PERFORMANCE MANAGEMENT, GAMING AND POLICE PRACTICE

A study of changing police behaviour in England and Wales during the era of New Public Management.

By Rodger Patrick MSc. BA (Hons)

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ABSTRACT:

This thesis examines the nature of 'gaming' in the police service and the extent to which it distorts policing priorities and performance measures. Performance Management, which formed an integral part of New Public Management, was introduced gradually to the police service in England and Wales during the 1990s. The Police and Magistrates Court Act 1994 gave Chief Officers of Police greater freedom on how they spent their budget allocation but there was an expectation that this would result in increased efficiency and improved performance. The Police Reform Act 2002 continued this trend by empowering the Home Secretary to set annual performance targets which the Police Service was expected to deliver. Performance management systems provided the means by which efficiency could be measured thus enabling central government to exert pressure on police forces to improve performance in the areas prioritised. However, for such improvements to be real, not just illusory, it was necessary to ensure the dysfunctional effects of 'gaming' behaviour were guarded against. Controlling such behaviour presents a challenge for those responsible for the regulation and governance of the service. This thesis examines the impact of Performance Management on 'gaming' behaviour and vice versa within the police service. It identifies and presents evidence on the nature and extent of 'gaming' and its impact on police behaviour. The limited effectiveness of the regulatory bodies in addressing 'gaming' are also reviewed and inadequacies, both strategic and operational, identified.

Key terms: Performance Management, Gaming, Police Deviance, Regulation and Accountability.

ACKNOWLEDGEMENTS:

DEDICATION:

To my good friend Keith Alexander Duncan:

5th August 1953 – 7th January 2009

Detective Inspector West Midlands Police

Anti Corruption Officer

An inspiration to us all

Lest We Forget

"Oh what a tangled web we weave, when first we practise to deceive"

(Sir Walter Scott)

"In our country the lie has become not just a moral category, but a pillar of the State."

(Solzhenitsyn)

"First they came for the Jews and I did not speak out – because I was not a Jew.

Then they came for the Communists and I did not speak out - because I was not a Communist.

Then they came for the Trade Unionists and I did not speak out – because I was not a Trade Unionist.

Then they came for me – and there was no-one left to speak out for me"

(Martin Niemoller)

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PERSONAL STATEMENT:

I joined the West Midlands police in 1975 and served as a constable in Birmingham city centre police division until 1982 when I was promoted to an inner city sub-division as sergeant. In 1987 after a period in the force training department I was posted to Coventry as an Inspector. In 1989 I was seconded to the Lanchester Polytechnic, Coventry and undertook a first degree in Applied Social Science. I returned to the Force in 1991 and after a very short spell in the Force Control Room I transferred to the police personnel department. In 1995 I was promoted to Chief Inspector and was posted the police sub-division responsible for the policing of the Balsall Heath neighbourhood of Birmingham where residents had formed 'vigilante' groups in response to the high levels of crime prevalent in the area at the time. This experience raised questions about the relationship between the community and the police and the way the police carried out their functions. This period also saw the introduction of Performance Management as part of the New Public Management Reform programme and I was able to experience and study the impact of this change from a practitioner's perspective. In 1999 I undertook duties as a Detective Chief Inspector for the same area and was able to gain another perspective on the changes brought about by Performance Management. In 2000 I was posted to the force community safety bureau with responsibility for crime reduction and partnerships at a strategic level. This role provided yet another perspective on the Government's attempts to reform the Police Service. In 2004 I completed an MSc (by research) on the Balsall Heath Community Action and retired from the Police Service in 2005.

CHAPTER 1

INTRODUCTION:

The introduction of Performance Management as part of central government's attempts to improve the efficiency and effectiveness of policing occurred gradually from the 1990s onwards in the light of a number of government reports. The Sheehy Inquiry (1993) recommended the introduction of performance management techniques linked to performance related pay and a de-layering of police ranks in order to facilitate greater flexibility and innovation at the operational level where the organisation interacted with its environment. The Posen Inquiry (1994) looked at the services provided by the police with a view to privatisation. A White Paper (Cm 2281, 1993) examined the role of Police Authorities and concluded that the governance arrangements resulted in the "entanglement of responsibilities that leads to uncertain lines of accountability" (HMSO 1993b).

The Police and Magistrates Act 1994 resulted from these reports and represented a significant milestone in the reform of the governance arrangements for the Police Forces of England and Wales. The Act both empowered and constrained Chief Officers of Police, freeing them to decide how to spend their budget but holding them to account for improvements in performance. Prior to this Act, Chief Constables had to seek approval from the Home Office for changes to the establishment (number of officers and support staff) and rank make-up of their force. Accompanying the Act was a new framework of key performance indicators set by the Home Secretary which incidentally led to the comparison of Police Forces. The Act also ended the direct control of policing by local government through the end of Police Committees and the

establishment in their place of new Police Authorities constituted of a mixture of elected local councillors; government appointees and magistrates. Whilst the new Police Authorities were still made up of a majority of councillors, the Act was designed to provide opportunities for the Police Service to embrace modern management techniques relatively unfettered by local political interference.

The essentially managerial ethos of the Police and Magistrates Court Act 1994 was sustained in the Police Reform Act 2002, which empowered the Home Secretary to set annual policing objectives that Chief Constables were charged with delivering. The Home Secretary could dictate to Chief Officers of Police and Police Authorities their priorities and hold them to account for delivery against set performance targets. The Home Secretary was also empowered to instruct a Police Authority to dismiss a Chief Officer of Police if they were deemed to be underperforming. The Police Reform Act 2002 also established the Police Standards Unit (PSU) which provided the Home Secretary with the means to intervene in the direction of forces considered to be under-performing. Underpinning these governance mechanisms were a variety of performance measurements, predominately based on data traditionally recorded by the police on crime levels and detection rates, although the use of survey based measures such as the British Crime Survey (BCS) was enhanced and developed, (see Collier 2005 for a comprehensive account of the development of police performance indicators). This use of Performance Management as a control mechanism formed part of a wider process of public services reform involving, among other aspects, the transfer of private sector operating and management methods to the public sector (McLaughlin et al 2001). This transformation had been evolving since the 1980s and is usually referred to, in academic circles, by the encompassing term New Public

Management (NPM) which, in its original form at least, placed particular emphasis on efficiency and value for money:

> **"this would be realised through; increased emphasis on achieving results rather than administering processes; the setting of explicit targets and performance indicators to enable the auditing of efficiency and effectiveness; the publication of league tables illustrating comparative performance; the identification of core competencies; the costing and market testing of all activities to ensure value for money; the externalisation of non-essential responsibilities; the establishment of a purchaser-provider split; the encouragement of inter-agency co-operation; and the re-designation of clients as 'customers' (McLaughlin et al 2001:303).**

Whilst the objectives of improving efficiency and accountability appear commendable, concerns about what it all meant for public services, including the police, were widespread. That said, NPM and Performance Management have had a profound impact on the development of the police service (as on most public services) in England and Wales (Hood 1991).

However, the objective of improving police efficiency was a contentious subject when the Police Service, as we know it today, was established in the 19th century and it is worth returning to those early debates in order to explore more fully their relevance to more recent reforms, some of which have proceeded without full public debate on their likely effects and outcomes (Blair 2005). Performance Management is linked to control and direction; which impacts on policing style (Alderson 1979); which is closely associated with public acceptance of the police and which in turn impacts on police effectiveness (Goldsmith 2004; 2005). It is therefore important to understand the interconnectivity of these issues in order to review the impact of Performance Management on the Police Service. One key issue concerns the increase in central

government control of the police. Emsley (1983) provides an historical account of the key issues raised during the early debate on the establishment of what is referred to as the New Police founded in 1829. Primary amongst the concerns of those opposed to the establishment of the police service was the threat it posed to civil liberties:

> **"Our constitution can admit nothing like a French police; and many foreigners have declared that they would rather lose their money to an English thief than their liberty to a Lieutenant de Police" (Quote from the Daily Universal Times: Emsley 1983:28)**

So efficiency as an objective is not without negative consequences as it could lead to the curtailment of civil liberties, as the police relentlessly pursue an objective to detect and prosecute every infraction of the law no matter how minor and demand ever increasing extension of their powers in order to achieve this objective. Therefore the birth of the 'New Police' was greeted with a great deal of suspicion as it was feared that it would increase the state's ability to enforce, through coercive means if necessary, its will on the populace (Bittner 1970; Stead 1977; Critchley 1970 & 1978; Emsley 1983 & 1991). Yet there was little meaningful political debate on the issue immediately preceding the enactment of the 1994 Act. The solution to the threat of increased state control, through a national police force, in the 19th Century was a separation of powers between the Chief Constable; the Local Authority and the Home Secretary. Whilst Lustgarten (1986) maintained that this led to conflict and a lack of clarity over who was responsible for what, which was only partially resolved by the Police Act 1964, it did ensure a level of flexibility and local control. This enabled local elected politicians to shape the style and nature of policing to meet local requirements and priorities and ensure the balance was maintained between police behaviour and the acceptance of their authority by those they were empowered to

regulate: Goldsmith (2005) argued that an overly oppressive style of policing could alienate the citizens the police were there to protect and Neyroud and Beckley (2001) were of the opinion that effective policing was minimal policing, thus subscribing to Johnson's concept of 'optimal policing':

> **"Neither quantitatively excessive (to the detriment of alternative social values and objectives) nor qualitatively invasive (to the detriment of public freedoms) and which satisfies conditions of public accountability, effectiveness and justice for all" (Johnston 2000:180)**

However, Bailey outlined the difficulties involved in achieving this balance:

> **"…the public questions police authority, argues about police intrusion, and is prepared to fend off police action by legal means…It wants to keep the police at bay, is resentful of contact and fearful of pervasive police intrusion into community life. But the public does not want to share responsibility for social control with the police either. Crime is a police matter. (Bailey 1982:5)**

Two distinctive models of policing are referred to in the literature on policing: A 'crime fighting model' (Waddington 1999; Rogerson 1995; Neyroud & Beckley 2001) characterised by a focus on reducing crime by identifying and prosecuting offenders; and an 'order maintenance model' (Alderson 1979) where social harmony and self control are the objectives. This second model of policing is closely associated with the concept of 'policing by consent' (Brogden 1983) or 'community policing':

> **"In community policing there is a concern for developing personalised forms of control, an extension of an informal, differentiated moral system in which the officer acts as if he or she were a member of the community and not as an officer of an external police system, an absolutist legal system and an authoritative state. " (Manning 1993:429)**

Lord Scarman (1981) maintained that over subscription to a 'crime fighting model' of policing contributed to the outbreak of civil unrest in the inner cities in 1981. His Inquiry led to the introduction of measures, such as local consultative committees, designed to re-connect the police with local communities in an attempt to ensure that police responses were proportionate to the problems being encountered thus maintaining community trust and confidence. The Scarman report (1981) had a marked impact on the police service and led the Metropolitan Police to be renamed the Metropolitan Police Service as part of a drive to re-brand itself in an attempt to transform itself from a police 'force', with an emphasis on 'crime fighting', to a police 'service' with a focus on 'community'; local accountability and 'order maintenance' (Butterfield 2005). This change was influenced by a report by Wolff Olins (1989), which Neyroud and Beckley (2001:23) suggested reflected a 'crisis of purpose' affecting the police service at this time.

Reiner (1994); Waddington (1999:137) and Wilson et al (2001:89-96) noted that the other issue to have a significant impact on policing in the 1980s was the 'miscarriage of justice' scandals which led to the introduction of the Police and Criminal Justice Act 1984 (PACE). Neyroud and Beckley (2001:10) linked a subscription to a 'crime fighting model' of policing to the occurrence of particular forms of police malpractice involving the inappropriate use of informants and the fabrication of evidence. PACE, like the recommendations made by Lord Scarman, was aimed at reinforcing public trust and confidence in the police, which Goldstein (2005) maintained contributed towards police effectiveness.

So policing in the 1980s saw some fundamental questions being raised about the nature and form of policing and, as is evident from the above brief review, reiterated some of the debates which preceded the establishment of the police service in the 19th Century. It is also apparent that many of the issues surrounding police accountability and policing style remained unresolved prior to the introduction of New Public Management to the police service. However, Hopwood noted Performance Management systems and those that controlled them had the power to influence the nature of the service being delivered:

> **"those with the power to determine what enters into organisational accounts have the means to articulate and diffuse their values and concerns, and subsequently to monitor, observe and regulate the actions of those that are now accounted for" (Hopwood 1984:178)**

Loveday (1993; 1994 & 2005) consistently argued that the 1994 Act and the demise of Police Committees led to an unhealthy concentration of power in the hands of central government and would lead to central priorities taking precedence and influencing policing at the local level. Rogerson (1995) maintained that the use of Performance Management as a means of central government control would result in a shift back towards a 'crime fighting model' of policing and Butterfield (2001) observed the return to a 'crime fighting model' of policing in the Metropolitan Police (the Met.), which he ascribed to the impact of New Public Management.

The literature reviewed above indicated that policing style, public confidence, police effectiveness and police governance arrangements were linked and therefore suggested that any shift in power within the tripartite arrangement was likely to have an impact on the preferred policing model adopted by forces. This research focused

on the impact of Performance Management on the behaviour of police officers. By determining the changes to behaviour it was possible to link those back to the changes in the governance arrangements and make informed comments on those. Whilst Performance Management was aimed at altering policing behaviour with a view to increasing efficiency and effectiveness the early 'grounded' part of this research suggested that police officers were employing unethical practices designed to meet targets set by central government. This suspicion was subsequently confirmed by (HMIC/West Midlands Police Dec1998; HMIC 1999). De Bruijn (2001 & 2007) refers to such behaviour as 'gaming':

> **"A public organisation increases its production in accordance with the system's criteria, but this increase in production has no significance or has a negative significance from a professional perspective" (De Bruijn 2001:21)**

Likierman (1993) maintained that comprehensive and reliable measures of performance were an essential requirement of performance management systems and Bevan and Hood (2006) reiterated the need to ensure such systems were not compromised by 'gaming'. Loveday (1999) commented that without effective 'game-proofing' or quality control it would be extremely difficult to determine whether the apparent improvements in performance were genuine or otherwise. However, Yin (1994) identified that the reliability of data collected by the police had been questioned by academics since the 1960s and Young (1991) maintained that crime statistics in the United Kingdom were manipulated by the service for its own political purposes; crime levels would be suppressed and detection rates increased when the service wished to allay public fear of crime and/or market the service's ability to control crime. Conversely, Young (1991) and Taylor (1999) argued that recorded

crime levels were also increased, by relaxing the measures in place to artificially suppress them, as the Police pursued increased investment in the service.

Whilst HMIC (1999) identified that 'gaming' was having an impact on performance, the means by which the phenomenon could be conceptualised and then quantified presented some challenges. LeGrand (2003) and Bevan and Hood (2006) identified the types of responses to be expected of managers faced with performance management systems and used Weber's 'ideal type' methodology to ascribe particular characteristics to different types of manager. Whilst these 'ideal types' enhanced understanding of the phenomenon of 'gaming', methodologically it presented some difficulties as managers would be unlikely to admit to behaving in a dysfunctional manner. Interviewing colleagues or subordinates also created problems of reliability and placed interviewees at risk of retaliatory action. Statistical profiling of managers suspected of directing 'gaming' behaviour did offer the potential to pursue the 'individual manager' approach further. Establishing the statistical patterns which indicated 'gaming' to the presence of particular managers could present a means of progressing this approach. However, ascribing identified changes in the statistical patterns to individual managers could prove difficult to establish evidentially, particularly in an environment in which managers work in teams and personnel constantly change. For these reasons this approach was not pursued further.

Jackson (2005) provided a useful categorisation of three distinct types of 'gaming', each based on a different organisational outcome:

1. ***Definitional gaming*** "where organisations aggregate data in a misleading form so as to exaggerate their performance to external bodies"

2. ***Numerical gaming*** "occurs where the organisation itself makes decisions on the misleading definition of the performance indicator"

3. ***Behavioural gaming*** "is the deepest form of gaming. It occurs where individuals in an organisation meet targets not by changing the figures or the way the figures are aggregated but by changing their behaviour".

(Jackson 2005:31-32)

Whilst this categorisation immediately seemed conceptually helpful, on further reflection its utility was felt to be limited on account of considerable overlaps between the different types of 'gaming'. The description of 'definitional gaming' was also felt to be too narrow and somewhat misleading as much of police 'gaming' behaviour involves the interpretation of legal definitions of offences or particular interpretations of the rules appertaining to the performance measures, as opposed to purely aggregating data. Therefore much of the 'gaming' encountered involved the exploitation of loose definitions to legitimise 'behavioural gaming'.

Establishing the scale of 'gaming' behaviour will help to clarify whether the phenomenon is organisational or not. This question introduces the research to the wider debate on the nature of police deviance 'per se', (Newburn 1999; Miller 2003). Peter Neyroud, in his evidence to the Select Committee on Public Administration (2003), referred to police 'gaming' as 'administrative corruption' and police 'gaming' behaviour is encompassed by Klienig's definition of corruption (1996a) which focuses on the motivation behind the behaviour as the determining factor on whether

the actions are considered corrupt or not. Newburn's (1999) literature review of police corruption confirmed the academic consensus that police corruption was organisational as opposed to individual in nature. However, Sewell (1999) demonstrated that there was still uncertainty as to whether it was the 'bottom up' product of 'street level bureaucrats' (Lipsky 1980) 'easing the load' or deliberate managerially-driven action designed to achieve organisational objectives. Ericson (1981) identified 'organisation hypocrisy' as a feature of police management, as senior officers tolerated or even encouraged 'behavioural gaming' and this trait was referred to by Holdaway (1983); Smith & Grey (1983) and Young (1991). Whilst Pfeffer & Salancik (1978:150) noted the legal difficulties of holding managers accountable for the actions of their staff, Lustgarten (1986); Paine (1994) and Braunstein (1999) all maintained that senior police officers were responsible for curtailing such behaviour. Establishing the scale of 'gaming' behaviour should provide an indication of the effectiveness of senior officers in curtailing the phenomenon. Access to internal police documentation, facilitated by the provisions of the Freedom of Information Act 2000, provided an insight into the actions of senior officers.

However, the employment of Performance Management systems as a means of holding Chief Officers of Police to account for their force's performance places senior staff in a dilemma when it comes to the control of 'gaming', as overly zealous scrutiny designed to curtail it could have a detrimental impact on their performance. The factors which might encourage them to ensure probity would be their own internal value systems; characteristics LeGrand (2003) associated with those managers he referred to as 'Knights'; and the threat of exposure and sanction posed

by the inspection and regulatory regime. This in turn places a responsibility on the inspectors and other regulatory bodies to ensure that proper levels of probity are maintained. As such, they play a crucial role in ensuring the effectiveness of the Performance Management system as a whole. If they fail to identify and eradicate 'gaming' at an early stage the competitive advantage it confers on those managers, who have successfully learnt to 'game' the system, or who ignore the 'gaming' of their subordinates, referred to as 'Knaves' by LeGrand (2003), will result in these 'gaming' practices evolving and spreading. This process of the spreading of tactics was described by Collier (2005) as 'competitive isomorphism' and he noted that one means of spreading 'practice' between forces was through the promotion of managers deemed 'successful'. It therefore seems feasible that, if left unchecked, managers engaging in 'gaming' behaviour would progress to the highest managerial positions within the service.

However, effective regulatory action does not only have consequences for the reported performance of service managers, it can also reflect badly on the performance of the government. Governance systems based on Performance Management confer not only greater control but also greater responsibility on the Minister responsible for the service. Jackson (1993) identified the risk, reliable, relevant and quantifiable performance information posed to Ministers as it could indicate a failure of government policy, something politicians may seek to avoid, particularly if they have been in power for some time. This in turn amplifies the need for truly independent inspectors and regulators as the activities of HMIC; the Audit Commission; the Independent Police Complaints Commission (IPCC); the Police Standards Unit (PSU), in curtailing 'gaming' could have a negative impact on

quantitative performance measures in turn reflecting badly on the Home Office. Whilst these regulators are officially deemed independent they are still a part of the machinery of police governance and as such are close to the function of Government (Bevan & Hood 2006). The terms of reference, lines of accountability, direction and sources of funding are therefore important considerations when assessing the role of the regulators. The independence of some of the regulators is also further brought into question by a statutory responsibility to improve efficiency as opposed to focusing purely on standards of probity, a factor recognised by HMIC in their report on police integrity (1999). Bevan and Hood (2006) suggest that these tensions between regulators and central government have hampered the audit and inspectorate functions and allowed 'gaming' to persist:

> **"As the existence of gaming becomes more generally recognised, failure to fill this hole *[audit]* invites the cynical view of the target regime as a 'Nelson's eye' game, in which central government colludes with those who game targets, by seeking improvements in reported performance only and not providing the organisational clout to ask awkward questions about the robustness of those reported improvements." (Bevan & Hood 2006:534)**

However, whilst Bevan and Hood presented a convincing argument in relation to the NHS they neither quantified the extent to which 'gaming' actually distorted NHS performance data nor provided substantive evidence of collusion between the Government and those responsible for service delivery other than the fact that the audit arrangements didn't quantify the extent of 'gaming' which was known to be widespread from the literature referred to (Bevan & Hood 2006):

> **"Central monitoring units did mount some statistical checks on completeness and consistency of reported data, but evidence of gaming**

was largely serendipitous and haphazard, emerging from particular inquiry reports or anecdotal sources" (Bevan & Hood 2006:530).

The performance of official regulators is an area where there has been relatively limited academic research. Day and Klien (1987) noted the differences between an audit or inspection function which dealt with pure probity issues and one which involved making value judgements on efficiency and effectiveness. HMIC (1999) also commented on the changes a move to becoming a determinant of 'best value' meant for their organisation. Docking (2003) argued that a loss of public confidence in the police complaints system led to the establishment of the Independent Police Complaints Commission, but she did not evaluate the actual workings of that system which led to the reform. Lustgarten (1986) did however argue that the application of criminal standards of proof in internal police disciplinary proceedings, in comparison to commercial disciplinary proceedings where a lesser standard of proof was utilised, did make police regulation difficult. By examining the official documents completed by the various police regulators, some published and others accessed via the provisions of the Freedom of Information Act 2000, it should be possible to gain an insight into how effective the various police regulatory bodies have been in addressing police 'gaming'.

The literature on police behaviour (Van Maanen 1973; McCabe and Sutcliffe 1978; Holdaway 1983; Young 1991; Rogerson 1995; HMIC 1999; Neyroud & Beckley 2001; Wilson et al 2001; FitzGerald et al 2002; Miller 2003; Chatterton & Bingham 2006; Neyroud, P. and Disley, E 2007; & Chatterton 2008), some of it proceeding the introduction of Performance Management in its current form, indicated behaviours consistent with that which would be considered 'gaming'. From this literature,

expanded upon in later chapters, it was possible to identify a typology of 'police gaming' which composed of four distinct types of behaviour: the obtaining of evidence against suspects by unlawful means (Stitching); the unjustified suppression of recorded crime (Cuffing); the skewing of resources toward measurable outcomes (Skewing); and conspiring with offenders to obtain detections by unethical means (Nodding).

This 'typology' was used to assess the relationship between various performance measures and the types of 'gaming' practices identified.

These 'gaming' practices are outlined in turn and are categorised by the use of common terms, including colloquialisms used by police officers, to refer to the various types. It was the intention to use these categories as a means of encapsulating the essence of the 'gaming' behaviour referred to. They are each described in turn:

'Cuffing': This refers to practices designed to prevent reported crimes appearing in the official recorded crime accounts. The term 'cuffing' stems from the magician's art of making objects disappear up the cuff of their shirt (Young 1991).

'Nodding': This refers to the practice where a suspect, usually a convicted offender, indicates the crime he/she has committed by pointing out or 'nodding' at the scenes where an offence has occurred (Wilson et al 2001). This type of behaviour can involve a degree of collusion between officers and suspects as offenders are offered various inducements to admit outstanding offences.

'Skewing': This refers to the practice of skewing resources and efforts in favour of outputs which are the subject of performance indicators at the expense of other organisational objectives (i.e. 'what gets measured gets done').

'Stitching': Short for 'stitching them up', this refers to behaviour designed to ensure a successful conviction or other procedural means of disposal (e.g. police cautions or fixed penalty notices).

The identification and categorisation of this typology facilitated an assessment of the impact of performance management on the various types of police 'gaming' behaviour.

The challenge was to find a methodology or methodologies which indicated the scale of the various types of police 'gaming'. If the 'gaming' behaviours identified were limited to isolated incidents then their impact on overall performance would be limited and the utility of the performance management system relatively unaffected. If however they were widespread and significantly distorted the data on which the performance of police forces was judged then the value of Performance Management could be undermined and the system rendered dysfunctional. This in turn could have an adverse impact on police accountability; public trust; and police effectiveness. Whilst Her Majesty's Inspector of Constabulary (1999) maintained 'gaming' practices were largely confined to small pockets, Burrows et al (2000) suggested that at least 'cuffing' had re-emerged as problematic as a result of the introduction of Performance Management. It was decided to examine the performance profiles of police forces identified by official documents or media reports to have experienced different forms

of 'gaming'. The aim was to compare the recorded crime levels or detections data before and after the 'gaming incidents' or 'events', which the documents or media reports referred to, in order to gauge the scale of the 'gaming'. For example, if an official report identified 'cuffing' in a particular force and recorded crime increased by twenty per cent after the report it could be inferred that 'cuffing' had been suppressing the level of recorded crime by twenty per cent prior to remedial action being taken. If a consistent statistical pattern could be established in relation to a number of forces which had experienced similar 'events' involving the uncovering of 'gaming' behaviour , then the impact of gaming could be quantified. So if all the forces where 'cuffing' had been uncovered experienced a twenty per cent increase in recorded crime, after remedial action was taken, it could be implied that 'cuffing', if re-introduced, could result in a twenty per cent reduction in recorded crime. By the application of the same logic a sudden reduction in recorded crime may indicate the introduction of 'cuffing'. The methodology employed to assess each gaming type is expanded upon in the chapter on methodology.

Whilst the methodology was primarily quantitative, the ontological assumption was broadly hermeneutic, accepting that the behaviour observed and quantified was the product of the belief systems of the individuals who made up the collective, in this case police officers in England and Wales. As such the thesis accepts that the behaviour subject of the research is not the product of some universal law and can be changed by the actors involved. The research complies with Weber's methodological approach of observing the phenomenon (e.g. the movement of peasant tied workers from East to West Germany (Weber 1919) or the involvement of Jews in the provision of early banking services (Weber 1913) and then seeking an explanation

from those involved or their history. In the case of the East German peasants it was the lure of freedom provided by wages, despite the fact that they were economically worse off than when working as tied labour. In the case of the Jews it was Christian and Muslim religious beliefs which barred their followers from charging interest on money lent. Judaism placed no such encumbrance on its followers and thus enabled them to provide a valued service to the other religious communities.

The epistemological assumption was that valid knowledge arises from interpretation of the evidence uncovered. In this thesis the participation of the author in the research provides a subjective assessment of the events and behaviours being observed. Whilst this may be a valued feature of qualitative research, as valid knowledge arises from the interactions between researcher, and researched, it could be considered a weakness as researcher bias could distort the findings. The measures taken to overcome this potential failing are outlined in the chapter on methodology.

The methodological assumption is that the research design is appropriate, as identifying and quantifying the behaviour under study is a preliminary step towards understanding the nature of the phenomenon.

So to recap, the objective of the thesis has been to identify the nature and scale of 'gaming' in the police service and, in doing so, to acquire an insight into the causes of this behaviour and the effectiveness of the countermeasures put in place to counter its occurrence. This could be encapsulated in the loose overall research objective:

"The purpose of this thesis is to identify the nature and scale of 'gaming' behaviour in the police service in England and Wales and to explore why such behaviour persists."

THE CONTRIBUTION OF THE THESIS:

The introduction of Performance Management to the police service in England and Wales has represented a major change for policing and as such needs to be subjected to academic scrutiny. Van Maanen states:

> **"The police are quite possibly the most vital of our human service agencies. Certainly they are quite possibly the most visible and active institution of social control, representing the technological and organisational answer to the Hobbesian question of social order, the *dues ex machina*. Through their exclusive mandate to intervene directly in the lives of the citizenry the police are crucial actors in both our everyday and ceremonial affairs, and, as such, deserve intensive and continual study for their role and function in society is far too important to be taken for granted or, worse, ignored" (Van Maanen 1974:82).**

However, much of the world of policing is hidden, partly because of the operating methods which need to be withheld from those who may seek advantage from such knowledge in pursuit of further criminal ventures, and partly because of the inward-looking tendency of the police service:

> **"Despite the liberal mythology of the police as "citizens in uniform", the reality is that they are set apart by the authority that they wield" (Waddington 1999:117).**

Insights into the nature of policing have been provided by ethnographic studies, such as van Maanen (1973; 1974), and through anthropological studies by serving officers Holdaway (1983); Young (1990). However the gradual adoption of governance by Performance Management to the police forces in England and Wales came after the revealing studies of Holdaway (1983) and Young (1990). Although it has been the subject of some academic study (Likierman 1993; Rogerson 1995; Smith 1995a; Wilson et al 2001; Fitzgerald et al 2002; Neyroud and Beckley 2002; Butterfield 2001; Carmona & Gronlund 2003; Collier 2005a; 2006a; 2006b, Chatterton & Bingham 2006 Chatterton 2008) its full impacts have yet to be assessed.

> **"The evidence of the impact of these changes on such a key role is sparse and appears to be totally absent in a high profile organisation such as the police service." (Butterfield 2001:46)**

> **"Studies of policing at the managerial level are few, although there have been studies on professionalisation" (Collier 2005:2)**

> **"In England and Wales policing has had a symbolic significance, and it is legitimate to raise concerns about the relentless drive for performance and targets. It is as yet too early to have a clears picture of the effect that the performance culture will have on the relationship between the police and the public, or what the knock on effect will be on crime and crime detection" (Wilson et al 2001:43)**

Young (1990) also noted the need for vigilance in relation to police practices which would now be considered 'gaming':

> **"There is still a need for social enquiry to break through defensive structures and reveal how practices such as the sleight of hand described above, have been varied, revised, and handed on for new generations. The praxis which the police have developed in reconciling their claim to follow the rule of law with the pragmatic necessities of 'doing the business' must still be questioned, for they are structurally a potentially authoritarian institution which remains largely hidden." (Young 1991:328)**

Chatterton & Bingham (2006) and Chatterton (2008) carried out qualitative studies of the impact of Performance Management on the police service and as a result of these findings the Police Federation of England and Wales called upon the Government to commission quantitative research on the subject:

> **"We see these studies as the start rather than the end of the journey: they provide robust and accurate qualitative evidence about the state of 24/7 response policing and General Office CID at this point in time. What is now needed is a quantitative confirmation of, or challenge to, this evidence which is more in the purview of Government or senior police management to undertake rather than ourselves." (Chatterton 2008:iv)**

An evaluation of the impact of Performance Management on the police service in England and Wales will therefore enhance current understanding. On the issue of 'gaming' in particular, this thesis expands current knowledge about the nature of the phenomenon. By establishing the scale of 'gaming' practices it should be possible to provide an answer to the question explicit in Loveday's statement that:

> **"Information on performance should allow both the public and service providers to judge the efficiency and effectiveness of each service. Alternatively it may encourage services to manipulate data to achieve targets." (Loveday 1999: 6)**

The research also offers the opportunity to further the debate on whether police 'gaming' behaviour is organisational in nature and influenced by 'bottom up' or 'top down' pressure (Sewell 1999) by seeking to attribute the 'gaming' behaviour to managerial action. If significant changes in the performance data can be attributed to managerial action then this should indicate the extent to which managers control the behaviour of the officers under their command. This approach is based on the

arguments of Black (1970) and Kitsuse and Cicourel(1963) that whilst police data on crime levels is an unreliable measure of the phenomenon it purports to measure it is a valid indicator of police organisational behaviour.

Examining the actions of the regulators in relation to known incidents of 'gaming' should confirm or falsify Bevan & Hood's theory that ineffective regulation is a major factor in the persistence of 'gaming' practices in the public services (2006:530).

THESIS STRUCTURE:

Following this first chapter (introduction), the next chapter focuses on the literature which provides an understanding of the evidence gathered during the early 'grounded' part of the research and helps shape and direct the later phases of the research which conform to a more analytical inductive approach. The literature (and official reports) on New Public Management in general and Performance Management in particular are explored; followed by an examination of theories on 'gaming', leading to a review of the literature on police practices which could be considered to be 'gaming'. This is then considered in the context of what is known about police deviant behaviour or corruption. An examination of the limited material on the role played by those charged with regulating the police concludes the literature review.

The research questions; research design; and methodology are discussed in chapter 3. Chapters 4 – 9 in turn explore the four types of 'gaming' identified as practiced in policing, referred to here as 'cuffing'; 'nodding'; 'skewing'; and 'stitching'. In

chapter 4 an introduction to crime recording procedures is provided, 'cuffing' is discussed in detail and the variables which enable such practices to persist identified. The measures introduced by government to control such behaviour are also outlined. In chapter 5 the robustness of the control mechanisms introduced to curtail 'cuffing' were tested by charting the introduction 'false reporting' policies which it is argued heralded a re-emergence of 'cuffing'. In chapter 6 the means by which the detection rate can be influenced by 'gaming' practices are outlined. This chapter focuses on 'nodding' and seeks to quantify the effect such practices have on the important area of performance. In chapter 7 the impact of 'skewing' is examined by looking at the prevention and investigation of serious crime. The 'skewing' theme is continued in chapter 8 by examining the deployment of police resources. In chapter 9 'stitching' is examined and evidence of its continuance presented. Chapter 10 provides an insight into the performance of those charged with controlling 'gaming' behaviour. This includes Chief Officers of Police; Police Authorities; and the various regulatory bodies. Chapter 11 draws overall conclusions on the various findings; provides a reflective assessment of the methodology employed; and makes recommendations for future research.

CHAPTER 2

LITERATURE REVIEW:

1. INTRODUCTION:

The 'grounded theory' approach i.e. building theory from empirical evidence resulted in a constant review of the research findings against the relevant academic literature and official documents as explanations for the behaviour were sought. It was clear from the author's position as a manager within the police service that the introduction of Performance Management was a major catalyst for change but the potential benefits were being skewed by 'gaming' behaviour. It was therefore considered necessary to understand the rationale behind the introduction of Performance Management and gauge whether or not it had achieved its objectives. The introduction of Performance Management can be understood as one part of a series of reforms to increase Central Government control of the police in order to improve the efficiency of the service. It was therefore appropriate to review the literature on New Public Management (NPM) and Performance Management which formed an integral part of NPM. Reviewing the academic work on the dysfunctional effects of Performance Management referred to as 'gaming' and how these might be overcome was also undertaken. Gaining knowledge of police perverse practices and how they were likely to manifest themselves led to a review of the criminological literature on police 'gaming' which was largely located within the more general subject area of police deviance and corruption. The role of the regulators of the police in controlling such behaviour became of interest as the research progressed. However very little in the academic literature was identified, on the way these bodies actually operated,

other than general theory on the role of auditor/inspectors as part of governance processes.

2. THE DEVELOPMENT OF PERFORMANCE MANAGEMENT AND ITS INTRODUCTION TO POLICING:

New Public Management is a general term used to refer to a number of reforms transferred to the management of the public sector from the private sector and viewed by Hood (1991) as one of the most striking international changes in public administration. These reforms included: a move from producer orientation to customer sovereignty (Hancox et al 1988: 37-48; Harrow & Shaw, M. (1992) including where appropriate the option for the customer to choose between a number of providers (Dixon et al., 1998); changes in the structure by which public services are delivered (Ferlie, 1992; Mark & Scott, 1992; Ferlie and Pettigrew 1996); a requirement for public service managers to develop new skills and competencies (Talbot, C. 1994); and privatisation of some functions traditionally delivered by the public sector (McLaughlin et al 2001). Driving this change programme was a belief that the public service providers had become inefficient (Chartier, 1985; Odum et al 1990; Barzelay 1992, Sheehy 1993), Tullock and Eller (1994) suggesting this was due to the lack of any automatic disciplining mechanism, such as that present in a market dominated environment, and this absence had permitted self-serving behaviours by bureaucrats, their clients and the politicians who govern them.

Underpinning these reforms was the assumption that efficiencies would result from the introduction of practices from the commercial sector and public services could be

provided in a more cost effective way. In order to gauge whether improvements had

occurred measurements were required and by measuring performance comparisons

could be made between different service providers in the same sector in order to

determine which was the most efficient:

> **"This approach views public agencies as problem-solving and programme delivery mechanisms conceptualised as 'open systems' within which measurable 'inputs' are used in a 'production process' generating 'activities' to produce measurable 'outputs' that have an 'impact' (produce costs and benefits). They thus generate measurable objective-related 'outcomes' that measure given and known 'organisational objectives' that are compatible with given and known 'government policy objectives'. (Breton, 1974)**

The objective was to make improving performance the main focus of management in

the public sector Chartier, (1985), Odom et al (1990) and Barzelay (1992) and the

police service was no exception:

> **"The main process the Government uses to ensure that the changes take place is that of managing performance. This is achieved through a series of processes that include performance indicators, objective setting and personal appraisal systems." (Butterfield 2001)**

Whilst the primary focus of NPM and Performance Management was on improving

efficiency this doesn't appear inconsistent with the democratic principles of holding a

public servant to account for delivering a service, providing a means of making the

performance of public servants transparent in complex societies where judgments

based on observation are no longer possible:

> **"So both *service quality* and *improved productivity* have been goals for many jurisdictions. Some politicians and some civil servants believe that such improvements will also help governments to redress the falling levels of citizen trust (and therefore *legitimacy*) which many surveys seem to**

show across Western Europe and North America." (Bouckaert & Pollitt 2006:8)

3. POLICE ACCOUNTABILITY

The issue of public 'trust' is particularly important for police services as public confidence and trust in the police secures their support: "When the public views police as legitimate (or trustworthy), public co-operation with police in ways that assist effectiveness is more likely": (Goldsmith 2005:444) as Uhr commented:

> **"Democratic governments rest on popular consent: accountability helps to sustain democracy by generating informed consent. [. . .] In many cases, accountability strengthens public trust by confirming the competence and integrity of these power-holders. In other cases of lapsed or broken accountability, the reverse can occur, weakening public confidence in power-holders. Thus accountability is important to democratic societies in providing opportunities for those who govern and manage our affairs to account for, explain and justify their use of their offices of power and influence. (Uhr, 2001:446)**

The introduction of Performance Management doesn't appear inconsistent with a desire to improve public trustworthiness which Six maintained consisted of four elements: 'ability, benevolence, dedication and ethics' (Six 2003:448). As Performance Management was about improving service provision and accountability then it should reduce the drivers which undermined public trust:

> **"The major sources of distrust in government are promise breaking, incompetence, and the antagonism of government actors toward those they are supposed to serve" (Levi 1998: 88).**

It was also hoped that the provision of relevant information on the performance of

those responsible for delivering public services would generate public interest in local

government arrangements as a whole:

> **"Strengthening accountability, defined as providing more information in the hope that this could generate public pressure for greater efficiency and economy" (Day & Klein 1987).**

However this assumes that the electorate are sufficiently motivated to take the time to

access and digest the performance information made available to them:

> **"There is an additional problem of persuading the customers to take any interest in performance measures or their interpretation" (Smith 1995:135).**

Docking also found little public interest in data on police performance:

> **"Feelings were mixed about whether information was wanted about how well the police were performing (many expressed no interest, those that were interested expressed concern over how performance would be measured and about the usefulness of statistics). What interest there was related to performance information at the very local level and it was felt that this should be linked to policing priorities." (Docking 2003:vi).**

Performance measurements were also viewed as a means of facilitating government to

improve its own performance enabling ministers to enhance the quality of their

decisions, based on an ability to assess objectively the outcomes of their decisions:

> **"So that government could (1) be held accountable for its use of resources to meet public purposes (reporting); (2) allocate resources for public purposes (budgeting); and (3) get better at using resources for public purposes (productivity). (Williams 2003:653)**

Performance measurement also enables government ministers to take a more strategic role as they can provide those managers responsible for the delivery of the service greater freedom on how the service is delivered but at the same time maintain control, via the performance information systems, thus moving from 'rowing' the service through the detailed bureaucratic process of rule making to 'steering' via the data on performance: "further centralising the "steering", while decentralising the 'rowing' of the police" (Cope at al 1997:448). However this greater control increases overall responsibility for policy outcomes, a factor which Jackson (1993) suggested may influence the design of performance management systems:

> **"But a moment's reflection soon produces a realization that while political leaders are keen to introduce systems which will ensure operational performance is measured and evaluated, they do little to enable evaluation of the strategic performance of public services. To do so would be to evaluate the effectiveness of policies and therefore, to put into the public domain politically sensitive information that would be used to judge, in the political arena, the efficiency and effectiveness of the whole policy-making process." (Jackson 1993:12)**

The centralisation of control and direction also appears at odds with one of the objectives of NPM i.e. the flexibility to respond quickly to changes in the operating environment through smaller delivery units and flatter organisational structures:

> **"vertically flatter so that problem-solving decisions, especially in relation to service delivery, can be made at points that are closer to clients so as to reduce performance-sensitive decision response times to simplify co-ordination and to reduce communications distortions; less formalised, to give staff more discretion in satisfying idiosyncratic needs." (Dixon et al. 1998:167-8)**

Loveday (2005) suggested the involvement of local politicians was necessary if local issues were to be taken account of, quoting former Chief Constable of Bedfordshire support:

> **"Unless there is to be a massive democratic deficit it is essential that the police service is so structured that it has a clear relationship with local government"(O'Byrne, 2001:136)**

Whilst Loveday was advocating a return to something akin to the original tri-partite arrangement, with Local Authorities providing the counterbalance to the shift in power towards central government considerable scepticism was voiced, during the development of New Public Management, of local government's claim to represent local people:

> **"it is almost an article of faith within local government that the local council is accountable to and held accountable by the local electorate" (Banham 1984).**

The Audit Commission (2003) also found that public trust in local authorities was low and Docking recorded, during her focus group study of public perceptions of police accountability, that:

> **"There was some scepticism about the role of members nominated by local authorities, with more approval of the concept of independent members" (Docking 2003:vi).**

This central vs. local accountability argument reflects the political dimension to performance management systems and Hopwood (1984) highlighted the power conferred on those who set the service priorities and targets. Jackson also noted:

> **"Performance-monitoring systems have important hidden dimensions below the water-line of indicators and measures. These include the logical foundations and values upon which the whole system rests. Weakness in these areas, along with a lack of appreciation of the different values that lurk in the depths of the performance-monitoring system, results in severe implementation problems." (Jackson 1993:9)**

4. PERFORMANCE MANAGEMENT AND POLICING STYLE

Rogerson (1995) warned that top down centrally driven performance management regimes could impact on the nature of local policing:

> **"Performance measurement may threaten the operational independence of chief constables and alter the style of policing from that of service to enforcement." (Rogerson 1995:25)**

Indications of this trend were noted by Butterfield (2001):

> **"Subsequently the cancellation of the PLUS programme[1] and the introduction of elements of NPM appear to have created an environment that is taking the MPS back from a Service ethos towards that of a force". (Butterfield 2001:108)**

However the government appeared committed to ensuring local communities continued to be able to hold their local police to account and the value of local consultation was acknowledged in the White Paper 'Building Communities, Beating Crime, 2005:

> **"The Government wants to build on community engagement initiatives already under way and ensure that all communities have the same opportunities to have a real say in the way they are policed, get more**

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[1] The PLUS programme was the name given to the Met initiative to transform itself from a force to a service by becoming more publicly accountable.

involved if they want to' and hold relevant agencies to account locally."
(Home Office, 2005).

Congruent with this approach to ensuring local responsiveness was the Government's commitment to 'Neighbourhood' policing'. The Neighbourhood Policing Strategy utilised the Problem Oriented Policing or Partnerships (POP) approach to crime reduction (Goldstein 1979 & 1990; Eck and Spelman 1987; Shapland et al 1994; Leigh et al 1996 & 1998; Tilley 2002) which was based on a 'bottom up' approach to crime reduction (Waddington 1993, Nutley & Davies 2000; Wagenaar 2005). This approach and the provision of dedicated teams of neighbourhood police officers was supported by ACPO (Baggott 2002) and endorsed by the Audit Commission (Smith 2002).

However, studies of Community Policing have shown that police agendas, not community agendas, have dominated and POP has emerged as something at variance with Community Oriented Policing (COP) (Van den Broeck, 2002). Davies (1986) found there was a danger that the police would use public consultation not to listen to the problems identified by the community but to convince the public of their diagnosis of the problem and legitimate their preferred solution. Van den Broeck (2002) supported Trojanowics and Bucqueroux (1990) in identifying that POP was a 'top down' strategy which involved the police defining the problem and proposing the solutions, public involvement being more symbolic or superficial than substantive. COP on the other hand was 'bottom up' and inclusive, the community, through their representatives, taking an active role (Van den Broeck, 2002):

> **"POP continues to rely on formal social control agents (the police).**
> **Community contribution to neighbourhood safety remains**
> **underdeveloped and hence, this approach inspires or supports very little**

> **informal social control. In contrast, COP, or the "community-orientated policing pillar", can be understood as explicitly based on informal social control" (Van den Broeck, 2002:180)**

Skogan (1990) maintained this was due to the police emphasis on a 'crime fighting' role and Mastrofski (1998) noted this was also influenced by a lack of ability to analyse citizen-provided data.

The Neighbourhood Policing initiative in England and Wales was still being developed as part of the National Reassurance Policing Programme and although the initial pilots were found to be successful Quinton and Morris (2008) noted the national implementation (2005 -2008) had yet to demonstrate similar positive results. A survey of BCU commanders sponsored by the Police Superintendents Association in 2003 suggested the tension between national and local priorities may act as a barrier to the successful implementation of Neighbourhood Policing:

> **"Commanders could find national targets frustrating especially if Home Office priorities did not match local needs. An example would be the push towards street crime when this was not an issue in the BCU and where resources that were needed for tackling burglaries had to be diverted into street crime." (BRMB 2003:97)**

McLaughlin et al (2001) concluded from the research available at the time that Crime and Disorder Reduction Partnerships were also concentrating on government priorities, vehicle crime, burglary and violent crime (Phillips et al., 2000) and that the priorities set tended to be the easily measurable (Hughes, 2000, Hughes et al., 2001).

> **"This clearly reflects the priorities of central government and the recommendations of the Audit Commission. It is also likely that these targets represent more easily achievable reduction targets than those associated, for example, with domestic violence and hate crimes, the**

targeting of which may result in an increase rather than reduction in recorded crime in the locality". (McLaughlin et al 2001:311)

5. PERFORMANCE MANAGEMENT: CONTROL VS LEARNING

Jackson (1993), Rogerson (1995) and Jackson (2005) acknowledged that performance management could be used for control purposes or to facilitate evaluation and service improvements through learning:

> **"Performance monitoring need not be used only as a means of organisational control, as it undoubtedly is in the classical and scientific management paradigm. In the strategic-management perspective the information generated by the performance monitoring system is a means of organisational learning." (Jackson 1993:10)**

However, Jackson (2005) noted the fundamental differences between the two functions:

> **"Learning requires disaggregated rather than aggregated data, a structure that is bottom up not top down, a no blame culture so that failure is not hidden, use of performance indicators to encourage not stifle debate, a stakeholder approach, conceptualisation not just measurement, acknowledge rather that disregard for ambiguity, mixed methods and a link to action planning and implementation." (Jackson 2005:35)**

The emphasis on learning appeared appropriate to a service like policing where the effectiveness of different style of policing was still being debated (Neyroud & Beckley 2001) and there appeared to be a general lack of knowledge of 'what worked'. Bailey concluded that "most police forces in the world quite literally do not know what they are doing" (Bailey 1983). Research by Kelling et al (1974) failed to establish the deterrent value of police patrol and Pate et al (1976) found levels of

patrol had little impact on crime levels in the US cities they studied. Wilson & Kelling

(1982) found similar results in relation to foot patrols. In the United Kingdom similar

findings led the Audit Commission to conclude that traditional foot patrols were

'grossly inefficient' in terms of measurable reductions in crime (Audit Commission

1996). Likewise Bieck (1977) and Cordner et al (1983) found that 'response policing',

where officers responded to reported crime with the intention of catching the

criminals in the act, was hardly effective either. Greenwood's study in the US also

found detectives to be less effective than their media image might suggest:

> **"only about three per cent of all index arrests appeared to result from special investigative efforts where organisation, training or skill could make any conceivable difference" (Greenwood 1980:36)**

Steer (1980) found similar results in the UK and studies on the effectiveness of

forensic science indicated this accounted for a small percentage of crimes detected.

Maguire (1982) found that only 0.5% of household burglars were directly detected as

a result of fingerprint evidence and Manning (1980) concluded that the general

academic consensus was that the police have only a limited impact on crime rates.

This was contested by Sherman (1993) who pointed to the apparent success of

policing crime 'hot spots' as evidence that policing activity could have an impact

although even he accepted that the impact was limited. Such a conclusion raises the

question about what does actually affect crime levels and the apparent effectiveness of

policing: Mawby (1979) found that the public were a main player in the detection of

crime and this was reliant on their confidence to report offences and identity

offenders.

The Implementation of the National Intelligence Model (NIM) (National Criminal Intelligence Service, 2000) which is based on an intelligence led approach, as opposed to what Flood (2004) described as a craft, intuitive or convention based approach to policing[2], appears consistent with Jackson's evaluation and learning approach to performance measurement. However, Collier (2006a) noted that top down performance management priorities were dominating local police behaviour not bottom up NIM type evaluations. He also noted the 'Narrowing the Justice Gap[3]' performance indicators were causing the police to focus on obtaining detections as a means of demonstrating improved performance. Reiner (1994) had already questioned the validity of the NPM reform programme which he maintained was undermined by a fundamental misconception that the 'rational deterrent model' of policing worked. He described the 'rational deterrent model' as follows:

> **"if properly organised, policing can have a significant impact on crime levels, deterring crime in the first place by uniform patrol, and detecting criminals efficiently after the event if crimes do occur." (Reiner 1994:754)**

Some years earlier John Alderson the Chief Constable of Devon and Cornwall, had also warned his ACPO colleagues that mooring themselves exclusively to crime statistics as a measure of success would ultimately prove unsustainable:

> **"Trapped as they are in the world of criminal statistics as proof of their efficiency, the police need to break out and seek other measurements of their success" (Alderson 1979:7).**

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[2] Traditional police methods partly involved passing knowledge based on experience from one generation of police officers to the next and developing skills based on experience.
[3] This is the government's initiative to improve the efficiency of the Criminal Justice system by increasing the number of offenders brought to justice and reduce the number of unsuccessful prosecutions.

This uncertainty over desired outcomes and causality creates difficulties when designing performance management systems:

"The appropriate number of indicators will be particular to the organisation and its aims. It will also need to take into account the diversity of its operations." (Likierman 1993:16)

In a case study on the Balsall Heath area of Birmingham (Patrick 2004a & 2004b) it was noted that conforming to a bottom up, community led, approach to policing had delivered government policy objectives:

"local residents transformed a traditional red light area into a safe and attractive neighbourhood, with increased legitimate activity, reduced insurance premiums and increased property values." (Home Office July 2004:63)

However when measured against the Home Office's own performance indicators, based predominantly on detection rates at that time, the police command unit emerged in a poor light , as one of the worst performing BCUs (HMIC/West Midlands E3 BCU Inspection 2004:6). This would suggest the performance targets set by the Government were not aligned with the desired policy outcomes. In effect knowledge of causality was lacking.

Likierman (1993) had advised that for performance management to work effectively and avoid the tendency towards 'what gets measured gets done' (ibid 1993:15) it was necessary to devise measures which were sufficiently comprehensive and Hood suggested it should be possible to identify core elements that included the disaggregating of organisations into smaller units with an emphasis on performance rather than procedures (1991:3-19). However system theorists, such as Waldrop

(1992) and Kauffman (1995), advocated a more holistic approach to measuring organisational performance:

> **"First, complex systems should be understood in a holistic manner. Key to understanding complexity is that it is anti-reductionist. The complex whole exhibits properties that are not readily explained by an understanding of the parts. (Kauffman, 1995, vii)"**

The UK Government's adoption of the Police Performance Assessment Framework (PPAF), a form of balanced scorecard approach (Carmona & Gronlund 2003), appeared to recognise the problems inherent in the diversity of the policing function, as the Home Office Minister for Policing John Denham articulated:

> **"To try to make (performance data) available to the public in a way people understand… You cannot measure the performance of a police force through one or two statistics – because it is everything from reassuring the public to fighting crime to helping to reduce crime, to looking after witnesses. So we are trying to have a performance framework that captures the whole breath of policing activity" (Mulraney, Police Review 29 Nov 2002:18).**

However, the criteria for PSU 'engagement'[4] were determined by performance on the reduction and detection of volume crime alone, thus subscribing to Reiner's 'rational deterrent model of policing', (Reiner 1994:754). The narrowing of police activity was noted by both Butterfield (2001) and Collier:

> **"the Police Standards Unit emphasis on iQuanta data on crime and detection skews police performance from the broader issues to an obsession with performance on that measure alone"(Collier 2006a:11).**

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[4]"For a force to be considered for 'engagement', its performance data across a range of measures, including crime reduction, will have been flagged to the Steering Group, over a minimum of two successive quarters (a six month period), indicating either that it is performing at or near the bottom of its peer group for selected measures or has shown a significant decline in performance over the two periods". (www.Homeoffice.gov.uk/about-us/freedom-of-information/released-information (August 2005)

De Bruijn (2001:14) identified that performance measures become of less value when an organisation does not have sole or sufficient control over the environment in which it operates. Field (1990) noted factors such as economic prosperity had an impact on crime levels and Wilson et al (2001) pointed out that the police do not deliver crime control strategies in isolation from other agencies, being reliant on a number of other agencies such as the judiciary; prisons; probation; and youth offending teams for the successful outcome of enforcement type strategies alone and social services, health providers, local authorities and commercial organisations to support offender diversion and crime prevention strategies:

> **"The police should never be expected to separate fighting squirrels or to untangle knitting, but successful policing has much deeper foundations than the immediately and obviously measurable. Crime and disorder are problems for society as a whole, and the police are only one part of the solution." (Wilson et al 2001:45)**

Van den Broeck (2002) also warned that there was a danger that crime levels would be defined as a criminal justice problem, diverting attention from the underlying social causes, such as deprivation:

> **"Consequently, criminality, instead of, for example, unemployment becomes a major criterion in the allocation of financial resources to the neighbourhood. Hence insecurity in the neighbourhood becomes a self-fulfilling prophecy: it has to be unsafe since it receives policy attention."(Van den Broeck 2002:184).**

Whilst McLaughlin et al (2001:307) argued that Performance Management systems can encourage collaboration between agencies as organisations seek 'win win' situations. Wilson et al (2001:85) and Jackson (2005:33) suggested that it may encourage parochialism as individual agencies pursue their own objectives in isolation from others.   Fiske & Ladd (2000) went as far as suggesting that it may even result in organisations withholding information on 'good practice' in order to maintain a competitive edge.

Neely (1999) and Gewirtz (2002), also argued that Performance Management could restrict innovation to those realms where narrowly defined outcomes alone become the only measures of success thus stifling innovation and devaluing professional skills. Goldsmith (2004) commented on the 'deskilling' impact of Performance Management on policing:

> **"Matters of professional judgment and discretion risk becoming relegated to the margins of determinations of what is good policing. In the process, the craft knowledge and experience of serving officers, as well as the accumulated knowledge of other observers and scholars of policing, may receive inadequate consideration. This dilution or selectivity of the knowledge base obviously undercuts the kind of epistemic independence discussed earlier as being important to intelligent accountability." (Goldsmith 2004:25).**

Bevan & Hood (2006:519) identified that Performance Management may motivate staff towards continuous improvement allowing their roles to be clarified and Osborne & Gaebler (1992:146), noted that it allowed employees' efforts to be quantified and rewarded. In some cases rewards may be in the form of reduced inspection (Ayres and Braithwaite 1992; Cabinet Office 1999; Hampton 2004). However, De Bruijn (2001 & 2007) argued that if performance incentives, in the form of financial rewards, are

transmitted to the lower ranks of an organisation in such away that the individual

professionals are able to calculate the financial benefits associated with each output

there is an increased risk that perverse effects will occur:

> **"Performance measurements may produce perverse effects and these effects will be greatest when the incentive is placed on the level of the individual. When a production target is imposed on the lowest level of the organisation – the individual professional – this means that all the units in the organisation are subjected to these perverting effects. They will therefore manifest themselves very strongly." (De Bruijn 2001:73)**

O'Neill (2002) and Jackson (2005) maintained that Performance Management could

demoralise staff and Butterfield commented on the dehumanising impact on police

officers "reducing workers to the level of efficiently functioning machines"

(2001:112). Likierman (1993: 16) and Wilson et al (2001) noted that one outcome of

staff dissatisfaction could be the exposure of 'gaming' to the media with damaging

consequences for the reputation of the organisation concerned.

6. 'GAMING':

In the preceding section the general issues involved in developing performance

management systems and maximising their potential were discussed and their

relevancy to the police service highlighted. In this section the threat posed by

'gaming' behaviour is considered both generally and with specific reference to the

police.

De Bruijn (2001 & 2007) refers to the avoidance tactics employed by those subjected to the intrusive impact of performance management as 'strategic behaviour' or 'gaming the numbers'. This type of behaviour is designed to meet performance measures by the most expedient means despite the fact that the means may well defeat the object of Performance Management. In effect, outputs are produced which do not contribute towards the desired outcomes. DeBruijn supports R.J. in't Veld's (1996:36) theory that performance indicators are subject to the Law of Diminishing Effectiveness:

> **"Once a system of performance measurement has been designed and introduced, the perverse effects will in the long term, force out the beneficial effect.**
>
> **The perverted system of performance measurement developed in this way are nevertheless resistant." (BeBruijn 2001:41)**

DeBruijn (2001) provides a number of examples of the behaviour in question: The filtering out of cases by Dutch Prosecutors at the police station prevented a number of potentially unsuccessful cases being included in the performance returns, thus giving the appearance that the service had been successful in reducing the number of cases dropped (Hoolgand 1998): The increase in arrests achieved by the FBI by targeting deserters from the armed services, was a soft easy way of improving performance (Wilson 2000).

Likierman (1993); Jackson (1993); De Bruijn (2001 & 2007); and Jackson (2005) identified that a major determinant of 'gaming' is the purpose performance measurement fulfils; if it is for a control function then the risk of 'gaming' increases; if it is for learning purposes: "a tool for improving the practical operations of the

organisation, motivating staff and participants and helping external agencies to understand the work of the organisation", (Jackson 2005:35) and the members of the organisation perceive it as such, the likelihood of perverse behaviour is reduced. When used as a top down mechanism for control purposes there is a risk that the resulting information or data produced will have been distorted to such an extent that it is likely to be misleading. This can result in those in charge of the organisation losing touch with what is actually occurring within the organisation and become increasing dependent on the information systems which cannot be relied upon to provide the means by which they can 'steer' the organisation:

> **"Performance measurement is aimed at making public organisations perform and account for their results. The result might be that the system forms a layer of rock in the organisation between management and professionals. It deprives directors of insight into the activities performed at the bottom level of the organisation. What is treacherous, however, is that the system suggests that they have a detailed insight into them. The quality of managerial interventions suffers from it." (DeBruijn 2001:51)**

The deliberate skewing of activity towards achieving narrowly defined performance targets, identified by Likierman as problematic, could be one form of 'gaming':

> **"An important factor in setting targets, we have found, is that the whole of resource in a particular area should be covered by targets. If an area is not so covered there is scope for performance to be manipulated by misallocating costs to areas where no penalty is incurred to the advantage of an area where performance is measured." (Likierman 1993:16)**

Likierman (1993) and De Bruijn (2001) also indicated that improvements in productivity achieved at the expense of quality would be another form of 'gaming'.

> **"Quality has proved notably difficult to measure, and great care needs to be taken to give it proper weight." (Likierman (1993:17)**

Jackson (2005) categorised three types of 'gaming'; definitional gaming, 'numerical (data) gaming' and 'behavioural gaming' (Jackson 2005:30-34).

 'Definitional gaming' involves the aggregation of data on performance (De Bruijn 2001:24) for the purposes of portraying the organisation in a favourable light to external agents. This requires the definition of success to be constructed in such a way that favourable data, or the way the data is presented, supports the image those collecting the information wish to create. Jackson uses the example of a regeneration initiative aggregating outputs and attributing all of these to the interventions funded by the external funding agent. In the case of 'definitional gaming' the organisation is aware of the real underlying data and makes its own decisions on this richer and more reliable information.

'Numerical (data) gaming' involves the organisation itself relying upon manipulated data, thus becoming a victim of its own trickery. Jackson cites the manipulation of hospital waiting times as one example where the distortion of the data impairs managerial decision making (Jackson 2005:32).

The third category, 'behavioural gaming', involves changes in the behaviour of individuals making up an organisation in order to give the impression of improved performance, the re-allocation of resources to activities which provide outputs in return for minimum investment is one form of this type of 'gaming', which would include the 'what gets measured gets done' approach discussed earlier.

Jackson (2005) went on to list the detrimental effects of all three types of 'gaming': demoralisation of staff; discouragement of innovation; short termism; disregard for quality; and local optimism or parochialism.

7. POLICE GAMING BEHAVIOUR:

In this section the types of 'gaming' behaviour associated with the police service are reviewed. The impact of such practices on police performance measures have been known to academics for some time. The reliability of police recorded statistics on crime levels came into question in the 1960s when criminologists (Goldstein J.1960 and Goldstein H 1964) started to take an interest in police behaviour and the use of police discretion and Maguire noted:

> **"Criminal statistics had to be analysed as the product not of a neutral fact-collecting process, but of a record-keeping process which is geared first and foremost to organisational (primarily police) police aims and needs". (Maguire 1994:242)**

This led Yin to caution against reliance on criminal statistics collected by official agencies: agencies:

> **"nearly every social scientist, for instance, is aware of the pitfalls of using the FBI's Uniform Crime Reports – or any other archival records based on crimes reported by law enforcement agencies." (YIN 1994:84).**

Although the term 'gaming' is rarely heard in police circles, the behaviour is encompassed by terms such 'fiddling the figures' (Waddington 1999); doing the

business' (Young 1990); and 'good housekeeping' (Chatterton 2008). The literature, primarily; Holdaway (1983) who outlined behaviours involving the fabrication of evidence; Young (1990) the methods employed by officers to under-record reported crime; Chatterton (2008) the concentration of effort on 'easy to solve' crimes; and Wilson et al (2001) on collusion, designed to improve detection rates, between police officers and offenders. From this material, and the evidence which emerged during the research, it is possible to identify four types of behaviour with specific characteristics which can be categorised under the headings; 'Cuffing'; 'Nodding'; 'Skewing' and 'Stitching' described briefly in the introduction.

8. 'CUFFING'

This encompasses 'gaming' practices designed to give the impression that crime levels are lower than they actually are. The methods employed by British police officers to suppress the recorded crime rate were exposed by Young (1990). In this revealing anthropological study Young (1990) explains the nuances of a form of 'gaming' which he refers to as 'cuffing' in reference to the magicians art of making something disappear 'up the sleeve or cuff '. This can be achieved in a number of ways: Failing to believe a victim's account and therefore declining to investigate it: Recording the details in an alternative crime recording system e.g. an unofficial register: Recording the crime but not issuing it with a crime number therefore escaping the statistical returns: Recording the theft of property as simply 'lost'. A variation on 'cuffing' is the misleading under-categorisation of a particular crime,

usually from a more serious crime type to a lesser one e.g. robbery to theft from the person or attempt burglary to criminal damage, a feature noted by FitzGerald et al:

> **"in focus groups with police officers we were told that the burglary targets meant that theft from garden sheds and outhouses was now being recorded as theft rather than burglary, and attempted burglaries – even where premises were entered but nothing was taken – were entered as criminal damage." (2001:140).**

Another variant on this theme involves the de-categorisation of crime reported and recorded by the police. This practice involves a senior supervisory officer reviewing a case and deciding that a crime had not after all occurred or, that the crime report had been created in error. The Home Office's 'counting rules' are quite stringent on the conditions under which this procedure can be applied. However HMIC/HMcpsi (2005 & 2007) uncovered various misinterpretations[5] of the rules when they tried to establish the reasons for the low conviction rate for rape offences. 'No-criming', as it is often referred to in police circles, rates for the different forces sampled varied from 4% to 47% of reported rapes:

> **"failure to adhere to the relevant HOCR (Home Office Crime Recording) criteria is not only skewing recorded crime figures for rape but is also undermining the ability to gain accurate understanding of attrition" (HMIC 2007:44).**

The un-reliability of police recorded crime data for inter force comparison purposes led the Perks Committee (Home Office 1971) to introduce 'counting rules' in order to encourage consistency between forces. However different interpretations of these

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[5] HMIC/HMcpsi (2007) indicated that this was due to genuine misinterpretation as opposed to wilful deception. However the rules were straightforward and the misinterpretations all resulted in the appearance of improved performance.

rules continued to be a feature of police recording behaviour; McCabe & Sutcliffe (1978); Steer (1980); Bottomley & Coleman (1981); Ekblom & Heal (1982); Farringdon & Dowds (1985); Burrows (1986); Burrows & Tarling (1987); Farrington & Burrows (1993); HMIC (1996); Coleman & Moynihan (1996) and Burrows et al (2000) all reported under-recording of various types of reported crimes. The situation described by Burrows et al (2000) was akin to thirty four police forces all using different currencies in an environment in which the exchange rate was unknown:

> **"Across all the cases reviewed, 47 per cent of crime allegations were eventually recorded as crimes. In one force this proportion rose to 55 per cent, but in another it was as low as 33 per cent. This proportion is consistent with that found in the mid-1980s, suggesting that developments like computerisation and increased management control have not increased the proportion of allegations 'crimed'." (Burrows et al 2000:vii)**

The scale to which such discrepancies or differences in interpretation of the rules could make to recorded crime rates was evident from Farrington and Dowds study into Nottinghamshire Constabulary's high crime rate in comparison to its demographically similar neighbours, Leicestershire and Staffordshire:

> **"It is reasonable to conclude that between two-thirds and three-quarters of the difference in crime rates….reflected differences in police reactions to crime, while the remaining one-third reflected differences in criminal behaviour …The research shows once again the difficulties of interpreting official statistics. Almost certainly, Nottinghamshire has never been the most criminal area in the country." (Farrington & Dowds. 1985:70-71)**

Burrows et al (2000) also noted that the recording rate for different offences also varied:

> **"The likelihood of any allegation being recorded as a crime varied considerably according to the nature of the alleged offence. Property crimes are consistently more likely to be recorded than personal offences**

(mainly allegations of violence). Amongst property offences, allegations relating to burglary and thefts of (or from) vehicles are more likely to be recorded than allegations of vandalism." (Burrows et al 2000: vii)

HMIC (2000) indicated that on average 24 per cent of the crime recorded in force command and control incident logs went unrecorded in the corresponding crime systems. This was as a result of differing crime recording practices. The Home Office's Review of Crime Statistics (Simmons 2000) drew a similar conclusion. Burrows et al (2000) maintained that the operation of officer's discretion at the point of reporting was the cause of the variations and this was linked to the use of an 'evidential' crime recording standard where victims had to convince an officer that an offence had occurred:

"The clear implication from this is that the exercise of 'police discretion' is the primary reason for the recording shortfall: the police will often apply an evidential standard to allegations of crime made to them," (Burrows el al 2000:ix)

For Burrow's et al (2000) the problem lay in the inappropriate use of officer discretion which led to a failure to record and investigate a victim's complaint they noted that the introduction of performance management was causing a resurgence of 'cuffing':

" a recent 'expose' by Channel 4s' 'Dispatches' programme, for example, has suggested that both the 'cuffing' of crime and the 'fabrication' of admissions by offenders have achieved a renaissance (The Guardian 18 March 1999). Both practices have been resurrected, it is argued, in pursuit of both demonstrating falling levels of overall crime, and improving clear-up rates" (Burrows et al 2000:5).

> **"Forces assertions that the recording shortfall is minimal – appear in the light of the findings of the 'call tracking' exercise – to be substantially at odds with actual practice" (2000:58).**

However the concerns of Burrows et al (2000) regarding the scale of the problem were not supported by HMIC:

> **"Her Majesty's Inspector of Constabulary has conducted many detailed scrutinies of crime recording systems and is satisfied in general there is little evidence that, today, these practices are in any way widespread. There are, though, still pockets of unethical crime recording which need to be eradicated to ensure the public has confidence in police performance figures" (HMIC 1999:19).**

The implications of 'cuffing', like other forms of police deviance, on police/public relations was highlighted in Rosenbaum et al's (2005) research into the reactions of those who called on the police for assistance:

> **"Residents may expect that calling the police for assistance will result in positive interaction and outcomes; but, if these expectations are not fulfilled, disappointment and negative attitude changes may follow" (Rosenbaum et al 2005:359)**

The failure of officers to accept a victim's account of a crime, record and investigate it, are likely to have a negative impact on the victim. Rosenbaum et al (2005:359) maintained negative experiences created a 'ripple effect' which shaped the view of others who have not had direct contact with the police thus magnifying the damage to the reputation of the service. Skogan (2006) and Bradford et al (2008) reported similar findings.

Rosenbaum et al (2005) also noted members of minority groups associated poor outcomes of contact with the police with their minority status. A number of other studies also found that minority ethnic recipients of police bad behaviour assumed that the treatment they receive was motivated by discrimination (Small 1983; Cashmore & Troyna 1982; Bowling 1993; Bayley and Mendelsohn 1969; Furstenberg & Wellford 1973; Tuck & Southgate 1981; Skogan 1994; Field 1984; Waddington & Braddock 1991). These earlier findings were supported by Foster et al (2005):

> **"The strong feelings of mistrust among BME communities and the expectations of discrimination formed a lens through which the actions of individual officers were understood. Thus poor service, aggressive communication styles or inappropriate behaviour were often perceived as racially driven" (Foster et al 2005:67).**

Whilst Smith and Gray (1983) had difficulty confirming that the poor treatment of victims they observed was the direct result of racial discrimination they concluded:

> **"Racial prejudice is presumably one of a number of factors conducive towards bad behaviour by police officers, but it is probably not a fundamental one. Police behaviour is best explained by the structure of rewards and constraints within which police officers operate; only at exceptional times (such as the riots of 1981) does retribution against a particular ethnic group become an end in itself for police officers." (Smith & Gray 1983:111)**

Coleman & Moynihan (1996) noted discrimination was one of number of factors which influenced an officer's decision to record and investigate a crime:

> **"The situational context: covering issues like offence seriousness, the weight given to complainant's preferences, and influences such as the race or demeanour of the complainant." (Coleman & Moynihan 1996)**

Young (1990) also maintained the victim's social status was a variable affecting the likelihood of their reported crime being recorded and investigated by the police:

> **"Detectable crimes were always welcomed, while those which might result in 'a body'[6] or had been committed against some important local person would be recorded 'to avoid the wheel coming off'" (Young 1991:323)**

However, much of the 'gaming' described by Young (1990:317) was invisible to the members of the public involved and in the absence of any intrusive scrutiny in the 1950s helped create 'a perception of social comfort and security':

> **"By such straightforward omissions in recording, the incidence of 'crime' was kept artificially low and although the victim still reported the crime and saw the particulars written down on a message pad, the lost register or some other document, it never became a crime statistic. How the report was recorded was considered immaterial to the injured party, but was crucial to the institutional presentation of social reality. (Young 1991:319)**

The Government's response to the problem of inconsistent recording procedures was to negotiate acceptance of a single crime recording standard. This resulted in the adoption of the National Crime Recording Standard (NCRS), introduced in April 2002. After an initial monitoring period, April 2002 to April 2003, during which the ratio between incident rates and recorded crime were assessed by the Home Office and the increases in recorded crime for each force closely analysed by Simmons (2003), the Audit Commission were commissioned by the PSU to carry out data quality checks on all forces in England and Wales. Simmons (2003) reported that significant progress had been made and compliance rates were good. The Audit

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[6] An identified suspect who could be arrested and result in the crime being detected.

