

Institution: The Open University (OU)		
Unit of Assessment: C20 Social Policy and Social Work		
Title of case study: Improving police integrity by legislating against the 'blue code' of silence		
Period when the underpinning research was undertaken: 2000-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Prof Louise Westmarland Dr Steve Conway	Professor of Criminology Lecturer in Policing	2001 to present 2018 to present
Period when the claimed impact occurred: 2014-2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact		
<p>The Open University's research regarding the 'blue code' of silence in UK police forces has resulted in a major change in policing policy and practice. Over the years, Westmarland's findings had shown that many officers would not choose to report a colleague's serious and potentially harmful misbehaviour. Influenced by this research, the first UK police Code of Ethics, published in 2014, states not reporting a colleague is now a statutory offence. Police officers in the UK are now disciplined, and potentially dismissed, if they fail to report colleagues' unethical or illegal behaviour. Through her membership of the National Crime Agency's (NCA) Ethics Committee, Westmarland has also used her research to directly influence police actions in challenging ethical situations at the highest level of UK policing.</p>		
2. Underpinning research		
<p>Since joining The Open University in 2001, Westmarland has been researching how and why police officers seem culturally obliged to cover up one another's corrupt behaviour. Over the years she has demonstrated that the front line, 'blue code', is underpinned by an occupational culture which is more influential than regulations imposed by the organisation's hierarchy, or even the rule of law. She has contributed to the national discourse on ethics and policing [O1, O2, O3] as well as the international debate [O4]. Her contribution has been to illuminate the way the 'blue code' of silence can inhibit police integrity and accountability.</p> <p>Over the past twenty years, Westmarland's studies have provided empirical evidence that police misbehaviour often goes unreported [O5, O6]. Her key findings show that, although officers who responded to her scenario-based questionnaires considered certain behaviours to be 'serious', they would not necessarily report them [O5]. These included a colleague who was involved in a road traffic accident after drink-driving and officers who punched suspects, even though they were already restrained. Some other offences the respondents considered serious – such as stealing a watch or money – were more likely to be reported [O6] since the introduction of the <i>Code of Ethics</i> in 2014. However, there exists a range of behaviours which officers consider to be less serious offences and which they indicated they were very unlikely to report. These scenarios include receiving gifts from local shopkeepers at Christmas, finding people in a pub drinking after hours, and running a private business on the side [O5]. These data were gathered using a combination of quantitative and qualitative methods. The quantitative data was collected using a series of scenario-based questionnaires over a period of 15 years. The qualitative data was collected via ethnographic observational studies, some conducted in the USA with homicide detectives [O4].</p> <p>Westmarland and colleagues have conducted a series of studies aimed at defining and quantifying issues around the code of silence. Her first survey, published in 2005 (n=276 police officers), showed that many officers were unwilling to report a colleague who engaged in seriously harmful misdemeanours such as drink-driving or using excessive force on detained suspects [O1]. This is important in terms of the 'blue code' argument because it is the sort of behaviour that is not only a disciplinary offence, but also an example of the sort of cultural issues – excessive drinking and the use physical force – which are said to typify the cultural norms of policing.</p>		

A second survey, in 2011, conducted with Michael Rowe at Northumbria University (n=510 police officers), surveyed three contrasting police forces. These included a small rural force, a large metropolitan force, and a force struggling to work together with their ethnically diverse population [O5]. The research forces were geographically spread across England. The findings revealed similar tendencies to her previous study [O1], with fewer than half of all officers were willing to report a drink-driving colleague or colleagues using excessive force. **Westmarland** reported these findings in early 2013 at an international conference organised by the Chair of the Home Affairs Select Committee. At the conference she presented her data to more than 300 senior police chiefs and academics.

Once the 2014 *Code of Ethics* had been in place for two years, a further survey showed a changing pattern from the previous two surveys. The drink-driving scenario showed respondents were more willing to report colleagues – around three-quarters now said they would do this. A willingness to report an officer for the use of excessive force had also risen from around 50% to about 75% [O6].

