, ‘Actually we think that stop and search is a very powerful tool and it’s there, it’s got a right to be there.’ ... But talk to us, sit down with our communities, sit down with our young men that are working on our youth justice teams. Understand how it feels to be stopped, understand what a good stop feels like and how a bad stop feels and work with us to help you.”

From an organisational perspective, LA participants thought there was a real lack of openness and transparency around organisational and structural changes that have occurred within the MPS. As one example, they described how the shift to BCUs had a big impact on their own ways of working but, as one participant described it, these changes were presented as “fait accompli”, without any meaningful consultation or engagement. In fact, several LA participants thought the move from the borough to BCU model of policing has had a significant negative impact on openness and transparency. Others mentioned a disconnect between the centre (NSY) and staff at BCU level. One LA participant illustrated this point by discussing how they are often privy to information about things going on inside the MPS before it cascades down to officers in the BCU. He said that his Chief Inspector on the BCU now asks him, “Whatever you hear when you go to these forums, tell us because you know about it more quickly than I know about it.”

As with some of the police respondents, some LA participants felt there was a ‘culture of defensiveness’ in the MPS, and that the organisation tended to look inwards rather than outwards when things went wrong. This was seen as not only inhibiting openness and transparency, but also interfering in the delivery of outcomes.

“They don’t really want to tell you the reasons for making certain decisions and sometimes they go into a real bunker mentality when the going gets tough ... partnership goes out the window and they make autonomous decisions without considering consequences.”

[LA participant]

There were some differences amongst LA participants in how they thought MPS openness and transparency has changed over time – some participants thought it has become better, but others thought it has become worse, especially over the last couple of years with the level of scrutiny the police have been under.

Finally, although there were mixed feelings around whether the MPS is an open and transparent organisation, several LA participants acknowledged the constraints the police were under; and that with ongoing investigations, sometimes opportunities to be transparent are limited. A couple of LA participants also took the opportunity to point out the positive work that officers do on a daily basis, which should not be overlooked:

“The vast majority of those people go out to do a really good job and try really, really hard every day and guess what, they might make some mistakes ... I think we, the local authority and the public, we need to give them a bit of a break. And sometimes understand the level of pressure they’re under both politically and operationally.” [LA participant]

BARRIERS TO OPENNESS AND TRANSPARENCY

The most common barriers identified by both groups of participants was a fear of criticism which was combined with a sense of defensiveness, at both individual and organisational levels. Police participants described, at an individual level, that officers did not want to be put in the spotlight because they feared looking silly or bad, or having something come out that might harm their career. On an organisational level, police participants described concerns around reputational risk.

"Fear of criticism. There's a fear that if I share that it's going to look bad ... if it's something that looks bad that's going to have reputational risk." [Police participant]

"People feeling that they're going to get made to look silly. Just that sort of culture where people don't like to be put in the spotlight." [Police participant]

LA participants similarly spoke about how they thought there was a worry about public perception within the MPS and a general level of risk aversion. They also described what they saw as a culture within the MPS in which there is an inherent lack of trust in anyone outside of the organisation, and an unwillingness to be vulnerable.

"I think sometimes the police are very worried about public perception, and actually that backfires on them. I don't think those are barriers that should prevent the openness and transparency." [LA participant]

"Culture-wise, there is still this element that everybody from outside of the police is the enemy or can't be trusted, or needs to prove they can be trusted." [LA participant]

"I think one is around vulnerability, isn't it, about making yourself vulnerable and actually say[ing], I don't know the answer ... I think they would benefit from doing that." [LA participant]

The next most common barrier identified by police participants was described as being legitimately derived from policing purposes, and related to the range of legal and operational reasons the police cannot always be open and transparent. For example, they described situations where openness and transparency might jeopardise an undercover operation or an ongoing investigation; and said there were often very good reasons they cannot be completely open and transparent.

"There may be some legal reasons as well as, I think, very good operational reasons why we can't be open and transparent because we might be risking an undercover police officer ... there are very good reasons why we can't be open and transparent as well as, perhaps, reasons which are not as justified." [Police participant]

Police participants also spoke about the resourcing and financial implications of having to invest in openness and transparency: to increase openness and transparency would require more people and more resources. A couple of police participants spoke about this in terms of a trade-off between investing in openness and transparency, and operational policing; and they expressed concern that operational policing may suffer for it.

"It's going to take more time, more people, more labour-intensive activity to have this open and transparent culture and working methods and practices. We'd need more people to start reaching out to communities, more people to start speaking to the media, more time to construct sessions or debriefs or the kind of content we want to share."
[Police participant]

Other barriers for police included the pace of work, and not always having the time to reflect or feedback on decision or actions that were taken because "it's on to the next crisis"; and a lack of knowledge by some officers of procedure and the complexities of data sharing.

The second most common barrier identified by LA participants was a lack of understanding or value placed on partnerships, at both individual and organisational levels. As noted above, some LA participants described how they were constantly having to re-establish relationships

with the police due to the constant turnover of senior leaders in the BCU. This was cited as an example of the organisation not placing enough emphasis on the importance of partnerships and of relationships.