Commission data quality checks (Audit Commission 2004; 2006; 2007) suggested force's compliance with the NCRS remained good and concluded that the data compiled by the police was generally reliable.

The other strategy adopted by government to monitor crime levels, and particularly crime which Hough and Mayhew (1983) discovered was not reported to the police, was the employment of a separate system based on a public survey in order to gauge the true levels of crime and its impact on citizens. The British Crime Survey (BCS) was first conducted in 1982:

> **"The main rationale for the survey-and in particular its expensive repetition at regular intervals- is that, by asking samples of the public to describe crimes committed against them within a given recent period, the vagaries of crime-reporting behaviour and police recording behaviour are neatly avoided, and the responses can be grossed up into an alternative fuller – and hence, by implication, more valid- picture of crime and its trends in Britain." (Maguire 1994:261)**

However, the BCS has its limitations; it excludes victims under 16 years of age; only covers householders; is 'statistically' unreliable[7] in relation to offences which are relatively rare e.g. sexual offences (Maguire 1994:263-267); impose artificial limits (five in the case of the BCS) on multiple victims (Glenn 1988); and problems of statistical significance occur when applied to smaller geographical areas (Maguire 1994).

9. 'NODDING'

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[7] The sample size of those respondents indicating that they were victims of such offences is too small to make statistically reliable estimates about national incidence rates.

This section reviews the literature on the practice of 'Nodding' which refers to the 'gaming' practices aimed at boosting the detection rate through mutually beneficial, although unethical and sometimes unlawful, agreements between offenders and police officers; 'you scratch my back I'll scratch yours' type arrangement.

 Young (1990) maintained the detection rate was the primary measure of police effectiveness:

> **"The crime detection role of the police gains further weight from the fact that it appears, at least superficially, the easiest to evaluate in objective terms. It is possible to compare crimes recorded and cleared up, the offenders brought to justice and convicted from one year to the next…detection becomes a touchstone in judging police activity." (Young 1990:287)**

Some 'gaming' practices, designed to improve detections, typically involve various degrees of collusion between police officers and suspects. Whilst such collusion is similar in many ways to 'plea bargaining' between prosecution and defence lawyers it has one significant difference; it is unlawful and may well constitute a conspiracy to pervert the course of justice. The illegal and clandestine nature of such practices has limited research on the subject. Likierman (1993) included one example to demonstrate some of the perverse outcomes to be avoided when designing performance management systems. The term 'nodding' is used by Wilson et al (2001) and derives from the action taken by a suspect when they point out or nod at the places where they have committed a crime or lots of other crimes which can be 'Taken into Consideration'[8] or disposed of as a 'Prison Write Off'[9] :

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[8] Offences admitted by an offender can be 'Taken into Consideration' by a court when an offender is sentenced for a similar offence. There are rules governing the procedure which include sufficiency of evidence to support a charge if an offender refuses to accept the offence as TIC and a requirement to ensure that the offence TIC is not of a more serious nature than that charged.

> **"In most cases they were taken in a police car and asked to point out the houses or the premises they had burgled, a procedure known as 'nodding' because a prisoner customarily nods at the building he claims to have burgled." (Wilson et al 2001:63)**

Whilst such practices may be a legitimate means of detecting crimes, many of which would otherwise have remained undetected. The offences would then typically be treated as offences Taken into Consideration (TIC) or 'Prison Write Off'.

However such practices have been the subject of abuse. The investigation into abuses in Nottinghamshire was conducted by Bedfordshire Police and demonstrated the type of 'gaming' associated with these procedures:

> **"The Bedfordshire police discovered not only cases in which the offender had not committed the TICs that had been written off, but also that in some cases the offence which the offender had asked to be taken into consideration never happened in the first place. One man admitted to 37 burglaries, five of which were committed against people who insisted that they had never been burgled and a further five of which had taken place when he was locked up in prison." (Wilson et al 2001:63-64)**

The abuse of TIC procedures has long been the subject of criticism Ditton (1977) cited the comments of one Judge:

> **"Judge Smith said: a lad tries to get into 50 different cars, gets into the fifty-first, appears charged with it and 50 other offences to be taken into consideration. All it can be thought to be doing is to improve the detection rate of the Northumberland Constabulary. It is an abuse of the system whereby other offences are taken into consideration. I keep saying**

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[9] Offender serving a prison sentence can confess to offences which they committed prior to the commencement of their prison sentence. There are strict rules regulating the way the police should deal with these offences. The general rule is that if it is unlikely that a prisoner's sentence would be increased by placing the matters before a court then they should not be charged and the police should record the offence/s admitted as 'detected'.

it – no one takes the slightest notice of what I say." (Newcastle Evening Chronicle 5th Feb 1977: cited in Ditton1979:39)

'Nodding' involving 'Prison Write Offs' have also been the subject of abuse (Young 1990; Liekerman 1993; HMIC 1999; Wilson et al 2001; Waddington 1999):

"Nearer home was the notorious case of a member of the Kent Constabulary who encouraged those charged with some offences to confess to others which they had not committed in order to 'improve' the clear up rate. (Likierman 1993:16)

The 'prison write off' procedure like TICs creates a situation in which negotiations between officers and offenders can occur:

"In 1986, as sub-divisional commander I had an 'injured party' (the aggrieved party in a crime) complain about what he saw as complicity demonstrated by a detective in his case with a 'regular villain' who'd been 'captured' for the crime. As a somewhat puzzled member of the innocent public he felt excluded and wondered if this was 'not just some jovial game between the police and the criminals'. Both detectives in the case agreed this was the case, for the regular villain on a 'bender' (suspended sentence), who is willing to 'clear his slate' or 'take a few off the books' (admit outstanding, un-detected crimes) when he 'gets settled' (is sentenced and is settled in prison after initial assessments by the prison authorities), takes a main part in the drama in which he and the 'real polis' may have to re-enact again next year and the year after that" (Young 1990:270-271).

Chatterton (2008) noted the increased use of TICs as an alternative to 'prison write offs'. The officers interviewed by Chatterton raised concerns about the ethics and value of such practices:

"The range of housekeeping activities in which members of the forces represented in the study were said to engage, tended to vary across the forces. 'Cold prison' visits to convicted offenders for prison write-offs are a thing of the past but taking a prisoner out of jail, after a DNA hit, to

identify other premises where they have committed burglaries is still practised. Detectives in some forces appeared to be much more cautious than those in others when engaging in this practice and claimed they would not be able to persuade their Crime Registrar to accept as detections cases which apparently others experienced no problem in getting through. Our docket squad produce somewhere between 25 and 30% detection rate per burglary. They will respond to fingerprint and DNA hits but also trawl through the force system to look for offenders on bordering BCUs who have admitted offences and cold call them in prison before they are sentenced. [They] bring them out and see if they will admit any on us because they are obviously talking to police about admitting further offences." (Chatterton 2008:49)

10. 'SKEWING'

A third type of police gaming involves police forces concentrating their efforts on activities which have a direct impact on government performance indicators at the expense of other service areas. This is categorised as 'skewing'. Rogerson (1995) indicated that the tendency for 'what gets measured gets done' would result in police forces investing less time and effort on non-enforcement type activities. However HMIC (1999) noted this tendency also manifested itself in a reduction in the effort put into solving more serious crime and adverse comment was made on the low priority given to the investigation of rape offences cited in the report on police integrity which indicated such skewing of activity was unethical (HMIC 1999). In HMIC O'Connor's report (O'Connor 2005), recommending the amalgamation of forces, the lack of priority afforded to the investigation of serious crime, brought about by a focus on less serious volume crime, was cited as one of the main drivers for the proposed reform:

"Partly, they arise from the national focus on volume crime over the last 10 to 15 years, coupled with the development of a performance regime and regulatory / support infrastructure to complement that focus (for

> **example, the use of Compstat type mechanisms to hold BCUs to account).” (O'Connor 2005:8)**

HMIC O'Connor went on to note the differential impact this focus had on the most vulnerable members of society:

> **"Some victims, whether "allegedly unattached minors" entering the UK and being placed in care who then disappear into prostitution, or the exposure of youngsters to poorly supervised sex offenders, have no obvious platform to argue the case for better policing. They, like others who receive inadequate protection from any of the protective services, are without a voice. The performance paradigm needs to change to accommodate 'protection' as well as crime control" (O'Connor 2005:7).**

Chatterton (2008) also found evidence of 'skewing':

> **"The detrimental effects of the sanctions detection regime and the excessively rigid and bureaucratic approach to targets and performance management. A combination of these is having a pernicious and perverse effect on police operations. They are: diverting police priorities from serious crime to chasing minor offences; criminalising members of the public who are not criminals in the accepted sense; giving the public a false sense of security that serious crime is being detected with increasing effectiveness by the police; and undermining the discretion necessary for the impartial discharge of the office of constable." (Chatterton 2008:iii)**

As with 'cuffing', the issue of police discretion was viewed as potentially problematic Chatterton (2008). However in this Chatterton suggests that, rather than too much discretion, the problem is usually one of too little. The use of police discretion in the way offenders are dealt with has attracted academic debate since the 1960's. Goldstein(1960) stimulated debate on this issue in the 1960s by highlighting the fact that officers were routinely usurping the authority of the judiciary by using their discretion on who should and who should not be prosecuted for misdemeanours. This

use of discretion could well be justified by the police on apparently rational grounds
e.g. the offence was relatively minor and best dealt with by an informal warning.
However failing to arrest or prosecute a suspect because they had provided valuable
information would be altogether more contentious. For Goldstein (1960) the police
were not constitutionally competent to make those decisions which he felt were
properly the preserve of the judiciary. However, he did acknowledge that the practical
difficulties of referring every minor infraction of the law to the judiciary for disposal
(Goldstein 1960). La Fave (1962 &1965); Goldstein (1964); Davis (1969 &, 1975)
accepted that police discretion was both inevitable and in some cases desirable.
Reiner (1994) concluded:

> **"Translating general rules of law into enforcement decisions could not be
> mechanistic and automatic, but require a process of interpretation of the
> meaning of the rules, implying an inherently subjective element. The
> exercise of discretion was also desirable in principle, to avoid the
> oppressiveness of invoking the full panoply of criminal law to deal with
> incidents which were commonly regarded as not warranting this."**
> **(Reiner 1994:723)**

However, the impact of racial discrimination on police decision-making again raised
the whole issue of police discretion in the prosecution of offenders and a number of
studies found high levels of racial prejudice amongst police officers; Lambert (1970);
Cain (1973); Reiner (1978); Smith and Gray (1983); Holdaway (1983); Graef (1989).
However, Black and Reiss (1967) and Reiss (1971) studies, based on observations of
officer's behaviour, found that rude, hostile or violent behaviour by police officers
was unrelated to the race of the suspects. Smith and Grey noted:

> **"Police officers tend to make a crude assumption that suspects are black
> and to justify stopping people in these terms." (Smith & Gray 1983:128)**

Again whatever the motivation for the officer's actions, research by Smith (1983); Skogan (1990); Jefferson and Walker (1992) has shown that adversarial contacts with police officers, in turn contribute towards hostility towards the police. Enforcement of immigration controls , and conflict over cannabis (Smith 1991); deployment of the 'sus' (suspicious person) law (Brogden 1981); large scale disturbances at entertainment events involving black youth and police officers (Gilroy 1987); the way senior police officers defined the issue as a black/crime problem in the public debate (Lea & Young 1982; Benyon 1986; Gilroy 1987), and racial prejudice within the ranks of the police service, reflecting wider opinions held by working groups (Lambert 1970), have all been cited at different times as reasons for the decline in relationships between the police and the black community which culminated in large disturbances in the inner city areas of a number of cities in the 1980s.

Lord Scarman (1981) who conducted an inquiry into the causes of the riots encouraged the use of police discretion in the enforcement of the law indicating that the pursuit of prosecutions at the expense of community confidence was not an efficient policing model.

The other key way 'skewing' can occur is through the physical redistribution of resources. The government-inspired move to a more local Command Unit structure and the implementation of its Neighbourhood Policing strategy involved a re-distribution of police resources as each defined geographical neighbourhood was allocated a dedicated team of police officers and PCSOs. The Audit Commission (1991) recommended that resource allocations should be based on a model including factors such as reported crime levels and calls for service. The distribution of public

resources had been the subject of academic study in the 1960s and 70 when the

impact of social factors on the allocation of resources had been investigated. Aaron

Director maintained:

> **"Public expenditures are made for the primary benefit of the middle**
> **classes, and financed with taxes which are borne in considerable part by**
> **the poor and rich….any portion of the society which can secure control of**
> **the state's machinery will employ the machinery to improve its own**
> **position" (cited in Stigler 1970:1)**

However Lineberry (1976) failed to identify any measurable impact of class on the

distribution of public resources in the US. He attributed this to the fact that public

resources were distributed according to professional judgements as opposed to any

more scientific or formulaic calculation. However, Hope et al (2004) noted social

factors did influence crime reporting rates and calls for police service. They noted

residents living in deprived areas were less likely to report minor offences or incidents

to the police than those living in more affluent neighbourhoods. It was not known

how this factor would influence the distribution of police resources although it infers

that demand-based formulas have the potential to skew resources in favour of more

affluent areas. Chatterton & Bingham (2006) did highlight the negative impact of the

Neighbourhood Policing model on the resources dedicated to 'response policing', i.e.

the officers allocated to attend calls for public assistance, and the levels of service

they provided. They attributed this to a redistribution of resources to the

geographically based neighbourhood teams. However they did not specifically audit

how the resources had been distributed.

Although not directly related to the issue of 'skewing', Felson & Ouimet (2007) noted

from their study in Canada that crime investigations were generally more difficult to

solve in more deprived areas. Whilst it could be inferred from their findings that

overall police detection rates could potentially be improved by moving police officers

to more affluent neighbourhoods they did not explore this possibility. However Gibbs

& Haldenby (2006) noted that the police performance framework did not separate the

data on urban areas for comparison purposes: "The Home Office has been reluctant to

rank crime data for cities as one way of judging the performance of local forces".

They extrapolated the data on cities and produced their own league table

demonstrating that police performance in large cities was poor, maintaining that

locally driven policies would be more fruitful than national ones:

> **"The findings suggest that the Home Office's key target – that the crime in high crime areas should fall more quickly than in other areas – is insufficiently challenging. It is however, local rather than central initiatives that will have the greatest impact on crime" (Gibbs and Haldenby, 2006:12)**

However their research findings were challenged on a technical issue over the

population figures they had used to calculate crimes per thousand, (BBC News:

24.5.2006). This appeared to prevent further debate on the issues they were

highlighting. Their research was interesting because it demonstrated that overall

measures of force performance, as opposed to BCU performance, did not differentiate

between urban and rural areas. So overall performance could be improved by

transferring resources to rural or more affluent areas where crimes were often easier

to solve. Likewise BCU performance could be improved by changing the boundaries

of police command units to include neighbourhoods where crime levels were low, and

in this context Loveday (2006:25), for one, noted the trend towards larger Basic

Command Units (BCUs).

11. 'STITCHING'

The forth category of police gaming was 'Stitching', short for 'stitching people up', is a generic term used to encompass police behaviour designed to enhance the number of crimes apparently being solved by fabricating evidence against suspects or obtaining evidence by unlawful means. This could also include withholding evidence which could aid a suspect's defence. The most common objective of such unlawful behaviour would be the conviction of an offender at court and whilst such practices are a form of 'gaming', designed to improved performance based on conviction rates, they are not referred to in such terms in the literature. Examples of this type of behaviour have been observed by researchers: Waddington (1999:134) cites an example of officers excluding evidence from numerous witnesses as to the drunken behaviour of man in order to keep the case simple for case preparation purposes: McConville et al (1991:25-26) outline the circumstances of a case where the evidence against a youth who had obstructed an officer was 'enhanced' to justify his arrest: They also cite an example where words were put into a suspect's mouth in order to establish the element of criminal intent, 'mens rea', to substantiate an allegation of criminal damage (McConville et al 1991:70-71). This type of distortion of the facts to meet legal requirements was referred to by Dixon (1997) as the production of 'legalized' accounts; by Manning (1974:242) as 'paper reality'; by McConville et al (1991) as 'case building' and by Waddington (1999:136) as the "Ways and Means Act".

Young (1990) outlined some of the practices officers would employ to trick a suspect into making a confession. These included officers purporting to be the suspect's

solicitor or pretending to be a doctor thus being able to engage the suspect in unguarded conversation. Waddington (1999:136) cites the example of officers shining an ultra-violet light on the hands of a prisoner suspected of stealing property, which had been treated with a chemical die, and pretending that there was a clear chemical reflection. The suspect, believing the evidence against him was difficult to refute, made a full written confession.

Holdaway (1983), a serving officer, exposed the inappropriate practices being used by officers to secure sufficient evidence to secure a conviction. This involved officers fabricating evidence or recording false confessions; a practice referred to as 'verballing' (Holdaway 1983). Waddington (1991) also noted that the use of oppressive interviewing techniques, involving violence or the threat of violence, was a feature of the miscarriages of justice most notably those involving the West Midlands Police Serious Crime Squad (Kaye 1991).

The cause of such behaviours was attributed by Lustgarten (1986) to the adversarial nature of the English Criminal Justice system:

> **"The English police take an avowedly partisan stance in a system in which partisan contest is supposed to produce truth. And the evidential barriers reinforce bureaucratic and resource imperatives of avoiding trials in the vast majority of cases by producing guilty pleas. This is impossible in the Continental systems, where the accused is not permitted to plead guilty. This gives the English police substantially greater incentive to seek to obtain a confession from the suspect; more generally and ominously, it would seem to be a constant pressure leading them to overstep their powers against those they "know" are guilty." (Lustgarten 1986:2)**

Waddington linked this phenomenon to the fact that the police are required both to enforce the law and to protect the rights of suspects:

> **"Thus, the common experience of police officers in liberal democracies is that they and/or their colleagues are responsible for impeding the success of their own goals by implementing safeguards designed to make conviction more difficult. It is, therefore, unsurprising that officers attempt to circumvent these restraints." (Waddington 1999:139).**

However HMIC (1999) stated that such oppressive means of obtaining evidence appeared to have receded with the introduction of the Police and Criminal Evidence Act 1984:

> **"Despite there being a general feeling the rules are weighted too heavily in favour of the criminal rather than the victim of crime, this was not raised as an issue as frequently as might have been the case in earlier times, although some strong views to that effect were expressed. Whilst the Inspection Team concluded any bending of the rules is largely an activity of the past, broadly, it is seen by those still guilty of it as not being for personal gain but to protect society, and therefore not at the worst end of corruption. This is sometimes referred to as 'noble cause corruption,'" (HMIC 1999:21).**

That view was challenged by an internal review of court acquittals by the Met. Police which uncovered evidence of intimidating and coercive interview tactics:

> **"Two-thirds of the cases studied involving defendants who had confessed when interviewed but who had gone on to plead not guilty at trial, resulted in acquittal because of oppressive interviewing techniques (Guardian, 13 Sept 1999)"[10]**

Wilson et al (2001:94) also expressed some concerns about how effective the Act would be in preventing unauthorised contact with suspects:

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[10] This article appears to have been based on a leaked copy of the document.

> **"Still left scope for officers to have an 'off the record' 'quiet word' with suspects"** and custody officers who were charged under PACE with the task of preventing such occurrences **"would often collude with detectives by failing to record the visits." (Wilson et al 2001:94).**

However the fact that the cases of oppressive interviewing techniques, referred to in the leaked report (Guardian 13.9.99), resulted in acquittals suggested the safeguards introduced by PACE and enforced by the courts were actually working effectively to some extent. However, it cannot be confirmed from the research evidence available whether such techniques are widespread or not.

Whilst the fabrication of evidence to secure a conviction may or may not be in decline, not all means of obtaining detections are subject to the scrutiny of the courts. Cases which are not dealt with by placing the case before a court still offer the potential to employ 'stitching' practices. Tait noted, in his study of juvenile cautioning procedures in Australia, that lack of evidence was no barrier to detecting an offence through the use of a caution:

> **"The assumption of guilt underlies the practice of cautioning young persons….Formal cautions are in effect an extreme form of charge-bargaining: 'All charges will be dropped if you admit your guilt.'" (Tait 1994:61-62).**

Ditchfield (1976) also found that many cases dealt with as cautions would not normally have proceeded to court because of the minor nature of the offence however the administrative convenience of the cautioning procedure resulted in them appearing in the official criminal justice returns. Chatterton (2008) cited an example where officers were being encouraged to use cautions inappropriately:

"An example provided by a detective manager who, exceptionally, had resisted pressure to caution a juvenile to gain a sanction detection illustrates the type of offence repeatedly described in the groups. 'I have cases where a crime has come to me from HQ suggesting I review my decision. What was the last one? Oh, a complaint of assault. This young lad was running in a school corridor, aiming for his friend. He tripped over, missed his friend and bumped into a girl who pushed another girl into the wall and she banged herself and bruised her arm on the wall. There was no malice and it was not intentional but it had been crimed up as an assault on her. After I read it I wrote it off. I said, 'we will not be cautioning this offence. Please advise as to his behaviour in the future but I do not consider myself in the business of criminalising children for basically messing about'. Many officers placed in that situation would have felt obliged to caution the juvenile. (Chatterton 2008:42-43)

Chatterton (2008) cites another interviewee:

"So we're criminalising a lot of people and bringing them into the justice system who perhaps 10 years ago wouldn't have entered it. You know, kids fighting in the playground, one of the children now will come out with a criminal caution. Ten years ago we probably wouldn't have heard anything about an incident like that. If we had dealt with it there would have been no formal action." (Chatterton 2008:44)

Wilson et al (2001) also referred to abuse of the 'Detected No Further Police Action' (DNFPA) procedures which were highlighted in Nottinghamshire, in particular, in the mid 1990s. Home Office Counting Rules allowed in certain circumstances for offences to be shown as detected without there being a judicial outcome such as a charge, or where an offenders details are recorded on the Police National Computer for citing as 'convictions' e.g. caution, or Fixed Penalty Notice. Such circumstances would include informal admonishments for minor offences issued by a police officer, reported crimes where the suspect died during the course of an investigation; the CPS deciding, despite the evidence suggesting guilt, that it is not in the public interest to

pursue the matter to court or of victims refusing or being unable to provide evidence at court. Offences 'detected' in this way are shown on local crime recording systems as 'Detected No Further Police Action' (DNFPA). The quality control comes in the requirement for senior police officers to sanction such disposals in writing, after satisfying themselves that offences have been committed and with the guilt of the offender being clear. Prior to 2003 some DNFPA cases could be authorised despite the suspect being unaware that an allegation had been made against them e.g. when the victim did not to pursue the matter and feared alerting the offender because of the possibility of reprisals. This rule was referred to as the 'inflammatory consequences' detection rule. It was abolished by the Home Office in April 2003:

> **"This meant that detections in which the injured party had asked the police not to speak to a named perpetrator could no longer be counted as administrative detections." (Dodd et al 2004:105).**

The abuses referred to by Wilson et al (2001) involved recording offences as solved DNFPA when there was insufficient evidence to support such an outcome:

> **"The Home Office require that in order for crimes to be classified as DNFPA, there must be enough evidence to bring the charge, but this condition was omitted from Nottinghamshire's rules, allowing the force to claim a very high clear up rate for certain crimes, in particular sex offences. The clear up rate for rape in 1996 was an ostensibly impressive 98.6 per cent, but the Bedfordshire team discovered that, force- wide, 60 per cent of all charges would not stand up. The figure for indecent assault was higher, at 75 per cent." (Wilson et al 2001:64).**

Chatterton (2008) suggested that the use of Fixed Penalty Notices as a means of obtaining a 'detection' was also being abused by elevating minor disorders to more

serious public order offences that could be dealt with by Fixed Penalty notices resulting in the recording of sanctioned detections:

> **"Easy ways of getting sanction detections? Get them to produce penalty notices for disorder. Currently disorderly people are being done for a Section 5 Public Order Act, oh and for harassment." (Chatterton 2008:48)**

12. 'GAMING' AS A FORM OF POLICE DEVIANCE:

Peter Neyroud, then Chief Constable of Thames Valley Police, referred to police 'gaming' as 'administrative corruption' in the evidence he presented on behalf of the Association of Chief Police Officers (ACPO) to the Select Committee on Public Administration (2003). It is therefore of value to review the literature on police deviance and corruption in order to enhance understanding of the 'gaming' phenomenon. The literature on police deviance has tended to concentrate on the more extreme forms of illegal behaviour:

> **"Police scandals are of three predominant varieties: corruption, such as accepting bribes; procedural abuse that perverts the course of justice; and the excessive use of force against suspects." (Waddington 1999:121)**

For Herman Goldstein (1964;1975, 1977) the root of the problem lay in the way officers used their considerable discretion and he argued that managers should ensure officers were trained and provide with guidelines on how to use their discretion. However Manning (1977) maintained that the use of discretion made the police relatively immune to bureaucratic forms of control based on rules. That said Bordua

& Reiss (1966) noted the use of excessive rules was the preferred means of management for regulating officer behaviour. Manning and Van Maanen (1977) maintained this tendency to try and create rules to cover every contingency resulted in a situation in which it would be difficult for officers to use their discretion or make appropriate decisions in the extremely complex and dynamic environment in which they operate:

> **"The view [among officers] is there are so many regulations, covering so many aspects of the job, that routine work will intrinsically require violation of one or more of the rules listed in the 10,000-paragraph General Orders. (Manning & van Maanen 1977:79)**

Smith and Gray note that compliance with these rules does not automatically result in officers enjoying the favour of their supervisors:

> **"but they will not necessarily be praised, enjoy their work or achieve their career objectives if they keep to them." (1983:169).**

Smith maintained that there were three categories of rules to which officers operated:

> **"working rules", which cover the pragmatic way in which officers carry out their day to day work. "Inhibitory rules" which impede the "commonsense" outcomes officers feel morally justified in seeking to achieve, and are tempted to breach; and "Presentational Rules" which are the official officers' interpretation of events which present the circumstances in such a way that they appear to comply with the formal rules which govern the social transaction" (Smith & Gray 1983; Smith 1986).**

The difficulties in controlling police behaviour led Shearing (1981) to describe the police as a 'deviant organisation', and Holdaway's (1978, 1979)insider's account of

officer behaviour suggested that lower ranks were able to subvert formal policy with ease making a strong case for external control:

> **"One of the basic themes running through this book….is that the lower ranks of the police service control their own work situation and such control may well shield highly questionable practices." (Holdaway 1979:12).**

Moreover consistency in the patterns of the behaviours observed (Holdaway 1979) suggested something more organised and institutionalised was governing behaviour, simply than the individual exercise of discretion. In this respect Banton (1964) also noted that police officers tended to 'under-enforce' the law and his study of the use of discretion led him to conclude that actions were influenced more by moral values and the priorities accorded to different interventions which he suggested in turn were governed by the informal norms of the organisation. These informal codes of conduct subsequently referred to as the informal culture or 'police culture' spawned a number of studies of police behaviour (Cain 1973; Chatterton 1976, 1979, 1983; Holdaway 1977, 1979, 1983; Manning 1977, 1979; Manning P.K. and J. van Maanen (1977); Reiner 1978; Punch 1979, 1985). Reiner identified the main characteristics of 'police culture' as: mission-action-cynicism-pessimism; suspicion; isolation/solidarity; conservatism; machismo; prejudice; pragmatism (Reiner 1992). However, whilst Holdaway (1977) acknowledges managerial indifference in the form of turning a blind eye to the activities he tended to embed the problem of police deviance in the lower ranks.

Kleinig (1996a, 1996b) developed the idea of police culture further suggesting that the exercise of discretion was not simply an individualist issue, i.e. varying from

officer to officer, but one that conformed to a pattern. Kleinig called this influence "communal values" which he maintained served ends superior to the law and Waddington noted:

> **"If the exercise of discretion is guided by reference to basic community values, this implies that law is subordinate to these values; for if there is a clash between the two then we would expect communal values to prevail"(Waddington 1999:39)**

For Waddington this implied that officers seeking to achieve, what they believed to be 'justice', in the form of a conviction, by tricking or forcing a suspect to confess were acting altruistically. Gibbons (1995) referred to this type of behaviour as 'noble cause corruption'.

Skolnick (1966) identified another area of police activity where the lines between informal police practice and legal rules became blurred. This involved the cultivation of informants and Skolnick noted informants were allowed to engage in illegal endeavours, unimpeded or actively supported by their police handlers in return for information relating to the activities of more 'serious' offenders. Livingstone expanded this theme:

> **"When an officer arrests a mugger or a burglar, neither one has a stake in continuing the relationship, nor will the criminal have much to offer. In narcotics work, however, even the poorest street junkie may be able to offer something the cop legitimately needs: information that will eventually lead to an arrest of top-level dealers" (Livingston, 1996:424).**

The demise of the status of the CID and the shift in organisational emphasis from the need to secure convictions to obtaining sanctioned detections reported by Chatterton (2008) may challenge Livingston's assumption that the mugger or burglar has nothing

with which to 'barter'. Certainly Young (1990) noted the benefits in terms of

detections (TICs and prison 'write offs') to be obtained from a suspect facing a

custodial sentence.

Manning and Redlinger (1977) argued that police organisations were putting their

officers at risk of becoming corrupt by placing officers at what they referred to as the

'invitational edge of corruption' (ibid pg.149). Whilst the use of police discretion in

these circumstances was generally associated with victimless crimes involving vice or

drugs (Sherman 1974). Sherman (1980a) maintained that officers appeared to exercise

little discretion when enforcing serious offences of murder, rape etc, although that

position was weakened by the findings of the MacPherson report (1999); the scandals

involving collusion between drug dealers and law enforcement agencies in the

Netherlands (Van Traa, 1996; Justice 1998); and the activities of the paedophile Marc

Dutroux in Belgium (Neyroud and Beckley 2001:12). However the 'formal'

organisational element to police deviance was established:

> **"in other words, bribery and corruption tend not to occur through individual greed, but in particular policing contexts in which distance between individual officers and suspects is diminished" (Waddington 1999:125).**

The same point was reiterated by Miller in the Home Office-sponsored literature

review of police corruption. "This suggests that corruption arises in a systematic way

from the nature and context of policing." (Miller 2003:18). The response of offenders

to this environment is less well documented in academic literature. Smith (2006)

suggests that certain criminals are driven by the same entrepreneurial objectives as

legitimate businessmen and are likely to take advantage of any situation which

enables them to further their criminal enterprise and Miller noted that drug dealers in particular were actively seeking to become police informers in order to secure the 'protection' this status afforded them:

> **"It was widely believed by those interviewed that those involved in organised crime made it their business to target those within the police service. This was seen as essential to their criminal activities, as one investigator remarked: 'A good villain can't operate without having a bent officer… it's impossible'". (Miller 2003:21).**

13. THE ORGANISATIONAL DIMENSION TO POLICE DEVIANCE 'BOTTOM UP OR TOP DOWN:

Whilst the literature reviewed by Newburn (1999) and Miller (2003) concluded that police corruption was organisational in nature the concentration of research on the lower ranks created the view that operational police officers were immune from the influence of police management and that the inappropriate use of discretion was divorced from the actions of police managers:

> **"The wonder is that senior officers are able to exert any control or influence over their subordinates; but they can and do" (Waddington 1999:241).**

McBarnet (1978, 1979,1983), looked at police abuses of due legal process and argued that the positioning of police malpractice within the lower ranks, "the fall guys of the legal system taking the blame for any injustices (McBarnett 1981:156) abrogated senior officers, the judiciary and politicians of responsibility for such behaviours. Whilst the abuses referred to by McBarnett were largely addressed by the provisions

of PACE (Reiner 1991) and were generally viewed as corruption, be it 'noble cause,' other forms of malpractice including the 'gaming' practices outlined earlier would be less vulnerable to legal remedy. However they too are encapsulated by Kleinig's definition of corruption:

> **"Police officers act corruptly when, in exercising or failing to exercise their authority, they act with the primary intention of furthering private or departmental/divisional advantage." (1996:166)**

Klienig is of the view that corruption is primarily an ethical problem, legal and procedural elements being of secondary consideration, the motivation behind the acts being the critical ingredient "motivated by the spirit of corruption" (1996). Newburn who carried out a literature review on police corruption concluded:

> **"In attempting to define corruption, attention must be paid to the means, the ends and the motivation behind the conduct; corruption need not necessarily involve illegal conduct or misconduct on the part of a police officer (the goals of the action may be approved); corrupt acts may involve the use or abuse of organisational authority; corruption may be 'internal' as well as 'external', i.e. it may simply involve two (or more) police officers; and the motivation behind the act is corrupt when the primary intention is to further private or organisational advantage" (Newburn 1999:7-8).**

The evidence to suggest the involvement of senior officers in 'gaming' behaviour is limited. Kappeler et al (1994) noted that senior officers entered into an 'unholy alliance' with junior officers, tolerating illicit activities as long as they were effective and Diaz (1995) suggested senior officers manipulated performance information to give a favourable impression of the organisation. However the evidence to support such involvement is scarce and unlikely to be committed to paper. A rare exception involving 'cuffing' was uncovered by Burrows:

"an unusual instruction issued by the Metropolitan Police- which in effect advised officers not to record a burglary (by assuming an 'intent to steal') if there had been nothing stolen on entry to a property" (Burrows 2000:6)[11].

The example cited by HMIC (1999) of a Superintendent advising officers not to expend any more effort in the investigation of a rape than a vehicle crime was only a verbal instruction which is difficult to corroborate. Young (1991) provided a more comprehensive view of the involvement of senior officers in 'gaming' behaviour than that proffered by Simon Holdaway's perspective. Young acknowledged the involvement of the lower ranks, particularly detectives, in manipulating crime data as a form of 'easing the load',

"The first detectives I encountered in the 1950s …..were mostly cynical hard-bitten men who were fully conversant with the local political nuance and the machinations of the police committee. All of them manipulated their workloads with practiced ease, ensuring their formidable social life was not interfered with. They alone determined what was to be recorded as a crime and what would not" (Young 1990:319).

This type of behaviour is a trait associated with many 'street level bureaucrats' Lipsky (1980). However, Young also pointed out that senior officers were aware of such practices

"It seems obvious that the acquiescence of many senior officers in such trickery is necessary. They had come up through the ranks and must have known of such practices, for they would have had to follow the normal strategies in order to succeed; and in effect it was impossible for them not to know of the practice…so 'cuffing' was the order of the day everywhere, but could never be acknowledged" (Young 1990:324).

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[11] The offence of theft and burglary involves an intention to permanently deprive the owner of their property. What the intention of the suspect was at the time the offence was reported would usually be unknown. Hence the reluctance to record the offence as a crime at the time it was reported.

This observation of senior management's role in 'gaming' subscribes to LeGrand's (2003) analysis of Performance Management in which managers who actively engage in or acquiesce to such practices (Knaves) can become the dominant 'type' if allowed to continue their practices unchallenged. Bevan & Hood (2006) expanded this theme identifying four types of strategies managers employ in relation to 'gaming':

- **'Saints' who may not share all of the goals of central controllers, but whose public service ethos is so high that they voluntarily disclose shortcomings to central authorities.**
- **'Honest triers' who broadly share the goals of central controllers, do not voluntarily draw attention to their failures, but do not attempt to spin or fiddle data in their favour.**
- **'Reactive gamers' who broadly share the goals of central controllers, but aim to game the target system if they have reasons and opportunities to do so.**
- **'Rational maniacs' who do not share the goals of central controllers and aim to manipulate data to conceal their operations.**

(Bevan & Hood 2006:522-3)

Neyroud and Beckley acknowledged that chief officers were not immune to corruption and their involvement in such behaviours had contributed to the circumstances which led to Her Majesty's Inspector of Constabulary's inquiry into 'integrity' (HMIC 1999).

Young had earlier identified some of the negative traits described by LeGrand (2003) and Bevan & Hood (2006) in senior police officers suggesting that the most senior officers in the service had distorted crime data for their own ends as they alternated between the need to reduce crime levels to provide reassurance to the public about the effectiveness of the service or increase crime levels in order to justify continued or increased investment in police resources:

> "the world of 'crimes' and 'offences' seems, at times, to be a response as much to problems of shoring up the police social formation as to actual social problems. In every case, powerful chief officers and others of the ACPO ranks at the pinnacle of police prestige have only succeeded by mastering the etiquette and norms of police practice" (Young 1990:258).

Maguire's review of recorded crime data (1994) supports Young's contention that crime levels were subject to police control and that that control was linked to the political objectives of police leaders. Kettle (1980); Reiner (1983) and Taylor (1999) came to similar conclusions. Hal Pepinsky in his unpublished study on police behaviour in one British city (cited by Maguire 1994:259-260) observed how police varied crime data in pursuit of extra resources. The phenomenon Pepinsky observed is encapsulated by Young:

> "Almost overnight in some forces the detectives were encouraged to record as much crime as possible, although in others where the influence of social change perhaps had less pronounced effect, the 'cuffing' continued unabated." (Young 1991:325)

During their observations of police officers at work Smith & Grey (1983) noted that senior officers tended to turn a 'blind eye' to the dubious practices being employed by officers under their command:

> "There is often a conflict between informal objectives and norms of working groups of police officers and the formal objectives of the organisation. The authoritarian style of management that we have described in this chapter tends to make the gap wider, because managers become distant from working groups and do not try to persuade them to adopt objectives that fit with the organisation's objectives. In extreme cases (we have quoted some examples) this leads to a double think whereby the manager expects a working group to break formal rules but expects the groups to be careful to prevent him getting to know about it." (Smith and Gray 1983:314)

Ericson (1981:87) referred to this trait as "organisational hypocrisy". More recently

Chatterton (2008) cited examples which suggested the internal data quality controls

implemented by senior management were largely ritualistic:

> **"The groups were highly critical of the perceived duplicity of higher
> police management who were accused of issuing grand statements about
> the importance of police integrity but of ignoring the threats to integrity
> presented by the pressure they put on officers to achieve sanction
> detection targets. Let's also be honest about this, the Powers that Be know
> what's going on. OK their guidelines go out and we have data accuracy
> teams that look at stuff to make sure that we don't go over the cliff.
> However, it's random and that's deliberate because we're in a
> performance culture and whenever you are in any performance
> culture... as soon as you jump on board that train you can't get
> off it. It goes on year after year and it gets tougher and tougher.
> What people do under the performance culture they 'housekeep'
> but you can only housekeep to a certain extent and then the
> following year, particularly when you do well, you get even harder
> targets. You can't housekeep like that any more and that gets you
> into a very difficult situation because you are on that train. You have
> got to do something else then and that is when it starts getting
> ethically and morally wrong. I think we've hit that stage now with the
> politics behind it all. Certainly as far as I'm concerned we have got
> to the stage now where it's getting a bit dangerous because we're
> obsessed with it. Everybody is obsessed with it. It's not just our
> rank. We have to pass it down as well and when you get to the
> stage where all the middle management teams are spending 50%
> of their entire working life on, (I'll keep calling it housekeeping
> because I like housekeeping rather than what it really is),
> housekeeping the statistics, I find that incredible." (Chatterton 2008:46)**

Waddington provided some explanation for the behaviour exhibited by senior officers

concluding that they were obliged to be hypocritical as they were responsible for both

producing results and maintaining internal discipline:

> **"They are aware that subordinates cannot police "according to the
> book", but they are obliged to maintain the fiction that policing is rule-
> governed. This creates the contradiction that police organizations are
> both "punishment-centred bureaucracies" and also notoriously indulgent;**

> **for senior officers and middle ranking supervisors often give the "nod and a wink" to their subordinates, especially if the latter are achieving "results". (Waddington 1999:132).**

Miller noted the correlation between high performing officers and corrupt behaviour and suggested that "performance measures such as crime and clear up statistics" should be used as a means of detecting suspicious conduct in relation to individual officers (Miller 2003:38). Miller's approach subscribes to Sherman's (1978) 'slippery slope' theory of corruption that minor misdemeanours lead to more serious infractions (Sherman, 1978) i.e. officers involved in 'administrative corruption' are more likely to be involved in receiving bribes etc. However this theoretical position is tempered by Feldberg (1985) who argued that most police officers "have a clear idea when to draw the line between petty gratuities and bribery" (Ibid 1985:268). According to Edward Shev (1977), the hierarchical militaristic organisation of police departments created corruption. Shev believed that because authority moves from top to bottom, ineffective and corrupt 'street cops' are not removed from duty and end up being promoted and allowed to influence other officers. Miller (2003) also acknowledged that supervisors were more concerned with under-performing officers than those who were producing results:

> **"A potential problem identified by some PSU (Professional Standards Unit) staff, was the failure of supervisors or managers to look closely at officers who appeared to be performing well;** *Supervisors' attention goes to those who aren't performing, not those who are.*** (Miller 2003:20)**

This, if allowed to go unchecked, is the type of mechanism which turns 'knights' into 'knaves' (LeGrand 2003) or 'Reactive gamers' and 'Rational maniacs' (Bevan & Hood 2006) to become the dominant 'type'. Collier (2005) argued that 'good practice' spread from police force to police force partly through the promotion of those who

had demonstrated successful performance. Whilst Collier didn't refer to particular 'gaming' practices in his research findings, he agreed[12] that his theory of 'competitive metamorphism' would apply equally to the spread of 'gaming'. Chatterton (2008) cited one example of officers, seeking to improve performance through learning from 'higher performers', found that the methods being employed by their more successful counterparts were dubious:

> **"The groups were concerned that despite the alleged concerns about ethics in policing, current pressure from the management system is inducing more competitiveness and compelling people to engage in even more dubious practices: 'We can't be truly ethical about this because the rest of the BCUs aren't and we're not going to be the worse performing BCU. So as soon as you get a good performing BCU people from other BCUs go there to find out what they are doing that is going to benefit victims of crime on their area [sarcastic]. And nine times out of ten it's not to do with best practice, it's to do with how their housekeeping is better than our housekeeping. That's the way of life." (Chatterton 2008:46-47)**

The ease with which the officers, cited in Chatterton's study, were able to identify such 'gaming' practices again raises questions about the role of senior officers. Newburn (1999) and Punch (2000) identified poor supervision as a basis for malpractice and Lustgarten was clear on the role of senior management:

> **"it is for those in charge of the organisation to change its ethos and working atmosphere, career rewards and disincentives, so that its members come to identify their interests, individually and collectively, with the desired behaviour. Training and effective management supervision to reinforce its strictures would be a central element in any reform strategy. (Lustgarten 1986:127).**

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[12] Conversation recorded in field notes.

Whilst acknowledging the influence of informal organisational cultures Braunstein maintained this was no excuse for ineffective management:

> **"An organisation's past and present influences, beliefs, myths and patterns of behaviour – is powerful in shaping member behaviour and is itself open to being shaped by its members and by its leaders. Because leaders have formal power to shape the working environment, including sanctions and rewards for behaviour, they have disproportionate power for their numbers. When police leaders and administrators tolerate unethical organisational culture they are derelict in their duties and responsible for the unethical action of their troops" (Braunstein, 1999:123).**

Managerial inactivity in maintaining proper standards was not however unique to the police service and Paine (1994) noted similar attributes in other organisations which he condemned:

> **"managers who fail to provide proper leadership and to institute systems that facilitate ethical conduct share responsibility with those who conceive, execute and knowingly benefit from corporate misdeeds" (Paine 1994:106).**

However, Waddington noted that 'operational hypocrisy' protected senior officers from legal responsibility as they could claim lack of knowledge and point to the numerous rules and sanctions barring such behaviours as proof of their condemnation:

> **"Thus, senior officers can maintain "deniability" while allowing subordinates to flout strict interpretation of bureaucratic and legal rules. This, of course, serves only to discredit those rules further, for when the proverbial "wheel comes off" officers expect to be sacrificed and scapegoated for actions that were previously tacitly tolerated." (Waddington 1999:132)**

The legal problems inherent in establishing who is responsible for the actions of individual members of staff is not restricted to police organisations and Pfeffer &

Salancik (1978) noted the difficulties in holding management responsible for the behaviour of their subordinates:

> **"belief in personal causation of events is also lodged in our legal system. Organisations are typically not criminally liable, only individual managers are." (Pfeffer & Salancik 1978:150).**

For Goldstein (1960) and Zander (1994) the concept of individual officer responsibility was perfectly acceptable as they subscribed to the view that police officer's behaviour was subordinate to the rule of law which provided a powerful incentive to officers to comply with legal rules. Such a position was also supported by many senior police officers who believed that unethical behaviour was ultimately an individual characteristic:

> **"Good ethical cops do not need a rule to tell them not to steal, be brutal or plant evidence. They will not anyway. And if they are predisposed to do these things they will regardless of what the 'book' says because they – like criminals on the street – often do not believe they will get caught" (Tyre 1999:133).**

It should be noted that many of the 'gaming' practices referred to are not the subject of criminal laws although they are regulated by police internal codes of conduct which can result in disciplinary procedures. However some forms of police 'gaming' potentially contravene Human Rights legislation e.g. failing to investigate a victim's report of a crime (cuffing) or indicating an individual was responsible for a crime on a police data base when there is insufficient evidence to justify such an action (DNFPA). Neyroud and Beckley (2001) were of the opinion that Human Rights

Legislation, encapsulated in the ACPO 'audit guide' on the Human Rights Act, would

transform police behaviour:

> **"At the heart of the Act lies the challenge of further enhancing the
> transformation of our Police Service – within a more defined human
> rights culture. We need to do our business effectively, ethically and as
> transparently as possible within the confines of operational restrictions.
> This will be actively reinforced through best value legislation, which
> focuses on performance in service delivery. Performance in this context
> will mean the service looking critically at our ability to be compliant with
> legislative frameworks, of which Human Rights and Freedom of
> Information will be central in informing all aspects of organisational
> activity." (ACPO 1999)**

14. STRATEGIES FOR CONTROLLING POLICE 'GAMING' BEHAVIOUR:

Neyroud & Beckley (2001:156-159) have suggested that police corruption needs to be

tackled in the same way as any other criminal behaviour and have recommended that

Eckblom's (1999) crime science approach should be adapted and applied to police

corruption:

> **"to intervene to disrupt the conjunction of criminal opportunity, either by
> changing the situational or offender-related precursors in advance of the
> criminal event, or by preventing them coming together." (Eckblom
> 1999:10)**

They took the causal factors of police corruption identified by Sherman (1974) and

listed them under three headings which corresponded with the three elements of

Eckblom's model. Under the heading 'distil' they listed the causal factors: discretion;

peer group and managerial secrecy; status of the police role; community structure and

organisational factors: 'proximal' factors were listed as: low managerial visibility;

low public visibility; association with law breakers and legal opportunities for corruption through vice policing: 'reinforcing' factors were listed as lack of effective corruption controls; social organisation of the corruption; and moral cynicism. Neyroud and Beckley's approach implies that the implementation of such a strategy should be an internal matter. This however assumes that the senior echelons of the police service are not directing, encouraging or benefiting from the problematic behaviour. They do however acknowledge that the integrity of chief officers of police was not to be taken for granted:

> **"A series of chief officers – historically immune from such personal – involvement found themselves on the wrong end of very public discipline inquiries. Such was the level of national concern that the Association of Police Authorities pushed the Home Secretary for an inquiry into the recruitment and appointment of senior officers." (Neyroud & Beckley 2001:12)**

Establishing the source and causality of all forms of police deviant behaviour including 'gaming' is crucial if it is to be tackled effectively. For Goldstein (2005) this was essential if public confidence was to be maintained:

> **"Suggestions of a return to, or the need for, greater self-policing therefore invite close scrutiny of police organizational and cultural characteristics, past and present, and how they can frustrate accountability. In particular, we need to ask how they strengthen public accountability of and confidence in the police" (Goldsmith 2005:3)**

If the argument put forward by Delattre (1989) and Tyre (1999) that corruption is an individual trait, then identifying those personal characteristics and recruiting and developing those who exhibit positive characteristics and weeding out those who

deviate becomes the strategy for the prevention of 'gaming' along with other more serious forms of corruption. However Newburn (1999); Neyroud & Beckley (2001); and Miller (2003) suggest many forms of corrupt behaviour are organisational in nature and officers 'become' deviant after exposure to organisational factors:

> **"the consistency of the themes across national and criminal justice boundaries provides compelling evidence that the problems confronting policing are neither isolated nor simply 'events'." (Neyroud & Beckley 2001:13):**

The re-occurrence of similar forms of deviant behaviour led Neyroud and Beckley (2001:10) and Braunstein (1999) to refer to this phenomenon as a 'boom and bust' effect:

> **"scandal brings in its wake an attempt to 'clean up' the agency. Usually reforms ensue. However, as public attention to specific organisational problems inevitably wanes, other ethical issues arise, giving rise in some communities to apparently endless cycles of corruption and reform" (Braunstein 1999:124).**

For Neyroud and Beckley (2001) one solution to unethical police behaviour lay in a move away from a 'crime fighting' style of policing to a more locally accountable 'order maintenance' model as advocated, some years earlier, by Alderson (1979), Scarman (1981) and Wolff Olins (1988). However a previous generation of senior police officers in the US, epitomised by police chief O.W. Wilson who was of the opinion that policing should be free from local influences which could result in the uneven or partisan application of the law (cited in Elliston and Feldberg, 1985), a position supported by Sir Robert Mark the Commissioner of the Metropolitan Police in his response to Lord Scarman's recommendations. However whatever style of

policing was adopted Goldsmith (2005) argued that there was a need for external scrutiny of the police:

> **"Certainly, the case made over the past two decades for new, stronger forms of external oversight and control of policing rested firmly upon two factors of relevance: the ineffectiveness of internal control mechanisms in rendering the police publicly accountable, and the attribution of responsibility for many failures of performance and accountability for those failures to characteristics of informal cultures within police organizations" (Goldsmith 2005:2)**

Again the reference to the informal police culture as the source of inappropriate police behaviour which Chan argued was a "convenient label for a range of negative values, attitudes, and practice norms among police officers" (Chan 1996:10). It also implies that Senior Officers would be unable to exert any control over the officers under their command, a view challenged by Waddington:

> **"it perversely allows senior officers "off the hook", for whom voicing platitudes about "overturning police culture" (Woodcock 1991) and hand-wringing over its malign influence have become substitutes for effective action…..Attributing policy failure to the unreasoning obstruction of those who implement it is an effective, albeit reprehensible, strategy for deflecting blame." (Waddington 1999:107)**

Waddington (1999) cited the ability of senior officers to reform the police use of firearms (Fyfe 1979, 1982; Reiss 1980; Sherman 1980, 1983) and the way domestic violence incidents were dealt with (Edwards 1994) as evidence of their influence over officers under their command.

For Holdaway (1983) and Braunstein the means of controlling unethical behaviour was transparency on the part of the police and greater public participation in their control:

> **"when the police prevent the process, limiting public input or substituting their visions for the public's the police are acting unethically" (Braunstein 1999:126)**

Certainly the complicity of senior officers or their lack of desire to curtail malpractice highlighted in the literature reviewed suggests that external regulation was necessary. The use of independent regulators in the form of auditors or inspectors with the professional knowledge and expertise to provide political leaders with an assessment of the behaviour of the professionals providing the service has a long lineage and Aristotle noted:

> **"Some Officials handle large sums of public money: it is therefore necessary to have other officials to receive and examine the accounts. These inspectors must administer no funds themselves. Different cities call them examiners, auditors, scrutineers and public advocates" (cited in Normanton 1966).**

Auditors traditionally concerned themselves with 'how' state finances were administered in order to ensure they were spent in the appropriate manner. Their role expanded with the growth and professionalization of the public sector where the required level of expertise necessary for the management of such complex public organisations made it difficult for lay members to challenge the judgement of the professional managers. However in some professions separate lines of accountability were created, on the grounds that only their peers were qualified to judge the actions of fellow professionals. The legal and medical professions epitomise such a concept of peer accountability. Whilst such a position appears logical when trying to assess

the actions of an expert in a highly technical environment it is the antithesis of

accountability in the democratic sense:

> **"it is incompatible with the concept of accountability as a series of linkages leading from the people to those with delegated responsibilities via parliament and the managerial hierarchy since it brings on stage a set of actors who see themselves answerable to their peers, rather than to *demos"* (Day & Klein 1987).**

Whilst the spread NPM principles in general and Performance Management in

particular were designed to address this tendency towards professional independence,

the role of the audit function was extended from the purely financial, ensuring money

was spent as authorised, to commenting on efficiency and effectiveness. In 1961 the

Whyatt Report concluded:

> **"It is clear, therefore, that there is a growing consciousness that a point has been reached in the development of public administration in this country when some machinery should be devised which will enable Parliament to exercise supervision and control over the general administration of Government Departments as effectively as the House of Commons does through the Public Accounts Committee and the Comptroller and Auditor-General in the financial field." (Whyatt 1961).**

The Police Service had been subject to government inspection in the form of Her

Majesty's Inspector of Constabulary since 1856. Forces were subject to annual

inspections in order to ensure that the relevant Local Authority was providing an

efficient service and HMIC issued each force with a certificate of efficiency following

successful inspection (Raine, 2008). HMIC also advised the Home Secretary on

policing matters. In the 1980s the Inspectorate was rejuvenated (Wilson et al 2001:76-

77; Waddington 1999) and the Police and Magistrates Court Act 1994 extended their

role to include judgments on effectiveness and value for money, however they were

conscious that they needed to maintain a role in ensuring probity and standards

(HMIC 1999):

> **"the core business of HM Inspector of Constabulary is to encourage and monitor continuous improvement by police forces, and the issue of integrity is very much part of that process. Through inspection and day-to-day contact, Her Majesty's Inspector is confident HMIC will increasingly monitor integrity, the systems and the investigative and corrective measures for maintaining it, and Inspectors will become aware at an early stage of any failings. In the same way forces are urged to keep in view the human side of policing, HMIC, in its new role as 'best value' inspectors, will not lose sight of this important responsibility" (HMIC 1999:69).**

Whilst constitutionally independent of the Home Office HMIC are responsible for

ensuring Home Office policy set out in Home Office circulars is followed. The

Commission for Racial Equality (CRE) has also engaged with the police service in a

regulatory role following the Macpherson Report (1999) into the circumstances

surrounding the death of Stephen Lawrence and a number of reports scrutinising

police behaviour in relation to discrimination have been completed (CRE 2004 &

2005 Morris 2003) and the Home Office has sponsored research on the issue (Foster

et al 2005).

The Audit Commission, established under the provisions of the Local Government

Finance Act 1982, has also extended to embrace the police service and a number of

reports have been produced recommending improvements in efficiency and

effectiveness. The Audit Commission were also commissioned to validate the

reliability of the data on crime recorded by the police on behalf of the PSU in order to

ensure the probity of the information on which judgements on police performance

were based. However Argyris (1985) pointed out the limitations of audit based approaches to ensuring probity:

> **"the dream of many management information system designers is to design a tamper-proof, guaranteed-to-catch-the-culprit information system. If they succeed, they will also succeed in superimposing on defensive routines a control system that will call the individuals to new heights of creativity on how to bypass the threatening features of the information system." (Argyris 1985:417).**

The limitations of an audit approach to controlling 'gaming' was also commented upon by Bouckaert and Pollitt (2006) who noted the lack of robust evaluation of the benefits of NPM in general and Performance Management in particular:

> **"In practice, however, the steps taken to check whether these performance improvements have actually been realized have often been 'too little, too late'- and very light on independence." (Bouckaert & Pollitt 2006:14)**

Bevan and Hood (2006:534) went even further suggesting that the persistence of 'gaming', in the National Health System in particular and public services in general, were due in part to a tendency for government and its regulators to turn a blind eye to 'gaming'.

Many years earlier Young (1990) had highlighted the dilemma involved in exposing malpractice and indicated the likely consequences of publicising the extent and nature of the 'gaming' type behaviours he had outlined:

> **"To admit that 'bending' and 'fiddling' the account is the norm would be to acknowledge the fact that irreverence, disorder, and potential chaos sustains an institution which is allegedly geared to prevent its occurrence.**

> **Such a world is not one that police *habitus* is structured to contend with or even acknowledge; for any admission could easily reverse the direction of the application of power." (Young 1991:390)**

Onara O'Neill (2002) also pointed out that over-scrutiny can imply mistrust and lead professionals to deceive those who seek to exert control over them. This deception in turn leads to greater levels of distrust:

> **"Currently fashionable methods of accountability damage rather than repair trust. If we want greater accountability without damaging professional performance we need intelligent accountability". (O'Neill, 2002, 57-58)**

O'Neill went on to expand on the concept of intelligent accountability:

> **"Intelligent accountability, I suspect, requires more attention to good governance and fewer fantasies about total control. Good governance is possible only if institutions are allowed some margin for self-governance of a form appropriate to their particular tasks" (2002:58).**

This theme is reflected in Power's work on the auditing of organisational performance:

> **"There are clearly many circumstances where we think that some checking and monitoring is justified and where it would be unreasonable not to learn from the experience of disappointed expectations. What we need to decide, as individuals, organizations, and societies, is how to combine checking and trusting. What kind of activities should be checked? How much explicit checking is enough? How does checking affect those who are checked and when does the demand for monitoring become pathological? Can the benefits of checking be clearly demonstrated? (Power, 1997:2)**

Power was concerned that scrutiny mechanisms would become predictable and easy to circumvent:

> **"the audit society is a society that endangers itself because it invests too heavily in shallow rituals of verification at the expense of other forms of organizational intelligence" (Power, 1997:123).**

He went on to suggest that checks should be random and that the use of 'whistleblowers' should be encouraged by the regulators, a strategy endorsed by the Commission for Racial Equality (CRE) (2005:183)[13]. Power's approach appears consistent with internal reform involving police management in maintaining appropriate standards of behaviour and the official response, to the corruption scandals involving a number of Australian police forces, endorsed such a response:

> **"The Commission is firmly of the view that the Service [NSW Police] should endeavour to move from the formal adversarial model to a more managerial or remedial model that places the responsibility on commanders at patrol or equivalent level to deal with complaints and matters of discipline. … The best platform for change does not involve the preparation of a new set of rules and regulations and the imposition of a more vigorous regime for their enforcement. Rather it involves the Service setting proper professional standards and then doing whatever it can to encourage its members, in a managerial way, to lift their performance. Unless this is achieved, no system of discipline or complaint management will ever bring about reform. At best it will be a safety net (Wood, 1997b, 330)**

However Goldsmith concluded:

> **"Ultimately we will need to trust our monitors and accountability systems to do the right thing" (2005: 465).**

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[13] The IPCC are the designated appropriate body for police officers to make disclosures under the provisions of the Public Interest Disclosure Act 1998.

15. CHAPTER CONCLUSION:

It is clear from the literature reviewed that for performance management to be successful as a means of holding the police to account it is essential that 'gaming' is controlled. The particular types of 'gaming' behaviour peculiar to policing have been identified. The different views on the causal factors behind such behaviours have been outlined. Whilst the current consensus of opinion suggests the phenomenon is organisational in nature the scale is unknown and role of senior management in its persistence is disputed.

Establishing the existence and scale of current 'gaming' behaviour appears to be the key to making an informed comment on the role of police management and those bodies charged with regulating and governing the police service in England and Wales.

CHAPTER 3

METHODOLOGY:

The review of the literature on Performance Management suggests that 'gaming' behaviours need to be effectively controlled if performance management systems are to deliver their full potential. The literature on police deviance indicates that police 'gaming' practices can have a significant impact on performance measures although the extent to which these practices persist today is disputed, HMIC (1999) stating that they are confined to small pockets, Burrows et al (2000) that they are more widespread. The organisational nature of police 'corruption' is supported by the literature although the role of senior management in 'administrative' or 'noble cause' corruption is disputed (Braunstein (1999) vs. Tyre (1999). The regulatory framework appears extensive although there are few detailed studies on the effectiveness of the various regulatory bodies.

The aim of this thesis is to explore those disputed areas in order to provide some resolution and examine the workings and impact of the regulatory bodies. The research questions can therefore be stated more fully as:

"What is the extent of gaming practices that have developed in response to introduction of Performance Management?"

"What has been the impact of the regulators on 'gaming' practices?"

The research design has been structured into three distinct phases and the methodology incorporates elements of both 'Grounded Theory' (Glaser & Strauss 1967) and 'Analytic Induction' (Znaniecki 1934). Whilst the research relies heavily on quantitative data this is supplemented with elements of qualitative research. In addition it builds upon the author's background as a practitioner. The study has involved a certain amount of ethnographic style research, in particular by drawing on the experience of other practitioners with specialist knowledge. In this way the research has explored and sought an understanding of the phenomenon in accordance with an interpretive hermeneutic approach.

The first phase of the research design was primarily 'grounded' in the data and documents collected by the author as part of his day to day functions of a police middle manager. It could therefore be said that the evidence was gathered prior to the precise formulation of any hypothesis thus conforming to one of the major tenets of 'grounded theory'. As the data was being collected without any theoretical constraints it avoided the methodological pitfalls identified by Wax:

> **"Strict and rigid adherence to any method, technique or doctrinaire position may, for the fieldworker, become like a confinement in a cage. If he is lucky or very cautious, a fieldworker may formulate a research problem so that he will find all the answers he needs within his cage. But if he finds himself in a field situation where he is limited by a particular method, theory, or technique he will do well to slip through the bars and try to find out what is really going on." (Wax, 1971:10)**

That said the data being collected was not random but shaped by the author's previous training in applied social science techniques and an academic interest in Performance Management. Whilst the positions the author occupied during the period covered by the research provided "a distinct opportunity …..to perceive reality from the

viewpoint of someone "inside" the case study rather than external to it." (Yin 1994:88), it does of course encounter the problem of researcher bias (Yin 1994: 87-89) with the selection of documents and their interpretation potentially vulnerable to being shaped by the author's own perspectives. Beck (1992) and Harris (2001) advocate that the author's background and involvement in the research should be declared in order for the reader to place the research in context. For that reason a short resume of the author's career has been provided at the start of the thesis.

This 'grounded' first phase of the research, which was primarily confined to an examination of the West Midlands Police force, yielded information on a number of different forms of police 'gaming' behaviour. These were consistent with 'gaming' practices outlined in the literature and enabled the behaviours to be categorised into a typology of four forms of 'police gaming. As such the approach followed a method advocated by Burgess as it:

> **"relies upon the researcher blending together personal experience with theories and data in order to make some contribution to our understanding of the social world." (Burgess 1984:183)**

The development of a typology conforms to Weber's concept of 'ideal types':

> **"formed by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete more or less present and occasionally absent concrete individual phenomenon…arranged according to those one sidedly emphasised viewpoints into a unified analytic construct" (Rogers 1969:17).**

This methodological tool makes explicit the "unique individual characteristics of a cultural phenomenon" (ibid.28) and enables the construction of a model which can be used to categorise and conceptualise the phenomenon under study.

The thesis relies heavily on statistics and documents, linking known incidents or events involving 'gaming' practices to changes in the statistical profile of forces. The documents referred to explain the 'gaming' practices and explanation for interpreting the changes in the statistics. The patterns revealed in the performance data provide an indication of the scale of police behaviours in this regard. Whilst the links between the two are generally self evident, it was considered important to reinforce the author's interpretations by reference to third parties, who could provide a more independent perspective. This is approach, known as 'investigative triangulation' (Denzin 1970) guards against researcher bias. To this end interviews were conducted with two sets of West Midlands Police officers: one set being former police officers who had served in the West Midlands Police during the period 1994 – 2005. Three officers carried out specialist functions which provide them with an insight into the impact of Performance Management on specific force functions; a further interviewee provided a view of the changes from a general operational perspective. Their areas of expertise are outlined below:

Interviewee D	Crime Policy
Interviewee E	Child Protection
Interviewee F	Operational
Interviewee G	Diversity

These officers reviewed the evidence gathered by the author and filled in some knowledge gaps in relation to their specialist policy areas thus providing "corroborative evidence for his own observations and apercus" (Burns 1972:3).

The second set of interviewees had all served in the West Midlands Police prior to 1994. They reviewed and offered their interpretation on specific data sets and documents relating to the West Midlands Police over the period of the study. These officers, all now retired from the police service, were selected because they were known to have specific skills and experience in the interpretation of performance data and/or audit/inspection. Their areas of expertise are outlined below:

Interviewee A	Staff Officer: Her Majesty's Inspector of Constabulary
Interviewee B	Staff Officer: Her Majesty's Inspector of Constabulary
Interviewee C	Member: Association of Chief Officers of Police

Two of the interviewees (A & C) had published academic works on the impact of Performance Management on the police service. The author had had limited contact with these officers since they left the West Midlands Police, although knowledge of their career profiles did contribute to their selection and no doubt personal contact in the past contributed to securing their co-operation.

The interviews with these three interviewees (A, B, & C) needed careful planning. The interviews were structured into two parts; a semi structured interview (APPENDIX A) was conducted in which their views on the impact of Performance Management on the police service in general and the West Midlands Police in

particular was elicited. The second part involved them responding to the data and documents collected by the author during the first phase of the research. In the initial interview none of these interviewees attributed the performance of the West Midlands Police to 'gaming' practices although all three indicated that they believed a subscription to performance management techniques had improved the force's performance. That view changed once they had examined the evidence presented to them. A list of all the interviewees, their particular qualifications and the documents they reviewed are provided (APPENDIX B), a summary of the documents they reviewed is provided (APPENDIX C).

All interviews were tape recorded (on the understanding that, although their personal details would be anonymised, it would be impossible to conceal completely their identity from those they had worked with in the past because their career profiles, skills and expertise identified them). All agreed to participate under those conditions. Retired officers were selected as this was felt necessary to avoid them feeling restrained by their employment status. Whilst, no doubt, it would also have been beneficial to obtain the views of currently serving chief officers on the documentation under review, this was considered infeasible and rejected as a research strategy because of the likelihood of responses being either defensive or unduly influenced by their position. However, public pronouncements by senior officers on some of the 'events' or occurrences involving 'gaming' behaviours were used as a means of eliciting their explanations. This approach was similar to the rationale adopted by Van Maanen in his selection of rank and file officers as interviewees:

> **"Not only do they make better informants (reveal more)...... Not only do they have less to lose objectively, but they are under less strain to appear**

faultless to either their internal or external audiences" (Van Maanen 1974:88).

The second phase of the research conformed to an 'Analytic Inductive' approach following the steps listed by Robinson (1951:813):

1. *Definition of the phenomenon to be explained:* In this case police 'gaming' practices linked to Performance Management – particularly 'cuffing', 'nodding', 'skewing' and 'stitching'.

2. *Formulation of a hypothetical explanation of the phenomenon:* The fluctuations in the statistical data, collected and examined during the first phase of the research, were hypothesised as being attributable to 'gaming'.

3. *Testing of the hypothesis against the case:* similar occurrences involving 'gaming, were identified and subjected to statistical analysis. It was hypothesised that patterns would be evident from an examination of the performance data.

4. *Reformulation of the hypothesis if the initial one does not fit the evidence or redefinition in order to exclude the particular case:* Only minor reformulations were necessary.

5. *Practical certainty is achieved with a small number of cases but negative cases disprove the explanation and require reformulation.* Statistical patterns were evident in police forces known to have experienced 'gaming' practices in the past, prior to the commencement of the research. The patterns were also evident in those forces where 'gaming' practices were exposed during the

period of the study, thus supporting the hypothesis that 'gaming' practices persisted.

6. *The examination of cases, redefinition of the phenomenon and reformulation of the hypothesis is continued until a universal relationship is established:* The consistency of the behaviours studied suggests that the phenomenon was influenced by social forces. However it was also evident that such behaviours could be changed and therefore were not the product of some all encompassing universal law in a 'positivist' context.

*(Robinson 1951:*813)

This second phase of the research involved reviewing Home Office, HMIC documents, media reports and academic articles in order to identify incidents involving similar types of 'gaming' experienced by the West Midlands Police. On-line internet chat rooms used by police officers e.g. www.Policeoracle.com were also scanned to obtain evidence of 'gaming'. Once 'incidents' or 'events' involving 'gaming' were identified the statistical performance profile of the force concerned was examined in order to establish if a similar pattern associated with 'gaming' practices noted in the West Midlands Police performance data sets was discernible. The identification of similar statistical patterns in other police forces, known to have experienced 'gaming', helped establish the consistency and scale of the phenomenon and reinforced the interpretation of the statistical evidence from the West Midlands Police. The consistent nature of the patterns associated with 'gaming' behaviour provided 'external validation' (Burgess 1997:143-144).

The primary use of statistical data sources to measure police organisational behaviour as opposed to the level of reported crime or offences brought to justice conforms to the approach advocated by Kitsuse and Cicourel (1963) who maintained that recorded police crime statistics were merely 'indices of organisational processes' of little value in the study of the phenomenon they purported to measure. Supporting this approach Black (1970) concluded that recorded crime rates were 'an aspect of social organisation' of value only for the purpose of studying those who produced the data.

Basic data on recorded crime and detections was initially accessed from the published Home Office annual crime bulletins. However the scrutiny carried out during the research required access to the unpublished specific data on individual offence types and access to the data on offences subject of 'no criming' procedures. The unpublished more specific data on how offences were disposed off by 'detection' type was also required. This data was made available by the Home Office under the provisions of the Freedom of Information Act (FOI) 2000. A number of other requests for unpublished documents were also made under the provisions of the FOI. Only a small number of requests were withheld under the provisions of the Act and in only one case was an appeal submitted to the Information Commissioner. The full details of this are referred to in the main body of the thesis.

The introduction of a 'false reported' policy (designed to counter individuals seeking to report crimes that had not occurred in order to defraud their insurance companies) corresponded with a marked reduction in recorded crime in the West Midlands Police area. In order to establish if other forces had introduced similar policies and experienced similar reductions in recorded crime levels a letter was sent to all forces

requesting copies of any such policy; the date it was introduced, and any assessment of the nature of the problem it was designed to address. A 'problem profile' produced as part of the National Intelligence Model (NIM) process was anticipated from those force which had introduced the policy. It was also expected that the policy would be subject to some form of assessment under the provisions of the Race Relations (Amendment) Act 2000 which placed a duty of all forces to carry out an 'impact assessment' on all policies. The requests were made under the provisions of the FOI which enabled police forces to disclose the information required. The letters were sent in August 2006 and by April 2007 all the responses had been returned. Once the replies were received it was possible to observe if the introduction of the policy corresponded with a reduction in recorded crime.

