



Shauna Curry - 1900085

Human Rights and Policing

‘An examination into how the Police attempt to protect Human Rights and the effects the Human Rights Act (1998) has on Police Powers’

Deep rooted within the British Constitution lies the idea that humans are entitled to basic human rights and freedoms. Landmark developments include the Magna Carta of 1215 and the Human Rights Act (1998). The foundation of liberal democracy is that all humans are equal, so the protection of human rights is vitally important for democratic effectiveness. In a democratic society, police officers hold a unique position as one of the most significant law enforcement authorities and serve as human rights and constitutional protectors. However, policing is often viewed through its failures and not its potential successes. This noble profession of protection, defence, reassurance and restoration of peace and social order has come under scrutiny for its violation of human rights, and disconnection from the principles of democratic governance. Balancing rights has become a perennial question. Critically, how far can police balance the needs of society for peace and security with individual’s rights including the suspect and the accused. Therefore, via social research this study attempts to address and examine how police attempt to protect human rights and determine the effects that the Human Rights Act (1998) has on police powers.

1900085@student.uwtsd.ac.uk

Law and Policing BA (Hons)

UNIVERSITY OF WALES TRINITY SAINT DAVID

Declaration

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

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List of Abbreviations

BAME – Black, Asian, and Minority Ethnic

CJS – Criminal Justice System

CPS – Crown Prosecution Service

ECHR – European Convention on Human Rights

HRA – Human Rights Act (1998)

JPLANE – Justified, Proportionate, Legal, Accountable, Necessary and Ethical

PACE – Police and Criminal Evidence Act (1984)

RIPA – Regulation of Investigatory Powers Act (2000)

UK – United Kingdom

UN – United Nations

UWTSD – University of Wales Trinity Saint David

Chapter One: Introduction

1.1 Background and Rationale

There is currently a rise in the public utilising their rights to demonstrate how they feel their human rights are being infringed by police

(Equality and Human Rights Commission, 2018). Attributable factors include Covid-19, terrorism, the aftermath of both Sarah Everard and George Floyd's death as well as the recent protests which have been seen in the media.

The police have a duty to maintain public order and safety, whilst ensuring that they protect human rights. However, it has been argued that the Human Rights Act (HRA) (1998) has become an obstacle, obstructing the police, and restricting their powers (Europa, 2013). That said, counterarguments suggest that police often violate human rights, using excessive force to abuse their position of power (Amnesty International, 2022). Considering these opposing viewpoints, further examination is needed to establish whether police powers are negatively or positively affected by the legislation and if a balance has been achieved, is possible, or indeed completely conflicted.

The creation of human rights law is one of the greatest achievements of the United Nations (UN) and one which is universally and internationally protected (United Nations, 2022). Based on the UN Declaration of Human Rights, a movement in Europe saw a charter of fundamental rights and freedoms emerge which was adopted as the European Convention of Human Rights (ECHR) by the Council of Europe in 1950 (O'Conneide,

2018). Subsequently, the increasing awareness and growth of a rights-based culture resulted in a movement whereby UK citizens called for the incorporation of the ECHR into domestic law (O’Cinneide, 2018). As a result, the HRA (1998) was passed, imposing duties on public authorities to act in a way that is compatible, incorporating the key rights set out in the ECHR to strike a delicate constitutional balance (Paterson and Pollock, 2011, pp.116).

This comprehensive framework of rights governs the operational work of police services and operates a system of ‘moderated precedent’, signifying that it can be used in practice, directed by case law to improve human rights protection (Murdoch and Roche, 2013). At its essence, it places proportionality in police decision-making, thus policing in a human rights-compliant way (Greene, 2010). Even in the most challenging of circumstances, adherence to the rule of law and conventional rights apply (Patel, 2020). That said, not all convention rights have the same status, rights can be grouped into three categories; ‘absolute’ rights which are guaranteed and cannot be interfered with, ‘limited’, which may be restricted in specific situations and ‘qualified’, which may be restricted to protect the rights of another or the wider interests of society (See *Appendix 3*) (Equality and Human Rights Commission, 2019).

In upholding the ‘rule of law’, police officers themselves are subject to accountability (Rowe, 2018, pp.70). The Code of Ethics which was introduced by the College of Policing in 2014, comprises the ‘Standards of Professional Behaviour’ and the ‘Policing Principles’

which are central to the professionalisation of the police service (See *Appendix 4*) (College of Policing, 2014b). The police are expected to exercise their powers and procedures fairly and without bias, in accordance with the HRA (1998), the Equality Act (2010), and the Police and Criminal Evidence Act (PACE) (1984) (Bryant and Bryant, 2020, pp.62).

Police powers and restrictions on their use are provided in PACE (1984) in addition to the Codes of Practice that provide a guide on how the investigative process should be conducted to strike the right balance between the powers of the police and the rights and freedoms of the public (See *Appendix 5*) (Rowe, 2018, pp.78-80). This is of relevance when considering instant resolution and disposal, a power afforded to police officers giving them the responsibility of being the investigator, prosecutor, jury and judge (Harfield, 2013, pp.3).

To that end, given the potential use of force and removal of an individual's right to liberty under Article 5 HRA (1998), this is a service that the public are not eager to encounter (Alang *et al.* 2021, pp.1-2). As a result, police are required to justify their course of action and decision-making, an often-enduring issue for police officers when faced with ethical dilemmas (College of Policing, 2014b). Consequently, this has led to negative media coverage focused on incompetent, inefficient policing and police misconduct, rarely focusing on how the police protect the human and civil rights of the accused (Paterson and Pollock, 2011, pp.113-114).

Such powers have been reported to have divided the public's perception and relationship with police, a prerequisite for effective policing (Europa, 2013). Public confidence in the police is closely related to the reaffirming of fundamental rights and freedoms to assure the dignity of individuals. Hence, herein lies the paradox of democratic policing; the delicate balance in assuring social control but not at the expense on an individual's liberty and human rights (Greene, 2010).

1.2 Aims and Objectives

1.2.1 Aim

- *“To explore public perception regarding human rights and police powers in order to determine how police attempt to protect an individual's human rights and the subsequent effects that the Human Rights Act (1998) has on police powers in the line of duty.”*

1.2.2 Objectives

- *“Critically analyse current literature on the relationship between human rights and police powers, exploring the affects the legislation has on police powers and the protection afforded by police.”*
- *“Select the appropriate research method to conduct social research.”*

- *“Critically analyse the data collected from the primary research to examine public knowledge, understanding, and attitudes concerning human rights, police powers, and the relationship between the two.”*
- *“Understand and conclude the research whilst recognising limitations in order to formulate recommendations.”*

Chapter Two: Literature Review

“Critically analyse current academic literature on the relationship between human rights and police powers, exploring the affects the legislation has on police powers and the protection afforded by police”

2.1 Human Rights and Policing: Shared Values

In a democratic society governed by the rule of law, Greene (2010) highlights that human rights cannot be executed without social order. Furthermore, securing, upholding, and reaffirming such rights requires a mechanism for their protection that can only be accomplished by the positive contribution of policing (Greene, 2010). The nexus between human rights and policing has therefore been firmly established in the attestation set within UK legislation. Police officers are required to swear allegiance to the Crown by taking an oath to uphold fundamental human rights (Bryant and Bryant, 2021, pp.72-73). Essentially, for the police as law enforcers, no law holds greater authority than that of human rights (See *Appendix 6*) (Police Federation, 2018).

When applying the HRA (1998) to everyday policing; it is imperative that officers consider if their actions are lawful and if common or statute law exists to support interference with an individual’s rights (Bryant and Bryant, 2021, pp.63-64). The state has a positive

obligation to ensure that the rights and freedoms guaranteed by the ECHR are protected (College of Policing, 2013a). Section 6(1) of the HRA (1998) stipulates that 'it is unlawful for a public authority to act in a way which is incompatible with a Convention right' (Harfield, 2013, pp.254). For this reason, Bryant and Bryant (2021, pp.63-64) argue that officers must not only consider if their actions are permissible, but also if their actions are justified, proportionate, legal, accountable, necessary, and ethical (*JPLANE*). Moreover, Crawshaw *et al.* (1998, pp.22) advance that the police are not merely law enforcers but, providers of aid and assistance in emergencies and act to serve the community in a way that prevents criminality and disorder in often difficult and challenging situations. The 'College of Policing' stipulates that when faced with these complex choices, it is imperative that ethical principles guide police decision-making (Bryant and Bryant, 2021, pp.73). The Code of Ethics as a code of practice under section 39A of the Police Act 1996 (as amended by section 124 of the Anti-Social Behaviour, Crime and Policing Act 2014) underpins every decision and action ensuring that standards of professional behaviour uphold human rights and equality (College of Policing, 2014b).

Accordingly, when considering human rights and policing insofar as their shared values and goals, Crawshaw, *et al* (1998, pp.22) suggests that human rights cannot be accomplished without social order and social order is reliant upon effective policing. Undeniably, effective policing delivered in conformity with human rights will bolster community support (Harfield, 2013, pp.261). Greene (2010) concurs stating that police are the leading and key actors in mediating between social conditions and legal stricture.

In effect, the road to one, passes through the other, disregarding the wealth of literature that implies an antagonistic relationship (Murdoch and Roche, 2013, pp.8).

2.2 Human Rights Act effect on Police Powers

The relationship between policing and human rights albeit one of supposed shared values and goals has become a contentious affair. Many in society recognize the police as human rights protectors whereas, others regard the police as a potential threat to those rights (Europa, 2013). Greene (2010) infers that the police make decisions that can either affirm or deny an individual's rights which inevitably can be seen as a violation or blatant disregard. Nevertheless, Murdoch and Roche (2013, pp.10) believe that ultimately, the police as day-to-day defenders of human rights may interfere with certain rights to maintain public equanimity, law and order. It is, however, important to note that these rights cannot be taken away arbitrarily and without legal justification (OPSEU, 2018).

2.3 'Qualified' Rights

One of the most challenging and complicated areas identified where police engage with the convention rights is the policing of democratic freedoms (Murdoch and Roche, 2013, pp.93). Enshrined within the HRA, Articles 8, 9, 10 and 11 pay regard to the protection of such freedoms (See *Appendix 1*) (College of Policing, 2013a). When examining how police powers are affected by these rights, Bryant and Bryant (2020, pp.63) acknowledge

that interference by police is permissible, providing the reason has a legitimate aim and is necessary.

Article 8 HRA is one in which police powers are most regularly engaged, as police investigative powers fall within this scope (Harfield, 2013, pp.257). As a result, police attempt to protect the right to private and family life by ensuring that they are individually responsible for using their powers in accordance with law and statutory guidance (College of Policing, 2013a). Brown (2021a) concurs, emphasising that given police guidance is discretionary, officers may deviate from guidance when able to demonstrate a clear rationale. Hence, police powers are heavily regulated by prominent pieces of statutory legislation including the legislative powers afforded to police in PACE (1984), the accompanying Codes of Practice (See *Appendix 5*), the Investigatory Powers Act (2016) and the Regulation of Investigatory Powers Act (RIPA) (2000) (Brown, 2021b).

Evans (2021) claims that despite the statutory and operational guidance, cases exist where police have violated their powers and infringed qualified human rights. One such example being the landmark case involving *Kate Wilson* and an undercover police officer that resulted in the breach of five articles, including Art 8 (UK Judiciary, 2021). Bullock and Johnson (2012, pp.634-635) agree with Evans (2010) further indicating that although RIPA seeks to restrict police officer discretion by providing legality within a framework of accountability to justify interference with human rights, in this case, the statutory regime did not comply with the convention. Arguably, discretion is central to decision-making,

however this critical and controversial aspect of policing has been scrutinized due to the effects vague laws and varying policies have on human rights (Neyroud and Beckley, 2001, pp.82-83). Nowacki (2015) states that placing restrictions on discretion would minimize officer bias and police misconduct. O'Brian (2010) infers that despite the portrayal of policing in a negative light, this highlights the positive influence the HRA has on police powers, thus invoking change and becoming a framework mandating police decision-making.

Marwah (1998, pp.140) considers how the effects of achieving a balance between rights on the one hand, may lead to competing interests and needs on the other. Collectively, Articles 9, 10 and 11 form the basis of an individual's right to participate in peaceful protest (College of Policing, 2014a). However, it has been documented that the ECHR places both negative and positive duties on police (College of Policing, 2014a), (Fouzder, 2021). Particularly regarding, Article 11; *the freedom of assembly and association*, when balanced against the need to ensure public order (Murdoch and Roche, 2013, pp.98).

In protecting human rights, it is documented that police must not prevent, hinder, or restrict a peaceful assembly, except where there is compelling evidence that those organising or participating will themselves use, advocate or incite violence (College of Policing, 2014a). Yet, when reversing the perspective and considering the effects that the HRA has on police powers, even where there is a possibility of extremists joining the demonstration intent on causing violence and disorder, such an assembly does not for this reason fall outside the scope of protection guaranteed by Article 11 (College of Policing, 2014a), (Home Office, 2022). A paradox according to Brown (2019), inciting a

predicament, creating subsequent difficult legal and operational decisions for police, necessitating in the balancing of conflicting interests.

Recent media coverage following the eco-activists' protests staged by 'Extinction Rebellion' saw the police being challenged on their limited use of force (Brown, 2019). An insightful view considering the freedom to peacefully protest is a cornerstone of liberal democracy (Griffin, 2021). In response, a statement by the Metropolitan police expressed that the police had no legal basis to do so, reiterating that officers must not impose unreasonable, indirect restrictions on individuals exercising their rights peacefully to the extent that the Public Order Act (1986) allows (College of Policing, 2014a). Coincidentally supporting Brown's (2019) analogy of balancing conflicting interests.

In light of the recent demonstrations by 'Insulate Britain' targeting and disrupting the national infrastructure, proposals for change through the Police, Crime, Sentencing and Courts Bill will grant police additional powers, imposing unlimited conditions on assemblies (House of Commons, 2021). Which inadvertently, according to Bullock and Johnson (2012) will alleviate the pressures imposed on police officers by removing the threat of persecution for violating rights. A controversial, disproportionate provision Siddique (2021) claims would be at a detriment to human rights and in breach of Articles 10 and 11, highlighting Brown and Mead's (2021) suggestion as to the fragility between upholding human rights and the police ability to exercise their powers.

2.4 'Limited' Rights

The dichotomy continues when examining the 'limited rights' within the HRA (See *Appendix 3*), the protection afforded to these rights by law enforcement, and the subsequent effects these rights have on police powers (Murdoch and Roche, 2013, pp.10). Articles 5, 6, 12 and 14 all fall within the category of limited rights albeit, the College of Policing (2013a) place greater emphasis on Articles 5 and 14 as being the most relevant to policing (See *Appendix 1*). The interference with the preservation to one's right to liberty; Article 5, is regarded as the most likely to be directly engaged with when police execute their powers to detain, arrest, and manage conflict (Brown 2021c). Arguably, how the police manage these interactions according to Green (2010) determines a positive or negative outcome which substantiates or detracts from human rights. An area needing improvement as reported by Williams (2021) to reduce the need for conflict management and to de-escalate the use of force.

The public rightly expect the police to protect their human rights effectively and fairly and in doing so, one power and possibly the most intrusive and contentious is the power to 'stop and search' (Williams, 2021). Based on the fact that the HRA is the foundation for court procedures it stands to reason that authorities can only use powers provided to them by statute (Harfield, 2013, pp.254-253). PACE regulates and controls the police investigative powers, albeit with differing focus (Brown, 2021a). Stop and search powers according to Brown (2021a) allow officers to allay or confirm suspicions provided that the officer has 'reasonable grounds' to conduct the search (See *Appendix 2*).

The fundamental prerequisite to stop and search lies in the terminology, '*reasonable grounds to suspect*' (Police and Criminal Evidence Act, 1984). Terminology that has been argued to have a direct implication on an individual's human rights as its foundation is based on discretion (Waddington *et al.* 2004, pp.889). A term that has excited public controversy as being justification to selectively target sections of society (UK Government, 2020).

Despite protection guaranteed under Article 14 prohibiting unlawful discrimination (See *Appendix 1*), as well as the duty by police to act in accordance with the Race Relations (Amendment) Act (2000), this area of policing according to Harfield (2013, pp.64) has an historic poor record. The Scarman Report and the Stephen Lawrence Inquiry (1999) both identified the disproportionate use of police powers and furthermore the Macpherson Report (1999) highlighted institutional racism (Harfield, 2013, pp.64). A criticism of the Criminal Justice System that undoubtedly has deep-rooted boundless effects that have been argued to have affected how police have since been reluctant to fully execute their powers for fear of being branded racist (BBC, 2000). Through holding police to account, Murdoch and Roche (2013, pp.8) argue that there is no conflict between human rights and policing as adherence to the law applies to police as well as the public. Thus, one could argue, extending the positive effects that the HRA has on police powers as by distinguishing individual racism, a blanket condemnation of the police can be avoided (UK Parliament, 2020).

Where conflict appears to exist, is when examining the literature surrounding terrorism. Granted the HRA protects an individual's right to liberty and ultimately the police attempt to protect this right, however, under the Terrorism Act (2000) (See *Appendix 8*) there appears to be a shift in focus (Loveland, 2015, pp.730), (Stone, 2006). Stop and search procedures pursuant to the Terrorism Act do not require the police to have 'grounds for suspicion', rather a need to 'reasonably suspect' (Harfield, 2013, pp.75). An illegality ruled in *Gillan and Quinton v UK [2010]* by the ECHR as a breach of Article 8 and a power afforded to police to indiscriminately stop and search (Smith, 2020), (Rowlands, 2010), (UK Parliament, 2010). An argument supported by Amnesty International (2006), emphasising that as the definition of 'terrorism' is overly broad and lacking in legal precision, there is comprehensive scope to interfere with fundamental rights. Contrary to this judgement, it has been challenged that police attempt to protect human rights as terrorism is a human rights issue involving deliberate attacks on individuals, thus engaging with the right to life; Article 2 (Justice, 2022).

