London Policing Ethics Panel
Report on Openness and Transparency in the Metropolitan Police Service

This outline briefing summarises key features of the report

London Policing Ethics Panel 2023

Introduction

The latest report from the London Policing Ethics Panel (LPEP) considers aspects of openness and transparency in the Metropolitan Police Service (MPS). Our purpose in the report is to support the MPS's current programme of cultural renewal.

The report discusses the ethical significance of secrets, transparency and openness in policing.

It describes two case studies that we carried out to explore openness and transparency in practice. The first of these looked at how the MPS manages openness and transparency in the conduct of searches of adults exposing intimate parts. The second looked at managing openness and transparency in relationships between the MPS and local government.

We reviewed research on openness and transparency initiatives in policing and drew out four 'cautionary tales' about how these can fail to deliver as intended.

The value of secrecy and its dangers

Secrecy is essential to human functioning but is intrinsically exclusionary and potentially poisonous when misused. Institutional openness and transparency are the necessary antidote.

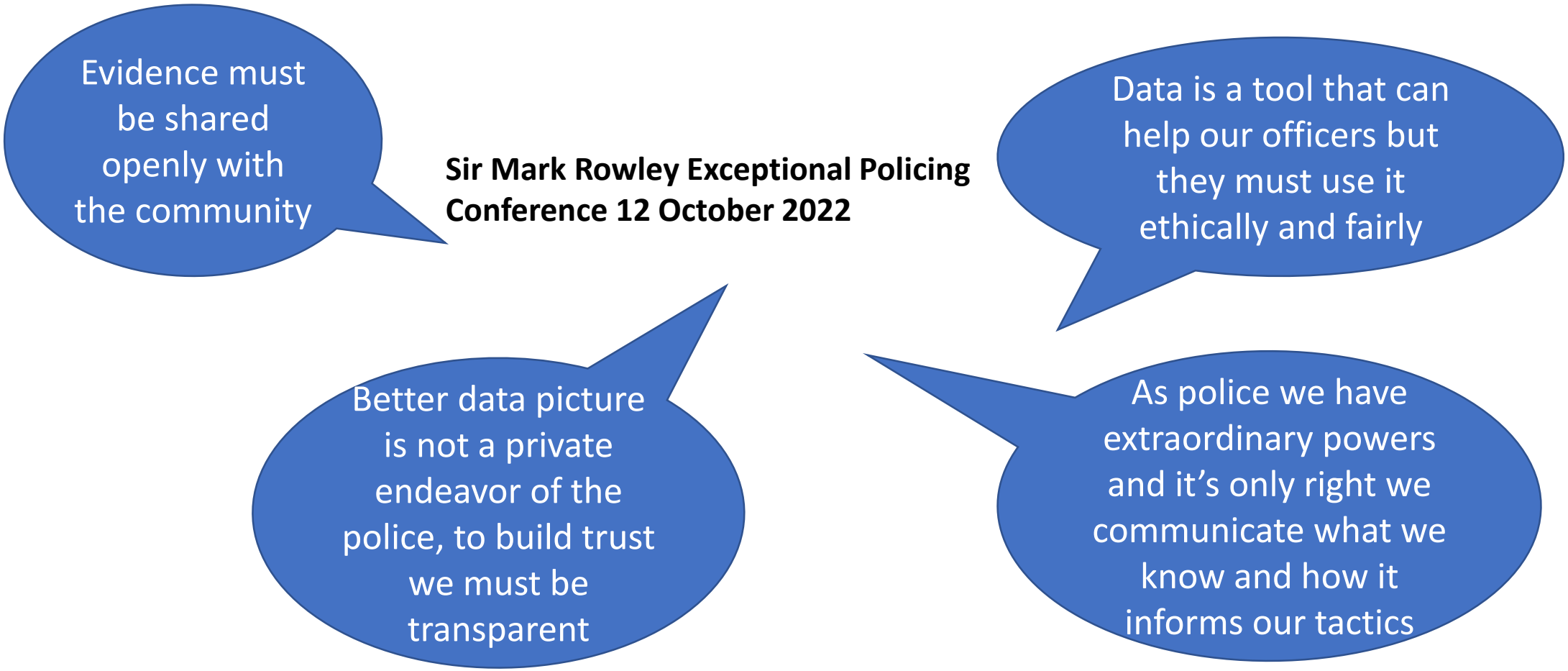
Secrecy is indispensable. Our sense of personal identity results from choosing to whom and how we reveal ourselves. Privacy, which cannot exist without secrecy, is so important that the right to privacy is protected as a human right. Principles of secrecy such as confidentiality are enshrined in professions and institutions that become the keepers of secrets.

Social institutions also need secrecy. Information is concealed in order to serve plans and purposes, such as operating commercially in a competitive market or carrying out a policing operation where surprise is of the essence.

But like absolute power, unconstrained institutional secrecy can corrupt those who benefit from it.

An Enigma code machine

MPS's commitment to openness and transparency



Transparency and openness

Transparency

Transparency means giving an accurate account of matters that are reasonably the interest of others.

It can be 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.

A prompt and accurate response to freedom of information requests is an example of transparency.