"They don't value the relationships with well-established partners. They don't value those enough to say that, actually, you know ... we've got well established relationships. Here they can be trusted. And you get a change of Chief Inspector and it all stops, and you've got to build that relationship again and it's down to you." [LA participant]

LA participants also spoke about the variation across officers in their understanding of partnership, even at a senior level. As one participant described it, some senior officers at Superintendent level "thought the Council was just there to empty the bins". **Box 3** illustrates this variation in understanding of partnership by using an example shared by one of the LA participants.

BOX 3 – Lack of openness and transparency: need to have the right people in the right places

"It's about communication, openness and honesty. So each week during COVID, the three heads of Community Safety would meet with the Superintendent for Neighbourhoods, and we would talk about what was going on from the policing side in regards to breaches of COVID regulations, what we were doing around the change in legislation around shops, pubs, off-sale, all that sort of stuff ... it was half an hour, once a week, where we could share information, and look at resourcing. It was very open and transparent.

That Superintendent was then taken away and another Superintendent brought in. His background was not partnership working, it was response policing ... he turned around and said that he didn't have time to have that

half-an-hour meeting once a week. It wasn't beneficial to him.

"Now the impact of that was that one as senior managers ... we weren't aware of what was pressuring each other, which isn't the police's responsibility you would argue. But equally we weren't aware of how that was impacting on policing and vice versa. We weren't able to talk about what we could offer the police as a group and what was coming legally. And we weren't able to understand what the police were dealing with ... When we ask to speak to him as a group, he always says no. And I think that's a real concern because as our most senior leader in partnership, he should be texting, calling, emailing us whenever he needs us. But it feels like he does all he can to avoid us. And it goes back to that point where I'm saying right people in the right places."

The last barrier identified by LA participants was around data and information sharing. They described the MPS as very risk averse when it comes to sharing data. Several noted that the MPS is very soon going to be revoking access to police systems for LA analysts. They described a range of negative consequences to this decision and a concern that it will get in the way of good partnership working.

“Data protection and information sharing, I still think, is a problem. It’s become more of a problem recently. The police are starting to withdraw some of the day-to-day information-sharing opportunities we’ve got from the local authority point of view because of data breaches in the past and GDPR and all the rest of it. But I’m a little concerned that it gets in the way, or can get in the way, of good partnership working.” [LA participant]

VALUE OF GREATER OPENNESS AND TRANSPARENCY

Participants were asked what they saw as the value or advantages of having greater openness and transparency. By far the most common response for both police and LA participants was that greater openness and transparency enhanced public trust and confidence. Both groups felt that trust and confidence was at an all-time low; and believed that only by being open, transparent and honest with the public would police be able to regain that trust. **Box 4** gives an illustration of how openness and transparency lead to trust that was provided by one of the police participants.

BOX 4 – Good openness and transparency: community engagement strategy

“Probably a good example would be the community engagement strategy that I developed for my strand, so the whole of neighbourhood policing. We didn’t have one when I first joined ... and we were doing it piecemeal, I wasn’t really happy with it. But in truth, I didn’t really know what was needed. I had an idea of what I wanted to do, but I didn’t really know what the community wanted.

“So I had a workshop with my three IAG chairs. So the chairs from each of the three boroughs. We had a half-day workshop and I had my chiefs in the room as well, and we workshopped with them, went through it, and we came up with a really robust community engagement strategy that covered both physical face-to-face engagements ... and then also a really tight process around the use of social media. So really getting feedback from the community around, what does the community want to see.

They didn’t want to see just pictures of knives because, that’s interesting, but it can also increase the fear of crime. They also wanted to see some other stuff like, tell me a bit about yourself, tell me a bit about your day, where have you patrolled and why. They also wanted to see what I would call feelgood stories ... It was listening to the community and developing our strategy that really took on board their feedback and came up with, probably, I think a much richer and more balanced, well-rounded communications and engagement strategy than we had before.

“[This strategy] improved trust and confidence. I mean, for me, everything is about legitimacy, trust and confidence. And, you know, if we’re getting our job right then the community have more trust and confidence in us and it has affected that.”

Another value identified by police participants specifically was gaining more respect and understanding from the public. They thought that if the public could see more of what they do and what they deal with on a day-to-day basis, they would be more understanding of, and have greater empathy with, the police. They also thought this could help manage the public's expectations by making more visible the demands placed on the police.

"I think it will always come down to people generally being more accepting of something if they understand it ... I think trying to understand the complexities and the demands of what our officers actually have to deal with on a day-to-day basis may assist in that understanding of how we work."
[Police participant]

"Being very clear about what we can and can't do will help manage expectations. It will also help us put in appropriate asks ... I don't think we're very good at asking. We're not very open around what our needs are."
[Police participant]

The last value identified by a couple of police participants was around organisational learning, with the idea that being open and transparent will lead to greater insight into what police officers and staff think about decisions that have been made. This insight can then be used by the organisation to learn and to improve.