Arresting and detaining an individual whilst protecting their human rights and freedoms also proves somewhat of a paradox (Murdoch and Roche, 2013, pp.42), and more so when considering the extended pre-charge detention of fourteen days afforded in terrorism-related cases (UK Government, 2022). A procedure accepted within the literature (Loveland, 2015, pp.730).

Police attempt to protect human rights by dealing with suspects expeditiously (Brown, 2021a). A somewhat contradictory statement according to Dehaghani (2016) who suggests that the twenty-four-hour detention period is intended as a last resort not a

routine prerequisite to the investigative process. Contrary to these arguments, Murdoch and Roche (2013, pp.42) insist the police have a duty to protect the public as well as the accused.

2.5 'Absolute' Rights

The literature is awash with the unlawful use of police powers whereby officers have failed to protect human rights (Green, 2010). Conversely, legislation governing the powers bestowed upon police have counteracted claims of failings by demonstrating how police attempt to protect human rights by balancing the rights of the individual against the wider public interest (Crown Prosecution Service, 2019). Where the literature is clear and conclusive in its stance is when echoing the essence of 'absolute rights' (See *Appendix 3*). Here, there is no balance to be debated as public authorities cannot depart from their obligations (College of Policing, 2013a).

Being the most sacrosanct of all human rights, the right to life places a duty and obligation on police to protect life and prohibit the taking of life *Osman v UK [1998]* (See *Appendix 1*) (College of Policing, 2013a). Furthermore, it places a procedural obligation on law enforcement to investigate deaths resulting from police use of force (Harfield, 2013, pp.254). Lethal force is lawful when deemed 'absolutely necessary' to prevent an immediate threat to life (College of Policing, 2013a). A power not widely criticised within the literature in the UK domain, arguably due to UK firearms legislation (Clapham, 2017).

At its best, Harfield (2013, pp.252) maintains that policing upholds the law fairly and firmly, preventing crime and serves to protect human rights by sustaining a community within which human rights are respected. At its worst where the police use of force is illegal and unjustifiably excessive, the results may lead to the deprivation of a person's right to life (Brown and Horvath, 2021). A violation that Amnesty International (2022) believes has happened once too often.

Such violations have become high profile cases scrutinised globally; a reaction that has been welcomed by BaMaung (2021) as it identifies the need for organisational and cultural change. The plethora of literature surrounding the unlawful killing of George Floyd and the kidnap and murder of Sarah Everard together sparked outrage and nationwide protests which have equally according to Brown and Horvath (2021) not only highlighted how police have failed in protecting an individual's human rights, but also had a profound effect on society and severely damaged public trust (BaMaung, 2021). The discrediting of policing as an establishment has been criticised by Readman (2021) as being totally unwarranted as the majority of police officers are human rights protectors, decent, honest and dedicated. Furthermore, implying that the actions of criminal officers should not be used as an excuse to disgrace the police service (Readman, 2021).

The prohibition of torture, inhuman or degrading treatment or punishment; Article 3 (See *Appendix 1*) is an absolute right afforded to everyone, and one from which there can be no derogation. In protecting this right, the College of Policing (2013a) advance that police

must not only refrain from an action or omission which results in inhuman or degrading treatment but must also take positive steps to ensure its prevented.

A stark trend in the literature again reflects the police violating human rights, a pattern according to Brown and Horvath (2021) presenting a culmination of systematic failures. Considering the unlawful strip-search of Child Q, and the violation of her 'absolute' right, Guy (2022) insists that the police are incapable of any form of reform.

Such abhorrent violations of human rights according to Guy (2022) cannot be argued or justified, as 'absolute rights' are at their very core, absolute. However, not in any way condoning the violations, Murdoch and Roche (2013, pp.11) state that such interferences with human rights will often be condemned as violations by the institution and not the approach taken by the individual officer, therefore in agreement with Readman (2021), that the media are fostering a distrustful relationship between the public and the police.

2.6 Public Perception

As a direct consequence of the violation and blatant disregard to 'absolute' rights by individual officers, a critique by Marwah (1998, pp.138) infers that policing has been disgraced by a blanket condemnation. An obvious direction in the literature depicts that police as protectors of human rights take a beating when the protector becomes the accused (Marwah, 1998, pp.138). An inevitable outcome considering that 88% of people believe human rights must apply equally (Each Other, 2019).

Negative connotations surrounding public perception and trust in the police particularly in the aftermath of high-profile violation cases, have dominated the literature to the detriment of policing (Imam, 2021). Concerns and distrust regarding force and misconduct has been, according to Perez *et al.* (2020) exacerbated by the media leading to societal misconceptions. Supported by statistical evidence produced by 'YouGov', illustrating that following the case of Sarah Everard a decline in public confidence toward the police arose, interestingly this decline was highest amongst men (See *Appendix 9*) (Jacques, 2021), (Mann, 2021). However, based on IPSOS (2022) latest findings, trust and confidence has since improved.

Negative public perception and distrust in the police according to Marwah (1998) can also be attributed to a lack of public understanding of police powers, further highlighted by Imam (2021) suggesting that education is a vital methodology to promote positive relationships between law enforcement and human rights. Forming positive relations is however a mutual effort (Green, 2010). It is the public's civil duty to assist the police in the prevention and investigation of crime to support a mutually respected society as Peel states; *'the police are the public and the public are the police'* (See *Appendix 7*) (Police Federation, 2018).

2.7 Balancing the Shared Values

Arguably, the police power to deprive an individual of their liberty is the most significant form of interference with human rights (Loveland, 2015, pp.712-713). Police officers must

by obligation interfere with the rights of individuals suspected of presenting a risk according to Murdoch and Roche (2013, pp.42-43), further emphasising that in times of severe threat to life it may undoubtedly become the principle means of first response. That said, PACE has been critiqued by Loveland (2015, pp.712) as an attempt to codify and clarify an already contrasting obscure collection of common law powers, rather than making a break from previous law. An implication by Eugene (2021) who infers that a 'sus' law by any other name does not rectify disproportionality.

The rhetoric that PACE sets out to strike the right balance between the police and the rights and freedoms of the public (UK Government, 2013) has become an unanswerable question according to Zander (2011, pp.62) as the police officer and the civil libertarian will each seek changes to support their respective perspective. Such interventions according to Greene (2010) occur on many levels, emphasising a range of human rights involvement. Further acknowledging the array of challenges which inevitably lead to hostility and a separation in public attitude between human rights and policing (Harfield, 2013, pp.252).

Chapter Three: Research Methodology

A review of the literature in Chapter 2 highlighted how police attempt to protect human rights, and the subsequent effect that the HRA (1998) has on police powers. A plethora of literature provided material relating to the subject matter which on further examination portrayed an unfavorable view toward law enforcement. This tainted perspective portrayed by the media immerses itself into policing through its failures, not its potential successes. One notable finding was the absence of literature on society's understanding of what constituted an infringement of human rights, and the degree of societal knowledge regarding the powers bestowed upon the police in order to maintain order and uphold human rights. Chapter three will analyse the most suitable methods of data collection in order to achieve the second objective:

“Select the appropriate research method to conduct social research.”

Research is a logical and systematic approach that generates a new-base of knowledge to contribute and enhance existing knowledge. A successful research methodology determines the success and overall quality of the research project and formulates the path to be used in conducting the study and reporting the findings (Rajasekar *et al.* 2013).

3.1 Research Onion

The ‘Research Onion’ created by Saunders *et al.* (2009) is an entrusted research framework that guides the researcher through the process of designing a robust research

methodology. Presented pictorially, and when viewed from the outside, every layer describes a stage of the research process (Saunders and Tosey, 2013). *Figure 3.1* displays the research onion and illustrates the methods used by the researcher.

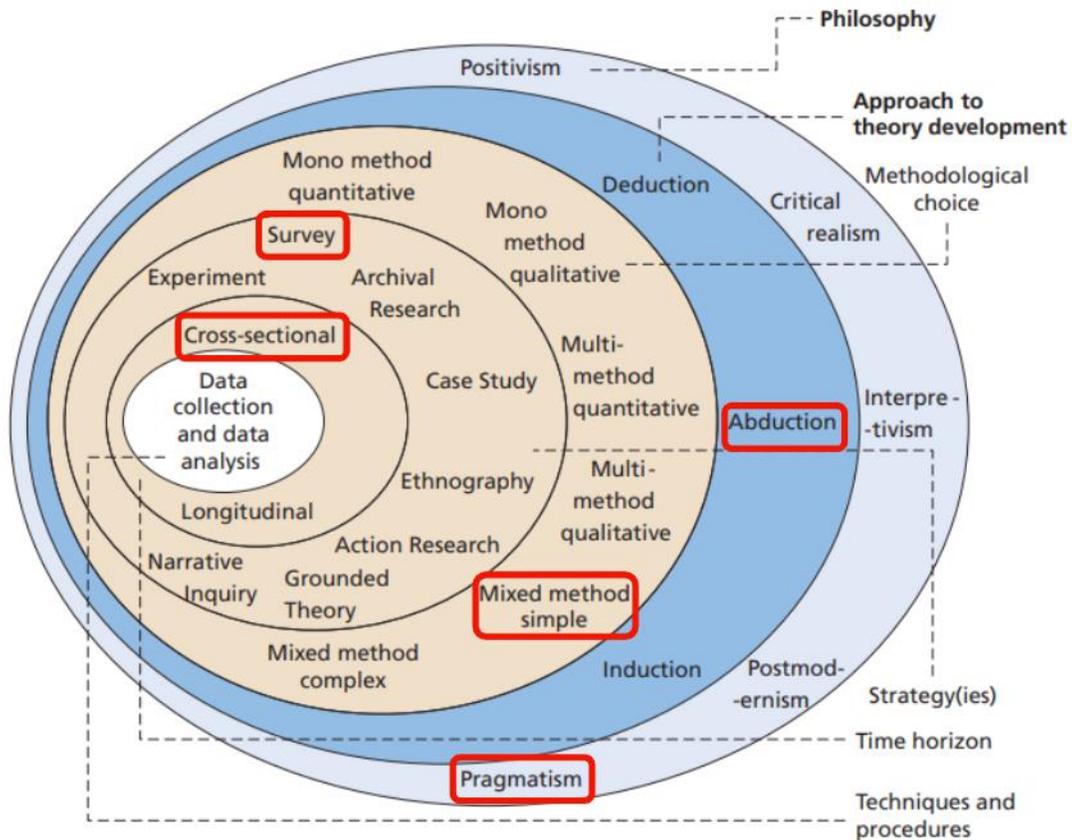


Figure 3.1: The Research Onion (Saunders et al. 2019)

3.1.1 Philosophy

Research philosophy is the foundation of any study and refers to a system of beliefs and assumptions regarding knowledge the research is built upon (Saunders *et al.* 2019, pp.130). Ontology refers to assumptions regarding the nature of being and existence, and epistemology refers to assumptions associated with human knowledge (Saunders *et al.* 2019, pp.133-134).

This research maintains a relativist ontological perspective as it searches for meaning rather than truth. The relativist approach considers that reality cannot exist without context and is influenced by experience and social interactions (Moon and Blackman, 2014). A survey to ascertain societal knowledge, understanding and opinion on the research subject matter was developed on this philosophical basis. A combination of both etic and emic epistemological views were considered, as the research survey contained both qualitative and quantitative research methods. To that end, it seemed appropriate to advocate pragmatism as the philosophical partner for the mixed-method approach (Johnson and Onwuegbuzie, 2004). Pragmatics recognise that no single viewpoint can provide a full picture, therefore acknowledge research designs that integrate methodological decisions based on 'what will work best'. Thus, encouraging the researcher to make holistic decisions, conducting research in dynamic ways to answer research dilemmas (Parvaiz *et al.* 2016, pp.67-68).

3.1.2 Approach

Having recognised 'pragmatism' as the philosophical theory, it transpired that the abductive approach seemed the most suitable to further develop the research and provide

reasoning for the findings (Johnson, 2017). Comprising of both inductive and deductive approaches, and adopting a pragmatist perspective, an abductive approach combines both numerical and cognitive reasoning that will adduce a logical explanation and conclusion to the research study (Douven, 2011).

3.1.3 Strategy

Research strategy determines the overall direction of how the researcher intends to carry out their study (Wedawatta *et al.* 2011). It provides the overall direction of the research, the approaches used, and the methods for data collection and analysis (Saunders and Tosey, 2013).

Surveys are one of the more favored techniques in research as they allow for the collection of a considerable amount of data from a sizable population (Saunders *et al.* 2009, pp.144). Used for exploratory and descriptive research, surveys can acquire both qualitative and quantitative primary data (Ponto, 2015, pp.168-171). Data collected via a survey strategy can be used to analyse causative variables and where sampling is used, produce data that is representative of the populace (Saunders *et al.* 2009, pp. 144). This study therefore sought to adopt the 'survey' research strategy.

3.1.4 Choice

Tengli (2020) describes 'methodological choice' to be the selection and application of a qualitative, quantitative, or mixed/multi methods research design. Quantitative data refers

to information that can be quantified, in effect, capable of being counted, measured, and expressed using numbers, generating precise and reliable numerical data that can be interpreted using statistical analysis (Roger, 2014, pp.44). Whereas qualitative data is descriptive in nature, conceptual and interpretation-based, analysing an individual's opinion on a given subject (Saunders *et al.* 2009, pp.151-152).

Miller (2020) argues successful data analysis is best achieved through the utilisation of both quantitative and qualitative data collection to add substance to the research investigation. For this reason, a mixed-method approach combining both qualitative and quantitative data collection techniques would be most beneficial.

3.1.5 Time Horizon

Saunders and Tosey (2013) recognised two points in time to plan and collect data. Cross-sectional time horizons study a particular phenomenon, at a particular time, whereas longitudinal time horizons collect data over multiple points in time. Given the time constraints placed on academic research projects and the employment of a survey strategy based on current opinion, a cross-sectional time horizon proved to be the most appropriate research method for this study (Saunders *et al.* 2009, pp.186).

3.2 Techniques for Data Collection, Processes and Analysis

The 'research onion' inner circle relates to the finer points surrounding the techniques used for data collection and analysis and contributes significantly to the study's overall

reliability and validity (Saunders and Tosey, 2013). Data collection comprising of both secondary and primary methods is the procedure of gathering, processing, and analysing information from relevant sources (Dudovskiy, 2022). Collected directly and pinpointed on a specific issue, primary data is, in essence owned by the researcher as it is solely conducted to address a particular area and therefore the leading form of data. Secondary data, refers to data that has previously been collected and published by persons other than the researcher (Ajayi, 2017). The contribution of accurate primary and secondary data collection is essential in the preservation of data integrity as it allows the researcher to evaluate and conclude the outcome to the investigation (Salkind, 2010a).

The evolution and progression of technology particularly that of social media has proved remarkable in the area for conducting survey research (Vraga *et al.* 2019, pp.238). As the popularity of the internet increases, Wright (2017) suggests social media presents fruitful opportunities for researchers describing the wealth of advantages an internet-based program creates. An electronic medium is convenient and efficient as the researcher can promptly gain access to a sizable sample to gauge perspective on a given subject matter (Ponto, 2015, pp.168-171). Thus, 'Google Forms' will be utilised to create a survey containing both qualitative and quantitative style questions as a medium to collect and analyse data, electronically distributed via social media platforms.

3.3 Sampling

The aim of sampling strategies in survey research is to collect a sufficient sample that is representative of society (Saunders *et al.* 2009, pp.212). It is not practicable to obtain data from an entire population of interest, therefore random probability sampling will be used to collect responses from a sector of the population (Ponto, 2015, pp.168-171), (Lavrakas, 2008).

3.4 Survey Design

Bhandari (2021) suggests thoughtful consideration is essential when developing a survey as the significance of the questions are the fundamental basis to the research objectives. Accurate information regarding the respondents' attitudes, knowledge and opinions provides the researcher with the tools to evaluate their field of research (Chiang, 2015).

The proposed survey will consist of both open and closed questions. Open-ended questions will require the respondents to provide an answer in an open text format, thus allowing the accumulation of valuable data surrounding societal attitudes, knowledge, and opinions with reference to the subject matter (Allen, 2017a). Conversely, closed-ended questions will provide respondents with a predetermined selection of responses from which to choose their answer, enabling the data to be analysed statistically (Vraga *et al.* 2019, pp.238).

3.5 Reliability and Validity

Reliability and validity are concepts used to analyse the quality of research (Saunders *et al.* 2009, pp.156). Reliability refers to the degree to which the study can be repeated under the same conditions, with replicated results via the employment of the same data collection techniques and analysis procedures, thus generating consistent results (Lakshmi ad Mohideen, 2013, pp.2752-2753). On the contrary, validity concerns the accuracy of the measurement, focusing on the tests ability to measure what is intended. In order to produce accurate results, the research must establish what it planned to ascertain (Cohen *et al.* 2007, pp.133-134). To prevent threats to reliability regarding participant deception and bias, the respondents were guaranteed anonymity by the researcher (Vraga *et al.* 2019, pp.235).

3.6 Limitations

Limitations to a study highlight the flaws and shortcomings that the researcher may encounter whilst conducting the research (Price and Murnan, 2004). An obvious limitation are the restrictions that have been imposed as a consequence to the Covid-19 pandemic. Consequently, an internet-based method of research provided the most valuable alternative. Chopik *et al.* (2018) suggests that social media is predominantly represented by young adults, therefore, a recognisable limitation.

The timing of the study could also prove to be a limitation as responses may be influenced by latest current affairs and may conjure a bias response. Consequently, a participant may fear the repercussions of an unwelcome opinion (Lavrakas, 2008). Social desirability

bias has been recognised by Latkin *et al.* (2017) as the desire to conform to social norms to avoid judgement.

Additionally, academic time constraints prevent the research study surveying the entire population, resulting in the sample size not being representative of society causing a lack of data and thus limited scope of analysis (Saunders *et al.* 2009, pp.155).

3.7 Ethical Considerations

Ethics refers to the appropriateness of the researcher's conduct in relation to the rights of the individuals who become the subject of the study (Resnik, 2020). It is necessary to anticipate and address ethical issues when designing and conducting research to minimise the risk of harm to participants (Saunders *et al.* 2009, pp.160).