Exploring if improvements in performance were due to 'skewing' organisational effort away from the investigation of 'serious' crime towards less serious and often easier to solve crimes did prove difficult, partly due to inconsistencies in the recording and detecting procedures employed by the police over time. However the research on crime recording procedures and detections rates had provided some understanding of the variables influencing the crime recording and detection rates. Sexual offences and child abuse were specifically chosen as the 'serious' crime types for analysis because neither happened to be subject to central government performance indicators until 2005. Even then, forces' performance grades were based on an assessment by HMIC as opposed to the number of such crimes recorded and/or detected. These offences were also chosen because they had been identified as vulnerable to shifts in priorities (HMIC 1999) - a point reiterated by Peter Neyroud, the chief executive of the National Policing Improvement Agency (The Times 13.11.2007). In anticipation that

inter-force statistical analysis would prove problematic, a factor identified by HMIC/HMcpsi (2007), it was necessary to rely heavily on the internal documentation appertaining to the West Midlands Police and on case studies which had occurred in this force area.

The methodology employed to assess any physical re-deployment of police officers influenced by recorded crime data and/or government priorities, involved recording changes to constable establishments (number of constables allocated to each police command unit) over the period when the West Midlands Police was reorganised into a Basic Command Unit (BCU) structure in 1997. This was done by superimposing data on the number of constables allocated to each BCU on to maps depicting levels of deprivation and reported incidence rates for various crime categories. This provided a simple but very visual approach to analysis (Patrick 2004a and 2004c). Difficulties of accessing the equivalent data in other police force areas curtailed this methodological approach to the West Midlands Police area only.

The unlawful nature of 'stitching' type behaviours makes it difficult to quantify from national statistics on detections. In this case some insight and quantification is provided from official documents examined as part of the research.

The third part of the research involved a review of the performance of the various regulators. Examining the official documents relating to those forces which had been identified with various types of 'gaming' behaviours provided an insight into the

workings of the official police regulators. By identifying the action taken by the regulators is was possible to comment on their effectiveness in controlling 'gaming' in the police service.

During the course of the research it was established that one Police Authority had challenged the introduction of a 'false reporting' policy. A Police Authority performance officer from this force was interviewed in order to establish the rational for their opposition. An experienced journalist[14] was also asked to comment on an unpublished HMIC inspection report in order to gauge the reaction of the media to such information. The Fawcett Society, a charitable body established to promote the rights of women, made public the un-published results of Home Office research on the conviction rates for rape by police force area, during the research. An interview was conducted with a representative of the Fawcett Society in order to establish how they had accessed the data how effective they felt publication had been in pursuing the objectives of their organisation.

It was anticipated that the 'triangulation' of different methodologies (Denzin 1970), provided 'internal' and 'external' validation (Burgess 1997:143-144). The close analysis of the experience of the West Midlands Police provided the micro level of analysis and interpretation which could then be used as a template on which to base further national analysis as statistical patterns were sought in other forces and nationally.

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[14] Chosen because he was resident in the West Midlands and willing to invest the time and effort reviewing the document which was too dated to be newsworthy.

The mix of academic and practitioner methodologies, the use of audit approaches and legal devices such as the Freedom of Information Act followed an approach advocated by Leeuw:

> **"I believe that the strong points of evaluation (the methodology applied and attention paid to theories and theory-driven evaluations) with the strong points of audit (the orientation towards management, the focus on following the money, and the attention paid to documentary evidence) may lead to a new inter-discipline in the twenty-first century." (Leeuw 1996:69)**

The ethical issues involved in the collection of documentary evidence are overcome by the use of the Freedom of Information Act 2000. Whilst many of the documents used as data sources were already in the public domain some were not. These internal documents, after all, were never expected to be released to the public and the candid nature of their content is testimony to that. They are however legitimate sources of evidence under the Freedom of Information Act 2000[15]. In any case the nature and consequences of the evidence uncovered would outweigh any ethical considerations in favour of protecting those responsible. In fact suppression of the evidence would be a much more serious breach of ethics.

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[15] Copyright law does make their reproduction in full difficult however referencing their content is not problematic. (Copies of the full documents can, in any case, be obtained directly from the source organisations under the provisions of the Freedom of Information Act).

CHAPTER 4

CRIME RECORDING AND 'CUFFING':

An introduction to crime recording, 'cuffing', and the National Crime Recording Standard (NCRS)

1. INTRODUCTION:

For Performance Management to be fairly utilised as a means of control it is essential that the data on which it is based is both reliable and relevant. Indeed Bevan and Hood (2006) suggested the system used to capture the statistical information on performance must be 'game proof'. In the case of the police service this involved designing a system which prevents the under-recording, 'cuffing' (Young 1991) or the over-recording of reported crime, (Farringdon & Dowds (1985); Wilson et al 2001)[16]. The evidence from the literature reviewed in chapter 2 suggests that 'cuffing' was the more prevalent form of 'gaming' in this area. The first step in designing the current system was defining unambiguously what constituted a crime and when it would be recorded by the police as such. This was necessary to achieve 'a level playing field', so that the performance of similar police forces and command units could be compared. Tight definitions and systems for capturing the data were required in order to prevent officers failing to record reported crimes or recording offences as lesser crimes (FitzGerald et al 2001). Legal definitions, e.g. the definition of theft is contained in the Theft Act, were used to categorise incidents as crimes according to the law which has been breached. However police officers are still required to use their expert knowledge to interpret the circumstances outlined by the victim into the

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[16] These are more related to the practices covered in the chapter on 'nodding' as they were designed to improve the detection rate: suspects admitting offences which had not been previously recorded.

legal framework which determines whether a particular incident is a breach of the criminal law and therefore constitutes a 'crime' which they will record and investigate. The use of police officer discretion at the point of contact with the victim was a potential weak point in the crime recording system as officers decided whether or not a crime had been committed or not. Curtailing the inappropriate use of officer discretion as a filtering device was therefore of paramount importance. Ensuring tight definitions also facilitated a robust auditing regime, another important element of a performance management system. The interpretation and any clarification of the rules are overseen by the Home Office; auditing the reliability of the recorded crime data is the responsibility of the Police Standards Unit (PSU) which sub-contracts the actual auditing to the Audit Commission. In the past Her Majesty's Inspector of Constabulary (HMIC) checked the reliability of recorded crime data as part of their scrutiny function however that responsibility was passed to the PSU in 2002. In this chapter the current crime recording system is examined in order to determine the extent to which it is 'game proof'.

CHAPTER STRUCTURE:

The chapter examines the threat 'cuffing' poses to the establishment of a crime recording system reliable enough for control purposes and explains the rationale behind the National Crime Recording Standard (NCRS). Other factors which influence recording levels are also identified and discussed.

2. THE THREAT POSED BY 'CUFFING':

In the UK the accuracy of recorded crime data has been the subject of academic interest for a number of years: McCabe & Sutcliffe (1978); Steer (1980); Bottomley & Coleman (1981); Ekblom & Heal (1982); Farringdon & Dowds (1985); Burrows (1986); Burrows & Tarling (1987); Farrington & Burrows (1993);Young (1990); HMIC (1996); Coleman & Moynihan (1996); Waddington (1999); HMIC (1999); Burrows et al (2000); Wilson et al (2001); and FitzGerald (2002). The 'gaming' practices which lead to the intentional unwarranted under-recording of crime identified by these studies is referred to as 'cuffing' (Young 1990). This term is used in some of the literature to refer to the practice (Burrows et al 2000; Wilson et al 2001). The 'cuffing' documented in the academic literature referenced above was facilitated by a subscription to an 'evidential' crime recording standard (Burrows et al 2000) which required the victim to provide evidence of sufficient weight to convince an officer that a crime had actually been committed. For example a shopkeeper reporting a window smashed would have to establish that it had not been broken accidentally e.g. by a stone flicked up by a passing vehicle. Or a person who had had their purse stolen from their shopping bag would have to prove that they had not simply lost it. Both these incidents are difficult to prove conclusively without witnesses and, in the past, might well not have been recorded by the police. Whilst opinions on the extent to which cuffing was still prevalent are divided; HMIC (1999) maintaining that it was minimal, Burrow's et al (2000) that it was still a significant factor experiencing a renaissance associated with the advent of performance management. In order to standardise crime recording procedures throughout England and Wales the Government introduced the National Crime Recording Standard

(NCRS). It was hoped that this would ensure consistency across the country (Simmons et al 2003).

3. THE GOVERNMENT'S STRATEGY TO DELIVER A RELIABLE AND CONSISTENT RECORDING SYSTEM:

The National Crime Recording Standard (NCRS) was introduced in April 2002 in order to address the flaws identified (Wilson et al 2001) and was heralded by the then Home Secretary David Blunkett's comment:

> **"It is vital to measure crime accurately if we are to be able to tackle it effectively." (July 2001).**

The NCRS states:

- **Following the initial registration, an incident will be recorded as a crime (notifiable offence) if, on the balance of probability:**
- **(a) the circumstances as reported amount to a crime defined by law**
- **(the police will determine this, based on their knowledge of the law and counting rules), and**
- **(b) there is no credible evidence to the contrary.**
> **(Home Office 2006: Appendix A)**

The NCRS aimed to underpin the performance framework and police forces with similar demographic characteristics and crime levels were placed in family groups enabling their performance to be compared against their peers and national averages.

The NCRS also aimed to enhance victim sovereignty by encouraging a victim focussed approach to crime recording thus enhancing trust in the police. An 'evidential' standard usually resulted in the victim having to prove that a crime had occurred and in some cases endure rigorous cross examination from the investigating officer. However the NCRS did not remove officer discretion as the 'balance of probabilities' element still allowed the recording officer to make the final judgment on whether a crime had occurred or not:

> **"NCRS can be seen as a shift towards a prima facie based model of crime recording, although it should be stressed that the NCRS does not imply pure 'prima facie' crime recording"** (Simmons et al 2003:3-4).

Prior to the introduction of the NCRS in April 2002 there were two extremes of recording:

> **"The 'prima facie' model, where details of allegations are accepted without scrutiny, and the 'evidential' model, where details require to be substantiated before a crime record was made"** (Burrows et al 2000: vii).

However the position of individual forces on the continuum between 'prima facie' and 'evidential' standards, prior to the introduction of the NCRS, was unknown. There was also a change in the interpretation of the NCRS during the period of this research. In October 2005 the Home Office advised that the 'balance of probabilities' criteria should only apply to 'third party' reports e.g. where a witness observed a crime and reported it to the police, in the absence of confirmation directly from the victim. This appeared at odds with documentation from the West Midlands Police which demonstrated that the 'balance of probabilities' standard was being applied in that force to all reports, including those made by the victim. However in September

2006, it was confirmed by the Home Office that the 'balance of probabilities' criteria should apply to all reports[17]. It is not known exactly when, in the period between 2002 and September 2006, or why this change occurred. (It was also noted that a change in personnel had occurred in the Home Office department responsible for overseeing the NCRS. In 2005 a senior Home Office statistician carried out the role of NRCS 'guardian'; in 2006 the function was being discharged by a Police Superintendent on secondment to the Home Office). This change in interpretation confirmed that the individual officer to whom a crime was reported still had the discretion to record the crime or not. One of the interviewees in this research, who had a good knowledge and experience of the NCRS and its interpretation, was of the opinion that the 'balance of probabilities' standard was too 'loose' for control purposes:

> **"The national document [NCRS] is a fudge….you are giving them a subjective standard, you are allowing them to assess subjectively if a crime has been recorded or not and of course what they will do is if it suits them is say well my belief is that there isn't sufficient evidence to support and somebody else could say 'there is', so you end up back almost to where you were originally, if you wanted it to be." (Interviewee D)**

Forces which had encountered problems involving crime recording procedures, tended to respond by adopting a 'prima facie' standard, e.g. Nottinghamshire and Greater Manchester Police (GMP) as Burrows et al noted:

> **"Both of these forces have faced recent criticism *(circa 1997)* [18]of their crime recording practices by HMIC[19]. In response both have invested**

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[17] Field Notes of Conversations with staff at the Home Office RDS.
[18] Inserted by author
[19] Exact reference not provided in source document footnote comments "This also encompasses crime detections: in recent year, GMP has decided to abandon 'post sentence visits', leading its clear up rate to fall from 34 per cent in 1993 to 18 per cent in 1997 (HMI report)" (Burrows et al 2000:37)

heavily in reforming past practices. At GMP HQ, for example, senior officers are more ready to 'own up' to what they now view as malpractice. This interestingly included liberal use of the phrase "for want of prosecution", to justify why an incident would not be recorded as a crime." (2000:37).

The West Midlands Police also adopted a 'prima facie' standard after HMIC uncovered 'cuffing' in the form of unofficial (separate) registers, referred to as, 'Miscellaneous Enquiry Registers' in which various reported crimes were recorded (1999:20). On one command unit; 6 allegations of rape; 6 indecent assaults; 3 indecent exposures; 4 abductions; 4 threats to kill; 12 assaults; 7 robberies; 40 arsons; 13 attempted burglaries; 25 frauds; 21 thefts and 6 theft of, or from, motor vehicles had been recorded in the Miscellaneous Enquiry Registers between 1 April and 16th October 1998 (HMIC/WMP 1998:20). However not all the force's command units were employing this method of improving their 'performance':

> **"The E cluster[20] Crime Bureau Register with over 1,000 entries appears to be mainly used for tracking correspondence and is cross-referenced with crime report/CRIMES number; only 5 of the 180 entries examined appear to be missing crime reports." (HMIC/WMP 1998:21)**

HMIC went on to recommend:

> **"It is vitally important that all allegations and subsequent investigations are auditable against the Force's "Policy and Guidance" and that transparency is maintained thus ensuring the integrity of the system." (HMIC/WMP 1998:21)**

One of the interviewees commented on these registers:

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[20] Command Units were grouped into clusters of two or three for administration purposes at this time.

> **"There were things like rapes, allegations of rapes and all stuff like that in there. But in all fairness it was because they were the type of things which were 'in between'- there was no attempt to hide stuff. I don't think."** (Interviewee F)

Of particular interest was the methodology HMIC applied to identify the statistical patterns indicative of the presence of 'cuffing'. This involved looking for the exception to the general pattern, a technique widely practiced in manufacturing to identify under performers or over performers who may be achieving high output at the cost of quality. The low percentage of crime reports recorded and subsequently de-classified by a supervisory officer as 'no crime' in comparison with other similar forces signified the likelihood, (subsequently confirmed), that reported crimes were being filtered out or 'cuffed' at an earlier stage of the recording process:

> **"According to the Matrix Data the Force recorded 3,963 "no crimes" in 1997/98. This represents 1.5% of all notifiable crime which is lower than the provincial (3.5%) and the most similar forces (2.2) averages. However the latest figures supplied by the Force states that in 1997/98[21] only 458 "no crimes" were recorded which equates to 0.2% of the total notifiable crimes"** (HMIC/WMP 1998:25)

Much in line with Collier's theory of 'competitive isomorphism' (Collier 2005), this finding suggests the practice of 'cuffing' was spreading within the force It also suggested that the practice was primarily driven by the perceived need to achieve managerial performance targets. Certainly such procedures were likely to have been evident to the senior officers on the Command Units involved as the Miscellaneous Enquiry Registers were maintained by call handling administrative units under the direct supervision of management teams. The registers were brought to the attention of the staff officers by a junior member of staff:

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[21] This appears to be an error and should read 1998/99

"It was when they [*HMIC staff officers*] were talking to one of the operators asking why isn't this crimed, that crimed, we can't find them "well you'll find them in the book on the side" what we used to call the M.O.B. book[22] and they were maintaining a book of that sort in the ops. room." (Interviewee D)

The nature of the 'gaming' practices uncovered during the inspection were similar to those noted in Nottinghamshire Constabulary when a Superintendent reported the force to the Police Complaints Authority for investigation (Wilson et al 2001). However, unlike Nottinghamshire, the West Midlands Police was not subjected to any formal inquiry although the 'gaming' practices uncovered featured prominently in HMIC's report on integrity (1999).

The West Midland Police force management team responded to the criticism vigorously requiring the management teams on those command units found to be using alternative crime registers to 'back record convert[23]' the crimes recorded in these books onto the official crime recording system. The force also adopted a 'prima facie' crime recording standard, enshrined in force policy, which meant that crimes reported by victims would be accepted at face value, recorded and only if found to be false as a result of further enquires, 'no crimed' if further enquires confirmed the case to be false. This policy was driven through by the Force Management Team and an audit regime put in place to ensure compliance. The subsequent increase in overall recorded crime in the West Midlands Police area (Fig 4.1) provides an indication of the scale of the under-recording prevalent prior to HMIC's inspection (HMIC 1998).

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[22] Miscellaneous Occurrence Books were registers where incidents which weren't subject of crime reports were recorded. These had been discontinued in the 1980s.
[23] The crimes recorded in the unofficial registers were transferred onto the official crime recording system.

West Midlands Police

Post HMIC Inspection

| Total Recorded Crimes |
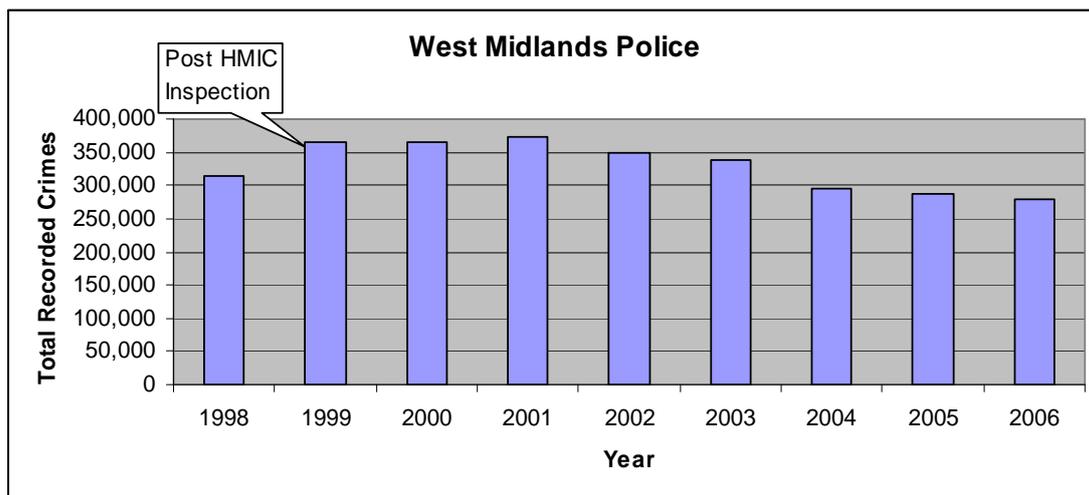
(Fig 4.1)   (Home Office Crime Bulletins 1997-2007)

Examination of the recorded crime performance profiles of the West Midlands,

Greater Manchester and Nottinghamshire forces shows the statistical impact of

changes to the recording standard (Fig 4.2). The Home Office carried out an

assessment of the impact of the NCRS on recorded crime levels in individual forces

throughout England and Wales by comparing the ratio of crime incidents to recorded

crimes before and after the change (Simmons et al 2003[24]). This document provides a

valuable source of information with which to interpret the recorded crime profiles of

the forces examined.

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[24] This monitoring exercise based on the ratios between reported crime incidents and recorded crimes
was conducted between April 2002 and March 3003. Unfortunately it ended before the introduction of
'false reporting policies.

Recorded crime in 3 forces known to be operating 'prima facie' standard at some stage during the period 1998- 2006
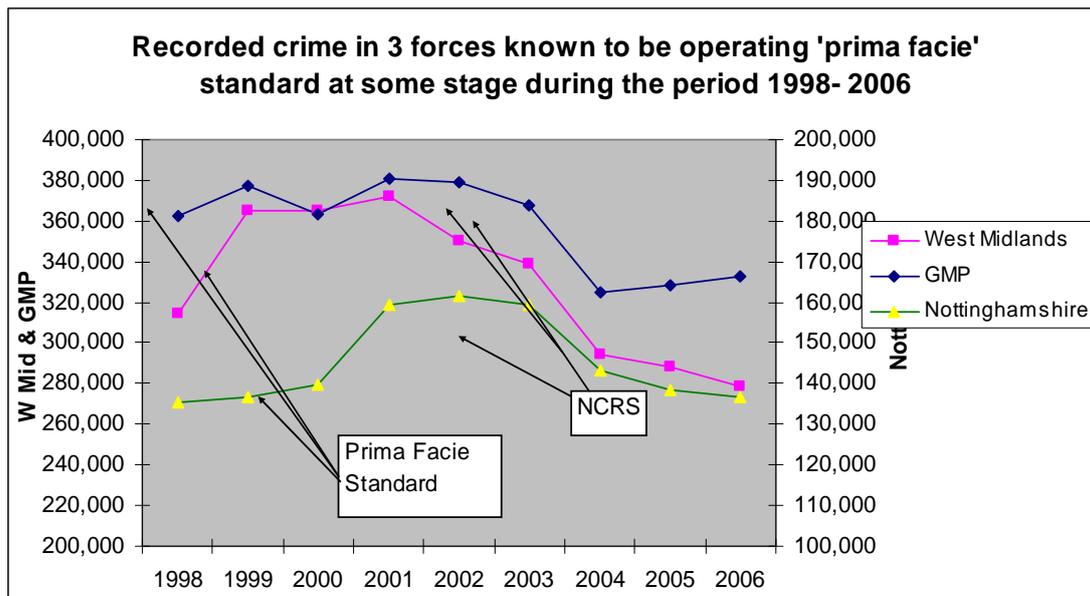
(Fig 4.2)   **(Home Office 1998-2007)**

Greater Manchester Police introduced a 'prima facie' standard in 1997; West

Midlands Police in January 1999; and Nottinghamshire in April 1999. A year earlier,

in April 1998 changes were made to the counting rules. These changes were

introduced by the Home Office and led to an increase in the number of offences being

logged which in turn caused a rise in recorded crime levels nationally. The April 1998

increase appears to explain the slight rise in GMP's recorded crime rate and the

combination of the 1998 counting rules and the adoption of a 'prima facie' standard

explains the larger rise experienced by the West Midlands Police. The impact of

adopting a 'prima facie' standard appears to have had the least impact on

Nottinghamshire where Wilson et al (2001) indicated the practice of 'cuffing'

recorded crimes on to a parallel recording system was in use. However an HMIC

inspection of Nottinghamshire in 2001 reported 'minor problems' with crime

recording procedures (HMIC/Notts.2001:25). This may account for the sudden rise in

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recorded crime in Nottinghamshire in 2001 although the reason given by Simmons et al (2003)[25] for the increase does not mention the HMIC/Notts (2001) report:

> **"Nottinghamshire believes that the NCRS has mainly affected violence against the person offences, which have been influenced by the guidance relating to third party reporting." (Simmons et al 2003:68)**

GMP's profile remained stable after the introduction of the NCRS in April 2002 (Simmons et al 2003:34). However, the West Midlands Police recorded crime trend dropped significantly after the introduction of the NCRS and Simmons et al suggest the reduction may have been due in part to a lessening of their own previous standard when the NCRS was applied to violent crime combined with a genuine underlying reduction in crime (2003:88)[26]. The different impact on the three forces may also be due to variations in their interpretation of the standard; GMP and Nottinghamshire remaining closer to their previous 'prima facie' standard while the West Midlands Police relaxed their standard (Simmons et al 2003). The sudden fall in the recorded crime rates for these three forces between April 2004 and March 2005 may well suggest further changes to the crime recording standard being operated by each force and that will be explored further in Chapter 5r. However, according to Simmons (2003), nationally the introduction of the NCRS did have a considerable impact on recorded crime levels:

> **"…an overall NCRS impact of 10 per cent on the recorded crime statistics for 2002/03. In other words, the crimes counted in 2002/03 were 10 per cent higher than they would have been under pre-NCRS recording" (2003:17).**

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[25] This report assessed the impact of the NCRS on all forces.
[26] There was also a change in the counting rules for detections: minor offences dealt with by way of informal warnings, HO Detection Rule D4, were no longer considered sanctioned detections. The devaluing of these offences may have led to a reduction in the recording of them as crimes.

4. OTHER VARIABLES IMPACTING ON THE LEVEL OF 'CUFFING': THE RECORDING MECHANISMS

A number of organisational elements or variables have an impact on the level of 'cuffing' likely to occur. The crime recording standard itself is one variable; compliance levels another. However Burrows et al (2000) identified procedures governing the point at which a crime is recorded and the level of authority necessary to decide what should be recorded also influenced the level of 'cuffing'. The procedural element is explored further in this section.

Reports of crimes are generally received at an incident handling centre and an incident log created. If the incident relates to a reported crime an officer is detailed to attend, or if that is unnecessary, the incident log is passed to an administrative unit, the details taken over the telephone and a crime report created. As a general rule the earlier a crime is allocated a crime number in this process, the higher the recording levels. This is because officer discretion is reduced and audit procedures simplified. Burrows et al concluded:

> **"Filing reports very quickly obviously enhances the value of crime pattern analysis, but it also brings with it the danger that reports may be made when no crime has occurred (which thus need to be 'no crimed'), or may be incorrectly classified. On the other hand, delays in registering crime reports hinder trend and pattern analysis, and could lead to attrition – either because of human error or manipulation." (2000:28)**

Up until the late 1970s CID officers were the gatekeepers of crime recording procedures and only on their authority could a crime report be recorded:

> **"But it was a pressure and part of that pressure was the CID had primacy within the police investigations…. They were seen to be the owners of**

crime and I think that has changed to a certain extent, there is a lot more passed to uniform officers. So what happens then is you cannot sustain what is a conspiracy, or gentleman's agreement, whatever you want to call it, which smoothes or round down figures, it can't be done as easily, because you've not got a small select group of people watching their careers to keep the figures down. (Interviewee C).

Whilst the CID no longer have a monopoly over what should and should not be recorded, the practice of officers having to gain the permission of a supervisor prior to recording a crime still persists in some places. This was evident from an entry made by an officer on the Police Forum website: One officer from Thames Valley complained that the early recording of crimes and the issuing of crime numbers by Enquiry Centre operators was limiting his discretion by requiring him to justify de-classifying the report. This prompted the following response:

"In the West Midlands we have gone the other way where we don't crime anything unless you give the full circumstances to a supervisor who makes the decision to crime, consequently our crime figures are going down, so come the end of the year we can tell the public that through our policing methods there are fewer victims of crime." (www.policeoracle.com/forum 6.12.06)

The use of supervisors in a quality control role is not unusual and Burrows et al (2000) identified a number of forces which curtailed the authority of officers for issuing crime numbers to small administrative units or supervisory ranks. However such approaches could of course equally be used to suppress recorded crime levels, as was the situation described by interviewee C. The quote from the West Midland Police officer also implied that the motivation was anything but quality control i.e. 'so come the end of the year we can tell the public crime has gone down'.

The consequences of failing to record a reported incident as a crime requiring further investigation can result in evidence being neglected and opportunities to prevent further offences being missed. The following witness account demonstrates the consequences of this form of 'cuffing':

> **"I am a single woman living alone in a terraced style bungalow who is a full-time wheelchair user living with Multiple Sclerosis. During the early hours of the morning in the autumn of 2003 two men attempted to break into my home whilst I was in bed. I immediately called the police and explained that because of my impairment I was unable to get out of bed but I could see the intruders in the garden. I had shouted to them that I had called the police, but they remained in the garden for around 10 minutes until they heard the sound of vehicles – whereupon they ran. My window was damaged and cost £30 to repair.**
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> **The Police did not record this crime, either as an attempt burglary or as criminal damage. In fact I did not speak to a Police Officer face-to-face or on the telephone about this incident except the initial 999 call.**
> **A few months later, early in the evening, one of my elderly neighbours was disturbed to find a burglar had entered her bungalow via the bedroom window. She came face-to-face with this burglar who was rummaging through her possessions. Although she was not physically harmed this lady suffered severe mental stress. She subsequently spent several months in hospital, and fearing to go back home during the winter-time, moved into a nursing home in September 2004. She died 6 weeks later.**
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> **Although an empirical link cannot be made between the burglary and attempted burglary I feel that there is sufficient evidence to question the effectiveness of the Police Service regarding this matter. My elderly neighbour was literally 'scared to death'"** (Statement from victim: living in Police Force graded 'good' (green) by the Audit Commission in 2003 and 2004)

Procedures which delay issuing crime numbers at the point of initial contact with the victim invariably involve an officer re-contacting the victim either by a visit or by telephone. This creates an 'audit gap' if crime numbers are issued, as it puts the onus on the police to contact the victim: Failure to do so would leave crime reports unresolved. The alternative procedure of creating an incident record without issuing a

crime number makes it much easier to finalise the incident if further contact with the victim is unsuccessful; incident logs being closed with explanations which would satisfy Audit Commission checks. The following example demonstrates the procedure; a report is received stating that a pushbike has been stolen from the victim's house and he or she has gone out to look for it. It is unclear whether the offence is burglary or theft of pedal cycle. No officer is detailed to attend and the incident log is passed to an administrative unit to contact the victim and record the crime details if necessary. The member of staff contacts the victim's home but the victim is still out looking for the bike. A message is left for the victim to contact the police station on his/her return. The incident log is classified as 'miscellaneous other admin.' The log is closed with the comment 'message left for him to contact police on return, letter and closure as per current [BCU] policy' (WMP Incident Audit 18.8.04). This example demonstrates that a requirement was being placed upon the victim to re-contact the police; in effect an evidential crime recording standard, and that the action taken by the officer was supported by an organisational policy. This example would have failed the Audit Commission data quality checks, and if uncovered, may have led to the auditor checking the Command Unit Policy referred to by the officer making the entry. However, many callers reporting minor crimes are received on non emergency numbers and are routed to crime recording centres thus avoiding 999 control rooms and the creation of incident logs. When such procedures are in operation an incident log will only be created if an officer's attendance is required. So no audit of incident to crime record is possible. Forces which route all calls, both emergency and non-emergency, to call centres which automatically create electronic incident logs are more likely to 'fall foul' of Audit Commission checks if the

incidents are not dealt with correctly. The following example involving the Metropolitan Police Service demonstrates this point.

One incident came to notice during this research which demonstrated how particular crime recording procedures can result in 'cuffing'. An individual[27] trying to report a crime recounted the difficulties he encountered when trying to report a crime to the Metropolitan Police Service (MPS) which employed a 'call back' procedure. He contacted the incident handling room and gave details of the offence, clearly a crime. He was given an incident number, (a CAD number), and told someone would get back in touch. No further contact was made. He re-initiated contact and explained that there were likely to be problems in re-contacting him by telephone. He therefore asked to be put through to the crime recording desk. This was refused and he was given another incident number. He managed to contact the CID office which would be responsible for investigating the offence and the officer he spoke to accepted that it was an offence they would be allocated to investigate but they couldn't take on the investigation until a crime number was issued. It took him three weeks to get a crime number and the case allocated for investigation; he concluded:

> **"The most confusing thing about the process is the allocation of a CAD number which I am sure most complainants would accept as being the crime number…….I am of the firm belief that only complainants with a great deal of determination actually obtain a crime number." (Email 11.12.2006)**

Documents, archived on the MPS web site, revealed that the staffing levels in Crime Recording Centres (Crime Management Units CMU) were an issue for those charged

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[27] Private investigator known to the author.

with completing an 'Impact Assessment'[28] on Minimum Standards for Crime Management Units:

"Regarding staffing levels it was agreed that the CMU was generally understaffed often with temporary staff on light duties" (MPS 11.8.2004)

This under-resource could result in recorded crime levels being influenced by staffing levels in the crime recording centres. Recorded crime levels were in effect being influenced by the capacity of the organisation to record them. It was also acknowledged that the CMU supervisor acted as:

"…a gatekeeper on a borough to ensure all crimes recorded on Crime Reporting System are classified and confirmed correctly" (MPS 11.8.2004).

Following up the hypothesis that under recording due to under staffing would be vulnerable to Audit Commission data quality checks a review of the MPS's recorded crime profile and Audit Commission data quality checks was conducted. The recorded crime profile for the MPS (Fig. 4.3) shows a consistent decline in recorded crime from 2002/3 onwards with a 6.3% reduction between 2005/6 and 2006/7.

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[28] This appears to have been conducted as part of the Race Relations Impact Assessment (RR(A)A)

Met. Police Recorded Crime
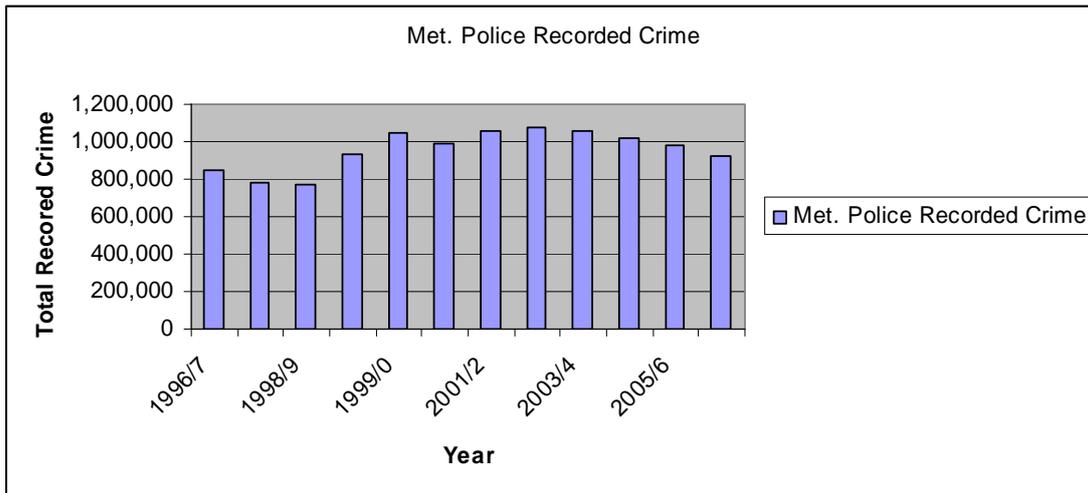
(Fig 4.3)   **(Home Office 1997-2007)**

A review of the Audit Commission data quality grades for the MPS revealed the force was graded 'poor' in 2004 (Red) (Audit Commission Dec. 2004:34); improving to 'good' (Green) in 2005 (Audit Commission 2006:57), but then deteriorating to 'fair' (Amber) in 2006 (Audit Commission 2007:8). The specific results for 2006 are shown at Table 4.1.

STAGE 3 - DATA TESTING - RESULT FOR CRIME DATA REVIEW

Incident Investigation	%	Rating
Violent Crime	84%	Fair
Fire arms related incidents	85%	Fair
Burglary	94%	Good
Vehicle Crime	92%	Good
Acquisitive crime	76%	Poor
Criminal damage	84%	Fair
Disturbance	76%	Poor
Domestic Violence	86%	Fair
Racial Incidents	83%	Fair
Average percentage compliant	84%	Fair

Crime Investigation	%	Rating
Overall	87%	Fair

Crime recording overall assessment	Fair

Crime recording direction of travel	⇩ Deteriorated

(Table 4.1)   **(Audit Commission/MPS 2007:12)**

Such assessed deterioration in data quality is consistent with, and indeed, may account for, the reduction in recorded crime post 2005/6, (Audit Commission results being reported retrospectively). The Audit Commission report on the MPS also contains other warning signs: the 'poor' (Red) rating for 'no crimes' is particularly noteworthy, given that this function is carried out by the CMU supervisors who are responsible for maintaining quality standards in the crime recording units. This rating is consistent with these managers carrying out a 'gate-keeping' function, as opposed to maintaining appropriate quality standards:

> **"The standard of 'no criming' is poor having deteriorated from 'good' in 2006: this function is undertaken at BCUs and whilst reasons for non compliance vary, a lack of knowledge of Home Office Counting Rules was apparent." (Audit Commission/MPS:2007:9)**

Local policies were also uncovered which indicated an 'evidential' crime recording standard was being applied to some categories of crime:

> **"Most crime recording SOPs that we examined were fully NCRS compliant, stressing the need for ethical and victim focused crime recording and providing detailed guidance for officers. However, we saw two examples of policies where allegations of thefts of mobile telephones would not be recorded if the victim/loser could not provide an IMEIIII reference, a means by which the telephone can be identified and disabled. Policies such as this are not compliant with NCRS. Whilst the Data Accuracy Team challenges such practices when brought to notice, and some policies are voluntarily referred for comment, there are no processes in place to ensure that crime recording policies are routinely checked for NCRS compliance." (Audit Commission MPS 2007:15).**

However Burrows et al (2000) had more confidence in recording compliance levels of reports taken over the phone by crime recording centres than officers taking reports on a face to face basis:

> **"It seems plausible that crime allegations dealt with by telephone investigation are more likely to be accepted 'at face value' by the police. By comparison, it is inevitable that where police officers do attend crime scenes they will be in a position to be more discriminating about any allegations made" (2000:28)**

They went on to conclude when reviewing the recorded crime rate of a rural force which required officers to attend the scene of reported crimes and take a victim statement; they went on to conclude that:

> **"If the hypothesis posed by the research team – that forces which attend more crime scenes will tend to record fewer crime allegations (or categorise offences more rigorously) – is credible, this factor is likely to influence that force's low crime rate" (Burrows et al 2000:29).**

This suggests that forces with the capacity to send officers to all crime scenes would enjoy reduced recorded crime levels. However, this would create resource issues as officers would have to be available to attend the incidents. If such a policy were pursued without sufficient resources it is likely to result in victims having to remain available for long periods of time whilst officers become available to rendezvous.

Inconsistency in recording procedures makes comparison of forces problematic (comparing 'apples and pears') and this fact was evident in the West Midlands Police response to Gibbs & Haldenby's (2006) request for crime data which they intended to use to assess the performance of different forces:

> **"Furthermore, police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteriais set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this forces response to your questions should not be used for**

comparison purposes with any other response you may receive" (WMP Freedom of Information officer quoted in Gibbs & Haldenby 2006:29)

Gibbs and Haldenby attributed this note of caution to a "reluctance to use data to hold police forces to account" (2006:29). However in view of the impact that different recording procedures would have on recorded crime rates, i.e. the level of 'cuffing', the advice appears valid.

Another variable impacting on the incidence of 'cuffing' is the level of compliance with the NCRS. This, as has been noted, is linked to the crime recording standard being operated and the mechanisms by which reported crimes are recorded. One would expect higher levels of 'cuffing' in a force interpreting the 'balance of probability' nearer to an 'evidential standard', which also delays issuing crime numbers until an officer has attended the scene and decided whether or not to record the reported incident as a crime. The Audit Commission validate recorded crime data on behalf of the PSU. Grades for individual force's compliance with the standard are published annually and individual force reports can be obtained from the Audit Commission. Non-compliance can have a significant impact on forces' performance; Nicholas et al noting the statistical differences in recorded violent crime rates between the 'top nine' performing forces, in terms of the Audit Commission data compliance rating (2004), and the other forces: the top nine experiencing a 22% rise in recorded violent crimes compared with a 6% rise for the other forces during the period 2004/05 (Nicolas et al July 2005:75).

The Audit Commission compliance checks follow a model (Fig. 4.4) which identifies the likely areas where 'unwarranted attrition' may occur in the process from the victim's reporting of a crime through to the crime report being recorded and investigated. The model aims to identify the types of behaviour highlighted by HMIC (1999) and an explanation of the audit and the procedural details is outlined by the PSU (Home Office Police Standards Unit May 2004).
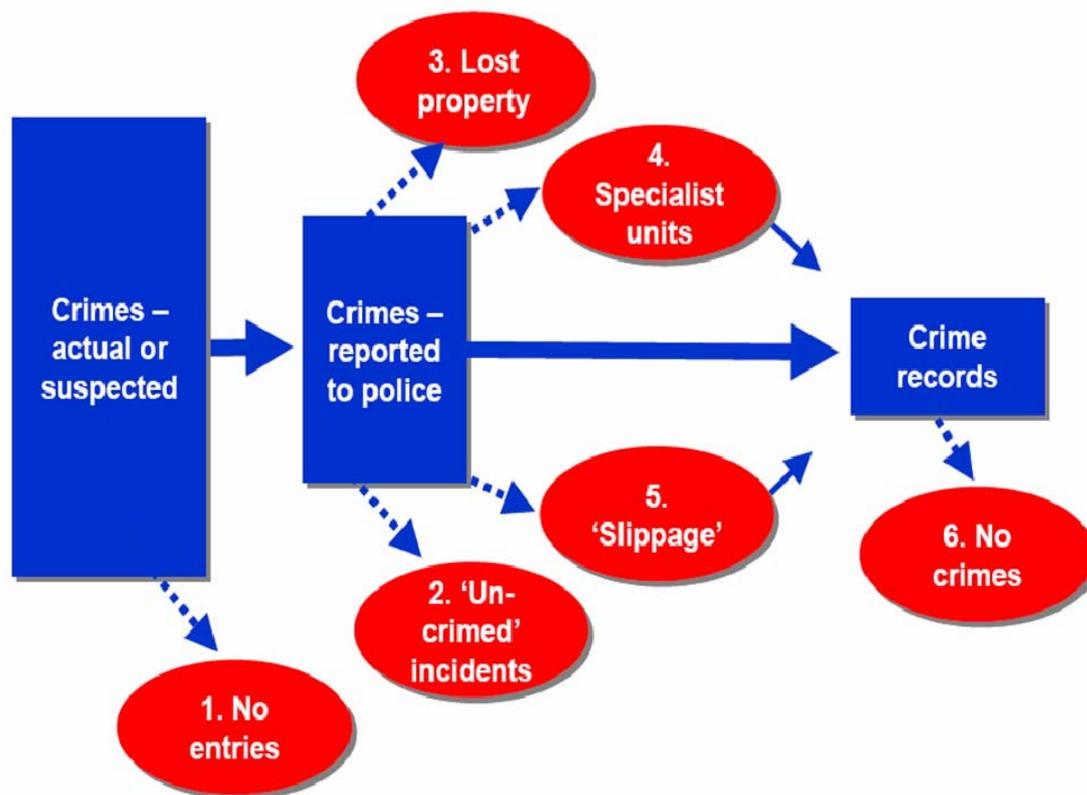
(Fig 4.4)   **(Home Office Police Standards Unit May 2004:19)**

The specific checks or 'investigations' expected to be undertaken by the Audit Commission inspectors and/or forces themselves are as follows:

- **Investigation 1: incidents closed as uncrimed/Crime related incidents closed on non crime codes;**

- **Investigation 2: From incident log to crime system**

- **Investigation 3: Crimes held in records of specialist units**

- **Investigation 4: Application of Home Office counting rules on crimes with multiple victims**

- **Investigation 5: No Crimes**

- **Investigation 6: Classification of crimes within Home Office counting rules**

- **Investigation 7: Review of lost property logs**

(Home Office Police Standards Unit May 2004:3)

The Audit Commission introduced these reviews in 2003, albeit initially, carrying out just two Investigations; Investigation 1: incidents closed as uncrimed/crime related incidents closed on non crime codes; Investigation 2: From incident log to crime system. Those checks involved a review of 72,000 records nationally; the compliance standard 'requires that 90 per cent of crimes are recorded correctly' (Audit Commission 2004:6). Seven crime categories were checked to ensure compliance: Disturbance: Domestic Violence: Racial Incidents: Violent Crime: Criminal Damage: Burglary and Vehicle Crime. Nationally it appears NCRS compliance standards have improved. However the British Crime Survey (BCS) included a note of caution:

"The estimated recording rate of comparable reported offences decreased from 75 per cent in the year ending September 2004 to 70 per cent for the year ending September 2005. Recent results from audits however indicate that police recording standards have continued to improve during 2005" (Walker et al 2006:47).

More generally, Argyris (1985:417) has commented on how audit approaches to ensuring compliance to a control mechanism can be circumvented. He suggested that such audit approaches only motivate staff to greater levels of ingenuity in order to circumvent the control measures and indeed the Audit Commission identified some evidence of this type of behaviour in relation to police reactions to their audit checks:

> **"In some forces, considerable resources have been devoted to the retrospective checking of records, and in a few cases this work appears to have been concentrated on records expected to fall within the scope of the Audit Commission's review." (2004:15)**

The checks or 'investigations' carried out by the Audit Commission have mainly concentrated on ensuring that incidents involving reported crimes were transferred to the crime recording systems. Other investigations had not been externally audited by the Audit Commission; forces having been encouraged to carry out checks/investigation 3-5 themselves.

Compliance checks on 'no crimes' (Investigation 5): In 2004 the Audit Commission carried out checks of 'no crimes'. This is another potential means of 'cuffing' crime as police managers have the authority to 'overturn' the decision of a more junior officer to record a crime. This audit involved checking the decision making of operational crime managers, usually of Chief Inspector rank[29]. These officers supervised the officers responsible for recording and investigating crime and were in a position to influence the standards operating on a particular police command unit. The 'no crime' audit is in effect a 'quality check' on the officers responsible for maintaining compliance with the NCRS. The standards set by these supervisors

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[29] In the case of the MPS the Inspector in the Crime Management Unit carries out this function.

provided an example for the officers under their command to emulate. The audit of

'no crimes' involved checking 'no crimes' against four criteria:

- **The crime was committed outside the jurisdiction of the police force in which was recorded.**
- **Where following the report of an incident which has subsequently been recorded as a crime, additional verifiable information is available which determines that no notifiable crime has been committed.**
- **If the crime, as alleged, constitutes part of a crime already recorded.**
- **If the reported incident was recorded as a crime in error.**

<div align="right">

(Home Office PSU May 2004:25)

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The second criterion 'additional verifiable information' is, in effect, a check on the

work of those managers responsible for the day to day supervision of the crime

recording systems. This is because supervisors are expected to justify their decision to

de-classify a crime, in effect deciding that it didn't occur. So if they fail to maintain

proper levels of probity and 'cuff' crimes by inappropriately applying the 'no

criming' rules this sets the standard for those under their command.

The Auditors examined 10,000 records nationally and found 58 per cent of forces met

the PSU compliance rate of 95 per cent. However, the Audit Commission found:

"The most common source of errors was the category relating to the provision of additional verifiable information to demonstrate that a crime had not been committed, where 89 per cent of records were found to be correctly 'no crimed' The other three categories had accuracy rates of 95 per cent and above." (Audit Commission 2004:14)

Problems with inappropriate 'no criming' were also evident in the joint HMIC/HMcps

review of rape:

"The most significant factor in altering detection rates is non-compliance with the HOCR criteria for 'no criming'[30] (HMIC/HMcps 2007:47).

'No criming' standards also varied between police command units within forces; One Operational Command Unit (OCU) in the West Midlands only achieved a 37.50% compliance rating for the 'verifiable additional evidence' category with only four of the twenty one OCUs achieving a 'green' rating[31] and one OCU 'amber' (Audit Commission WMP Audit 2004:11). However the overall grading for offences 'no crimed' was adjudged 'amber' because the critical category of 'verifiable additional evidence' was masked by better performance on the other criteria in this domain. The impact of the 'no crime' audit in 2004 may be responsible for a reduction nationally in the number of reported offences de-classified in this way from 176,347 in 2004/05 to 142,030 in 2005/06. The Audit Commission sought to encourage a 'get it right' first time approach to 'no criming':

> **"This 'criming' and subsequent 'no criming' of incidents creates additional records and leads to additional work. While it may be seen as a way to encourage a more victim-focused approach in some cases, it is not an effective use of valuable police resources."(Audit Commission 2004:15)**

A slightly different view was taken by HMIC when conducting their thematic report on Integrity in 1998 (HMIC/WMP 1998), when they used exceptional levels of 'no crimes' as an indicator of problematic behaviour; too low a percentage seeming to be indicative of the presence of 'cuffing'.

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[30] 'No Crime' is a category applied to recorded crimes which have subsequently been un-crimed by a police supervisor who is satisfied that there is verifiable information that no crime was committed. The grounds for reaching this decision should be recorded in writing on the case papers for auditing purposes.

[31] The Audit Commission utilised three grades; Green (over 90% of records compliant); Amber (80-90% compliant); Red (under 80% compliant)

A possible impact of the Audit Commission's view on 'no criming' may have encourage officers to favour omitting to record a crime when they are unsure if an offence has occurred. The HMIC view would allow officers to make mistakes which a crime manager could then subsequently 'no crime' with an appropriate explanation, which could be audited. The response of one crime manager is clear from the following email to all of the staff under their command:[32]

> **"The counting rules boil down to one simple test, on the balance of probabilities has a crime taken place or not? If YOU do not think it has, then YOU should not record it. Either have the log endorsed accordingly or if need be submit a short report but do NOT record it asking for it to be 'no crimed'. The only way I can no crime something that has been recorded is if new evidence has come to light showing that a crime had not taken place – I cannot simply overrule your decision once you have committed pen to WC 200." (Email WMP 17.9.04)**

The impact of such an instruction elicited the following comment from one of the interviewees:

> **"So they have stopped him putting the setting on the computer to say it is 'no crime' unless there is sufficient evidence. So he finds that he is 'horror of horrors' dependent on his subordinates to do this work. So he just sends out a nudge between the lines. He is basically saying if you don't do this I'm going to be very unpopular with you." (Interviewee C)**

In addition to the checks carried out by the Audit Commission, forces were expected to carry out the following checks/investigations:

Compliance Checks on incidents referred to specialist units (Investigation 3):

Reported crimes can be 'cuffed' by referring an incident to a specialist unit for

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[32] This Command Unit's Audit Commission rating for 'no crimes', additional verifiable information was 'red' (57.14%) (Audit Commission WMP July 2004:11)

investigation; they investigate the report and decide whether or not to record the incident as a crime. An example would be a reported of child abuse referred to a child protection unit for investigation; they would investigate the offence and may decide only to record the report as a crime if a prosecution was instigated. This creates delays and such systems can be exploited to 'cuff' crimes which do not result in some form of action sanction being taken against the suspect. The audit of incident reports referred to specialist units is designed to eradicate 'cuffing' in this area by discouraging the practice of passing details of an alleged crime to a specialist squad for investigation without first recording it and issuing a crime number, e.g.:

> **"IP [*injured party*], sixteen year old girl, reports being assaulted by her father, bruising to her shoulder and legs: Miscellaneous other enq[33]. Passed to Family Protection Unit (FPU)" (WMP Incident Audit 18.8.04)**

Multiple Offences recorded as one offence (Investigation 4): 'cuffing' can occur by recording multiple offences against a number of victims which have happened at the same location at the same time as only one offence e.g. a bed-sit where a number of separate rooms are rented by different occupants should be recorded as separate burglaries as opposed to one burglary recorded in the landlord's name. The audit involves checking to ensure that offences with multiple victims are recorded as individual offences.

Recording offences as less serious than the facts support (Investigation 6): checks for evidence of downgrading a form of 'gaming' which has been evident in the past as police officers use their discretion to categorise a crime as a lesser offence:

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[33] This is a report which is not entered on the crime recording system and is similar to the unofficial system of crime recording uncovered by HMIC in 1998/99.

"Police discretion is not limited to failing or refusing to record offences brought to their attention, but extends to deciding *how* to record those offences, a process that allows considerable latitude. For example, damage to an exterior window might indicate an attempted burglary or simply criminal damage. ….. If there is pressure to give the appearance of reduced crime, there is scope for the creative categorisation of such an offence" (Waddington 1999:33-34).

The National Statistics on 'Burglary of a Dwelling House' demonstrates the considerable reductions in burglaries which have occurred over recent years (Fig. 4.5) Interestingly these appear to be matched by the increase in the crime category Criminal Damage to a Dwelling (Fig. 4.6). However improvements in NCRS compliance may be responsible for the increase in offences of 'Criminal Damage to a Dwelling' being recorded. That said the BCS indicates the recording of burglaries with no loss (including attempts) remains low at 36% (Walker et al 2006:54).

'Burglary in a dwelling' – Long-term national recorded crime trend
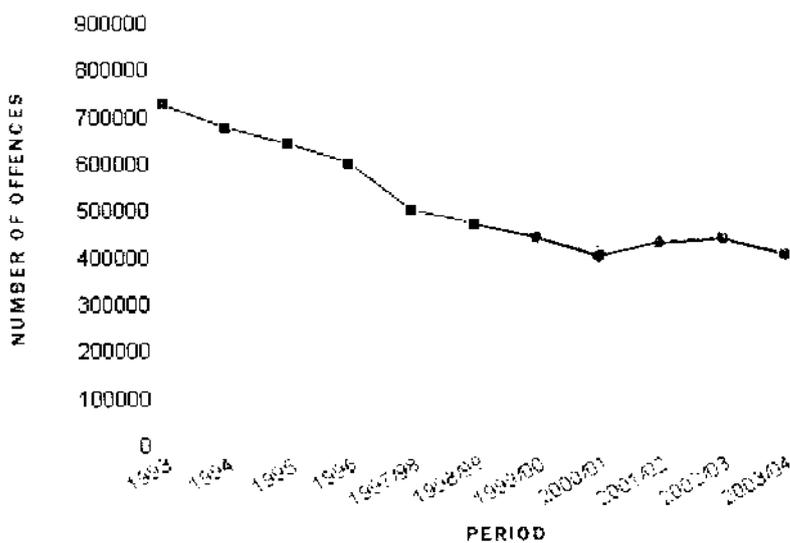
(Fig 4.5)   **(www.National Statistics.uk/ 2005)**

'Criminal damage to a dwelling' - Long-term national recorded crime trend
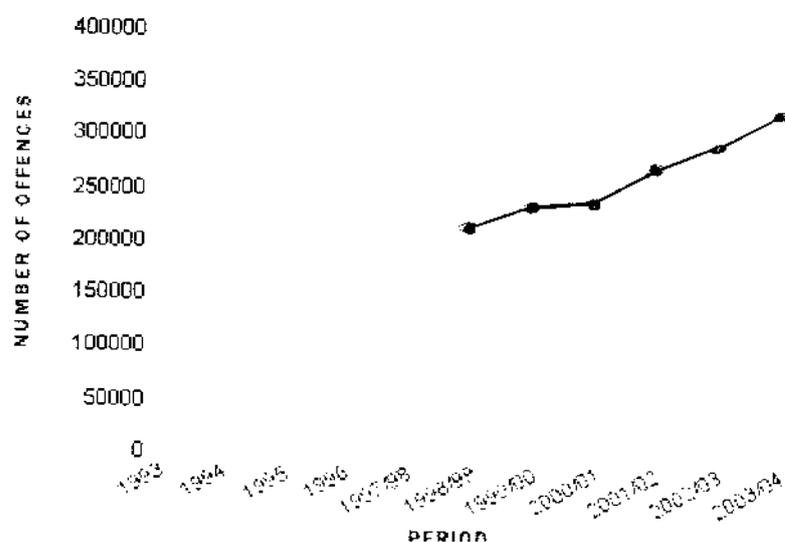
(Fig 4.6)   **(www.National Statistics.uk/2005)**

The extent of 'cuffing' by recording attempted burglaries as criminal damage in the West Midlands Police was highlighted by a compliance audit of 315 crimes recorded as criminal damage to a dwelling between Oct. and November 2004 (WMP Burglary Audit 27.1.05). The audit of 315 crime reports of criminal damage to a dwelling found that 37 had insufficient detail on them to establish whether they represented criminal damage or attempted burglary; 47 were judged to have been wrongly classified; 7 should have been recorded as burglaries; 39 as attempt burglary dwellings; 1 aggravated burglary dwelling and one criminal damage to a vehicle. When a sample of 'Burglary Other Buildings' (e.g. garages) was examined; of the 319 reports checked: One should have been an attempt burglary dwelling: 8 burglary dwelling and 120 crime reports had insufficient detail on which to clarify the correct offence category.

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This type of 'cuffing' by re-interpretation and classification of an offence to a lower category is likely to be influenced by the category of offences subject to government performance indicators e.g. reduction in burglaries could be achieved by reclassifying attempts as criminal damage or burglaries of attached buildings, such as garages, as 'burglary other building' e.g.:

"Injured Party (IP) reports window smashed and lock tampered with: Criminal Damage to Dwelling" (WMP Incident Audit 18.8.04)

"IP caught prowler in his garden and discovered 4 panes of glass broken. Offender offered to pay for the damage. IP reports the incident some time later: Officers attend and comment made on the incident log that the incident was a break in and the IP caught them in the act: Recorded as criminal damage." (WMP Incident Audit: 18.8.04)

Distraction burglaries, where the victim, is 'conned' into allowing the offender into their home, e.g. on the pretence of checking a meter etc or 'sneak in' burglaries, where no forced entry was made, could be classified as theft from a dwelling e.g.

"IP reports known individual neighbour's children have gained access to dwelling house on pretext of using the toilet. Cash stolen from bedroom to which they were not given access. Recorded as theft from a dwelling as opposed to burglary which is the correct classification in the circumstances" (WMP Incident Audit 19.8.04)

Attempted theft from a Motor Vehicle was also an area where 'downgrading' to criminal damage can have a beneficial impact on performance e.g.

"Two vehicles on the rear car park of hotel broken into: Rear passenger window of both vehicles smashed and the rear parcel shelf on one forced forward: Both recorded as criminal damage to a vehicle" (WMP Incident Audit 17.8.04)

The Government's drive in 2001 to reduce street crime may also have resulted in

robberies being classified as other offences e.g.

> **"Three offenders entered store and snatched cash from till. Cashier grabbed some of the money back: Some form of violence appears to have occurred in the commission of this theft yet it is recorded as a theft from a shop not robbery" (WMP Incident Audit 18.8.04)**

> **"IP reports three youths attacking boy and girl. Known offender demanded money from victim: Recorded as wounding" (WMP Incident Audit 18.8.04)**

Recording reported crimes as lost property reports (Investigation 7): This check

involves checking 'lost' property reports to ensure crimes are not being 'cuffed' by

being recorded as 'lost' because a victim is unable to prove categorically the property

was stolen; in effect meet an 'evidential standard', e.g.:

> **"IP reports mobile stolen whilst in public house: Miscellaneous Property Lost" (WMP Incident Audit 18.8.04)**

Whilst the Audit Commission checks might at first sight appear comprehensive there

are a number of limitations in reality:

1. The compliance standard at 90% (95% for investigation 5) is low.

2. The aggregation of categories and sub-categories e.g. within 'no crimes' can

   skew results.

3. Aggregation of results across the force area can mask problems in a number of

   Command Units where particular key crime types may be critical to overall

   force performance e.g. robberies in a command unit policing a city centre.

4. The audit can be anticipated and problems rectified prior to the audit.

5. The view on 'no crimes' may accord with the Audit Commissions overall view on efficiency but may have a negative impact on the overall objective of ensuring a victim focused approach to crime recording.

6. The introduction of the 'investigations' on an incremental basis allows those so inclined to acclimatise by developing more inventive means of avoiding exposure.

Whilst this may appear a very technical analysis with little relevance to every day lives it is worth ending the chapter with a case where 'cuffing' and its consequences are apparent:

CASE STUDY: N.M. BORN 27TH FEBRUARY 1987 – DIED 9TH FEBRUARY 2003

> **"On 7/02/03 an unknown female was discovered unconscious by a passer-by in an alley way in Dudley. She was found to have multiple and extensive bruising and head injury………………On 09/02/03** *N.M's* **life support machine was switched off with the consent and in the presence of her mother. She was declared dead at 11.46 am. (Serious Case Review Torbay Area Child Protection Committee 2004:1**)

On 22nd October 2003 her boyfriend was convicted of her murder.

N.M. was in the care of Dudley Social Services when she became involved in a relationship with her attacker. She was then returned to the care of her mother in 2001 when the family moved to Devon where Torbay Social Services provided a family

support service. However N.M. returned to foster care in Dudley in 2002 and

resumed contact with her boyfriend. He was known to have assaulted her on at least

two occasions:

> **"During November 2002 there were two witnessed incidents reported to the West Midlands Police of a man attacking *N.M*. She sustained injuries on both occasions, and on the latter occasion received hospital treatment, but would not disclose the identity of her assailant, although *N.M.* conceded to her foster carer that it was her *boyfriend*" (Serious Case Review Torbay Area Child Protection Committee 2004:1)**

Whilst the Serious Case Review did not publish the fact that there was sufficient

independent evidence, including CCTV images capturing one assault, to support a

prosecution, they did make the following recommendation:

> **"The West Midlands Police should enforce their policy and procedures in relation to pursuing criminal enquiries in personal injury cases where children, young people or vulnerable adults decline to give evidence against a suspected assailant."   (Serious Case Review Torbay Area Child Protection Committee 2004:20)**

In the case of the assaults predating N.M's murder neither were recorded as crimes,

although they both met the NCRS criteria for third party reporting. Both reports were

'cuffed' despite the fact that in the second case a security guard had witnessed the

assault which had also been captured on CCTV. This evidence was sufficient to

secure an additional conviction for assault occasioning Actual Bodily Harm (ABH) at

the murder trial. However it cannot be implied that the murder could have been

prevented had officers taken the appropriate action when the previous crimes were

reported to them.

6. CHAPTER CONCLUSION:

In this chapter the crime recording system operating in England and Wales has been reviewed to establish the extent to which the system was 'game-proof'. The evidence reviewed suggested imprecision, 'looseness' or 'room for interpretation, still remained in the NCRS and the systems used to capture the data. This was in large part due to the retention of officer discretion inherent in the 'balance of probabilities' criteria and this presented an opportunity for 'cuffing'. The lack of standardisation in the recording mechanisms also presented the opportunity to delay recording incidents reported as crimes and again could lead to 'cuffing'. These variables in turn present problems for those responsible for auditing the data as officers still maintain discretion on what, or what not to record as crimes. In such circumstances auditors rarely have sufficient evidence to challenge the officer's interpretation of events. These variables indicate that the NCRS is still vulnerable to 'gaming' in the form of 'cuffing' and the requirement to be 'game-proof' has not been achieved and this conclusion is amply captured in the following chapter.

CHAPTER 5

'CUFFING'; A RENAISSANCE:

The re-emergence of 'cuffing' in the guise of 'false reporting' policies; the case is presented.

INTRODUCTION:

In this chapter the level to which the NCRS was resistant to the threat posed by 'cuffing' was explored. This was achieved by examining the impact of policies ostensibly designed to counter the bogus reporting of crimes for fraudulent insurance purposes. These are known as 'false reporting' policies. These policies were primarily designed to identify and prosecute offenders attempting to make false insurance claims. However, their impact on how offences, suspected of being reported fraudulently, were recorded provided an indication of whether the NCRS 'balance of probability' standard was being interpreted nearer the 'evidential' or 'prima facie' end of the continuum. If a marked reduction in recorded crime occurred at the time the policy was introduced it could be attributed to large numbers of 'false reporters' being identified. If a 'prima facie' standard was being applied, suspected false reports would have been recorded as crimes, investigated, and then the original reported crime would have been 'no crimed'. In theory, if no other factor was influencing the level of reported crime, the reduction in recorded crime would match the number of 'no crimes'. If an 'evidential' standard was being applied, then it would be unlikely that the suspected false report would be recorded. In either case it was anticipated that there would be a marked increase in detections for 'wasting police time' or 'attempted deception'.

As 'false reporting' policies appeared to contravene the 'victim focused' approach to crime recording advocated by the Home Office it was anticipated that the decision to introduce the policy would be based on sound evidence and its impact closely monitored. It was hoped that 'problem profiles' on 'false reporting', completed under the provisions of the National Intelligence Model, would identify the scale of problem and provide an assessment of how successful the preventive measures were. As the Race Relations (Amendment) Act applied to the policy there should have been a race relations impact assessment completed in relation to the policy. Again some form of analytical assessment was anticipated.

The origins of 'false reporting' policies are outlined and their impact on the performance of the West Midlands Police is examined. The extent to which 'false reporting' policies were being applied across England and Wales was established by the use of a survey utilising the Freedom of Information Act to gain copies of the pertinent documentation from those forces employing 'false reporting policies. The documentation sought included details of the actual policy, the NIM problem profile on the extent of the threat 'false reporting' represented and any data on the impact of the strategy and tactics deployed to counter it. Copies of the Race Relations impact assessment on the policy were also requested. The performance profile of those forces identified was then assessed by examining the annual recorded crime data published by the Home Office. The object of this exercise was to establish if a reduction in recorded crime occurred at the same time as the introduction of the policy. The implications of the policy are then discussed.

1. THE DEVELOPMENT OF 'FALSE REPORTING' POLICIES:

Anecdotal evidence of the false reporting of mobile phones as robberies emerged during the National Street Crime initiative[34]. This it was believed was fuelled by the nature of mobile phone insurance which required the owner to have been the victim of crime in order to claim a replacement phone. This anecdotal evidence appeared to be supported by the research findings of Smith (2003) who examined the reporting behaviour of victims of personal robbery. Smith (2003) found that 16 per cent of those seeking to report a personal robbery did so over eight hours after the event. He also noted that those late reports were more likely to involve a mobile phone, and be made at the front desk of a police station rather than through an emergency call. This was raised as a curious finding by the Street Crime co-ordinating group worth further investigation (Tilley 2004:91). Alternatively this behaviour could be the outcome of the low propensity of victims to report robberies to the police, Dodd et al noted:

> **"It is estimated only 51 per cent of robberies and 57 per cent of theft from the person were reported to the police" (2004:38).**

So it is quite possible that offences which would otherwise have gone unreported were being reported legitimately in order to qualify, rightfully, for insurance replacements. However covert operations conducted by the National Mobile Phone Crime Unit (NMPCU) un-covered evidence of staff at mobile phone outlets encouraging customers who had lost their phones to report them as robberies in order to qualify for a replacement. The Home Office concluded:

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[34] In March 2002, in response to sustained and accelerating increases in annual levels of robbery in England and Wales, the Government launched the Street Crime Initiative (SCI). The initiative, which is ongoing, covers the ten police force areas that together accounted for 83 per cent of recorded robbery in 2001/02. These were the MPS, West Midlands, Greater Manchester, West Yorkshire, Merseyside, Avon and Somerset, Nottinghamshire, Thames Valley, Lancashire, and South Yorkshire.

> **"According to guidance produced by the NMPCU, estimates of the extent of false reporting range from less than 5 per cent of all street crime to as much as 25 per cent. However, as described above, the research evidence is weak and these figures are largely based on anecdote. They should therefore be treated with a good deal of caution"** (Tilley et al 2004:91).

Forces involved in the Street Crime Initiative reported high levels of 'false reporting'; South Yorkshire Police claimed, "one in five 'victims' are lying when reporting a robbery" (Police Review 25th July 2003). This view was re-iterated by others:

> **"West Midlands Police has pledged to take firm action against people who falsely claim to be the victims of crime. This followed research carried out in Coventry which indicated as many as 20 per cent of reported robberies could be false. In Birmingham City Centre in February, 12 out of 70 reported robberies were discovered to be false after officers had spent many hours examining CCTV footage"** (WMP Annual Report 2003/2004).

Prosecutions for offences relating to false reports received high levels of publicity which created the impression the problem was widespread[35]. The following factors were believed to be indicative of a potential 'false report:

- **Late reporting to the police (several hours or days later);**
- **Allegations reported over the phone;**
- **No contact with the emergency services via the 999 system;**
- **Discrepancies in the account given to the reporting and investigating officer;**
- **Lack of independent witnesses to the crime;**
- **Victim unable to give detailed description of the offender, or unable to identify them; and**
- **Victim stating that they do not want any further action by the police, and they only want to report to get a crime number.**
- **The type of property being reported stolen e.g.**
  - **Benefit money – in order to obtain emergency cash payments through the benefit system in the form of Crisis loans;**

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[35] BBC News 11/2/2004; 12/2/2004; 18/7/2005; 26/5/2006; 25/7/2006.

- **Cash lost by children – reported stolen to explain the loss to a parent or guardian;**
- **Student Coursework – in order to obtain an extension for a deadline;**
- **Other high value items- wages, designer goods, passports**

(Tilley et al 2004:92)

Whilst none of the above characteristics or 'trigger factors' were necessarily suspicious on their own, it was felt that the presence of three or more was worthy of further investigation as a possible 'false report'. However using a non-emergency phone number is one trigger factor and it should be noted that Burrows et al (2000) found that "calls made direct to police stations account for between 40 per cent and 75 per cent of forces' totals" (2000:17) and police forces encouraged members of the public to use non emergency numbers when reporting minor incidents:

> **"West Midlands Police are launching a new campaign, urging people to 'Put the Police in Your Mobile'. The campaign is designed to encourage people to put the force's no-emergency number in their mobile, so they can have it to hand whenever they need it." (Solihull Times July 11th 2007)**

The late reporting may be due to a number of factors. The IP feeling unsafe at the location of the crime resulting in them waiting to return home before reporting the offence. If they have had their mobile phone stolen the ability to ring the police immediately would also be hampered. Giving an accurate description of the offender or account of the incident could be influenced by the trauma induced by the crime[36]. Eye witness account is also known to be problematic and Van Maanen provides an account of how the description of a suspect by two police officers can differ:

> **"But David and I, the two who perhaps had the closest and longest look at the suspect, disagree and disagree spectacularly about how old he was,**

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[36] Perceptual distortion is a phenomenon experienced by firearms officers involved in shooting incidents and accepted as a valid reason for discrepancies in their accounts of the incidents.

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how tall he was, how much he weighed, and what he was wearing" (Van Maanen 1974:115)

The fact that victims may well state they are only reporting the crime for insurance purposes may reflect their realistic expectations of the offender being caught (Walker et al 2006:47) rather than any desire to defraud their insurance company. The suspicions about young people are also contentious as young people are at the greatest risk of becoming a victim of crime, particularly where the theft of a mobile phone is involved:

"Those under 18 constituted nearly half (48%) of all victims, with the peak at age 15 and 16" (Harrington & Mayhew 2001:47).

"According to a MORI survey, 5 per cent of 11-16 year olds had a phone stolen last year. The less representative On Track survey put the figure higher still. This level of risk is well in excess of that for adults. The survey indications, too, are that the risks of having a phone stolen in a robbery or theft from the person are much higher for youngsters than adults". (Harrington & Mayhew 2001:55)

The reduction in recorded robberies during the period the 'Street Crime' forces were developing and employing tactics to address false reports appeared to correspond with the large percentages being quoted in the press. The West Midlands Police issued mock eleven pound notes outlining the 'trigger factors' and warning officers to be on their guard (www.west-midlands.police.uk). It was therefore assumed reducing these false reports made a significant contribution to the overall reduction in robberies commented on by Tilley et al:

"Two years into the initiative, figures for the year 2003/4 show that robbery is 24 per cent lower in the ten forces than it was in 2001/2 and 17 per cent lower across England and Wales as a whole" (2004:2).

Nationally the reduction in robberies is apparent Fig 5.1 and in view of the large

percentages of 'false reports' being quoted by police forces it appeared that the

reduction in 2004/5 could be due to the prevention and detection of those seeking to

report robberies falsely.