"If you're not open and honest about where you are ... you have no ability to be able to improve. For me, policing is about continual improvement and that doesn't mean blue-sky thinking. It's just about doing the basics brilliantly. And if we're not able to be open, and we're not able to be transparent with where we are, then we're wasting our time to

an extent. We're not going to improve, we're just going to carry on in the ruts that we're in and my concern is that means that our performance doesn't improve. Our culture doesn't improve." [Police participant]

In addition to public trust and confidence, some LA participants identified opportunities for collaboration and partnership working as outcomes of greater openness and transparency. Through effective partnership, openness and transparency would lead to better results and outcomes for the public.

"Openness and transparency is the foundation of effective partnership. The police can't deliver their outcomes without working in partnership." [LA participant]

DATA AND INFORMATION SHARING

Police participants noted that they share data with several different partners (both statutory and non-statutory), and that the level of information shared depends on the partner and the data-sharing agreements that are in place. Because local authorities are statutory partners, police described sharing many different types of data and information with them on a daily basis, from crime statistics and hotspot locations to intelligence and details about specific operations taking place. They reported being generally satisfied with the process of sharing information and data with partners.

"[Information is shared [proactively] relentlessly. We feed an insatiable beast for that. That wants information ... People get text messages proactively from our ops room, they get emails proactively from the ops room. Yeah, I mean, it's almost hourly probably." [Police participant]

"Data is shared proactively on a daily basis. When an incident happens, if it's sufficiently serious, we send a briefing note to the local authority ... [which] contains more detailed information around potentially personal data around victims or their families, so that the local authority are best placed to safeguard or work with the long-term problem-solving of that situation. That's done without the local authority asking for it." [Police participant]

Police participants also spoke about how data and information sharing is, broadly, a one-sided process, in that it is typically the police sharing data with the local authorities rather than the other way around. As one police participant stated:

"I suppose my only thing is that I just wonder if sometimes we share too much. So it's very much one-way traffic. You know, it's very rare that we get information and stuff proactively shared with us from local authorities or other partners ... I wonder if we probably have created a bit of a rod for our own back by giving them too much information at times, or information too often, which then leads to another request about, can you tell me a bit more about that and a bit more about that, when actually we need to be cracking on with doing our job." [Police participant]

A couple of police participants spoke about how they think there is a lack of knowledge of data-sharing agreements within the police:

"There's a lack of knowledge of data-sharing agreements within the police. People don't know there are London-wide data-sharing agreements with all the councils, that we can do certain things, we don't need all these smaller ones." [Police participant]

LA participants also generally expressed satisfaction with the flow of information day-to-day. Information is shared in several different ways: for example, they are invited to daily "Pacesetter" meetings where police go over yesterday's business and highlight areas of concern. They also noted that police send out partner messages after critical incidents where information about the incident is shared so that the LA can follow-up on any safeguarding concerns. LA participants described attending strategic and tasking meetings which occur on a weekly, fortnightly or monthly basis.

"Information given proactively frequently ... that's really improved. And also we have a daily Pacesetter meeting, which is a local meeting that we are invited to and we attend every single day so that we can get an understanding of what's gone on the night before." [LA participant]

LA participants also described how information flows mostly one way, from the police to the LA (because the police rarely ask the LA for information). Although they were generally satisfied with the day-to-day sharing of information, the structured, formal sharing of data was highlighted as an area of concern, in terms of both accessing data on police systems and putting in formal requests for data. As mentioned above, several LA participants were worried that the MPS will soon be revoking their analysts' access to police data and systems; and that they will only be able to access a narrower subset of data through a shared system called Safe Stats. Participants felt this would have negative consequences, including: the loss of LA analysts' ability to do any meaningful analytics; an increased demand on police and police analysts; a risk to safeguarding; a fear that harm and risk will increase; and a risk that local authorities will lose a lot of experienced and valuable analysts.

"Data-wise, I think we're really going to struggle from January onwards ... Again [this] goes back to that point ... what's important to us and what's not so important to the police. We can do analytical profiles that would benefit the police with our analysts because they can access their systems. If that's not the case, and we're using data that's out of date or it's cleansed to a significant level, we're going to lose a lot of our ability to do meaningful analytics and meaningful hypotheses and meaningful responses."
[LA participant]

"I've got an analyst in my team who did have access to the police systems, was vetted and all the rest of it and it's just all been taken off of him ... It's fraught with difficulties and there are lots of things now that need to be serviced and I've gone, OK, you know you're going to have to service the CSP [Community Safety Partnership], that's a statutory function. You're going to have to service all of the requests from safer neighbourhood boards and you'll have to do all that, you'll have to produce the products, you'll have to do it. Who's going to do it?" [LA participant]

"Ultimately there's a genuine risk to safeguarding, and threat, harm and risk would increase because we won't be able to look at the level of personal detail to that extent, but also the level of sort of thematic worries that we were able to." [LA participant]

LA participants also spoke about difficulties they encounter when putting in formal requests for data. They spoke of a lack of openness and transparency around what the barriers to data-sharing are; for example, a lack of resources versus a lack of willingness to share.

