



Our Ref: 000622/21

Your Ref:

Address Correspondence to: Information Management

Date 13 April 2021

### **Freedom of Information Act 2000**

I write further to your request for information received 23/02/2021.

I note you seek access to the following information:

*I am writing to you for some clarification please in regards to Police Officer's holding the office of constable.*

*I have read "The office of Constable; The bedrock of modern day policing, by John Apter" on the police federations website and it has raised some questions.*

*<https://www.polfed.org/media/14239/the-office-of-constable-with-links-2018.pdf>*

*Please can you tell me if every Police Officer within your police force holds the Office of Constable? That is, has every police officer, sworn the following oath?*

*"I do solemnly and sincerely declare and affirm that I will well and truly service the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law"*

*If there is a variation of this oath, for say officers who do not hold the office of constable, and may be employees of a company carrying out police officer duties, what is that oath?*

*If there is a difference between police officers having sworn said oath, can you tell me the name and badge number of every office holding the office of constable within your force and what the ratio to those who havent please?*

*Do police forces, in any instant, use "hired help" such as security firms or employees of limited liability companies, and allow them dress in police uniforms and enforce the law? What safeguards and protocols are in place to protect the public ifso?*

*What does it mean, to be policed by consent, I quote from the above referenced document: "The office of constable is fundamental to our system of politically independent policing by consent".*

*In addition, can police officers holding the office of constable, and/or any other police officer/employee potentially impersonating a police constable, enforce legislation, acts and statutes?*

*I look forward to your honourable reply, by both post and email.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

**Your request for information has now been considered and the information asked for is as follows: -**

Every police officer employed by Leicestershire police gives the oath of allegiance within a couple of weeks upon starting initial training. There is only one oath and I have copied that below. We do not employ private companies or other organisations to act in the office of constable as only a Police Constable can enforce those laws given to them by the state. Any questions with regard to the professionalism of that constable is answerable and looked into by our Professional Standards department and the Independent Office for Police Conduct.

Every Police Officer within Leicestershire Police swears the following oath of allegiance usually within the first couple of weeks upon starting within training and last with them throughout their service in the office of constable. A police officer does not hold the office of constable or able to enforce any powers until they are sworn and attested as such.

I, (name) of Leicestershire Police do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of Constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against the people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

*If there is a variation of this oath, for say officers who do not hold the office of constable, and may be employees of a company carrying out police officer duties, what is that oath?*

There is only one oath of allegiance which a police officer gives to hold that office.

*If there is a difference between police officers having sworn said oath, can you tell me the name and badge number of every office holding the office of constable within your force and what the ratio to those who havent please?*

There is not an alternative Oath for officers within Leicestershire Police

*Do police forces, in any instant, use "hired help" such as security firms or employees of limited liability companies, and allow them dress in police uniforms and enforce the law? What safeguards and protocols are in place to protect the public if so?*

Only police officers wear a police uniform. Leicestershire Police do employ police staff to undertake key roles and they do have a uniform however; this is not similar in any way to a police officers and they do not have any powers under the law. Police Community Support Officers (PCSO) are employed directly by Leicestershire police, do have certain powers and do wear a uniform for that role and which is different to that of a police officer. All insignia and badges on this uniform are clearly marked as a PCSO

*What does it mean, to be policed by consent, I quote from the above referenced document: "The office of constable is fundamental to our system of politically independent policing by consent".*

The below is taken from the HM Government website which is accessible to all and details what policing by consent is.

<https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent>

When saying 'policing by consent', the Home Secretary was referring to a long standing philosophy of British policing, known as the Robert Peel's 9 Principles of Policing. However, there is no evidence of any link to Robert Peel and it was likely devised by the first Commissioners of Police of the Metropolis (Charles Rowan and Richard Mayne). The principles which were set out in the 'General Instructions' that were issued to every new police officer from 1829 were:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

Essentially, as explained by the notable police historian Charles Reith in his 'New Study of Police History' in 1956, it was a philosophy of policing 'unique in history and throughout the world because it derived not from fear but almost exclusively from public co-operation with the police, induced by them designedly by behaviour which secures and maintains for them the approval, respect and affection of the public'.

It should be noted that it refers to the power of the police coming from the common consent of the public, as opposed to the power of the state. It does not mean the consent of an individual. No individual can choose to withdraw his or her consent from the police, or from a law.

*In addition, can police officers holding the office of constable, and/or any other police officer/employee potentially impersonating a police constable, enforce legislation, acts and statutes?*

Only those employed by the Force and lawfully exercising their duty can enforce legislation in a policing context such as a Constable, a Special Constable, a PCSO or a Detention officer working within a custody suite. It is an offence to impersonate a police officer.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Freedom of Information Officer  
Leicestershire Police

Leicestershire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law.

Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Information Manager, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.