National Recorded Robberies:1998-2007
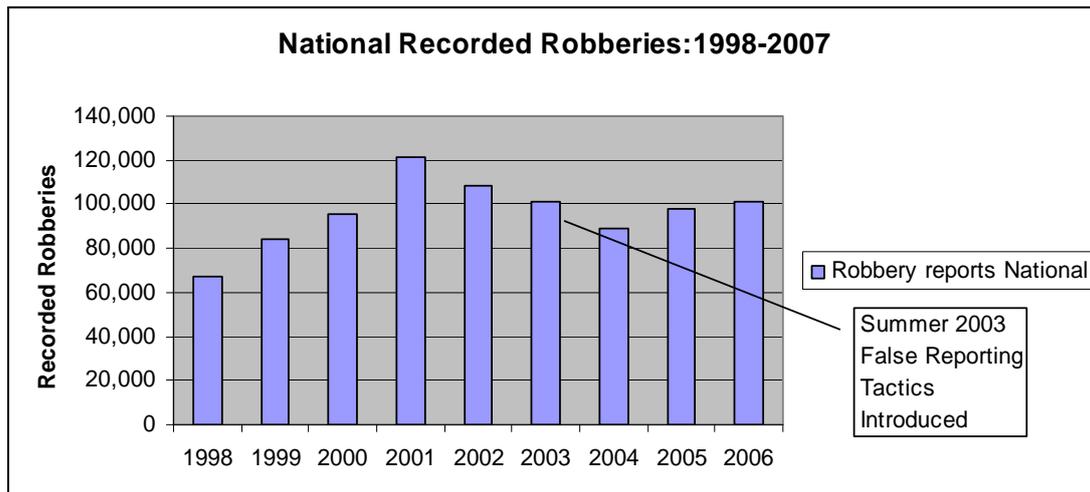
(Fig 5.1)   **(Home Office Bulletins 1999-2007)**

However it was specifically stated in the guidance that mere suspicion should not

prevent the recording and investigation of the initial complaint as Tilley et al pointed

out:

> **"All allegations of street crime must be recorded……when indicators of**
> **possible false reports are present, the victim and secondary investigation**
> **should be encouraged to attend the police station, or be visited by a police**
> **officer at their home or place of work." (Tilley et al 2004:93).**

If this requirement in relation to crime recording was complied with, then the forces

reporting high incidence rates of 'false reports' should have recorded corresponding

high levels of prosecutions for wasting police time and/or large numbers of recorded

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robberies being re-classified as 'no crimes'.   So for audit purposes a robbery would be recorded; investigated; and, if found to be false, the offender reported for wasting police time; a new crime report would be created for the offence of 'wasting police time' and the original robbery report re-classified as 'no crime':

> **"My immediate reaction is: if the false reporting policy is legitimate then people are being prosecuted for some offence." (Interviewee B**

It was anticipated, that if the reduction was due to the prevention and detection of 'false reports' then something in the region of 20 per cent of all robberies would be re-classified as 'no crimes'. However, when the 'no crime' data was examined for the year 2004/05, the first full year of data when the 'Street Crime' forces were operating 'false reporting' policies, the percentage of robberies of personal property subject of 'no crime' procedures were low: Nottinghamshire 'no criming' the highest percentage at 5.38%; South Yorkshire 3.17%; West Midlands 4.69%. In 2005/6 the percentage of robberies of personal property subject of 'no crimes' decreased dramatically across all the 'Street Crime' forces e.g. Nottinghamshire 3.56%; South Yorkshire 1.41% and West Midlands 3.09%. This may be have been the result of the campaign to deter 'false reporters', although press releases made by police forces indicated the problem still persisted:

> **"At least half of all reported crimes investigated by Reading's Street Crime Unit are false claims, say police" (BBC News 12th Feb. 2004)**

> **"Robberies in Birmingham city centre have been reduced by a third……Investigation rates have revealed that about a third of reported robberies have been found to be knowingly making false reports" (Birmingham Post: 9th Nov 2005).**

"Police say one in 13 reports of robbery in north Manchester are made up by so-called victims" (BBC News 22nd June 2007)

An alternative explanation for this reduction in 'no crimes' may have been the impact of the Audit Commission which commenced compliance audits of 'no crimes'[37] in Dec 2004. This required police forces to justify their decision to 'no crime'. However the 'gap' between reported levels of false reporting and 'no crimes' might have been due to suspected offenders being identified early and reported for the offence of wasting police time; the false robbery report not being recorded in order to reduce unwarranted paperwork. This possibility will be explored in a later section of the chapter. The other alternative was that officers were using their discretion to decide that a report was false and therefore making no record.. The lack of significant numbers of robberies being 'no crimed' suggests filtering was occurring at the reporting stage[38] e.g. being asked to attend the police station personally to report the crime, a practice the Audit Commission uncovered during their checks on the Metropolitan Police Service (Audit Commission/MPS 2007:15).

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[37] Crime reports may be 'no crimed' if; the crime was committed outside the jurisdiction of the police force in which it was recorded; Following the report of an incident that has subsequently been recorded as a crime, additional verifiable information is available which determines that no notifiable crime has been committed; The crime, as alleged, constitutes part of a crime already recorded; The reported incident was recorded as a crime in error. (Audit Commission Dec 2004)

[38] This approach mirrors HMIC's 1998 inspection of WMP when the lack of 'no crimes' was confirmed as indicative of an 'evidential' crime recording standard and 'cuffing'.s

2. THE IMPACT OF 'FALSE REPORTING' POLICIES ON THE WEST MIDLANDS POLICE:

The West Midlands Police started developing policies to deter the 'false reporting' of robberies, particularly those involving mobile phones, during 2002/03 as part of the National Street Crime Initiative. The Operational Command Units (OCU) with the highest levels of robberies attended regular 'Compstat'[39] type meetings chaired by an Assistant Chief Constable and the issue of false reports was a regular agenda item. The policy was not incorporated into a written force wide policy until February 2004 when a comprehensive 'false reporting' policy was introduced for 'acquisitive crime' i.e. burglary, street crime, and vehicle crime and extended to all OCUs. The force did, however, issue officers with an aide memoir printed on mock eleven pound notes outlining the 'trigger' factors and warning officers to be on their guard for potential 'false reporters' (www.west-midlands.police.uk). The impact on recorded robberies (Fig 5.2) demonstrates the impact the policy had on the level of recorded robberies when introduced to the OCUs with the greatest robbery problem in the summer of 2003 and on the whole force when the policy was expanded in February 2004.

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[39] The term given to the meetings used in New York, by police commissioner Bratten to hold local police commanders to account for the level of crime recorded in their districts.
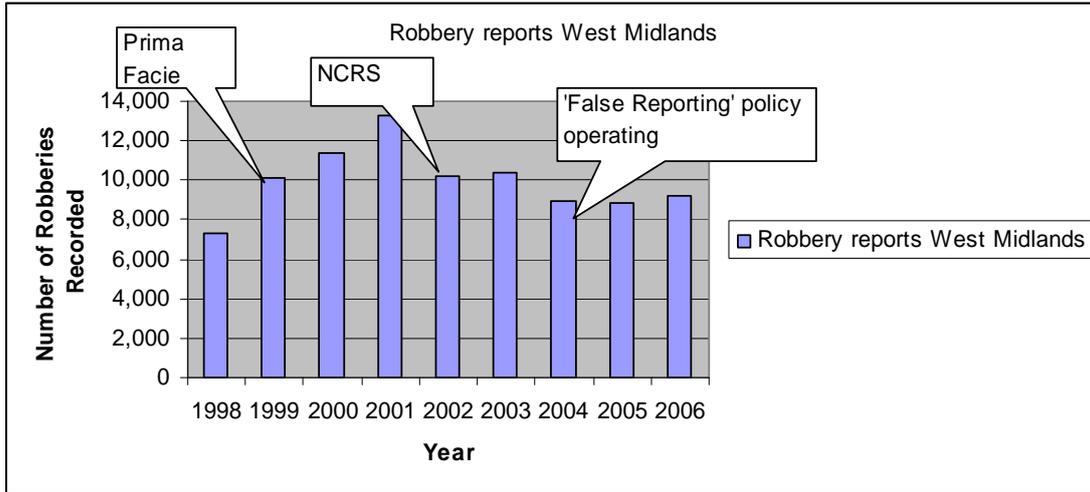
(Fig 5.2)   **(Home Office Crime Bulletins 1998-2007)**

When the policy was extended to acquisitive crime, which included, vehicle crime,

burglary and robbery the impact on these key offence categories was also discernible,

(Fig 6.3). There was nothing to suggest the policy was based on anything other than a

genuine belief that there were a considerable number of individuals seeking to make

false reports. However there was no objective independent research carried out to

confirm the validity of that suspicion which interviewee C referred to as 'wishful

thinking'.
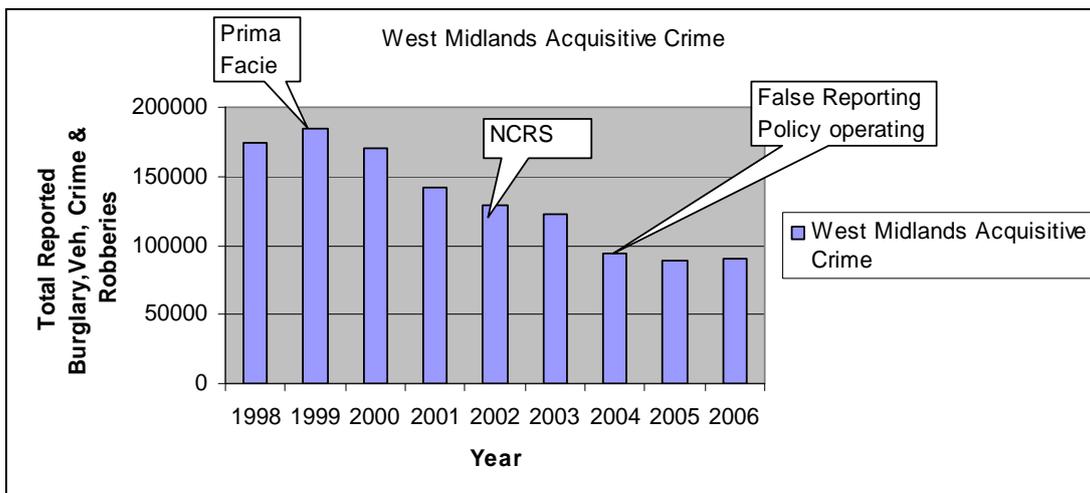
(Fig 5.3)   **(Home Office Crime Bulletins 1998-2007)**

An examination of the British Crime Survey trend data (Fig 5.4) shows that burglary and vehicle crime had been falling consistently during the period 1998 to 2006 so the downward trend in police-recorded crime is endorsed although the sudden reduction corresponding with the introduction of the comprehensive 'false reporting' policy is still significant.

Figure 2.6 Trends in BCS crime, 1995 to 2006/07 (indexed 1995)
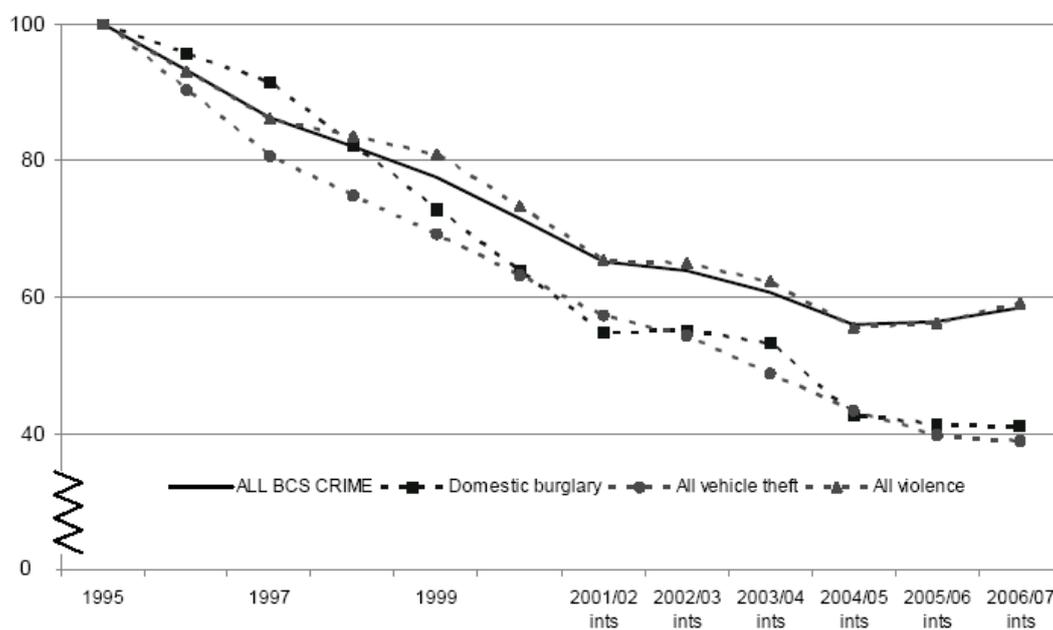
(Fig 5.4)   **(Nicholas et al 2007:19)**

An examination of 'no crimes' for robberies (Table 5.1) does not provide an explanation for the sudden reduction in recorded robberies, as the large percentages of 'false reports' released to the media by the force were not matched by the percentage of 'no crimes'. In fact the data shows a marked reduction in the number of robberies re-categorised as 'no crimes' after the Audit Commission audit of 'no crimes' in 2004. This suggested crime managers were 'no criming' reports inappropriately. The

Audit Commission grades for the specific tests on 'no crimes' (Table 5.1) confirmed

low quality control in this area in both 2004/05 and 2005/06.

	2001/02	2002/03	2003/04	2004/05	2005/06
Recorded robberies	13,322	10,249	10,371	8,905	8,867
No Crimed	435	496	542	438	283
% of Robberies No Crimed	3.16%	4.62%	4.97%	4.69%	3.09%
Audit Rating 'no crimes'				**Amber 2004**	**Red 2005**
Audit Overall Grade			**Amber 2003**	**Amber 2004**	**Green (Good) 2005**

(Table 5.1)   **(Home Office 2006)**

The Observations of the Interviewees:

The interviewees who examined the West Midlands Police total recorded crime

profile (Fig. 4.1) and the related documents[40] concluded that the sudden changes in

recorded crime were the result of changes to the crime recording standard. They were

also of the view that the introduction of the 'false reporting' policy signalled a return

to an 'evidential' crime recording standard:

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[40] HMIC Inspection report 1999; False Reporting Policy; Incident Audit and E mail from Crime
Manager

> **"So basically it has brought you back to the pre-ethical recording standard of 1998. What it's done is to reintroduce the element of discretion and therefore the element of, for want of a better word, cheating that was there originally."** (Interviewee A)

> **"All sorts of reasons for why crime changes and then comes back level but it's all 'froth' because the same principle has reasserted itself in a different form"** (Interviewee C)

None of the interviewees suggested the reduction in recorded crime experienced after the introduction of the 'false reporting' policy was due to improved performance:

> **"There is no way to explain this in terms of what West Midlands are doing in terms of policing that is substantially different from what everybody else is doing."** (Interviewee A)

Examination of the West Midlands Police 'false reporting' document revealed an introduction stating the policy was based on research that had shown a proportion of reported street crimes, burglary and vehicle crimes were likely to be false (no reference was provided for the 'research'). The offender's objective of obtaining a crime number in order to legitimise a false insurance claim was explained. The policy also outlined the aims of the NCRS pointing out that a victim led approach means complying with a 'balance of probability' standard. It then continued to outline the procedure to be followed when an offence was reported. A summary is provided as follows:

- **An incident log will be created**
- **The issuing of a crime number or incident number to the victim over the telephone is forbidden**
- **Arrangements for the victim to come into the police station or be seen by an officer are to be made**
- **It is then stated reluctance to comply with the above conditions should not prevent a crime report being recorded over the phone**

- **When three or more 'trigger' factors are present a supervisor should be consulted**
- **The supervisor will decide what further investigation is necessary and this may include a further witness interview**
- **The 'victim' should be asked to sign a pro-forma explaining the consequences of making a false report before the interview**
- **The crime number and log number will be withheld from the victim although they will be provided with the investigating officer's details**
- **The incident log should be marked with 'crime number not disclosed' to prevent any inadvertent disclosure the victim until the police are convinced it is not a false report.**

Whilst the policy complied with the 'letter' of the NCRS the impact was likely to result in a failure to record reported crime as an 'evidential' crime recording standard was applied:

> **"What this is saying; it's saying if you can't actually tell the reporting officer face to face that something has been stolen and whose stolen it then that's a good reason for the officer to say no crime's been committed; that's a false report." (Interviewee A)**

Local press reports also indicated an 'evidential' standard was being applied:

> **"Recently my son's new mobile phone went missing while he was out. He thought it had been stolen. On returning home he phoned his number as he remembered the phone was definitely switched on. It was turned off. We contacted the police to report it and get a crime number as instructed by the insurance company. He was told that the fact that the phone was missing and now turned off was no proof it was stolen. The officer said my son would have to have seen the person steal his phone." (Birmingham Mail 27.6.07pg.12)**

Delaying the issuing of crime numbers until after the victim has either attended a police station and been able to verify the legitimacy of their report or been seen by an officer is evident from the incident logs examined:

> **"Reported theft of motor vehicle: I.P. unable to produce log book and insurance certificate, therefore unable to establish ownership of vehicle: Info. Log placed on PNC (Police National Computer): Classification Miscellaneous Other" (WMP: Incident audit 18.8.04)**

> **"IP reporting theft from motor vehicle: IP required to produce documents for vehicle in order for incident to be crimed: Crimed as theft from motor vehicle" (WMP Incident Audit: 18.8.04)**

One of the interviewees also related one example of the issuing of crime numbers being delayed:

> **"It's open to abuse, only today I was talking to a store detective who witnessed a known thief, well known character stealing property from his own store and wasn't able to get from his office to the person to stop him. So he phoned up to report it and they** *[the police]* **would not give him a crime number over the phone. They wouldn't give him a crime number because they had to send an officer out to make sure it had happened" (Interviewee F).**

The author also reported a theft of hubcaps from his car whilst it was parked on the drive overnight (early 2005). Although only one 'trigger' factor was present when making the report (non 999 call), and while there was no intention to make an insurance claim, the details were not taken over the phone and a crime number was not issued, until an officer attended personally and the author had signed a statement outlining the consequences of making a 'false report'. When asked why the officer had to attend the scene of such a minor crime it was stated that the OCU was investigating all vehicle crime in this way. In this case the officer was available to attend very quickly and stated the OCU had sufficient resources to pursue this policy. However the ability to resource such a policy is likely to be an issue at busy times and there is a real danger that lack of resources could result in failures to make contact with victims and therefore result in crimes being unrecorded:

"If every crime reported by telephone resulted in an officer attending the impact on police resources would be phenomenal." (Interviewee B)

The policy contains a number of potential contradictions; placing a requirement on officers to comply with the NCRS whilst at the same time encouraging them to be suspicious of victims; requiring officers to withhold crime number then telling them this should not prevent them recording a crime over the telephone: stating the policy is ethically victim focussed yet requiring victims to sign a disclaimer stating they are not lying. The policy, on the one hand, offers officers discretion when recording crimes but on the other reduces discretion by requiring them to justify to a supervisor why they have recorded an incident as a crime when a number of 'trigger' factors were present:

> **"It is a judgment for the officer emphasising that it is for the officer to decide not the person reporting. It's quite funny, quite strange, mixed messages…..I think the basis of them producing tick box lists saying does this fit the profile or not, although they very disingenuously say it is up to the individual officer. So there is discretion. No there ain't [*sic*]. Once you give a list to cops they will follow the list." (Interviewee C)**

Such contradictions in the policy would of course enable senior management to escape responsibility if 'cuffing' occurred and something went wrong enabling them to place the blame on the operational staff. The policy in effect justifies a return to an 'evidential' crime recording standard and the 'cuffing' associated with it. Like the 'evidential' crime recording standard it enables 'working rules' to apply in the practical application of the policy whilst allowing 'presentational rules' to apply if a scandal ensued (Smith & Gray 1983; Smith 1986). Whilst senior officers are unlikely to admit that this was the desired outcome they should be aware that 'cuffing' is likely

to result. The policy also circumvents the audit checks conducted by the Audit

Commission as it would be difficult for an auditor to challenge the decision of an

officer, who after speaking to a victim, decided that the report, 'on the balance of

probabilities' was false. The policy also appeared to comply with the Audit

Commission's own advice to ensure a crime has occurred prior to recording it thus

avoiding inefficiencies and the need to 'no crime' reports.

The presence of officer discretion in crime recording procedures creates the potential

for discrimination. This factor was clearly evident in one of the incident logs sampled

by the author when a victim was 'allowed' to report a theft from his motor vehicle

over the phone, as opposed to coming into the police station with the required proof of

ownership, because of his employment status. However the officer did record on the

incident log the reason for this relaxation of crime recording policy. The interviewees

were also of the opinion that the policy was potentially discriminatory:

> **"Yes the less articulate minority groups, people who could not
> communicate as well because of language difficulties, people you could
> make a judgement about on how they dress, age and gender" (Interviewee
> E).**

> **"This will particularly impact on the young people as it is they who are
> particularly at risk of the crimes covered by this policy. It may also be
> seen as being targeted by ethnic minorities, particularly as the areas
> where it was introduced have high numbers of ethnic minority victims."**
> **(Interviewee G)**

The policies compatibility with Human Rights legislation, which Neyroud and

Beckley (2001) believed would address many unethical practices, is questionable as

victims may have been denied access to legal redress for the crimes committed

against them.

3. THE SURVEY RESULTS:

It was hypothesised that the introduction of 'false reporting' policies indicated a move to an 'evidential' crime recording standard and if introduced by other police forces it would have a similar impact on recorded crime levels to that experienced by the West Midlands Police. In order to establish the extent of use of such a policy a questionnaire[41] was sent to all police forces in England and Wales seeking to establish if and when a 'false reporting' policy had been introduced. The questionnaire utilised the provisions of the Freedom of Information Act and requested copies of the policy; date introduced; offences to which it applied; and any analysis on 'false reporting' completed as part of the NIM process. It was hoped that such analytical products would quantify the number of offences of 'wasting police time' caused by false reports.

An hundred per cent response rate was achieved and ten out of the forty three forces surveyed indicated that they were operating some form of 'false reporting' policy.

Specific Questions the Survey Sought to Answer:

The survey was designed to identify those forces employing the policy and then examine its impact on performance. The specific questions it sought to elicit answers to are as follows:

Q1. To What Extent had the Policy Evolved and Spread?

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[41] The questionnaire was circulated in July 2006.

Collier (2005; 2006a & 2006b)[42] identified the sharing of 'best practice' between forces, mimetic isomorphism, and noted how the desire to avoid PSU engagement had introduced a competitive element to this process and concluded:

> **"Police forces incrementally vary their structure and processes to be better than others, rather than merely mimic successful practices. However having achieved improvements, they share their learning with other forces before moving on to further improvement. This is a form of co-operatively competitive isomorphism." (2005:9)**

It was assumed therefore that 'false reporting' policies would have been adopted and adapted by a number of forces.

Q2. To what extent had the evidence base for the policy been expanded upon?

It was hoped that NIM assessments of the problem would expand upon the limited evidence and cautious assessment produced by the Street Crime Initiative (Tilley et al 2004). However Collier concluded that NIM was subordinate to the requirements of Performance Management in the forces he conducted his research in. If his findings remained true then the survey would reveal little in the way of robust analytical assessment of the extent and nature of the problem of false reports.

Data on 'no crimes' was released by the Home Office and this enabled comparisons to be made between the robberies 'no crimed' and the extent of false reports appearing in press releases.

Q3. Has the potentially damaging impact on genuine victims been considered?

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[42] Collier's research was based on field observations and interviews in a sample of four English police forces.

Rosenbaum et al's (2005) research indicated the potentially damaging impact failing to meet the public's expectations could have when they initiated contact with the police, a point made by one of the interviewees:

> **"Those who are unaffected by it will not notice it, but those who are affected by it, when they are not making false reports will be annoyed by the inconvenience, the suspicion, and if they have previously reported crimes, the change." (Interviewee G)**

There was also evidence from the literature, be it inconclusive, (Smith & Grey 1983) that racial discrimination could be an influential factor on officer's discretion. It was therefore assumed that a policy which relied on officers using their discretion to make an assessment of victim's 'honesty' would be subject to an Impact Assessment under the provisions of the Race Relations Amendment Act 2000.

Having identified the forces which had introduced the policy it was possible to assess their recorded crime profiles, Audit Commission Grades and 'no crime' data, thus enabling exploration of the following questions:

Q4. Has the introduction of the policy had a similar positive impact on performance as experienced by the West Midlands Police?

Consistent patterns of reductions in recorded crime would support the interviewees' assessments that the policy, not other factors, was responsible for the sudden

reduction in recorded crime. This in turn would support the view that the policy

indicated a return to an 'evidential' crime recording standard.

Q5. Has the Audit Commission's data standards audit identified the forces operating 'false reporting' policies?

Contact with the Audit Commission prior to the survey indicated that they were

unaware of 'false reporting' policies. A review of crime recording policies had been

conducted in the first audit in 2003 but no further checks of this type had been made.

'False Reporting' policies were introduced after these initial checks. Assessing the

audit compliance grades of the forces operating 'false reporting' policies was viewed

as a means of testing the effectiveness of the Audit Commission compliance regime.

3.2 Survey Results:

Q1: The survey revealed that the following forces had adopted formal 'false reporting' policies (Table 5.2).

Force	Date Introduced	Scope and Applicability
West Mercia Police	August 2003	All property crime
West Midlands Police	20 February 2004	Acquisitive Crime (Street Crime; Vehicle Crime and Burglary)
West Yorkshire Police	3 September 2003	Street Crime and Volume Crime
Merseyside Police	10 September 2004	Benefit Monies
Cleveland Police	4 April 2006	Street Crime involving mobile phones and theft of benefit money
Humberside Police	1 July 2004	Street Crime involving mobile phones and theft of benefit money
Nottinghamshire	29 April 2004	Street Crime: extended to Burglary 2005

(Table 5.2)

The following forces indicated some practice although no force-wide policy (table 5.3):

Force	Date Introduced	Applicable
Avon and Somerset	Circa 2003	Street Crime and Vehicle Crime (Bristol BCU)
City of London	Circa 2003	Instruction and posters relating to stolen and lost property
British Transport Police	May 2005	Theft of luggage and other personal property

(Table 5.3)

The research revealed that the policy on 'false reporting' had metamorphosed, in some forces, from a policy devised during the Street Crime Initiative to address bogus reports of theft/robbery of mobile phones to comprehensive policies designed to deal with the false reporting of any property related crime. The policy had also been adopted by a number of forces indicating that a form of 'co-operative competitive isomorphism' had occurred thus supporting Collier's assertion that forces share and evolve effective practice in order to remain competitive (Collier 2005). Whilst the number of forces adopting the policy was limited at the time of the survey it is likely to spread as it appeared to deliver a competitive advantage.

Q2: **Evidential Base for Policy:**

It was hoped that the responses to this question would provide the reasons why forces introduced the 'false reporting' policies. Some forces introduced the policy by referring to the evidential basis for the Policy however there was no consistency: West Midlands Police stated that research had shown a proportion of reported

offences were likely to be false: Cleveland noted that the main source on the scale of the problem was anecdote and the research evidence 'thin'.

Only two forces provided any form of analytical problem profile, the most comprehensive being provided by British Transport Police who had:

- **reviewed 68,000 crime records earlier in 2006 and found 2,000 reports that were of concern.**
- **After a filtering and grading process 221 were highlighted as the worst examples of suspected false reporting.**
- **These were subjected to further intelligence measures, including checks with the Association of British Insurers, and 211 target packages were created.**
- **These were then 'actioned' and 211 individuals were seen.**
- **These investigations resulted in 6 arrests.**
- **The force still required victims to sign a declaration stating their report was genuine.**

Avon and Somerset reported that in 2004 their Bristol Command Unit suspected that some **30 per cent** of all robberies reported in central Bristol were false; **13 per cent** being confirmed as false. By November 2005 it was estimated that **6 per cent** of all robberies were false. The decrease was attributed to a raising of the awareness of the consequences of making a false report; the issuing of fixed penalties for wasting police time and police officers and front office staff not issuing crime numbers immediately if a false report was suspected. Avon and Somerset Constabulary reported that a search of their crime recording system revealed that between 2000 and 2006 only **81 incidents** had resulted in someone being prosecuted for wasting police time. 'No crimes' in Avon and Somerset accounted for 74 robberies of personal property in 2003/04; 85 in 2004/05; and 60 in 2005/06, approximately 3 percent of all robberies of personal property.

None of the other forces operating a policy or employing some tactics to deal with 'false reporting' supplied any data on the scale of 'false reporting' or the number of offenders reported for 'wasting police time'. Nottinghamshire did disclose the percentage of reported robberies 'no crimed' as indication of the scale of the problem (3%).

Two forces, City of London and West Mercia had 'no crimed' large percentages of robberies: West Mercia[43] 'no criming' over 9% in 2002/03. and over 12 % of robberies in 2003/04: City of London 'no criming' 41.7% of robberies in 2003/04. However no NIM analysis had been conducted on 'false reporting' and no Race Relations Impact Assessment had been conducted so it was difficult to attribute the large number of robberies 'no crimed' to 'false reports' which subsequently resulted in a prosecution for 'wasting police time'. Both forces experienced a reduction in robberies 'no crimed' after the commencement of the Audit Commission checks in 2004. Other forces' 'no crimes' data did not account for the large reductions in robberies or equate to the scale of false reporting quoted by the media.

The lack of analytical assessments of the scale and nature of 'false reporting', conducted under the NIM process, supports Collier's (2005) finding that NIM is not the dominant influence on police action. It may well be implied that the improvements in performance which followed the introduction of 'false reporting' policies influenced there adoption.

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[43] West Mercia have consistently 'no crimed' over 5% of their total crime since 2001/02 which is above the national average of 2.6% (Audit Commission 2004:13) City of London increased total no crimes from just over 4% in 2001/02 & 2002/03 to 7.19% in 2003/04; and 14.86% in 2004/05 reducing to 11% in 2005/06.

Q3. Compatibility with the Race Relations (Amendment) Act:

Only one of the forces, which had introduced a 'false reporting policy'; City of London, had conducted any Race Relations Impact Assessment on the 'false reporting' policy. This related to the recording of reports of stolen passports where officers were required to withhold crime numbers from the victim until their identity had been corroborated. This action was deemed necessary to avoid the obtaining of duplicate passports for criminal purposes, including terrorism. For the City of London Police compliance with the NCRS was all that was necessary in order to meet the requirements of the Race Relations legislation.

The respondent from Lancashire Constabulary, which had not introduced the policy, was of the opinion that the policy could be discriminatory:

> **"Clearly the vast majority of reports of crimes made to the police are honest and accurate but occasionally false claims are made. The problem with writing a policy to address the false reporting of crimes is that these may be discriminatory towards or disadvantage those victims who are genuinely reporting a crime which happened. To place barriers to members of the public being able to report crimes or placing conditions on the recording of those crimes would be contrary to the National Crime Recording Standard even where police forces are aware that false reporting is most prevalent in respect of certain crime classes." (Respondent from Lancashire Constabulary)**

None of the forces surveyed indicated any change to the recording standard brought about by an impact assessment on the policy. Only six forces indicated in their responds that they had conducted an impact assessment on their crime recording procedures:

"It is unlikely that the false reporting policy will be monitored in relation to any discrimination – it is likely to be monitored in terms of overall crime numbers and detections. There is therefore no opportunity to alter it to avoid any unforeseen adverse consequences" (Interviewee G).

Wiltshire Constabulary had completed an impact assessment on their crime recording policy and they sent a copy in response to the questionnaire. They had identified that the crime recording policy was important for race relations: "graded as having a **<u>High</u>** impact on the promotion of Race Equality". Their assessment suggested the prevailing view was that the NCRS was a national standard endorsed by ACPO and therefore compliant with the RR (A) A. They went on to identify the positive aspects of compliance:

"Accurate data supporting a NIM approach: Consistency of data for analysis purposes and future resource allocation: A more victim orientated approach. From a diversity perspective this would lead to "equity in service delivery for all racial groups" (Wiltshire Constabulary Race Equality Impact assessment: 2006:4)

There was no indication in any of HMIC baseline assessments on forces operating the policy to suggest the policy's potentially discriminatory aspects had been considered.

The lack of Race Relations Impact Assessments frustrated the potential to assess whether officer discretion, when dealing with victims of crime, was influenced by discriminatory factors. However, the absence of impact assessments on this policy did provide an indication of senior officer's level of awareness and knowledge of Race Relations legislation.

Q. 4. The Impact on Performance measured in term of Crime Reduction:

The level of recorded crime (total recorded crime; robberies; and combined robbery, burglary and vehicle crime) was examined for each of the forces identified as operating 'false reporting' policies to identify if any reduction in recorded crime had occurred that corresponded with the introduction of the policy. 'No crimes' and Audit Commission grades were also examined to establish if the adoption of 'false reporting' policies had any impact on these indicators. The data and observations on each of the forces which had indicated that they were operating some form of false reporting policy are contained in APENDICIES D-L.

Three Forces, West Mercia; West Midlands and West Yorkshire all adopted comprehensive 'false reporting policies' between August 2003 and February 2004 and applied them to acquisitive/volume crime, (including robberies; vehicle crime; and domestic burglaries, all Government priorities subject of performance indicators). No NIM type assessment supporting the use of a 'false reporting' policy was released by any of these three forces. However recent evidence from a self reporting survey conducted on behalf of the insurance industry found "one-in-ten of respondents admitted to having cheated their insurance company" (BBC News 14.6.07). That said the report also indicated that most insurance frauds related to inflated claims as opposed to totally bogus claims involving a report to the police, a point made by one interviewee:

> **"I don't think making up a burglary or making up a car theft, I don't think that's common place; no but when it's happened you've had your laptop stolen from the back of your car, so you also stick in a claim for your SLR camera; your ipod all that stuff." (Interviewee A)**

All three of these forces experienced higher than the national average reductions in crime for these categories. From 2002/3 to 2005/6 national recorded vehicle crime, burglaries and robberies reduced by 26%: West Mercia 29%: West Midlands 31%: West Yorkshire 47%. If the policy is indicative of a change in the crime recording standard then a reduction in all crimes would have been expected. When the normalised[44] annual per cent reduction of total crime for West Mercia; West Midlands; and West Yorkshire (Fig 5.5) were compared with the national trend and the British Crime Survey (BCS)[45] trend over the period April 2001- March 2006, it is clear these forces were recording a reduction in crime at a greater rate than the national norm, with significant improvements occurring around the time of the introduction of comprehensive 'false reporting' policies.

Normalised from 2001 - National, BCS and forces with a comprehensive 'false reporting' policy
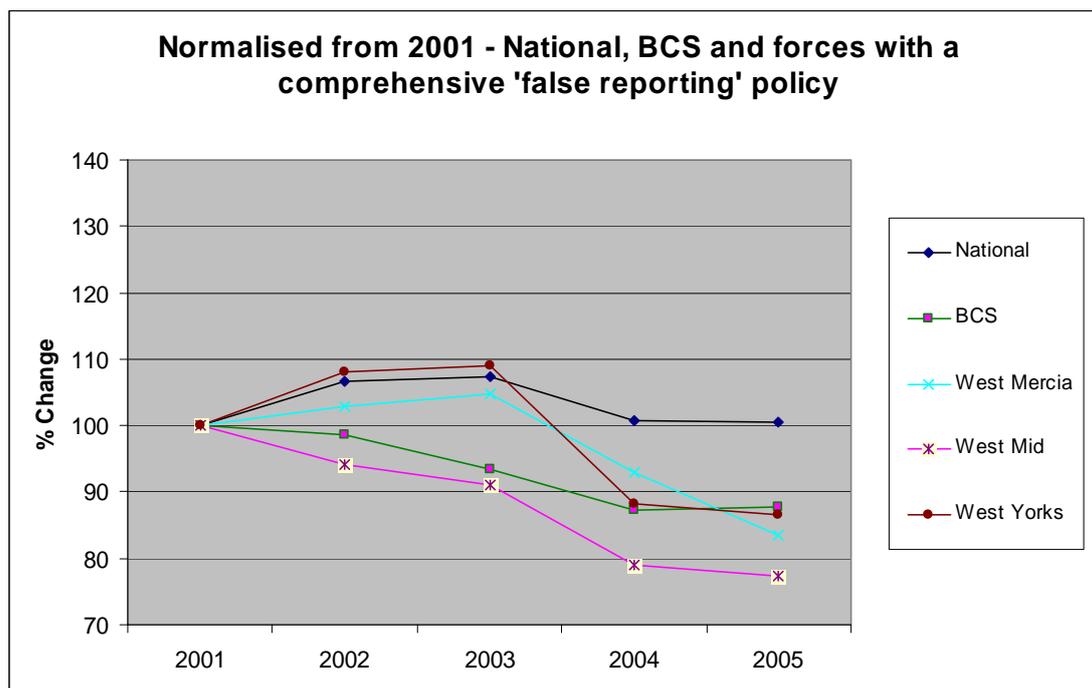
Fig 5.5   **(Home Office Crime Bulletins 2000-2006)**

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[44] The graphs show the reported crimes on a normalised basis. The reported crimes for all forces in the first year of the graph are represented by 100, and subsequent years' reported crimes for each force are represented by the percentage of their first year. This presentation allows percentage comparisons to be made year on year and between forces.

[45] The BCS is a national survey which gives a better indication of trends in crime over time because it is unaffected by changes in levels of reporting to the police, and in police recording practices (Walker et al 2006:10). However the offence categories differ so it is of limited value in this context.

It is also noteworthy that the total recorded crime levels for these three forces returned to pre NCRS levels after the introduction of false reporting policies (Fig. 5.6). The national recorded crime trends and the national trend, minus the ten forces employing some form of 'false reporting' tactics or policy, are also shown. The reductions in recorded crime experienced by the forces operating comprehensive 'false reporting' policies was considerably greater than the national, or the national minus the ten, 'false reporting' forces. The reduction in the national trend may indicate a genuine reduction in overall crime levels or it may indicate a gradual or incremental, force by force, re-adjustment of the crime recording standard being operated by forces. The fact that the reason for these variations could not be established conclusively demonstrated the weakness of the NCRS and failed to provide the confidence that it was not 'game-proof'. 'Cuffing' to a greater or lesser degree could be the cause of these variations.
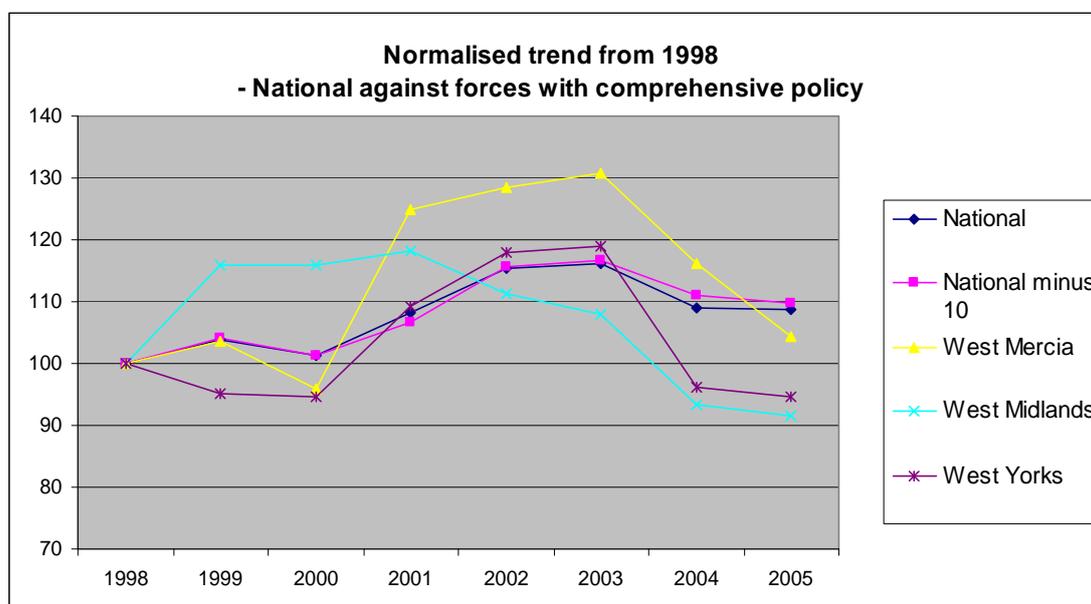
(Fig 5.6)   **(Home Office Crime Bulletins 1999-2006)**

When the total recorded crime trend is examined for the forces operating some form of 'false reporting' policy, (City of London excluded because the crimes recorded are minimal due to the small size of the force), (Fig. 6.7) it can be seen that Nottinghamshire and Humberside experienced the greatest reduction in recorded crime during 2004/5 after introducing some form of 'false reporting' policy.

Total Recorded Crime Forces with some False Reporting Policy
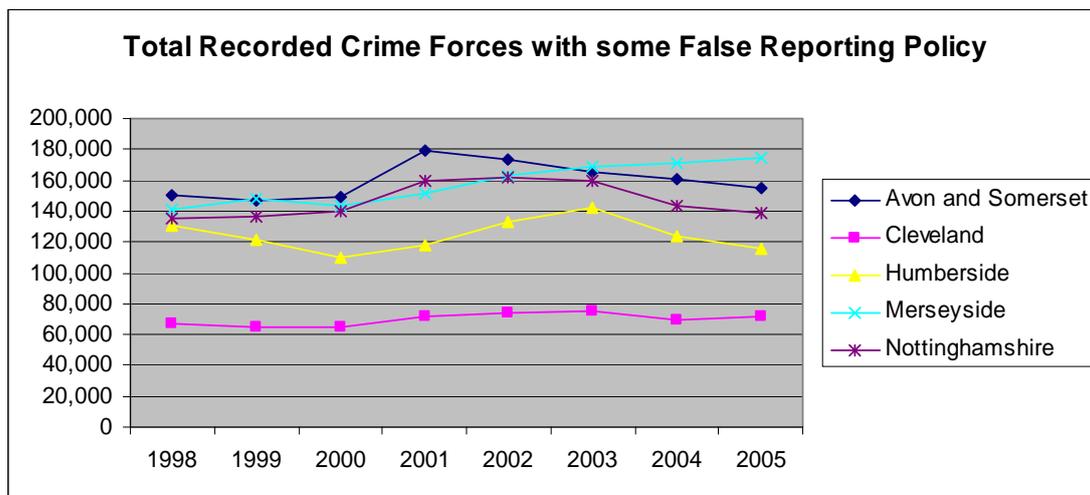
(Fig 5.7)   **(Home Office Crime Bulletins 1999-2006)**

Merseyside was of interest as it didn't follow the general trend, however this force was not included in Simmon's et al's (2003) assessment of the impact of the NCRS because of the peculiarities of the crime recording system it was operating and a new system was in the process of being introduced. What also is of interest is Merseyside's more recent reduction in total recorded crime in 2006/7 (Fig 5.8), an 11 per cent reduction compared to the national reduction of 2.3 per cent. This coincided with HMIC's observation that the force's management were encouraging their officers to make full use of the NCRS 72 hour rule to ensure crimes were recorded correctly (HMIC/Merseyside 2007). This could be indicative of an 'evidential' crime recording being operated.

Merseyside Total Recorded Crime 1998-2007
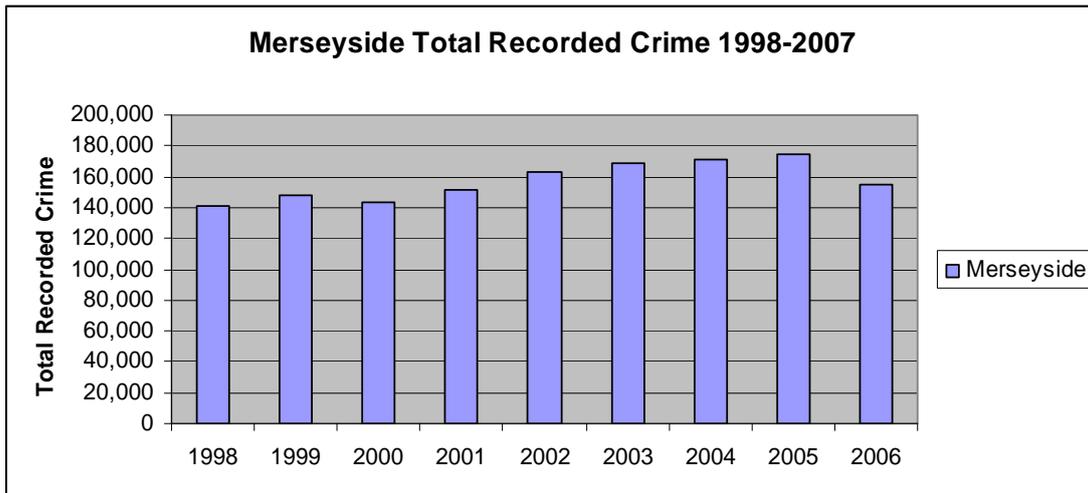
(Fig 5.8)   **(Home Office Crime Bulletins 1999-2007)**

Also of note was the reduction in total recorded crime experienced by Cleveland
Constabulary after the adoption of a limited false reporting policy in April 2006 (Fig
5.9). The sudden rise in recorded crime in 2005/06 corresponds with poor Audit
Commission Results in 2003 and 2004. This would be suggest that recorded crime
rose in 2005/6 as the force ensured compliance with the NCRS and then reduced
again as it was found that the suspicion of false reporting legitimated a more
'evidential' recording standard and also met the auditor's requirements. (Cleveland
being graded 'green' good by the Audit Commission in 2007).

Cleveland Total Recorded Crime

Limited False Reporting Policy 4.4.2006
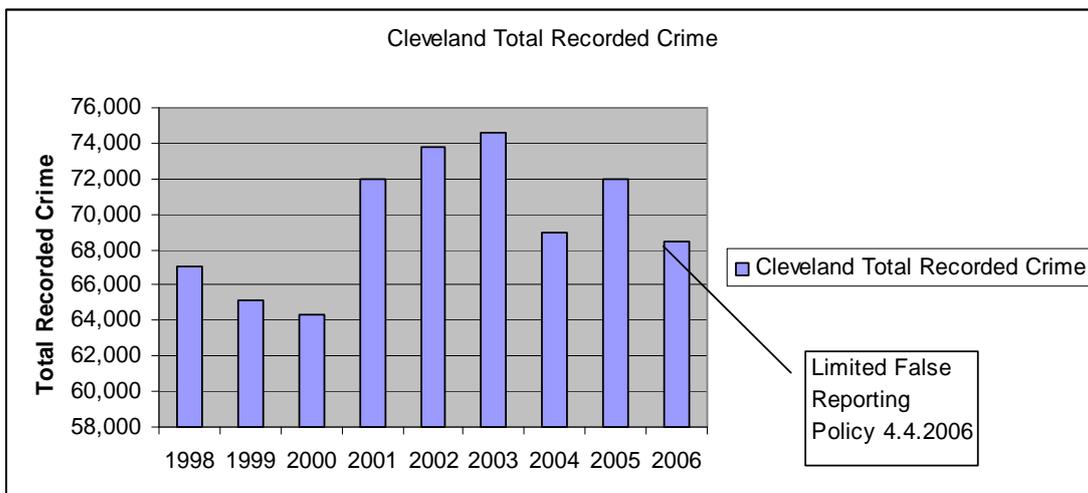
(Fig 5.9)   **(Home Office Crime Bulletins 1999-2007)**

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When the trends for recorded robberies were examined the three forces with comprehensive 'false reporting' policies all experienced significant reductions in recorded robberies after introducing the policy, Fig. 5.10 shows the normalised percentage changes in recorded levels of robberies since 1998. Fig 5.11 shows the same trends for the forces with some form of 'false reporting' policy and practice applicable to reported robberies. Of particular interest is Humberside which was not a participant area for the Street Crime initiative but introduced a 'false reporting' policy in relation to robbery on 1.7.2004 which corresponded with a significant reduction in recorded robberies in 2004/05 than the 'street crime' forces which experienced a reduction in 2003/4 corresponding with the trialling of 'false reporting' tactics in 2003/4. The same is true of West Mercia, again not a 'street crime' force, which experienced a marked reduction in robbery after it introduced a 'false reporting policy (Fig. 5.10).   This again supports the proposition that the introduction of the 'false reporting' policy was the critical factor in reducing reported robberies.

Normalised Robbery from 1998 - National and forces operating policy

Legend: National, West Mercia, West Midlands, West Yorks
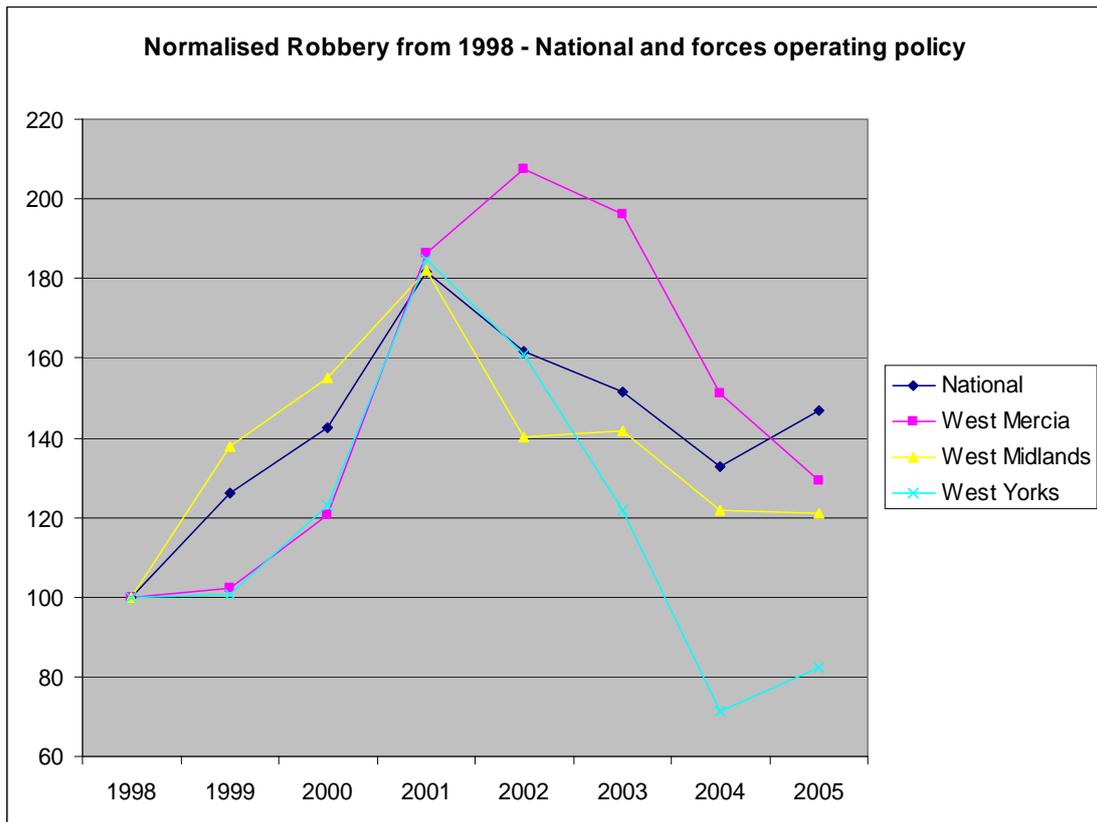
Fig 5.10)   **(Home Office Crime Bulletins 1999-2006)**

Normalised Robbery - forces with robbery specific policies

Legend: National, Avon & Somerset, Cleveland, Humberside, Merseyside, Nottingham, City of London
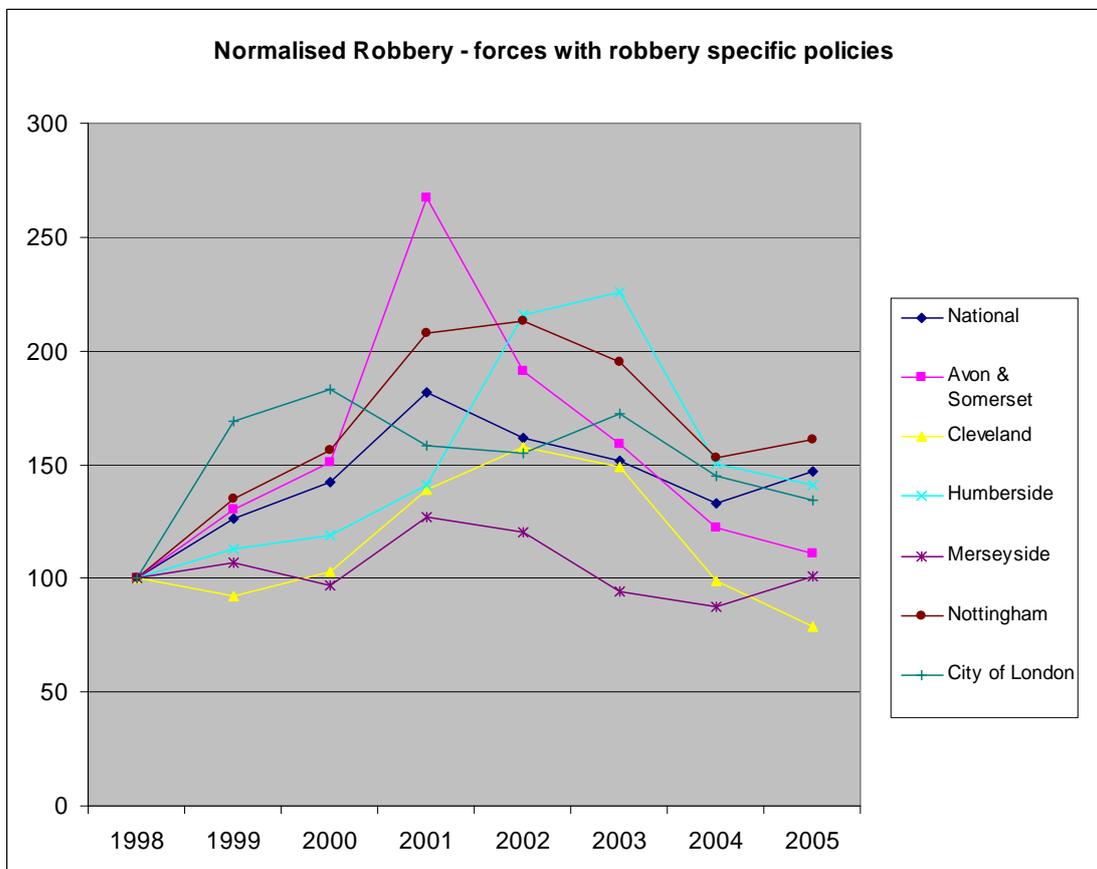
(Fig 5.11)   **(Home Office Crime Bulletins 1999-2006)**

All of the forces which had introduced the policy experienced improved performance

in the offence categories to which the policy was applied thus replicating the

experience of The West Midlands Police. However, an evaluation carried out by

British Transport Police suggested that 'false reporting' might be less prevalent than

originally envisaged and the benefits to be realised by trying to address the issue

outweighed by the potential damage to relations with genuine victims:[46]

> **"So to highlight all of these things implies there is a mindset that we are recording a lot of crimes that don't occur. The National Crime Recording Standard says a lot of these crimes do occur and the smaller number of crimes, where they are trying to fiddle us, we have to tolerate unless we have good evidence to the contrary." (Interviewee B)**

Only one force, City of London, had extended the policy to reports of lost property,

potentially a preparatory act to a false insurance claim. This suggests the motivation

behind the policy was improved performance in reducing recorded crime not the

detection of fraudsters:

> **"Lets not get this reported as a crime, it keeps the figures down. That seemed to the emphasis" (Interviewee E).**

The compatibility of 'false reporting' policies and the NCRS demonstrates the

weakness of a 'balance of probability standard'. The interviewees, supported by

the response from Lancashire Constabulary, were of the opinion that the policy

did not concur with the spirit of a victim focused approach to crime recording:

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[46] BTP adopted a requirement for victims to sign a statement indicating the boa fides of their report.

"Well if you put these all together the practical reaction would be to challenge the victim and you would shift from a victim centred approach, 'I believe you unless I can prove to the contrary, to I don't believe you until you can prove that it had actually occurred." (Interviewee B).

However there is nothing amiss with a policy which seeks to identify potential offenders seeking to defraud their insurance companies, the problem comes when procedures or practices are introduced which delay or prevent the recording of a genuine crime that is reported. The audit gap between the high levels of 'false reporting', released in press reports by police forces and the low level of 'no crimes', suggests reported crimes are not being recorded. This suggests the statistics reported in the press are derived from the deficit between reported incidents of crime and those which subsequently get recorded and issued with a crime number. Such procedures can be manipulated deliberately or innocently. However it is clear officers were still able to use their discretion to decide whether a crime had occurred or not and their decisions could be influenced by a belief that large numbers of people were making bogus reports. This can create a self fulfilling prophesy. Officers decide reports are false, the data then suggests the scale of the problem is large, thus fuelling further suspicion. This in turn justifies the need to retain officer discretion in the NCRS. The small number of false reports resulting in prosecutions and/or no crimes suggests the sudden improvement in the performance of forces adopting the policy was not due to proactively identifying and prosecuting false reporters. Something else was improving the performance and that may be genuine improvements in performance although the most probable cause was a change in the recording standard. Whilst those forces involved in the Street Crime Initiative showed reductions in robberies during the first year of the initiative 2001/2002, in contrast to those forces which were not part of the initiative (Cleveland and Humberside) which recorded increases, all forces showed

reductions, either immediately before or after the formal adoption of 'false reporting'

policies. Certainly the development of 'false reporting' tactics during 2003/04

corresponded with a national 11 per cent reduction in recorded robberies. This could

have been due to the success of the Street Crime Forces in reducing 'false reports'.

However the discrepancy between the reported levels of false reporting and the

number of robberies 'no crimed' questions this assumption. The possibility that false

reports are subject to prosecutions for 'wasting police time' without the reported

robbery being recorded also appears highly unlikely in the light of the low number of

prosecutions disclosed by Avon & Somerset and BTP. The most compelling

explanation was the operation of an 'evidential' crime recording standard or an

interpretation of the NCRS 'balance of probabilities' standard which was similar, if

not the same as an 'evidential' standard. The 'evidential' standard being legitimised

by concerns about false reports and reported crimes 'cuffed':

> **"Ironically the old system was saying we don't believe you; the new system is saying, officially we don't believe you. See previously it was the CID who were the guardians of this unofficial knowledge. Now it's everybody, its official!" (Interviewee C).**

However this did not necessarily mean that forces without 'false reporting' policies

were not operating an 'evidential' crime recording. The experience of Greater

Manchester Police (GMP) was of interest. This force was a member of the Street

Crime Initiative yet stated it had no 'false reporting' policy in response to the survey.

Its total recorded crime profile (Fig 5.12) suggested something dramatic had occurred

between 2003/04 and 2004/05 when a 12 per cent reduction in recorded crime had

occurred.

Greater Manchester Police: Total Recorded Crime
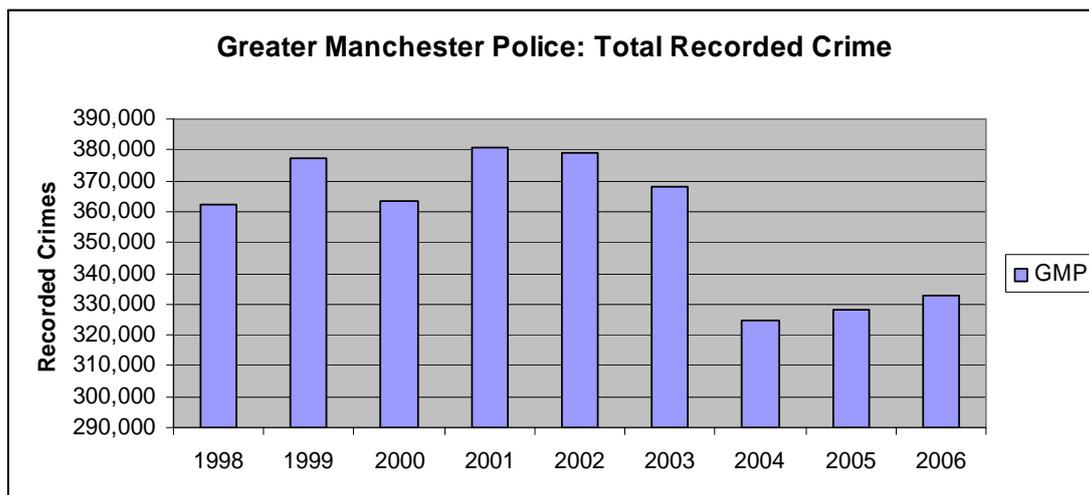
Fig 5.12   **(Home Office Crime Bulletins 1999-2007)**

In order to discover an explanation for this sudden reduction in recorded crime an interview with a performance officer at GMP Police Authority was arranged. This revealed that the force was operating 'balance of probabilities' standard for all reports of crime including those made by the victim. This is compatible with the change in the interpretation of the NCRS in 2006 outlined by the Home Office. The officer explained that the force was making considerable efforts to 'police' compliance with the standard, which may explain the rise in recorded crime in 2005/06. 'False reporting' policies had been discussed and found to be incompatible with the principle of a victim focussed crime recording system and posters emanating from the Street Crime Initiative were removed from police stations:

> **"In a couple of police stations we found one or two notices that were a bit persuasive, but they were taken down, like you must have your IEMI number or something like that. So I don't think it was a cynical approach, people not just being aware of the implications of that." (Interviewee H)**

The large variation between 2005/06 and 1998 can be explained by the fact that GMP adopted a 'prima facie' standard in 1997. The move from a 'prima facie' crime

recording standard to the NCRS 'balance of probabilities' standard for all reports is the most likely explanation for the sudden reduction in recorded crime between 2003/04 and 2004/05.

The limited information released by forces on the analytical basis for the policy suggests the policy was intuitively, not evidentially based. In fact the data on the scale of 'false reporting' provided by the British Transport Police evaluation suggested the evidence did not support the policy. Even accepting the difficulties likely to be encountered in investigating false reports the effort put into identifying 221 suspect cases worthy of further investigation from 68,000 reports doesn't appear justified.

However the marked improvement in performance does make the introduction of 'false reporting' policies highly attractive and those forces without such policies or whose interpretation of the NCRS is closer to a 'prima facie' standard will find themselves in an uncompetitive position which may result in PSU engagement.

Q5. Has the Audit Commission's data standards audit identified the forces operating 'false reporting' policies?

There was no identifiable trend in the Audit Commission's data compliance grades to suggest those forces operating 'false reporting' policies were any less compliant than others, in fact West Yorkshire were commended on their commitment to the NCRS (Audit Commission July 2004:3). Nationally it appears NCRS compliance standards were improving however an examination of the BCS police recording trends indicated there were large variations in the recording rates for different offences:

"Comparing with the previous year, there have been reductions in the estimated recording rate for burglary (77% to 64%), bicycle theft (62% to 54%) and robbery (53% to 44%)." (Walker et al 2006:47).

4. CHAPTER CONCLUSION:

The evidence examined suggests the NCRS 'balance of probability' standard is too loose and is not 'game-proof'. Variations in the interpretation of 'balance of probabilities' creates a continuum between those forces nearer to an 'evidential' standard and those nearer to a 'prima facie' standard, thus re-creating the situation the NCRS was designed to address. This definitional looseness has enabled the police to maintain discretion, legitimised by the concern about 'false reports', over what crimes enter the organisational accounts as 'recorded crimes' and created an environment in which 'cuffing' can flourish relatively unchallenged. This enables the police to maintain control over the primary indicator of their own success as they can still deflate or inflate recorded crime levels by adjusting the crime recording standard.

Certainly those forces operating 'false reporting' policies are near the 'evidential' end of the continuum but they may not be the only ones operating to that standard. The improvement in performance experienced by the three forces adopting comprehensive 'false reporting' policies gave them a competitive advantage over their peers which may be emulated by others as they seek to avoid the consequences of apparent under-performance. If levels of confidence in the crime recording systems were to be maintained (Gibbs & Haldenby 2006) the standard and the recording mechanisms associated with it need to be tightened. The evidence supporting the employment of 'false reporting' policies remains 'thin'; in fact the limited evaluations disclosed do

not justify the potentially damaging impact on victims, particularly those from minority ethnic origins. The interviewees were of the consensus that 'false reporting' policies were incompatible with a 'victim focussed' approach to crime recording.

CHAPTER 6:

'NODDING': A VERY PRODUCTIVE PARTNERSHIP.

An exploration of the extent to which suspects and police officers collude in enterprises designed to improve the detection rate.

INTRODUCTION:

In this chapter the practice of 'nodding' and its impact on the detection rate is examined. The term 'nodding' is used to describe forms of 'gaming' involving collusion between officers and suspects. This involves suspects admitting offences in return for favours or inducements. The term 'nodding' (Wilson et al 2001) comes from the movement of a suspect's head as they point out or 'nod' at the places where they have committed an offence. Legitimate procedures provide suspects the facility to admit further offences either as 'Taken into Consideration' (TIC) when they are sentenced for another similar offence or as 'prison write offs' after they have commenced a custodial sentence and the offence admitted is unlikely to result in an increase in their sentence if they were charged and appeared before the court for the further offence. These two procedures were associated with 'gaming' type abuses (Young 1990; Likierman 1993; HMIC 1999; Wilson et al 2001). This chapter examines whether or not abuses are still occurring and provides an indication of the scale of the problem by reviewing the impact on the detection rate of forces where abuses have been uncovered.

CHAPTER STRUCTURE:

The significance of the detection rate is outlined and the different categories of detections explained. The rules which facilitate 'nodding' are examined and the contribution they make to the overall detection rate calculated. A case study approach is then taken to examine the statistical impact on the detection rate of forces which have encountered problems with gaming behaviour involving 'nodding'. Alternate factors which may explain fluctuations in the detection rate are briefly explored. The impact of the types of detections associated with 'nodding' on forces' rankings on national 'league tables' are demonstrated.

1. THE SIGNIFICANCE DETECTIONS AND THE DETECTION RATE:

The detection of crime represented by the detection rate reflects the popular crime fighting image of policing as officers track down and arrest criminals and then play out the court room drama involved in securing the ultimate goal of a conviction. It is this aspect of policing which captures the public imagination embodied in popular fiction and drama and maintains the high professional and social status enjoyed by the detective:

> **"The elite in the eyes of both the police and the public are the detective branches….The police are to be seen as professional soldiers in a war against crime, to be organised and equipped as such. The crime detection role of the police gains further weight from the fact that it appears at least superficially, the easiest to evaluate in objective terms" (Radzinowicz & King 1977:164)**

However the detection rate is only a statistical reflection of the drama portrayed in the popular media as it bears little relation to arrests and conviction rates. The detection

rate is composed of a number of different forms of detections; charges; cautions (reprimands and formal warnings in the case of juveniles); fixed penalty notices (FPNs); offences taken into consideration (TICs); and administrative detections including informal warnings, prison 'write offs' and circumstances where the witness is unwilling or unable to support a prosecution. The reason for inclusion of different types of detections is well founded: Not all arrests result in any legal sanction as sufficient evidence may be lacking so they are excluded from the detection rate and could be seen as a police failure: many charges or summonses will not result in convictions as the Crown Prosecution Service (CPS) decides there is insufficient evidence to proceed or the suspect is acquitted at trial. These cases still remain counted as detections, subject to review by a supervisor, as the failure to secure a conviction may not be the product of police inefficiency e.g. pressure on the CPS to improve their conviction rate may incline them towards withdrawing cases where the prospect of conviction is uncertain:

> **"We could not fail to recognise the volume of doubts and on occasion criticisms expressed to the effect that the CPS is thought to discontinue cases judged as borderline in an effort to ease the pressures on hard pressed lawyers. We consider that there may be some validity in these criticisms." (Glidewell chapter 4, para. 32)**

That said the detection rate has attracted symbolic status as an indicator of police efficiency (Young 1990). It is also a performance indicator which is highly susceptible to 'gaming' or manipulation by the police themselves. Whilst 'cuffing' indirectly improves the detection rate by reducing the overall level of recorded crime on which the detection rate is based; detected crimes as a percentage of recorded crimes, 'nodding' is designed to improve the number of detections.

2: 'NODDING' TICS AND 'PRISON WRITE OFFS':

The procedures governing the obtaining of detections as offences taken into consideration (TICs) or 'prison write offs' are designed to reduce paperwork and court time. In the case of TICs an offender is charged with a sample of the offences for which they appear before the court and to which they are pleading guilty and other offences to which they admit are presented to the court as TICs in order that the magistrate or judge can take them into account when sentencing. This allows the offender to avoid any outstanding offences coming to notice after sentencing leading to further court proceedings which may result in further penalties. The judge's view of the total number of offences committed is usually offset by the remission given to the offender for showing remorse and a willingness to 'clean the slate' and start afresh. Prison 'write offs' occur when an offender serving a prison sentence admits further offences to the police. If these are unlikely to result in a further custodial sentence then the police can record the offences admitted as detected, subject to the approval of a senior officer.

The problem lies in the potential for negotiation between officers and offenders as officers seek detections, thus improving their performance by securing admissions to offences unlikely to be solved by conventional means, and for the offender to 'clean the slate' and reduce the risk of further penalties:

> **"We talk to people who are likely to have custody to get further admissions or TICs without further charges. This improves our detection figures. The incentive for us is the number, for the burglar it's that he doesn't get a forensic hit and be arrested at the gate" (Collier 2006:7)**

This creates a situation where an offender who is facing charge and likely conviction for one offence may have committed numerous offences. The interviewing officer will be aware that the offender is likely to have committed a number of offences some of which may yield forensic evidence, enabling the offender to be prosecuted when the evidence comes to light. The offender is also aware of this. If there was no pressure to achieve detections the officer would maintain the upper hand as he/she would be able to explain to the offender that they had an opportunity to admit more offences at that stage and thus avoid arrest and prosecution for outstanding offences which subsequently came to light. The choice is then left to the offender. If they fail to take advantage of this offer it could result in them being arrested after they have been released from prison for the earlier offence. This creates extra work for the police officers but does mean that the offender is then placed under certain restrictions when they are re-arrested, as they are again placed on police bail pending court disposal.