"From someone who started out their career in 2002 ... every conversation [then] seemed to be about information sharing and it was very tedious. To still be having those conversations 20 years later is astonishing. Genuinely astonishing. And it's unclear whether the barrier is a lack of willingness to share, or whether the barrier is actually a lack of resources to facilitate that sharing ... What is the barrier that is stopping this?"
[LA participant]

"I've been asking the Met., 'Can I have your abstraction data each month so that I can see what the abstraction levels are,' and I was told, 'Yeah you can have it, but you can't share it with anyone.' So you can't share it with your manager, you can't share it with your politician. You can't share it. So I said, 'Well I don't want it then. Because you're asking me to keep secrets. And I don't want to keep secrets. What I want to do is I want to work with you on this.'" [LA participant]

WHAT HAS TO CHANGE TO ACHIEVE GREATER OPENNESS AND TRANSPARENCY?

The last question participants were asked was, “What has to change to achieve greater openness and transparency?” Across both police and LA participants, answers to this question varied widely and reflected many of the main themes that have already been summarised in this report.

For police participants, responses included: a change of mindset and culture, less defensiveness, and more discussion of organisational learning; more time and resources to devote to the issue; better communication both internally and externally; more trust in partners outside the police and more value placed in partnerships; and a greater understanding of the principles of data sharing.

“We need a fundamental change of culture in the Metropolitan Police, a fundamental change of culture. We aspire, in my opinion, to be average. We don’t aspire to be brilliant, which we should.” [Police participant]

“I think a change of mindset. Less defensiveness, less parochialism, less silo working. More jump on the public side. Less talk about sort of organisational reputation and organisational risk, more about organisational learning and public risk.” [Police participant]

“The biggest change for me is around how we communicate through the corporate channels. I think it’s not effective, not fit for purpose. I can’t be more damning, it’s rubbish. In every sense ... there’s something about how we communicate internally as well through them, there’s just such a sense of disconnect between officers and the centre, it just feels very corporate, sterile, non-human.” [Police participant]

“An understanding of the principles – I don’t think, unless you work in a role where you’re dealing with that data sharing request regularly, there’s a lack of knowledge of what you can and can’t share, when it should be shared, who you can share it with.” [Police participant]

The most common response from LA participants was around the culture of the MPS, particularly around being open to be challenged and admitting mistakes, and a greater recognition of the value of partnership working. Other responses around what needs to change included: putting the right people in the right places and stopping the high turnover of staff in senior leadership roles; improving communication and information flows; and a change in cultural leadership.

“There needs to be a cultural shift within the organisation that places partnership at the centre, or close to the centre. The police is a reactive organisation, someone rings them up, something’s happening, and they need to go and deal with that and they’re very good at that. But the other part of that work, I think they need to place partnerships more at the centre.” [LA participant]

“I think there needs to be a greater understanding of partnership working across the Met, I think Chief Inspector, safer neighbourhood teams get it. Partnership teams get it. I think sometimes response teams don’t get it. I think sometimes with the Met, in terms of when they’re deciding what they want to do, I think they fail, maybe sometimes to realise what’s the local community safety partnership role in some of this.” [LA participant]

"I think fundamentally, probably the culture ... the culture of the Met is fundamentally different ... I think it's probably as much about ... being open-minded to be challenged or to be wrong or to be open to having the idea that decisions you make might be questioned. That, more than anything, is probably what is missing." [LA participant]

"They have to have the right people in the right places and they have to stop this crazy situation where they get a good officer who comes to you on a promotion, that then gets that promotion confirmed then the organisation goes well ... You can't do that job there anymore ... because now you've gone from an acting inspector to an inspector and then you lose all the knowledge and that skill, and only by being somewhere long enough – I'm thinking about communities here, and partners – can you build openness, transparency and trust." [LA participant]

"They need to better improve their communication because the amount of times where I will know what's going on within the Met before it cascades down ... They can't just be top-down, they have to listen to the officers on the ground and listen to their concerns." [LA participant]

IMPLICATIONS OF THIS CASE STUDY

First, openness and transparency in policing is dependent on the existence of established frameworks and willingness at the institutional level, on the one hand, but also on relationships of trust between partners at the individual level, on the other hand. Indeed, it can often seem that the latter is the most important element. The relevance of personal relationships is illustrated, for example, by LA participants' (negative) experiences of high staff turnover within the MPS. This illustrates how institutional practices seemingly unrelated to the questions at hand – here, the frequency with which staff are moved around for operational, bureaucratic and personal reasons – can affect the ability of the organisation to be open and transparent.

Second, openness and transparency are multidimensional in nature, existing across vertical and horizontal dimensions both within the organisation and with external partners, the public and the media. Some aspects of openness and transparency in policing, at both individual and corporate levels, concern relationships with peers; others concern relationships with subordinates, clients or 'the public'; and yet others – which have not been our main focus here – concern relationships with agencies of oversight and governance.

Third, and building on this point, the issue of resourcing specific information requests, and openness and transparency in a more general sense, remains a perennial problem for the police, one that is rarely addressed. These are not cost- or resource-neutral issues for police. It is clear from many of our participants' accounts that what, where, when and how MPS resources are allocated can have profound implications for its ability to be open and transparent.