3. References to the research

- O1. Westmarland, L.** (2005) Police ethics and integrity: breaking the blue code of silence. *Policing and Society*, 15(2), 145–165. <https://doi.org/10.1080/10439460500071721>
- O2. Westmarland, L.** (2013) 'Ethics and Policing' in J. M. Brown (ed) *The Future of Policing*, London: Routledge. pp134-148 ISBN 978-0-415-82162-9 (hbk) 978-0-203-43594-6(ebk) 978-0-415-71184-5 (Reprinted from the Chapter published in the Stevens' Commission). <https://doi.org/10.4324/9780203435946>
- O3. Westmarland, L.** (2016) Governance of policing and cultural codes: interpreting and responding to policy directives, *Global Crime*, 17(3-4), 352-369. <https://doi.org/10.1080/17440572.2016.1179630>
- O4. Westmarland, L.** (2016) 'Snitches get Stitches'? Telling Tales on Homicide Detectives' in S. Walklate, S. and M.H. Jacobsen, (eds) *Liquid Criminology, Doing Imaginative Criminological Research*. Kluwer Law. pp 49-64. <https://doi.org/10.4324/9781315592503>
- O5. Westmarland, L., and Rowe, M.** (2018) Police ethics and integrity: can a new code overturn the blue code? *Policing and Society*, 28(7), 854-870. <https://doi.org/10.1080/10439463.2016.1262365>
- O6. Westmarland, L., and Conway, S.** (2020) 'Police ethics and integrity: Keeping the 'blue code' of silence'. *International Journal of Police Science and Management*, 22(4), 378-392. <https://doi.org/10.1177/1461355720947762>

4. Details of the impact

Key impacts include influencing the College of Policing's first ever *Code of Ethics* in 2014 [C1], which explicitly addresses the 'blue code' of silence via legal statute, including the ensuing important changes to police disciplinary procedures, and impact through membership of the NCA Ethics Committee which addresses how complex crime is dealt with by the police.

Westmarland's research has influenced ethical practices in policing across the UK. Her work has been used for training and education of officers at all levels from street policing to Chief Constables. This has been achieved by a programme of engagement across policy and practice fora. Her first paper [O1] is the fourth most popular read article at >9,467 views, of the leading international academic policing journal, *Policing and Society*. This is as it is regarded as a 'go-to' journal for police training courses, police studies, and by officers preparing for internal police exams and promotion processes. She has also contributed to senior officers' discussions and the Stevens' Commission, which aimed to investigate how to change policing 'for a better Britain'.

Influencing Policing Code of Ethics

The College of Policing's 2014 *Code of Ethics*, is the first ever imposed on policing in England and Wales. It contains standards of professional conduct which in one key aspect is

*"[...] influenced by Professor **Westmarland's** work on the 'blue code' of silence, this is an excellent example of Academia having a positive and practical influence on policing [...]"* confirmed by former Association of Chief Constables' Lead for Police Ethics [C2]. The Code of Ethics sets and defines the exemplary standards of behaviour for everyone who works in policing as well as bolstering trust by the public. **Westmarland's** work has influenced police policy makers – including the Home Office, via the College of Policing – to introduce this Code of Ethics. This document includes, as its only statutory (i.e. enforceable by law) requirement, that officers must report colleagues' unethical behaviour [C1].

This change in the law and police practice came about through a programme of engagement. At a Select Committee Conference at the House of Commons, **Westmarland** was an invited Keynote Speaker on a panel comprising two Senior Police Officers, the Chair of HM Inspectorate of Constabulary, and the Chair of the Association of Chief Police Officers (ACPO) and she was the only academic speaker invited. There was an audience of 300 police, academics and press [C3a, p. 2]. The event was reported in the media on 15 January 2013, including *The Daily Telegraph*, *Independent*, *The Daily Mail*, and *The Daily Mirror*, with headlines including: "Half of officers would not report attack on suspect", "A blue wall of silence", and "Half of police would turn a blind eye to punching a suspect" [C4]. The problems were then outlined in Parliament by then Home Secretary in a statement to the House on 12 February 2013 [C5]. These comments mirrored **Westmarland's** presentation to the Select Committee conference a month earlier. Her shadow MP responded that some research was being commissioned (**Westmarland's**) and noted the contribution, on ethics, with regard to the Stevens' Commission. **Westmarland** was the only academic who had contributed on ethics to the Stevens' Commission [C6]. Her work was also mentioned in a written submission to the Home Affairs Select Committee [C3b].