The risk of 'gaming' lies in the potential for officers to offer some inducement to the offender to admit further offences. Such inducements could involve charging the offender with one of the less serious offences they have committed e.g. the value of property stolen was less than other offences or no violence was used in the commission of the offence, and then TIC the more serious offences. The result of such a deal would likely be a reduced sentence for the offender. Such a deal has obvious attractions for the offender and although such offers are illegal (attempt to pervert the course of justice) they are unlikely to come to light as they are made outside the restrictive environment of the formal interview where tape recording and defence solicitors may be present. If offenders do accept the offer to negotiate they are also are

entering into a criminal conspiracy and therefore there is little incentive for them to subsequently admit to such an undertaking. This is an example of an 'invitational edge' to corruption (Manning and Redlinger 1977) where organisational objectives tempt officers to engage in 'behavioural gaming'. However, suspects may also try to initiate negotiations. This was the case in an incident known to the author: A raid was carried out on a residential property and a large quantity of cannabis resin, consistent with drug dealing, was discovered. Also present in the house were a considerable number of car radios, presumably stolen, and exchanged for drugs in a barter type arrangement. The suspect who was arrested and faced a lengthy custodial sentence then made the suggestion to the arresting officers offering to admit the theft of the car radios in return for the offence in relation to the drugs being 'dropped'. By offering to admit a significant number of these offences he was tempting the officers with a product which was of more value than the one detection for possession of illegal substances with intent to supply, relatively easy to achieve compared with detections for vehicle crime. The advantage to the suspect making the offer was his liberty and opportunity to continue his criminal business; the drugs offence would have resulted in a custodial sentence; the thefts from motor vehicles were more likely to attract a non custodial sentence. This is evidence of the type of adaptation associated with entrepreneurial behaviours, "the hallmark of entrepreneurial criminals is that they are adaptable and pursue changing market opportunities" (Smith 2006:15). It also demonstrates that Livingston's assumption that 'intelligence' about other criminal enterprises was the primary currency for exchange between offenders and police officers (Livingstone 1996) had expanded as detections became more valuable.

In the case of prison 'write offs' the incentive for prisoners to admit further offences, which would not increase their sentence, is mainly motivated by a desire to 'clean the slate'. This prevents the likelihood of them being arrested after they are released from prison for an offence they committed before they started their sentence e.g. where forensic evidence comes to light at a later stage. The risk emerges when officers take offenders out of the prison and offer inducements in the form of meals, access to partners or alcohol in order for them to admit offences 'nodding'. These were the type of abuses referred to by Likierman (1993); HMIC (1999); Wilson et al (2001).

The abuse of prison 'write offs' led the Home Office to designate prison 'write offs' as non-sanctioned detections. This meant they were excluded from the detection figures the Home Office gauged the forces' performance on. A number of forces pre-empted that decision; these included Greater Manchester Police (GMP), West Midlands Police, Northumbria Constabulary and Cleveland Constabulary. However it is known that West Midlands Police and Cleveland had encountered problems with the probity of their detection rates which may have motivated such a move. West Midlands had instigated disciplinary proceedings against a number of officers up to Superintendent rank for abuse of prison 'write offs' and Cleveland had suspended a number of detectives (including Det. Supt. Ray Mallon) after receiving allegations from two prolific offenders. The Chief Constable of GMP made the decision to discount prison 'write offs' in 1995 (HMIC: GMP: 1996).

However TICs remained 'sanctioned' detections and it also remained possible to 'convert' 'prison write offs' into TICs by producing prisoners from prison for interview when investigating offences which had subsequently come to light as a

result of, for example, forensic evidence. If there was sufficient evidence to charge an

offender serving a custodial sentence the CPS would be contacted to authorise the

most suitable means of disposal. The CPS would take into account the sentence the

offender was currently serving and the likelihood of that being increased by a further

court appearance. Mostly they would decide that no increase would occur and it was

therefore not in the public interest to proceed. Home Office Counting Rules still allow

for offences dealt with in this way and any other offences which the offender is

willing to have TIC to be categorised as 'sanctioned' detections. Both offender and

investigating officer are aware of the likely outcome of these 'post sentence' TICs and

the incentive for collusion and exploitation are increased. The performance data on

detections does not differentiate between those TICs obtained prior to sentence, and

therefore dealt with by the court, and those dealt with post sentence which have not.

This denies the police service and the Home Office a true picture of police

performance as measured by detections.

The practice of 'converting' 'prison write offs' to TICs occurred in the West

Midlands Police circa 1997-98 and corresponded with the categorisation of 'prison

write offs as non-sanctioned detections:

> **"It didn't kick in immediately, this fiddle, some OCUs [*Operational Command Units*] were quicker than others, other OCUs were slower and some wouldn't touch it with a barge pole, quite understandably, but you are back into this performance culture. So what was happening, you would get, the traditional clear up methodology would be; admitted a load of offences in custody and they were put forward as TICs; Home Office Counting Rules will acknowledge at the point of admission provided they are on record as an admission you could clear them as a detection; that was the position our force took, they merely adhered to the Home Office Counting Rules; the problem was, and me and others were warning, there was a move towards not only a significant move towards TICs, where they used to be more 'write offs', then we switched almost**

immediately, literally overnight to, the graphs showed it, write offs replaced by TICs, literally in opposite directions." (Interviewee D)

The observation made interviewee D that this practice had not been adopted

universally by all the force's Operational Command Units is demonstrated by Fig. 6.1

which shows the number of TICs as a percentage of the total detection rate by

command unit across the force during 1998/99. It is interesting to note that the low

percentage rates recorded by the K1; K2 & F1 Command Units were all areas which

had been involved in a previous scandal involving 'prison write offs'.
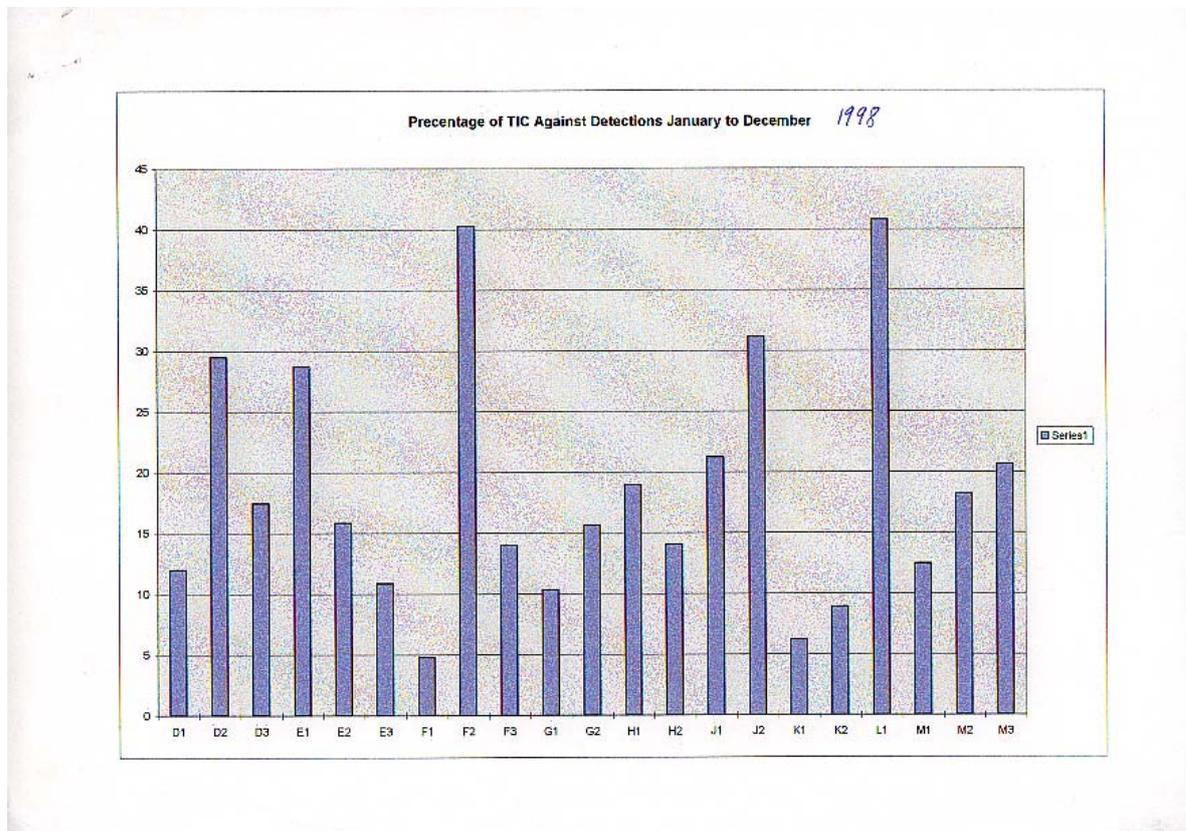
(Fig 6.1)   **(West Midlands Police 1999)**

By 1998, according to official Home Office performance statistics, the West Midlands

Police had transformed itself from the worst performing force to the best performing

metropolitan force in the country. However in December 1998 the Force was

inspected by HMIC (HMIC/WMP Dec 1998). The inspection commented

unfavourably on the over reliance on TICs and identified two problem areas; TICs

which had been claimed as detections when they had not been accepted by the

defendant at court, and no follow up action had been initiated [47]; and the 'conversion'

of 'prison write offs' to TICs:

> **"it is recognised that there are potential pressure points within a performance culture and it is recommended that a system be adopted similar to that required under the Byford/Morris Rules for PSVs[48] for the independent verification and authorisation of detections obtained by TICs, particularly those relating to further charges and TICs of persons already serving custodial sentences." (HMIC 1998:36)**

The 'conversion' from 'prison write offs' to TICs was quantified by HMIC:

> **"Detections from post sentence visits (PSVs), or 'prison write offs' has significantly decreased over the last three years from representing 45% of all detections in 1995/96 (equivalent to 33,103 detections) to 4.1% of all detections in 1998/99 (equivalent to 2,759 detections). This downward trend has continued into the current fiscal year and currently stands at only 0.9% of the total detections achieved in the first 6 months (equivalent to 412 detections)…. However, the most significant change has been the exceptionally large increase in the proportion of detections achieved from TICs which accounted for a quarter of the total detections in 1997/98". (HMIC/WMP 1998:27-28)**

The audit of detections, conducted by HMIC staff officers, suggested collusion in the

form of 'deals' was occurring between officers and suspects:

> **"There are other examples where the more substantive and serious offences have been subject of TIC with 'lesser offences' being charged: Letter from subject in custody on remand suggests the possibility that**

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[47] Home Office counting rules allow TICs to be recorded as detections at the point of charge. However the evidence to support TICs should be the same as that required to support a charge and if they are not accepted at court they should be made subject of charges.

[48] Post Sentence Visits are the means by which prison 'write offs' are obtained and the Byford/Morris rules govern how these interviews should be conducted.

some inducement may have been suggested to the subject regarding bail or interpreted by the subject in this fashion – Well what the f… happened to bail? I'm in court on Monday so if you could be there to get me bail I will come with you straight from the Courts and TIC all offences that I can remember" (HMIC 1998:34)

In response to the criticism regarding TICs, the force management team required all Operational Command Unit management teams to review all TICs which had not resulted in a court record and to resurrect unresolved cases for further investigation. The subsequent reduction in detections by TICs in January 1999 (Fig 6.2) provides an indication of the scale of the problems associated with this form of detection prior to the inspection by HMIC.

**TICs Previously Recorded as % Total Detections
Force**
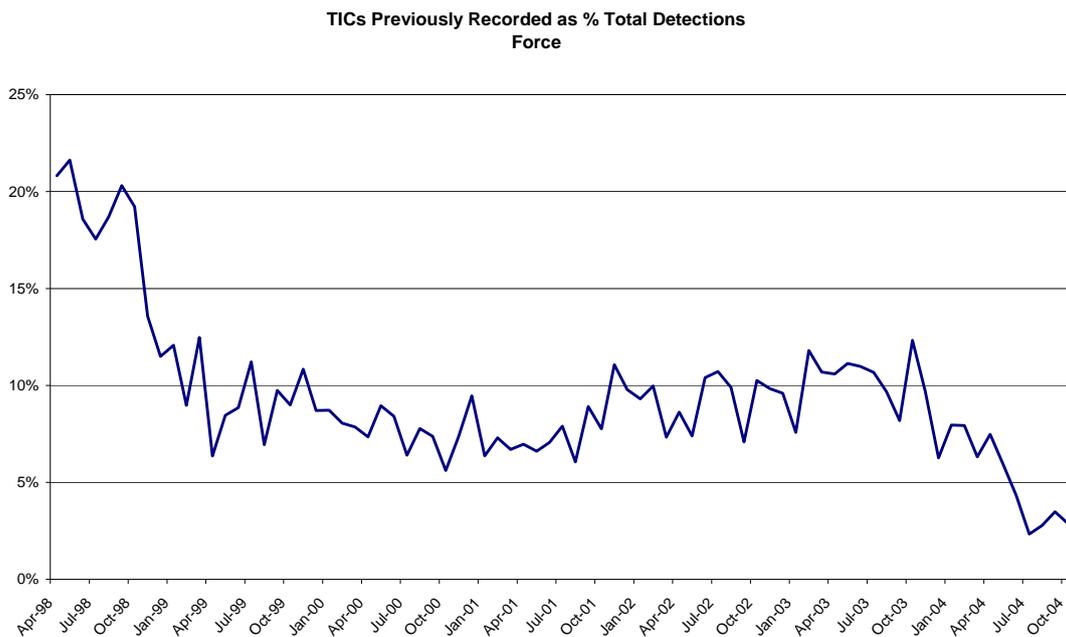
(Fig 6.2)   **(West Midlands Police 2005)**

However the 'conversion' of 'prison write offs' to TICs, which will be referred to as 'post sentence TICs' to differentiate them from TICs presented at court, was not discontinued although the rules appertaining to 'prison write offs' were to be

applied[49]. Problems with this procedure came to light following the arrest of two

officers in October 2003. The officers had 'produced' a suspect from prison in order

to interview them about further offences 'nodding'. The officers had entered a fast

food outlet for lunch, (a practice strictly forbidden by force procedures), and the

prisoner had been passed prohibited drugs by a relative. The force's professional

standards department acting on a 'tip off' had been keeping covert observations on the

officers and their prisoner. All the parties were arrested. The press were alerted and

although the story appeared in the local newspaper:

> **"The arrests relate to an allegation that officers allowed a person in custody to gain access to illegal drugs from a third party who is not a police officer" (Birmingham Post 7.10.03)**

None of the officers were charged with any criminal offence. However the incident

resulted in the force management team instigating a review of the procedures

involving 'post sentence TICs'. This review found the same abuses as the inspection

conducted by HMIC (1998) some four years earlier:

> **"In a few cases, defendants are admitting to offences that they could not have committed due to being in custody. Those cases are still being subject to TIC....More serious offences are often taken into consideration than those offences that have been charged. There are examples in which the values on the TIC schedules are consistently well below those on the crime reports. This would 'minimise' the offence in the eyes of the court." (WMP Feb 2004:2)**

The motivation to improve performance was highlighted as the main contributory

factor:

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[49] These are known as the Byford rules which require suspects to be made aware any admissions may be subject to court proceedings and place an onus on senior officers to make reasonable efforts to check that the offender was actually responsible for the offence admitted.

> **"It should be noted that there was widespread concern about the use of production prisoners with OCUs effectively competing to become the first to obtain the visit and thereby boost their own detection figures, even if the prisoner was being dealt with already by another OCU. Force records are being trawled to gain an advantage in such matters, with little organised collaborative effort" (WMP Feb 2004:2)**

Interviewee C made the following comment on the document:

> **"It's remarkable [*the internal report*[50]] for being so blunt but it is also remarkable in terms of describing the culture of a force. Why would there be competition between OCUs? Clearly numbers have become more important than integrity." (Interviewee C)**

Knowledge of these practices was also present within the force prior to the incident involving the arrest of the officers, referred to within the force as the 'drugs for detections' scandal:

> **"the second approach, where people were serving time and interviewed regarding other offences and they were charged with a piddling little offence and then all the rest were TIC'd. There was clearly no interest in a court case because they knew if they consulted with CPS, as they were supposed to have done, as far as national policy was concerned, CPS would say 'not in the public interest discontinue' get your detection for the charge. If you've got someone doing years for burglary and they admit twenty others the chances are CPS would not progress on the grounds of no public interest; so sometimes they [TICs] were presented as part of the CPS decision making process or sometimes they were deliberately held back. So they would only see the charges; so because this person has signed the TICs and this person was subject of a charge the reading of the Home Office counting rules to take them into the TIC remit as opposed to the 'write offs'" (Interviewee D)**

The force command team then introduced a policy requiring all Command Units to ensure that only detections which had been disposed of at court could be claimed as detections. This meant that offenders wishing to admit further offences during the

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[50] Author's addition

period in which they were serving custodial sentences would have to appear before a court and face the risk of an increased sentence. This meant that officers so inclined could no longer manipulate the system in order to reduce the risk of further penalties for the offender. The reduction in TICs after October 2003 is shown in fig 6.2. The negative impact on the force's overall detections and in particular the reduction in detections for key offences such as robbery burglary and vehicle crime experienced during 2004-5 is evident in Fig. 6.3.

West Mids Detected Robberies, Burglaries and Vehicle Crimes
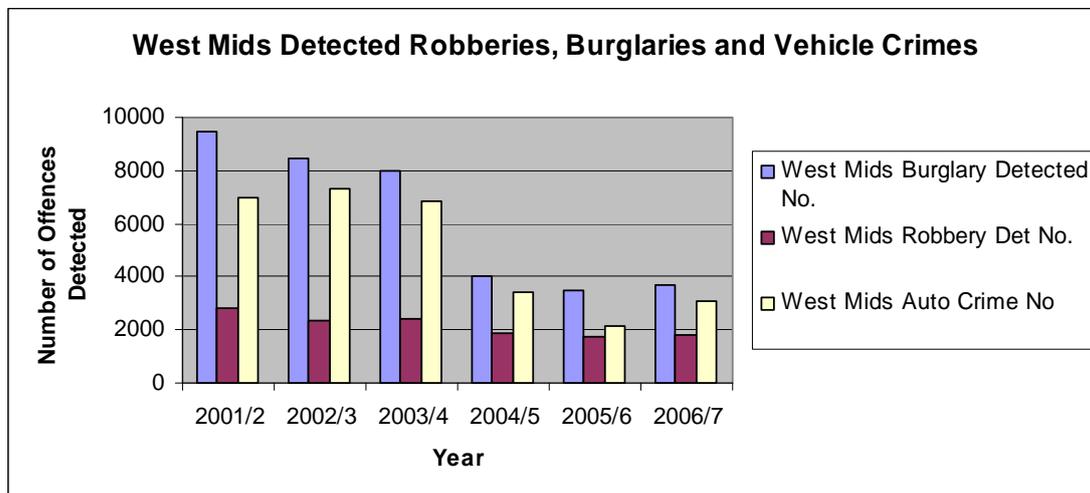
(Fig 6.3)   **(Home Office Bulletins 2002- 2007[51])**

The reduction in TICs resulted in a significant reduction in the overall detection rate and placed the force in jeopardy of PSU engagement as they were second from bottom on the sanctioned detections 'league table'[52] (Fig 6.4).

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[51] The numbers of detections are calculated from the number of offences recorded and the percentage detected (the information provided in the bulletins).
[52] The fall in detections corresponded with the introduction of the 'false reporting policy' which in turn corresponded with a reduction in recorded crime levels and this no doubt helped prevent PSU engagement.

Percentage increase in sanction detections 2004-05
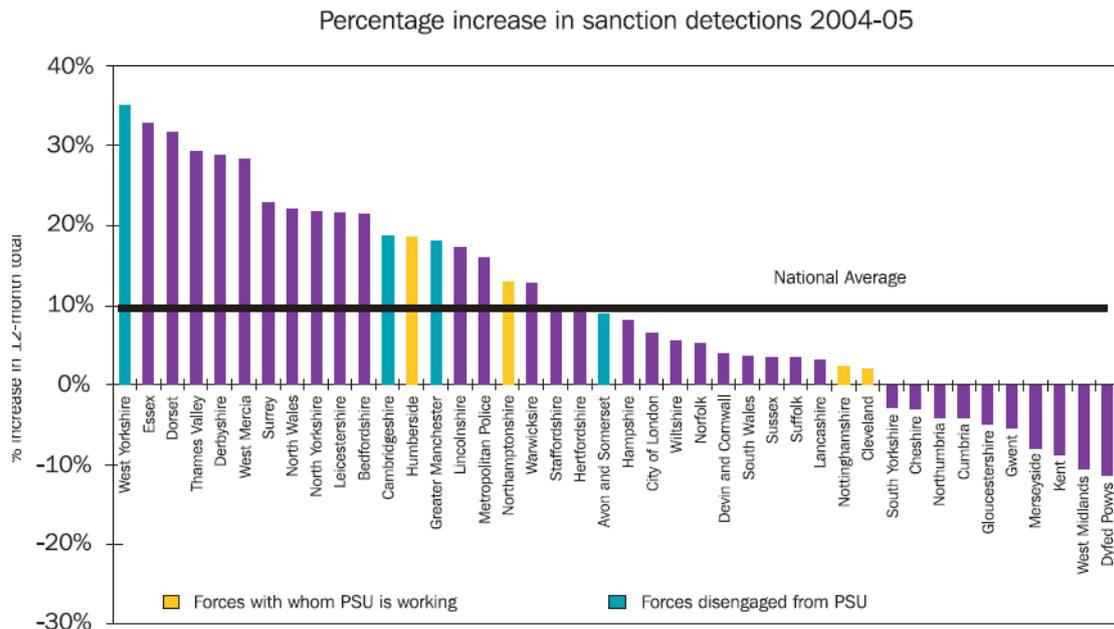
(Fig 6.4)   **(Home Office PSU 2005:3)**

The significant reduction in detections also had a negative impact on the force's

showing in the 'narrowing the justice gap' performance indicator, introduced in 2003,

which relied upon detections to measure police performance.

However other forces are known to have experienced similar difficulties involving

'nodding'. In 2004 'nodding' involving 'post sentence TICs' came to light in Greater

Manchester Police when this force examined practices at its Stockport Division with a

view to discovering good practice:

> **"On one occasion, a criminal was able to see his new baby for the first
> time. He is alleged to have unwittingly signed documents in which he
> admitted to hundreds of offences he had not committed. Another man on
> remand was taken out of prison to and allowed to see his girlfriend. He
> allegedly confessed to 200 crimes he did not commit. (Carter: The
> Guardian 4.6. 2004).**

In May 2006 Bedfordshire Police admitted similar problems involving officers from

Luton in Bedfordshire who had provided inducements in exchange for

admissions/detections:

> **"Four police officers have resigned after being found giving remand prisoners special favours in exchange for false confessions. Some prisoners were allowed to have sex with their girlfriends – including once in a police car…others were allowed home visits, cigarettes and extra meals" (Metro News 16.5.2006).**

In June 2007 a similar scandal emerged, this time involving Merseyside officers

(BBC 6.6.2007). The dismissal of the officers stimulated comments from fellow

officers on the issue of TICs:

> **"TIC's are weak at best, they are no consolation to the victims and in no way shape or form to be considered justice and this is just an indication of the pressure on (foolish) officer to gain clear-ups and detections ….Clear-ups are a paper exercise foisted upon us by a performance perfection related culture which stems from the Home Office." (www.policeoracle.com/forum 6.6.2007)**

In order to establish if these incidents were isolated incidents or symptoms of a larger

problem 'the tip of an iceberg', the data on detections from those forces known to

have experienced problems with 'nodding' were examined. It was anticipated that

similar falls in detections to those recorded by the West Midlands Police would be

evident.

3. THE SCALE OF 'NODDING' AND ITS IMPACT ON THE DETECTION RATE:

Detections and detection rates of forces known to have encountered 'nodding' problems involving the abuse of TIC and 'prison write off' procedures were examined. The forces chosen were Greater Manchester; Nottinghamshire; Cleveland; West Midlands; Merseyside; Bedfordshire Police and the Metropolitan Police Service[53]. The objective was to establish the extent to which these forces relied upon Prison Write Offs and/or TICs to improve their detection rate and quantify the impact of problematic incidents or 'events' involving 'nodding'. Although the Met. had not been the subject of any known 'scandal' involving 'nodding' it was included for examination because of the allegations made in the Radio 4 Law in Action programme (BBC 5.6.07)). This report indicated that collusion of the type associated with 'nodding' may have been occurring.

Earlier incidents tended to involve 'prison write offs' the later TICs. Analysis of both 'prison write offs' and TICs were conducted because both are prone to 'nodding' type abuses. As has already been established administrative procedures can be exploited to 'convert' 'prison write offs' into TICs. In order to provide a graphic illustration of the impact of known problems with 'nodding' type behaviour graphs showing the number of house burglaries (burglary dwelling) detected are shown. A more detailed analysis of these forces' performance statistics is provided on Appendices M – T.

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[53] The exposure of 'gaming' in Kent Police in 1986 has been excluded because the necessary detailed data on the force's performance from is not available from that time.

Greater Manchester Police (GMP) discontinued prison write offs in 1995 and HMIC

commented on the statistical impact of that decision in their 1996 force inspection

report:

> **"HM Inspector fully appreciates the impact that this one decision has apparently had on operational performance, and he recognises efforts by the Force to explain the overarching need for integrity in processes."** (HMIC GMP 1996:16)

GMP's overall detection rate reduced from 32% in 1994/5 to 19% 1995/6 and 18% in

1996/7 as a result of that decision (Fig 6.5):
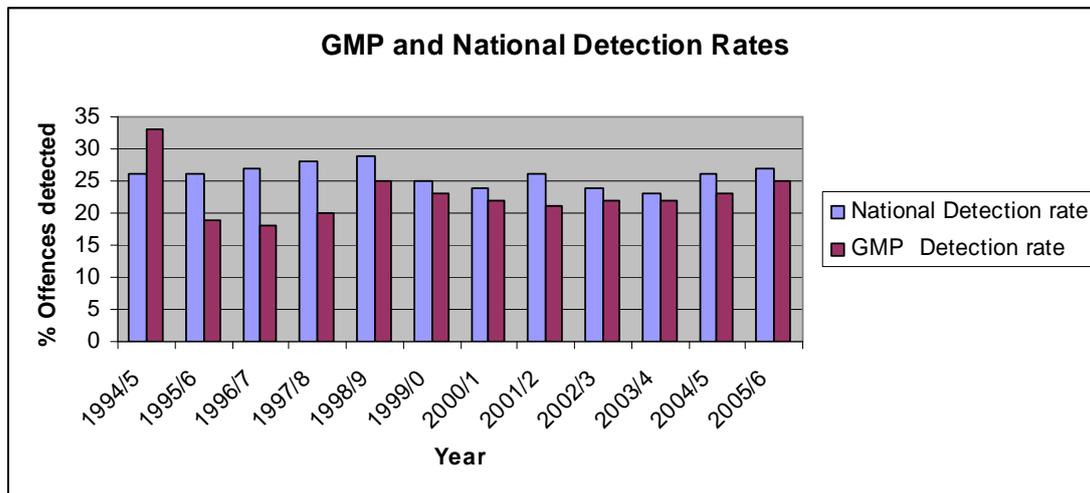
(Fig 6.5)   **(Home Office 1996-2006)**

The impact of the decision to discontinue 'prison write offs' is significant, with

GMP's detection rate falling from well above the national average in 1994/5 to well

below it in 1996/7. When the impact of the decision on the detection rate for

individual crime types is examined the scale of the change is even more marked

(Table 6.1 & Table 6.2).

Figure 3			
DETECTED CRIME - GMP			
Crime type	1994	1995	% change
Burglary dwelling	20751	11160	-46.22
Burglary other	8688	5022	-42.2
Robbery	1530	1257	-17.84
Violence against the Person	6907	6347	-8.11
Sexual offences	908	928	+2.2
Theft from m/vehicle	11729	6988	-40.42
Theft of m/vehicle	115620	9130	-41.55
Other theft	23188	18621	-19.7
Criminal Damage £20 and over	7482	63224	-15.48

(Table 6.1)   **(HMIC/GMP 1996:16)**

Figure 11 : Crimes Recorded and Detected				
	1993	1994/95	1995/96*	1996/97
All crime:-				
Recorded	332,287	307,023	302,796	291,624
Detected	34.2%	33.3%	19.4%	18.2%
Home burglary:-				
Recorded	58,721	53,516	51,269	48,172
Detected	33.7%	38.4%	13.8%	9.7%
Burglary other:-				
Recorded	36,614	35,731	35,210	33,177
Detected	29.5%	23.4%	9.8%	8.9%
Violence:-				
Recorded	16,993	15,729	16,917	18,906
Detected	57.1%	56.9%	52.0%	55.0%
Robbery:-				
Recorded	5,426	5,283	5,956	6,263
Detected	24.1%	28.6%	20.9%	19.8%
Autocrime:-				
Recorded	110,369	99,128	96,023	89,898
Detected	29.1%	27.3%	11.3%	7.9%

* The Force changed to recording only primary detections in 1995/96.

(Table 6.2)   **(HMIC/GMP 1997:42)**

This information provides a statistical benchmark on the scale of 'nodding' and the abuse of 'prison write offs'. The biggest impact of the decision to discount 'prison write offs' was on the detection rate for burglary dwelling and burglary other building (commercial premises; sheds, garages etc.) both of which reduced by approximately two thirds between 1993/4 and 1996/7 settling at 10% and 9% respectively. The other

big change occurred in relation to vehicle crime, theft of and from a motor vehicle which reduced from 29% of offences detected in 1993/4 to 8% in 1996/7 (Table 6.2). The impact on robberies was much less, falling from 24% in 1993/4 to 20% in 1996/7. The impact on violence against the person is much less pronounced and the detection of sexual offences[54] is not influenced by the change in policy. The 18 per cent overall detection rate; 9 per cent detection rate for burglary dwelling; and 8 per cent for auto crime in 1996/97 (Table 6.2) provided a benchmark for a large metropolitan police force which had addressed the dangers inherent in relying on post sentence detections in the form of 'prison write offs'. There was no subsequent increase in TICs as a means of detection which indicated the conversion of 'prison write offs' to TICs did not occur post 1998; Fig. 6.6 demonstrates that TICs continued to represent a small percentage of the overall detection rate.
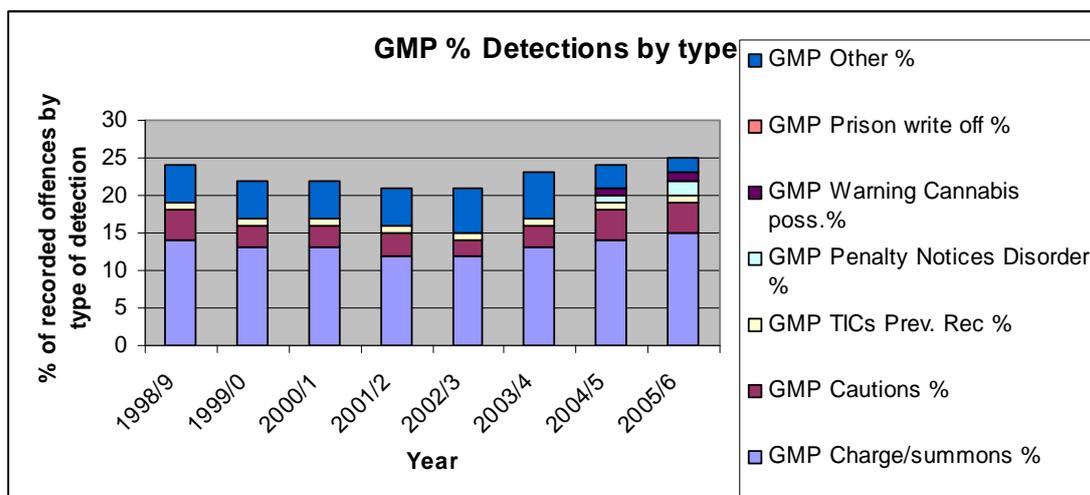
(**FIG 6.6**)   (**Home Office Bulletins 1999-2006[55]**)

An examination of the detection rate for burglary (Fig 6.7) showed that GMP continued to remain below the national average.

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[54] The detection of Sexual Offences by Prison Write Off and TIC would be exceptional.
[55] Data on detections was extrapolated from annual Home Office Bulletins.

GMP & National Burglary Detection Rate
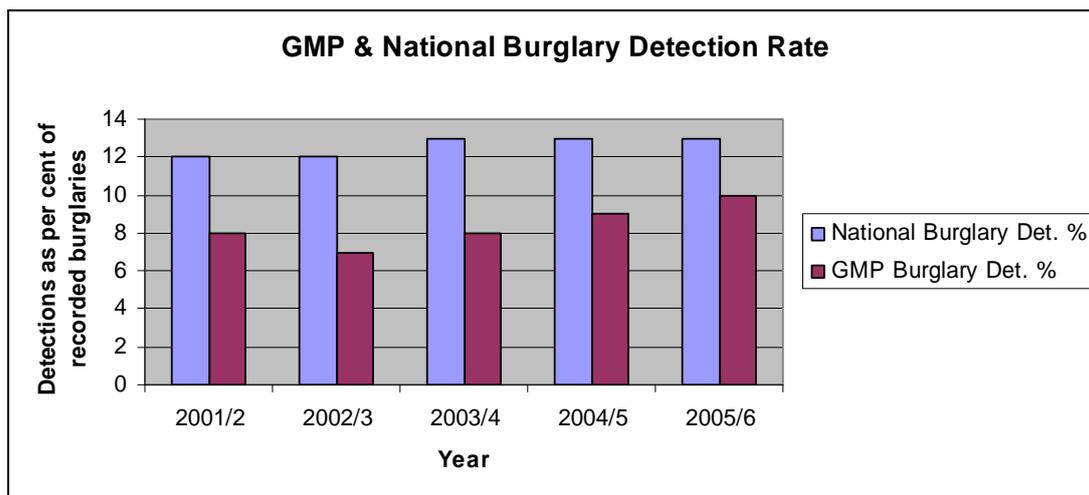
(Fig 6.7)   **(Home Office Bulletins 2002-2006)**

However a closer examination of the make up of the detection rate for Burglary

Dwelling, Theft from Motor Vehicle and Theft of Motor Vehicle [56] was undertaken

using data provided by the Home Office (Appendix M). This showed that the force

did not rely on either Prison Write Offs or TICs in these key categories and its

performance remained low in comparison to the national averages. There was an

increase in TICs in these crime categories after the incident reported in the Guardian

(Carter: The Guardian 4.6. 2004) which suggested post-sentence TICs were being

sought by at least one Command Unit[57]. The increase in TICs also post-dates the

involvement of the Police Standards Unit with the Force (2002/03; Home Office/PSU

2005). This may indicate that this form of detection was being sought in order to

improve the force's performance and avoid further sanctions.

Nottinghamshire Constabulary was also identified with abuses involving 'nodding' as

a result of a formal complaint made by one of its own senior officers (Wilson et al

2001) This suggested 'nodding' type abuses were occurring in Nottinghamshire

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[56] These offence categories were chosen because they are the offences most likely to be TIC.
[57] The GMP performance officer declined to comment on the use of TICs.

Constabulary up until 1998 (HMIC/Notts.1996:14; HMIC/Notts.1997:72; HMIC/Notts.1998:10). The impact of the exposure by the Despatches Programme in 1999 and the resulting remedial action is apparent (table 6.3[58]): The detection of burglary dwellings reduced by fifty per cent between 1998/99 and 1999/00.

Figure 3.3: Dwelling House Burglaries						
	1996/97	1997/98	1998/99	1999/00	% Change 1998/99 to 1999/00	MSF Average 1999/00
Total Burglary Dwelling Recorded	16,725	14,286	13,697	12,612	-7.9	10,930.3
Burglary Dwelling / 1000 Dwellings	37.9	32.3	30.3	27.9	-7.9	26.1
Burglary Dwelling Detected	4,583	3,453	3,241	1,596	-50.8	2,001.9
Burglary Dwelling Detections / 100 Officers	197.1	148.8	142.0	71.7	-49.5	90.9
% Detected Burglary Dwelling	27.4	24.2	23.7	12.7	-	18.3

(Table 6.3) **(HMIC Notts. 2000/1:27)**

The force responded to this exposure[59] by discontinuing the use of 'prison write offs' and introducing a policy that prevented any TIC being recorded as detected until it had been dealt with as such at court[60] :

> **"Force policy indicates that TICs can only be shown as detected once the offender has appeared at court. The Counting Rules allow that such offences may also be shown as detected once the offender has unequivocally admitted the offence and has signed TIC forms to this effect. (HMIC/Notts 2001/2:25)**

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[58] The impact on other categories of crime is not shown in the HMIC Inspection report.

[59] It would appear the response was stimulated by the media exposure in 1999 not the complaint made by Supt. Coles which would have been much earlier.

[60] Home Office Counting Rules allow offences TIC to be claimed as detections when the form is signed by the accused. This can result in offences which the suspect subsequently refuses to admit at court to remain counted as detections. This is area which can be exploited; the action taken by Notts. Police reduces the opportunity for 'gaming'.

Like Greater Manchester its performance compared to national averages remained low. Nottinghamshire was also subjected to PSU engagement. A fuller analysis is provided at Appendix N.

The problems experienced by Cleveland Police came to public notice with the suspension of Detective Superintendent Ray Mallon in 1998. Allegations against officers working in Cleveland included providing suspects with drugs and drink in return for admissions, (The Observer, Sunday 17.2.2002 www.mojuk.org.uk/bulletins/evil.html). This type of perverse behaviour is associated with 'nodding' involving the abuse of TIC procedures. The Chief Constable responded to the revelations by committing the force to addressing the problems:

> **"Custody areas should be amongst the safest places in the country. In Middlesbrough, they were a place where corrupt detectives supplied hard drugs. If one isn't prepared to tackle this kind of issue with whatever it takes, one shouldn't be a chief constable". (The Observer, Sunday 17.2.2002 www.mojuk.org.uk/bulletins/evil.html)**

The impact of the remedial action was reflected in a reduction in detections of domestic burglaries from 2,261 in 1996/97 to 1,121 in 1997/98 (Table 6.4).

Figure 5: Domestic Burglary						
Performance Indicator	1996/97	1997/98	1998/99	% Change 1997/98 to 1998/99	Family Average 1998/99	Provincial Average 1998/99
No. of domestic burglaries recorded	10,770	8,380	8,875	5.9	19,934.4	9,844.9
No. of domestic burglaries per 1,000 households	47.9	37.1	39.0	5.1	37.3	22.2
No. of domestic burglaries detected	2,261	1,121	994	-11.3	4,700.4	2,488.1
No. of domestic burglaries detected per 100 officers	154.9	75.6	68.6	-9.3	144.0	105.5
Detection rate %	21.0	13.4	11.2	-16.4	23.6	25.3
% primary detections	18.4	12.1	10.7	-11.6	16.3	16.6
% secondary detections	2.6	1.3	0.5	-61.5	7.2	8.2

(Table 6.4)   **(HMIC/Cleveland 1999:20)**

The result of the action taken by the Chief Constable appears like Greater Manchester Police and Nottinghamshire to have had a lasting detrimental impact on the force's performance (Appendix P). The force was also the subject of PSU intervention.

The West Midlands Police experienced a scandal involving detections obtained by 'prison write offs' in 1996 and this led to the decision by the Chief Constable to discontinue the use of 'prison write offs' as part of the performance framework. This decision was reinforced by the demotion of two detective superintendents who were involved in the scandal. However the conversion of 'prison write offs' to TICs compensated for the impact on performance:

> **"If you look at specific clearance groups and a large chunk of detections were around TICs. They were converting prison write offs to TICs."**
> **(Interviewee D: Crime Policy)**

In December 1998 HMIC criticised the use of TICs, both pre and Post Sentence,

(HMIC/WMP 1998; HMIC/WMP 1999). However the force continued to use post

sentence TICs until October 2003 when the arrest of officers in connection with an

incident in which drugs were supplied to a prisoner in their control led the force to

introduce the same policy adopted by Nottinghamshire in 1999 i.e. only TICs

accepted at court could be claimed as detections. The impact on the number of house

burglaries detected is clear (Fig. 6.8).

West Midlands Burglary Dwellings Detected: Total & TIC
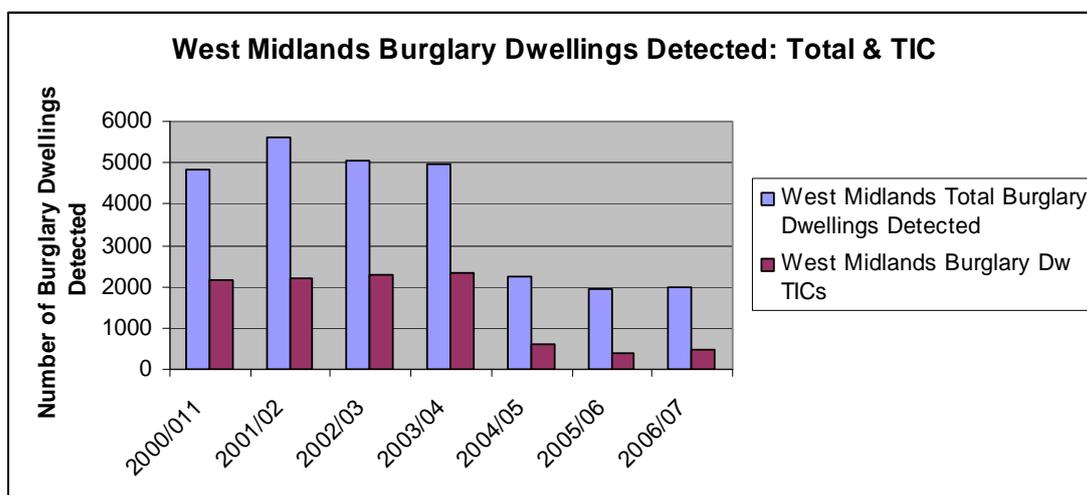
(Fig. 6.8)   **(Home Office 2008)**

A fuller analysis is provided in Appendix Q. Unlike GMP, Cleveland, and

Nottinghamshire the force avoided PSU engagement. This may have been the result

of the fall in recorded crime which corresponded with the introduction of a 'false

reporting' policy (see chapter 5).

The scandal involving Bedfordshire officers and suspects became public in May 2006.

If 'nodding' involving inducements was inflating the force's detection rate through

the abuse of TIC procedures then a marked reduction in the detection rate would be

expected to occur shortly after the matters came to light[61]. The reduction in

the number of house burglaries detected follows a similar pattern to the previous

forces examined (Fig 6.9).

Bedfordshire Burglary Dwelling Detections: Total and TIC
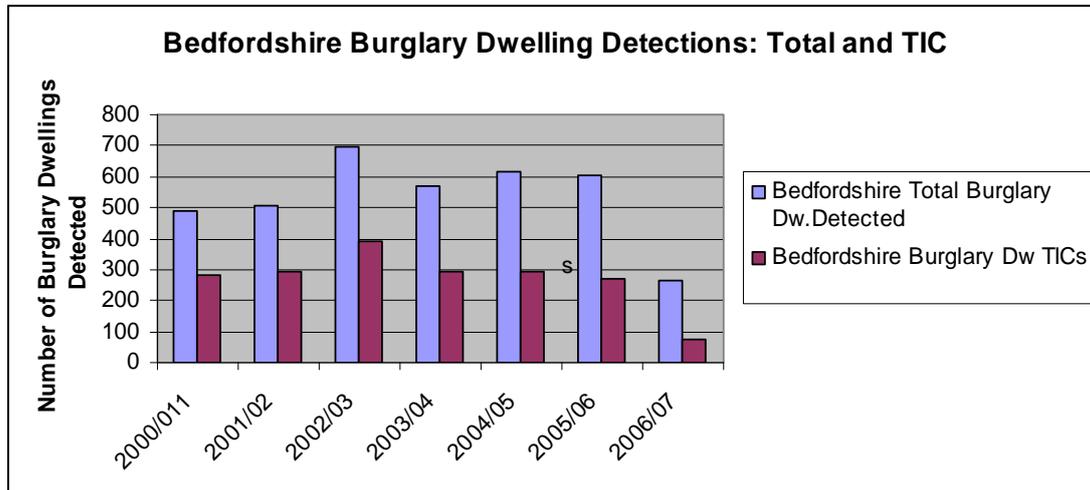
(Fig. 6.9)   **(Home Office 2008)**

A fuller analysis is provided at Appendix R. This again demonstrates the extent to

which this force was relying on 'nodding' type of practices.

In June 2007 it became public (BBC 6.6.2007) that Merseyside Officers had been

dismissed for offering inducements in return for confessions:

> **"The charges related to six occasions between July 2004 and March 2005
> when a prolific offender was produced from prison to be interviewed
> about further offences. They included one incident where the man was
> taken from prison and allowed to visit his girlfriend and another where
> he was given alcohol……There was also evidence which suggests the**

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[61] It is difficult to estimate when the investigations into the incidents started and there can be a considerable delay between an investigation and the matter becoming public, if indeed it actually becomes public knowledge.

officers may have primed the criminal to admit to offences that they had reason to believe he had not committed." (IPCC 6.6.2007)

The fall in the force's performance after the incident was commented on by HMIC:

"The force has seen a reduction of 9% in performance in the category of detections of domestic burglary (SPI 6b) in comparison with 2004/05 and is lower than the MSF average…….. The force has experienced a 6% reduction in performance in the detection of vehicle crime (SPI 6b) and is lower than the MSF average." (HMIC/Merseyside Oct 2006:53-54)

However whilst there was a fall in the overall number of burglary dwellings detected in 2005/06 (Fig. 6.10), corresponding with the reported incident, the reduction in TICs was not as marked as other forces which had experienced similar incidents.
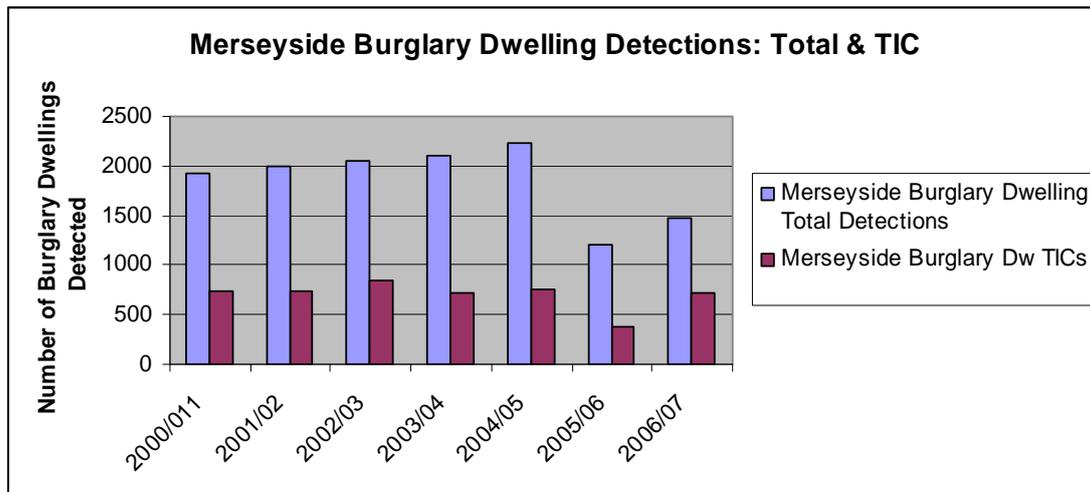
(Fig. 6.10)   **(Home Office 2008)**

This suggested some other means of recording detections obtained by 'nodding' type activities was being utilised. A review of the make up of Merseyside's detection statistics offered an explanation. Detections categorised as 'other', which would include 'prison write offs', increased dramatically in Merseyside for the key offences

of Burglary Dwelling; Theft from Vehicle and Theft or Unauthorised Taking of a

Motor Vehicle in 2004/05 then reduced significantly in 2005/6 (Fig. 6.11). Although

these 'other' detections would be regarded as 'non-sanctioned' detections on Home

Office performance tables they could be used for local marketing purposes to

demonstrate an increase in detections. It could be that the force was using 'prison

write offs' and the 'gaming' practices related to this procedure.
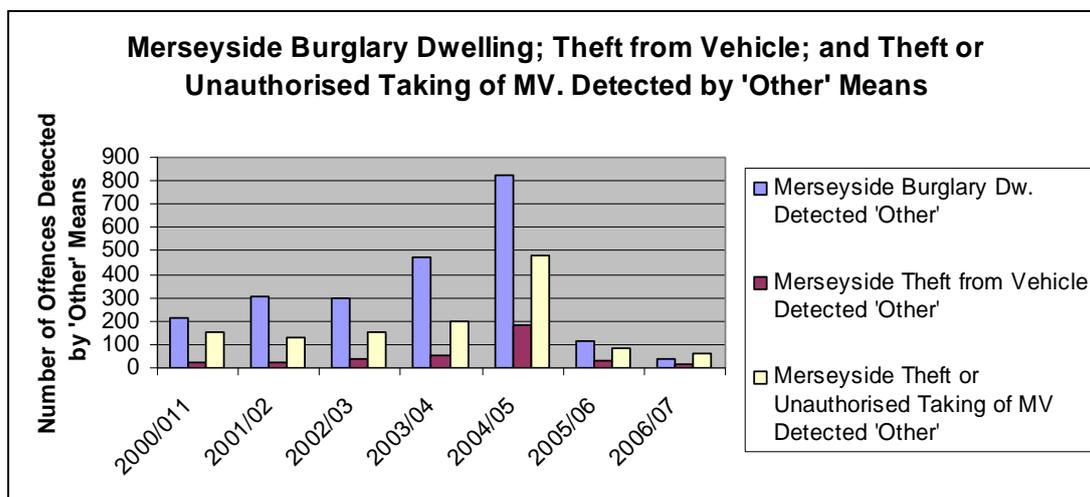
(Fig. 6.11)   **(Home Office 2008)**

A fuller analysis is provided at Appendix S.

Whilst there has been no reported scandal involving Met. Officers and the abuse of

TIC procedures the complaint made by defence solicitors about officers conducting

'intelligence' interviews with suspects without the presence of their solicitor indicates

abuses involving 'nodding' could have been occurring:

"There are fears of a return to the bad old days when undue pressure and inducements in police interviews led to unreliable evidence being obtained that jeopardised prosecutions and convictions". (BBC Radio 4 Law in Action 5.6.07)

'Intelligence' interviews present an ideal opportunity for 'deals' to be struck (Wilson et al 2001), and the defence solicitors intimated as much on the programme. There was no indication from the documentation on the Met. Police web site or media reports to suggest that any major scandal involving Met. Officers and the abuse of TIC procedures had occurred. However it was anticipated that the suspicions voiced by the defence solicitor on the Law in Action programme would materialise in a marked increase in the use of TICs. The increased in the number of burglary dwellings detected by TIC is evident (Fig. 6.12). A more detailed analysis is provided at Appendix T.
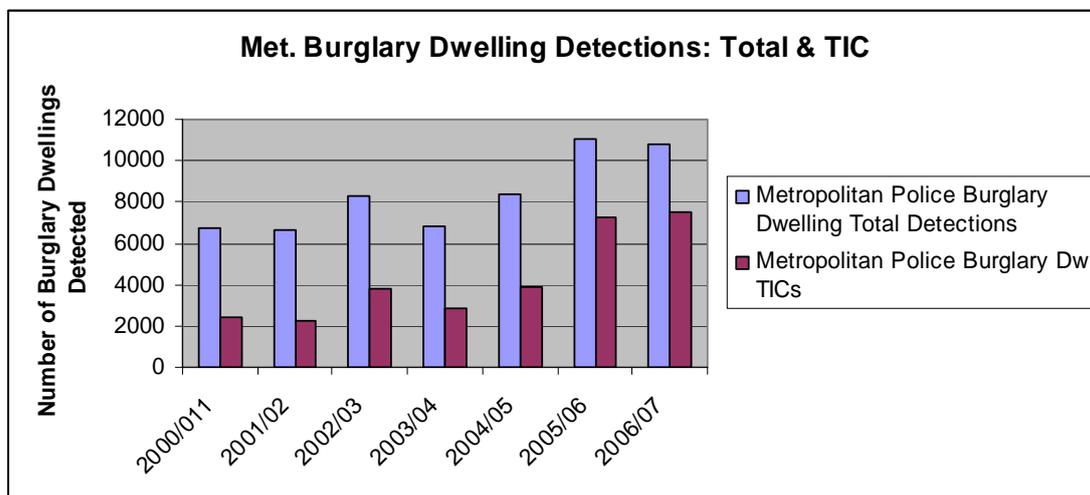
(Fig. 6.12)   **(Home Office 2008)**

4. IMPROVEMENTS IN FORENSIC TECHNIQUES AS A POSSIBLE EXPLANATION FOR VARIATIONS IN PERFORMANCE:

Improvement in the detection of offences has no doubt been enhanced by developments in forensic science, most notably the advances in DNA recovery and identification techniques. Therefore the differences in the detection rates reported by the forces examined may have been due to greater investment in the recovery or management of forensic evidence. Examination of the forensic performance results published by HMIC in force baseline inspections failed to establish any correlation between investment and management of forensic evidence and improved detection rates in the crime categories Burglary Dwelling, Theft from Vehicle and Theft or Unauthorised Taking of a Motor Vehicle. The West Midlands Police had one of the most advanced forensic management systems in the country, FLINTS, which mapped scenes of crimes where forensic evidence has been recovered and enabled known offender's crime patterns to be linked to the crime patterns in an area. Bedfordshire was also known to have had a good forensic management system in place. Despite this both forces experienced significant reductions in detections following 'incidents' involving 'nodding' and TICs. The documentation reviewed indicated that HMIC grades on the performance of forensic services were linked to the level of TICs not 'visa versa' as the HMIC baseline assessment on West Midlands Police, completed after the 'incident' in October 2003, indicated:

> **"At the end of 2004/05, the percentage of conversion of fingerprint identifications to primary detections has reduced 19% to 27.5%, placing the force sixth in its MSF group……. the percentage of DNA primary detections per match has improved slightly to 28.7%. However, this places the force seventh in its MSF group."(HMIC/WMP Oct 2005:32)**

Similar findings were evident in relation to Merseyside Police:

> **"The force is performing poorly in comparison with MSF average for conversion of identifications to detections, e.g. 55.6% compared with 81.1% MSF average for total DNA detections as a percentage of DNA matches and 30.6% compared with 71.8% MSF average for total fingerprint identifications as a percentage of fingerprint matches."** (HMIC/Merseyside Oct 2006:59)

Whilst forensic evidence; fingerprints; and DNA, can provide valuable intelligence as part of an investigation and in some cases it can be the most crucial element in the case against a suspect, it is of less value in some types of offences where legitimate explanations for the suspect's presence at the scene can be provided. In the case of a burglary dwelling it is less likely that the suspect will be able to provide a legitimate reason for the presence of their fingerprint or DNA at the scene. However in the case of a theft of motor vehicle they could claim they had accepted a lift in the vehicle, unaware that it was stolen or in the case of a theft from motor vehicle they had looked in the vehicle out of interest either before or after the offence had occurred. However forensic evidence can be used to justify the arrest and questioning of a suspect. Those suspects who are already serving a custodial sentence or are charged with a more serious offence are more likely to admit responsibility as this is unlikely to increase their sentence. Hence the link to TICs or 'prison write offs'. Whilst these detections of minor offences by TIC are worthless except for statistical performance purposes there is a considerable cost involved in examining stolen vehicles and vehicles which have been broken into and this cost is not borne solely by the police service. Victims also incur further expense as forensic examinations of stolen vehicles are conducted at private vehicle pounds which provide a safe environment for the forensic examiners.

The cost of the recovery of the stolen vehicle and its storage is the responsibility of the owner and vehicles are generally not released until outstanding accounts are settled. So victims bear the cost of what is essentially a 'gaming' exercise.

5. THE IMPACT OF 'NODDING' ON NATIONAL LEAGUE TABLES

The case studies demonstrated the connection between 'gaming' behaviour in the form of 'nodding' and the detection of offences by TIC. Whilst the graphs indicated that a fall in TICs corresponded with a reduction in the detection rate for certain key offences indicating that the necessary evidence was not available to charge suspects if they declined to accept offences as TICs.

The next step was to look at the extent to which other forces relied on TICs and the extent to which TICs influenced forces positions on national performance tables. When forces were ranked according to their respective burglary dwelling detection rates (Table 6.5[62]) four of the forces known to have encountered difficulties with TICs; Bedfordshire, Nottinghamshire, West Midlands and GMP, were ranked in the bottom five places; Cleveland 9th and Merseyside 14th.

British Transport Police	Burglary Dw. Total Det Rate	0
Bedfordshire	Burglary Dw. Total Det Rate	8
Nottinghamshire	Burglary Dw.Total Det Rate	9
West Midlands	Burglary Dw.Total Det Rate	11
Greater Manchester	Burglary Dw.Total Det Rate	13
North Yorkshire	Burglary Dw.Total Det Rate	13
South Wales	Burglary Dw.Total Det Rate	13
London, City of	Burglary Dw.Total Det Rate	14
Cleveland	Burglary Dw.Total Det Rate	14
Avon & Somerset	Burglary Dw.Total Det Rate	14
Wiltshire	Burglary Dw.Total Det Rate	14

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[62] British Transport Police is unlikely to feature in performance tables based on detecting burglary dwellings in view of the different nature of its policing environment.

Surrey	Burglary Dw.Total Det Rate	14
Humberside	Burglary Dw.Total Det Rate	14
Merseyside	Burglary Dw.Total Det Rate	15
Warwickshire	Burglary Dw.Total Det Rate	15
Durham	Burglary Dw.Total Det Rate	15
Kent	Burglary Dw.Total Det Rate	16
Thames Valley	Burglary Dw.Total Det Rate	16
Hertfordshire	Burglary Dw.Total Det Rate	16
Northamptonshire	Burglary Dw.Total Det Rate	16
Essex	Burglary Dw.Total Det Rate	17
Lincolnshire	Burglary Dw.Total Det Rate	17
Dorset	Burglary Dw.Total Det Rate	17
Cambridgeshire	Burglary Dw.Total Det Rate	18
Hampshire	Burglary Dw.Total Det Rate	18
Metropolitan Police	Burglary Dw.Total Det Rate	18
Devon & Cornwall	Burglary Dw.Total Det Rate	18
Suffolk	Burglary Dw.Total Det Rate	18
Staffordshire	Burglary Dw.Total Det Rate	19
Sussex	Burglary Dw.Total Det Rate	19
South Yorkshire	Burglary Dw.Total Det Rate	20
Leicestershire	Burglary Dw.Total Det Rate	20
Gloucestershire	Burglary Dw.Total Det Rate	21
West Yorkshire	Burglary Dw.Total Det Rate	21
Cumbria	Burglary Dw.Total Det Rate	21
West Mercia	Burglary Dw.Total Det Rate	22
Derbyshire	Burglary Dw.Total Det Rate	22
Norfolk	Burglary Dw.Total Det Rate	22
Northumbria	Burglary Dw.Total Det Rate	23
Cheshire	Burglary Dw.Total Det Rate	24
Gwent	Burglary Dw.Total Det Rate	27
Dyfed-Powys	Burglary Dw.Total Det Rate	31
Lancashire	Burglary Dw.Total Det Rate	31
North Wales	Burglary Dw.Total Det Rate	42

(Table 6.5)   **(Home Office 2007)**

When TICs are controlled for i.e. the detection rate minus TICs (Table 6.6) the

rankings based on Burglary Dwelling detections change and although Bedfordshire

remained the lowest ranking, Cleveland, West Midlands and GMP improved.

Noticeable was the impact on the Met., which appears third from bottom on the

rankings.

British Transport Police	Burglary Dw. Det. Rate minus TICs	0
Bedfordshire	Burglary Dw. Det. Rate minus TICs	5
Metropolitan Police	Burglary Dw. Det. Rate minus TICs	6
Warwickshire	Burglary Dw. Det. Rate minus TICs	7

Nottinghamshire	Burglary Dw. Det. Rate minus TICs	7
Thames Valley	Burglary Dw. Det. Rate minus TICs	7
Merseyside	Burglary Dw. Det. Rate minus TICs	8
Cambridgeshire	Burglary Dw. Det. Rate minus TICs	8
Leicestershire	Burglary Dw. Det. Rate minus TICs	8
Avon & Somerset	Burglary Dw. Det. Rate minus TICs	8
Greater Manchester	Burglary Dw. Det. Rate minus TICs	8
Gloucestershire	Burglary Dw. Det. Rate minus TICs	8
West Yorkshire	Burglary Dw. Det. Rate minus TICs	8
West Midlands	Burglary Dw. Det. Rate minus TICs	9
South Yorkshire	Burglary Dw. Det. Rate minus TICs	9
Humberside	Burglary Dw. Det. Rate minus TICs	9
Kent	Burglary Dw. Det. Rate minus TICs	9
Lincolnshire	Burglary Dw. Det. Rate minus TICs	9
Essex	Burglary Dw. Det. Rate minus TICs	10
Devon & Cornwall	Burglary Dw. Det. Rate minus TICs	10
South Wales	Burglary Dw. Det. Rate minus TICs	10
Derbyshire	Burglary Dw. Det. Rate minus TICs	10
Northamptonshire	Burglary Dw. Det. Rate minus TICs	10
Surrey	Burglary Dw. Det. Rate minus TICs	11
Dorset	Burglary Dw. Det. Rate minus TICs	11
London, City of	Burglary Dw. Det. Rate minus TICs	11
Wiltshire	Burglary Dw. Det. Rate minus TICs	11
Hertfordshire	Burglary Dw. Det. Rate minus TICs	12
North Yorkshire	Burglary Dw. Det. Rate minus TICs	12
Cheshire	Burglary Dw. Det. Rate minus TICs	12
Cleveland	Burglary Dw. Det. Rate minus TICs	13
Hampshire	Burglary Dw. Det. Rate minus TICs	13
Durham	Burglary Dw. Det. Rate minus TICs	13
Northumbria	Burglary Dw. Det. Rate minus TICs	13
Sussex	Burglary Dw. Det. Rate minus TICs	13
Suffolk	Burglary Dw. Det. Rate minus TICs	14
Staffordshire	Burglary Dw. Det. Rate minus TICs	14
West Mercia	Burglary Dw. Det. Rate minus TICs	14
Norfolk	Burglary Dw. Det. Rate minus TICs	17
Lancashire	Burglary Dw. Det. Rate minus TICs	19
Cumbria	Burglary Dw. Det. Rate minus TICs	20
Gwent	Burglary Dw. Det. Rate minus	21

	TICs	
Dyfed-Powys	Burglary Dw. Det. Rate minus TICs	26
North Wales	Burglary Dw. Det. Rate minus TICs	30
	PEARSON	0.9803
	RSQ	0.9611
total det rate vs TICs	PEARSON	0.8022
	RSQ	0.6435

(Table 6.6)   **(Home Office 2007)**

Similar results were found when detection rates for theft of and theft from Motor Vehicle were examined. The presence of the forces which had experienced 'nodding' incidents involving TICs or 'prison write offs' in the lower end of the performance tables demonstrated the negative impact policies designed to ensure probity had on force performance. There is therefore little motivation to introduce such policies and this may explain why such measures had been introduced in the wake of scandals as opposed to being employed more widely as a general preventative measure. In a number of cases senior officers acknowledged the damaging impact of such scandals on public trust in the police service:

> **"Deputy Chief Constable Martin Stuart of Bedfordshire Police said three Luton Based Officers were 'required to resign' at the end of a 12-month inquiry….the honesty and integrity of our staff is vital to public confidence." (Metro News 16th May 2006)**

Following the October 2003 incident involving West Midlands Police officers the assistant Chief Constable (Crime) publicly addressed the reversal of his force's performance on detections by indicating that probity came at the cost of reduced performance:

"We have very rigorous and ethical methods of detection and set ourselves the highest possible standards. We will not record something until it comes back from court whereas other forces will record it as a detection from the point it has been signed for by the defendant." (Birmingham Post 20.4.2005)

He was explaining that the force no longer allowed TICs, post or pre sentence, to be recorded as detected unless the defendant/suspect had actually admitted them before a court of law. Of course this represented a risk of an increased sentence for suspects and not surprisingly they were reluctant to comply with the new arrangements. It also curtailed the negotiating position of officers seeking to offer inducements to offenders. His comment explicitly questioned the integrity of other police forces and by implication questioned the integrity of the West Midlands Police force, which had relied on such questionable methods since at least 1997. This elicited the following comment from one interviewee:

"Quite interesting that: He's basically saying we're more ethical…They're less ethical, which is a bit naughty really." (Interviewee C)

The evidence presented in this chapter accords with the Assistant Chief Constable's assessment of the relationship between detections obtained by TICs and 'prison write offs' and unethical behaviour. If the statistical patterns examined in this chapter are indicative of 'nodding' one would expect there to be a higher risk of problematic behaviour in those forces with a high reliance on TICs and these would be most noticeable in the burglary and vehicle crime detection rates. The national increase in burglaries and vehicle crimes detected by TIC from 2003 to 2006 was evident from the data published in the Home Office Crime Bulletins (Fig. 6.13).

Percentage of Crime types detected by TIC
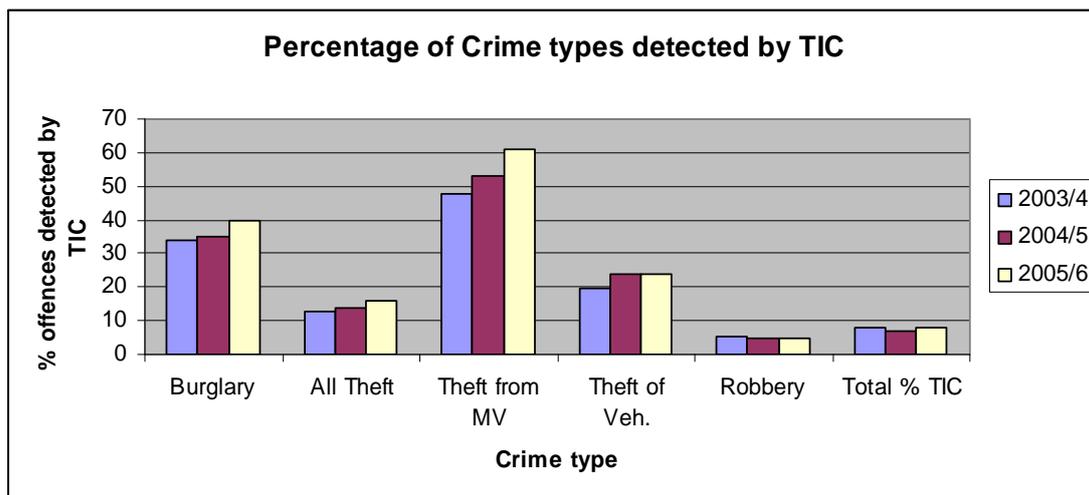
(Fig 6.13)   **(Home Office 2007)**

The increased reliance on TICs is, based on the evidence reviewed in this chapter, likely to indicate an increase in 'nodding'. The national picture with high performing forces reporting high numbers of offences detected by TICs and a predominance of forces which had experienced problems with 'nodding' in the bottom end of the detection performance tables, reflected the statistical pattern experience by the West Midlands Police in 1998 (Fig.6.1) where the Police Command Units which had experienced a scandal involving 'prison write offs' appeared to be under-performing. However it was officers from the police command unit detecting the highest percentage of offences by TIC in the West Midlands Police in 1998 who were involved in the Oct. 2003 'incident'.

6. CHAPTER CONCLUSION:

'Gaming' practices referred to as 'nodding' involving the abuse of TIC procedures, both pre and post sentence and 'prison write offs' do not appear to have been eradicated and still have the potential to have a significant impact on force's performance. The measures taken by the Home Office to prevent the abuse of 'prison write off' procedures had been rendered ineffective by the interpretation of rules on TIC which have in effect allowed 'prison write offs' to be 'converted into TICs. This had enabled 'nodding' to continue. The potential such a form of 'gaming' has on overall force performance is evident from the evidence reviewed in this chapter.

The inability of the performance systems to differentiate between pre-sentence TICs, and 'post-sentence TICs, which have not been placed before a court, makes it difficult for senior police officers and their political masters to determine the extent to which this administrative device is inflating performance. The inability to differentiate between these different detection methods could result in high levels of investment in forensic evidence recovery and management techniques in return for detections which are of little real value. Their value lies in the statistical reflection of reality which they purport to represent. However the evidence examined suggested this is a distorted reality and the performance data may actually indicate the presence of dysfunctional behaviour in the form of 'nodding'.

The scale and the consistency of the statistical patterns observed in forces which have encountered 'nodding' incidents indicated that the behaviour was organisational. The

evidence also demonstrated that senior management can and have taken effective action to curb abuses, however that action appeared motivated by specific 'incidents', some of which had become scandals. The increased reliance on TICs by forces across the country indicates that managerial action to ensure probity in this area of activity is not universal. It is therefore anticipated that scandals will continue to surface either incrementally or in the form of a major media or political exposure as 'nodding' and the abuses associated with it becomes more widespread.

CHAPTER 7

'SKEWING 1'; 'WHAT GETS MEASURED GETS DONE':

1. INTRODUCTION:

Likierman (1993); Rogerson (1995); Wilson et al (2001); De Bruijn (2002); and

Jackson (2005) all identified the tendency for performance management systems to

result in a concentration of efforts on the activities subject of performance indicators.

This factor is referred to as 'what gets measured gets done' and in this thesis the

phenomenon is called 'skewing'. In policing terms this would involve 'skewing'

activity in favour of volume crime such as burglary dwelling, vehicle crime and

robbery at the expense of other crimes perhaps less easily solved, less numerous in

their incidence, and which were not given focus in the performance framework. Such

a 'skewing' of organisational emphasis would represent a major shift in both the

formal and informal organisational culture embedded in the belief that investigation

and detection of serious crime should take priority over other considerations

(Waddington 1999). The investigation and detection of serious crime had traditionally

been given high priority by the police and it fits comfortably with the organisation's

preferred image of itself as a crime fighting force. Such an organisational alignment

was underpinned by a subscription to what Klienig refers to as 'communal values'

(Klienig, 1996) which sat comfortably with the public's expectation that the police

would investigate serious crimes thoroughly. Waddington provides a succinct

summary of the organisational priorities prevailing in such a police service:

> **"Homicide, rape, assault and theft will, in all but the most exceptional**
> **circumstances, tend to be breaches of basic communal values as much as**

they violate the criminal code. It is amongst the legally petty offences that we find police exercising most discretion, for here there is far greater likelihood that the law and communal values will clash". (Waddington, 1999: 40).

If the impact of performance management was so great that it eroded these core organisational values then one would expect to find evidence of a lessening of effort in the pursuit of more serious offences. Media and public scrutiny of serious offences such as murder; the kidnapping of children or terrorist atrocities would act as a deterrent against low investment in these 'high profile offences' (these offences are categorised as 'level 3' offences). However deterioration in performance in the control of less high profile but still serious crime such as firearms offences or other lethal weapons, rape, child abuse, and organised crime ('level 2' crime) would be less noticeable to the public. Indications of 'skewing' of this nature were identified by HMIC:

> **"The drive for continuing improvements in detections should, however, be controlled to ensure high volume crimes are not unnecessarily pursued at the expense of proper investigation of more serious crime. There was evidence in one force that a divisional commander refused to allow his detectives to put more than minimal resources into a serious sexual crime investigation, preferring instead they concentrate their efforts on less serious crime such as car theft. This occurred because whether they solved a rape or the theft of a car radio, the division would only be credited with one detection." (HMIC 1999:20)**

HMIC was particularly concerned that this type of behaviour might spread and require more rigorous monitoring. Child protection was added to rape as the type of offences susceptible to 'skewing':

> **"Work such as child protection and community and schools liaison**

could be casualties in a force concentrating entirely on its performance indicators. HM Inspectors of Constabulary will consider the resources allocated to such vital areas in their role as 'Best Value Inspectors''. (HMIC 1999:21)

In 2005 HMIC extended those concerns in their thematic report 'Closing the Gap' (O'Connor 2005) to encompass a wider range of serious crime, including 'gun and gang' related crime (level 2 crime). This 'skewing' trend was identified by Chatterton (2008). Interviewees (A,B &C) indicated that they expected the police to curtail certain activities, in order to concentrate efforts on activities which improved performance, they stated the investigation of serious crime such as rape and investment in child protection would not be affected as a result of 'skewing':

"You can't cut back on the investigation of serious crime because the investigation of serious crime attracts public and media attention and sometimes political attention, so you can't cut back on it. But what you might do is make an assessment of the number of serious crimes you have in a year and you may cut back on the total number of officers deployed in that area." (Interviewee A)

"As with all these issues they *[rape and child protection]* come up and they are top of the agenda and resources are pumped in. Why is its high profile? Because it's right to be high profile: It's just right that that work is done, it cannot be neglected. But there is an element of public scrutiny through the media and public inquires because of the risk of things going wrong. That is an area where you don't need a PI because the consequences are disastrous." (Interviewee C).