Fourth, realising the full potential of openness and transparency may require a fundamental cultural shift within the MPS – at all levels of the organisation – away from a blame culture towards having the confidence to admitting shortcomings, being receptive to positive and negative feedback, and communicating appropriate responses that have been adopted. Our participants consistently identified defensiveness and an inward-looking mentality as the biggest barriers to the positive potential of openness and transparent practice.

Finally, there is clearly a need for better understanding of data protection and information sharing protocols, not only within the police but also on the part of those requesting information from the police (e.g. partner agencies or the public). Almost by definition, police cannot share all the information a particular party might want, and there is a need for wider clarity on what can or cannot be shared.

SECTION FIVE Cautionary tales

Throughout this report we have argued strongly for the benefits to policing of openness and transparency. We support this policy direction in both the MPS and the national policing landscape. We are aware of, and we welcome the ethical intent behind, the emerging MPS Open Data Strategy. Precisely because we advocate for openness and transparency, we conclude our report with some cautionary tales about the implementation of openness and transparency policies. These are offered not in to deter openness and transparency initiatives, but to support consideration of how they should be shaped to secure the desired increases in trust and confidence.

CAUTIONARY TALE 1 TRANSPARENCY AND ACCOUNTABILITY AROUND PERFORMANCE MEASURES

Our first cautionary tale relates to transparent publication of police organisation performance indicators. In principle, transparent publication should support accountability, with both internal and external commentators able to reference progress (or lack of it) towards agreed goals. However, unintended consequences arise when organisations treat performance indicators as targets. When praise, criticism and personal success are strongly related to achievement of one or more indicators, the potential benefits of publicity can be offset by pursuing activity designed to meet the indicator rather than the underlying policing needs.

Gaming the targets

Across the public sector it is widely acknowledged that performance indicators tend to mutate into targets; and that under intense pressure, ways will be found to meet these indicators or targets in a manner that frustrates the intended goal. Such efforts may be

intentional and deceptive, or a gradual migration away from good practice in order to meet performance expectations. For example, the IOPC reported finding in one force that, in the wake of expectations to be open and transparent about performance indicators, units had adopted their own:

“standard operating procedure designed to encourage officers to take retraction statements from victims in cases where it was thought they might later withdraw or not reach the standard for prosecution. By increasing the number of incidents that were then classified as ‘no crime’, sanction-detection rates improved and the performance statistics for the unit benefited.”
(IOPC, 2013)

Inequitable effort

Another way of meeting targets may be to expend policing effort on easier activities that generate inequitable effects. The Police Data Initiative in the US resulted from recommendations in the Task Force on 21st Century Policing that focused on transparency, trust, accountability and innovation.¹⁸ The transparency initiative was subsequently adopted by the Seattle Police Department. Researchers found that Seattle police did indeed make fewer traffic stops following its commitment to transparency data publication. However, the positive effect was concentrated on areas with fewer Black residents, partly due to relatively fewer officers being dispatched to these neighbourhoods. The researchers also noted that the inequality in police use of force associated with racial makeup of neighbourhoods became even more marked after the department adopted the transparency policy.¹⁹ On the plus side, whilst transparency of data did not improve policing outcomes, it did allow researchers to examine them.

CAUTIONARY TALE 2 TRANSPARENCY DOES NOT AUTOMATICALLY INCREASE TRUST

A further natural experiment arising from adoption of the Police Data Initiative took place in Chicago. Researchers found that greater transparency was associated with an apparent increase in trust in Black communities where previously trust in the police was low. However, there appeared to be a significant reduction of trust in White communities, where the police had previously enjoyed high levels of trust.²⁰ While this is not an overall negative outcome, it indicates that greater transparency might lead to variable levels of trust in different communities.

The Chicago findings echo those from an earlier experimental study of citizen responses to performance data from a British police force.²¹ That study came to several interesting conclusions about the impact on different citizen groups of publishing negative and positive data. In the British study, findings included the following:

- Citizens will take note of, and tend to believe, reported performance data presented to them.
- In areas where performance appears good, the apparent success will lead to increased trust.

- In areas where performance appears poor, this will lead to reduced trust.
- Citizens who begin with a low perception of the organisation's performance will react most significantly to evidence of both good and bad performance, indicating that their trust is not only easier to gain but also easier to lose.
- Citizens who begin with a high perception of the organisation's performance will react least significantly to evidence of good and bad performance, indicating that increases in the level of their trust are harder to win, but that their trust is also more stable and resilient.

Both studies suggest that citizens and stakeholders will respond differently to the same data, indicating a need for careful design of transparency initiatives and a degree of realism about what they might achieve.

In the same vein, organisations that open themselves up to scrutiny, criticism and potentially legal action need to be clear about why they are doing it, the benefits that might accrue, and how they will manage the risks involved. When data can be easily released online, organisations may find it more challenging to shape the policy narrative and manage their public image.²²

18. Police Data Initiative, [About](#)

19. Choi, T. U., & Kim, M. (2022), 'Does Police Transparency "Work"? Evidence from the Seattle Police Department', *Academy of Management Proceedings* (Vol. 2022, No. 1, p.12,350), Briarcliff Manor, NY 10510: Academy of Management

20. Kochel, T. R., & Skogan, W. G. (2021), 'Accountability and transparency as levers to promote public trust and police legitimacy: findings from a natural experiment', *Policing: an international journal*, Vol. 44, No.6, pp.1046-1059.