Academic research must adhere to the ethical standards and guidelines proposed by the UWTSD (See *Appendix 13*). Therefore, the researcher obtained consent from the respondents. To adhere to ethical standards, the survey was restricted to persons aged eighteen and over, remained confidential, and guaranteed anonymity. Participant participation was voluntary, and respondents were informed that they may withdraw at any stage. Any questions or concerns regarding the research study were welcomed by the researcher and contact details provided. It is important to note, this research was approved by the research supervisor to guarantee the study complied with the ethical standards and policies of the university (UWTSD).

Chapter Four: Findings

In Chapter 3, the researcher identified and justified the research methods and methodology employed to achieve objective two. Chapter four will analyse the primary data obtained via questionnaire, achieved by combining a pragmatist philosophy with abductive reasoning in a mixed-method, cross-sectional approach. The results obtained from the survey will be described, analysed and synthesised against the literature to achieve objective three:

“Critically analyse the data collected from the primary research to examine public knowledge, understanding, and attitudes concerning human rights, police powers, and the relationship between the two.”

4.1 Data Analysis

Data analysis is the central component to any research study (Ashirwadam, 2014). It is the process of interpreting data, gathered using analytical and logical reasoning, in order to determine patterns, relationships or trends and to detect and clarify thematic categorisations to uncover any inconsistencies or discrepancies (Thorne, 2000, pp.68-70). Furthermore, Jones (2020) highlights that valid data collection and analysis tools are the key components of any research study, providing the foundational element of reliability and validity (Jones, 2020). Quantitative data collected from the survey will be analysed via ‘Google Forms’, ‘Google Sheets’ and presented in graphs and pie-charts to

emphasise trends. Conversely, qualitative data will be evaluated to interpret public opinion.

4.2 Methods

Demographic information provides data relating to the respondents and is essential in determining whether the participants are a representative sample of the target population (Salkind, 2010b). Therefore, the common variables including age, gender, ethnicity, educational attainment, and geographical area were used within this study.

4.3 Demographics

The survey consisted of 21 questions and a total of 105 responses were collected. Q.1-5 were concerned with the demographics of the participants, to determine factors that may influence the participant's response and to cross-tabulate and compare sub-groups to understand varying responses (See *Appendix 10*).

4.3.1 Gender and Age

From the 105 participants, 52 identified as 'female' (49.5%), 51 identified as 'male' (48.6%) and two (1.9%) selected 'prefer not to say'. Gender was included as a demographic as Abbate (2021) suggests that gender plays a significant role in how an individual interacts with society and can influence a participant's perspective on a topic.

Age is also considered an important variable since age often determines an individual's values, beliefs, and attitudes (Allen, 2017b). Hence, participants were categorized into five age groups. From the total of 105 respondents, 65 (61.9%) were aged 18-25, an expected result given that social media is predominantly represented by young adults (Chopik *et al.* 2018), seen in Table 4.3.1 below.

Table 4.3.1: Participants by age and gender

Age Group	Female number	Female (%)	Male number	Male (%)	Prefer not to say (%)	Total (percentage)
18 - 25	34	32.3%	31	29.5%	0	65 (61.9%)
26 - 35	4	3.8%	11	10.5%	0	15 (14.3%)
36 - 45	2	1.9%	0	0%	0	2 (1.9%)
46 - 55	5	4.8%	5	4.8%	0	10 (9.5%)
56 +	7	6.7%	4	3.8%	2 (1.9%)	13 (12.4)
Total	52	49.5%	51	48.6%	2 (1.9%)	105

4.3.2 Ethnicity

Participants in research should reflect the diverse culture of a population as a lack of diversity may lead to serious ethical and research consequences (Palmer and Burchard, 2017). Ethnicity was included to ascertain if any patterns or potential associations emerge between societal attitudes and ethnicity (See *Appendix 11*) (Connelly *et al.* 2016). See Table 4.3.2 below.

Table 4.3.2: Participants by gender and ethnicity

Ethnicity	Female number	Female (%)	Male number	Male (%)	Prefer not to say (%)	Total (%)
White – English / Welsh / Scottish / Northern Irish / British'	50	47.6%	45	42.9%	0	95 (90.5%)
Any other White background	2	1.9%	0	0%	0	2 (1.9%)
Mixed – White and Black African	0	0%	2	1.9%	0	2 (1.9%)
Any other Asian background	0	0%	2	1.9%	0	2 (1.9%)
Other – Any other ethnic group	0	0%	2	1.9%	0	2 (1.9%)
Prefer not to say	n/a	n/a	n/a	n/a	2 (1.9%)	2 (1.9%)
Total	52	49.5%	51	48.6%	2 (1.9%)	105

4.3.3 Education

Educational attainment was included as several questions were based on knowledge, understanding and opinion. Research has identified that higher education levels are associated with greater political interest and social trust, with lower levels of constitutional cynicism and antagonistic attitudes (Easterbrook, 2014). Participant's educational attainment is illustrated below in *Figure 4.3.3*.

What is the highest degree or level of school you have completed?

105 responses



Figure 4.3.3: Data Findings from Question 4

4.3.4 Geographical Area

UK Government (2021b) state that average crime rates are lower in rural areas than urban areas. Furthermore, there is little difference in how the public perceive the police in these areas. Therefore, the participant's geographical area was sought to determine significant differences and trends. From the 105 participants, 49 respondents selected 'Urban' (46.7%), 20 selected 'Rural' (19%) and 36 selected 'Suburban' (34.3%) (See *Appendix 11*).

4.4 Analysis

Table 4.4: Theme categorisations

Human Rights and Police Powers	Theme 1 – Knowledge and understanding	Theme 2 – Public opinion	Theme 3 – Public trust and confidence	Theme 4 – Human Rights and Policing
<i>Survey questions that fit into these themes</i>	Q6, Q7	Q11, Q12, Q13, Q14, Q15, Q16	Q10, Q17, Q21	Q8, Q9, Q18, Q19, Q20

Table 4.4 above represents themes for the purpose of analysis and corresponding survey questions.

4.4.1 Knowledge and understanding

Q.6: How much, if anything, would you say you know about Human Rights?

Q.7: How much, if anything, would you say you know about Police Powers?

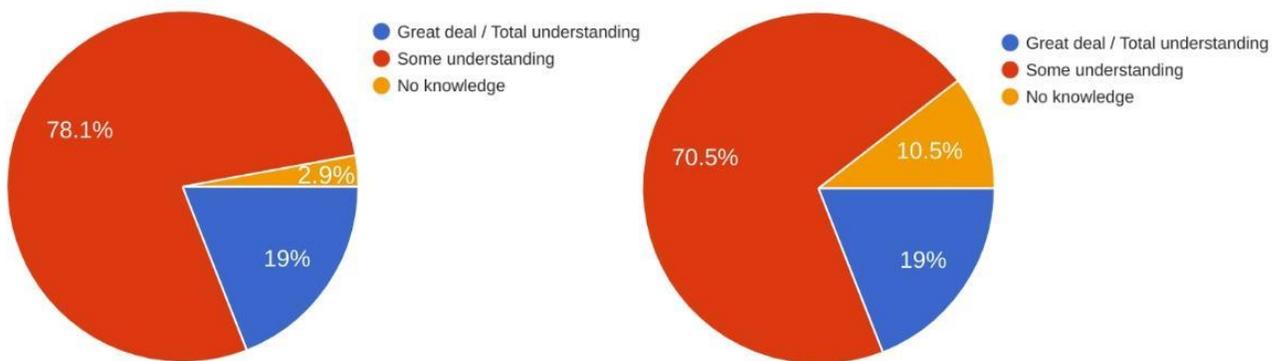
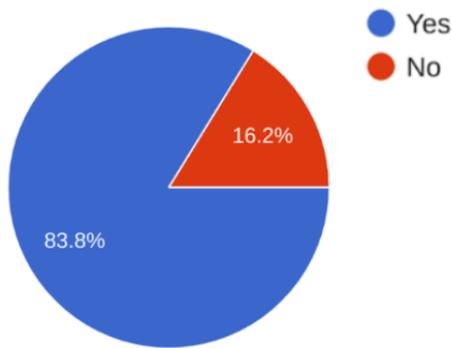


Figure 4.4.1: Data Findings from Question 6 and Question 7

The findings from Q.6 reveal that 20 (19) participants had a ‘total understanding’ of human rights, of which the majority; 16 (15.2%) completed some form of further education. Similarly, of the 82 (78.1%) that had ‘some understanding’, 60 (57.1%) had completed some form of further education. These results were mirrored in Q.7 with regards to participant knowledge of police powers (See *Appendix 12*), reiterating Imam’s (2021) position within the literature which associates positive relationships between human rights and law enforcement with education.

4.4.2 Public Opinion

Q.11: Should every human being enjoy the same basic Human Rights?



Q.12: Why?

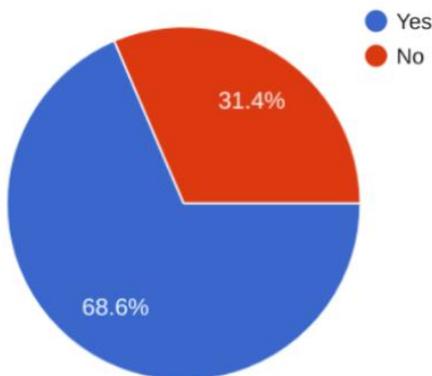
‘Yes’, every human being should enjoy the same basic human rights	‘No’, not every human being should enjoy the same basic human rights
Everyone is equal	Human rights should be subject to the individual
We are all human	Incarcerated individuals are stripped of their basic human rights when they commit a crime
All citizens must be treated equally and therefore must all enjoy the same basic human rights	It is necessary to impose restrictions on some individuals within society
No one should be subject to discrimination	Case dependent - Terrorism
Equality equals equal opportunities	Criminals don't deserve to have human rights

Figure 4.4.2: Data Findings from Question 11 and Table 4.4.2: Data Findings from Question 12

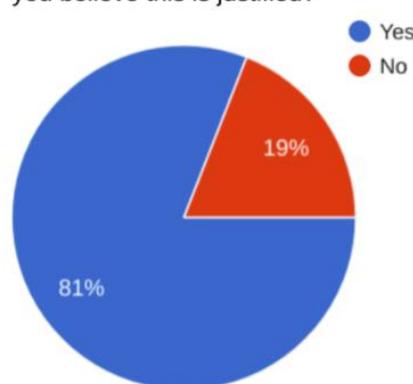
In response to Q.11, an overwhelming positive result of 88 (83.8%) was obtained. To analyse the validity of this result, a further comparison was made to determine the respondent's knowledge of human rights. Two (1.9%) respondents selected 'no knowledge', therefore, legitimising the result and in support of the opinion poll by 'Each Other' (Each Other, 2019). Incidentally, corresponding with the unified reasoning of 'equality' summarised in *Figure 4.4.2* above.

This finding further supports the plethora of literature, acknowledging the value of human rights-based policing (Greene, 2010), (Harfield, 2013). Of the 17 (16.2%) that disagreed, the majority recognised criminal activity as justification for an individual to be denied their rights. A justification not supported by Hardwick (2019), however illustrates the criticisms that police face in upholding their duties (Greene, 2010).

Q.13: Do you think the Police should have the power to detain a person for longer than 24 hours?



Q.14: A person can be held without charge for up to 14 days if arrested under the Terrorism Act (2000). Do you believe this is justified?



Q.16: Do you agree with the statement 'Innocent until proven guilty'?

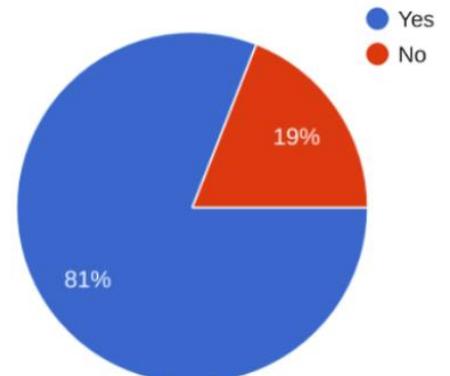


Figure 4.4.2.1: Data Findings from Question 13, 14 and 16

As illustrated above, the majority of respondents, 72 (68.6%) agreed that police should have the power to detain a person for longer than 24-hours. This response increased to 85 (81%) when considering the detention period under the Terrorism Act 2000. Interestingly, of the 85 (81%), 72 (68.6%) agreed with the statement 'innocent until proven guilty' (See *Appendix 11*), a result that inadvertently justifies an individual's right to liberty being forfeited when arrested under the Terrorism Act. Furthermore, of the 33 (31.4%) respondents that selected 'no' regarding 24-hour detention, 23 (21.9%) selected 'yes' regarding 14 days for terrorism. Table 4.4.3 below summarises the participant's justification for their response.

'Yes', it is justified for a person to be held without charge for up to 14 days if arrested under the Terrorism Act (2000)	'No', it is not justified for a person to be held without charge for up to 14 days if arrested under the Terrorism Act (2000)
Potential risk to public safety. Its necessary due to the severity of the crime	The person has not been charged with any offence yet, therefore 14 days cannot be justified
Yes, the police need time to explore different avenues, make all relevant enquiries and collaborate with different agencies to build a case	A person is 'innocent until proven guilty'
Police should have the time to gather all the information and investigate	14 days is too long to detain a person; however, the individual should be monitored if the police need time to build their case
Police should take as long as they need as to ensure public safety by not releasing a potential terrorist out onto the street	The Terrorism Act can be used as an excuse for profiling individuals and discriminate against BAME individuals
The individual's right to liberty must be balanced against the interests of society	Terrorism Act can be misused and taken advantage of. There must be a substantial cause
To arrest an individual for Terrorism, there must be substantial evidence to support the arrest	What is classed as Terrorism? Could a 'bad' joke result in a possible arrest and 14-day detention period whilst police investigation. It is case-dependent

Table 4.4.3: Question 15 - Summary of Participant responses

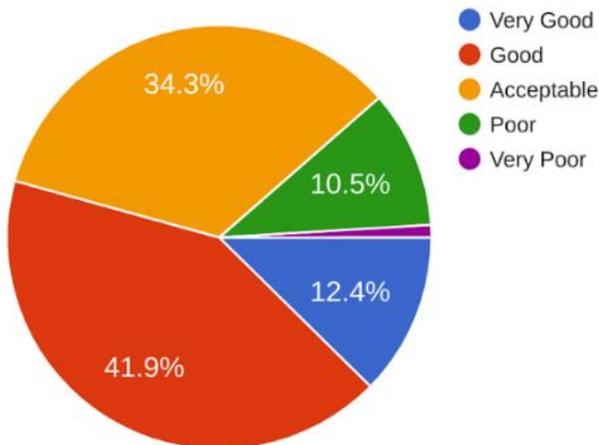
The opinion of the public correlates with the perspective reflected within the literature examining the shift in public attitudes and the powers afforded to police in relation to

terrorism (Loveland, 2015, pp.730), (Stone, 2006). Therefore, highlighting the conflict between human rights and police powers (Brown, 2019).

4.4.3 Public trust and confidence

The literature depicts disparities in demographics when examining public trust and confidence in relation to human rights (Mann, 2021), (UK Parliament, 2020). Therefore, the results for Q.10 and Q.21 of the survey and respective correlations with demographics are illustrated below to determine patterns, relationships and trends in participant attitudes and values. It is important to note that ethnicity was excluded from analysis due to their representation being too small to have valid significance on the findings.

Q.10: What is your overall assessment of the police in society?



Q.21: Do you trust the Police?