Openness

Openness is a positive attitude towards actively offering knowledge, information, and supporting analysis; and engaging with responses to it.

Openness emanates from individuals and the institution as a whole. It demonstrates an accessible, amenable and non-defensive mindset. This non-defensive mindset means that openness is about being willing to listen as well as willing to inform.

Being candid, volunteering relevant information even if it has not been asked for, and accepting challenges to one's actions are examples of openness.

Case Study One – MTIPS

We carried out this case study because conducting searches exposing intimate parts with respect and dignity requires openness between officers and the public, and transparency in monitoring and recording searches throughout the MPS.

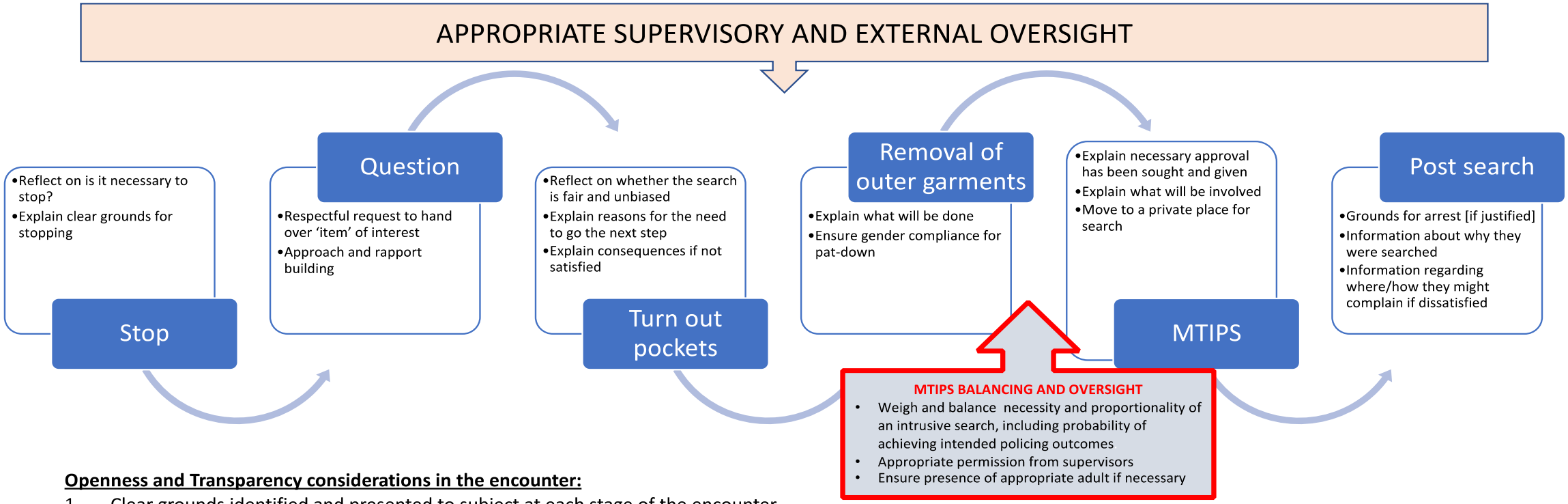
We focused on searches of adults.

We found instances of both good and poor practice, and some positive recent developments. We made nine recommendations which were accepted by the MPS; some changes were already in train.

The process diagram that follows shows where ethical considerations of openness and transparency are important in the MTIPS encounter.

Ethical considerations governing the encounter: [Principles of Procedural Justice]

1. Consider the scale of intrusion and whether the social benefits to be gained justify intruding through stop & MTIPS, weighing this at each stage of an encounter.
2. Give a clear, accurate and respectful account for why the stop and search is taking place.
3. Give the person the opportunity to hand over items of interest or explain their presence.
4. All actions must be undertaken with total respect for the person's dignity and modesty.
5. Active reflection on own judgement and motivations to progress the encounter, balancing in particular the scale of intrusion, necessity and proportionality, and whether foreseeable detriments of initiating search will be outweighed by anticipated benefits.



Openness and Transparency considerations in the encounter:

1. Clear grounds identified and presented to subject at each stage of the encounter.
2. Explanation for why the encounter is moving on to the next stage and what is hoped to be achieved.
3. Explanation at each stage of what will happen next and justification for moving to the next stage.
4. Information about complaints process post encounter – [make the complaints process simple and transparent]
5. Feedback to the complainant on the outcome of the complaint [if any]
6. Accurate data entry and record keeping covering decision making in each stage
7. Internal and external accountability with openness to scrutiny at every stage

Case Study Two – Working with local government partners

We carried out this case study to explore expectations of openness and transparency between police and local government leaders.

We found:

- similar understandings of transparency and openness
- a shared belief that openness helps to build trust with partners and local communities
- a strong view that trust is built through effective relationships and mutual dialogue between police officers and local government leaders, who together work to fulfil the commitment to openness and transparency.