21. Mason, D., Hillenbrand, C., & Money, K. (2014), 'Are informed citizens more trusting? Transparency of performance data and trust towards a British police force', *Journal of Business Ethics*, Vol. 122(2), pp.321-341.

22. Chanin, J., & Courts, J. (2017), 'Examining the determinants of police department online transparency', *Criminology, Crim. Just. L & Soc'y*, Vol. 18, p.52.

CAUTIONARY TALE 3 THE PRESENTATION OF DATA MATTERS

Our next cautionary tale counsels that making data available does not automatically fulfil the purposes of transparency, insofar as those purposes are to build public confidence and engage communities. Ill-designed presentation of data obstructs the achievement of these goals.

There is potentially useful learning offered by research into publication of crime statistics. Chainey and Tompson studied the impact of online crime maps made available to the public on www.police.uk, the platform that has been collating and presenting English police force statistics since December 2008. The impetus to publish such information stemmed in part from the perceived need to provide greater public reassurance, a response to the so-called 'reassurance gap'. (In the early 2020s the 'reassurance gap' reflected that, despite a sustained fall in crime since the mid-1990s, there had not been a corresponding fall in the public's fear of crime.) It also reflected the growing political commitment at that time towards democratic transparency.²³

The studies they reviewed contain much useful insight into how to approach to transparency in order to achieve benefits in relation to public understanding, engagement and empowerment. They concluded that the www.police.uk aims of

improving engagement and empowerment had yet to be realised, "mainly due to poor cartographic discipline which has led to misinterpretation and confusion".²⁴ They argue for greater clarity regarding the purpose of publishing crime statistics, which would support decisions on how to shape the type, content and precision of data to be presented. They suggest that a policy of publishing everything and anything was unlikely to engage the public in a constructive dialogue, and that greater candour will not lead simply to greater confidence.²⁵ Instead, presenting quality information that the public can use to minimise their risk of victimisation, or as a basis for dialogue with their local policing teams, was, for the authors, likely to prove a more fruitful route.

It has been suggested that it is helpful to differentiate between 'data visibility' (that is, how easily data is available to the public) and 'data inferability' (what inferences can be drawn from the information provided).²⁶ Similarly, Mason et al (cited at footnote 21) emphasised the need for careful consideration of what data to make available, in what format, when to publish, what media to use, when to proactively communicate data and information, and what inferences can be drawn from the data. There is an economic cost to providing data and information.²⁷ As transparency and openness are not free, it is essential to design the publication strategy so that it reaps the hoped-for benefit.

23. Hohl, K., Bradford, B. and Stanko, E. (2010), 'Influencing Trust and Confidence in the London Metropolitan Police: Results from an Experiment Testing the Effect of Leaflet Drops on Public Opinion'. *British Journal of Criminology*, Vol. 50 (3), pp.491-513

24. Chainey, S., & Tompson, L. (2012), 'Engagement, empowerment, and transparency: publishing crime statistics using online crime mapping', *Policing: A Journal of Policy and Practice*, Vol 6(3), pp.228-239.

25. Sampson F. Kinnear F. (2010), 'Plotting Crimes: Too True to Be Good? The Rationale and Risks behind Crime Mapping in the UK', *Policing: A Journal of Policy and Practice*, Vol. 4(1), pp.15-27 (doi: 10.1093/police/pap015)

26. Michener, G., & Bersch, K. (2011), 'Conceptualizing the quality of transparency'. Paper presented at the First Global Conference on Transparency, Newark, NJ, in May 2011. Paper [available here](#).

27. Galeotti, G., Salmon, P., & Wintrobe, R. (2007), *The economics of transparency in politics* (p.248). A. Breton (ed.), Aldershot: Ashgate