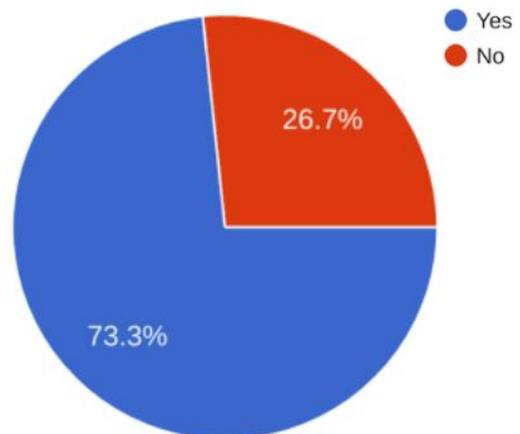


Figure 4.4.3: Data Findings from Question 10 and Question 21

Figure 4.4.3.1: Data Findings from Question 10 and Question 21 with reference to age

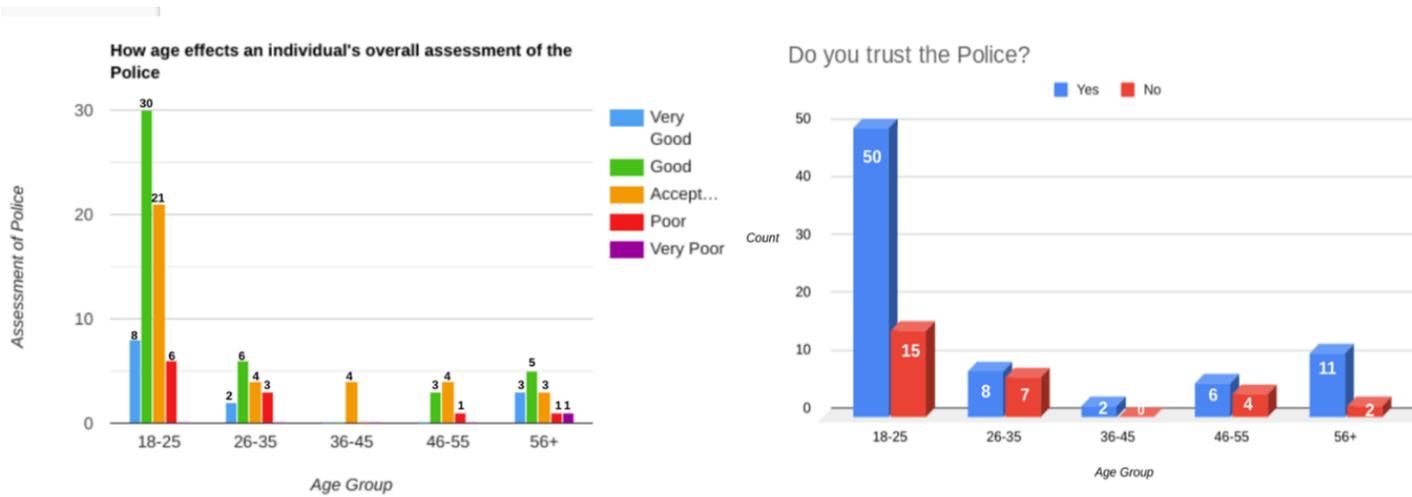


Figure 4.4.3.2: Data Findings from Question 10 and Question 21 with reference to gender

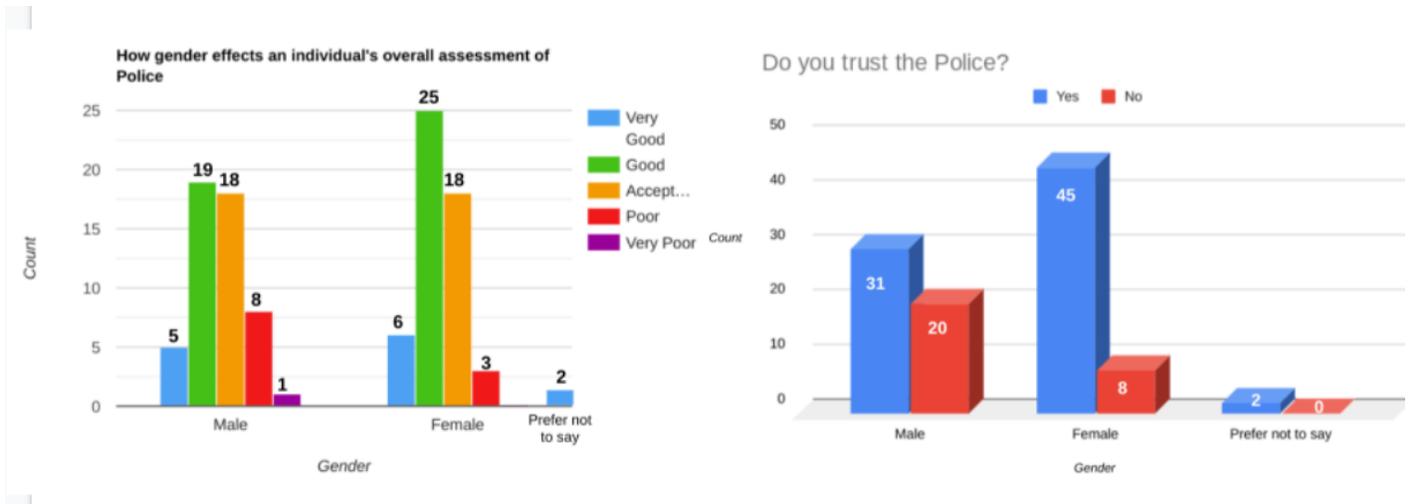


Figure 4.4.3.3: Data Findings from Question 10 and Question 21 with reference to education

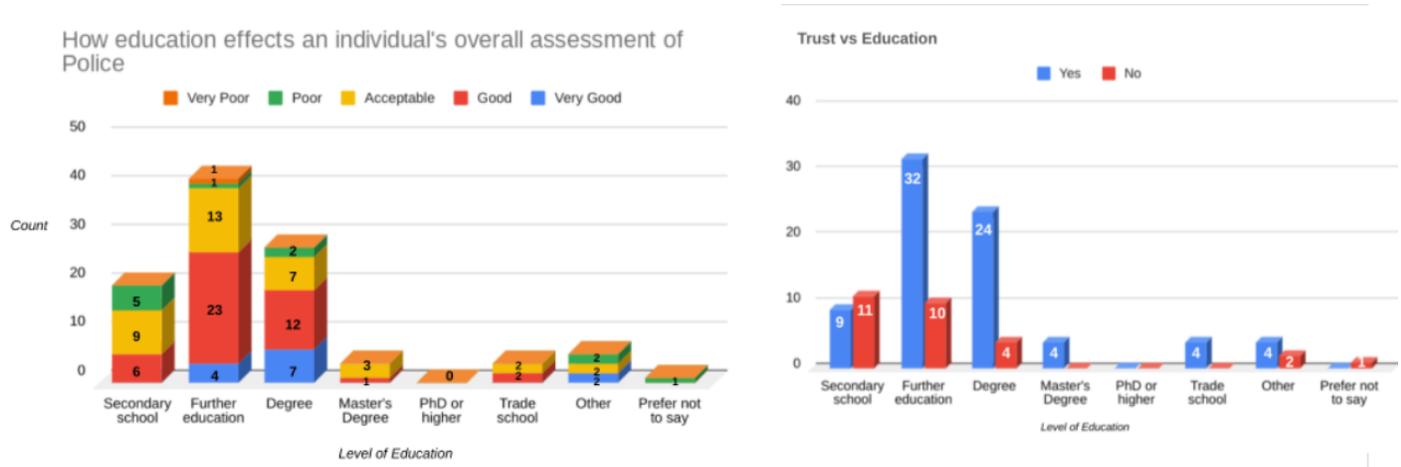
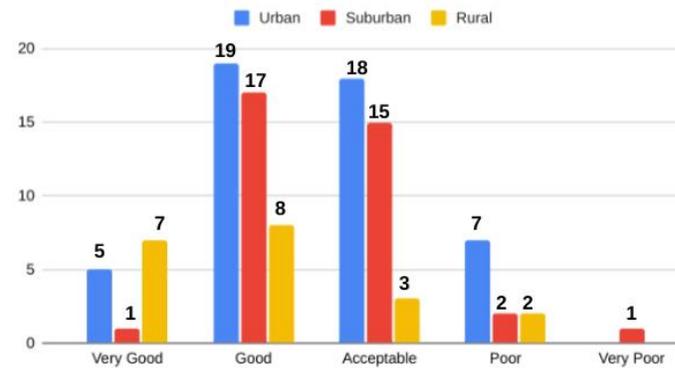


Figure 4.4.3.4: Data Findings from Question 10 and Question 21 with reference to geographical area

How geographical area effects an individual's overall assessment of Police

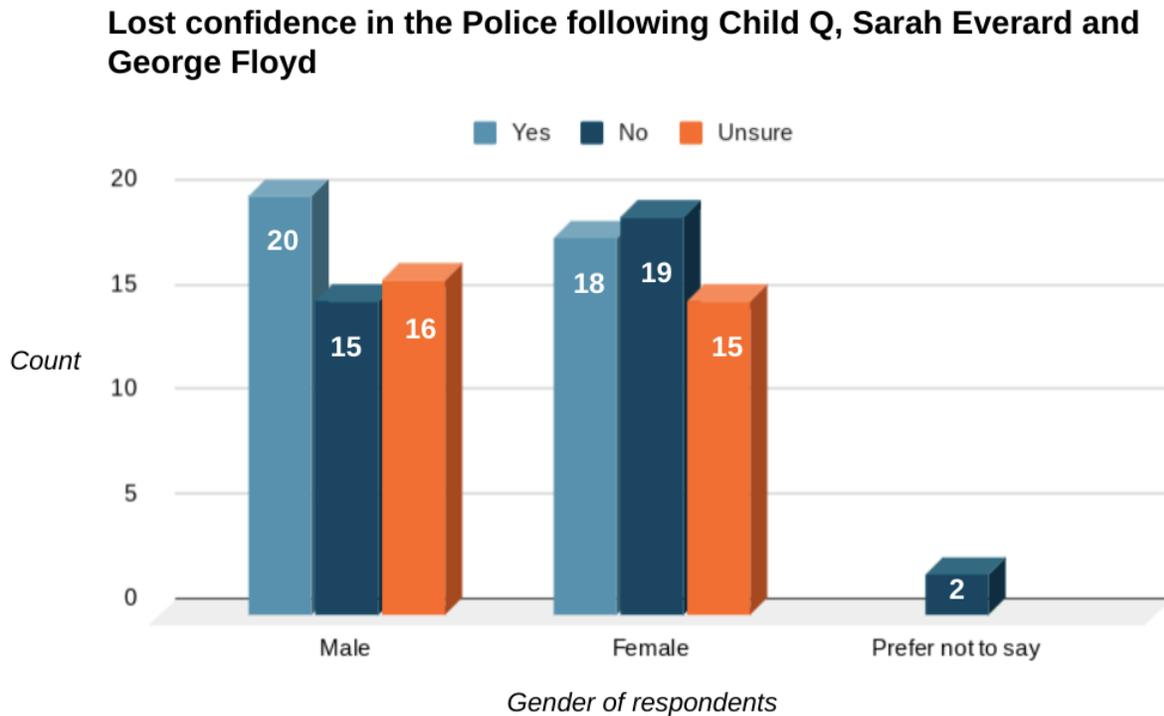


How an individual's area affects how they trust the Police



As illustrated in the figures above, the overall assessment of police in society is predominantly positive. Likewise, a reciprocal response was noted when assessing public trust. Reiterating IPSOS (2022) findings, consequently contradicting the plethora of literature (Mann, 2021), (BaMaung, 2021). This study also discovered that not only do different age groups have contrasting perspectives but there is a stark difference between individuals aged 18-25 to that of their respective counterparts. What is notable is the correlation with education, which incidentally supports the literature (Easterbrook, 2014), reiterating that those with higher educational attainment have greater social trust and lower levels of constitutional cynicism. Geographical location exhibited no significant distinctions. As opposed to gender whereby despite male and females being equally represented, the results depicted that overall, females had more trust and a better assessment of the police. To test this theory, Q.17 sought to verify these findings by examining how outside influences affected participant responses when associated with human rights and police powers.

Figure 4.4.3.5: Data Findings from Question 17 with reference to gender



Q.17 shows no remarkable difference between male and female responses. What it does suggest is that of the 45 (42.9%) females that trusted the police in Q.21, 18 (17.1%) lost confidence. Similarly, of the 31 (29.6%) males who trusted the police, 20 (19%) lost confidence, supporting the research conducted by 'YouGov' highlighting a decline in confidence highest amongst men (Mann, 2021). The 'unsure' result is noticeably high for both male and females, which raises the controversial question of social desirability (Latkin *et al.* 2017) or conversely reflects the conflicting views concerning human rights and police powers.

4.4.4 Human Rights and Policing

The literature repeatedly asserts the unique position that police officers hold as human rights and constitutional protectors and claim that human rights are the objective of police work (Europa, 2013), (Greene, 2010), (Murdoch and Roche, 2013). The results of this study support this notion illustrating that 68 (64.8%) respondents agree, seen in *Figure 4.4.4* below.

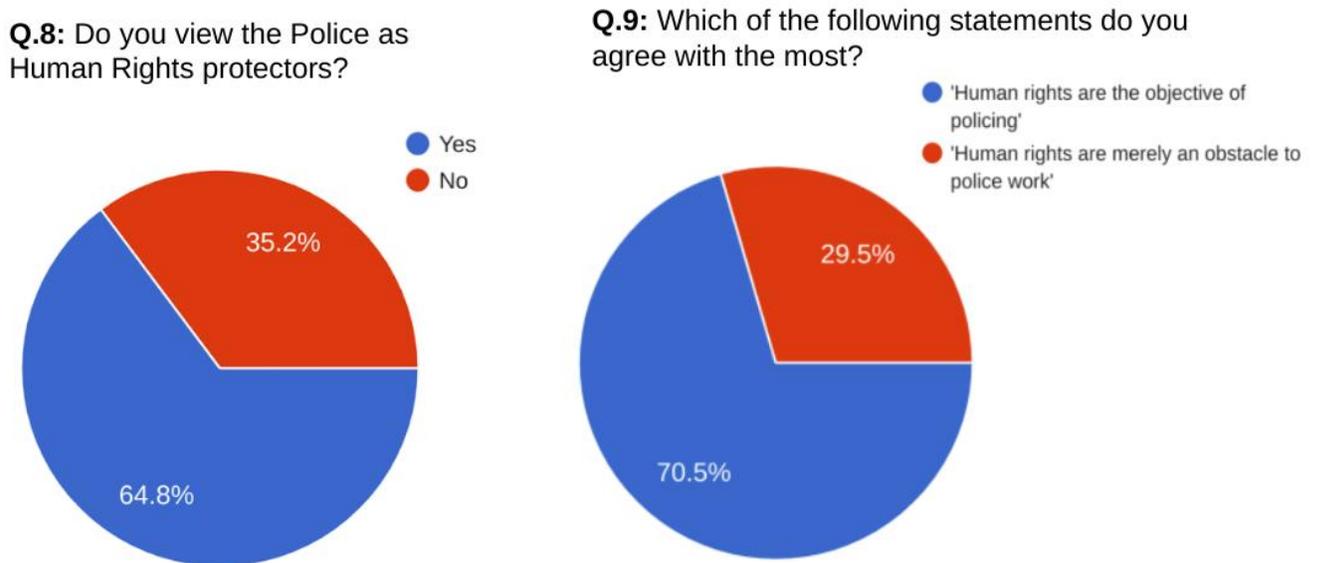


Figure 4.4.4: Data Findings from Question 8 and Question 9

On further examination and in association with Q.9. Of the 68 (64.8%) respondents that viewed police as protectors, 63 (60%) believed human rights to be the objective of policing. Conversely, of the 37 (35.2%) that did not view the police as human rights protectors, 26 (24.8%) believed human rights were merely an obstacle to police work,

seen in *Figure 4.4.4.1* below. A result that gains limited support in the literature (Patel, 2020).

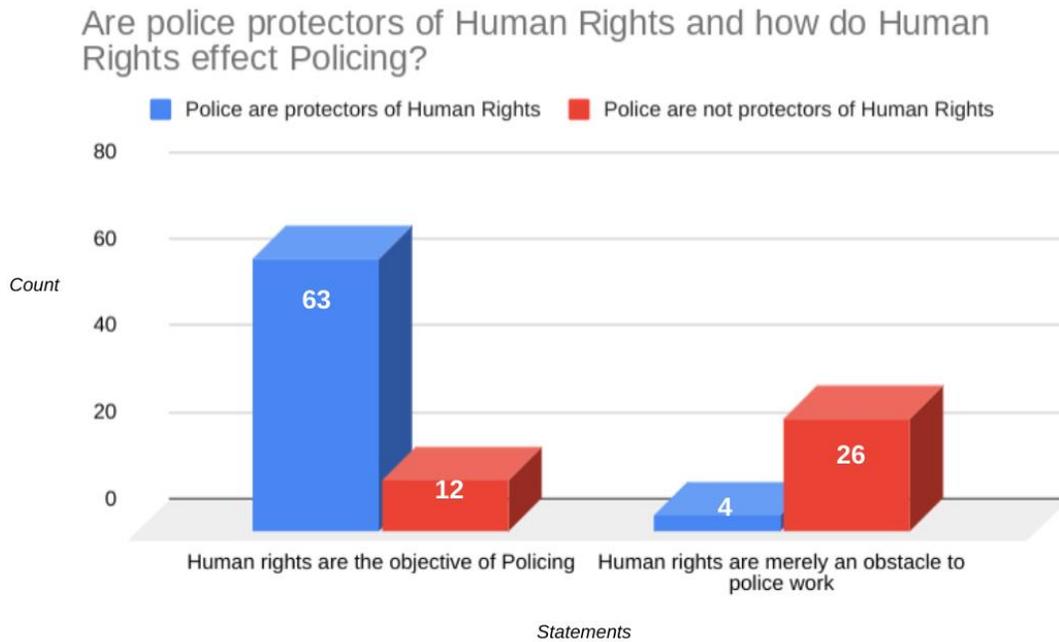


Figure 4.4.4.1: Data Findings from Question 8 and Question 9

Q.18: Do you think the Human Rights Act (1998) positively or negatively affects Police Powers?

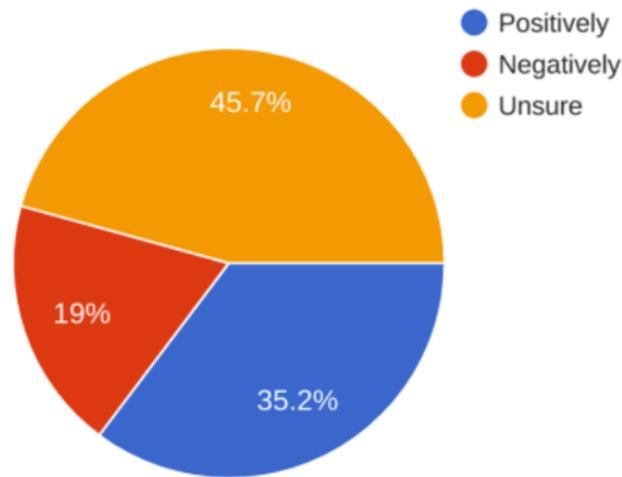
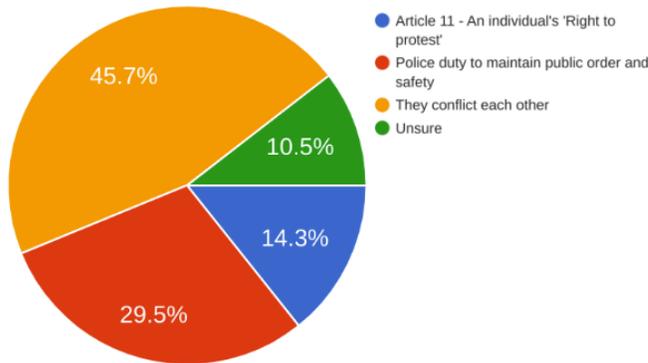


Figure 4.4.4.2: Data Findings from Question 18

Q.18 established that 37 (35.2%) respondents believed the HRA (1998) positively affected police powers (See *Appendix 11*). Conversely, 48 (45.7%) were unsure, a subsequent finding consistent with Marwah's (1998, pp.140) explanation of how balancing rights on the one hand, may lead to conflicting interests on the other. What is interesting to note is when further analysing Q.8 with Q.18, of the 37 (35.2%) that did not view the police as human rights protectors, 13 (12.4%) claimed that the HRA negatively affected police powers. Thus, in complete contrast to the literature.