In the course of the following year, **Westmarland** gave a large number of talks, public lectures, and conference presentations on the topic of her research [C7]. These included talks at the National Police Chiefs' annual conference on ethics, the College of Policing's national command course, and a conference organized at The Open University where the CEO of the College of Policing presented the opening speech. One of the ways in which research influence was most directly exerted was in the period when the Code was being drafted **Westmarland** was invited to speak to a group of Home Office officials concerned with developing the new code of ethics [C2], which directly influenced the new code. The Chief Operating Officer of the College of Policing at the time noted: "As part of the process she [**Westmarland**] was consulted by the senior team who were devising the code. Her studies of the so-called 'blue code of silence' and the way police cultures have been shown to operate were influential on the code's development" [C8].

Subsequently, in 2014, the first Code of Ethics relating to policing in England and Wales was published. The influence of this document is extensive because it is the formal guidance document issued to all serving police officers regarding their behaviour and actions, particularly in 'heat of the moment' situations. It has ten 'standards' of professional behaviour, the final being, "Challenging and reporting improper conduct' and the first point of which is that 'According to this standard you must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role" [C1, p. 15]. For the first time in the history of this country's policing, officers are now required to report any colleagues' misdemeanours that they observe. This is shaped by **Westmarland's** main finding, that the 'blue code' of silence prevents law-breaking by police being reported, and subsequently either punished or prevented (as the Chief Constable confirmed [C8]). Section 10 of the Code of Ethics now states that Officers are required to report any rule breaking or criminal activity they observe and failure to do so can result in a charge of gross misconduct leading to dismissal [C1, p.15].

Effects of the Code of Ethics

Cases of gross misconduct have already been pursued under the new statutory regulation contained in the Code, with officers being disciplined, threatened with dismissal, or required to resign [C9a-d]. For example, in 2016 in the north of England, a police sergeant failed to report an allegation of excessive force by a constable he was accompanying to a disturbance in a bar. The misconduct case was taken up in the light of the new enforceable element of the Code of Ethics [C1, C9a]. Collated statistics on these cases do not currently exist but research on individual forces shows that officers have been disciplined and dismissed for not reporting unethical or illegal actions [for examples see C9a-d]. The College's Code of Ethics has concentrated on the 'blue code' of silence, in terms of statutory requirements of conduct, which in turn may have influenced the results of **Westmarland** and **Conway's** [O6] more recent findings, showing an increased likelihood, by police, to report colleagues' misdeeds.

Influence on police ethics regionally

Westmarland's research process included surveys conducted with police forces across the UK. This also served to raise this important issue in practice. One example of the effect of this is with West Yorkshire Police. The research work with the force resulted in actions around ethics and integrity being changed by the force's senior management team. For example, changing the anonymous message system where officers can report colleagues, to improve trust in it [C10]. In addition, **Westmarland** and **Conway's** research [O6] was used to influence national questions around the Code of Ethics by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) [C10] which assesses how far forces are showing progression on ethical issues. As the Detective Superintendent of West Yorkshire Police stated; "*Her [Westmarland's] work on the Code of Ethics and the 'blue code' of ethics has been read and used in our discussions and informed our training and disciplinary processes. It has had a significant impact on the ways in which we think about these issues and have found her research extremely useful in shaping these local, and potentially national, policies*" [C10].