This chapter sets out to examine what impact Performance Management has had on the prevention and detection of serious crime. A short explanation of the methodology employed is followed by an examination of the performance data on minor offences. A review of the data on more serious offences is conducted and additional material is extracted from a number of case studies.

2. CHAPTER METHODOLOGY:

The methodology employed in this chapter involved a review of the official government and HMIC reports to establish if there was evidence of 'skewing' reported in these documents. Official documents and published statistical data were also examined in an attempt to identify any trend indicating a reduction in performance in the control of serious crimes which may be due to 'skewing'. This included a review of the data on gun and gang related crime. However, since this crime type is mainly confined to the metropolitan forces policing large urban conurbations, national comparisons are difficult. The crime category sexual offences, encompassing serious offences such as rape and indecent assault, provided a geographically more evenly spread crime type with relatively large enough incidence rates to provide, in theory a reliable measure of a category of serious crime. This crime category was not subject of any specific government target or Statutory Performance Indicator SPI during the period this study was undertaken and therefore, if effort was 'skewed' in favour of crime types subject of government targets at the expense of non performance target crime, then performance on the detection and prevention of sexual offences was likely to suffer. Documentation on the West Midlands Police, including some case study material was used to explore the phenomenon of 'skewing' further and to provide some context and outcomes which could be expected to occur.

3. CONCENTRATING ON MINOR OFFENCES:

'Skewing' in the form of the pursuit of minor offences was evident from a number of sources; Home Affairs Committee (2007:11-12); Police Federation Conference (2007); and Chatterton (2008). The benefit of formally investigating some minor offences are that they are easy to detect and involve the minimum of paperwork usually as a result of procedures which do not result in Court appearances e.g. Fixed Penalty Notices (FPNs), cautions or informal warnings. All of these necessitate the creation of a crime report which is then recorded as detected. Increasing the number of offences detected by this means can involve a reduction in individual officer's discretion on how they deal with minor offences as they are 'encouraged' through incentives or sanctions to deal with such incidents by resorting to enforcement.. This would therefore reverse the tendency observed by Banton (1964) to under-enforce the law by dealing with incidents in ways which avoided law-enforcement outcomes thus reducing the generally accepted benefits of discretion identified by Reiner 1994)

Although the prosecution of minor offenders may be justified by a commitment to a 'broken windows' approach to crime control developed by Wilson and Kelling (1982) It also increases the strain on police resources as officers investigate minor complaints to a level where a detection can by justified or actively seek out minor infractions of the law, such as urinating in a public place or possession of cannabis:

> **"Discretion was inevitable factually because the volume of incidents that could be regarded as breaches of the law would always outstrip police capacity to process them. So choices about priorities were inescapable."** (Reiner 1994:722)

The impact of 'skewing' was summarised by one officer's submission to the Federation Conference:

> **"Every borough is playing the game; those that are not are seen as under-performing. Policing has completely lost its way. We only investigate crimes that matter in terms of performance data" (Police Federation 2007)**

Other examples of 'skewing' were also cited at the Federation conference. These included the case of a juvenile who had raised money by carrying out a bogus collection for charity. Officers were assigned to visit every home the offender had collected money from in order to obtain a statement of complaint which could then be recorded as a detected crime **(Police Federation 2007)**

The 'skewing' towards the enforcement of minor offences attracted critical comment from the Home Affairs Committee during their review of Police Finance (2007):

> **"In the 12 months to March 2006, 5% of offences were official warnings for cannabis possession, 8% were PNDs and 25% were cautions. These figures demonstrate that the number of convictions is low as a proportion of overall police disposals. Recent Home Office statistics support this conclusion, showing that in 2005 there were only three convictions for every 100 BCS crimes" (Home Affairs Committee 2007:11-12)**

Dr Tim Brain Chief Constable of Gloucestershire defended his ACPO colleagues by stating:

> **"It is important to note that forces are using centrally improved definitions, those approved and owned by the government. As such the force can hardly be criticised [for including PNDs, cannabis and other cautions]" (Home Affairs Committee 2007:12)**

The Police Superintendent's Association spokesperson stated:

> **"In terms of offences brought to justice…the performance measurement, quite frankly, is in a mess in some parts of the country as to officers knowing exactly what they should be doing and what counts". (Home Affairs Committee 2007:12)**

The Home Office Minister Tony McNulty conceded:

> **"It is my job, with colleagues, to get to a stage where we do take stock of the use of PNDs, fixed penalty notices, et cetera, and how they fit, how the offences brought to justice target fits and how much of what we are doing in terms of targets on performance actually measure what they purport to measure." (Home Affairs Committee 2007:13).**

The committee was sceptical of the apparent success of the Narrowing the Justice Gap strategy and concluded:

> **"The Government's key crime reduction target, 'offences brought to justice', is not a good indicator of success in relation to the types of crime which the public fear most……. There is a strong case for excluding summary justice measures from this target. Given that the rate of conviction remains low as a proportion of all estimated BCS crime, it is important that any revision of the target should place an increased emphasis on convictions." (Home Affairs Committee 2007:16)**

Whilst the committee acknowledged the inherent difficulties in analysing such high level data they questioned the value of pursuing minor offences thus supporting the thrust of the Police Federation's conference (2007). The impact of 'skewing' was also raised by Chief Constable of Surrey Bob Quick in a press interview who pointed out that police success measured by overall detection rates was 'misleading' as the number of offenders appearing before the courts and being convicted was falling:

"The Chief Constable warned that nationally the percentage of offenders being convicted by the courts had fallen from 60% to 47% in the last two years" (London Evening Standard 20.10.07).

He maintained this was due in part to the 'skewing' of organisational effort towards detecting less serious offences which he stated benefited 'the more capable criminals'.

Neyroud & Disley supported his assertion:

"pressure to meet targets encourages managers to focus on volume crime investigations which are less resource intensive, at the expense of proper investigations of more serious crimes." (Neyroud and Disley, 2007: 563).

The point was reinforced by Professor Marian FitzGerald:

"Ministers have attached increasing political importance to claiming detection rates are up and this means police are having to focus on minor offences where they can get quick wins in order to get the Government off their backs" (London Evening Standard 20.10.07)

Improving the detection rate by actively seeking out minor offences to be solved can also have a detrimental effect on recorded crime levels, thus defeating the government's objective of reducing crime. This dichotomy was illustrated during an interview with interviewee F, who had experienced first hand the impact of changed priorities on the investigation of shoplifting in a major city centre:

"There was a change in emphasis from arrests to detections and trying to cut down. We tried to get rid of the rubbish, juveniles and old prisoners, and stuff like that….. This year *(2006),* April of this year, they made it a KPI [*key performance indicator*] for detections. What they didn't realise was that it had been neglected for eighteen months and there was a lot of issues with security and the police and it had been allowed to fall away….. So suddenly they had an increase in figures, because people had just been kicking people out. What happened then went 'ping' and there was a

major panic, a major panic, from the police and the Local Authority. It *[recorded crime]* **just went up and up." (Interviewee F)**

Whilst the pursuit of minor offences may be regarded as 'gaming' it does not breach any police discipline codes and as Dr Brain stated in his evidence to the Home Affairs Committee it is a legitimate means of delivering government objectives.

The negative impact of performance management on the investigation of more serious crime was also referred to the federation by officers. One officer commented that organised crime involving the theft of high value lorries was being treated as a low priority as efforts were being diverted into solving more easy to detect crimes (Police Federation 2007). Such a focus on easy to detect crimes was proffered as a factor in the lack of resources attached by Derbyshire Police to the investigation of the brutal beating and robbery of riding instructor Tania Moore (www.ipcc/TaniaMoore/2006). The report on the force's handling of the case by the Independent Police Complaints Commission prompted the following media response:

> **"A police force failed to investigate properly the violent robbery of a show jumper which led to her murder because its officers were busy inquiring into stolen chickens" (The Sunday Times 10th December 2006)**

4. 'SKEWING' AND THE IMPACT ON THE PREVENTION AND DETECTION OF SERIOUS CRIME:

Gun Crime: The rise in offences involving the use of firearms emerged rapidly after the UK government's focus on performance management began to impact on the service in the mid 1990s. Whilst there is no evidence to suggest the two are connected, the response to the emergent threat represented by the rise in what is commonly referred to as 'gun and gang crime' could be compromised by a focus on crime categories subject of performance indicators.

Nationally the use of firearms in the commissioning of crimes rose significantly from 1997 onwards with a reduction in 2004/5 (Fig. 7.1). However the data on injuries by firearm type shows that criminal firearm related injuries had quadrupled since 1998 with a slight levelling off in 2004/5 (Table 7.1). The incidence of firearms offences was concentrated in three police force areas; The Metropolitan Police Service; Greater Manchester Police and the West Midlands Police (Fig. 7.2).

Figure 2.5 Crimes in which firearms were reported to have been used by offence type
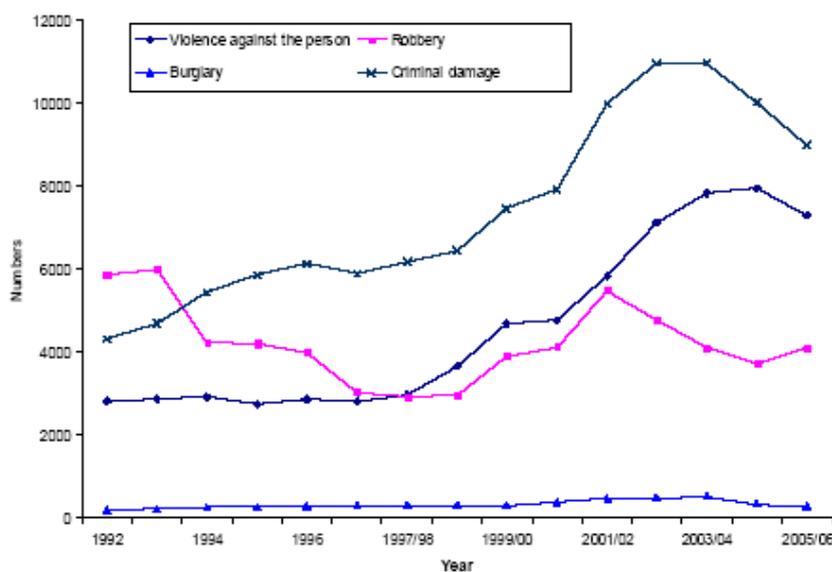
(Fig. 7.1)   **(Coleman et al 2007:32)**

Year	Non-air weapons				Air weapons				Total injuries
	Total	Fatal injury	Serious injury [2]	Slight injury	Total	Fatal injury	Serious injury	Slight injury	
1998/99	864	49	162	653	1,514	0	133	1,381	2,378
1999/00	1,195	62	200	933	1,977	0	171	1,806	3,172
2000/01	1,382	72	244	1,066	1,821	1	166	1,654	3,203
2001/02	1,877	95	392	1,390	1,915	2	165	1,748	3,792
2002/03	2,179	80	416	1,683	2,377	1	156	2,220	4,556
2003/04	2,367	68	437	1,862	2,395	0	157	2,238	4,762
2004/05	3,912	77	411	3,424	1,497	1	145	1,351	5,409
2005/06	3,821	49	476	3,296	1,180	1	119	1,060	5,001

1. By weapon being fired, used as a blank instrument or in a threat
2. A serious injury is one which necessiated detention in hospital or involved fractures,concussion,severe general shock,penetration by a bullet or multiple shot wounds

(Table 7.1)   **(Coleman et al 2007:36)**

Figure 2.7 Firearm offences in police force areas, 2005/06
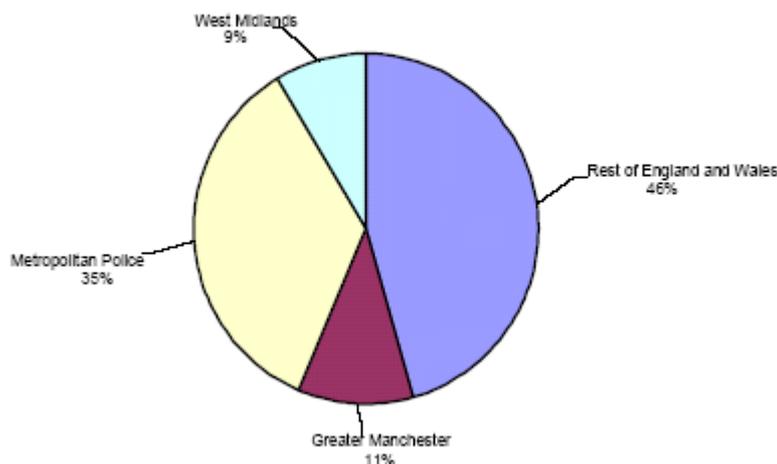
(Fig. 7.2)   **(Coleman et al 2007:38)**

However the response of the three forces to the emergent threat was different. The

Metropolitan Police Service (MPS) created a large dedicated squad (Operation

Trident) to deal with the issue. Greater Manchester Police also responded by

committing their central dedicated specialist crime squads to controlling the threat.

The commitment of the Met, GMP and also Avon & Somerset in responding to this

rise in serious crime was acknowledged by HMIC in the thematic report 'Closing the

Gap' (O'Connor 2005) This identified that low level volume crime (level 1) and terrorist and criminals operating at the national or international level (Level 3) were receiving adequate attention from the law enforcement agencies although serious and more localised types of organised crime (level 2) were not receiving sufficient attention:

> **"The exception has occurred around those forces e.g. Avon and Somerset, the Metropolitan Police Service (MPS) and Greater Manchester Police, where the dangers of violent organised crime have spilt onto the streets, albeit the spread of organised crime and terrorism is now raising a wider awareness and concern on these issues. (O'Connor 2005:9)**

It should however be noted that GMP and Avon and Somerset had been the subject of PSU interventions as a result of their poor performance on volume crime and the MPS was a poor performer, at he time of the report in 2005, on volume crime.

This was in direct contrast to the West Midlands Police which had improved its performance against Government targets and by 1998 was the best performing metropolitan force in the country. However during the All Party Parliamentary Group on gun crime set up in May 2003, following the fatal shooting of Letisha Shakespeare and Charlene Ellis on 1st Jan 2003, it was evident that the West Midlands Police had not invested as heavily as the Met GMP and Avon and Somerset in the type of resources required to meet the threat of 'gun and gang' related crime. A doubling of the force's dedicated firearms unit was the most obvious response and indication of a previous lack of investment in this area:

> **"Assistant Chief Constable Nick Tofiluk, from West Midlands Police, said a further expansion of the force's armed capability was already being undertaken, which would increase the number of specialist trained officers by 50 per cent" (Birmingham Post 6.11.2003)**

Whilst the ACC denied that this increase was a direct response to the shooting of the two girls, the force's lack of 'proactive' capacity to deal with serious crime was also evident from the fact that it had only two dedicated mobile surveillance teams, considered essential when combating serious criminals. This prompted the deputy leader of Birmingham City Council to offer to fund a third force mobile covert surveillance unit (Birmingham Post 30.6.03). The mothers of the two shooting victims also questioned the commitment of the force to dealing with 'guns and gangs':

> **"Police had ignored the gangs as long as they only killed each other. But this allowed them to become so powerful that nobody dared give evidence against them. Now they were killing innocent people" (Birmingham Post 3.7.03).**

Interviewee F commented on the increase in gun crime, which he was of the opinion, was related to a failure to control drug related crime in the force area:

> **"Newtown, parts of Newtown there was the sound of shots weekly so it is only a matter of time when those shots are not going up in the air." (Interviewee F)**

This officer also recounted his experience when he brought, what he perceived as a rise in the incidence of serious crime to the attention of the Chief Constable during one of his regular road shows designed to facilitated dialogue with his officers: (The officer provided this recollection of the experience, circa 2000/01.)

> **"*[the Chief Constable]* decided to visit stations and a certain senior officer *[BCU commander]* asked me to attend the meeting. I think his concern at the time was that he didn't want all the people at the meeting who would just agree."**

"I went to this meeting on my own and the meeting was already in progress, and I didn't have much to do with it until *[the chief constable]* **commented on the level of crime and the success of the force. He particularly mentioned murders and gun crime."**

[The interviewee and another experienced officer interjected at the meeting]: **"We said what do you mean and of course he came out with the official figures which showed Birmingham to have a low murder rate and gun crime but we were aware that the incidence of reported gun shots and people being seen with firearms was increasing monthly, which he disputed, so we quoted an example where shots were fired between two moving vehicles outside the police headquarters, which was about a week or so before the meeting- and we said well does that mean because no one was injured or killed it didn't happen- and basically he didn't have an answer to that."**

"What came across to us was the fact that in our eyes what was happening on the ground showed a clear indication of an increase in culture in the use of firearms and possession of firearms and OK we hadn't the actual murders or serious injuries compared with other cities, certainly not London, Liverpool or Manchester but it was there and for somebody of his rank to say all was sweet and happy and there wasn't a problem at all was just horrifying. It showed a clear misunderstanding of what was going on."

"If you're dealing with serious matters, logistically you can't deal with lots of serious matters at the same time because you haven't got the resources to do it – plus also you haven't necessarily got the complaints."

"But when it then gets out of control then you get figures and you have to do something about it." (Interviewee F)

Interviewee F's comments suggest that the force leadership's perception of reality appeared to be distorted by what was measured i.e. the absence of adequate measures to capture the rise in serious gun related incidents had led to the problem being largely invisible to and therefore ignored by the senior officers. Following the deaths of Letisha and Charlene measures were introduced to record the reported discharge of firearms and this led to tactics being introduced to recover forensic evidence in the

form of spent cartridges and bullets from the scenes in order that an intelligence picture and evidential base could be established.

The West Midlands Police had reduced the number of its HQ squads which had concentrated on the control and investigation of serious crime and had vigorously followed a policy of curtailing the number of non uniformed specialist officers from 1997 as it placed the emphasis on uniformed patrol and neighbourhood policing. This involved the senior management team dictating the number of specialist officers, including CID officers, which each Operational Command Unit (OCUs) could deploy. Child Protection Units which covered a number of OCUs were subject of the same conditions and the number of officers deployed to such units was controlled by the Force Senior Management Team. Murders were investigated by a dedicated Murder Investigation Unit (MIT) which retained a small core of dedicated staff and supplemented its staff numbers during the investigation of murders by calling on CID officers from OCUs which were clustered in groups in order to provide mutual support. The more difficult to investigate murders, such as fatal shootings, tended to occur in inner city areas thus putting a strain on the CID departments covering those neighbourhoods.

The 'skewing' of focus towards less serious crime at the expense of more serious crime was not confined to the West Midlands Police. HMIC had noted a similar trend during their inspection of Cleveland Constabulary in 2001:

> **"Whilst it would be possible to 'throw' endless resources at the drugs problem, which is said to be endemic amongst those engaging in deviant behaviour, it still raises the question as to whether or not the Force has a sufficiently high profile at Force and district level in combating the supply**

and distribution of illicit drugs. If the illicit drugs industry has a knock-on effect on volume crime, and it does, then the problem should be tackled robustly. Her Majesty's Inspector acknowledges, however, that competing demands on resources requires a balanced approach to tackling volume crime and 'premier league' villainy. His view is that, so far, the balance has not been achieved in Cleveland. In making these observations, Her Majesty's Inspector recognises that tackling 'premier league' criminality (organised crime, major drugs distribution syndicates and cross border crime) devours resources, and only brings persons before the courts in limited numbers that has no impact on crime performance data. Shifting resources to tackle the easier 'hits' (house burglary, car crime, etc), whilst neglecting premier league criminality, may boost the Force's standing in any volume crime league list –but the penalty would be paid in later years. Major crime players, largely free from Force scrutiny and investigation, will have an impact on volume crime sooner or later."
(HMIC Cleveland 2001:2)

Nottinghamshire was another force which experienced an increase in the number of shootings and gang related violence following efforts to improve its performance against government targets on volume crime. Again it is impossible to tell if the rise in 'gun and gang' related crime was the consequence of reducing the forces proactive capability to deal with those offences but it did impact on the Force's ability to respond to the threat:

"At this stage the focus was on volume crime – burglary, vehicle crime and robbery – where the force was making progress in bringing crime levels down. But policing is complex and multi-faceted, and while the force was striving to raise its game in these areas, organised criminality was gaining a grip in parts of the city, despite efforts to counter it by proactive operations." (HMIC/Notts. June 2006:4).

Evidence of 'skewing' was apparent from examination of the HMIC reports on the rise in murders experienced by Nottinghamshire Police. This indicated a re-distribution of the Force's central pro-active capability, preceded the increase in serious crime thus reducing the Force's capacity to respond to the threat.

> **"Resources were devolved to the BCUs Officers and staff were realigned with community beats and response teams. Detective capacity at headquarters was reduced and this included the disbandment of the Force Drug squad. In March 2003 HMIC noted some aspects of the reorganisation had not been handled well and the challenges were exacerbated by a rise in serious crime, both in terms of drug-related gun crime and an abnormal level of murders committed in 2002."**
> **(HMIC/Notts. April 2005 unpublished[63])**

The strain on force resources caused by the rise in murders in Nottinghamshire was to result in the Chief Constable making his concerns public:

> **"We are reeling with murders. We are in a long standing crisis situation with major crime and it won't go away overnight." (Chief Constable Steve Green the Times Newspaper 14th March 2005)**

Sexual Offences: Measuring changes in the incidence or detection rate of serious crime is problematic because the seriousness of the offence is difficult to extrapolate from the general offence category e.g. the category robbery would include armed robberies where a weapon is used and bullying where the threat of violence is used by one child to intimidate another into handing over their mobile phone. Officer discretion on the categorisation of the offence for recording purposes is another distorting factor. In order to overcome some of these difficulties the category of Sexual Offences was chosen as a proxy-measure for serious crime. Offences in this category are generally considered serious and although the incidence rate is small, in comparison with acquisitive crime, they do occur in sufficient numbers to facilitate statistical comparison and incidence is spread across all force areas.

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[63] This comment was taken from a draft of the HMIC April 2005 report released as part of a FOI request.

When the national detection rate for rape, the more serious offence within the sexual

offences category, was examined it appeared that the fears expressed by HMIC in

1999 had been confirmed. Fig. 7.3 shows the number of offences recorded and Fig.

7.4 the detection rate.
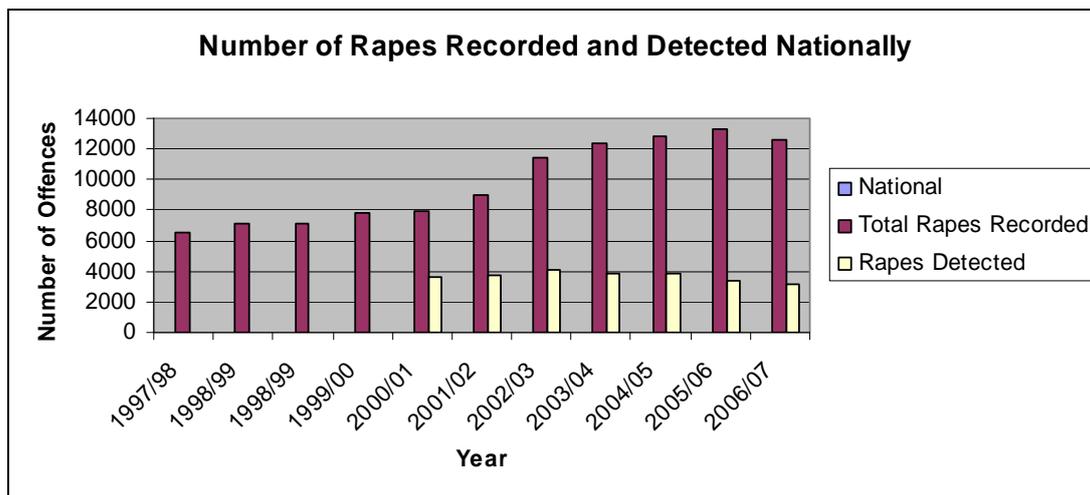
(Fig 7.3)   **(Home Office 2008)**
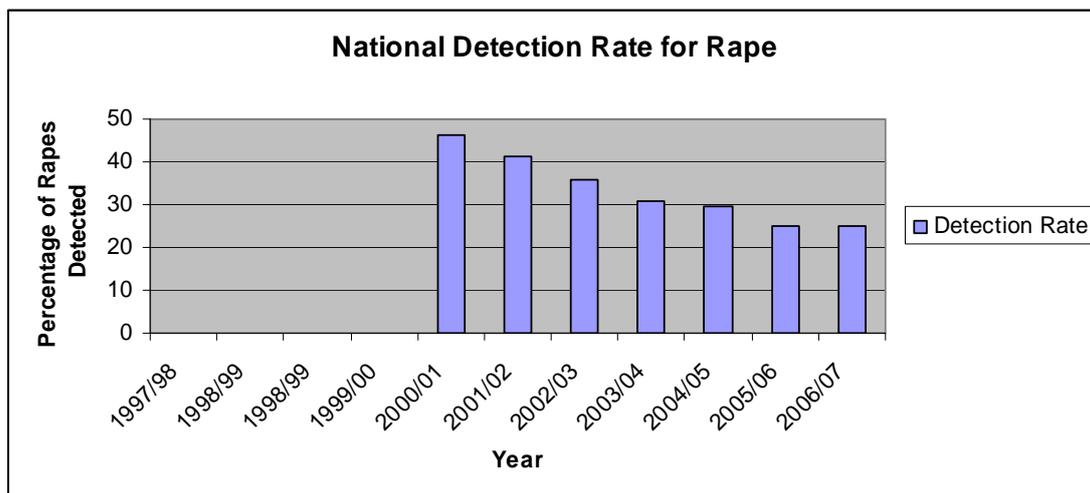
(Fig. 7.4)   **(Home Office 2008)**

Whilst the data on detections for the discrete crime category of rape is not available prior to 2000 the reduction in the detection rate from 46% in 2000/01 to 25% in 2006/07 was noticeable.

The increase in recorded offences and the decrease in detections appeared to suggest 'skewing' was occurring and a lack of focus on these offences was responsible for the declining performance. However the findings from previous chapters on crime recording and detection procedures cautioned against relying on the data. When HMIC sought to understand the factors influencing the low detection and conviction rates for offences of rape in 2002 and again in 2007 they were hampered by the unreliability of the police data available to them:

> **"Failure to adhere to the relevant HOCR (Home Office Crime Recording) criteria is not only skewing recorded crime figures for rape but is also undermining the ability to gain accurate understanding of attrition" (HMIC/HMcpsi 2007:44). "The most significant factor in altering detection rates is non-compliance with the HOCR criteria for 'no criming'[64] (HMIC/HMcpsi 2007:47).**

The variations in 'no criming' levels between forces also attracted adverse comment from the press:

> **"Among the eight police areas studied, the rate of 'no-criming' varied hugely- from 4% to 47%" (The Guardian Newspaper 31.1.07).**

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[64] 'No Criming' refers to the category 'no crime' that is applied to recorded crimes which have subsequently been un-crimed by a police supervisor who is satisfied that there is verifiable information that no crime was committed. The grounds for reaching this decision should be recorded in writing on the case papers for auditing purposes.

The distortion created by such variations was to hamper Feist et al's analysis of the low detection rate. They concluded that greater compliance with Home Office 'counting rules' would have two effects:

> **"First, it would lead to a reduction in the overall no criming rate and thereby contribute to an increase in the total number of recorded offences of rape. Secondly, a reduction in no criming would almost certainly contribute to the depression of the detection rate for rapes because the characteristics of those previously (inappropriately) no crimed offences are such that they are likely to have only a low chance of eventual detection." (Feist et al 2007:82)**

Feist et al did attempt to control for some of the variables caused by differences in recording and detecting procedures and found that there had been a slight decrease in detection and conviction rates between 1997 and 2003/4 in the two forces they sampled (Feist et al 2007:83).

However the overall national detection rate for rape over the period 1997 to 2006/7 is too unreliable to be certain that 'skewing' alone has resulted in a drop in the detection and prevention of rape and other sexual offences. Although the failure to improve the detection rate from 2005 onwards when the data is reported to be more reliable (Fiest et al 2007) does suggest 'skewing' may be occurring.

One way of pursuing the suspicion that 'skewing' was responsible for the apparent deterioration in the detection of these offences was to compare the respective performance of different forces. If 'skewing' was occurring then high performing forces, measured by their overall detection rate, might be expected to be underperforming on the detection of sexual offences. If this wasn't the case and then it might be expected to find that high performing forces would have a high overall detection rate and a high detection rate for sexual offences. The first step was to

review the trend data of force's detection rates for sexual offences[65] over the period

2001-2005/06 (Table 7.2).

Sexual Offences Detection Rate by force by year
2001- 2005/6

Numbers		2001/02	2002/03	2003/04	2004/05	2005/06
Police force area and region		Sexual offences	Sexual offences	Sexual offences	Sexual offences	Sexual offences
Cleveland	Detection Rate %	82	63	54	46	42
Durham	Detection Rate %	66	61	75	67	30
Northumbria	Detection Rate %	50	47	44	33	39
Cheshire	Detection Rate %	80	56	44	37	33
Cumbria	Detection Rate %	72	60	46	42	41
Greater Manchester	Detection Rate %	57	52	43	30	31
Lancashire	Detection Rate %	51	59	45	40	39
Merseyside	Detection Rate %	55	51	45	40	26
Humberside	Detection Rate %	37	37	30	28	31
North Yorkshire	Detection Rate %	67	53	51	48	38
South Yorkshire	Detection Rate %	68	49	50	36	28
West Yorkshire	Detection Rate %	63	52	37	31	25
Derbyshire	Detection Rate %	61	45	45	36	30
Leicestershire	Detection Rate %	43	33	32	27	28
Lincolnshire	Detection Rate %	63	35	37	39	30
Northamptonshire	Detection Rate %	68	53	55	48	31
Nottinghamshire	Detection Rate %	44	44	41	45	42
Staffordshire	Detection Rate %	44	51	48	38	27
Warwickshire	Detection Rate %	56	43	31	38	34
West Mercia	Detection Rate %	50	46	46	39	39
West Midlands	Detection Rate %	53	43	36	29	33

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[65] The overall sexual offences category is the only consistent force comparable measure published by the Home Office annually in its bulletin. Force results on individual sexual offence types such as rape are not published.

Force						
Bedfordshire	Detection Rate %	40	40	27	36	27
Cambridgeshire	Detection Rate %	50	36	27	27	27
Essex	Detection Rate %	50	40	37	33	23
Hertfordshire	Detection Rate %	68	53	54	41	38
Norfolk	Detection Rate %	47	33	38	34	59
Suffolk	Detection Rate %	48	50	36	36	34
London, City of	Detection Rate %	55	50	30	38	36
Metropolitan Police	Detection Rate %	32	33	34	35	28
Hampshire	Detection Rate %	60	56	41	33	24
Kent	Detection Rate %	59	46	40	28	27
Surrey	Detection Rate %	43	40	42	33	33
Sussex	Detection Rate %	47	38	37	27	29
Thames Valley	Detection Rate %	41	33	31	28	30
Avon and Somerset	Detection Rate %	31	27	26	21	27
Devon and Cornwall	Detection Rate %	60	43	34	31	25
Dorset	Detection Rate %	49	41	29	28	29
Gloucestershire	Detection Rate %	62	39	35	34	29
Wiltshire	Detection Rate %	50	41	41	36	32
Dyfed Powys	Detection Rate %	92	91	45	43	36
Gwent	Detection Rate %	91	82	80	56	35
North Wales	Detection Rate %	50	35	41	38	29
South Wales	Detection Rate %	81	60	53	41	31
ENGLAND AND WALES	Detection Rate	**49**	**43**	**39**	34	**31**

(Table 7.2) (Highlighted forces have been subject of PSU intervention.) (**Home Office 2007**)

First to note on the force trend data at Table 7.2 is the considerable spread in detection rates in 2001/02 between the two Welsh forces, Dyfed Powys and Gwent detecting 92% and 91% of sexual offences respectively and the MPS 32% and Avon and Somerset 31%. Whilst the wide variations in performance may be due to variations in recording and detecting practices and justified the need for the introduction of the NCRS and other controls, the general fall in forces' performances is uneven, with the lower performers such as the MPS and Avon and Somerset only experiencing a 4% reduction in their performance over the period 2001 – 2005/06. This might suggest

that their adherence to a 'prima facia' crime recording standard and more rigorous detecting procedures was the cause of their previous low performance. Interestingly Nottinghamshire, widely regarded as the worst performing force in the country (The Times Newspaper 14.3.2005; Gibbs & Haldenby 2006), had maintained a better detection rate for sexual offences, which had remained above 40% since 2001. Examination of the performance of forces subject of PSU interventions[66] (Table 7.3), suggests their performance on the detection of sexual offences had not been taken into account when the decision was made to intervene. It would also appear that PSU assistance has not improved their performance on the investigation and detection of sexual offences.

Sexual Offences Detection rate by forces subject of PSU engagement

Numbers		2001/02	2002/03	2003/04	2004/05	2005/06
Police force area and region		Sexual offences	Sexual offences	Sexual offences	Sexual offences	Sexual offences
Cleveland	Detection Rate %	82	63	54	46*	42
Greater Manchester	Detection Rate %	57	52*	43	30	31
Humberside	Detection Rate %	37	37	30	28*	31
West Yorkshire	Detection Rate %	63	52	37*	31	25
Northamptonshire	Detection Rate %	68	53	55	48*	31
Nottinghamshire	Detection Rate %	44	44	41	45*	42
Cambridgeshire	Detections	50	36	27	27	27
Avon and Somerset	Detection Rate %	31	27*	26	21	27
ENGLAND AND WALES	Detection Rate %	49	43	39	34	31

* = PSU engagement

(Table 7.3)   **(Home Office 2007)**

The utility of examining trend data was also devalued by the introduction of new offences to the crime category sexual offences in 2004/05. The variations in the rate

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[66] The Police Standards Unit were authorised by the Home Office to 'assist' forces with low crime reduction and detection rates for 'volume' crime (burglary, robbery and vehicle crime)

of 'no criming' between forces continued to be a distorting factor, although less so

since 2003/4 when the Audit Commission commenced quality checks on 'no crimes'.

Accepting that the reliability of performance data has improved from 2003/04

onwards (Feist et al 2007) and the distorting effect of DNFPA controlled for by

using the data on non-sanctioned detections only, it was possible to compare forces

overall performance on detections with their performance on the detection of sexual

offences for the year 2005/06 (Table 7.4). It was not possible to control for the

variations between forces on their interpretation of the NCRS 'balance of probability'

standard, which may have influenced the number of reported rape cases recorded by

the police as rape[67]. That said the forces operating 'false reporting' policies had

already been identified and their results could be assessed in the light of previous

findings. The impact of 'no criming' was not controlled for in the data on sexual

offences re-produced in Table 7.4.

Comparison of
Force Performance
by overall Detection
Rates and Detection
Rates for Sexual
Offences   P

Force overall Sanctioned Detection Rates compared with Detection Rates for Sexual Offences
2005/06

Ranked by Overall Sanction Detection Rate			Ranked by Detection Rate for Sexual Offences		
Percentages			**Percentages**		
Police force area and region	Total	Sexual offences	Police force area and region	Total	Sexual offences
Metropolitan Police	18	28	Essex	26	23
Northamptonshire	20	31	Hampshire	21	24
Humberside	20	31	Devon and Cornwall	25	25
Hampshire	21	24	West Yorkshire	26	25
Nottinghamshire	21	42	Merseyside	25	26
South Wales	22	31	Cambridgeshire	26	27

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[67] HMIC did not control for this variable in their 2007 report accepting that forces were recording all incidents of rape consistently. The improvements, indicated by the Audit Commission validity checks, were cited as the reason for this omission. Such optimism is to be questioned given the findings reported in previous chapters of this study.

Force				Force		
Hertfordshire	22	38		Bedfordshire	23	27
Bedfordshire	23	27		Kent	24	27
South Yorkshire	23	28		Staffordshire	25	27
Surrey	23	33		Avon and Somerset	23	27
Avon and Somerset	23	27		South Yorkshire	23	28
Durham	23	30		Leicestershire	29	28
Greater Manchester	24	31		Metropolitan Police	18	28
Kent	24	27		Sussex	26	29
Warwickshire	24	34		Gloucestershire	29	29
Cleveland	24	42		North Wales	29	29
Merseyside	25	26		Dorset	28	29
Lincolnshire	25	30		Durham	23	30
Norfolk	25	59		Thames Valley	27	30
Devon and Cornwall	25	25		Derbyshire	26	30
Staffordshire	25	27		Lincolnshire	25	30
West Yorkshire	26	25		Humberside	20	31
West Midlands	26	33		South Wales	22	31
Cheshire	26	33		Greater Manchester	24	31
Cambridgeshire	26	27		Northamptonshire	20	31
Derbyshire	26	30		Wiltshire	27	32
Sussex	26	29		Surrey	23	33
Essex	26	23		West Midlands	26	33
North Yorkshire	26	38		Cheshire	26	33
Suffolk	27	34		Warwickshire	24	34
Thames Valley	27	30		Suffolk	27	34
Wiltshire	27	32		Gwent	27	35
Gwent	27	35		Dyfed-Powys	40	36
Dorset	28	29		Hertfordshire	22	38
Leicestershire	29	28		North Yorkshire	26	38
Gloucestershire	29	29		West Mercia	32	39
North Wales	29	29		Lancashire	29	39
Lancashire	29	39		Northumbria	32	39
Cumbria	30	41		Cumbria	30	41
West Mercia	32	39		Nottinghamshire	21	42
Northumbria	32	39		Cleveland	24	42
London, City of	40	36		Norfolk	25	59
Dyfed-Powys	40	36		**excluding city of London**[68]		
	PEARSON	0.23183384			**PEARSON**	0.21008408
	RSQ	0.05374693			**RSQ**	0.04413532

This is a not a significant relationship   **This makes no difference**

Blue = forces disengaged from the PSU
Yellow = forces still engaged with the PSU
(Table 7.4)   **(Home Office 2007)**

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[68] The City of London has been excluded because of its unique demographic makeup, crime profile and size.

In the left hand column of Table 7.4 forces are ranked according to their overall 'sanctioned detection rate'[69]; in the right hand column forces are ranked according to their detection rate for sexual offences.

As can be seen (table 7.4) there was no statistically significant relationship between high performance measured by rankings on overall detection rates and detection rates for sexual offences ($p=0.05$). However, some observations on the data are pertinent.

The low rating on detecting sexual offences by West Yorkshire, disengaged from the PSU in 2004, was interesting as it demonstrated that PSU engagement[70] had not improved the force's ability to investigate and detect sexual offences. In fact Table 7.3 shows that there has been a marked reduction in this force's performance on the detection of sexual offences from 31% in 3004/5 to 25% in 2005/6. The improvements in performance management and forensic management hailed by the PSU as the key to transforming the force's performance have not had the same impact on the detection of sexual offences. Another two forces disengaged from the PSU, Cambridgeshire and Avon and Somerset are also ranked below the national average on their detection rates for sexual offences again indicating that PSU involvement had not improved their ability to detect crimes per sae. Of the forces who were still engaged with the PSU in 2004/05; Humberside and Northamptonshire had improved their overall detection rate during 2004/05 (Fig. 7.5) and remained close to the

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[69] 'Sanctioned' detections are those detections resulting in a charge, caution TIC. They exclude Detected No Further Police Action (DNFPA) and therefore controls for any distortion caused by 'gaming' type practices involving this means of detection (see later chapter on 'stitching').
[70] PSU engagement is specifically designed to improve force performance on volume crime. Sexual Offences do not fall within the 'volume crime' category.

national detection rate for sexual offences whereas Nottinghamshire and Cleveland

had not improved their overall detection rate during 2004/05 yet still remain high

performers on the detection of sexual offences.

The PSU used improvements on overall detection rates from 2003/4 to 2004/05 to

demonstrate the positive impact of PSU interventions (Fig 7.5). It is noticeable how

these rankings differ from the rankings on the detection of sexual offences (Table 7.4)
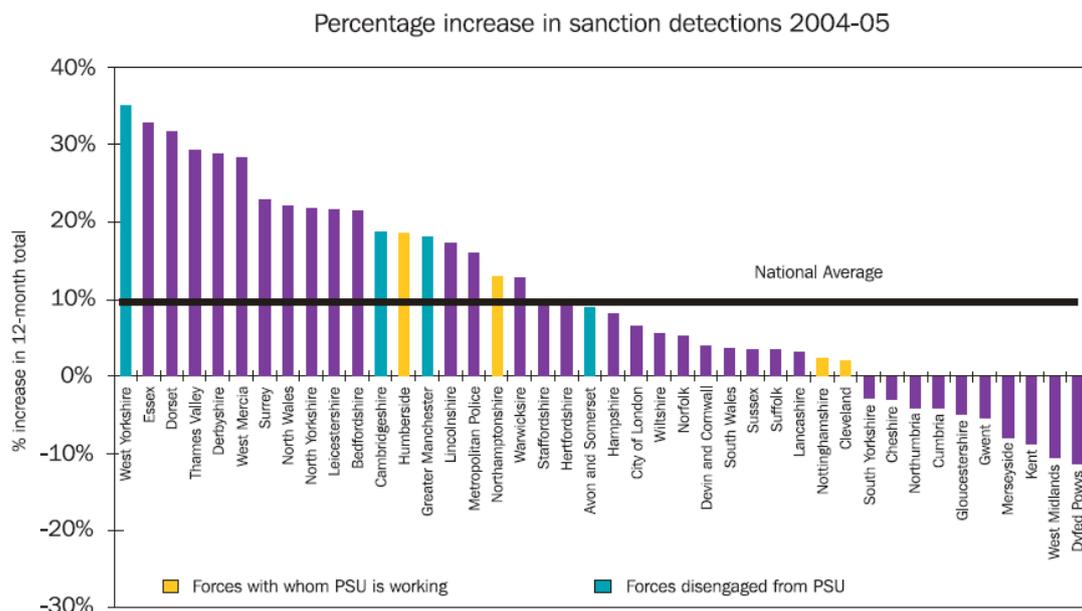
(Fig. 7.5)   **(PSU Annual Report 2004/5:3)**[71]

Rape of a Female: A review of police forces performance measured by their

detection rates for the specific offence of rape of a female was undertaken by

accessing offence specific data from the Home Office. The number of rape of a

female offences recorded; the number of rape of a female offences 'no crimed' and

the number of rape of a female offences detected, broken down by detection method

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[71] The PSU annual report for 2005/6 was not published in this format.

was accessed for the year 2005/06[72]. The first observation from the raw data was the variation between forces in the percentage of rapes of a female 'no crimed' (Table 7.5): South Wales 'no criming' 3 per cent; Surrey 27 per cent and City of London 28 per cent of recorded rape of a female. The distorting impact of 'no crimes' identified by Fiest et al (2007) still remained a factor and restricted the ability to analyse the data.

Police Force Area	Offence	**2005/06** Offences recorded	**2005/06** No Crimes	2005/06 % of Rapes No Crimed
Avon & Somerset	Rape of a Female	295	56	15.9
Bedfordshire	Rape of a Female	188	23	10.9
Cambridgeshire	Rape of a Female	193	8	3.9
Cheshire	Rape of a Female	165	47	22.2
Cleveland	Rape of a Female	158	21	11.7
Cumbria	Rape of a Female	73	11	13.1
Derbyshire	Rape of a Female	253	34	11.8
Devon & Cornwall	Rape of a Female	361	15	3.9
Dorset	Rape of a Female	166	45	21.3
Durham	Rape of a Female	129	15	10.4
Dyfed-Powys	Rape of a Female	79	6	7.0
Essex	Rape of a Female	352	66	15.7
Gloucestershire	Rape of a Female	145	6	3.9
Greater Manchester	Rape of a Female	769	133	14.7
Gwent	Rape of a Female	112	19	14.5
Hampshire	Rape of a Female	618	80	11.4
Hertfordshire	Rape of a Female	197	66	25.0
Humberside	Rape of a Female	323	48	12.9
Kent	Rape of a Female	413	27	6.1
Lancashire	Rape of a Female	299	45	13.0
Leicestershire	Rape of a Female	287	33	10.3
Lincolnshire	Rape of a Female	169	15	8.1

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[72] No crimes data was only accessed up until 2005/6. Hence the reason for examining the data for 2005/6.

London, City of	Rape of a Female	5	2	28.5
Merseyside	Rape of a Female	356	36	9.1
Metropolitan Police	Rape of a Female	2,249	0	0
Norfolk	Rape of a Female	209	22	9.5
North Wales	Rape of a Female	156	22	12.3
North Yorkshire	Rape of a Female	134	14	9.4
Northamptonshire	Rape of a Female	152	32	17.3
Northumbria	Rape of a Female	325	40	10.9
Nottinghamshire	Rape of a Female	236	61	20.5
South Wales	Rape of a Female	193	6	3.0
South Yorkshire	Rape of a Female	294	25	7.8
Staffordshire	Rape of a Female	267	13	4.6
Suffolk	Rape of a Female	192	22	10.2
Surrey	Rape of a Female	135	50	27.0
Sussex	Rape of a Female	399	54	11.9
Thames Valley	Rape of a Female	425	65	13.2
Warwickshire	Rape of a Female	75	24	24.2
West Mercia	Rape of a Female	212	44	17.1
West Midlands	Rape of a Female	856	118	12.1
West Yorkshire	Rape of a Female	558	36	6.0
Wiltshire	Rape of a Female	138	28	16.8
National	Rape of a Female	13327	1533	10.3

(Table7.5[73])   **(Home Office 2008)**

In order to control for the distorting influence of 'no criming' the number of 'no crimes' was added to the number of recorded rapes of female and the 'sanctioned' detection rate re-calculated. Police forces were then sorted in ascending order based on their detection rate for rape of a female where the impact of 'no crimes' is not controlled for (detection rate minus 'no crimes') and then sorted in ascending order based on their detection rate when 'no crimes' are controlled for (Detection rate plus 'no crimes'). The 'no crimes' data on the Metropolitan Police Service was not held by

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[73] The percentage of recorded rapes 'no crimed' is calculated on the number of no crimes as a percentage of recorded rapes plus 'no crimes'.

the Home Office and therefore the Metropolitan Police Force's detection rate for rape of a female uncontrolled for 'no crimes' is included in both columns[74]. The only statistically significant relationship found was between the percentage of rape of a female 'no crimed' and the detection rate for rape of a female minus 'no crimes', excluding City of London and the Met as outliers (or because in the case of the Met. no data was available) However this was no more than a weak association with only 10% of variance explained (Pearson test), the statistical correlation between these two variables is shown at Fig. 7.6:
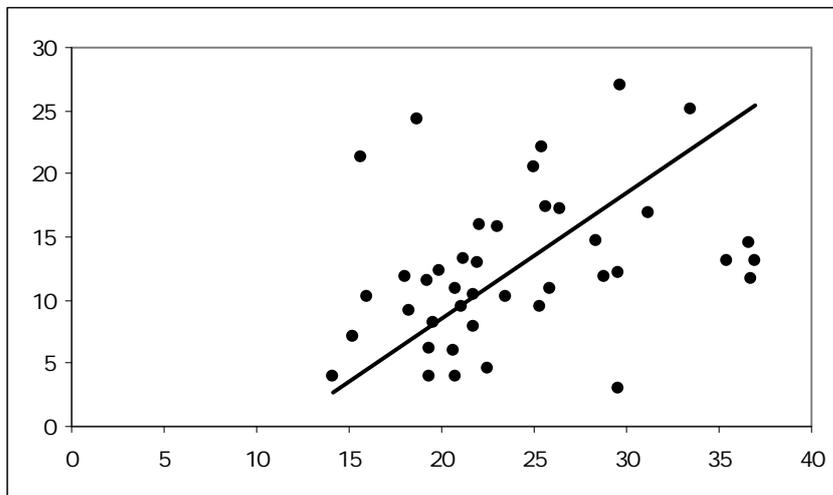
slope:	0.99783193
intercept:	-11.4499172
r-squared:	0.09940564
degrees of freedom:	39
P-value:	0.04465136

(Fig 7.6)   **(Home Office 2007)**

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[74] This is itself an example of 'numerical gaming' as the Home Office is deprived of the ability to assess all forces on an equal footing.

The impact of 'no criming' on forces rankings on the detection of rape of a female is

shown at Table 7.6

Police Force Area	2005/06 Detection Rate minus no crimes	Police Force Area	2005/06 Detection Rate plus No Crimes
London, City of	0	London, City of	0
Devon & Cornwall	14.1	Dorset	12.3
Dyfed-Powys	15.2	Devon & Cornwall	13.5
Dorset	15.6	Dyfed-Powys	14.1
Leicestershire	16.0	Warwickshire	14.1
Sussex	18.0	Leicestershire	14.3
Merseyside	18.2	Sussex	15.8
Warwickshire	18.6	Merseyside	16.5
Hampshire	19.2	Hampshire	17.0
Gloucestershire	19.3	North Wales	17.4
Kent	19.4	Lincolnshire	17.9
Lincolnshire	19.5	Kent	18.1
North Wales	19.9	Thames Valley	18.3
West Yorkshire	20.6	Bedfordshire	18.4
Cambridgeshire	20.7	Avon & Somerset	18.5
Bedfordshire	20.7	Gloucestershire	18.5
Norfolk	21.0	Norfolk	19.0
Thames Valley	21.2	Humberside	19.1
Durham	21.7	West Yorkshire	19.3
South Yorkshire	21.8	Essex	19.3
Humberside	21.9	Durham	19.4
Avon & Somerset	22.0	Cheshire	19.8
Staffordshire	22.5	Nottinghamshire	19.8
Essex	23.0	Cambridgeshire	19.9
Suffolk	23.4	South Yorkshire	20.0
National	24.9	Suffolk	21.0
Nottinghamshire	25.0	Northamptonshire	21.1
North Yorkshire	25.4	Staffordshire	21.4
Cheshire	25.4	Surrey	21.6
Northamptonshire	25.7	West Mercia	21.8
Northumbria	25.8	National	22.3
West Mercia	26.4	North Yorkshire	22.9
Greater Manchester	28.3	Northumbria	23.0
Derbyshire	28.8	Greater Manchester	24.1
South Wales	29.5	Hertfordshire	25.0
West Midlands	29.6	Derbyshire	25.4
Surrey	29.6	Wiltshire	25.9
Metropolitan Police	31.1	West Midlands	25.9
Wiltshire	31.1	South Wales	28.6
Hertfordshire	33.5	Lancashire	30.8

		Metropolitan	
Lancashire	35.5	Police	31.1
Gwent	36.6	Gwent	31.2
Cleveland	36.7	Cumbria	32.1
Cumbria	36.9	Cleveland	32.4

(Table 7.6)   **(Home Office 2007)**

The next stage was to examine the relationship between the detection rate for rape of a female and forces overall detection rate: Table 7.7 shows forces sorted in ascending order by their detection rate including 'no crimes' for rape of a female for the year 2005/06: Table 7.8 shows forces sorted in ascending order by their overall detection rate for the year 2005/06.

Police Force Area	Offence	2005/06 % Rape of Female Det.+ No crimes	2005/06 % Overall Det.Rate
London, City of	Rape of a Female	0	39.5
Dorset	Rape of a Female	12.3	28.4
Devon & Cornwall	Rape of a Female	13.5	25.3
Dyfed-Powys	Rape of a Female	14.1	39.6
Warwickshire	Rape of a Female	14.1	23.7
Leicestershire	Rape of a Female	14.3	28.7
Sussex	Rape of a Female	15.8	26.0
Merseyside	Rape of a Female	16.5	24.7
Hampshire	Rape of a Female	17.0	20.9
North Wales	Rape of a Female	17.4	29.0
Lincolnshire	Rape of a Female	17.9	24.8
Kent	Rape of a Female	18.1	23.6
Thames Valley	Rape of a Female	18.3	26.6
Bedfordshire	Rape of a	18.4	22.6

Area	Offence		
Avon & Somerset	Rape of a Female	18.5	23.3
Gloucestershire	Rape of a Female	18.5	28.8
Norfolk	Rape of a Female	19.0	24.8
Humberside	Rape of a Female	19.1	20.3
West Yorkshire	Rape of a Female	19.3	25.5
Essex	Rape of a Female	19.3	26.1
Durham	Rape of a Female	19.4	23.3
Cheshire	Rape of a Female	19.8	25.6
Nottinghamshire	Rape of a Female	19.8	21.2
Cambridgeshire	Rape of a Female	19.9	25.6
South Yorkshire	Rape of a Female	20.0	22.6
Suffolk	Rape of a Female	21.0	26.5
Northamptonshire	Rape of a Female	21.1	19.9
Staffordshire	Rape of a Female	21.4	25.4
Surrey	Rape of a Female	21.6	22.7
West Mercia	Rape of a Female	21.8	31.8
National	Rape of a Female	22.3	23.8
North Yorkshire	Rape of a Female	22.9	26.2
Northumbria	Rape of a Female	23.0	32.1
Greater Manchester	Rape of a Female	24.1	23.5
Hertfordshire	Rape of a Female	25.0	22.4
Derbyshire	Rape of a Female	25.4	25.7
Wiltshire	Rape of a Female	25.9	26.7
West Midlands	Rape of a Female	25.9	25.5
South Wales	Rape of a Female	28.6	22.1
Lancashire	Rape of a Female	30.8	29.4
Metropolitan Police	Rape of a Female	31.1	18.0
Gwent	Rape of a Female	31.2	27.0
Cumbria	Rape of a Female	32.1	29.7
Cleveland	Rape of a	32.4	24.0

Female
Relationship between rape detection rate plus no crimes and overall detection rate

Pearson	-0.03879
RSQ	0.001505

(Table 7.7.)   **(Home Office 2007)**

Table 7.7 indicates that there is no clear statistical relationship between the detection rate for rape of a female and the overall force detection rate. However it is worth observing that none of the forces subject of PSU interventions appears in the bottom 10.

Police Force Area	Offence	2005/06 % Rape of a Female Det.	2005/06 % Overall Det.Rate
Metropolitan Police	Rape of a Female	31.1	18.0
Northamptonshire	Rape of a Female	21.1	19.9
Humberside	Rape of a Female	19.1	20.3
Hampshire	Rape of a Female	17.0	20.9
Nottinghamshire	Rape of a Female	19.8	21.2
South Wales	Rape of a Female	28.6	22.1
Hertfordshire	Rape of a Female	25.0	22.4
Bedfordshire	Rape of a Female	18.4	22.6
South Yorkshire	Rape of a Female	20.0	22.6
Surrey	Rape of a Female	21.6	22.7
Avon & Somerset	Rape of a Female	18.5	23.3
Durham	Rape of a Female	19.4	23.3

Greater Manchester	Rape of a Female	24.1	23.5
Kent	Rape of a Female	18.1	23.6
Warwickshire	Rape of a Female	14.1	23.7
National	Rape of a Female	22.3	23.8
Cleveland	Rape of a Female	32.4	24.0
Merseyside	Rape of a Female	16.5	24.7
Lincolnshire	Rape of a Female	17.9	24.8
Norfolk	Rape of a Female	19.0	24.8
Devon & Cornwall	Rape of a Female	13.5	25.3
Staffordshire	Rape of a Female	21.4	25.4
West Yorkshire	Rape of a Female	19.3	25.5
West Midlands	Rape of a Female	25.9	25.5
Cheshire	Rape of a Female	19.8	25.6
Cambridgeshire	Rape of a Female	19.9	25.6
Derbyshire	Rape of a Female	25.4	25.7
Sussex	Rape of a Female	15.8	26.0
Essex	Rape of a Female	19.3	26.1
North Yorkshire	Rape of a Female	22.9	26.2
Suffolk	Rape of a Female	21.0	26.5
Thames Valley	Rape of a Female	18.3	26.6
Wiltshire	Rape of a Female	25.9	26.7
Gwent	Rape of a Female	31.2	27.0
Dorset	Rape of a Female	12.3	28.4
Leicestershire	Rape of a Female	14.3	28.7
Gloucestershire	Rape of a Female	18.5	28.8
North Wales	Rape of a Female	17.4	29.0
Lancashire	Rape of a Female	30.8	29.4
Cumbria	Rape of a Female	32.1	29.7
West Mercia	Rape of a Female	21.8	31.8
Northumbria	Rape of a Female	23.0	32.1

| London, City of | Rape of a Female | 0 | 39.5 |
| Dyfed-Powys | Rape of a Female | 14.1 | 39.6 |

Relationship between rape detection rate plus no crimes and overall detection rate

Pearson		-0.03879
RSQ		0.001505

(Table 7.8)   **(Home Office 2007)**

Whilst the relationship between overall detection rates and the detection rate for rape of a female was found not to be statistically significant, Table 7.8 does indicates the degree to which some force's place on the league table moved considerably when the criteria for success is changed from performance on less serious volume crime to performance on the detection of the generally more serious category of sexual offences. The most noticeable is Cleveland the highest ranked force in terms of detecting rape of a female yet a poor performer on overall detections. The widely differing position of the Metropolitan Police is also worthy of note.

The difficulties experienced in analysing police performance on the investigation of serious offences of sexual assault and rape of a female demonstrates the limitations of the performance framework. However the wide variations between forces caused by different levels of 'no criming' corroborated HMIC/HMcpsi's (2007) conclusions.

In order to investigate further the possible impact of 'skewing' on the investigation of rape and child abuse the internal reviews of these offences conducted by the West Midlands Police, following the national report on rape investigations (HMIC/HMcpsi 2002) and the findings of the Laming Inquiry (2003) following the death of Victoria

Climbie and the Bichard Report (2004) into the murders of Jessica Chapman and

Holly Wells in Soham, were examined. The aim of this exercise was to identify any

lack of focus or under-resourceing (skewing) in the force's approach to investigating

these offences. Poor investigations/quality failures would be one indicator of

'skewing'. The presence of such factors, were identified by Chatterton (2008) as

symptoms of 'skewing':

> **"In contrast with the ideal, the everyday reality of GO** *[General Office]*
> **CID work is represented by the resort to unprofessional coping tactics**
> **(which are a mirror image of what the organisation does at a formal**
> **level), delayed investigations which can result in discontinued cases,**
> **intelligence packages that are never actioned, serious crimes that are not**
> **investigated and known offenders who are a threat to public safety,**
> **committing crime with impunity. (2008:xi)**

The HMCPS/HMIC Report on the Joint Inspection into the Investigation and

Prosecution of Cases Involving Allegations of Rape (2002) resulted in forces

reviewing how they investigated such offences. A review of rape and attempted rape

investigations recorded between 1st January and 30th June 2003 by West Midlands

Police was conducted. Ninety three cases, representing a 20% sample of cases were

reviewed. The case papers relating to 13 reported offences could not be located and

some cases were still ongoing, so a final sample of some 73 cases were examined.

The main findings are as follows:

- **24 of the 93 cases examined were not recorded within the 72 hours**
  stipulated by the NCRS

- **In 18 of the cases examined easily identifiable lines of enquiry were not**
  followed up.

- **In 26 cases the investigation fell below the basic standard expected due to poor interviewing, inappropriate gender of the officer undertaking the interview, failure to take DNA from the offender.**

- **Little evidence of direct supervision and where there was (22 cases) this did not extend beyond sergeant level.**

- **55 offenders were known to the victim, 42 were arrested and 16 charged.**

- **Of the 73 cases reviewed only eighteen resulted in a charge and of those only 2 involved an offender who was unknown to the victim i.e. 'stranger rapes'.**

- **Of the 11 offenders known to the victim but not arrested only three were identified as suspects on the relevant documentation and only two of those subsequently appeared on the pertinent computer database.**

- **Of the 93 cases reviewed 39 remained 'undetected'. In fourteen of the undetected cases named offenders had been arrested and interviewed but there was insufficient evidence to support a charge and these remained correctly classified as undetected.**

- **The cost of submitting exhibits to the Forensic Science Laboratory appear to have been a factor in deciding which exhibits should be submitted.**

(West Midlands Police: 2003 Unpublished)

Whilst it may be the case that the poor standards reported in this document were not the result of 'skewing' associated with the influence of Performance Management Interviewee E stated the standard of investigation of this category of offence was deteriorating:

> **"Certainly my knowledge of cases of certainly DV, child abuse and sexual assault, you know files that I have looked at, the quality of investigation has been very poor and straightforward investigative practice I would argue would have been matter of course in years gone by, shortcuts were taken, and what seemed to creep in were officers were making decisions about whether a case was going to go anywhere." (Interviewee E)**

Interviewee E also stated this was linked to the impact of the particular performance management framework operating at that time:

"The lack of ownership by line management was a problem and because they didn't fit, certainly the child abuse side did not fit into the performance culture there was a lack of attention to them because they weren't counting their performance, it wasn't accountable". (Interviewee E)

The Laming Report (2003) and Bichard Report (2004) resulted in UK police forces reviewing their child protection procedures and intelligence systems. In the West Midlands ACPO officers were checking on their force's ability to identify serial sex offenders:

"The question was what is the situation with rape and could he be confident that we didn't have a serial rapist on the area? I said I don't think we can be confident of that." (Interviewee E)

The position in regard to rape was answered by the report referred to earlier (WMP 2003 unpublished). The review of Child Protection procedures conducted by the West Midlands Police identified similar findings to that uncovered by the audit of rape investigations. The report identified:

- **Vulnerabilities in Strategic direction, ownership and training.**

- **An increasing number of cases involving the death or serious injuries to children in which the force was found wanting.**

- **Further failings could result in the force encountering many Civil Claims.**

- **Under-staffing of Child Protection Units: The report recommended an increase of 20 police officers which included supervisory officers.**

- **The standard of investigation in 22% of cases from a sample of 563 live cases were found to be unsatisfactory.**

- **Non-Compliance with NCRS: 35% of cases which should have been allocated a crime number did not have one.**
                            (West Midlands Police. June 2004:unpublished)

This report, like the review of rape investigations, reflected badly on a force which

marketed itself as the 'best performing metropolitan force' in the country:

> **"Her Majesty's Inspectorate of Constabulary gives West Midlands Police 'top marks' in a new report which gave a baseline assessment of all 43 police forces in England and Wales" (WMP Press Release 14.6.2004)**

Again Interviewee E noted that quality failings within child protection units started to

occur after the drive to achieve Government targets became embedded (circa 1999):

> **"The latter part 8 reviews[75] that I did certainly showed failings within our child protection units, previously failings (*pre Climbie*) tended to be outside the units,……. Yes there was a pattern of failure by all officers really but what I found originally was that the quality within the Child protection units was higher" (Interviewee E)**

Interviewee E again attributed these failings to an organisational focus on achieving

the targets the force was being judged upon i.e. 'skewing':

> **"The quality of service can suffer because if everything is down to, for say, detections then if the easiest offence counts for the same, has got the same tick in the box, as a very complex offence then the work entailed in investigating for instance a rape, all the work involved in that, is not taken into account if you are counting that against a theft from vehicle or a burglary which are arguable a more straightforward offence. For me the main thing is quality of service. Also if there is pressure to perform in terms of the staff elements of bullying can come, for wants of a better word, pressure perhaps even bullying to reach targets, which can also be dangerous because if officers feel they have got to get their quota perhaps, certainly, the quality of the investigation can go out the window" (Interviewee E)**

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[75] These multi agency reviews 'serious case reviews' are conducted after the suspicious death of a child with a view to identify and address any apparent weaknesses in the service provided.

The weaknesses identified in the internal report dated June 2004 were to become apparent from a review of the circumstances leading up to the death of J.L.M. Bn. 2.2.03 who was murdered on 6th August 2004, (3 months after the report).

J.L.M. was 6 months old when she died as a result of being beaten to death in her home on 5th August 2004.

> **"She suffered horrific injuries to her face, bruised and swollen eyes, bruised face, bruising to the left side of her body and bruising from a hand print on her thigh. She had extensive retinal haemorrhages in both eyes and the base of her skull was fractured." (Birmingham Area Child Protection Committee: Part VIII Review Nov 2005:2)**

In August 2004 her mother's twenty six year old boyfriend was jailed for her murder. The judge recommended a minimum sentence of 28 years.

The Serious Case Review (Part 8 Review)conducted under the provisions of Chapter VIII of 'Working Together to Safeguard and Promote the Welfare of Children' found a catalogue of failings in the identification and monitoring of the offender who was clearly a risk to women and children by virtue of his previous violent offending behaviour:

> **"The male partner of JLM's mother was a catalyst in a whole series of domestic violence incidents throughout the county dating back over five years. This involved various women, who were all single mothers, vulnerable and an easy target for a man who would resort to violence within weeks and even days of forming a relationship. Very often the violence would escalate and involve the children of the women." (Birmingham Area Child Protection Committee Part VIII Review Nov 2005:2)**

Her killer had been convicted of a serious assault on a three year old girl in March 2002 and was sentenced to three years imprisonment. However there was a failure by the Probation Service to note that by his conviction he was a Schedule 1 Offender under the provisions of the Children and Young Persons Act 1933. The Police recorded his conviction on the Police National Computer (PNC) as an assault against the girl's mother thus failing to recognise his Schedule 1 status due to the assault on the child. His status as a dangerous offender, who should have been monitored by the Multi Agency Public Protection Arrangements (MAPPA), was again missed by the Probation Service on his release. The result:

> **"He was not monitored, his access to children was not recognised and he moved about the city from relationship to relationship without the authorities realising he had access to children and he was continuing his very violent lifestyle with partner after partner" (Birmingham Area Child Protection Committee Part VIII Review Nov 2005:2)**

During this period his behaviour came to the notice of Social Services and a Health Visitor but no Sec 47 Investigation[76] was initiated in respect of the allegations of child abuse. However some 6 weeks prior to the death of J.L.M. an assault on a previous partner and child was reported to the police. This case was dealt with by one of the force's Child Protection Teams and the lack of action was to prove critical:

> **"The Police had spoken to him on numerous occasions in attempts to coax the offender into the police station, rather than take positive action to arrest him. Each time he agreed he would surrender but failed to do so. The Police chose not to circulate him as wanted on the Police National Computer (PNC). Just prior to JLM's assault, the police stopped the offender in an ordinary vehicle check. He was checked on the PNC but was not wanted. He was allowed to proceed. Within the next few days JLM was assaulted and died as a result" (Birmingham Area Child Protection Committee Part VIII Review Nov 2005:2)**

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[76] This would have led to a multi agency investigation and review.

Had the offender been circulated as wanted he could have been arrested when stopped and this may have led to his incarceration, as in addition to the nature of the offence for which he was sought he was also in breach of his prison release licence.

The Review's findings mirrored many of those uncovered by both Lord Laming (2003) and Sir Michael Bichard (2004):

> **"The Review has identified numerous issues where systems have broken down. There were several occasions where there was a lack of exchange of information between agencies, checks made with incorrect details so computer systems gave wrong answers, agency staff dealing with issues without Child Protection awareness training therefore not realising the importance of identifying and raising concerns." (Birmingham Area Child Protection Committee Part VIII Review Nov 2005:2)**

The police failings in the case resulted in the West Midlands Police referring the matter to the Independent Police Complaints Commission (IPCC) for investigation. The IPCC made a public announcement that it would extend its investigation into how the force handled domestic violence and child protection cases in general:

> **"The Independent Police Complaints Commission (IPCC) is to investigate West Midlands Police following the death of a toddler. I am keen to ensure that this investigation covers not just the consideration of any culpability of individual officers, but every aspect. This includes the role and effectiveness of the force's child protection procedures."(BBC 12.1.06)**

The findings of the IPCC are discussed later in the chapter on the police regulators. However in 2006 HMIC were to comment on the staffing levels of Child Protection units, an indication of 'skewing':

"While the force has established a clear accountability framework and policy for the investigation of child abuse, the highly devolved nature of the organisation has led to an inconsistent approach by some OCUs on issues such as staffing levels, supervisory ratios and workloads. HMIC has received reports of workloads in excess of 150 cases per officer per year, more than double the national benchmark of 60 cases per year. OCU commanders would be assisted in determining resource levels for these units by clearer guidance and firmer management by the force on acceptable workload levels for officers working in this high-risk area." (HMIC/ WMP 2006:48)

6. CHAPTER CONCLUSION:

Coleman et al (2007), HMIC (O'Connor 2005) and HMIC/HMcpsi (2007) indicated a fall in performance in relation to the prevention and detection of serious crime. HMIC (1999); O'Connor (2005); Neyroud & Disley (2007); and Chatterton (2008) attributed this to 'skewing' in an attempt to improve overall detections rates with a view to improving performance against government targets. This was supported by the findings of the Home Affairs Committee (2007:11-12) which commented adversely on the 'narrowing the justice gap' performance indicators. The review of the official documents on the police response to serious crime in the form of 'guns and gangs' indicated that 'skewing' was impacting on some force's ability to respond to this threat. However this was not universal and HMIC O'Connor commended GMP, Avon and Somerset and the MPS on their investment in the control of serious crime (HMIC 2005). That said two of these forces, GMP and Avon and Somerset, were to be deemed poor performers by the Home Office and suffered the stigma of being subjected to PSU 'engagement'. The experience of these forces may not act as an incentive for them or others to invest too heavily in the control of serious crime if this

is achieved at the expense of performance on less serious, but more numerous 'volume crime'. Such concerns have been expressed by senior officers:

"It is all very well highlighting Level 2 vulnerabilities as an issue, but what about performance?" (HMIC 2005:8)

The review of the performance statistics on sexual offences and rapes shows a fall in reduction of the number of offences detected but it would appear that much of this reduction in detections is due to the efforts to improve crime recording and detection procedures. However, the more recent data shows that the differences in performance on the detection of sexual offences between forces remains wide and this is reflected in the variations in conviction rates for rape in 2004/5, varying as they do between 0.86% for Gloucestershire to 13.79% for Northamptonshire[77] ; published by the Fawcett Society (2007) (www.truthaboutrape.co.uk/stats.html). Not all of that variation can be attributed to different recording procedures and it is likely 'skewing' was a factor, a conclusion supported by HMIC/HMcpsi (2007):

"Seven of the eight review sites showed a decrease in detection rates between 2000 and 2005, and, in most cases, this decrease was marked. In the remaining site, the improved detection rate was found to run parallel to improvements in investigation standards and the level of priority afforded to rape investigations locally, as well as to more robust management of cases and monitoring of performance" (2007:10).