Q.19: An individual has the 'Right to protest' under Article 11 of the Human Rights Act (1998), however, Police have a duty to maintain public order and safety. Which of these do you think is most important or is there a conflict?



Q.20: An individual has the 'Right to liberty and security' under Article 5 of the Human Rights Act (1998). However, Police may interfere with this right in accordance with a procedure prescribed by law such as making an arrest or detaining an individual. Which of these do you think is most important or is there a conflict?

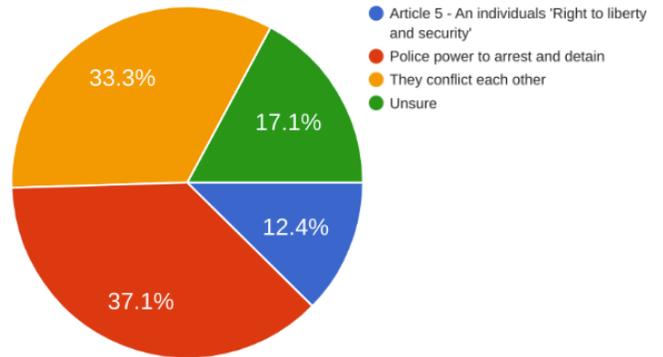


Figure 4.4.4.3: Data Findings from Question 19 and 20

31 (29.5%) respondents asserted that the duty placed on police to maintain public order and safety supersedes an individual's right to protest, supporting the enhanced powers proposed by the Police, Crime, Sentencing and Courts Bill. When examining these responses in conjunction with Q.20, the results are closely aligned although, there is an increase; 39 (37.1%), on public support regarding the police power to arrest and detain.

However, on further analysis, and totaling the unsure and conflicting responses for both Q.19 and Q.20, the consensus supports Brown's (2019) acknowledgement that there is a conflict between human rights and policing, albeit a notion not supported by the bulk of the literature that categorises human rights and policing as either a shared phenomenon or label police as human rights violators. Which, consequently, this research does not support as only 15 (14.3%) selected the right to protest above the police duty to maintain

public order and similarly only 13 (12.5%) viewed an individual's right to liberty as superior to the powers of police.

Chapter Five: Conclusion

This Chapter aims to achieve the final objective by formulating a conclusion to the overall research project, presenting the results, implications and limitations to the study.

Objective four:

“Understand and conclude the research whilst recognising limitations in order to formulate recommendations.”

5.1 Main Findings

One of the main findings from the research was that the public had some, if not great knowledge and understanding of human rights. Furthermore, that every human being is equal and that the HRA (1998) positively affects police powers and is the objective of policing. At first glance it appeared that given the support for human rights, policing would inevitably be presented in a negative light. Certainly, this pattern took a different avenue and produced a notable admiration for police.

Although the results show that public confidence had declined following high-profile police violation cases, the public remained trustful and had an overall good assessment to the extent that police powers were placed above that of human rights. The public supported and understood the need for police to directly interfere with one’s liberty through the course of their duty, albeit for the maximum of twenty-four-hours. However, there was a clear shift in focus regarding terrorism, where opinions became markedly more

supportive, reaffirming Loveland (2015, pp.730) and Stone (2006), a contradiction also apparent examining participant opinion on ‘innocent until proven guilty’.

There proved to be no substantial differences amongst demographics apart from those educated possessed a greater knowledge and understanding of human rights and police powers and therefore held police in higher regard. The only significance to gender and correlation to the literature (Mann, 2021) was that females had greater trust, confidence and overall assessment of police.

The study concluded a conflicting relationship between human rights and police powers as this research has shown them both to be subjective in nature, irrespective of legislation.

5.2 Implications

The results of the study demonstrate the significance that the public place on human rights, an obvious correlation to the literature (Europa, 2013). However, through the study it became evident that there is a hierarchical attitude toward human rights and police powers, whereby the power to arrest and detain would take precedence over an individual’s right to liberty, and similarly, a duty to maintain public order over an individual’s right to protest. A violation to one right, inevitably leads to a violation of another according to Imam (2021), highlighting a conflict and probable unintentional disregard to the HRA (1998). This study also highlighted a high volume of participants

that felt the rights and powers were conflicting. These results prove significant as it shows the public are putting rights in hierarchical order, dependent on one's own values, beliefs and perspective, which in turn determines what right, according to one's own beliefs the police are violating.

For future research, the only way to determine the true effects that the HRA has on police powers and how police attempt to protect these rights, would be to examine a person's interactions with law enforcement, as it only takes one personal experience to create a lifetime of hostility (UK Government, 2020). A task the researcher was unable to fulfill due to ethical limitations.

5.3 Limitations

The research within this study was conducted during the Covid-19 pandemic therefore limiting the scope of the primary research. This, in turn, resulted in the research being conducted via social media. As predicted, this led to the over-representation of individuals aged 18-25 which stunted the research. Additionally, the study was under-represented by ethnic minority groups and therefore not a true representation of the diverse populace. Furthermore, considering the volume of students currently completing dissertations for their academic studies, social media became awash with survey requests which may have led to the public being selective in which surveys to complete. Finally, ethical constraints prevented a more in-depth examination into the subject matter.

5.4 Recommendations

Education is fundamentally the base of all knowledge, therefore adding human rights to the national curriculum will undoubtedly benefit future generations' protection and understanding, enabling them to act if their rights have been violated. Conversely, this education will instill human rights into our future police officers, thus giving life to the future of human rights-based policing (Greene, 2010). Vesting all in society to recognise their human rights engenders responsibility to which people will expect their rights and therefore as a result, respect the rights of others, creating social equanimity (Greene, 2010).

5.5 Achievement of objectives

The research project has achieved all four of its objectives and therefore achieved its aim:

“To explore public perception regarding human rights and police powers in order to determine how police attempt to protect an individual’s human rights and the subsequent effects that the Human Rights Act (1998) has on police powers in the line of duty.”

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Appendices

Appendix 1: Rights and Freedoms under the Human Rights Act (1998) (Human Rights Act, 1998).

Article 1 – *An obligation to respect human rights*

Article 2 – *The right to life*

“Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law”.

“Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence, (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained, (c) in action lawfully taken for the purpose of quelling a riot or insurrection”.

Article 3 – *The prohibition of torture*

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”.

Article 4 – *The prohibition of slavery and forced labour*

“No one shall be held in slavery or servitude,

No one shall be required to perform forced or compulsory labour,

For the purpose of this Article the term “forced or compulsory labour” shall not include:

(a) Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(c) Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) Any work or service which forms part of normal civic obligations”.

Article 5 – Right to liberty and security

“Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation”.

Article 6 – The right to a fair trial

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice”.

Everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law.

Everyone charged with a criminal offence has the following minimum rights:

- (a) To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;*
- (b) To have adequate time and facilities for the preparation of his defence;*
- (c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;*
- (d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;*

(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.”

Article 7 – No punishment without law

“No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.”

“This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.”

Article 8 – The right to respect for private and family life

“Everyone has the right to respect for his private and family life, his home and his correspondence”.

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.

Article 9 – Freedom of thought, conscience and religion

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.”

“Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

Article 10 – Freedom of expression

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises”.

“The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary”.

Article 11 – Freedom of assembly and association

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests”.

“No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”.

Article 12 – The right to marry

“Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right”.

Article 13 – The right to effective remedy

Article 14 – Prohibition of discrimination

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

Appendix 2: Stop and search under section 1 of Police and Criminal Evidence Act (1984) and section 23 of Misuse of Drugs Act (1971)

Section 1 of PACE and Section 23 of the Misuse of Drugs Act (1971) are the most commonly used reasonable grounds stop and search powers (Brown, 2021b).

Section 1 of PACE provides;

a police constable may detain any person or vehicle or anything which is in or on a vehicle, in any place to which the public has access, if he or she has reasonable grounds for suspecting that stolen or prohibited articles, prohibited fireworks or bladed or sharply pointed articles will be found.

Section 23 of Misuse of Drugs Act (1971) provides;

If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in the contravention of this Act or any regulation made thereunder, that constable may:

- (a) *Search that person, and detain him for the purpose of searching him;*
- (b) *Search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;*
- (c) *Seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search which appears to the constables to be evidence of an offence under this Act.*

Appendix 3: Categories of rights under the Human Rights Act (1998)

(Bryant and Bryant, 2020, pp.62-63) (Table 8.3)

Absolute rights	Limited rights	Qualified rights
Article 2 – <i>Right to life</i>	Article 5 – <i>Right to liberty and security</i>	Article 8 – <i>Right to respect for private and family life</i>
Article 3 – <i>Prohibition of torture</i>	Article 6 – <i>Right to a fair trial</i>	Article 9 – <i>Freedom of thought, conscience, and religion</i>
Article 4 – <i>Prohibition of slavery and forced labour</i>	Article 12 – <i>Right to marry</i>	Article 10 – <i>Freedom of expression</i>
Article 7 – <i>No punishment without law</i>	Article 14 – <i>Prohibition of discrimination</i>	Article 11 – <i>Freedom of assembly and association</i>

Appendix 4: Police Code of Ethics

(College of Policing, 2014b) (Figure 8.4)

Standards of professional behaviour

- 1. Honesty and integrity**
I will be honest and act with integrity at all times, and will not compromise or abuse my position.
- 2. Authority, respect and courtesy**
I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.
I will use my powers and authority lawfully and proportionately, and will respect the rights of all individuals.
- 3. Equality and diversity**
I will act with fairness and impartiality.
I will not discriminate unlawfully or unfairly.
- 4. Use of force**
I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances.
- 5. Orders and instructions**
I will, as a police officer, give and carry out lawful orders only, and will abide by Police Regulations.
- 6. Duties and responsibilities**
I will give reasonable instructions only, and will follow all reasonable instructions.
I will be diligent in the exercise of my duties and responsibilities.
- 7. Confidentiality**
I will treat information with respect, and access or disclose it only in the proper course of my duties.
- 8. Fitness for work**
I will ensure, when on duty or at work, that I am fit to carry out my responsibilities.
- 9. Conduct**
I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
- 10. Challenging and reporting improper behaviour**
I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.

Appendix 5: Police and Criminal Evidence Act (1984) Codes of Practice

(Bryant and Bryant, 2020, pp.68)

Code A – Stop and search

Code B – Search of premises

Code C – Detention, treatment, and questioning of suspects

Code D – Identification of suspects

Code E – Audio-only recording of interviews

Code F – Audio-visual recording of interviews

Code G – Power of arrest

Code H – Detention, treatment, and questioning of terrorist suspects

Appendix 6: Police Constable Oath

(Police Federation, 2018)

“I 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 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.”

Appendix 7: Sir Robert Peel's nine principles of policing

(Police Federation, 2018) ([Figure 8.7](#))

Sir Robert Peel's nine principles of policing

1. The basic mission for which the police exist is to prevent crime and disorder.
2. The ability of the police to perform their duties is dependent upon public approval of police actions.
3. Police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
4. The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
5. Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.
6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.
7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and 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. Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

Appendix 8: Stop and search under section 43 of Terrorism Act (2000)

(Harfield, 2013, pp.75)

Section 43 of Terrorism Act 2000 provides that:

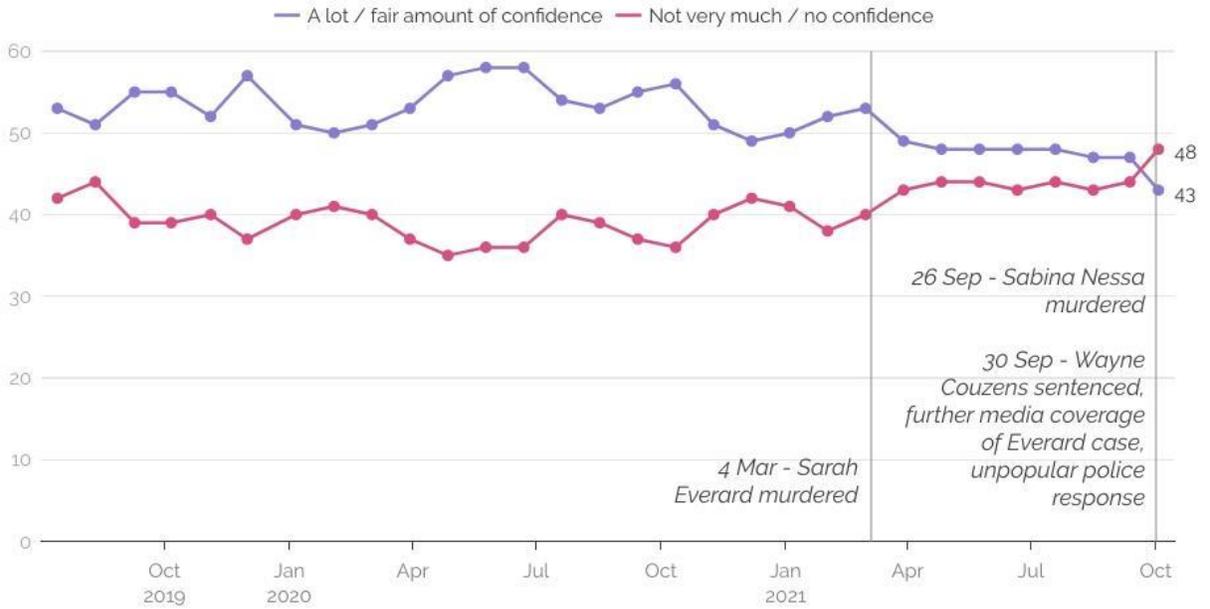
a constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether the person has in his possession anything which may constitute evidence that he is a terrorist.

Appendix 9: Statistical evidence by ‘YouGov’ examining public confidence in Police following Sarah Everard’s murder

(Mann, 2021) (Figure 8.9)

More Britons unconfident than confident in police to deal with crime locally, with key shifts in opinion following Sarah Everard's murder and recent media coverage surrounding her death

Generally speaking, how much confidence do you have in the police to deal with crime in your local area? % who say they have not very much or no confidence at all

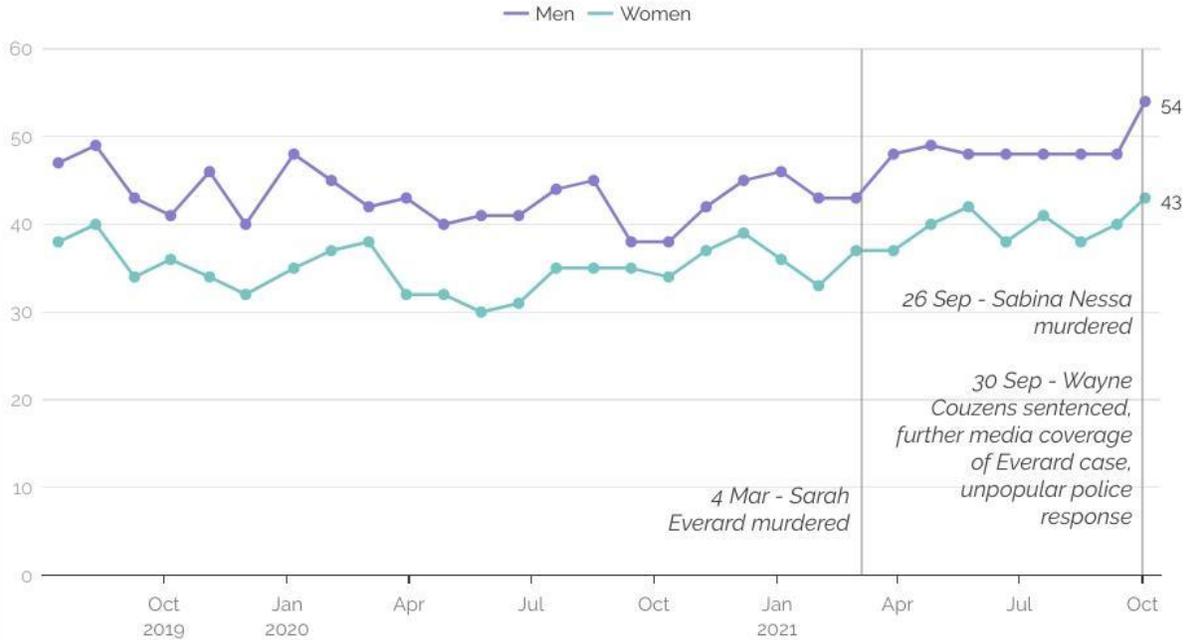


YouGov

Latest data: 1-3 October 2021

Men tend to be less confident in the police than women

Generally speaking, how much confidence do you have in the police to deal with crime in your local area? % who say they have not very much or no confidence at all



YouGov

Latest data: 1-3 October 2021

Appendix 10: Copy of Questionnaire

Human Rights and Policing

Hello, my name is Shauna and I am currently studying for my undergraduate degree in Law and Policing (BA Hons) at the University of Wales Trinity Saint David (UWTSU). For my dissertation, I have decided to study the relationship between policing and human rights, particularly into how police attempt to protect human rights and the effects that the Human Rights Act (1998) has on police powers.

The police have a duty to maintain public order and safety, whilst ensuring that they protect human rights. However, it has been argued that the Human Rights Act (1998) has become an obstacle, obstructing the police and restricting their powers. That said, counterarguments suggest that police often violate human rights, using excessive force, and abusing their position of power.

Considering these opposing viewpoints, further examination is needed to establish whether police powers are negatively or positively affected by the legislation and if a balance has been achieved, is possible, or indeed completely conflicted.

Therefore, I have compiled this questionnaire to explore societal views and perception surrounding policing in accordance with the Human Rights Act (1998). Your response will be used to assist in my primary research and form part of my dissertation.