Impact through the NCA Ethics Committee

"Using her experience and research" [C11a] **Westmarland** has influenced the activities of the NCA's Ethics Committee since her appointment at its formation in 2017. The NCA is the UK equivalent of the USA's FBI and deals exclusively with high level policing issues of national and international importance. There are only five external members of the Ethics Committee known as the *Independent Advisory Group on Ethics* (IAGE) and **Westmarland** is the policing expert on this group. Her role is to advise on and help shape the NCA's policies and processes, including in ongoing cases where the police are confronted with challenging ethical dilemmas and is tasked with advising on particular courses of action in the light of ethical concerns. The specifics of these issues are highly confidential, but they include child abuse, high value fraud, illegal drugs, and the use of undercover agents, including those who act on behalf of the UK Government to uncover crimes across the world. **Westmarland's** role as a policing expert has seen her comment on cases where her knowledge of police research is pertinent, including where her own experiences of researching and observing serving police officers is the key information. The NCA Director General Operations noted that, "*as an independent advisor to the NCA, as a member of the IAGE, Professor Westmarland has had an impact on strategies and policies as well as day to day activities where officers find themselves in situations facing ethical dilemmas*" [C11a]. **Westmarland's** contributions have "*led to new ways of thinking about these difficult and complex problems*" [C11a].

The Chair of the Committee outlined, **Westmarland's** contributions regarding; informing the operations of the group in terms of advising on methods used by police and others in the NCA to carry out work, making the group more effective in terms of assessing ethics, informing them about the effect of the 'blue code' of silence and police culture more broadly [C11b]. However, he also identified specific contribution in terms of the NCA's own code of ethics, published in September 2020. "*Professor Westmarland's contributions have had a direct impact on the Code in terms of wording and implementation*" [C11b], specifically in the way it can take police

cultural ideas and behaviours into account. These contributions “*directly impacted upon decisions which are fed back to officers and agents in the front line*” [C11b].

Overall therefore, as the former Chief Operating Officer of the College of Policing concludes: “*Her work and the way she has communicated and shared it with policing colleagues has contributed to an important development in policing, a development that has resulted, ultimately, in a more professional, accountable and ethical policing service*” [C8].

5. Sources to corroborate the impact

- C1.** College of Policing’s Code of Ethics: <https://www.college.police.uk/What-we-do/Ethics/Ethics-home/Pages/Code-of-Ethics.aspx> with highlighted relevant sections 3.1.1 and 10. Section 10 of the Code of Ethics now makes it a statutory requirement (i.e. enforceable by criminal law) to report any misbehavior or rule breaking by serving police officers. (2014).
- C2.** Testimonial, Former Chief Constable of Northamptonshire Police and Association of Police Chiefs (ACPO) lead for Police Ethics. (2013 pathway to impact, 2014-20).
- C3.** a) Publicity from Select Home Affairs Committee conference January 2013 [a pathway to impact]. <https://old.parliament.uk/documents/commons-committees/home-affairs/130205-Conference-speeches.pdf>. International conference on leadership and standards in the police force [a pathway to impact].
b). Professor Simon Holloway's written submission to the Home Affairs Committee (Prepared 19th July 2013) [a pathway to impact]. <https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/67/67vw30.htm>
- C4.** Media coverage of research on ‘blue code of Silence and police integrity’ [a pathway to impact].
- C5.** Theresa May/Yvette Cooper House of Commons debate on ‘Police Integrity’: <https://hansard.parliament.uk/Commons/2013-02-12/debates/13021255000004/PoliceIntegrity#contribution-13021255000264> , and subsequent Guardian report: <https://www.theguardian.com/politics/2013/feb/12/theresa-may-ipcc-police-corruption> [a pathway to impact].
- C6.** The Stevens’ Commission Report (2013) on ‘Policing for a Better Britain’ [a pathway to impact].
- C7.** Evidence of influence on public bodies/policy makers, public/private talks, training events between 2013 and 2015.
- C8.** Testimonial, Metropolitan Assistant Commissioner, formerly Chief Operating Officer, College of Policing. (2014).
- C9.** Evidence of the new Code of Ethics in practice, police misconduct cases where section 10 was applied: a) Durham Constabulary b) Avon and Somerset Constabulary; c) Hampshire Constabulary, and d) Cheshire Constabulary. (2018-20).
- C10.** Testimonial, Chief Superintendent, Head of the Professional Standards Department, West Yorkshire Police. (2014-2019).
- C11.** Testimonials from a) Director of Operations of the National Crime Agency & b) Chair of the Committee of the NCA’s IAGE. (2017-20).