



Ministry of Defence Police

Freedom of Information Manager

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Our Ref: eCase: FOI 2021/02072

RFI: 065/21

Date: 4 March 2021

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: OFFICE OF CONSTABLE.

We refer to your email dated 22 February 2021 to the Ministry of Defence Police which was acknowledged on 23 February 2021.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

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

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

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

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

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

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

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

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

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

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

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

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

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

Under the Police Reform Act, 2002, every police officer and every special constable is required, on appointment, to be attested by making a declaration in a prescribed form before a justice of the peace in the force area concerned:

<https://www.legislation.gov.uk/ukpga/2002/30/notes/division/4/1/18/2?view=plain>
<https://www.legislation.gov.uk/ukpga/2002/30/section/83>

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

No information held

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As this information is already in the public domain, Section 21 of the FOI Act, Information reasonably accessible to the applicant by other means applies:

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

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No information held

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office