

CRIMINAL JUSTICE AND COURTS ACT (2015) – Section 26

Corrupt or other improper exercise of police powers and privileges.

Section 26 makes it an offence for a police officer and certain other persons to exercise improperly the powers and privileges of a constable. It supplements the existing common law offence of misconduct in public office.

Subsection (1) provides that a police constable (defined in subsection (3)) commits an offence if he or she exercises the powers and privileges of a constable improperly and the officer knows or ought to know that it is improper.

Subsection (2) provides that a person guilty of the offence is liable on conviction on indictment to a sentence imprisonment of 14 years or a fine, or both.

Subsection (3) sets out the categories of officer who are a police constable for the purpose of subsection (1). These include a constable of a police force in England and Wales and certain other forces (for example, the British Transport Police Force), a special constable of a police force or the British Transport Police Force, and National Crime Agency officers designated with the powers and privileges of a constable.

Subsection (4) provides that a police constable exercises the powers and privileges of a constable improperly if the exercise of a power or privilege is for the purpose of achieving a benefit to the officer, or a benefit or detriment for another person, and that a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment. Subsection (9) defines “benefit” or “detriment” as meaning any benefit or detriment, whether or not in money and whether or not permanent.

Subsections (5) to (7) define further what is meant by the improper exercise of a power or privilege for the purpose of the offence. They refer to cases in which there is a failure to exercise a power or privilege, or there is a threat to exercise a power or privilege or to fail to do so, in each case for the purpose of achieving a benefit or detriment (defined in subsection (9)) and in any of these cases a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.

Police Attestation (Oath)

I do solemnly and sincerely declare and affirm that I will well and truly serve the King 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 and according to law.