The presence of Cleveland and Nottinghamshire police forces, both of which were high performers when judged on their detection rates for sexual offences, on the list of forces subject of PSU 'engagement' again suggests there may be negative

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[77] Note Northamptonshire was the subject of PSU intervention as a result of being declared an underperforming force.

consequences for forces which invest too heavily in the investigation of more serious offences.

A review of the documentation from the West Midlands Police also provided evidence of 'skewing' and demonstrated the consequences of such 'gaming' behaviour.

CHAPTER 8

'SKEWING 2'; THE GEOGRAPHICAL REDEPLOYMENT OF RESOURCES TO MATCH PRIORITIES:

1. INTRODUCTION:

This chapter deals with the re-deployment of police resources, 'skewing', from

problematic inner city areas where more serious, difficult to investigate crime, is

prevalent to more affluent suburbs where performance can be enhanced by the

successful investigation and detection of less serious crime. This factor was

uncovered during the assessment of the impact of the community action in Balsall

Heath Birmingham on the level of police resources allocated to the area (Patrick

2003). Whilst the findings in relation to Balsall Heath were discussed briefly in my

dissertation (Patrick 2004a) the wider implications of the evidence uncovered are

discussed in this chapter. The findings do not challenge the fundamental objectives of

the Government's commitment to Neighbourhood Policing. They do however

question the practicality of implementing such a policy on a universal basis. A

specific review of the impact of the policy on the West Midlands Police is of

particular value as this force pioneered Neighbourhood Policing. The Audit

Commission included the West Midlands police experience of neighbourhood

policing in their evaluation and recommended the concept based on evidence obtained

from the force (Smith 2002). In this chapter the background to the issue of the

distribution of public resources is outlined. The methodology employed is explained

and then a largely case study approach, based on the data appertaining to the West

Midlands Police, is adopted in order to demonstrate how resources had been re-distributed during the period of the study.

2. BACKGROUND:

In the 1970s Lineberry reviewed the evidence to support the hypothesis that the poor were systematically disadvantaged by the distribution of municipal public resources in the cities of the USA. He reported:

> **"the weight of evidence compels the conclusion that overt, measurable discrimination in the distribution in conventional city services has been overstated by anecdotal commentary and conventional wisdom." (Lineberry 1976:186).**

His conclusions were in part influenced by the findings on the distribution of police resources which the evidence he reviewed suggested were allocated on a basis of need based on professional judgement:

> **"It would therefore be an inefficient distribution of service resources to equalise protection in every neighbourhood regardless of whether the crime rate were high or low. Many crimes in high-crime neighbourhoods would go unchecked, while a service "overkill" would appear in low-crime areas." (Lineberry 1976:190)**

However Felson & Ouimet (2007) Canadian study discovered that it was more difficult to solve crime in more deprived neighbourhoods as fear of intimidation, lack of motivation to become involved, etc., limited the evidence made available to investigators. This would suggest performance could be improved by redeploying

officers to areas where successful investigations are more likely to occur. The 'what gets measured gets done' (Rogerson 1995) effect on serious crime discussed in chapter 7 would also suggest that performance could be improved by redeploying officers dedicated to the investigation of more serious crime such as gun crime and gang related violence traditionally associated with deprived areas to the investigation of less serious crimes subject of performance indicators. It is therefore appropriate to review the distribution of police resources in order to assess if the relationship with deprivation remains biased in favour of deprived neighbourhoods as advocated by the Audit Commission (Smith K. 2002). Access to the information on the deployment of police resources has limited detailed analysis of this factor to the West Midlands Police.

The debate on the distribution of police resources in the UK both at a national level, as forces compete for a greater slice of the funding available for policing, and at the local level, where police commanders argue for more resources for their local area, has been a feature of the police service since its inception. However, the Police and Magistrates' Courts Act 1994, enacted on 1 April 1995 introduced the basis on which police resources are currently determined. This legislation gave Chief Constables discretion on how to spend their budget allocation. This allowed ratios of police officer to police support staff and constable to supervisory ranks to be determined locally. In the case of the West Midlands Police it also provided funding for an additional one hundred and fifty police constables. This increase in budget corresponded with a major re-organisation of the West Midlands Police as the Force reduced its Force Squads and disbanded its large divisions in favour of service

delivery via smaller Basic Command Units which were in turn made up of smaller 'sectors' under the charge of an individual Inspector. The need to devise a means of re-distributing existing resources and allocating the additional constable posts became paramount in order to avoid the predictable conflict between local commanders. The force resolved the problem by adopting a Resource Allocation Formula based on a number of factors including demographics; deprivation; demand for service and reported crime levels. This solution followed the advice advocated by the Audit Commission:

> **"A formula does not have to be perfect. Models that give a good approximation to what would have emerged from ad hoc judgement may be good enough. The advantage they offer is that they are simple to operate: their results are predictable, objective and even – handed; and they are capable of improvement" (Audit Commission 1991).**

A detailed analysis is provided by Mason (1995). The potential to improve detection rates by moving officers to areas where crime was easier to solve was not a factor in the rationale behind the redistribution. The re-distribution of resources was then implemented in 1997:

> **"By freeing up resources in the Service's centre (the mounted unit, an administrative unit and drugs team were disbanded), nearly 800 additional officers were re-allocated to local police stations." (Smith K., 2002)**

Whilst the distribution of Police resources has been challenged at a Macro level by the Metropolitan Police (FitzGerald, Hough, Joseph, & Qureshi:2003:108) the aim of this chapter is to examine the impact at the neighbourhood level to assess whether or not Lineberry's conclusions are supported.

3. CHAPTER METHODOLOGY:

Lineberry identified the methodological difficulties in assessing discrimination against the poor by evaluating resource allocation:

> **"In particular it suggests that it will ordinarily be exceedingly difficult, using the normal methods and canons of evidence from the social sciences, to demonstrate constitutionally-proscribed discrimination against the poor." (Lineberry 1976:181)**

In this chapter the change in distribution of Police resources was be examined to determine if any pattern could be identified. To achieve this, the changes to the West Midlands Police Constable Establishment between 1997 and 2000 are shown by individual Basic Command Units (BCUs), twenty one of which constitute the force. These were then compared to the corresponding local authority's (in the case of Birmingham the relevant wards) standing in the National Index of Deprivation 1998. The results of this were then overlaid onto maps showing the boundaries of the BCUs which were responsible for the Policing of Birmingham. Changes to establishment being overlaid over maps which are shaded to show the enumeration districts which fell within the top 7% and 10% of deprived districts in England. This methodology was utilised by Fish & Bourner (2000) to demonstrate the relationship between crime and deprivation and the maps they used were adapted for the purposes of this research.

Workload was also assessed by dividing the number of particular crime types recorded during 2001/02 i.e. Burglary; Robbery; Vehicle Crime; Gun Crime; Murder and Manslaughter; and total recorded crime by the constable establishment of each

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individual BCU. These individual crime categories were also mapped by Birmingham BCUs showing the concentrations of particular crime types. (Patrick 2004: Appendices R-A3) This provides a visual tool which can be used to correlate the relationship between the number of police officers and deprivation. The impact at the individual BCU level was provided by analysing the changes in crime and demand for service on a Birmingham inner city BCU (E3) which included the Balsall Heath neighbourhood. The analysis also allowed the impact of community based "Sector Policing" which provided the structural framework for "neighbourhood Policing" to be evaluated from a practitioner's perspective.

Sector policing is defined as "an area based approach to local policing. This involved dividing Basic Command Units into small geographically defined 'sectors' in order to:

- **Achieve better knowledge and 'ownership' of an area/community by its individual police officers; and**
- **End the traditional distinction between 'community' and 'responsive' policing – this has now been rolled into a single job.**

Within this structure, individual officers are also assigned a smaller area – their 'micro beat' for which they have responsibility for community safety." (Audit Commission: K.Smith 2002)

4. RE-DISTRIBUTION TRENDS AT THE LOCAL AUTHORITY LEVEL:

The changes in police constable (PCs) numbers from 1997 to 2000 are shown alongside the Local Authorities which make up the West Midlands Police area; the Local Authorities' rankings on the national indices of multiple deprivation (National Statistics 2000[78]) are also included (Table 8.1).

	Deprivation Rank by Employment	Deprivation Rank by Income	Av. Ward Rank	1997 P.C.s	2000 P.C.s	Increase Number	Increase %
B'ham.	1	1	43	1999	2324	325	16%
Sandwell	24	9	11	463	543	80	17%
Coventry	27	20	75	571	631	34	6%
W'hampton.	40	24	33	463	500	37	8%
Walsall	42	25	54	370	496	126	31%

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[78] Deprivation data sourced from the National Statistics website: www.statistics.gov.uk Crown Copyright material is reproduced with the permission of the controller. A full explanation of the indices of deprivation is provided at the National Statistics website.

Dudley	47	34	142	345	435	90	26%
Solihull	94	97	262	245	315	70	28%
West Midlands Police Area				4456	5244	788	17%

(Table 8.1)

The results shown at Table 8.1 demonstrate how the re-distribution of constables carried out in 1997 favoured Walsall, Dudley, and Solihull Authorities. However this relatively crude method of analysis does not take into account variations in levels of deprivation within the Local Authority areas. This factor was of particular relevance to Birmingham Local Authority where extremes in deprivation and affluence occur within the City boundaries. This factor and the size of the authority resulted in the type of aggregation which led to its low overall ranking on the indices of deprivation. However when the changes in constable numbers experienced by the nine Basic Command Units (BCUs) responsible for policing Birmingham were compared against their component Local Authority Wards, again ranked by their standing on the National Indices of Deprivation (National Statistics 2000) the favourable treatment of the more affluent wards was again discernible (Table 8.2).

CHANGES IN CONSTABLE ESTABLISHMENT(EST): BY BIRMINGHAM LOCAL AUTHORITY WARD AND CORRESPONDING BCUs BY: RANKING IN THE NATIONAL INDICES OF DEPRIVATION 2000

The Police BCUs are assigned to the main two wards they are responsible for policing geographically.

BCU	WARDS	DEP. RANK	DEP. SCORE	1997 EST	2000 EST	CHANGE NUMBER	CHANGE %
D1	Aston	27	76	233	266	33	14%.
	Nechells	144	66				
D2	Sutton New Hall	4,991	14	226	269	43	19%
	Kingstanding	425	54				
D3	Washwood Heath	186	64	235	304	69	29%
	Hodge Hill	1,173	39				
E1	Longbridge	867	44	206	272	66	32%
	Bartley Green	740	46				
E2	Billesley	1,197	39	201	250	49	24%

	Kings Norton	884	44				
E3	**Sparkbrook**	33	75	197	215	18	9%
	Sparkhill	343	56				
F1	**Ladywood (City Centre)**	346	56	288	296	8	3%
F2	**Ladywood**	346	56	202	228	26	13%
	Quinton	1,871	31				
F3	**Handsworth**	253	61	211	224	13	6%
	Soho	159	65				

(Table 8.2)

The trend becomes more obvious when the change in officer numbers; actual (Fig. 8.1) and percentage (Fig. 8.2) were overlaid on a map of Birmingham highlighting the enumeration districts by level of deprivation.

5. THE IMPACT OF THE REDISTRIBUTION ON THE INNER CITY AREAS IS ASSESSED.

The mapping of changes in constable posts by BCU over the areas of high levels of deprivation shows a tendency for more affluent areas, with lower levels and concentrations of deprivation, to receive greater increases in the number of constables available for re-deployment. The further away from the inner city neighbourhoods e.g. Handsworth, Aston; Sparkbrook; Sparkhill; Ladywood, which saw their constable establishment increase between 6% and 16%, the more likely the increase in the constables e.g. Sutton Coldfield 19%; Dudley 25% Solihull 28%; and Walsall 33%.

The impact of 'sectorisation' also had a further dissipating effect on resources as the delivery of services at a smaller geographical level involved ensuring that each sector had sufficient officers to maintain minimum service cover 24 hours x 7 days per week . This 'spreading of the jam' limited the ability of BCUs to concentrate their resources in the most deprived neighbourhoods within their policing boundaries. The large 32% increase in the E1 BCU establishment was in part due to the BCU taking responsibility for the policing of the Rubery area transferred from the West Mercian Constabulary circa 1997.

(Fig 8.1)
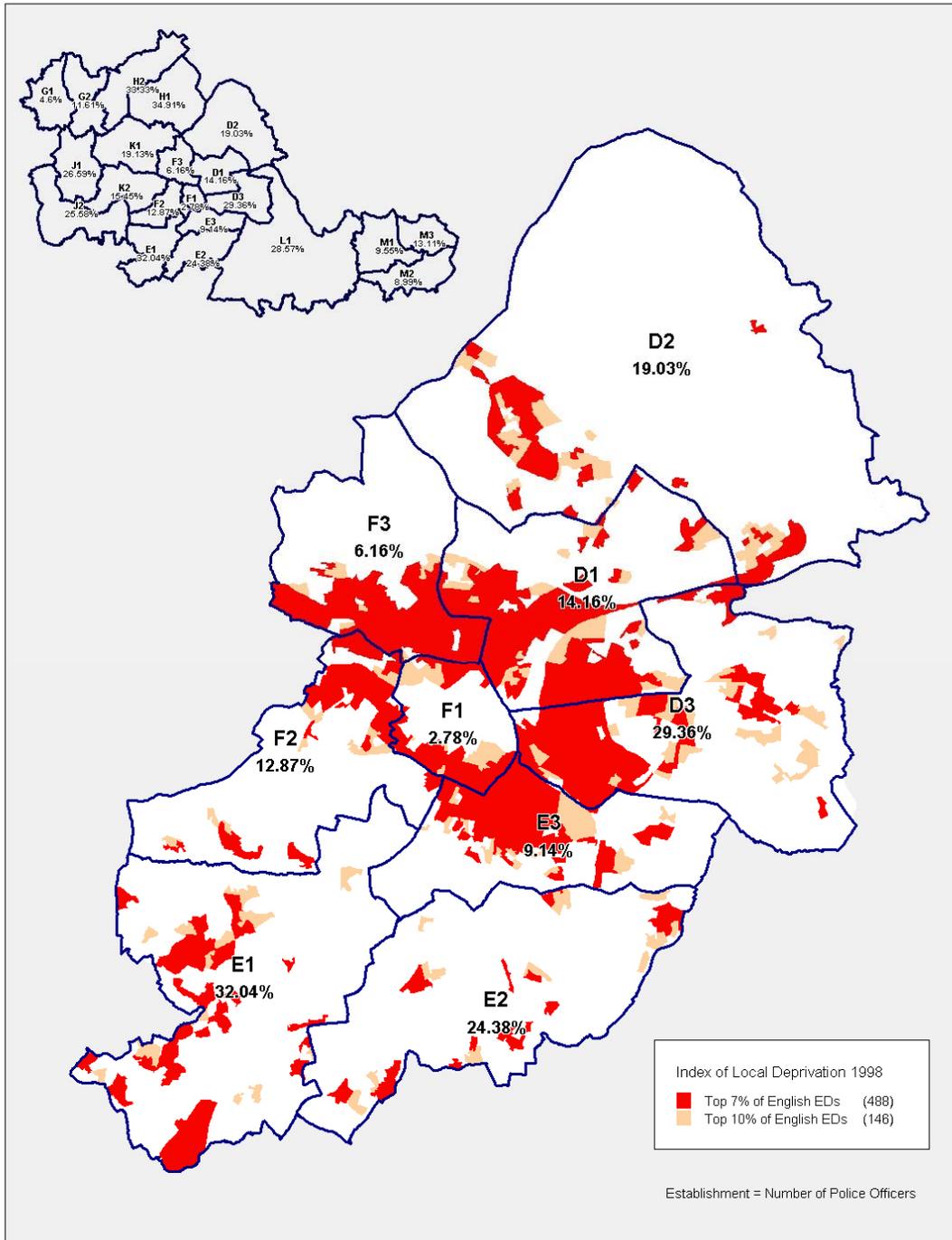
(Fig. 8.2)

6. POSSIBLE EXPLANATIONS:

The make up of the Divisions prior to re-organisation provides some explanation for the apparent disparity between more affluent and deprived areas. Outer Divisions i.e. Dudley; Walsall and Solihull were made up of two sub-divisions therefore after re-organisation the divisional staff were split two ways to staff the two BCUs which were based on the previous sub-divisional boundaries. Divisions with three sub-divisions split divisional personnel three ways. However, the evidence from the two Wolverhampton BCUs (G1 & G2), which saw their establishments increase by only 4.5% and 11.6% respectfully, suggests this factor is not as relevant as might have been expected. Wolverhampton, although rated lower in the overall rankings on deprivation than Walsall, has more wards which are ranked deprived than Walsall i.e. the total spread of deprivation is greater. When Birmingham divisions, which were all made up of three sub-divisions prior to re-organisation, are analysed the trend towards favouring the more affluent areas is re-affirmed (Figs.8.1 & 8.2).

One explanation is that the formula used to distribute officers is skewed in favour of the more affluent neighbourhoods. The work of Hope; Karstedt and Farrall at Keele University may provide an explanation for this phenomenon. This research has discovered that although deprived neighbourhoods suffer higher levels of crime their propensity to report incidents to the police is lesser than more affluent areas. (Hope; Karstedt, and Farrall 2004). Whilst the formula employed by the West Midlands Police is weighted to take account of democratic factors including deprivation it may be that the impact of differential reporting rates was not fully appreciated when the formula was devised.

Another explanation could be related to the style of policing which impacts on the recording of demand for service. This is based on the author's experience of working with the community activists in the Balsall Heath area during the period 1994 – 2000 when the residents took to the streets in large numbers to challenge the drug dealers; pimps; street sex workers and kerb crawlers who were intimidating the community (Patrick 2004b). During the inception of a collaborative approach to working with the community activists, following the initial disorder, agreement was reached that the community volunteers who had formed an accredited 'street watch' scheme would desist from calling the police on the 999 system to report non-emergency incidents. An alternative system of recording incidents on log sheets and submitting these to the police was devised. This procedure coupled with enhanced lines of communication between the police and community and joint operations reduced crime levels and the recorded calls for service. Unfortunately this arrangement circumvented the police call recording mechanisms and therefore was omitted from the calculations on demand for service which in turn influenced the number of resources allocated to the BCU when it was formed in 1997. (Patrick 2004a:103-106) Successful implementation of Neighbourhood Policing is likely to result in similar outcomes as residents pass on their concerns to community constables directly as opposed to through the formal call handling arrangements. This could then manifest itself as a reduction in recorded demand for service in turn leading to a reduction in resources.

7. WORK LOAD ANALYSIS BY BIRMINGHAM BCUs BY CRIME TYPE:

It may of course be argued that prior to re-organisation the inner city neighbourhoods benefited unfairly from the previous allocation of resources. This factor is explored by correlating visually the relationship between the number of crimes investigated and the number of officers available to deal with them.

The following maps provide a visual representation of the distribution of BCU total constable establishment by crime type. The work load measure was obtained by dividing the number of crimes recorded during the year by the number of constables allocated to the BCU. The concentration of crimes is provided by the differential shading at enumeration district level.

**Total Crime by Enumeration District with OCU Establishment Rates, 2001/02**
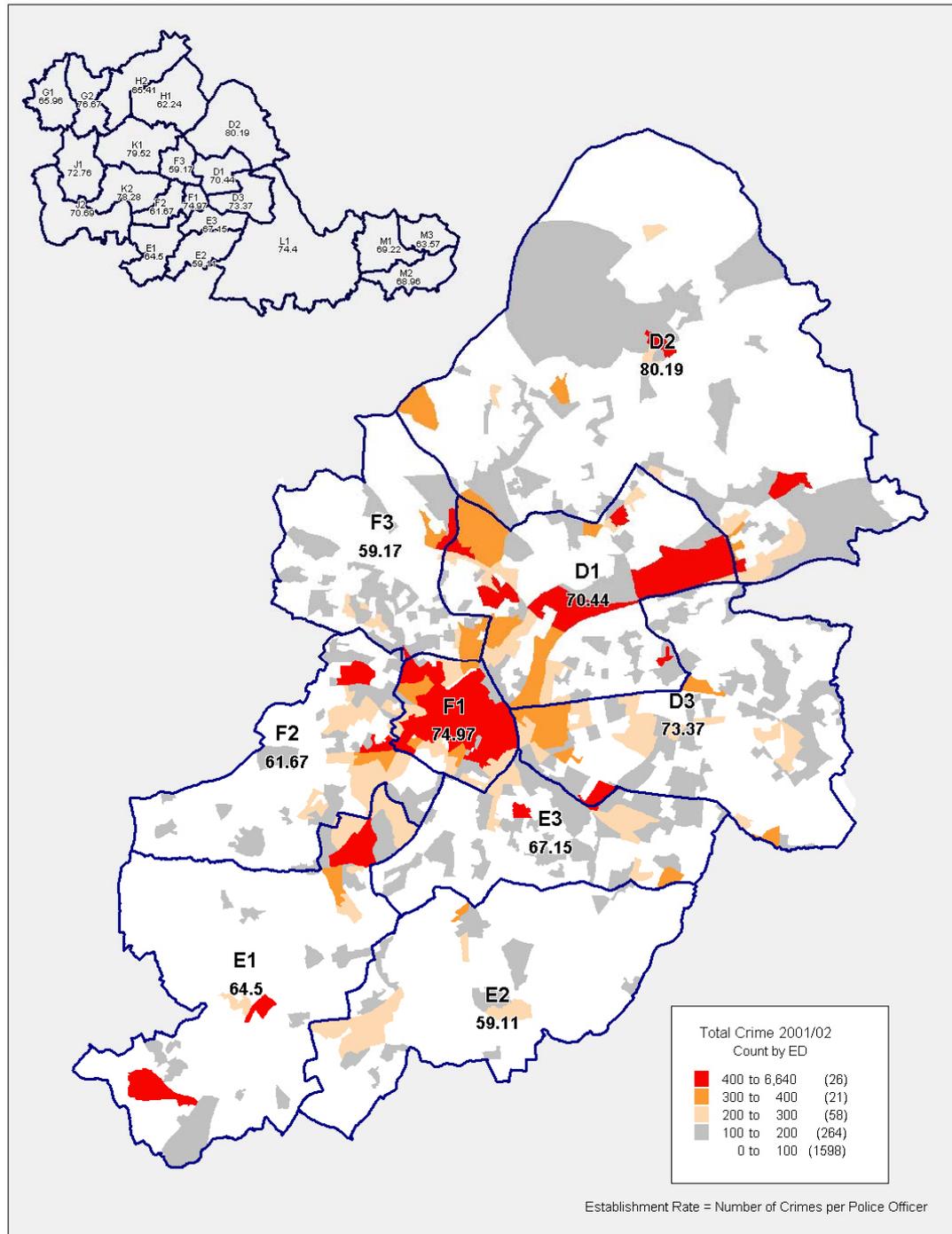
(Fig. 8.3)

Residential Burglary by Enumeration District with OCU Establishment Rates, 2001/02
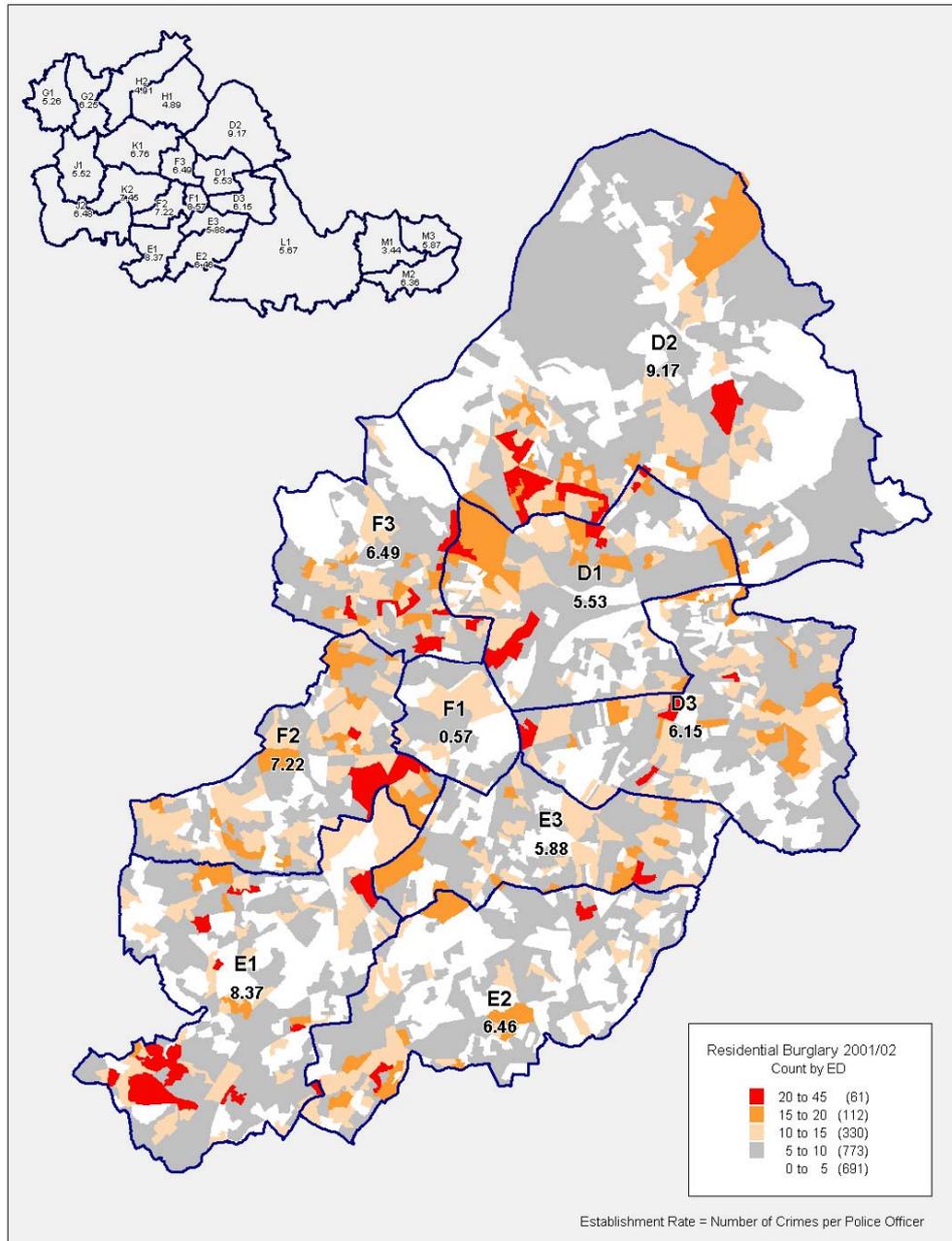
(Fig. 8.4)

Vehicle Crime by Enumeration District with OCU Establishment Rates, 2001/02
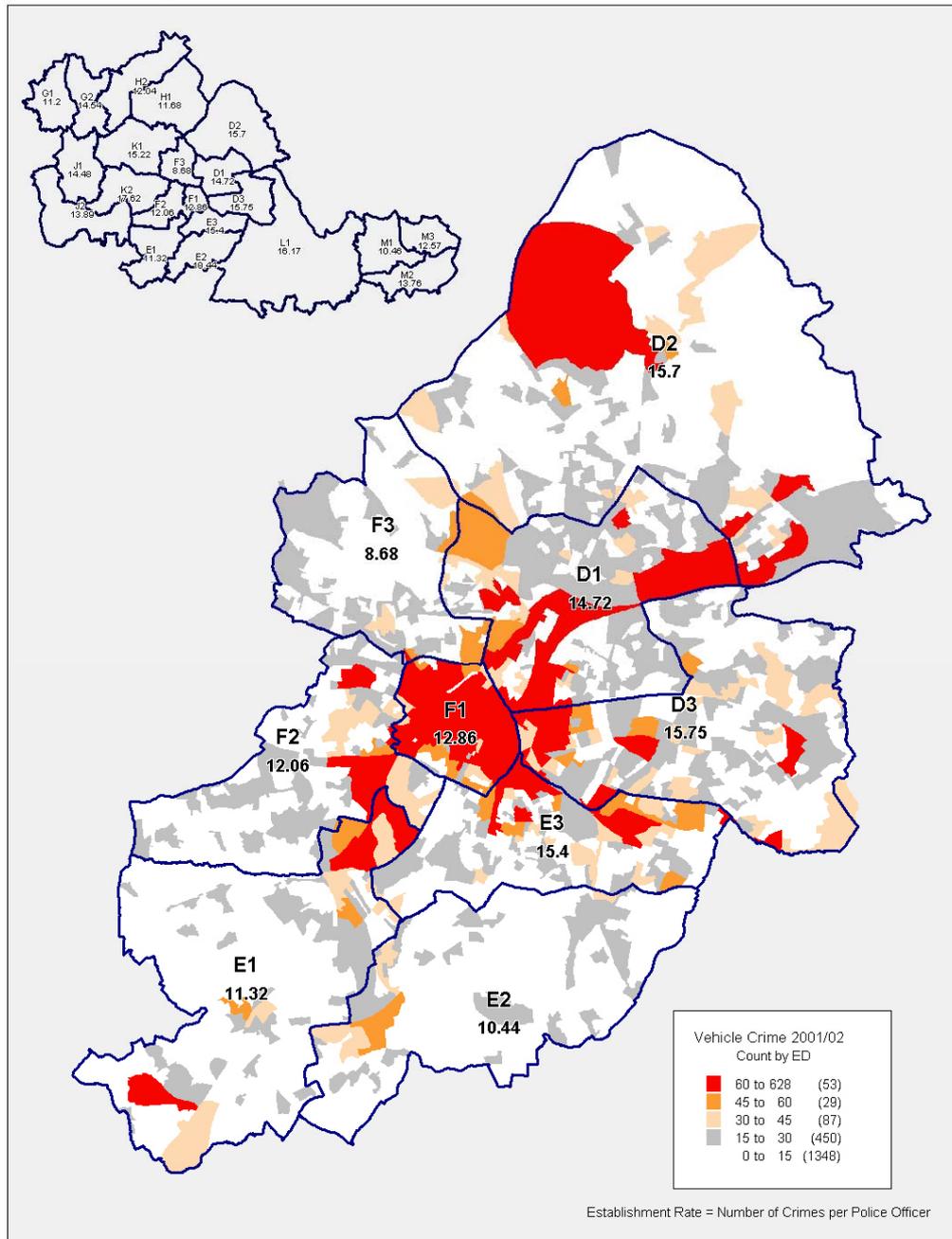
(Fig. 8.5)

The apparently high concentration of crime in the left hand segment of the D2 BCU is

an anomaly caused by the size of the enumeration district which relates to Sutton

Park. The small population in this area is skewing the data.

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Robbery and Theft from the Person by ED with OCU Establishment Rates, 2001/02
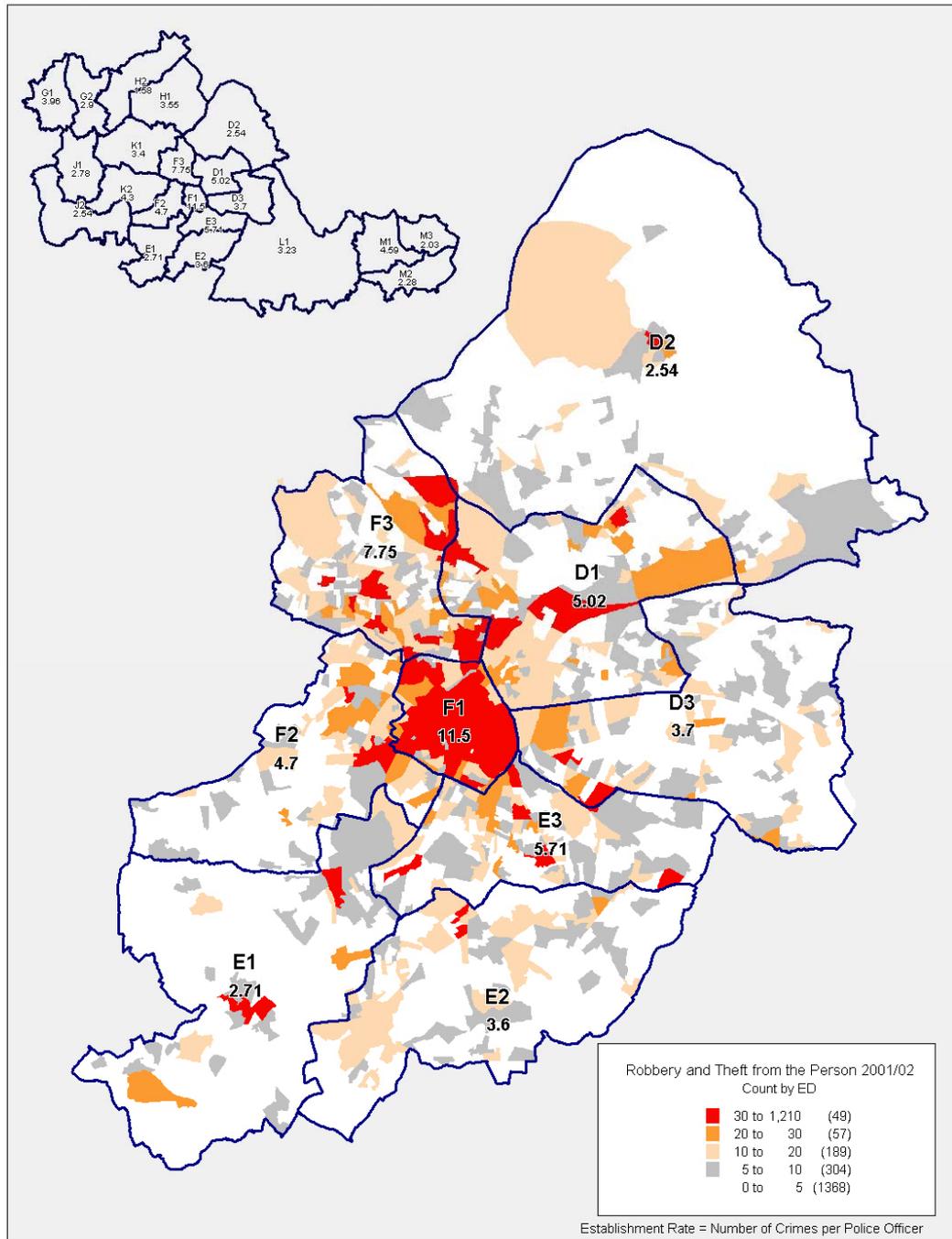
Robbery and Theft from the Person 2001/02
Count by ED

|		
30 to 1,210	(49)
20 to 30	(57)
10 to 20	(189)
5 to 10	(304)
0 to 5	(1368)

Establishment Rate = Number of Crimes per Police Officer

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(Fig. 8.6)

Gun Crime with OCU Establishment Rates (per 100 Police Officers), 2001/02
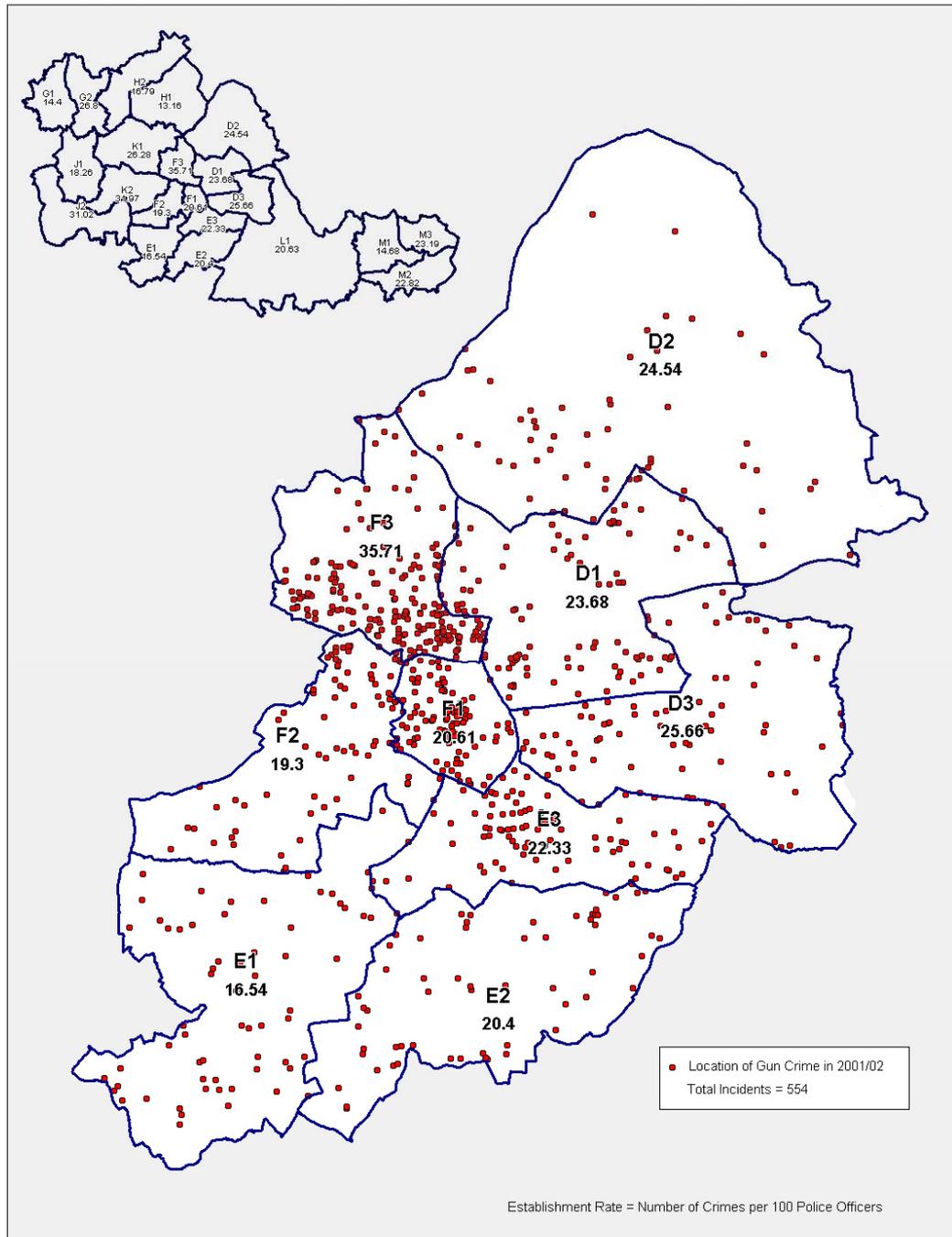
Location of Gun Crime in 2001/02

Total Incidents = 554

Establishment Rate = Number of Crimes per 100 Police Officers

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(Fig. 8.7)

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Murder, Attempted Murder and Manslaughter with OCU Establishment Rates, 2001/02 (per 100 Police Officers)
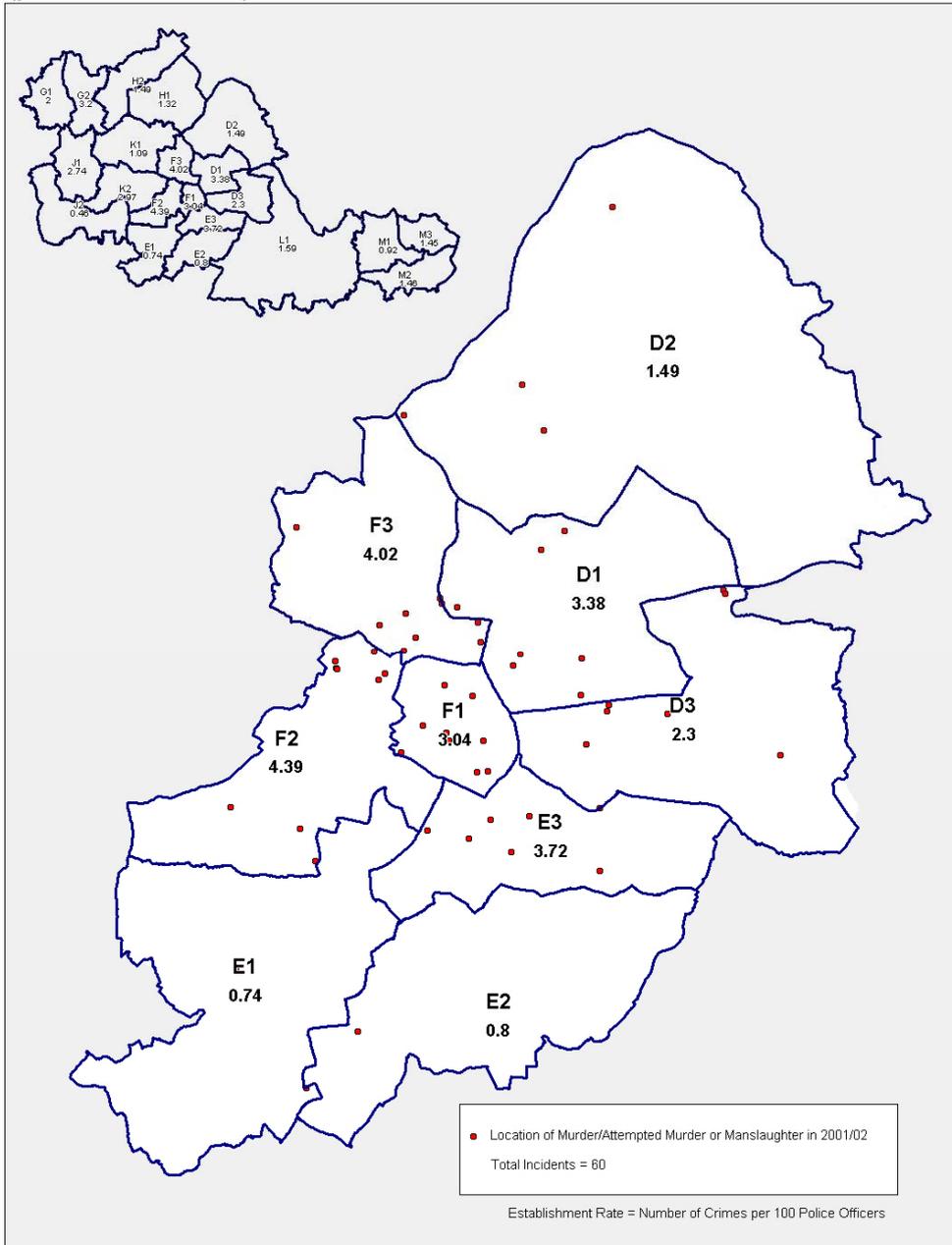
Location of Murder/Attempted Murder or Manslaughter in 2001/02

Total Incidents = 60

Establishment Rate = Number of Crimes per 100 Police Officers

(Fig. 8.8)

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Workload Analysis Supports Re-distribution to More Affluent Districts.

When **total crime (Fig. 8.3)** was analysed the distribution of resources appeared to favour the inner city areas with the more affluent areas showing higher crime rates per officer than the inner city areas; Sutton Coldfield 80.19 crimes per officer compared to Handsworth's 59.17 crimes per officer. A similar situation is apparent when analysing **residential burglaries (Fig. 8.4)** where the more affluent areas again appeared to be losing out. One option is to move more officers into these areas from the inner city areas, which ironically would have improved the Force's performance on its neighbourhood renewal target based on "reducing domestic burglary by 25 per cent by 2005, with no local authority district having more than three times the national average rate" (A New Commitment to Neighbourhood Renewal: National Strategy Action Plan 2001:35). The situation on **vehicle crime (Fig. 8.5)** appears more equitable across the board. However, when the more serious categories of crime, **robbery and theft from the person (Fig. 8.6)** are analysed then the trend reverses with inner city areas recording higher incidence rates per officer. **Gun crime (Fig. 8. 7) and homicide (Fig. 8. 8)** also concentrate in the inner city areas and the ratio of officers to offences appears to discriminate against the deprived areas thus supporting the work of Hope et al (2004). It should however be taken into account that a central murder incident unit dealt with the most serious incidents such as murders, but this unit utilised local CID officers in the investigation of the incidents and a series of murders or serious incidents would decimate a local CID department leaving few experienced CID officers to investigate local routine crime.

8. THE LOCAL PERSPECTIVE:

Whilst the mapping of the resource changes is informative and provides visual evidence of 'skewing', it does not provide a feel for the impact of the changes at the local level. By looking at the experience of the inner city BCU which covered the Balsall Heath area of the city it may be possible to gauge the impact of those changes. It is particularly useful as this BCU had been part of an earlier divisional resource review in 1994 as the division which it formed a part of re-arranged its 3 sub-divisional boundaries. Birmingham Police Divisions followed the tradition of splitting the city into 'cake like' slices with each division sharing a mix of inner and outer city areas. This provided divisional commanders with the flexibility to concentrate divisional resources in the areas of greatest need. It also allowed them the option of creating larger specialist units or squads which could be deployed proactively if a particular risk needed addressing or a serious incident occurred anywhere on the division. As a general 'rule of thumb' proactive units both Divisional and Force tended to concentrate their attentions on the inner city areas. The Balsall Heath[79] sub-division had traditionally received close attention from the Serious Crime Squad; Drug Squad; Vice Squad (Force and Divisional) and the Regional Crime Squad, all of which were based near to the area.

The resource analysis carried out prior to the divisional re-alignment of boundaries in 1994 concluded that the resource requirements for the day to day policing of the three sub-divisions; inner city Balsall Heath (E3); residential Kings Heath (E2) and mixed residential Bournville (E1); were roughly the same and it was on this basis that the

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[79] The BCU was not called the Balsall Heath BCU but for the purposes of this research naming it as such reduces confusion.

officers were allocated. The Division maintained a number of officers centrally who carried out the call handling; administration; file preparation; enquiry office staffing; events planning; a small plain clothes unit 1 Sgt and 6 Constables to deal with vice issues and a large pro-active Crime Unit which investigated serious crime on the division. The crime unit was based on the Balsall Heath area and the plain clothes unit dealt mainly with the vice problem concentrated on the Balsall Heath neighbourhood. This situation persisted until April 1997 when the divisional resources and additional force resources were re-distributed, as per the formulaic solution referred to earlier, and Basic Command Units were created. From the Balsall Heath perspective the BCU gained 18 constables who were deployed to cover call handling; reactive CID and other functions necessary to maintain the day to day routine service needs. An internal review of the resource allocation model conducted in 2001 (West Midlands Police unpublished) concluded that a minimum establishment of 237 constables was necessary to make a BCU viable i.e. able to maintain its infrastructure and provide a basic 24 x 7 service. The Balsall Heath (E3), BCU's constable establishment was 218 at this time, 19 below viability[80]. The proactive element previously provided by the Divisional Crime Squad and Plain Clothes Dept was lost. By contrast the other two BCU's, gained 49 (Kings Heath) and 66 (Bournville) extra constables respectively, although the main beneficiary (E1) did have to take on the extra responsibility for policing a residential estate transferred from West Mercia Constabulary.

The reduction in this proactive support from Divisional and Force levels severely limited the Balsall Heath (E3) BCU's ability to mount proactive investigations into

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[80] Three out of the four Command Units policing the inner city areas of Birmingham had constable establishments below the 218 viability threshold.

serious crime (One large drugs operation was funded by raising monies from hiring a uniform constable to the local bus company.)

The reason for this disparity in resources appeared again to be linked to the recorded demand for service as opposed to assessment of need based on demographic factors. A close analysis of the service demands placed on each of these three BCUs (Patrick 2004:103-106) revealed that overall demand increased the further out from the inner city the policing area was located. However the reverse was the case when serious incidents i.e. those requiring an immediate police response increased were examined. These findings supported Hope et al's conclusion that more serious crime/incidents occur in the more deprived areas (Hope et al 2004).

9. 1999: CENTRAL GOVERNMENT FILLS THE GAP

In 1999 the West Midlands Police was successful in its bid to the Home Office for funds for an additional 534 officers made available under the Government's Crime Fighting Initiative, which aimed to increase the number of uniformed officers "on the beat". These officers, made available in three phases, were deployed centrally to specific geographical areas. Interestingly in the first two phases none were deployed to the Sparkbrook ward which although the second most deprived ward in Birmingham was enjoying relatively low levels of crime as a result of the contribution being made by the community groups and volunteers in the Balsall Heath neighbourhood which formed part of the ward .

The overall deployment of the crime fighting teams occurred over a period of three years and their numbers were not included in the calculations the maps (Figs 8.1 – 8.8) were based upon. These additional resources were deployed as follows (table 8.3 West Midlands, Table 8.4 Birmingham):

CRIME FIGHTING TEAM OFFICERS ASSIGNED BY LOCAL AUTHORITY AREA

	Deprivation Ranked by Employment	Deprivation Ranked by Income	Average Ward Rank	Distribution of the Neighbourhood Crime Fighting Teams
B'ham.	1	1	43	258
Sandwell	24	9	11	40
Coventry	27	20	75	68
W'hampton.	40	24	33	48
Walsall	42	25	54	48
Dudley	47	34	142	24

Solihull   94   97   262   16

West Midlands Police total to date: 502

(Table 8.3)

CRIME FIGHTING TEAM OFFICERS BY BIRMINGHAM BCU'S

The Police BCU are assigned to the main two wards they are responsible for policing geographically. The wards are ranked according to their standing (DEP. RANK) and point score (DEP SCORE) in the national index of deprivation. The lower the rank and higher the score the more deprived the area.

BCU	WARDS	DEP. RANK	DEP. SCORE	Neighbourhood Crime Fighting Officers
D1	**Aston**	27	76	32
	Nechells	144	66	
D2	**Sutton New Hall**	4,991	14	20
	Kingstanding	425	54	

D3	**Washwood Heath**	186	64	30
	Hodge Hill	1,173	39	
E1	**Longbridge**	867	44	16
	Bartley Green	740	46	
E2	**Billesley**	1,197	39	18
	Kings Norton	884	44	
E3	**Sparkbrook**	33	75	28
	Sparkhill	343	56	
F1	**Ladywood** (**City Centre)**	346	56	41
F2	**Ladywood**	346	56	29
	Quinton	1,871	31	
F3	**Handsworth**	253	61	44
	Soho	159	65	

(Table 8.4)

The impact of the deployment of the crime fighting team officers went someway towards off-setting the effect of the distribution of mainstream officers:

> **"The additional resources are having an impact. Because the Teams have more time to get to know their area, they can act as 'guardians' for the community. This can take the form of a facilitator/advocacy role for the local community – in securing improvements in the services run by other organisations. Or it can simply improve behind the scenes relations with partner agencies, which in turn, can lead to more effective problem solving." (Audit Commission; K.Smith 2002)**

The force was also prescriptive about the nature of their duties e.g. deployment as a full time covert unit would not be permitted. They were therefore of limited value as a response to armed and mobile criminals, although if effectively utilised as a part of a multi-agency response they could be effective in preventing the conditions which lead to such forms of criminality:

> **"around this time there was less emphasis on plain clothes work. I think all this stuff about high profile is great but if you're not there and you can't be everywhere all the time and if I was a criminal I would be quite happy to have high profile police all the time because I know where the enemy is." (Interviewee F)**

10. CHAPTER CONCLUSION:

Lineberry's observation that it is difficult methodologically "to demonstrate constitutionally-proscribed discrimination against the urban poor" (Lineberry 1976:181) is supported. However by mapping the trends in the distribution of police resources and overlaying them on maps showing the level of deprivation it is possible to overcome some of the complexities involved.

Lineberry's inability to support by measurement of patterns of service delivery, "Claude Brown's unscientific but forceful hypothesis that 'Harlem was being fucked over by everyone" (Lineberry 1976:183) is challenged. The evidence presented in this study suggests that inner city deprived communities in Birmingham were being systematically discriminated against by the police resource distribution model which reflected a much earlier class based approach to policing the urban poor:

> **"The police of nineteenth century London literally patrolled the boundary between respectability and disreputability; for most arrests were made, not in the "rookeries" that cradled the "dangerous classes"' but at the margins between these areas and their more respectable neighbours"** **(Miller 1977)**

The Audit Commission's suggestion (Audit Commission 1991) that the employment of a resource allocation formula brings transparency to the distribution of police resources is supported. It can be seen that the use of a formula allows the leadership of a police force or other responsible agency to model or predict the outcome of any planned re-distribution.

The Audit Commission's support (Smith K. 2002) for the way in which the West Midlands Police had re-distributed its mainstream resources is challenged. The evidence demonstrates that far from supporting the UK Government's policy on Neighbourhood Renewal by concentrating resources in deprived neighbourhoods the opposite has occurred i.e. a trend towards:

> **"an inefficient distribution of police resources to equalise protection in every neighbourhood regardless of whether the crime rates were high or low." (Lineberry 1976:190)**

The Audit Commission's recommendations (Smith K. 2002) on the concept of deploying dedicated teams of police officers to deprived neighbourhoods is not challenged however this approach cannot be assessed in isolation from the delivery of mainstream policing services. The concept of concentrating police resources in the most needy i.e. most deprived neighbourhoods is advisable and echoes the warnings from the United States:

> **"Unwired poor communities began to resemble areas of the Third World, with a burgeoning informal economy taking the place of lost jobs. This informal neighbourhood economy includes off-the-books enterprises. And the most profitable informal enterprise is the business of drugs …..to many observers, economic segregation is creating an underclass of mainly urban blacks and Hispanics who are not sharing in the benefits of economic expansion. Coinciding with this economic transformation we, are witnessing a re birth of the youth gangs in many small and medium sized cities" (Hedgdorn 1998:165).**

The rise in gun and gang related crime in the inner city areas of Birmingham discussed in the previous chapter supports Hedgdorn's warning. However the deployment of officers to the more affluent suburbs had a positive impact on the residents living in those areas and certainly shaped the opinion of the West Midlands Police in the eyes of one of the interviewees:

> **"There are more officers about so from a professional position I know that the numbers of crimes being reported by officer is less." (Interviewee C)**

The increased number of officers available to investigate and detect crime in the less deprived areas is likely to have contributed to the force's performance against government targets as crime in more affluent areas or small communities is more

likely to be solved than in communities with greater levels of deprivation. This is

supported by the higher detection rates achieved by rural forces in the UK and the

quantitative research carried out by Felson & Ouimet in Canada (2007). The

difficulties encountered in encouraging witnesses to come forward and give evidence

in the case of the murder of Letisha Shakespeare and Charlene Ellis on 1st Jan 2003 in

Birmingham reinforces these findings. The greater visibility of officers in the suburbs

was also likely to have had a positive influence on the survey results reflected in the

British Crime Survey which excludes those most likely to feel the negative impact of

a re-deployment of officers away from the more deprived neighbourhoods:

> **"it** *[the BCS]* **has found it increasingly difficult to reach the people who
> are most likely to be victims of crime - and violent crime in particular.
> This is especially true of young men living in high crime inner city areas;
> but the BCS also misses out other increasingly important categories of
> victims including the homeless, people who don't speak English and
> anyone aged under 16"** (FitzGerald: The Guardian 20.7.2006)

The commitment of the Home Office to Neighbourhood Policing as the universal

means of delivering police services needs to be tempered with a realisation that such a

policy could result in resources being spread too thin, possibly, as was the case in the

West Midlands in 1997, at the expense of the most deprived communities where

serious crime is most prevalent. However not all forces have followed the trend set by

the West Midlands Police; the Metropolitan Police Service demonstrably did the

opposite in response to the post 9/11 terrorist threat strengthening its specialist units

which were primarily deployed within the central London area. However as has been

noted previously their performance was poor in comparison to the West Midlands

Police. That said all forces were required to review and revise their resource

deployment arrangements in order to comply with the Government's Neighbourhood

Policing Strategy[81]. A force by force analysis utilising the mapping methodology

presented in this chapter has not been possible due to capacity and access issues

although such an exercise may have proven illuminating. Certainly the limited

information on Nottinghamshire Constabulary discussed in the chapter on serious

crime (chapter 8) demonstrated that a re-deployment of officers on a geographical

basis had curtailed the force's ability to respond to the rise in gang and gun related

crime in the inner city areas of Nottingham. However, evidence is already emerging

that the Neighbourhood Policing strategy is creating resource difficulties as

Chatterton & Bingham's[82] review of Neighbourhood Policing Teams (NPTs)

discovered:

> **"Despite the fact that it has yet to be fully implemented in the forces we visited, it is significant that there is already strong evidence of heavy resource implications." (Chatterton & Bingham 2006:101)**

> **"Neighbourhood policing is clearly not a cheap product. Our concern is that entering the market to buy it at this stage and the pressure to get it installed, is already resulting in police commanders leaving the 24/7 response teams to pick up the bill. The price will increase once 'ring fencing' occurs and if, as is likely, sanction detection targets are stretched and OCUs have to achieve them without the resources of the NPTs ……. The balance has shifted too far, too quickly, towards neighbourhood policing and the NPTs." (Chatterton & Bingham 2006:112)**

Chatterton and Bingham's (2006) findings supports the evidence presented in this

chapter.

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[81] Policing: Building Safer Communities Together. (2003). Home Office. London: HMSO
Building Communities, Beating Crime. A better police service for the 21st century. (2004). Home
Office. London: HMSO

[82] This study was based on interviews and focus groups and did not look at the geographical
distribution of resources although it did focus on the redistribution of officers by roles particularly
response and neighbourhood officers.

CHAPTER 9:

'STITCHING': PREVENTING LACK OF EVIDENCE ACTING AS AN IMPEDIMENT TO PERFORMANCE

1. INTRODUCTION:

HMIC (1999) conclude that the fabrication of evidence by officers seeking to secure the conviction of a suspect was largely in the past. This form of behaviour is sometimes referred to as 'stitching an offender up' or 'fitting them up' and is referred to in this chapter as 'stitching' which is used to categorise the different forms this type of 'gaming' manifests itself in. Whilst the leaked Met. Police report (Guardian 13.9.99) suggested the use of oppressive interviewing techniques was still a problem, the Courts appeared to be capable of identifying this problem and defendants were being acquitted as a result. So the safeguards appeared to be effective in relation to the risk of conviction. However this example does raise questions about the effectiveness of custody officers who are responsible for ensuring suspects rights are observed and checking that there is sufficient evidence to support a charge. Wilson et al (2001) indicated that custody officers were still allowing breaches of the Police and Criminal Evidence Act 1984 (PACE) which outlines the rights of suspects and the duties of custody officers. This suggested that other forms of 'stitching' may still be evident in cases which did not involve a court appearance but still resulted in a detection for performance purposes. This may take the form of charging a suspect when there is insufficient evidence to support the charge (HMIC 1999) cautioning a suspect (Tait 1994) or informally warning a suspect (Ditchfield 1976), again without sufficient

evidence to secure a conviction. Wilson et al (2001) outlined 'stitching' type behaviours involving the abuse of Detected No Further Police Action (DNFPA) which are administrative procedures allowing an offence to be shown as detected without any formal legal sanction being applied. Procedures which do not involve evidence being presented to court are the focus of examination in this chapter. Access to the relevant documentation and statistics meant that the chapter tends to focus on the West Midlands Police although the literature suggests this force is not alone in experiencing the types of 'stitching' practices outlined. Methodological difficulties in gaining evidence of coercion or the fabrication of evidence prevented this type of 'stitching' behaviour being explored further.

2. CHARGING WITHOUT SUFFICIENT EVIDENCE:

HMIC (1999) made adverse comment on the practice of charging suspects with a serious offence when the evidence supported a less serious offence:

> **"There were also examples of charging drug offenders with possession with intent to supply, or having a 'class A' drug, despite the fact that ultimately the evidence was only likely to allow a conviction for a lesser offence." (HMIC 1999:19)**

This type of 'stitching' was motivated by a desire to meet specific targets relating to 'drug dealing' by charging a suspect who was found in possession of more than one

'portion' of a drug with an offence of possession with intent to supply i.e. 'drug dealing'. The decision to charge with the more serious offence, being based on the supposition that the presence of more than one 'portion' of the illegal substance meant that the drug was not just for personal use. Whilst the criteria on what quantity of drugs should constitute for personal use thus justifying a possession offence as opposed to a possess with intent to supply is subject to debate between the police and the Crown Prosecution Service the offence the suspect was charged with determined the offence 'detected'. If the case was subsequently 'down graded' to possession at court the detection for the more serious offence would still count; hence the incentive to charge with the more serious offence. Whilst this practice did not appear to have been uncovered by HMIC during their inspection of the West Midlands Police interviewee D commented:

"There was a propensity to charge with minimum evidence, these were the days when you could get away with charging and just bungle it off to CPS to let them sort it out but you got your detection." (Interviewee D)

The impact of the introduction of the requirement to obtain CPS advice prior to charge in 2003[83] caused a marked reduction in the number of suspects charged with possession of controlled drugs with intent to supply which is categorised by the Home Office under 'trafficking in controlled drug'. This is evident in the reduction in charges for this type of offence post 2003 (Fig. 9.1).

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[83] Custody officers were required to seek CPS advice prior to charging an offender with an offence. This would result in the CPS deciding whether a drugs offence amounted to a possession or the more serious possess with intent to supply.

West Midlands Police: Charges for Trafficking in Controlled Drugs
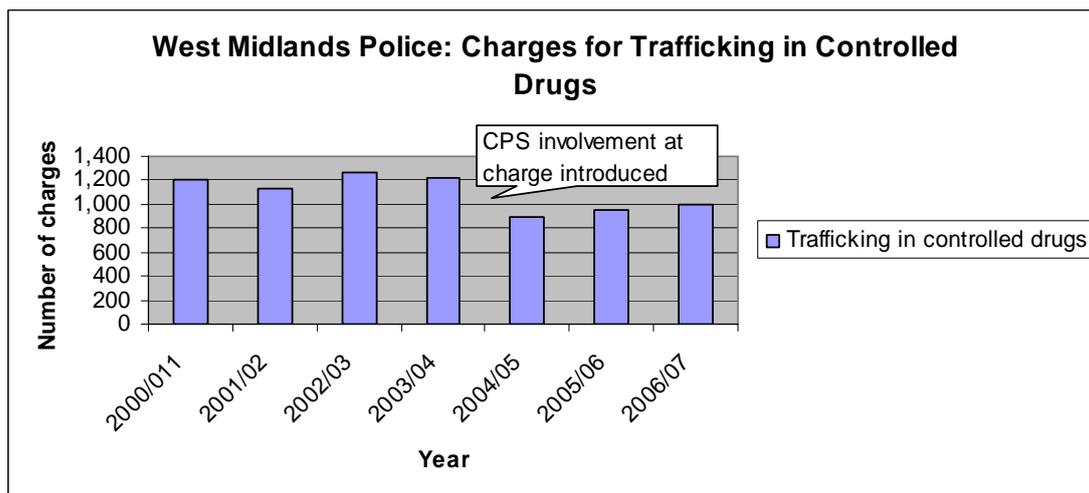
(Fig 9.1)   **(Home Office 2008)**

## 3. DETECTED NO FURTHER POLICE ACTION (DNFPA) & 'STITCHING'

 Ditchfield (1976) had noted the impact of alternative methods of disposal on the overall detection rate. These in the main, involved 'informal warnings' when a police officer would informally 'advise' an offender for a minor offence, usually where the victim did not want any formal action to be taken and/or in the opinion of a senior officer it was not in the public interest to instigate court proceedings. This type of detection is referred to by Wilson et al (2001) as Detected No further Police Action (DNFPA). Although these procedures were devised as a means of diverting those who were caught in minor infractions of the criminal law from the criminal justice system it resulted in people who would not normally have been dealt with officially coming within the 'net' as police sought to improve their performance by recording such offences as detected. Further pressure to record these informal warnings as detections on police local crime recording systems was also created by the impact of the NCRS, and prior to that 'prima facie' crime recording standards, which required

officers to record reported minor offences as crimes. Informal warnings provided a means of 'balancing the books': offence recorded, offence detected.

However the procedure can be abused either by issuing an informal warning for a more serious offence thus avoiding the work involved in pursuing a case which should rightly have appeared before the courts or informally warning a suspect when their was insufficient evidence to justify this action i.e. 'stitching'. Whilst detections obtained in this way have to be approved by a senior officer, there is no routine appeals procedure against such an action, although the recipient may make a formal complaint against the police if they believe the warning was not justified.

Domestic violence incidents are an area where 'informal warnings' can be used inappropriately either to avoid taking 'positive action'; a policy adopted by most forces, requiring officers to pursue the arrest and prosecution of a suspect without placing the onus on the victim for instigating such action, (sometimes referred to as a State prosecution). The inappropriate use of an 'informal warning' in these circumstances is usually accompanied by a 'down-grading' of any assault/injuries to common assault thus justifying the means of disposal on the grounds that it was for a minor offence. Officers would attend the scene and in cases where the victim did not wish the case to proceed to court the offender would be warned about their conduct. Both parties signed the officers pocket note book to that effect and the offence was recorded as a crime, usually common assault, and detection claimed. The offender's details were recorded on the police crime recording system although their details would not be recorded on the Police National Computer (PNC). This procedure differs from formal cautions or the equivalent for juveniles as these are recorded on the PNC.

In 2002 the West Midlands Police 'devalued' informal warnings by re-categorising them as 'non-sanctioned' detections thus removing them from the detections which its Command Units' performance was judged. This policy decision preceded the Home Office which introduced the same policy in 2003. The impact of this decision on the West Midlands Police recording and detection of assaults is shown at Fig. 9.2.


West Midlands Police: Assaults Recorded by Type

Legend:
- Other wounding
- Wounding or other act endangering life
- Common assaults

Y-axis: Recorded Offences (0 to 45,000)
X-axis: 2000/011, 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07
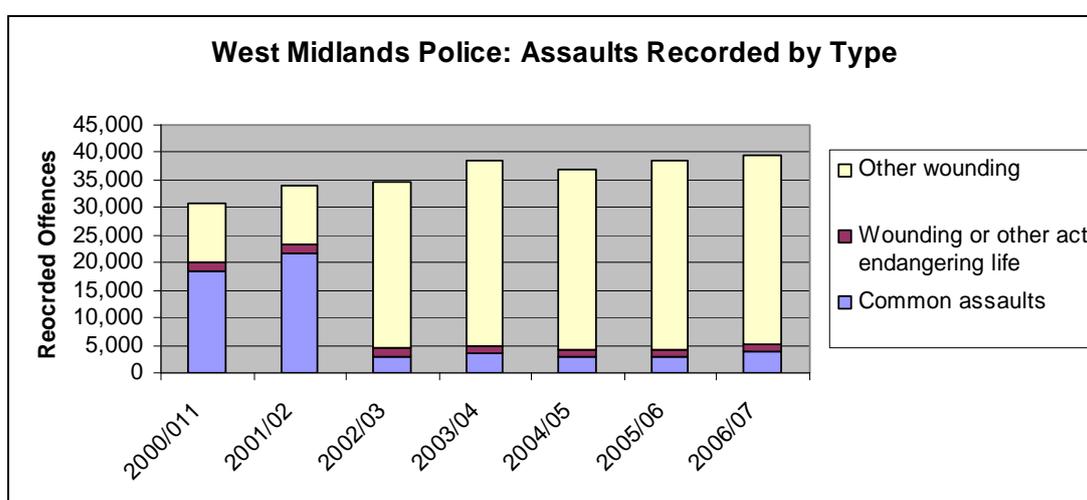
(Fig 9.2)   **(Home Office 2008)**

Fig 9.2 shows that in 2002/3 the mix of minor (Common Assaults) to more serious assaults (Assaults Other Wounding; the Home Office category for assaults involving Actual Bodily Harm) changes. This indicates that officers had recorded assaults as more serious categories therefore justifying their detection by charge, summons or formal caution, which are sanctioned detections, with a positive value within the adjusted performance framework. Equally it could be the case that assaults were being categorised prior to 2002/3 as the less serious common assault in order to justify a detection no further police action. The change from the use of informal warnings (DNFPA) categorised by the Home Office as 'other means of detection' to disposal

by charge or caution is evident from Fig 9.3 (Common Assaults) and Fig 9.4 (Wounding and Other Assaults).
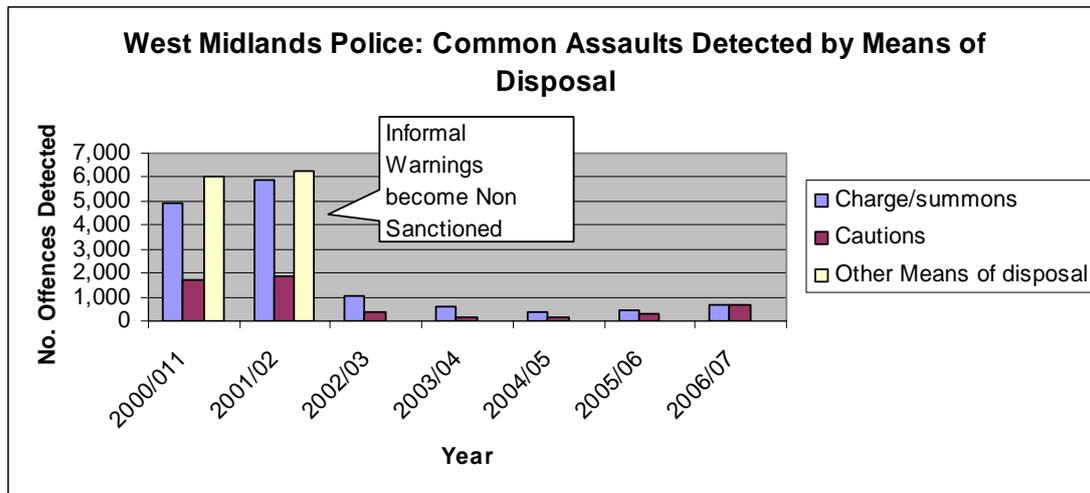
(Fig 9.3) **(Home Office 2008)**
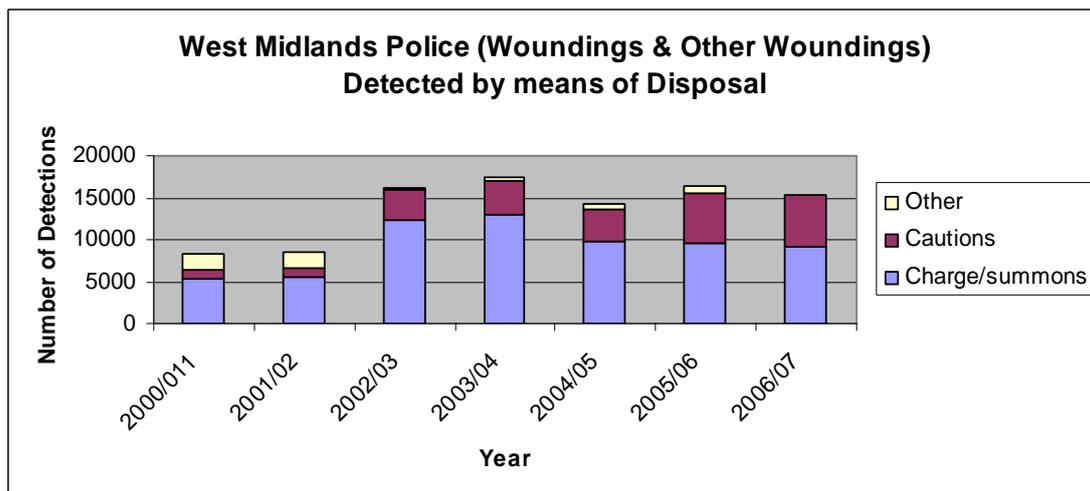
(Fig 9.4) **(Home Office 2008)**

It is not possible to state whether the marked change from a propensity to detect assaults by 'informal warnings' prior to 2002 was due to under-classification of the assault in order to gain an 'easy' detection or the re-categorisation of assaults to more serious offences is evidence of 'stitching' motivated by the desire to obtain a 'sanctioned' detection. However it does suggest 'gaming' is responsible for the changes reflected in the statistics. It also demonstrates the speed at which officers

adjusted their behaviour in response to changes in the performance indicators. Such a

rapid adjustment indicates the organisational nature of the phenomenon and suggests

some form of co ordination and direction by management. The same tendency was

noted by one of the officers interviewed by Chatterton (2008):

> **"The police service is criminalising people. A so-called crime's been
> reported so you have to crime it in accordance with the National
> Crime Recording Standards. You can't get rid of it. There's an
> offender so the way you resolve it is by cautioning him because the
> senior management don't want an undetected violent crime." (Chatterton
> 2008:43)**

Chatterton also noted, like Tait (1994), that cautions were being used inappropriately

e.g. where the evidence did not justify a charge:

> **"The use of cautions in cases, where this is not strictly permitted,
> illustrate how close to the wire some officers are operating:
> 'Take the use of cautions, for instance. If we can't get a charge we
> will get a caution for that person so we don't lose the sanction
> detection. That applies even if they have already been cautioned
> and are strictly not eligible for another caution because that gives
> us the sanction detection. So we're helping the figures along even
> though, in my view, it's morally wrong." (Chatterton 2008:48)**

However, Detected No Further Police Action (DNFPA) procedures did not just apply

to informal warnings for minor offences, the procedures also catered for other

circumstances where a prosecution or other formal sanction was inappropriate or

impossible to pursue, for example where a suspect had died prior to a disposal

decision being made. Again such procedures present an opportunity for 'stitching'.