- * You must be 18 or over to complete this questionnaire
- * There are 21 questions which should take you approximately 5-10 minutes to complete
- * Where applicable, participant views are encouraged and appreciated
- * This questionnaire is anonymous
- * All responses to this questionnaire will remain confidential
- * Your participation is voluntary and you may withdraw at any time by contacting me at: 1900085@student.uwtsd.ac.uk

Thank you in advance for agreeing to participate and taking the time to complete my questionnaire. If you have any questions regarding my research please email me at: 1900085@student.uwtsd.ac.uk

Researcher - Shauna Curry

Age group *

- 18 - 25
- 26 - 35
- 36 - 45
- 46 - 55
- 56 +

Gender *

- Female
- Male
- Prefer not to say
- Other...

Ethnic group? *

- White - English / Welsh / Scottish / Northern Irish / British
- White - Irish
- White - Gypsy or Irish Traveller
- Any other White background
- Mixed - White and Black Caribbean
- Mixed - White and Black African
- Mixed - White and Asian
- Any other Mixed / Multiple ethnic background
- Asian - Indian
- Asian - Pakistani
- Asian - Bangladeshi
- Asian - Chinese
- Any other Asian background

- Black - African
- Black - Caribbean
- Any other Black / African / Caribbean background
- Arab
- Other - Any other ethnic group
- Prefer not to say



What is the highest degree or level of school you have completed? *

- Secondary school (GCSEs or equivalent)
- Further education - College, Sixth form, or apprenticeship
- Degree
- Master's Degree
- PhD or higher
- Trade school
- Other
- Prefer not to say



Which of these best describes the general area where you live? *

- Urban (City or Town)
- Rural (out of city - countryside)
- Suburban (residential outside the city)
- Prefer not to say



How much, if anything, would you say you know about Human Rights? *

- Great deal / Total understanding
- Some understanding
- No knowledge



How much, if anything, would you say you know about Police Powers? *

- Great deal / Total understanding
- Some understanding
- No knowledge



Do you view the Police as Human Rights protectors? *

- Yes
- No



Which of the following statements do you agree with the most? *

- 'Human rights are the objective of policing'
- 'Human rights are merely an obstacle to police work'



What is your overall assessment of the police in society? *

- Very Good
- Good
- Acceptable
- Poor
- Very Poor



Should every human being enjoy the same basic Human Rights? *

- Yes
- No

Briefly explain why *

Long answer text

Do you think the Police should have the power to detain a person for longer than 24 hours? *

The police have powers set out in the Police and Criminal Evidence Act (1984) to detain those they have arrested on suspicion of committing an offence. A police constable may detain a person for up to 24 hours in custody before they have to charge or release an individual. A senior officer can authorise an extension from 24 hours up to a maximum of 36 hours, and a Magistrates Court can authorise an extension to that warrant for an additional period of time, beyond 36 hours up to a maximum of 96 hours.

Yes

No

A person can be held without charge for up to 14 days if arrested under the Terrorism Act (2000). Do you believe this is justified? *

Yes

No

Please provide a reason for your answer *

Long answer text

Do you agree with the statement 'Innocent until proven guilty'? *

Yes

No

The Police as an institution have recently been negatively portrayed in the media due to high profile cases involving officers breaching their powers, such as; Child Q and the murders of both Sarah Everard and George Floyd (USA). Have you lost confidence in the Police following these cases? *

- Yes
- No
- Unsure

Do you think the Human Rights Act (1998) positively or negatively affects Police Powers? *

- Positively
- Negatively
- Unsure

⋮

An individual has the 'Right to protest' under Article 11 of the Human Rights Act (1998), however, Police have a duty to maintain public order and safety. Which of these do you think is most important or is there a conflict? *

- Article 11 - An individual's 'Right to protest'
- Police duty to maintain public order and safety
- They conflict each other
- Unsure

An individual has the 'Right to liberty and security' under Article 5 of the Human Rights Act (1998). However, Police may interfere with this right in accordance with a procedure prescribed by law such as making an arrest or detaining an individual. Which of these do you think is most important or is there a conflict?

- Article 5 - An individuals 'Right to liberty and security'
- Police power to arrest and detain
- They conflict each other
- Unsure

Do you trust the Police? *

- Yes
- No

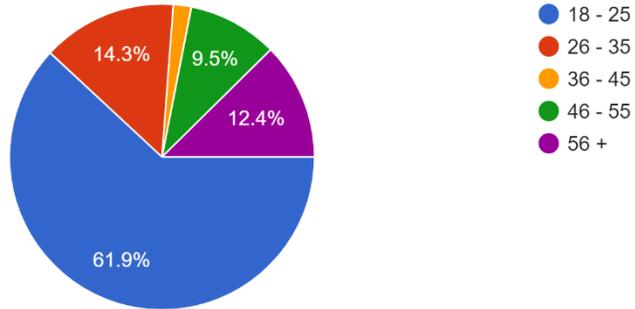
Thank you for agreeing to participate and taking the time to complete my questionnaire. If you have any questions regarding my research, please email me at: 1900085@student.uwtsd.ac.uk



Appendix 11: Questionnaire Results

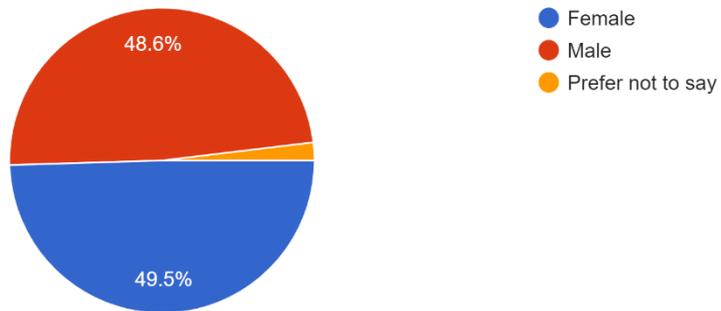
Question 1: Age Group

Age group
105 responses



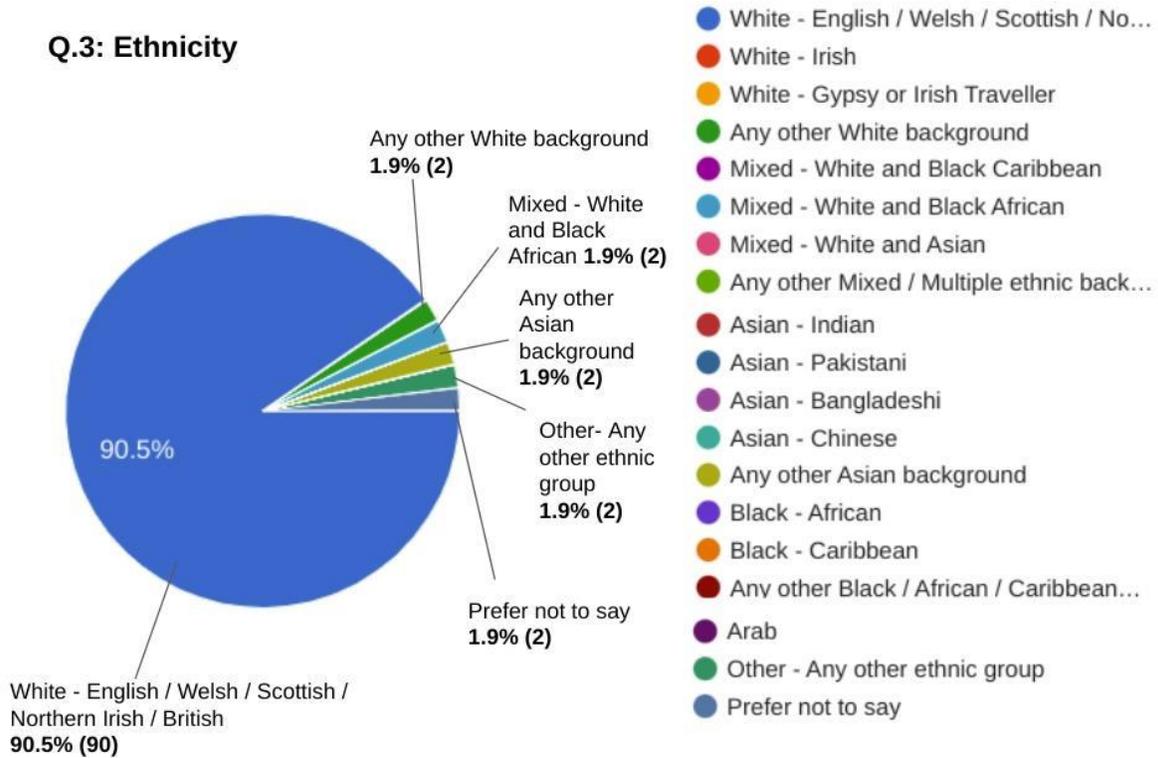
Question 2: Gender

Gender
105 responses



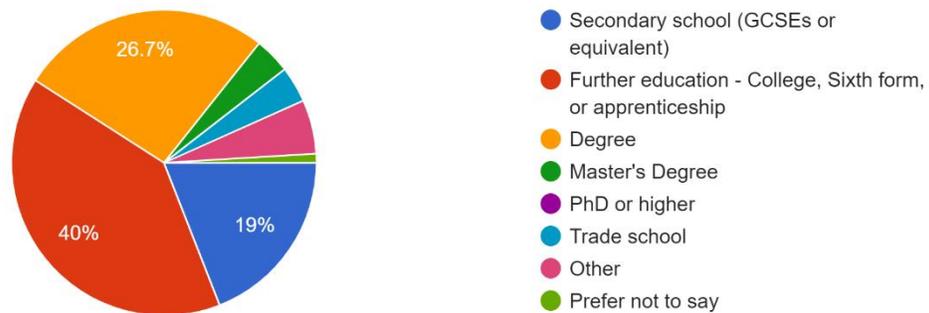
Question 3: Ethnic Group

Q.3: Ethnicity



Question 4: What is the highest degree or level of school you have completed?

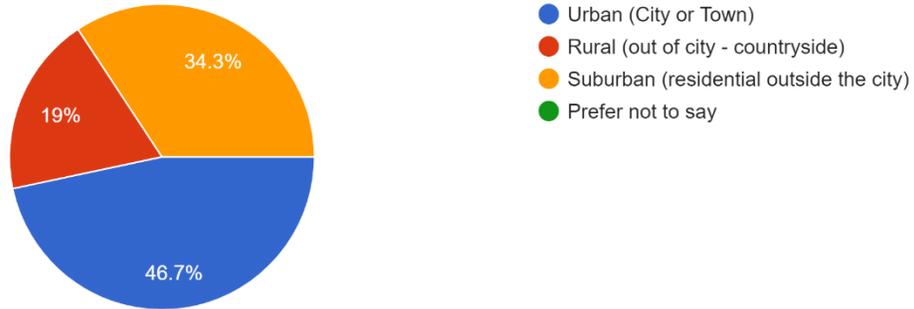
What is the highest degree or level of school you have completed?
105 responses



Question 5: Which of these best describes the general area where you live?

Which of these best describes the general area where you live?

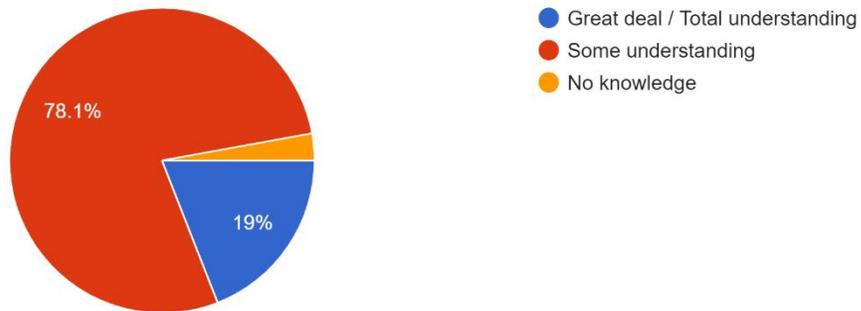
105 responses



Question 6: How much, if anything, would you say you know about Human Rights?

How much, if anything, would you say you know about Human Rights?

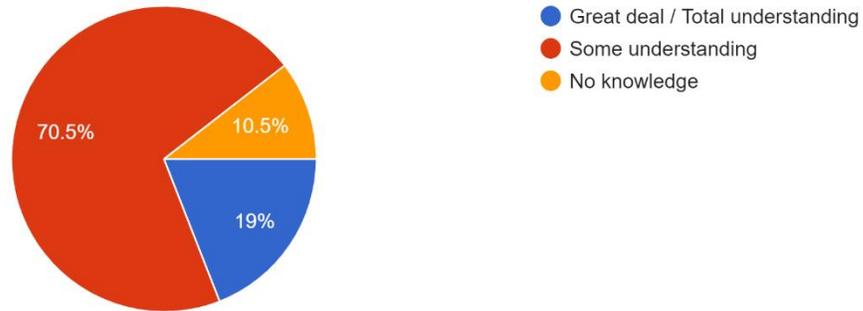
105 responses



Question 7: How much, if anything, would you say you know about Police Powers?

How much, if anything, would you say you know about Police Powers?

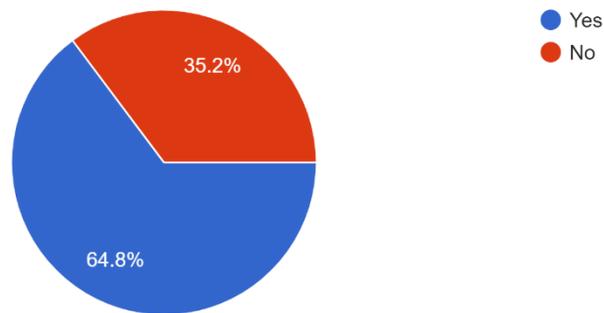
105 responses



Question 8: Do you view the Police as Human Rights protectors?

Do you view the Police as Human Rights protectors?

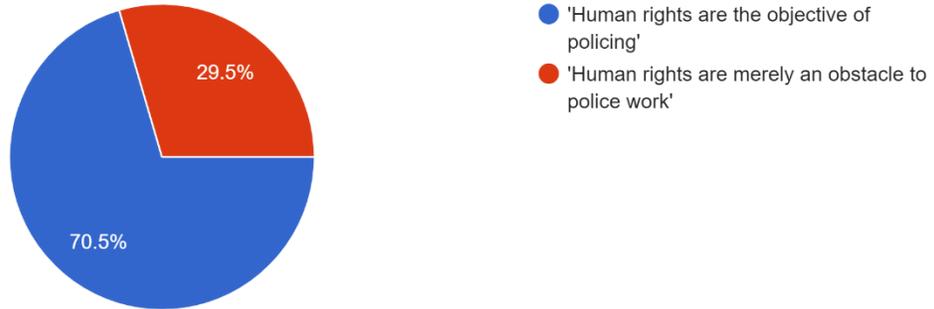
105 responses



Question 9: Which of the following statements do you agree with the most?

Which of the following statements do you agree with the most?

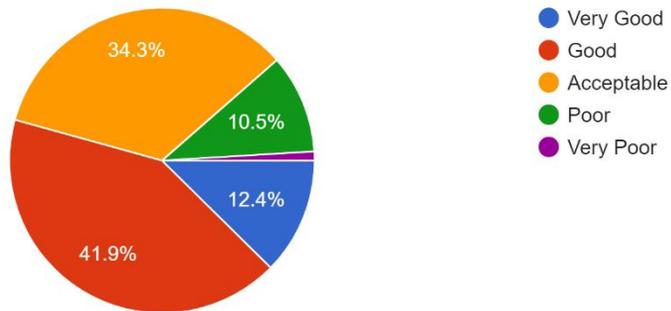
105 responses



Question 10: What is your overall assessment of the police in society?

What is your overall assessment of the police in society?

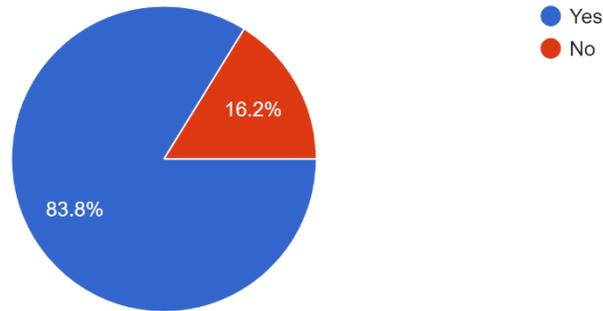
105 responses



Question 11: Should every human being enjoy the same basic Human Rights?

Should every human being enjoy the same basic Human Rights?

105 responses



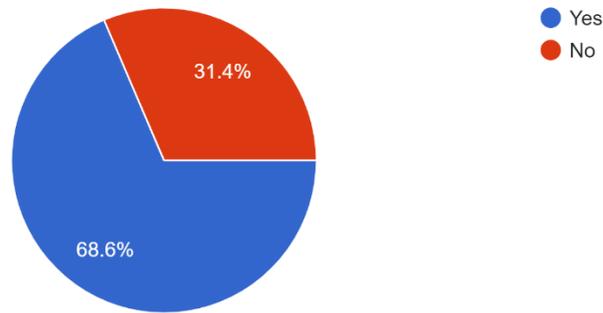
Question 12: Briefly explain why _____

Data Findings from Question 12

‘Yes’, every human being should enjoy the same basic human rights	‘No’, not every human being should enjoy the same basic human rights
Everyone is equal	Human rights should be subject to the individual
We are all human	Incarcerated individuals are stripped of their basic human rights when they commit a crime
All citizens must be treated equally and therefore must all enjoy the same basic human rights	It is necessary to impose restrictions on some individuals within society
No one should be subject to discrimination	Case dependent - Terrorism
Equality equals equal opportunities	Criminals don’t deserve to have human rights

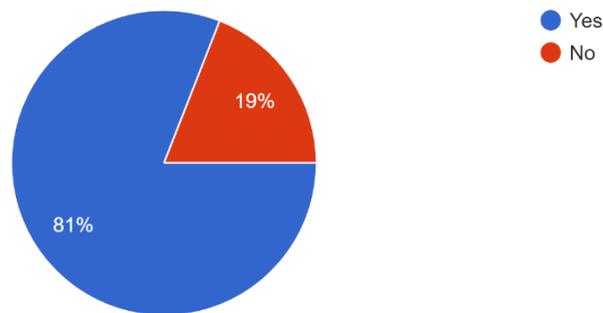
Question 13: Do you think the Police should have the power to detain a person for longer than 24 hours?