CAUTIONARY TALE 4 PUBLIC UNDERSTANDING OF POLICING NEEDS TO BE NURTURED

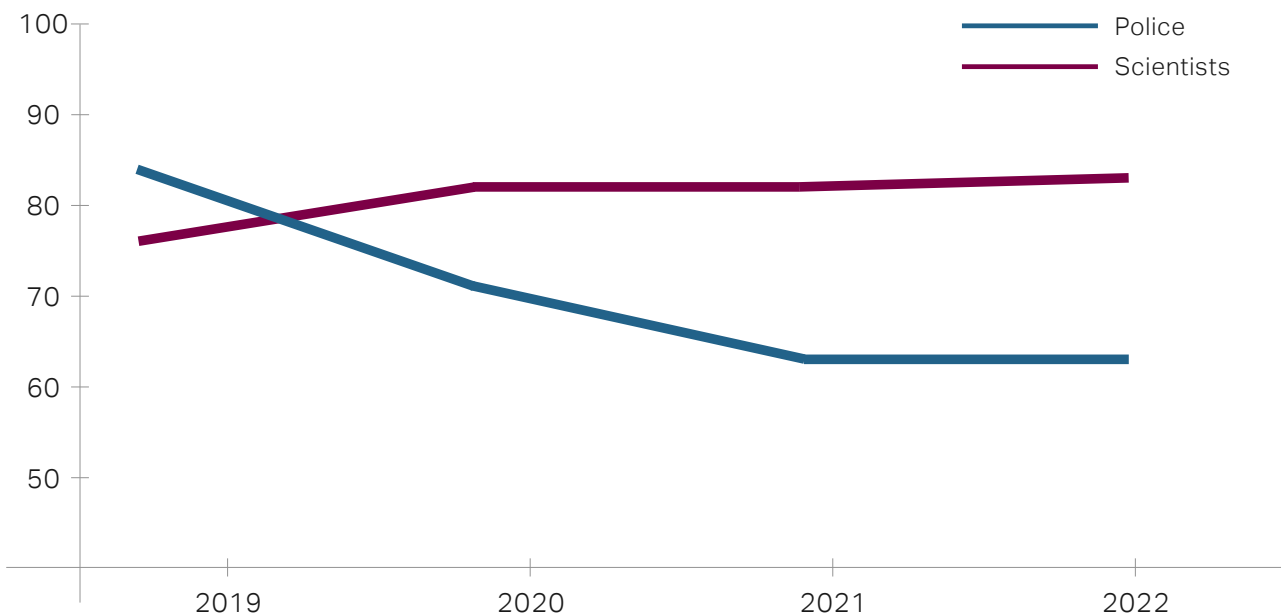
We have seen above that making data available to the public may have some beneficial effects, but does not increase trust and confidence across the board. If increasing transparency is not an infallible panacea for distrust, what more should be considered?

Given recent controversies, it is not wholly surprising that the London Datastore records declining levels of trust and confidence in London's police.²⁸ However, while there appear to be falling levels of trust across various social institutions, comparisons can be informative. Ipsos (formerly Ipsos MORI) has been tracking

public trust in various professionals by means of a veracity index for two decades. The data for police and scientists from 2019 to 2022 indicate that trust in scientists increased and trust in police decreased over this period, which covers the pandemic lockdowns.

Algan and colleagues have noted that the COVID-19 crisis brought into sharp relief the importance of trust.²⁹ Results for the UK showed that high levels of trust correlated with high levels of compliance, such as social distancing, mask-wearing and propensity to be vaccinated. Their dataset suggests that a critical component in the evolution of trust in scientists is their perceived level of impartiality. Typically, where trust in scientists has decreased, a substantial and increasing share of citizens think that scientists are likely to hide information.

IPSOS DATA MONITORING TRUST IN SCIENTISTS AND POLICE TO TELL THE TRUTH, 2019-22



28. London Datastore, [Trust and Confidence Dashboard](#)

29. PNAS, [Trust in scientists in times of pandemic: Panel evidence from 12 countries](#), 27 September 2021

The Ipsos veracity index showed that up to 2019 the police had also largely enjoyed a high trust rating relative to other professions, but that their trust rating declined through the pandemic lockdowns. A YouGov poll³⁰ showed that, in February 2020, seven out of ten Britons thought the police were doing a good job. This declined to 53 per cent by March 2022. Whilst there are complex reasons for this decrease, Fleming and Brown argue that the policing of the pandemic placed strain on normative compliance, public confidence and support for and a commitment to democratic modes of policing.³¹ They found from a qualitative study of officers serving in England and Wales that, over the three lockdowns, dealing with the public became more difficult and disappointing. All officers in the study were aware of the importance of legitimacy and procedural justice for compliance, but by the third period of lockdown the relationship with the public was perceived to have deteriorated, placing great strain on the policing by consent mandate.

Writing about public understanding of the law, Richard Grimes argued that legal literacy is desirable because it promotes clearer understanding of rights and responsibilities; and it enables people to access entitlements, comply with obligations and participate in active citizenship.³² By analogy, the same might be said for policing and the cultivation of 'policing literacy'.

The public's knowledge about policing comes from direct experience or vicariously, often from media sources. Tyler, Fagan and Geller use the concept of 'legal socialisation' to refer to the personal experiences with the police that unfold during childhood and adolescence, or the witnessing of police activity in their neighbourhoods.³³

A substantial proportion of people have limited direct experience of interaction with the police. Pickett et al state that the public typically lack extensive experience with the justice system, so rely on the mass media as their primary source of information.³⁴ Robertson argues that public understanding of police and police work is distorted by these sources of information, which are mostly vicarious fictional depictions or news coverage of sensationalised cases of police misconduct.³⁵

However, a 2020 Police Foundation paper found that there was a public appetite for being more informed about police processes and priority setting; but that too little has been done, especially in areas such as public health approaches, early intervention and restorative justice developments.³⁶ An approach that treats people "not merely as consumers of public order and security but as citizens with the capability of thinking about what is in the public interest" (p.24) will require a more sophisticated conversation

30. YouGov, [Confidence in the police sinks in two years](#), 15 March 2022

31. IDEAS (RePEc), [From Easter Eggs to Anti-Police Sentiment: Maintaining a Balance in Policing during the Three Pandemic Lockdowns in England and Wales](#), January 2023

32. Grimes, R. (2003), 'Legal literacy, community empowerment and law schools – Some lessons from a working model in the UK', *The Law Teacher*, Vol. 37(3), pp.273-284.