Image by trapptechnology.com

Barriers to transparency and openness

Police perspectives

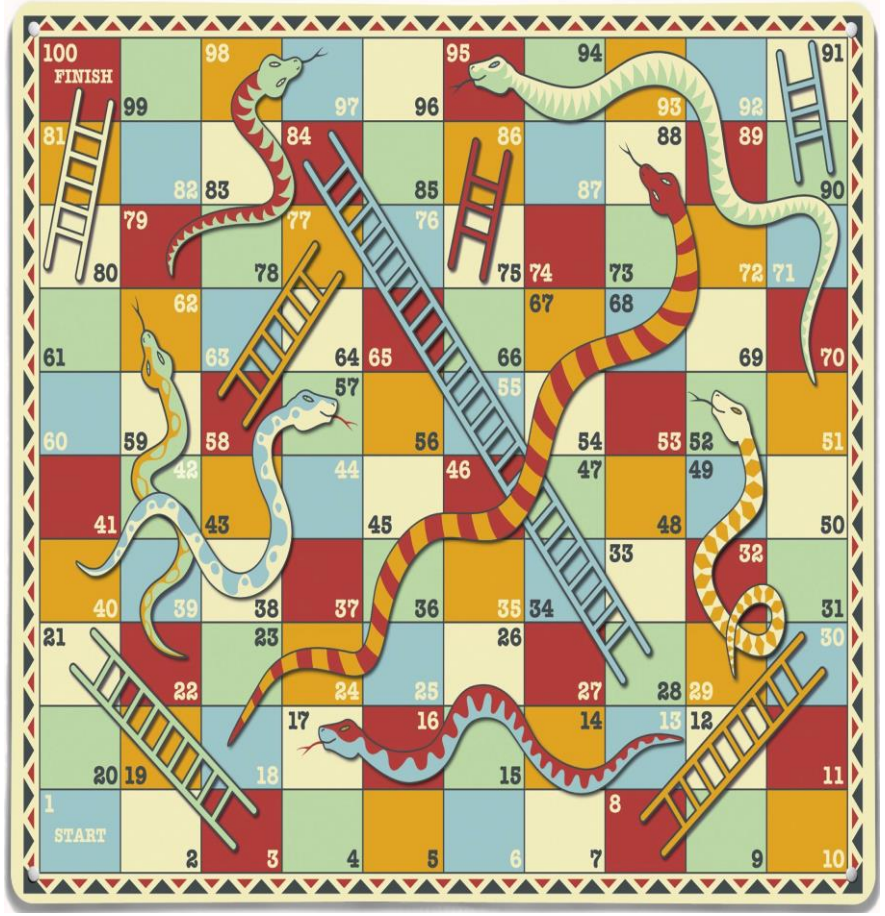
- Police participants thought the MPS tries to be open and transparent with its own staff, partners, and the public, but acknowledged it could do better. Internally, communication was an area identified as needing improvement, ranks and departments.
- Police participants felt frustration they were unable to be as open and transparent with the public as they would like. They thought that the MPS tended to be defensive in its narrative with the public.
- Police participants spoke of legal and operational reasons information cannot be shared. However, openness and transparency were also inhibited by a lack of resources and time to devote to the issue.

Local Authority (LA) partner perspectives

- LA participants described how individual officers they work with locally are open, transparent, and willing to share with them as trusted partners. However, frequent change in local leadership means that relationships between local MPS leads and LA partners have to be constantly rebuilt.
- LA participants identified a lack of recognition in the MPS of the benefit of partnership, and issues around data protection and information sharing. They also noted that, at an institutional level, there was a lack of openness and transparency around organisational and structural changes.

Both police and local government participants spoke of cultural barriers to openness: a fear of criticism, defensiveness, and risk aversion within the MPS.

Cautionary tales



Our review of research into openness and transparency initiatives in policing turned up several cautionary tales. We consider four lessons. Three come from well-intended initiatives that backfired because of the way the initiatives had been designed and monitored. The fourth advises of the need to consider how the public understand policing if information sharing is to be of value.

The key lessons are summarised below, and sources are cited in the full report.

The lessons from the cautionary tales

1) Transparency and accountability in respect of performance indicators can have unintended consequences. Care needs to be taken to ensure officers are not inappropriately incentivised to meet badly designed aims they view as targets.
2) Transparency does not invariably increase trust. A lot depends on how much trust and confidence there is to start with. For instance, a British study showed that citizens who start out with a negative perception of a force's performance will respond more strongly to evidence of both good and bad performance than people with a positive perception. In this less confident group, good performance data may help build trust but poor performance data may rapidly undermine it.
3) The presentation of data matters. Studies of crime mapping suggest that there are important decisions to be made about the type, content, and precision of data. Greater candour will not lead straightforwardly to greater public confidence. 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, is likely to prove a more fruitful route than just open data provision.
4) Research suggests that the public have an appetite for a better understanding of policing, and constructive dialogue leads to greater empathy in both parties. But at present there is probably insufficient investment in openness, transparency and public understanding. The new "digital civics" might offer cost-effective options.

Full report

The full report can be downloaded at:

http://www.policingethicspanel.london/reports.html

The full report

- elucidates the ethical principles
- identifies the data sources we have used
- works through the two case studies
- narrates the cautionary tales
- details the methods we used to come to our conclusions.