Do you think the Police should have the power to detain a person for longer than 24 hours?
105 responses



Question 14: A person can be held without charge for up to 14 days if arrested under the Terrorism Act (2000). Do you believe this is justified?

A person can be held without charge for up to 14 days if arrested under the Terrorism Act (2000).
Do you believe this is justified?
105 responses



Question 15: Please provide a reason for your answer _____

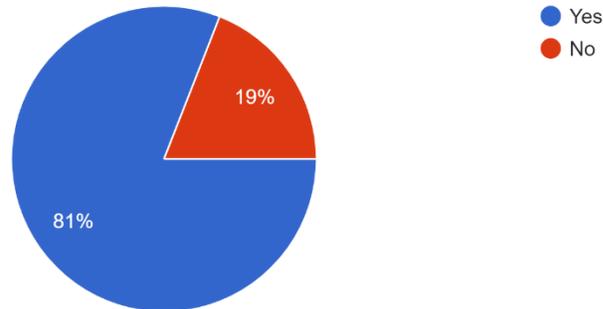
Data Findings from Question 15

'Yes', it is justified for a person to be held without charge for up to 14 days if arrested under the Terrorism Act (2000)	'No', it is not justified for a person to be held without charge for up to 14 days if arrested under the Terrorism Act (2000)
Potential risk to public safety. Its necessary due to the severity of the crime	The person has not been charged with any offence yet, therefore 14 days cannot be justified
Yes, the police need time to explore different avenues, make all relevant enquiries and collaborate with different agencies to build a case	A person is 'innocent until proven guilty'
Police should have the time to gather all the information and investigate	14 days is too long to detain a person; however, the individual should be monitored if the police need time to build their case
Police should take as long as they need as to ensure public safety by not releasing a potential terrorist out onto the street	The Terrorism Act can be used as an excuse for profiling individuals and discriminate against BAME individuals
The individual's right to liberty must be balanced against the interests of society	Terrorism Act can be misused and taken advantage of. There must be a substantial cause
To arrest an individual for Terrorism, there must be substantial evidence to support the arrest	What is classed as Terrorism? Could a 'bad' joke result in a possible arrest and 14-day detention period whilst police investigation. It is case-dependent

Question 16: Do you agree with the statement 'Innocent until proven guilty'?

Do you agree with the statement 'Innocent until proven guilty'?

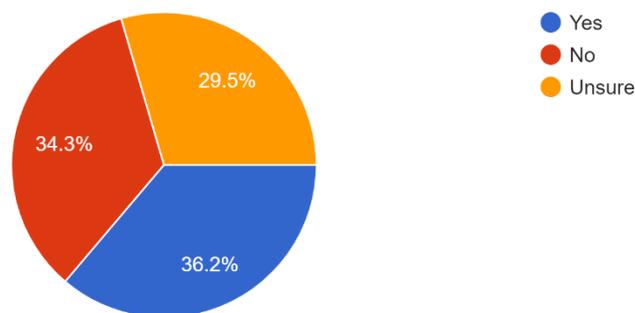
105 responses



Question 17: The Police as an institution have recently been negatively portrayed in the media due to high profile cases involving officers breaching their powers, such as: Child Q and the murders of both Sarah Everard and George Floyd (USA). Have you lost confidence in the Police following these cases?

The Police as an institution have recently been negatively portrayed in the media due to high profile cases involving officers breaching their po...ost confidence in the Police following these cases?

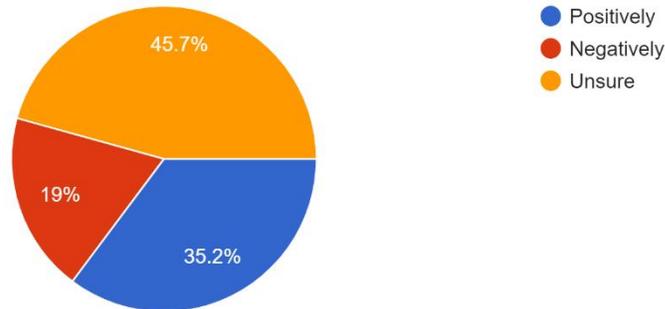
105 responses



Question 18: Do you think the Human Rights Act (1998) positively or negatively affects Police Powers?

Do you think the Human Rights Act (1998) positively or negatively affects Police Powers?

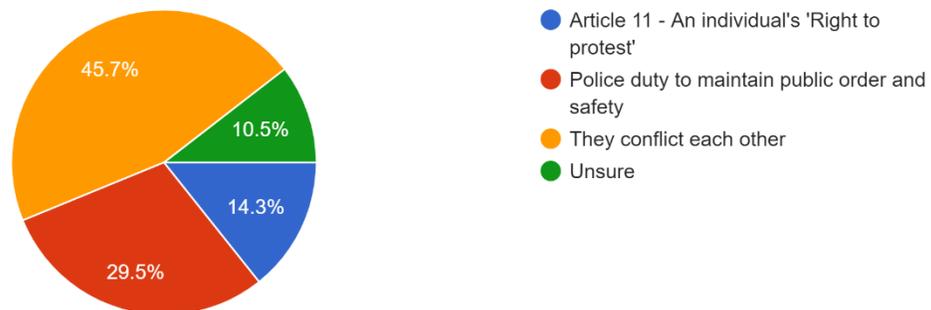
105 responses



Question 19: An individual has the 'Right to protest' under Article 11 of the Human Rights Act (1998), however Police have a duty to maintain public order and safety. Which of these do you think is most important or is there a conflict?

An individual has the 'Right to protest' under Article 11 of the Human Rights Act (1998), however, Police have a duty to maintain public order and safe...you think is most important or is there a conflict?

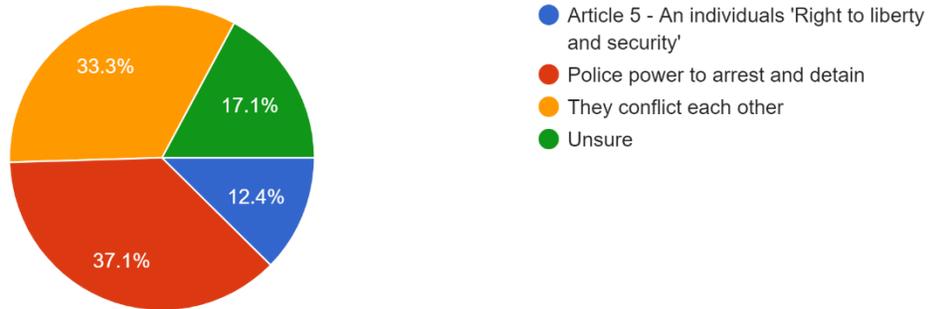
105 responses



Question 20: An individual has the 'Right to liberty and security' under Article 5 of the Human Rights Act (1998). However, Police may interfere with this right in accordance with a procedure prescribed by law such as making an arrest or detaining an individual. Which of these do you think is most important or is there a conflict?

An individual has the 'Right to liberty and security' under Article 5 of the Human Rights Act (1998). However, Police may interfere with this right in acc... you think is most important or is there a conflict?

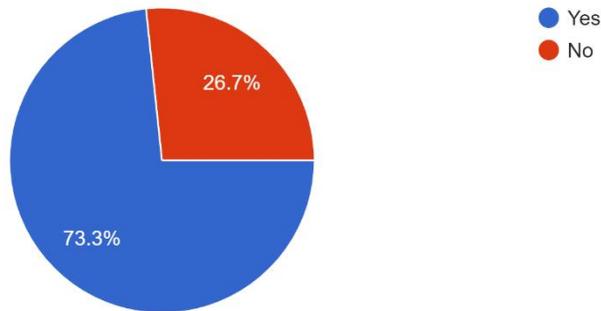
105 responses



Question 21: Do you trust the Police?

Do you trust the Police?

105 responses



Appendix 12: Analysis of Questionnaire responses

Table 4.3.1: Participants by age and gender

Age Group	Female number	Female (%)	Male number	Male (%)	Prefer not to say (%)	Total (percentage)
18 - 25	34	32.3%	31	29.5%	0	65 (61.9%)
26 - 35	4	3.8%	11	10.5%	0	15 (14.3%)
36 - 45	2	1.9%	0	0%	0	2 (1.9%)
46 - 55	5	4.8%	5	4.8%	0	10 (9.5%)
56 +	7	6.7%	4	3.8%	2 (1.9%)	13 (12.4)
Total	52	49.5%	51	48.6%	2 (1.9%)	105

Table 4.3.2: Participants by gender and ethnicity

Ethnicity	Female number	Female (%)	Male number	Male (%)	Prefer not to say (%)	Total (%)
White – English / Welsh / Scottish / Northern Irish / British'	50	47.6%	45	42.9%	0	95 (90.5%)
Any other White background	2	1.9%	0	0%	0	2 (1.9%)
Mixed – White and Black African	0	0%	2	1.9%	0	2 (1.9%)
Any other Asian background	0	0%	2	1.9%	0	2 (1.9%)
Other – Any other ethnic group	0	0%	2	1.9%	0	2 (1.9%)
Prefer not to say	n/a	n/a	n/a	n/a	2 (1.9%)	2 (1.9%)
Total	52	49.5%	51	48.6%	2 (1.9%)	105

Table 4.4: Theme categorisations

<i>Human Rights and Police Powers</i>	Theme 1 – Knowledge and understanding	Theme 2 – Public opinion	Theme 3 – Public trust and confidence	Theme 4 – Human Rights and Policing
<i>Survey questions that fit into these themes</i>	Q6, Q7	Q11, Q12, Q13, Q14, Q15, Q16	Q10, Q17, Q21	Q8, Q9, Q18, Q19, Q20

Table 8.12: Analysis from Question 6

<i>Q.6: How much, if anything, would you say you know about Human Rights?</i>	Total knowledge 19% (20)	No knowledge 2.9% (3)
Gender	Female: 9.5% (10) Male: 7.6% (8) Prefer not to say: 1.9% (2)	Female: 1% (1) Male: 1.9% (2)
Ethnicity	White: 13.3% (14) Any other White background: 1.9% (2)	White: 1.9% (1) Mixed – White and Black African: 1% (1)

	Other – any other ethnic group: 1.9% (2) Prefer not to say: 1.9% (2)	
Age	18-25: 9.5% (10) 26-35: 4.8% (5) 36-45: 1.9% (2) 46-55: 1% (1) 56 +: 1.9% (2)	18-25: 1% (1) 56 +: 1.9% (2)
Geographical Area	Urban: 5.7% (6) Suburban: 1.9% (2) Rural: 11.4% (12)	Urban: 1% (1) Suburban: 1.9% (2)
Education	Secondary: 1.9% (2) Further: 8.6% (9) Degree: 4.8% (5) Masters: 1.9% (2) Other: 1.9% (2)	Secondary: 1% (1) Further: 1% (1) Masters: 1% (1)
View on the police as human rights protectors (Q.8)	15.2% (16) view the police as human rights protectors 3.4% (4) do not view the police as human rights protectors	2.9% (3) view the police are human rights protectors

Table 8.12.2: Analysis from Question 7

Q.7: How much, if anything, would you say you know about Police Powers?	Total knowledge 19% (20)	No knowledge 10.5% (11)
Gender	Female: 10.5% (11) Male: 6.7% (7) Prefer not to say: 1.9% (2)	Female: 3.8% (4) Male: 5.7% (6)
Ethnicity	White: 15.2% (16) Any other White background: 1.9% (2) Prefer not to say: 1.9% (2)	White: 8.6% (9) Mixed – White and Black African: 1% (1)
Age	18-25: 12.4% (13) 26-35: 1.9% (2) 36-45: 1.9% (2) 46-55: 1% (1) 56 +: 1.9% (2)	18-25: 4.8% (5) 26-35: 1.9% (2) 56 +: 2.9% (3)
Geographical Area	Urban: 5.7% (6) Suburban: 1.9% (2) Rural: 11.4% (12)	Urban: 4.8% (5) Suburban: 4.8% (5)
Education	Further: 7.6% (8) Degree: 8.6% (9) Masters: 1.9% (2)	Secondary: 2.9% (3) Further: 4.8% (5) Degree: 1% (1) Masters: 1% (1)

View on the police as human rights protectors (Q.8)	12.4% (13) view the police as human rights protectors 6.7% (7) do not view the police as human rights protectors	4.8% (5) view the police are human rights protectors 4.8% (5) do not view the police as human rights protectors
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Table 8.12.3: Analysis from Question 11

Q.11: Should every human being enjoy the same basic human rights	'Yes' 83.8% (88)	'No' 16.2% (17)
Gender	Female: 39% (41) Male: 42.9% (45) Prefer not to say: 1.9% (2)	Female: 10.5% (11) Male: 5.7% (6)
Ethnicity	White: 74.3% (73) Any other White background: 1.9% (2) Mixed – White and Black African: 1.9% (2) Any other Asian background: 1.9% (2) Other – Any other ethnic group: 1.9% (2)	White: 16.2% (17)

	Prefer not to say: 1.9% (2)	
Age	18-25: 55.2% (58) 26-35: 12.4% (13) 36-45: 0% 46-55: 6.7% (7) 56 +: 9.5% (10)	18-25: 6.7% (7) 26-35: 1.9% (2) 36-45: 1.9% (2) 46-55: 2.9% (3) 56 +: 2.9% (3)
Education	Secondary: 13.3% (14) Further: 37.1% (39) Degree: 22.9% (24) Masters: 1.9% (2) Trade: 3.8% (4) Other: 3.8% (4) Prefer not to say: 1% (1)	Secondary: 5.7% (6) Further: 2.9% (3) Degree: 3.8% (4) Masters: 1.9% (2) Other: 1.9% (2)
Geographical Area	Urban: 41.9% (44) Suburban: 26.7% (28) Rural: 15.2% (16)	Urban: 4.8% (5) Suburban: 7.6% (8) Rural: 3.8% (4)
Knowledge on Human Rights (Q.6)	Total knowledge: 17.1% (18) Some knowledge: 64.8% (68) No knowledge: 1.9% (2)	Total knowledge: 2.9% (3) Some knowledge: 12.4% (13) No knowledge: 1% (1)

Appendix 13: Ethics Form



PG2 / E1 FORM

APPLICATION FOR ETHICAL APPROVAL

In order for research to result in benefit and minimise risk of harm, it must be conducted ethically. A researcher may not be covered by the University's insurance if ethical approval has not been obtained prior to commencement.

The University follows the OECD Frascati manual definition of **research activity**: "creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications". As such this covers activities undertaken by members of staff, postgraduate research students, and both taught postgraduate and undergraduate students working on dissertations/projects.

The individual undertaking the research activity is known as the "principal researcher".

Ethical approval is not required for routine audits, performance reviews, quality assurance studies, testing within normal educational requirements, and literary or artistic criticism.

Please read the notes for guidance before completing ALL sections of the form.

This form must be completed and approved prior to undertaking any research activity. Please see Checklist for details of process for different categories of application.

SECTION A: About You (Principal Researcher)

1	Full Name:	Shauna Curry			
2	Tick all boxes that apply:	Member of staff:	<input type="checkbox"/>	Honorary research fellow:	<input type="checkbox"/>
	Undergraduate Student	<input checked="" type="checkbox"/>	Taught Postgraduate Student	<input type="checkbox"/>	Postgraduate Research Student
3	Institute/Academic Discipline/Centre:	IMH			
4	Campus:	Swansea Business Campus (SBC)			
5	E-mail address:	1900085@student.uwtsd.ac.uk			
6	Contact Telephone Number:	07378333990			
For students:					
7	Student Number:	1900085			
8	Programme of Study:	BA Law and Policing (Hons)			
9	Director of Studies/Supervisor:	Mike Durke			



PG2 / E1 FORM

SECTION B: Approval for Research Activity

1	Has the research activity received approval in principle? (please check the Guidance Notes as to the appropriate approval process for different levels of research by different categories of individual)	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
					<i>Date</i>
2	If Yes, please indicate source of approval (and date where known): <i>Approval in principle must be obtained from the relevant source prior to seeking ethical approval</i>	Research Degrees Committee	<input type="checkbox"/>		
		Institute Research Committee	<input type="checkbox"/>		
		Other (write in) (Source of approval - Supervisor - Mike Durke)	<input checked="" type="checkbox"/>		

SECTION C: Internal and External Ethical Guidance Materials

Please list the core ethical guidance documents that have been referred to during the completion of this form (including any discipline-specific codes of research ethics, location-specific codes of research ethics, and also any specific ethical guidance relating to the proposed methodology). Please tick to confirm that your research proposal adheres to these codes and guidelines. You may add rows to this table if needed.	
1	UWTSD Research Ethics & Integrity Code of Practice <input checked="" type="checkbox"/>
2	UWTSD Research Data Management Policy <input checked="" type="checkbox"/>
3	<i>[List any other relevant documents here]</i> <input type="checkbox"/>

SECTION D: External Collaborative Research Activity

If there are external collaborators then you should gain consent from the contact persons to share their personal data with the university. If there are no external collaborators then leave this section blank and continue to section E.

1	Institution					
2	Contact person name					
3	Contact person e-mail address					
4	Is your research externally funded?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	
5	Are you in receipt of a KESS scholarship?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	
6	Are you specifically employed to undertake this research in either a paid or voluntary capacity?	Voluntary	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
		Employed	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
8	Is the research being undertaken within an existing UWTSD Athrofa Professional Learning Partnership (APLP)?	If YES then the permission question below does not need to be answered.	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
9	Has permission to undertake the research has been provided by the partner organisation?	(If YES attach copy) If NO the application cannot continue	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>



PG2 / E1 FORM

Where research activity is carried out in collaboration with an external organisation

10	Does this organisation have its own ethics approval system?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If Yes, please attach a copy of any final approval (or interim approval) from the organisation (this may be a copy of an email if appropriate).					