33. Tyler, T. R., Fagan, J., & Geller, A. (2014), 'Street stops and police legitimacy: Teachable moments in young urban men's legal socialization', *Journal of empirical legal studies*, Vol. 11(4), pp.751-785.

34. Pickett, J. T., Mancini, C., Mears, D. P., & Gertz, M. (2015), 'Public (mis) understanding of crime policy: The effects of criminal justice experience and media reliance', *Criminal Justice Policy Review*, Vol. 26(5), pp.500-522.

35. Robertson, N. (2012), 'Policing: Fundamental principles in a Canadian context', *Canadian Public Administration*, Vol. 55(3), pp.343-363.

36. The Police Foundation, [Policing and the Public: Understanding public priorities, attitudes and expectations](#), February 2020

between the police and the public, which in turn calls for new skills and approaches, as well as the time and opportunity for meaningful dialogue. A more recent Police Foundation study of the decrease in trust in the wake of the pandemic has noted that, if the public's understanding of policing and, hence, their trust are to be enhanced, then that will take upfront investment, strategic preparation and energetic delivery.³⁷

The emerging field of digital civics may hold some promise in this respect. Research in this area seeks to understand how digital technologies can create new forms of relationships between public officials and citizens, and hence support enhanced governance. Digital civics emphasises the importance of relationships based on dialogue, empowerment and participation; but recognises that relationships between police and the public may be characterised by entrenched distrust impeding dialogue and participation. Effective digital civics practices could help to bridge this gap. Digital civics is still a developing approach, but there are promising results from early experiments in community engagement and participation.³⁸

37. The Police Foundation, [Policing the Pandemic](#), January 2022

38. See e.g. Corbett, E., & Le Dantec, C. A. (2018), 'Exploring trust in digital civics', Proceedings of the 2018 Designing Interactive Systems Conference (pp. 9-20). Vlachokyriakos, Vasillis, et al (2016), 'Digital civics: Citizen empowerment with and through technology', Proceedings of the 2016 CHI conference extended abstracts on human factors in computing systems.

SECTION SIX For consideration

As noted earlier in the report, we made several recommendations in respect of MTIPS searches; these are published in the report together with the MPS response. However, we do not think the broader discussion on openness and transparency in relationships with partners is a topic on which to make detailed recommendations. Instead, we have summarised here points we think merit consideration by the MPS, based on the findings from our partnership case study and on the cautionary tales.

PARTNERSHIP WORKING

Our understanding of current developments in the MPS is that the service is renewing its commitment to local partnership working, notably through strengthening the borough command structure. We welcome this refreshed commitment to borough partnerships and hope that this report provides insight to support it.

- A1)** Interviewees emphasised that, in boroughs where daily briefings between LAs and police occur, these are highly valued. If this is not yet a consistent practice across the MPS, there may be merit in making it so.
- B1)** Relationships between trusted individuals are key to building openness and transparency. However, it is clear from our interview data that 'churn' in local police leadership roles disrupts relationships of trust that are vital to the success of local partnerships. It may be impossible or undesirable to reduce the frequency with which senior officers move on from leading local partnership work. There is an evident need, therefore, for conscious mitigation strategies that support the smooth transition of relationships and retention of organisational memory. Mitigation strategies might include timely succession planning, so that there is an overlap between officers leading local partnership work and their successor; or structured expectations around handover or senior leader transition, with adequate time given to this task to allow for ongoing relational work to continue with minimal disruption.
- C1)** Several LA interviewees commented that they were not convinced that the MPS really understood partnership working, or what could be gained from it. The refreshed commitment we have noted may provide an opportunity to engage in a renewed dialogue with local partners to truly understand – from both the police and LA perspectives – expectations around partnership working.

CAUTIONARY TALES

Each of the cautionary tales holds implications for the practice of openness and transparency. What can be learned from them?

- A2)** Avert the tendency for transparently published performance indicators to become viewed as targets, especially where there are direct or indirect incentives for meeting them. This may lead to gaming and to behaviours that 'meet the targets but miss the point'.
- B2)** Look carefully at how performance indicators are designed, how they are published and how they are met. A desire to achieve published performance indicators so as to allay public disquiet may direct policing effort towards goals that are easier to achieve in some areas than others, and have a disproportionate impact.
- C2)** Do not assume a direct correlation between openness and transparency initiatives and greater trust. Achieving trustworthiness is complex, and different communities may respond in different ways to open and transparent data sharing depending on the degree of confidence they initially hold.
- D2)** Take into account research findings on data presentation, and formulate an appropriate communications strategy based on this evidence. Acknowledge the economic cost incurred in providing data and information. As transparency and openness are not free, design publication strategies with care so that they reap the hoped-for benefit.
- E2)** Explore further ways of increasing public understanding of policing, including looking at whether the emerging field of digital civics could help engage police and public in new forms of dialogue. Consider ways to gauge the potential return on investment of public understanding activity.

LONDON POLICING ETHICS PANEL

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IN THE METROPOLITAN POLICE SERVICE

APRIL 2023