

PCC Oath – Consultation Responses

[REDACTED]:

We are grateful for opportunity to respond to your consultation on the proposed wording of the PCC oath.

We previously submitted our suggestions for the oath in May 2012, having consulted colleagues in the Home Office, APA, APACE and ACPO. Additionally, we checked with some other contacts in the House of Lords (from all 3 major political parties) before we first wrote to the minister and they were very supportive of our proposed wording of the oath.

The proposed options we offered in May were:

Version 1

I, [NAME], having been elected by the people of [POLICE AREA], promise to serve them all, fairly and impartially, with dignity and respect, putting their safety and security first.

Version 2

I, [NAME], having been elected by the people of [POLICE AREA], promise to serve them all, fairly and impartially, with dignity and respect, putting their safety and security first.

In cooperation with the chief constable and my other criminal justice and community safety partners, I will do all I can to meet the needs of all our communities in discharging the duties of my office.

Previously the only point of contention was around the second sentence of version 2 singling out the chief constable. This is because chief constables are not required to swear a corresponding oath to cooperate with the PCC. The second line might be modified thus:

I will do all I can to meet the needs of our communities in discharging the duties of my office to ensure an efficient and effective police service that is able to cut crime and protect the public.

We do not know whether Lord Justice Levenson will make this a recommendation but, are there any proposals for a joint declaration "ceremony" with the chief officer re-stating the attestation oath beside the PCC?

The general view from APACE members is that the proposed Home Office wording is too long. Bearing in mind that the oath is likely to be supported by a code of conduct, our suggestion is that it is succinct and broad-based. Otherwise it runs the risk of being refused/boycotted/ridiculed by PCCs.

Regarding the final paragraph "*I will not seek to influence or prevent any lawful and reasonable investigation or arrest, nor encourage any police action save that which is lawful and justified within the bounds of this office*" - if this is to be included then, it could be argued, why not go on to say "*and I wont seek to influence the courts service in sentencing, CPS in making charging decisions, probation parole decisions etc etc etc.*"

Our understanding is that the purpose of the declaration was that it was intended to be a mechanism to reduce the potential politicisation of the decisions and actions of what are now likely to be political PCCs and thereby introduce a 'check & control' into the governance system to, firstly, help ensure they represent the views and needs of all sections of their communities and, secondly, avoid bringing inappropriate influence to bear on operational policing matters and decisions

PCCs will be a varied group of people, holding equally varied personal and political aspirations of the role with, in some cases, little experience or knowledge to assist them. The oath needs to underline how serious the role they are taking on is.

We would like to say that on balance we would recommend either option 1 or the suggested modified version of option 2 as drafted above.

[REDACTED]:

I am not convinced that the words "seek to" add a lot in the penultimate sentence, "I will not prevent..." is probably sufficient, but a minor point only. Whilst on this sentence, perhaps "interfere" is better than "influence", if of course first point fails!

Overall I think it is Ok, these things are difficult to construct and only made more difficult by consultation!

PCC candidate:

I am very happy with the wording as suggested.

It will be important for the Home Office to make available a welsh language version of the wording – can I suggest that you consult North Wales Police Authority on the wording of this? The appropriate contact is [redacted] and I am copying her in to this email.

Returning Officer:

I have drawn up the attached, which you might find of help in drafting the form specified in the Order to be made by the Secretary of State under Section 70 (1) of the 2011 Act, and in reviewing the wording of the oath.

**(Insert name) Police Force Area
Police and Crime Commissioner**

Declaration of Acceptance of Office and Oath of Impartiality

I (insert full name and address) do hereby declare that I accept the office of Police and Crime Commissioner for the (insert name) Police Force Area until (insert the date of the next ordinary election).

In making this declaration, I solemnly and sincerely promise that during my said term of office:

I will serve all the people of the Police Force Area in the office of Police and Crime Commissioner without fear or favour.

I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not seek to influence or prevent any lawful and reasonable investigation or arrest, nor encourage any police action save that which is lawful and justified within the bounds of the office of Police and Crime Commissioner.

Signed:

Dated:

This Declaration and Oath was made before and delivered to me on (date)

Signed:

Head of Paid Services (insert name of designated authority)

Justice of the Peace

Magistrate

Commissioner for Oaths

(Delete as appropriate)

MEMBER OF THE PUBLIC:

I am not a candidate for the post of Police Commissioner but do object to the wording of the proposed oath.

In two instances: "ensure that the police are able to cut crime" and "ensure the safety of the community", the word "ensure" is used in the absolute when clearly this is not possible. This only serves to devalue the oath.

MEMBER OF THE PUBLIC:

There seems to be nothing in this oath to preclude political influence or partiality. Why not?