SECTION E: Details of Research Activity

1	Indicative title:	'An examination into how Police attempt to protect Human Rights and the effects that the Human Rights Act 1998 has on Police Powers'			
2	Proposed start date:	27.09.2021	Proposed end date:	06.05.2022	
<p>Introduction to the Research (maximum 300 words per section)</p> <p>Ensure that you write for a <u>Non-Specialist Audience</u> when outlining your response to the points below:</p> <p><i>Purpose of Research Activity</i> <i>Proposed Research Question</i> <i>Aims of Research Activity</i> <i>Objectives of Research Activity</i></p> <p>Demonstrate, briefly, how Existing Research has informed the proposed activity and explain <i>What the research activity will add to the body of knowledge</i> <i>How it addresses an area of importance.</i></p>					
3	<p>Purpose of Research Activity</p> <p>There is currently a rise in the public utilising their rights to demonstrate how they feel their human rights are being infringed by the Government and law enforcement. Attributable factors include Covid-19, terrorism, the aftermath of both Sarah Everard's and George Floyd's death and more recently the protests which have been seen in the media from 'Insulate Britain' to name but a few.</p> <p>The police have a duty to maintain public order and safety, whilst ensuring that they protect human rights. However, it has been argued that the Human Rights Act 1998 has become an obstacle, obstructing the police and restricting their power. That said, counterarguments suggest that police often violate human rights, using excessive force, abusing their position of power.</p> <p>Considering these opposing viewpoints, further examination is needed to establish whether police powers are negatively or positively affected by the legislation and if a balance has been achieved, is possible, or indeed completely conflicted.</p> <p><i>(this box should expand as you type)</i></p>				
4	<p>Research Question</p> <p>'An examination into how Police attempt to protect Human Rights and the effects that the Human Rights Act 1998 has on Police Powers'.</p> <p><i>(this box should expand as you type)</i></p>				
5	<p>Aims of Research Activity</p> <p>To get an insight into the public's perception regarding how police utilise their powers and uphold human rights.</p> <p><i>(this box should expand as you type)</i></p>				

6	<p>Objectives of Research Activity</p> <ul style="list-style-type: none"> - Research: - Police Powers; Police and Criminal Evidence Act (PACE) 1984, Public Order Act 1986, Terrorism Act 2000 - Human Rights Act 1998 - Societal attitudes - Public perception via questionnaire <p><i>(this box should expand as you type)</i></p>					
	<p>Proposed methods (maximum 600 words)</p> <p>Provide a brief summary of all the methods that may be used in the research activity, making it clear what specific techniques may be used. If methods other than those listed in this section are deemed appropriate later, additional ethical approval for those methods will be needed. You do not need to justify the methods here, but should instead describe how you intend to collect the data necessary for you to complete your project.</p>					
7	<p>A variety of different research methods will be used to collect both primary and secondary sources of information relating to the independent project. Online research will be undertaken looking at credible websites, journals and articles whilst operating the University's online library system, Westlaw and Google Scholar to search for accurate scholarly and peer-reviewed literature. Additionally, physical resources such as books and reports will be utilised. Up to date news articles, organisational documents and seminal pieces of work will also be used throughout to assemble detailed and factual material relating to the subject matter.</p> <p>Furthermore, 'Google Forms' will be used as a tool to create a survey (consisting of 10-15 questions) that will contain both 'qualitative' and 'quantitative' style questions in order to collect and analyse data.</p> <p><i>(this box should expand as you type)</i></p>					
	<p>Location of research activity Identify all locations where research activity will take place.</p>					
8	<p>Swansea</p> <p><i>(this box should expand as you type)</i></p>					
	<p>Research activity outside of the UK If research activity will take place overseas, you are responsible for ensuring that local ethical considerations are complied with and that the relevant permissions are sought. Specify any local guidelines (e.g. from local professional associations/learned societies/universities) that exist and whether these involve any ethical stipulations beyond those usual in the UK (provide details of any licenses or permissions required). Also specify whether there are any specific ethical issues raised by the local context in which the research activity is taking place, for example, particular cultural and/or legal sensitivities or vulnerabilities of participants. If you live in the country where you will do the research then please state this.</p>					
9	<p><i>(this box should expand as you type)</i></p>					
10	<table border="1"> <tr> <td rowspan="2">Use of documentation not in the public domain: Are any documents NOT publicly available?</td> <td style="text-align: center;">NO</td> <td style="text-align: center;">✓</td> </tr> <tr> <td style="text-align: center;">YES</td> <td style="text-align: center;">☐</td> </tr> </table>	Use of documentation not in the public domain: Are any documents NOT publicly available?	NO	✓	YES	☐
Use of documentation not in the public domain: Are any documents NOT publicly available?	NO		✓			
	YES	☐				

11	<p>If Yes, please provide details here of how you will gain access to specific documentation that is not in the public domain and that this is in accordance with the current data protection law of the country in question and that of England and Wales.</p> <p><i>(this box should expand as you type)</i></p>
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Does your research relate to one or more of the seven aims of the Well-being of Future Generations (Wales) Act 2015?		YES	NO
12	A prosperous Wales	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	A resilient Wales	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	A healthier Wales	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	A more equal Wales	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	A Wales of cohesive communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	A Wales of vibrant culture and thriving Welsh language	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	A globally responsible Wales	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	If YES to any of the above, please give details:		
<i>(this box should expand as you type)</i>			

SECTION F: Scope of Research Activity

Will the research activity include:		YES	NO
1	Use of a questionnaire or similar research instrument?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Use of interviews?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Use of focus groups?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Use of participant diaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Use of video or audio recording?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Use of computer-generated log files?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Participant observation with their knowledge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Participant observation without their knowledge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Access to personal or confidential information without the participants' specific consent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Administration of any questions, test stimuli, presentation that may be experienced as physically, mentally or emotionally harmful / offensive?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Performance of any acts which may cause embarrassment or affect self-esteem?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Investigation of participants involved in illegal activities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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13	Use of procedures that involve deception?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Administration of any substance, agent or placebo?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Working with live vertebrate animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Procedures that may have a negative impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Other primary data collection methods. Please indicate the type of data collection method(s) below.	<input type="checkbox"/>	<input type="checkbox"/>
	Details of any other primary data collection method: (this box should expand as you type)		

If NO to every question, then the research activity is (ethically) low risk and **may** be exempt from **some** of the following sections (please refer to Guidance Notes).

If YES to any question, then no research activity should be undertaken until full ethical approval has been obtained.

SECTION G: Intended Participants

If there are no participants then do not complete this section, but go directly to section H.

Who are the intended participants:		YES	NO
1	Students or staff at the University?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Adults (over the age of 18 and competent to give consent)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Vulnerable adults?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Children and Young People under the age of 18? (Consent from Parent, Carer or Guardian will be required)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Prisoners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Young offenders?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Those who could be considered to have a particularly dependent relationship with the investigator or a gatekeeper?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	People engaged in illegal activities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Others. Please indicate the participants below, and specifically any group who may be unable to give consent.	<input type="checkbox"/>	<input type="checkbox"/>
	Details of any other participant groups: (this box should expand as you type)		

Participant numbers and source	
Provide an estimate of the expected number of participants. How will you identify participants and how will they be recruited?	
10	How many participants are expected? (this box should expand as you type)



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11	Who will the participants be?	General public <i>(this box should expand as you type)</i>
12	How will you identify the participants?	Via social media and email <i>(this box should expand as you type)</i>

	Information for participants:	YES	NO	N/A
13	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Will you tell participants that their participation is voluntary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Will you obtain written consent for participation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Will you explain to participants that refusal to participate in the research will not affect their treatment or education (if relevant)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	If the research is observational, will you ask participants for their consent to being observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Will you tell participants that they may withdraw from the research at any time and for any reason?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	With questionnaires, will you give participants the option of omitting questions they do not want to answer?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Will you tell participants that their data will be treated with full confidentiality and that, if published, it will not be identifiable as theirs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Will you debrief participants at the end of their participation, in a way appropriate to the type of research undertaken?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	If NO to any of above questions, please give an explanation			
	<i>(this box should expand as you type)</i>			

	Information for participants:	YES	NO	N/A
24	Will participants be paid?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25	Is specialist electrical or other equipment to be used with participants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26	Are there any financial or other interests to the investigator or University arising from this study?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
27	Will the research activity involve deliberately misleading participants in any way, or the partial or full concealment of the specific study aims?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28	If YES to any question, please provide full details			
	<i>(this box should expand as you type)</i>			

SECTION H: Anticipated Risks



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Outline any anticipated risks that may adversely affect any of the participants, the researchers and/or the University, and the steps that will be taken to address them.				
If you have completed a full risk assessment (for example as required by a laboratory, or external research collaborator) you may append that to this form.				
1	Full risk assessment completed and appended?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2	Risks to participants For example: sector-specific health & safety, emotional distress, financial disclosure, physical harm, transfer of personal data, sensitive organisational information			
	Risk to participants: <i>(this box should expand as you type)</i>	How you will mitigate the risk to participants: <i>(this box should expand as you type)</i>		
3	If research activity may include sensitive, embarrassing or upsetting topics (e.g. sexual activity, drug use) or issues likely to disclose information requiring further action (e.g. criminal activity), give details of the procedures to deal with these issues, including any support/advice (e.g. helpline numbers) to be offered to participants. Note that where applicable, consent procedures should make it clear that if something potentially or actually illegal is discovered in the course of a project, it may need to be disclosed to the proper authorities			
	<i>(this box should expand as you type)</i>			
4	Risks to the investigator For example: personal health & safety, physical harm, emotional distress, risk of accusation of harm/impropriety, conflict of interest			
	Risk to the investigator: <i>(this box should expand as you type)</i>	How you will mitigate the risk to the investigator: <i>(this box should expand as you type)</i>		
5	University/institutional risks For example: adverse publicity, financial loss, data protection			
	Risk to the University: <i>(this box should expand as you type)</i>	How you will mitigate the risk to the University: <i>(this box should expand as you type)</i>		
6	Environmental risks For example: accidental spillage of pollutants, damage to local ecosystems			
	Risk to the environment: <i>(this box should expand as you type)</i>	How you will mitigate the risk to environment: <i>(this box should expand as you type)</i>		
Disclosure and Barring Service				
	If the research activity involves children or vulnerable adults, a Disclosure and Barring Service (DBS) certificate must be obtained before any contact with such participants.	YES	NO	N/A
7	Does your research require you to hold a current DBS Certificate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8	If YES, please give the certificate number. If the certificate number is not available please write "Pending"; in this case any ethical approval will be subject to providing the appropriate certificate number.	
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SECTION I: Feedback, Consent and Confidentiality

1	Feedback	What de-briefing and feedback will be provided to participants, how will this be done and when?
		As the questionnaire will be posted onto social media, following the the collection of data, a post will be made thanking everyone for their participation and time and inform them that the research has been collected and analysed to form part of my dissertation due to be submitted in May. <i>(this box should expand as you type)</i>
2	Informed consent	Describe the arrangements to inform potential participants, before providing consent, of what is involved in participating. Describe the arrangements for participants to provide full consent before data collection begins. If gaining consent in this way is inappropriate, explain how consent will be obtained and recorded in accordance with prevailing data protection legislation.
		My questionnaire will contain a section regarding informed consent with a tickbox to agree to the their answers being used to form part of my dissertation (anonymously). <i>(this box should expand as you type)</i>
3	Confidentiality / Anonymity	Set out how anonymity of participants and confidentiality will be ensured in any outputs. If anonymity is not being offered, explain why this is the case.
		Confidentiality and anonymity will also be included. My questionnaire will not ask for the participants name however it will ask for their race, gender and age group. <i>(this box should expand as you type)</i>

SECTION J: Data Protection and Storage

	Does the research activity involve personal data (as defined by the General Data Protection Regulation 2016 "GDPR" and the Data Protection Act 2018 "DPA")?	YES	NO
1	"Personal data" means any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Any video or audio recordings of participants is considered to be personal data.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, provide a description of the data and explain why this data needs to be collected:		
2	<i>(this box should expand as you type)</i>		
	Does it involve special category data (as defined by the GDPR)?	YES	NO
3	"Special category data" means sensitive personal data consisting of information as to the data subjects' –	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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	<p>(a) racial or ethnic origin, (b) political opinions, (c) religious beliefs or other beliefs of a similar nature, (d) membership of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992), (e) physical or mental health or condition, (f) sexual life, (g) genetics, (h) biometric data (as used for ID purposes).</p>		
	If YES, provide a description of the special category data and explain why this data needs to be collected:		
4	<p>(a) racial or ethnic origin. I need to have knowledge of the participants ethnicity as my dissertation will include sensitive topics such as the George Floyd and Sarah Everard cases as well as societal attitudes regarding 'stop and search'. Collecting this data will produce measurable results regarding how societal views differ.</p> <p><i>(this box should expand as you type)</i></p>		

	Will data from the research activity (collected data, drafts of the thesis, or materials for publication) be stored in any of the following ways?	YES	NO
5	Manual files (i.e. in paper form)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	University computers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Private company computers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Home or other personal computers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Laptop computers/ CDs/ Portable disk-drives/ memory sticks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	"Cloud" storage or websites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Other – specify:	<input type="checkbox"/>	<input type="checkbox"/>
12	<p>For all stored data, explain the measures in place to ensure the security of the data collected, data confidentiality, including details of backup procedures, password protection, encryption, anonymisation and pseudonymisation:</p> <p>All devices are password protected Anti-virus and malware software up to date Data is stored on encrypted servers with limited password access Backup on encrypted hard drive Backup on encrypted server requiring two-factor authorisation</p> <p><i>(this box should expand as you type)</i></p>		

Data Protection			
	Will the research activity involve any of the following activities:	YES	NO
13	Electronic transfer of data in any form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Sharing of data with others at the University outside of the immediate research team?		<input checked="" type="checkbox"/>
15	Sharing of data with other organisations?		<input checked="" type="checkbox"/>
16	Export of data outside the UK or importing of data from outside the UK?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Use of personal addresses, postcodes, faxes, emails or telephone numbers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

18	Publication of data that might allow identification of individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Use of data management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Data archiving?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21	If YES to any question, please provide full details, explaining how this will be conducted in accordance with the GDPR and Data Protection Act (2018) (and any international equivalents, where appropriate):		
	Data will be transferred to an encrypted server for storage purposes All information collected is anonymous therefore, no identifiable information is stored <i>(this box should expand as you type)</i>		
22	List all who will have access to the data generated by the research activity:		
	Myself (Shauna Curry), my supervisor (Mike Durke) and the University upon submission <i>(this box should expand as you type)</i>		
23	List who will have control of, and act as custodian(s) for, data generated by the research activity:		
	Myself (Shauna Curry) <i>(this box should expand as you type)</i>		
24	Give details of data storage arrangements, including security measures in place to protect the data, where data will be stored, how long for, and in what form. Will data be archived – if so how and if not why not.		
	Data will be stored on a secure encrypted software and hard drive until I submit the dissertation. The data will be uploaded onto the university's moodle Turnitin tile and kept under their terms and conditions. Data will be kept on a secure encrypted hard drive and deleted after submitted to the University. Data will be archived under UWTSU's terms and conditions. <i>(this box should expand as you type)</i>		
25	Please indicate if your data will be stored in the UWTSU Research Data Repository (see https://researchdata.uwtsu.ac.uk/). If so please explain. <i>(Most relevant to academic staff)</i>		
	<i>(this box should expand as you type)</i>		
26	Confirm that you have read the UWTSU guidance on data management (see https://www.uwtsu.ac.uk/library/research-data-management/)	YES	<input checked="" type="checkbox"/>
27	Confirm that you are aware that you need to keep all data until after your research has completed or the end of your funding	YES	<input checked="" type="checkbox"/>



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SECTION K: Declaration

<p>The information which I have provided is correct and complete to the best of my knowledge. I have attempted to identify any risks and issues related to the research activity and acknowledge my obligations and the rights of the participants.</p> <p>In submitting this application I hereby confirm that I undertake to ensure that the above named research activity will meet the University's Research Ethics and Integrity Code of Practice which is published on the website: https://www.uwtsd.ac.uk/research/research-ethics/</p>		
1	<p>Signature of applicant:</p> <p>S.Curry</p>	<p>Date:</p> <p>10.01.2022</p>

For STUDENT Submissions:

2	<p>Director of Studies/Supervisor:</p> <p>Mike Durke</p>	<p>Date:</p>
3	<p>Signature:</p>	

For STAFF Submissions:

4	<p>Academic Director/ Assistant Dean:</p>	<p>Date:</p>
5	<p>Signature:</p>	

Checklist: Please complete the checklist below to ensure that you have completed the form according to the guidelines and attached any required documentation:

✓	I have read the guidance notes supplied before completing the form.
✓	I have completed ALL RELEVANT sections of the form in full.
✓	I confirm that the research activity has received approval in principle
✓	I have attached a copy of final/interim approval from external organisation (where appropriate)
	I have attached a full risk assessment (where appropriate) ONLY TICK IF YOU HAVE ATTACHED A FULL RISK ASSESSMENT
✓	I understand that it is my responsibility to ensure that the above named research activity will meet the University's Research Ethics and Integrity Code of Practice.
✓	I understand that before commencing data collection all documents aimed at respondents (including information sheets, consent forms, questionnaires, interview schedules etc.) must be confirmed by the DoS/Supervisor, module tutor or Academic Director.

RESEARCH STUDENTS AND STAFF ONLY

All communications relating to this application during its processing must be in writing and emailed to pgresearch@uwtsd.ac.uk, with the title 'Ethical Approval' followed by your name. You will be informed of the outcome of your claim by email; therefore it is important that you check your University and personal email accounts regularly.

STUDENTS ON UNDERGRADUATE OR TAUGHT MASTERS PROGRAMMES should submit this form (and receive the outcome) via systems explained to you by the supervisor/module leader.



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This form is available electronically from the Academic Office web pages:
<https://www.uwtsd.ac.uk/academic-office/appendices-and-forms/>