One particular procedure is the 'inflammatory consequences' rule (Home Office

Counting rule D5[84]). This allows for offences to be shown as detected when the

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[84] In April 2003, the so-called 'inflammatory consequences' detections rule was removed. This meant that detections in which the injured party had asked the police not to speak to a named perpetrator could no longer be counted as administrative detections .(Dodd et al 2003:105)

victim does not wish the matter to be pursued further by the police and fears reprisals if the police alert the suspect to the fact that the victim has been in contact with them e.g. where the police have attended a reported assault and the offender has left the scene.

The 'inflammatory consequences' procedure is summarised as follows:

- Victim reports an offence

- Officer records the details as a crime report

- Victim refuses or is unable to give evidence at court

- Victim fears retribution if the suspect is alerted to the fact the police have been informed

- Victim signs a record to confirm they do not wish the police to take any further action and do not wish the suspect to be confronted

- A senior police officer reviews the details recorded in the crime report and if satisfied that an offence has occurred and there is sufficient evidence to charge the suspect the crime report can be shown as detected.

The use of the 'inflammatory consequences' rule was being employed in the West Midlands Police:

> **"General rule for detections offender must be interviewed. However if interviewing an offender was likely to cause serious repercussions to the victim. So you've got some OCUs who are using that to conclude on a detection basis, mainly domestic related incidents or incidents where the parties knew each other, friends, associates but largely the warning bells were around domestic oriented incidents where clearly that approach should not be taken i.e. you take positive action against the offender." (Interviewee D)**

However, the West Midlands Police was also using the 'inflammatory consequences' rule to record as detected serious offences such as rape and like Nottinghamshire Constabulary (Wilson et al 2001) abuses of the procedure were apparent:

> **"Fourteen of the 19 'write offs' examined were judged to be outside the criteria laid down by the HOCR, a failure rate of 74%......Those offenders with no previous convictions now have a 'local criminal record' about which they are unaware" (West Midlands Police 2001:unpublished)**

The review of rape investigations, from which this quote was extracted, took place before the decision to re categorise DNFPAs as 'non-sanctioned' detections which removed the performance incentive to abuse this process. However the risks inherent in the misuse of this procedure are apparent from the following case:

C.M. 7TH MAY 1999 – DIED 7TH JANUARY 2000.

C.M was 8 months old when he was murdered. At the time of his death he had at least sixty bruises on his body two broken ribs and a fractured skull consistent with being held by the ankles and swung against an object such as a wall.

His mother's boyfriend was convicted of his murder at Birmingham Crown Court on 15th December 2000 and sentenced to life imprisonment with a recommended 25 years minimum. The judge His Lordship Mr Stanley Burton commented:

> **"He could not conceive of a worse case of child cruelty. The pictures of which will haunt this court for many years, perhaps always."**

C.M's mother was convicted of manslaughter and sentenced to two years imprisonment.

The case, although horrific, appeared straightforward, however during the investigation the mother maintained she was being held against her will. An intelligence check on her boyfriend revealed a history of violence. The check also uncovered a previous recorded crime of 'Kidnapping' which was shown as detected. When the case papers were examined this report was found to be detected DNFPA. The circumstances of the case were that an eighteen year old woman alleged that she had been forced into a car at knifepoint by C.M's subsequent killer, who was known to her. She was taken to a flat where she had been held against her will for two days. This occurred on 15th May 1999 six months before the murder of C.M. Although the victim attended the local police station to report the matter she stated she did not wish to pursue the matter at court. The report was recorded as a crime and a brief statement taken from her:

> **"At 2350 hours on Monday 17th May 1999 I attended Thornhill Road Police Station to reported that I had been kidnapped and held against my will at a flat in Edgbaston. This incident happened on Saturday 15th May 1999 up until Monday morning. The man who kidnapped me is [*name provided*] and he lives at [*address provided*] which is the address he took me to. I have thought about this a lot and have made the decision that under no circumstances will I attend court to give evidence. I have my own personal reasons for this and do not want to discuss them further. The Police have explained their procedures to me and the support that I will receive however I still do not wish to take this matter further." (Evidence presented at Birmingham Crown Court 29th November to 15th December 2000[85])**

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[85] The trial transcript can be obtained from Marten Walsh Cherer martenwc@aol.com. Cost approx £6,000

On the 18th May 1999 the case papers were closed as detected on the authorisation of a Detective Chief Inspector "W/off D5 HO". This was a sanctioned detection under the then Home Officer Counting Rule D5 where a senior officer decides that there is sufficient evidence to charge the offender however the victim is unwilling to support a prosecution. The offender is not challenged about the offence because this would put the victim at risk of serious harm. The circumstances were reviewed by interviewee C who commented:

> **"The actual format of the 'write off' is almost a composite, you can get these off a computer, it's a bit like MOs 'some person or persons unknown' we just know it by heart." (Interviewee C)**

This was not the first time the author had seen a crime report from this police station for such a serious offence being 'written off' as detected with such scant evidence. This information elicited the following response from the interviewee:

> **"Oh my goodness and no one's been interviewed, no one's even been locked up. Slippery slope isn't it? Because the message goes out to all staff, 'this is the way we do things round here." (Interviewee C).**

Although the crime report supported C.M's mother's defence it did not prove crucial as the murder investigation team were able to prove conclusively that she had ample opportunities to leave the flat with all her children. Her conviction reflected this fact. However this outcome did not alter the fact that approximately six months prior to the murder of C.M. the police had information about the criminal activities of the offender which they had not pursued. A Detective Chief Inspector accepted on the basis of evidence, which lacked any corroboration or sufficient details, that C.M'S subsequent killer was responsible for kidnapping. Subsequent events suggest this may

have been the case but it could just as easily have been a malicious allegation.

Interviewee C encapsulated the concerns which the case raised:

> **"That's a serious offence, my immediate response is, why is that person locking up young women like that? Are there others for example? You'd tell me he's a pimp. So OK where did he take her? Is it a brothel? Are other people being held there? There is a real nightmare scenario there and on the basis of someone reporting it a crime report is completed, then it is withdrawn; then it is written off and shock horror! No-body's seen the individual concerned. So the suspect has not been seen and therefore you don't know whether the suspect has been seen. Therefore you don't know whether this has happened as it is reported or not, and then it is 'written off' saying that the named individual is responsible for it. Well its amazing isn't it." (Interviewee C)**

From a performance perspective the procedure gives the appearance of efficiency as a

difficult and potentially costly investigation is carried out with the minimum of

investment and appears as solved in the statistical returns:

> **"This cost the time it took to fill in the report and go to the scene[86] and take the statement. This cost three hundred quid or something: Appalling really." (Interviewee C)**

Interviewee C went on to compare the circumstances to the type of 'stitching'

associated with older forms of abuse of process:

> **"Yes this just smacks of the old serious crime squad. We know who did it, therefore we'll set them up to do it, or we're convinced they did it. It's even better; you don't even need to speak to them. Wha, there's no need to even have dustbin liners[87] or anything. Mad!" (Interviewee C)**

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[86] In the case referred to no officer attended the scene so the costs could be less than the estimate made by the interviewee.
[87] One of the allegations against the Serious Crime Squad was that they suffocated suspects by placing plastic bags over their heads in order to extract confessions.

Detections by DNFPA were deemed non sanctioned detections by the Home Office in
2002 and strict guidance on the conditions by which these detections could be claimed
were introduced:

> **"For an offence to be detected under the new guidance, it required
> sufficient evidence to charge, an interview of the offender and notification
> to the victim" (Simmons et al. 2002:70).**

These changes appeared to be bedded in by 2003/4 (Feist et al 2007:80).
However, the pursuit of 'non-sanctioned' detections, mainly DNFPA informal
warnings, still appeared to be an issue in some forces and was raised as such by the
Federation (2007) and ACPO:

> **"Clive Wolfendale, deputy chief constable of North Wales Police,
> admitted that many of the crimes listed as "detected" by the force were
> little more than minor jostling among late-night revellers. His force has
> this year logged a total detection rate of 43% of which 14% - or about a
> third – is attributed to non-sanctioned detections." (Sunday Times
> 29.10.06)**

> **"Adrian McAllister, deputy Chief Constable of Lancashire police and
> who is leading a review by ACPO to be submitted to the Home Office said
> that in some cases police forces were losing sight of "common sense" by
> marking such cases as solved or detected" (Sunday Times 29.10.06)**

However, informal warnings had their advantages as it allowed officers to use their
discretion by warning a minor offender as opposed to invoking a criminal sanction.
The recording of the encounter as a detection enabled the officer's actions to be
acknowledged and assessed. The offender's details were recorded on the local police
crime recording system as opposed to the Police National Computer and were
unlikely to be cited in the event of any future criminal records check for employment
or other purposes if they only related to a minor misdemeanour. The risk is that

offences will be re-categorised as more serious offences in order to justify a

sanctioned detection. This could have been the case in the West Midlands Police as

assaults were recorded as more serious offences in order to justify a caution or charge.

The same type of behaviour could also occur in relation to use of Fixed Penalty

Notices where more serious offences are preferred in order to justify a sanctioned

detection. This form of 'stitching' was raised by officers at the Federation Conference

in 2007:

> **"The classic is that officers are asked to consider arresting/issuing fixed penalties for Public Order Offences (Section 5 POA) rather than Drunk and Disorderly even if D. and D. is the more appropriate offence" (Police Federation 2007)**

This of course results in the offender's details appearing on police data bases, checked

if they subsequently apply for a job in a sensitive occupation or require a travel visa.

A Public Order infringement is more likely to result in serious consequences than a

mere record for drunk and disorderly.

In 2006 and 2007 HMIC required forces throughout England and Wales to carry out

an audit of detections. 'Non-sanctioned' detections were one of the categories,

subject of the checks, and forces were required to answer the following questions:

> **"Compliance questions 1. Has a 'notifiable' crime been committed and recorded in compliance with the Home Office Counting Rules? 2 Is there a record on the crime file of the verifiable information demonstrating that there was sufficient evidence to claim the non sanction detection? 3 Has the public interest test been properly applied? 4 Is there a verifiable record that the suspect has been made aware that a non-sanction detection has been attributed to them?**
>
> **The supporting evidence for each non-sanction detection that the auditor will be looking for in relation to each record is as follows: Supporting**

evidence 1 Evidence that the named person was responsible for the offence e.g. named by victim and/or witness, identification evidence, CCTV footage, forensic evidence etc. 2 Evidence of a reliable admission (interview carried out in compliance with PACE Code C) unless other compelling evidence exists (where there is no admission the sufficiency of evidence will need to be met through other evidence). 3 Where full investigations have not taken place, summaries of evidence including witness details, interviews and copies of pocket book entries or interview summaries. 4 For D4 detections, signed witness statements (MG11), pocket book entries or notes or other records where no witness signature is obtained and evidence of a refusal to give evidence and reasons for the refusal. 5 For D6 detections, a copy of the MG3 form outlining the prosecutors verification that there was sufficient evidence to charge."

<div align="right">

(Home Office 2006/7:25-26)

</div>

In 2006/7 thirty three forces (including BTP) were graded 'poor' on the quality of their 'non-sanctioned' detections; no judgement was made on six forces (probably because they had discontinued the use of 'non-sanctioned' detections); three achieved a 'fair' grading and only two were judged to be 'excellent'. The results suggest 'stitching' may have been prevalent in this area. The findings prompted ACPO to inform the Information Commissioner of some of the problems uncovered. The details are discussed in the later chapter on the role of the regulators.

Detections obtained by 'cautions' for adult offenders were also subjected to audit checks and forces were required to answer the following questions:

Compliance questions: 1 Has a notifiable crime been committed and recorded in compliance with the Home Office Counting Rules? 2 Is there sufficient evidence of the suspect's guilt to meet the threshold test as contained in The Directors Guidance on Charging January 2005 (i.e. admission and corroboration obtained from information in the crime report or obtained during the course of the investigation)? 3 Has the suspect made a clear and reliable admission of the offence (interview carried out in compliance with PACE Code C) either verbally or in writing? 4 Is the suspect 18 years or over? 27 The supporting evidence for cautions that auditors will be looking for is taken from the Home Office Circular 30/2005. Auditors will be expecting each record to have the following associated information and one of the pieces of evidence marked as 4(a), 4(b), 4(c) or 4(d):

"Supporting evidence: 1 Evidence that the decision to caution has been made by the CPS for indictable only offences. 2 Evidence that the Gravity Factors matrix has been applied, taking account of aggravating and mitigating factors. 3 A signed caution acceptance proforma which should include the offenders' personal details including occupation, details of the offence and the consequences of accepting a caution. 4(a) An admission during a tape recorded interview (interview carried out in compliance with PACE Code C). 4(b) A record of the admission in the officer's notebook and signed by the suspect as an accurate record. This could cover any statement made by the suspect on arrest, after being cautioned. 4(c) A statement made by the suspect whilst in police detention (after being reminded they are still under caution) could be recorded in the custody record and signed by the suspect as an accurate record. 4(d) A contemporaneous interview (interview carried out in compliance with PACE Code C) under caution could be conducted in the absence of the suspect making a voluntary statement of admission, or for clarification where the statement does not meet the required evidential standard. The notes should be fully documented."

(Home Office 2006/7:26)

The results were much more positive with only eight forces being graded 'poor'

However the results for Fixed Penalty Notices for disorder (PND) were less positive

with 28 forces being graded 'poor'. Twenty two forces were also graded 'poor' on the

audit of Cannabis Warnings another form of 'caution' (Home Office 2006/7).

These results indicate 'quality' problems in relation to detections which do not

involve the same level of scrutiny to which charges are subjected to by the courts and

may well indicate the presence and level of 'stitching'.

4. CHAPTER CONCLUSION:

Whilst the regulatory control measures involving the courts, introduced by PACE,

may have been effective this chapter has shown that 'stitching', involving other

means of detecting offences was still possible. The scale of the problem appears from

the evidence reviewed to be significant and the consequences potentially serious for

the individuals subjected to such 'gaming' behaviour.

CHAPTER 10

THE ROLE OF THE REGULATORY BODIES:

1. INTRODUCTION:

The use of independent auditors as a means of scrutinising the activities of those entrusted with the delivery of services provided on behalf of the state has been a feature of many forms of government (Day & Klein 1987). The police forces in England and Wales are inspected by a number of regulatory bodies charged by government with the task of scrutinising police activity. The identification and quantification of 'gaming' involved in this research has, in many cases, involved re-tracing the steps of the regulatory bodies responsible for preventing such practices. This process and the evidence uncovered necessitated a third strand to the research design as the performance of each regulator was assessed in turn. This facilitated an assessment of their impact on the various types of 'gaming' identified.

2. CHAPTER STRUCTURE:

The response of each of the organisations with a responsibility for regulating police activity are reviewed in respect of the various types of 'gaming' behaviour uncovered during the research. This provides an insight into their role and how effective they have been in ensuring that the performance system was 'game proof'.

3. THE HOME OFFICE:

Consideration of the role of the Home Office concentrated on how successful the department had been in achieving their stated ambition of ensuring reliable and accurate data for comparative purposes. At a political level there was a clear commitment from the New Labour Government in 1997 to improve both the efficiency of the police service through performance management and evidence based practice. The introduction of the National Crime Recording Standard (NCRS) in April 2002 also showed that there was a commitment to ensuring that the data on which decisions were made was accurate and reliable for comparative purposes:

> **"The new Labour Home Secretary Jack Straw was only too aware of these statistical abuses when he took office in May 1997, and so he ordered new rules which would make previously non-notifiable offences notifiable once more" (Wilson et al 2001:66)**

The Government accepted the potentially damaging impact of large increases in recorded crime brought about by the introduction of the NCRS in April 2002. This was tempered by a greater reliance on the more favourable results from British Crime Survey (BCS) which showed a gradual reduction in crime levels until 2004 and the careful monitoring of the impact of the introduction of the NCRS which was responsible for the increases in recorded crime in caused the increases in recorded crime in 2002/3 (Simmons 2003).

The response of Home Office ministers to allegations of 'gaming' which have frequently attracted media attention during the course of this research has been dismissive; examples include the response to the popular book 'wasting police time' (Copperfield 2006) which catalogued numerous 'gaming' practices and was discussed

in the House of Commons (Hansard 23.10.06) and the Police Federation sponsored report on the lack of focus on serious crime (Chatterton 2008) which featured on the ITV Tonight programme (12.11.07):

> **"I respect their views. I just think they over-egg and exaggerate to make a point, sometimes to the detriment of the members and that's not in their interests". (BBC News 12.11.07)**

Whilst calling for further evidence to support the reports of 'gaming' made at the Federation Conference in 2007 (subject of Chatterton 2008), Police Minister Tony McNulty did accept that if government policy was driving perverse behaviour he was responsible for initiating the necessary change. However, in response to the allegations of 'skewing', he did point out that Chief Constables were responsible for operational issues such as staffing levels in specialist departments (ITV1 Tonight 12.11.07). The chief executive of the National Policing Improvement Agency, publicly supported the Federation's contention that the investigation of serious crime was suffering as a result of a focus on 'easier to solve' crimes i.e. 'skewing' (Neyroud, The Times 13.11.2007; Neyroud and Disley 2007).

The Home Office has overall responsibility for the systems employed to measure crime and police performance. The two primary empirical measures used are Police Recorded Crime data and the British Crime Survey (BCS). The BCS sample size and frequency of interviews has been increased since 1997 in order to improve the reliability and relevancy of the data. However, the BCS sample is not fully representative of all social groups- notably excluding those under 16 years of age, those who own commercial property or those who live in shared accommodation – nurses, students and the elderly. It also fails to record multiple offences against the

same victim beyond a cap of 5 repeat offences which Farrell & Pease (2007)

estimated reduced crime levels by over 3 million extra offences annually, reducing

the assessment of household crime by 15% and personal crime by 52%.

Police crime recording procedures are overseen by the Home Office which decides

how and what offences will be recorded. The inclusion of a number of minor offence

categories in 1998 and the addition of new offences created by legislation and

changes in how crimes are counted would seem indicative of a commitment to

ensuring accurate data. The introduction of the NCRS in 2002 was designed to

standardise crime recording across the country. However the Home Office did not

introduce these measures in isolation and the NCRS was the product of lengthy

negotiations with the Association of Chief Police Officers (ACPO), and other

stakeholders. The failure to adopt a 'prima facie' crime recording standard in favour

of the 'balance of probability' standard is a product of the compromises inherent in

the negotiations involved in agreeing data recording methods and associated

definitions. However one interviewee was critical of the outcome:

> **"It was fudged at the national level, because the various forces which
> came together said we don't agree with the seven principles[1] because we
> don't agree with that. West Midlands are fiddling the figures anyway
> with their detections, don't believe what they say, we want officers to have
> some discretion around the way crime is recorded". (Interviewee D)**

The day to day monitoring and advice on interpretation of the NCRS is co-ordinated

by the Home Office. However during the period of this research the individual

responsible for performing the NCRS 'guardianship' role (Registrar) changed from a

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[1] The seven principles of crime recording was the West Midlands Police 'prima facia' crime recording
policy.

Civil Service statistician to a seconded police officer of Superintendent rank.

Interpretation of the NCRS is also overseen by a steering group[2] made up of

representatives of the Home Office, ACPO, HMIC, Police Federation, Audit

Commission, and Superintendent's Association. Responsibility for validating NCRS

compliance was undertaken by the Police Standards Unit which set the compliance

specification and then contracted the Audit Commission to undertake the data audit.

Whilst the Audit Commission results suggest a general improvement in reliability of

police recorded crime data (Audit Commission 2007) the limitations of those checks

have been highlighted in the research outlined in chapters 4 & 5, on police crime

recording practices. The Home Office statisticians also carried out checks on the

reliability of police recorded crime data as part of the BCS survey and included the

results in the Annual Home Office Bulletins on Crime in England and Wales. These

checks were utilised as a means of corroborating some of the findings referred to in

this research. However the reports themselves became an interesting research subject

in their own right as a trend became apparent from the way the results of those checks

were reported. When problems with the reliability of police recorded data became

apparent from the findings published in some annual bulletins it was noted that in

some cases this information was omitted from the next Home Office Bulletin. The

following examples demonstrate the trend:

One way for the police to improve performance on the reduction of burglary is to

categorise attempt burglaries as criminal damage to a dwelling (FitzGerald et al

2002:140). One consequence of such a practice would be a change in the ratio

between burglaries involving the theft of property and attempted burglaries as

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[2] Home Office National Crime Recording Steering Group

attempted burglaries would be categorised as criminal damage to a dwelling thus attempts would become a less of a percentage of substantive burglaries. At the same time it might also be anticipated that, with improvements in home security, the number of attempted burglaries would increase as better security foiled more burglars. Yet this was not the case; the Home Crime Bulletins included a table showing attempted burglaries as a percentage of burglaries as a distinct data set up until 2002/03 (Simmons & Dodd 2003:65). When the percentage of attempts decreased, thus suggesting that there may have been a problem with police recording practice in this area (Table10.1). This data was not shown in this format in subsequent bulletins, although the raw data published allows for the calculation.

	98/99	99/00	00/01	01/02	02/03	03/04	04/05
Attempts as a Percentage of Burglary dwelling	13.6%	13.4%	13.6%	n/a	12.7%		

Table 10.1   **(Simmons & Dodd 2003:65[3]).**

Impact of Audit Commission Data Quality Checks on recorded crime: The difference in NCRS compliance levels on recorded crime levels between forces was the subject of an interesting data set in the 2004/5 Home Office Crime Bulletin (Nicholas el 2005:75) (Table 10.2). Not only did this show the increases in recorded crime experienced by forces graded 'good', on data quality by the Audit Commission, it also showed the differential impact compliance had on different crime types. Had this analysis continued it may have demonstrated the effectiveness of the Audit Commission's work (e.g. if compliance grades from certain forces improved but no

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[3] It should be noted the figures for 2002/03 are based on data provided by 34 forces. Data for 2001/02 are not currently available due to forces resubmission of figures for this financial year

increase in recorded crime occurred then it could have been inferred that the audit

arrangements were being circumvented).

| Percentage change in main recorded offences within violence against the person[2] between 2003/04 and 2004/05	2004/05 Number of crimes	'Top nine forces'[3]	Other forces
More serious violence against the person			
Threat or conspiracy to murder	23,668	+31%	+3%
Wounding or other act endangering life	19,425	0%	0%
Other offences against the person			
Less serious wounding	485,195	+25%	+12%
Possession of weapons	35,727	+13%	0%
Harassment	194,157	+58%	+22%
Assault on a constable	23,267	0%	+8%
Common assault	213,085	-1%	-13%
Total violence against the person	1,035,046	+22%	+6%

(**Table 10.2**)   (**Nicholas el 2005:75**)

The Home Office Bulletins have consistently included data from the BCS on the level

of police recording of offences reported to them. This has traditionally been included

in the section on reporting trends. In the 2005/6 Bulletin (Walker et al 2006) this data

indicated that the police propensity to record crimes reported to them was reducing

thus reversing the previous year's trend and challenging the Audit Commission's

reported improvements in the reliability of police recorded data (Audit Commission

2006).

The table of results published showed the marked difference in recording rates for

different offences (Table 10.3). This information corroborated the findings outlined in

chapter 5; that an interpretation of the 'balance of probability' element of the NCRS

was enabling police forces to return to an evidential crime recording standard and that

police recorded crime data was becoming less reliable:

Figure 4.3 Proportion of reported BCS crimes estimated to have been recorded by the police for comparable crime, year to September 2005

Crime type	Percentage
All comparable crime	70%
Attempted vehicle theft	100%
Theft of vehicle	90%
Burglary with loss	89%
Wounding (including common assault with injury)	82%
Theft from vehicle	73%
Vandalism	68%
Theft from the person	61%
Common assault (no injury)	55%
Bicycle theft	54%
Robbery	44%
Burglary no loss (including attempts)	36%
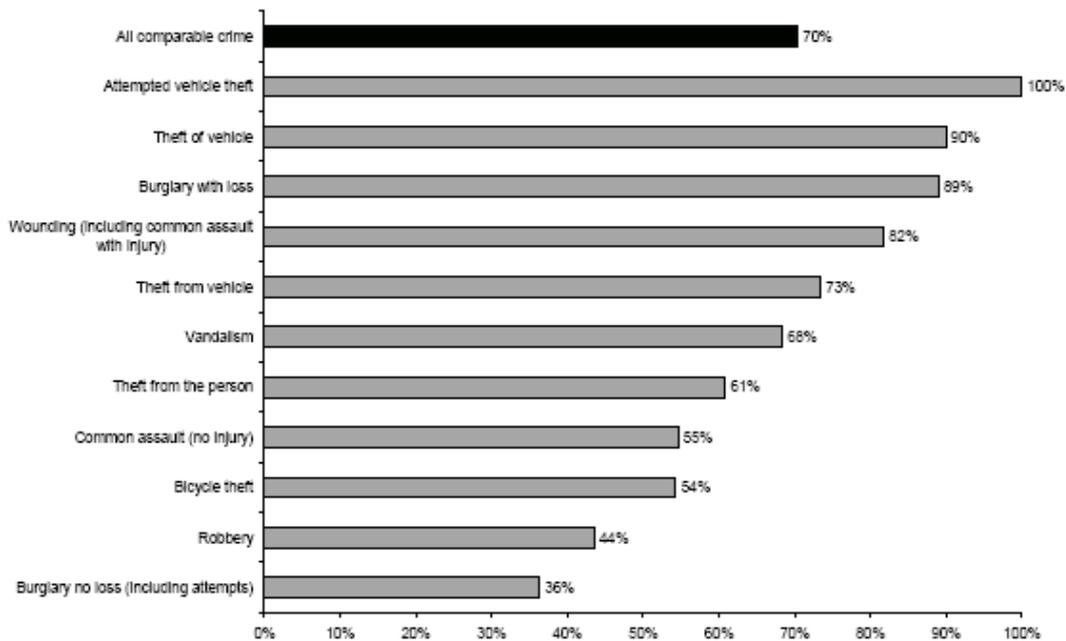
(Table 10.3)   **(Walker et al 2006:54)**

In the 2007 Home Office Bulletin the table was omitted and a rather more general

interpretation of the data provided instead:

> **"The numbers of crimes recorded by the police are influenced both by changes in the reporting of crime by the public and changes in the rules and practice for recording crimes by the police. Indexed trends show that the numbers of offences being recorded increased noticeably between 2001/02 and 2003/04, despite both numbers of crimes and numbers of reported crimes (as measured by the BCS) falling. However, this appears to be settling down and, since April 2004, the trends have become more consistent." (Walker et al 2007:26)**

The commentary on the detections data included in the annual Home Office Bulletin was also interesting e.g. in the 2003/4 bulletin (Dodd el al 2004) comment was made on the rise in the percentage of TICs:

> **"Just under half of detections for theft from a motor vehicle (part of the theft and handling category) are due to TICs, compared to around one-third of all burglary detections and one-quarter of fraud and forgery detections. Overall, 13 per cent of theft and handling detections were accounted for by TICs." (Dodd et al 2004: 115)**

In view of the history of malpractice surrounding TICs (Young 1991; HMIC 1999; Wilson et al 2001) it would appear appropriate for Home Office statisticians to bring this trend to notice. However in later annual bulletins post 2004 the rise in the percentage of offences detected by TIC did not elicit comment although the data is still contained in the statistical tables. The rise in Fixed Penalty notices did however still elicit comment.

Whilst such subtle changes in emphasis or omissions might have been made in order to make the Bulletin easier for the public to understand, in accord with the recommendations of the Statistics Commission (2006 incorporating Hope 2006), it may also be interpreted as an attempt to mask potential problems with the reliability of police data and the way in which performance on detections was being achieved. Whatever the reason for the changes or omissions outlined the suspicion of political or administrative interference was fostered in some quarters:

> **"The central issue is the independence of the government statistical service. There can not be a proper public debate about how best to deal with crime unless the full facts are made readily available for all. But as things stand, it is simply too tempting for any political party to have control of the release of information about crime." (Green www.Civitas.org.uk/2007)**

These sentiments were reflected in the recommendations of the Statistics Commission (2006)

> **"Recommendation 1: Responsibility for the compilation and publication of crime statistics should be located at arm's length from the Home Office policy functions and with clear accountability within the evolving framework of the government statistical service." (Statistics Commission 2006:6)**

That said information or intelligence is made available to politicians, policy makers and practitioners in order assist understanding and/or direct action. In the case of the information, contained within the Home Office Bulletins, on the reliability of police recorded crime data little action appears to have been instigated to investigate further the reliability of the data of the forces reporting higher than average reductions in crime e.g. those forces operating 'false reporting' policies or Merseyside[4] and the MPS in 2006/7[5]. A repeat of the monitoring exercise conducted by Simmons (2003), which provided an explanation for the post NCRS rise in recorded crime, would have identified any change in the ratio of reported crime incidents to recorded crimes. Whilst this would have helped establish the reliability or otherwise of police recorded crime data one has to question whether there would be the political will to potentially prove that reported crime levels were being suppressed by the police. The problem with not responding to any potential risk is that the problem can escalate and/or become exposed by the media. This appeared to be the case with the Home Office's response to the problems surrounding the deportation of foreign nationals following their release from prison (BBC 5.2.06) and the failure to process the backlog of records of UK nationals convicted of criminal offences whilst abroad (The Times

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[4] HMIC's baseline report (2006:53) indicated management were encouraging officers to make use of the 72 hour NCRS rule to ensure crimes had actually occurred and were recorded correctly.
[5] The Audit Commission Met. specific report (May 2007) indicated a lowering of compliance rates.

Newspaper 3.3.07). In both cases the Home Office appeared slow to react to

emerging risks.

The Government has also adopted an approach to inspection which rewards 'high

performing' police forces with a 'light touch' inspection:

> **"Delivering an inspection regime that continuously supports the frontline by aligning inspection and reducing requests to participate in inspections in other agencies. Delivering inspection that is joined up and proportionate to risk, so that good performers undergo less inspection and resources are concentrated on areas of greatest risk." (Criminal Justice System Inspection Policy Unit; March 2005:6)**

This approach fails to take account of the possibility that 'high performers' may be

relying on 'gaming' practices in order to improve performance. Certainly the abuse of

TIC procedures in Salford, Greater Manchester, (discussed in chapter 6) was

uncovered as a result of an exploration into why this Police Command Unit was

performing well on detections.

One of the interviewees interpreted failure to respond to statistical indicators of

problematic behaviour as complicity:

> **"I can't believe from a police point of view, like the old 'write offs', everybody knows what's going on. It's just who's willing to do something about it. It's been around for a long, long time - we know what the problem is but is there a will to deal with it, and if they deal with it what are the consequences? I mean depending on the timing it's safer to ignore it and thrive on what they've achieved or perceived to have achieved and that's what's happening with performance driven by central government…..The level of knowledge up the food chain? I cannot say but you've only got to look at the figures to see and it's obvious where the detections are coming from". (Interviewee D)**

It is somewhat ironic that the warnings indicated within the annual Bulletins have

apparently been ignored as one interviewee indicated that Home Office civil servants

were distrustful of the police:

> **"Civil Servants, and by that I mean senior civil servants in the Home Office, had a very distorted view of what the police were like - they also felt that we were roughnecks. The police are roughnecks, they are a little bit vulgar; the police are ill educated - I'm exaggerating and they would never say that but there is a very clear feeling that the police cannot be trusted to get on with the job because they will turn into roughneck thugs." (Interviewee C)**

However the same interviewee also provided a possible explanation for the apparent

lack of intervention:

> **"So we have a regime now installed which to my mind has gone out of control: We have a labour government since 1997. The first three years, to me I thought, were excellent, The Crime and Disorder Act, some fantastic stuff which they had done in opposition, which they had prepared, done their homework and based on academic research, and it was good stuff. They got into the sand a little bit and now they are over revving because they filled up the Home Office, it is stuffed with officials who have not come from the Civil Service background but who have come in to save the police service. It is an appalling scenario because these people are very intelligent, they have no idea about policing, they are zealots and they carry those very strong stereotype ideas of the police service….the doctrine is, the minister is right and we will deliver." (Interviewee C)**

Certainly all the evidence reviewed in this research demonstrated that Performance

Management was driving perverse behaviour and the regulators, for whom the Home

Secretary is responsible, are failing to prevent or control the behaviour. Although it is

unrealistic to expect a Minister to possess the level of specialist knowledge required

to interpret the subtle warnings from the vast array of data available, and they are

reliant on interpretation from their officers and advisors, they are ultimately

responsible for any failings.

4. HER MAJESTY'S INSPECTOR OF CONSTABULARY (HMIC):

The role of HMIC is outlined as follows:

> **"To provide independent assurance to the public and Ministers about the safe and proper delivery of services and act as a catalyst for improvement, providing valuable information to inspected services, so that recommendations can be implemented and improvements to service delivery achieved." (Criminal Justice System Inspection Policy Unit 2005:5)**

HMIC also provides recommendations on the suitability of senior officers for promotion to ACPO positions and the awarding of honours. HMIC ostensibly enjoys a high degree of independence from both Government Ministries and the Police. This was acknowledged by the Government in their review of the Criminal Justice Inspectorates:

> **"A fundamental principle of inspection is that it must be independent of service providers. The following characteristics are crucial to ensuring this independence:**

> - **the line of reporting and accountability should be from Chief Inspector direct to Ministers on inspection issues;**

> - **any inspectorate must be separate from the organisation which it inspects;**

> - **there must be no constraints on the ability of an inspectorate to carry forward a programme of inspections (announced or unannounced) in any part of the organisation within its remit provided only that the proposed inspections fall within its budget and statutory remit;**

> - **in deciding priorities for inspection, a Chief Inspector should consult with Ministers and Departments on the inspectorates proposed programme of work and strategy so that their legitimate concerns and expectations can be taken into account.**

- **any inspectorate must have full editorial control of its reports i.e. the freedom and confidence to report accurately on what it finds;**

- **inspectorates should discharge their responsibilities in a manner compatible with and supportive of Government policy; but in the event that the Chief Inspector felt that a particular Government policy compromised the proper professional standards, efficiency or effectiveness of an inspected agency, it should be open to the inspectorate to state that publicly."**

(Criminal Justice System Inspection Policy Unit 2005:16)

The methodology employed in this research has involved close scrutiny of HMIC documents in relation to forces which had experienced 'difficulties' or 'events' involving 'gaming' behaviour. In effect this has involved 'tracing the steps' of HMIC and other police regulators. This has provided an insight into the effectiveness of HMIC in preventing such behaviour and how it has responded when evidence of 'gaming' has been identified. HMIC's response to the distinct forms of police 'gaming' identified and discussed in chapters 4-9 is outlined as follows:

4.1. 'CUFFING'

Burrows et al (2000:37) indicated that Greater Manchester Police had introduced a 'prima facie' crime recording standard in 1997 following the identification of problems by HMIC (see chapter 4). The Home Office research (Burrows et al 2000:37) also contained an admission from senior officers from GMP that they had in

fact been 'cuffing' crime. However examination of the HMIC inspection report didn't

indicate that anything major was amiss other than the following comments:

> **"An audit to test the quality of crime recording was carried out during the Inspection and raised a number of procedural issues. Her Majesty's Inspectors recommend that the procedural issues raised in the crime recording audit report should be addressed (sent separately to the Force). (HMIC GMP 1997: 40)**

> **"The issues raised in the police national computer compliance audit report should be addressed (sent separately to the Force)." (HMIC 1997:61)**

There is little to suggest there was a major problem of the scale indicated by Burrows

et al (2000) and the force was deemed efficient by HMIC/GMP (1997:4). Sending a

separate report on the issue is behaviour more associated with a professional body

than an independent inspector and denies the public the opportunity to comment on

the failings uncovered.

The problems with police recording practices were identified in Nottinghamshire as

early as 1985; Farringdon & Dowds (1985) reported that recorded crime rates in

Nottinghamshire were being distorted by crime recording practices involving post

sentence admissions. In 1996, some twelve years later, HMIC didn't indicate any

concerns about these practices following their inspection of Nottinghamshire:

> **"The general conclusion was that the Force was generally ethically sound in its recording and administrative processes." (HMIC Notts. 1996:18)**

However in 1997 a superintendent in the force made a formal complaint against the

chief constable and his deputy (Investigated by officers from Bedfordshire

Constabulary). The complaint included the type 'gaming' behaviour identified by

Farrington & Dowds (1985). HMIC acknowledged this development in their 1997

inspection report:

> **"An investigation is being conducted by the Chief Constable of Bedfordshire concerning allegations, from an ex-police officer, regarding the recording of crime and disposals. A number of anomalies have been discovered by that enquiry, by HMIC during the Inspection, and by the Force themselves following an audit earlier this year. It is disappointing that little action has been taken to address these anomalies save for the introduction in June 1997 of a new policy on crime recording and disposal, which has yet to influence behaviour. The Force need to embark upon an urgent project to ensure performance with integrity and the credibility of crime recording and reporting practices and statistics. Progress will be reviewed in six months. (HMIC Notts.1997:4)**

Nottinghamshire was granted its certificate of efficiency by HMIC in 1997:

> **"The Force is led by a command team committed to continual improvement who recognise the challenges and the need for positive action in the ambitious programme to take the Force forward to the next millennium. The morale of the staff is generally good and there is a commitment to achieving performance related targets. In the professional view of Her Majesty's Inspector of Constabulary, Nottinghamshire Constabulary continues to provide an efficient and effective service to the public" (HMIC/Notts. 1997:4)**

HMIC's Inspection report in 1998 makes the following reference to the Bedfordshire

Inquiry:

> **"Following criticism of crime recording processes considerable time and resources have been devoted to ensuring the new 'crime model' is ethical, accurate and quality controlled." (HMIC Notts. 1998:4)**

The possible link between Nottinghamshire's performance and the measures taken to

ensure the integrity and accuracy of its data recording procedures was not made by

HMIC:

"The Force performance is good in a number of areas but on present indicators it is too often behind the family of forces comparison. With the recent re-organisation and push towards greater devolvement there is a need to sharpen accountability and engender a greater performance focus". (HMIC Notts. 1998:4)

In 2001 another HMIC inspection of Nottinghamshire took issue with crime recording procedures:

"Some minor problems were found during the Inspection and HMI suggests that the Force considers a more comprehensive audit of both crime and incident recording to gain an accurate view of performance." (HMIC/Notts. 2001:25)

Whilst it is impossible to gauge the scale of the problems uncovered from the above comment the sudden rise in recorded crime experienced in 2000/2001 (Fig. 10.1) might suggest it to have been more serious than reported.
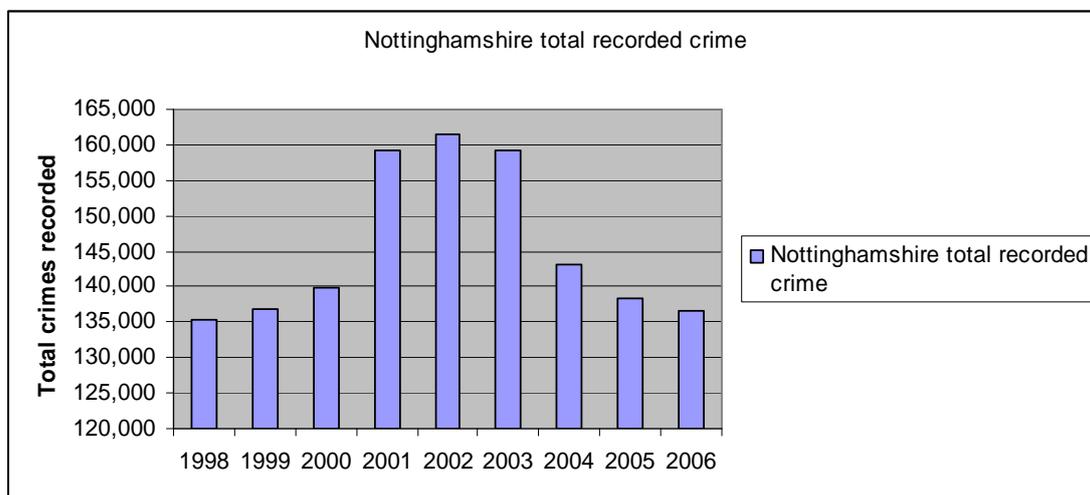
(Fig. 10.1)   **(Home Office Bulletins 1999-2007)**

The 1998/9 HMIC Inspection of the West Midlands Police commenced with a pre inspection audit. The confidential report outlining the nature and extent of the problems was submitted to the Chief Constable by HMIC and circulated to Chief Superintendents (HMIC/WMP Dec 1998 unpublished). The content of that report has already been discussed (chapters 4, 5, and 6) and the findings were referred to in the published HMIC Inspection (HMIC/WMP 1999):

> **"An audit undertaken by Her Majesty's Inspector's staff officers has identified that a number of reported allegations of crime were being recorded in a correspondence register rather than directly onto the crime system. The effect of these omissions was to give an inaccurate picture of the level of recorded crime and render crime pattern analysis and referral to victim support schemes less effective." (HMIC/ WMP 1999:2)**

The extent of the 'cuffing' is played down by pointing out that the findings from the audit were based on a dip sample and therefore not statistically significant. As seen from the increase in recorded crime discussed in chapters 4 & 5 the extent of the problem was more widespread than can be deduced from the report. The thematic report on integrity (HMIC 1999) also makes reference to the miscellaneous registers but this report does not identify the force concerned. In the 2001 inspection report HMIC noted the 16% rise in recorded crime since the previous inspection. However HMIC did not indicate in their report that this was due to measures introduced to address the malpractice uncovered during the previous inspection, other than to state:

> **"Crime increased by 16% in 1999/2000, some of which may be due to the introduction of policies and procedures to ensure the integrity of crime recording." (HMIC West Mids. 2001:52)**

In the 2004 baseline inspection[6] of the West Midlands Police HMIC made a positive

reference to the 'false reporting policy', discussed at length in Chapter 5 however no

comment was made on the link between the introduction of the policy and the fall in

overall recorded crime:

> **"The Force has been a leading light in the national Street Crime Initiative and has undertaken much innovative work particularly with mobile phones and false reporting." (HMIC/West Midlands 2004:16).**

The 2006 HMIC baseline inspection report on Merseyside Police does make reference

to the crime recording practices being operated by the force:

> **"The force is encouraging officers to maximise the 72-hours rule under NCRS to fully investigate the circumstances around reported crime. This will assist in the process of reducing the numbers of 'non crime' after the event and assist in the correct categorisation. However, this will leave a lag in the performance-monitoring process and possibly impact on NIM. In addition the force should ensure that only officers who are competent in NCRS are provided with this facility. (HMIC Merseyside 2006:53)**

This factor does not appear to have prompted any audit activity or intrusive inspection

of the crime recording procedures and there is no explicit comment made on the

possible connection between crime recording procedures, the reduction in crime and

the low customer satisfaction rating (HMIC Merseyside 2006:53). However the

following comment is recorded in the National Police Performance Assessment of

Merseyside:

> **"It has also delivered reductions in all crime areas, most notably reductions of over 20% for both violent offences and life-threatening and gun crime. The rates for both offences brought to justice and sanctioned**

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[6] Baseline Inspections is the current term used to describe HMIC force inspections.

detections have increased, coupled with a large reduction in the rate of acquisitive crime. User satisfaction, however, has deteriorated." (**www.homeoffice.gsi.gov.uk/performance/2007**).

4.2. 'NODDING':

The response of HMIC to the incidents involving 'nodding' in relation to 'prison write offs and TICs (pre. and post sentence) was also noted as the research progressed. Burrows et al (2000) commented on the impact of Greater Manchester's decision to cease 'prison write offs' in 1995:

> **"GMP has decided to abandon 'post sentence visits', leading its clear up rate to fall from 34 per cent in 1993 to 18 per cent in 1997 (HMI report)"** (**Burrows et al 2000:37 footnote 40**)

Whilst HMIC noted the impact of that decision in the 1996 inspection of the force the rationale for the decision was hardly clear:

> **"For good reasons, a decision has been taken to discontinue, at least for the present time, the former practice of making prison visits to obtain secondary crime detections from admissions by prisoners serving sentence. This will inevitably distort the apparent success rate of the Force in the near future, but HM Inspector understands the reasoning behind this decision which was largely concerned with identifying a more concrete statistical base upon which to judge the Force." (HMIC/GMP 1996:4)**

However, HMIC did not appear to support the total abandonment of 'prison write offs', as advocated by the action of the Chief Constable of GMP:

> **"HM Chief Inspector of Constabulary has recently circulated national guidelines for such prison visits which the Force is considering and should now be well placed to benefit from." (HMIC GMP 1996: para. 3.3)**

Prior to the abuse of post sentence visits and TICs in Nottinghamshire, exposed in 1997 (Wilson et al 2001), there was nothing in the HMIC inspection reports to suggest anything was amiss, in fact the following comment suggests they were encouraging the use of TICs as a means improving performance:

> **"Her Majesty's Inspector draws attention to the performance at Mansfield where primary detections include a large number of TIC (previously reported) offences. The Force should examine why officers are achieving success in securing admissions in respect of TIC offences and seek to spread good practice. By actively pursuing both means of detection there is scope to achieve further improvement in this area of performance." (HMIC/Notts. 1996:19)**

The Mansfield police command unit was subsequently identified as one of those police units most reliant on abuses involving 'nodding' (Wilson et al 2001:64). One of the remedial measures introduced by Nottinghamshire to guard against the abuse of TIC procedures was the requirement to ensure TICs had actually been accepted by the offender at Court before a 'detection' was recorded for performance purposes. However HMIC (2002) made comment on the adverse effect this procedure was having on the force's performance and pointed out such measures were not a requirement of the Home Office Counting Rules:

> **"Force policy indicates that TICs can only be shown as detected once the offender has appeared at court. The Counting Rules allow that such offences may also be shown as detected once the offender has unequivocally admitted the offence and has signed TIC forms to this effect. While the Force's current approach is not criticised, it may be that Force performance in terms of detected offences is being adversely and unfairly affected, as the majority of forces avail themselves of the latter criteria. HMI notes, however, the relatively low rate of disposal by way of**

> **offences TIC (9% compared to a MSF average of 13%) and acknowledges that a change in policy may not have a great impact. This is an area the Force may wish to explore further." (HMIC/Notts 2001/2:25)**

Prior to this comment being made HMIC officers had encountered similar problems with 'nodding' in the West Midlands Police and Cleveland. These forces had also adopted similar preventative measures to Nottinghamshire. In 1998 HMIC identified the process by which officers in the West Midlands Police were converting 'prison write offs' to TICs:

> **"The audit also identified a substantial (150%) increase in the number of offences admitted which had been previously recorded (TICs). These admissions are made following interview with persons currently under investigation or in prison either on remand or serving a custodial sentence. Such admissions, following charge, are classified as primary detections even when that case is discontinued by the CPS. The Force needs to research trends in this area of activity." (HMIC/West Mids. 1999:2)**

However, HMIC sought to allay any concerns that such practices might be unethical:

> **"Her Majesty's Inspector does not suggest the Force has been unethical in using this method, since the current counting rules allow such TICs to be accepted as primary detections. He is concerned that this approach provides an emphasis on TICs but does not appear to apply the same emphasis to the quality of evidence – a similar concern expressed by CPS in relation to some cases where charges are preferred. There are national issues, which Her Majesty's Inspector intends to resolve separately." (HMIC WMP 1999:28-29)**

Whilst the facts relating to the problems uncovered during the inspection were included in the Inspection report (HMIC/West Mids. 1999) the unpublished report (HMIC/WMP 1998) does contain more detail, although one of the interviewees was of the opinion that the unpublished report was not as hard hitting as it could have been:

"I'd be very worried. I thought it [*the HMIC report*] was written with a very positive spin to it; the fact is we are focussing on a particular activity which is basically prison visits; but generally if you didn't read that report carefully if you weren't careful the actual little time bombs ticking away could be missed, I think." (Interviewee C)

Although action was taken by the force command team to ensure TICs presented at court were accepted by the defendant when sentenced, post sentence TICs still continued to be sought until soon after the incident on 7th October 2003, when a suspect produced from prison and the officers accompanying him were arrested on suspicion of offences involving the supply of drugs (see chapter 6).

The significant reduction in detections following the incident in October 2003 does not elicit any explanation from HMIC in their 2004 Baseline Inspection of the West Midlands Police:

"There is a very strong performance culture within West Midlands and overall in the last three years the Force has been very successful at reducing crime and increasing detection rates." (HMIC WMP 2004: 8)

This omission may be due to the inspection relying on annual performance data and analysis of the overall detection rate; the significant fall in the number of detections being masked by the fall in recorded crime, therefore minimising the impact on the overall detection rate. One of the interviewees highlighted the difficulties faced by HMIC when reviewing such a mass of statistical information:

"Well they see them but they don't see them. They don't have all of this [*the documents reviewed*]; they don't have the detailed knowledge of what's going on in the Force; they don't know about this case [*the October 2003 incident*]; that isn't how it works. HMIC, they don't have the

> **resources; they are not on top of that sort of detail; it is an audit; it is a periodical inspection; a baseline assessment is done on the data provided by the force." (Interviewee A)**

The links between the 'sex for detections' scandal involving Bedfordshire officers, which featured in the widely circulated free newspaper (Metro News 16.5.06:15), and the performance of Bedfordshire Police is not apparent from examination of the HMIC Baseline Assessments[7] of the force:

> **"The sanction detection rate changed very little in 2005/06 (compared with a rise nationally), and Bedfordshire ended the year just below the MSF [*most similar force*] average, with a rate of 23%. Significant effort has been put into increasing detection rates, and officers and police staff are acutely aware of the drive to improve on performance in this area." (HMIC/Beds. Oct. 2006:40)**

Neither does the poor showing of Bedfordshire in the National Police Performance Assessments 2006/7 (www.homeoffice.gsi.gov.uk/performance) elicit any comment to explain the sudden fall in detections.

The incident involving inducements in return for admissions involving Merseyside officers which came to public notice in 2007 (discussed in detail in Chapter 6) and the reduction in detections obtained via 'other' means of detection experienced by the force in 2006 also failed to elicit comment from HMIC in their Baseline Assessments although the fall in detection rates for burglary dwelling, vehicle crime and robbery are mentioned without any explanation being proffered. However the impact of this 'incident' and any remedial action on the overall detection rate would be masked by

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[7] It is likely the investigation was ongoing at the time of the assessment.

the high number of detections obtained by cannabis warnings and fixed penalties for disorder.

One of the weaknesses of the inspection process in relation to detection rates and their vulnerability to 'gaming' practices was the absence of any systematic national scrutiny or audit regime. This deficiency appeared to have been rectified by HMIC when they carried out an audit of detections for the years 2005/6 and 2006/7 (Home Office Nov.2006) However the results of this audit were not made public, although Police Authorities were provided with a copy of the results on their own force only. This is a deviation from the policy of publication pursued by HMIC since 1991 and in marked contrast to the way the Audit Commission reports publicly on data quality. HMIC did however publish the results in the FOI section of their web site in response to an FOI request[8]. The poor results for TICs (Table 10.1) demonstrates the lack of internal scrutiny being applied to this area which is vulnerable to 'nodding'. The deterioration from the results in 2005/6 (Table 10.2) is also noticeable and supports the comments of one of the officers interviewed by Chatterton (2008):

> **"It goes on year after year and it gets tougher and tougher. What people do under the performance culture they 'housekeep' but you can only housekeep to a certain extent and then the following year, particularly when you do well, you get even harder targets. You can't housekeep like that any more and that gets you into a very difficult situation because you are on that train. You have got to do something else then and that is when it starts getting ethically and morally wrong. I think we've hit that stage now with the politics behind it all." (Chatterton 2008:46)**

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[8] This request did not form part of this research.

Force	Data Testing	Cautions (Adult)	TICs	PNDs	Cannabis Warnings	Non Sanction Detections
Avon & Somerset	Fair	Good	Poor	Fair	Good	No judgement
Bedfordshire	Poor	Poor	Excellent	Poor	Fair	Poor
BTP	Poor	Fair	Poor	Poor	Poor	Poor
Cambridgeshire	Good	Excellent	Good	Poor	Fair	No judgement
Cheshire	Poor	Poor	Poor	Fair	Poor	Poor
City of London	Poor	Poor	Poor	Poor	Poor	No judgement
Cleveland	Poor	Poor	Good	Poor	Poor	Poor
Cumbria	Fair	Fair	Poor	Fair	Fair	Poor
Derbyshire	Poor	Fair	Poor	Poor	Fair	Poor
Devon & Cornwall	Por	Poor	Poor	Poor	Fair	Poor
Dorset	Poor	Fair	Poor	Poor	Poor	Poor
Durham	Poor	Poor	Poor	Poor	Poor	Fair
Dyfed Powys	Fair	Good	Poor	Poor	Excellent	Poor
Essex	Poor	Poor	Poor	Poor	Poor	Poor
Gloucestershire	Poor	Fair	Poor	Poor	Poor	Poor
GMP	Poor	Good	Poor	Poor	Poor	Poor
Gwent	Fair	Good	Poor	Poor	Poor	Poor
Hampshire	Poor	Poor	Poor	Poor	Poor	Poor
Hertfordshire	Poor	Good	Poor	Poor	Poor	Poor
Humberside	Good	Excellent	Fair	Fair	Poor	Poor
Kent	Fair	Good	Poor	Fair	Poor	Poor
Lancashire	Poor	Fair	Poor	Poor	Poor	Poor
Leicestershire	Good	Excellent	Poor	Good	Good	Poor
Lincolnshire	Good	Excellent	Fair	Fair	Poor	Poor
Merseyside	Poor	Good	Poor	Good	Poor	Poor
MPS	Poor	Fair	Poor	Poor	Poor	Poor
Norfolk	Good	Excellent	Poor	Fair	Excellent	No judgement
North Wales	Fair	Excellent	Fair	Fair	Fair	Poor
North Yorkshire	Fair	Good	Poor	Fair	Excellent	Poor
Northamptonshire	Poor	Fair	Poor	Poor	Poor	Poor
Northumbria	Fair	Fair	Poor	Poor	Fair	Poor
Nottinghamshire	Good	Good	Excellent	Poor	Good	Fair
South Wales	Poor	Fair	Poor	Poor	Good	Poor
South Yorkshire	Fair	Fair	Poor	Poor	Excellent	Fair
Staffordshire	Excellent	Excellent	Excellent	Excellent	Excellent	Excellent
Suffolk	Poor	Fair	Poor	Poor	Fair	Poor
Surrey	Good	Excellent	Good	Poor	Poor	Poor
Sussex	Fair	Fair	Poor	Good	Fair	Poor
Thames Valley	Good	Excellent	Fair	Good	Excellent	Excellent
Warwickshire	Good	Excellent	Fair	Fair	Good	No judgement
West Mercia	Fair	Excellent	Fair	Poor	Poor	Poor
West Midlands	Fair	Good	Good	Fair	Poor	No judgement
West Yorkshire	Fair	Good	Fair	Poor	Good	Poor
Wiltshire	Fair	Good	Poor	Poor	Excellent	Poor

(Table 10.1)   **(HMIC 2008)**

Force	Data Testing	Charge	Summons	Cautions (Reprimands + Final Warnings)	TICs	PNDs	Formal Warnings for cannabis
Avon & Somerset	Poor	Fair	Fair	Fair	Poor	Poor	Poor
Bedfordshire	Fair	Fair	Fair	Fair	Fair	Fair	Poor
BTP	Fair	Fair	Good	Poor	Poor	Poor	Poor
Cambridgeshire	Good	Excellent	Excellent	Fair	Fair	Fair	Poor
Cheshire	Poor	Fair	Fair	Poor	Poor	Fair	Poor
City of London	Good	Excellent	Fair	Fair	Good	Fair	Poor

Cleveland	Fair	Fair	Good	Poor	Poor	Fair	Fair
Cumbria	Good	Excellent	Good	Poor	Fair	Fair	Fair
Derbyshire	Good	Excellent	Excellent	Fair	Fair	Fair	Poor
Devon & Cornwall	Fair	Fair	Fair	Fair	Good	Fair	Poor
Dorset	Fair	Fair	Fair	Good	Poor	Fair	Poor
Durham	Good	Good	Excellent	Good	Fair	Excellent	Fair
Dyfed Powys	Good	Good	Good	Fair	Fair	Good	Excellent
Essex	Fair	Fair	Excellent	Fair	Good	Good	Poor
Gloucestershire	Poor	Fair	Fair	Poor	Poor	Poor	Fair
GMP	Poor	Poor	Poor	Poor	Poor	Poor	Poor
Gwent	Fair	Fair	Fair	Poor	Poor	Fair	Poor
Hampshire	Fair	Fair	Poor	Poor	Poor	Poor	Poor
Hertfordshire	Fair	Good	Fair	Poor	Poor	Poor	Poor
Humberside	Fair	Fair	Poor	Poor	Fair	Fair	Poor
Kent	Fair	Fair	No judgement	Fair	Fair	Fair	Poor
Lancashire	Fair	Good	Good	Fair	Poor	Good	Fair
Leicestershire	Fair	Fair	Fair	Excellent	Poor	Fair	Fair
Lincolnshire	Fair	Excellent	Poor	Good	Fair	Fair	Poor
Merseyside	Fair	Fair	Poor	Fair	Poor	Fair	Poor
MPS	Fair	Excellent	Poor	Good	Poor	Good	Fair
Norfolk	Good	Excellent	Fair	Good	Poor	Fair	Poor
North Wales	Fair	Good	Good	Poor	Poor	Fair	Poor
North Yorkshire	Excellent	Excellent	Excellent	Excellent	Fair	Good	Fair
Northamptonshire	Fair	Fair	Poor	Poor	Poor	Poor	Poor
Northumbria	Good	Good	Excellent	Fair	Fair	Good	No judgement
Nottinghamshire	Fair	Good	Fair	Poor	Fair	Fair	Poor
South Wales	Good	Good	Poor	Good	Poor	Fair	Fair
South Yorkshire	Good	Excellent	Good	Fair	Fair	Good	Good
Staffordshire	Good	Good	Poor	Good	Fair	Good	Poor
Suffolk	Fair	Good	Fair	Poor	Fair	Fair	Poor
Surrey	Fair	Excellent	Poor	Poor	Good	Fair	Poor
Sussex	Fair	Fair	Good	Fair	Fair	Fair	Poor
Thames Valley	Fair	Fair	Fair	Poor	Poor	Fair	Excellent
Warwickshire	Fair	Good	Poor	Fair	Fair	Fair	Poor
West Mercia	Fair	Fair	Fair	Poor	Poor	Fair	Fair
West Midlands	Good	Excellent	Poor	Fair	Fair	Fair	Poor
West Yorkshire	Good	Excellent	Fair	Fair	Good	Good	Fair
Wiltshire	Fair	Fair	Poor	Poor	Poor	Fair	Fair

(Table 10.2)   **(HMIC 2008)**

4.3. HMIC'S RESPONSE TO 'SKEWING':

Over a number of years HMIC have made comment on the negative impact of

Performance Management on the prevention and investigation of serious crime: In

1999 the low priority given to the investigation of rapes and child abuse was

highlighted in the thematic report on police integrity (HMIC 1999). In 2001 the

inspection report on Cleveland contained a comment on the lack of focus on more

serious crime:

> **"Her Majesty's Inspector acknowledges, however, that competing demands on resources requires a balanced approach to tackling volume crime and 'premier league' villainy. His view is that, so far, the balance has not been achieved in Cleveland." (HMIC/Cleveland 2001:2).**

HMIC also went on to make the following adverse comment on the inspection regime

itself and its effect on this aspect of policing:

> **"the staffing of major incidents or sizeable investigations is no longer the exception but the norm. It is a resourcing issue that can easily be overlooked by scrutineers of police performance." (HMIC Cleveland 2001:2)**

Similar comments were recorded by HMIC in their inspection report on the West

Midlands Police in 2001:

> **"One consequence of such an 'achievement focus' can be that officers may look for the easy detections and ignore those more serious offences that require further investigation and HMI urges the Force to continue to guard against the commendable performance culture being allowed to skew operational activity." (HMIC/WMP 2001:2)**

Such an observation preceded the deaths of Constable Malcolm Walker[9], murdered on

4th October 2001; and Letisha Shakespeare and Charlene Ellis, shot on 1st January

2003. The link between performance management and the response to serious crime

was discussed in chapters 7& 8.

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[9] Constable Walker was killed by 'gang members' who used a vehicle to deliberately crush him to death.

The scale and nature of the problems with the investigation of rapes and child protection was not apparent from an examination of HMIC annual baseline assessment for 2004. The force was graded 'good' in the category 'Reducing Hate Crime and Crimes Against Vulnerable Groups' including children and rape victims 2004(HMIC West Mids. 2004:13). However the need to improve rape investigations was mentioned in 2005:

"The force has recognised that the investigation of rape offence crimes is in need of improvement, reflected in the 2004/05 performance figures and reinforced by the commissioning of a review into rape investigation across the force (2004)." (HMIC/WMP 2005:25)

In 2005 the rating for 'Reducing Hate Crime and Crimes Against Vulnerable Groups was again 'Good'. (HMIC West Mids. 2005:10) There is nothing in these reports to indicate the problems highlighted by the internal report dated (June 2004) which pre-dated the death of J.L.M. in August 2004(Part 8 Review November 2005) discussed in detail in chapter 7. However in 2006 HMIC graded the force as 'Fair' in this area and the issue of under-resourcing of Child Protection Units was commented upon (HMIC/West Mids. 2006:48).

Two HMIC thematic reports; 'Police Integrity' 1999 and 'Closing the Gap' (O'Connor 2005) raised the negative impact of Performance Management on the investigation of serious crime as effort was 'skewed' towards 'volume crime'. The review of Performance Management carried out by HMIC (2007) also implied that the focus of activity had moved in favour of the easier to measure volume crime at the expense of the more difficult to quantify serious crime:

"It is now necessary for HMIC to focus its inspection effort on those areas of policing that are not data-rich and where qualitative assessment is the only feasible way of judging both current performance and the prospects for improvement. This, together with the critical factor that HMIC should concentrate its scrutiny on high-risk areas of policing – in terms of risk both to the public and to the service's reputation – pointed inexorably to a focus on what are known collectively as 'protective services'. In addition, there is a need to apply professional judgement to some key aspects of leadership and governance, where some quantitative measures exist but a more rounded assessment is appropriate."(HMIC 2007:4)

4.4. HMIC'S RESPONSE TO 'STITCHING':

The audit of detections in 2006/7 (Table 10.1) (HMIC 2008) including checks on the validity of non-sanctioned detections, including DNFPA (Detected No Further Police Action). Whilst DNFPAs had been classified as non sanctioned detections from 2003 onwards the audit revealed that suspect's details were still being recorded on local police crime recording systems as responsible for offences without there being sufficient evidence to support such an action i.e. 'stitching'. In some cases the suspect was unaware that this had occurred. This finding prompted the president of ACPO to write to the Information Commissioner on 13.2.07 to inform him of the potential breaches of the Data Protection Act involved in such cases:

"The administration of 'non sanctioned detections' has been identified by HMIC as a risk to the service in that a proportion of the records on force systems are inaccurate (to varying degrees) and as such potentially in breach of the data protection act." (ACPO letter to the Information Commissioner 13.2.2007 unpublished[10])

[10] The Information Commissioner advises organisation that it is good practice to publish on their web sites documents which have been released in response to FOI requests, if it is in the public interest to

The issue surrounded the recording of detections when there was insufficient evidence and/or the suspect had not been informed (discussed at length in chapter 9). The C.M. case (Chapter 9) highlighted the risks involved in such procedures. ACPO outlined the problems uncovered by the audit:

> **"The nub of the issue faced by the service is that a proportion of the offences detected by non-sanction means fail the 'administrative test' in that they do not comply with HOCR. The most frequent errors are:**
>
> - **The sufficiency of evidence (this is a judgement issue with the HMIC and forces coming to a different view) to justify/support a non-sanctioned detection.**
> - **A failure to record whether the victim has been informed that the offence has been detected through non-sanctioned means, and**
> - **A failure to record that the suspect has been informed.**
>
> **(ACPO letter to the Information Commissioner 13.2.2007 unpublished[11])**

The correspondence dated 13.2.2007 went on to assure the Information Commissioner that discussions were being held with HMIC and the Home Office and that the necessary steps were being taken to ensure compliance with the Data Protection Act. Further correspondence from ACPO dated 10.4.2007 provided further assurances:

> **"Please rest assured that the issues that have come to light as a result of the recent Association of Chief Police Officers' and HMIC audits have been taken extremely seriously by the police service. To this end a series of meetings have taken place in fast time with all relevant parties, including the Home Office, to consider how best to address the concerns**

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do so. The Information Commissioner has not yet published the above documentation released 11.12.2007 (09.07.08)

[11] The Information Commissioner advises organisation that it is good practice to publish on their web sites documents which have been released in response to FOI requests, if it is in the public interest to do so. The Information Commissioner has not yet published the above documentation released 11.12.2007 (09.07.08)

**that you raised to which we are alive" (ACPO letter to the Information
Commissioner 10.4.2007: Unpublished)**

Whilst the correspondence intimates that the Home Office was aware of the issue, it is
impossible to establish from this documentary evidence the level of knowledge within
the Home Office hierarchy. The correspondence from ACPO suggests the scale of the
problem is minimal although the measures quoted are difficult to quantify. The
serious nature of the offences is implied by reference to child protection procedures:

> **"ACPO has reviewed a snapshot of disclosures for the period 2003 – 2005
> (for a range of 'high risk' offences). Whilst the process has (but for a
> handful of cases) worked effectively – clearly the issue of data protection
> has a bearing on the disclosure process. ACPO has taken the view that the
> disclosure of 'intelligence and information' associated with non-
> sanctioned detections remains legitimate in the context of the Enhanced
> Disclosure Process and public protection in the wider context." (ACPO
> letter to the Information Commissioner 13.2.2007 unpublished)**

The response of the Information Commissioner is outlined later in this chapter.

4.5. OVERALL OBSERVATIONS ON HMIC:

HMIC conduct thematic reports on various subjects either at Government direction as
was the case with 'Closing the Gap' (HMIC 2005) or in response to identified trends,
as was the case with the Integrity report (HMC 1999), and the Joint Inspection with
HMIcps into the low conviction rate for rape (2002 & 2007). In the thematic report
on integrity HMIC (1999) set themselves the task of addressing the tendency towards
improving performance by engaging in the type of 'gaming' outlined in the report:

> **"The core business of HM Inspector of Constabulary is to encourage and
> monitor continuous improvement by police forces, and the issue of**

integrity is very much part of that process. Through inspection and day-to-day contact, Her Majesty's Inspector is confident HMIC will increasingly monitor integrity, the systems and the investigative and corrective measures for maintaining it, and Inspectors will become aware at an early stage of any failings. In the same way forces are urged to keep in view the human side of policing, HMIC, in its new role as 'best value' inspectors, will not lose sight of this important responsibility" (HMIC 1999:69).

The regular re-occurrence of the 'gaming' behaviours identified by HMIC (1999) reflects the impact HMIC have had on the problem. The failure to address 'nodding' and the abuse of the procedures associated with the conversion of 'prison write offs' into post sentence TICs is evidenced by the increase in reported cases involving the exchange of inducements for admissions/detections e.g. West Midlands 2003; GMP 2004; Bedfordshire 2006; and Merseyside 2007.

The return to an 'evidential' crime recording standard heralded by those forces adopting 'false reporting policies' has not stimulated any reaction from HMIC; the failure to stem the lack of focus on serious crime is evident from their own findings reported in 'Closing the Gap' (HMIC 2005) and their joint reports on the investigation of rape (HMIC/HMIcps 2002 & 2007). This may partly be due to a tendency to minimise the nature of their inspection results. The HMIC reports reviewed indicated that their reports included the bare facts but did not appear to explain fully the relevancy or interconnectivity of the various pieces of information. This makes it difficult for Police Authorities, media, and members of the public to interpret what are extremely complex documents[12]. Certainly the members of the West Midlands Police Authority at the time of HMIC Inspection in 1998/9 were unaware of the nature and scale of the problems uncovered during the inspection:

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[12] The Morris report on the MPS's Professional Standards Dept highlighted the difficulties Police Authority members faced when interpreting complex systems and information. (Morris 2003)

"We definitely weren't told anything significant" (Police Authority member[13])

This approach to the Police Authority hardly reflected HMIC's stated expectation that

Police Authorities should take on a greater role in maintaining integrity:

"One theme of this Inspection has been the need for chief constables to have systems and procedures that enable them to be informed of the health of all aspects of integrity in their force. Her Majesty's Inspector is of the view this should equally apply to the police authority. (HMIC 1999:67)

The ex-HMIC officers interviewed were of the opinion that this was not an exception:

"So sometimes there were suspicions, yes on a number of occasions the draft report raised questions even made tentative conclusions which did not necessarily appear in the final report. Now that may have been because the HMI bottomed them out during this particular inspection or it may have been that politically they were not the sort of thing or questions which they wanted to publicise." (Interviewee A)

There was nothing in the documents reviewed to suggest that Ministers were informed

of the extent of the problems being uncovered and the ex-HMIC staff officers

interviewed, were of the view that problems unearthed during force inspections were

not routinely brought to the attention of Ministers:

"If it were some malpractice which turned up within a force then it would almost invariably be raised by the HMI with the Chief Constable with an expectation that it would be dealt with within the force and questions would be asked about what happened." (Interviewee A)

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[13] Police Authority member declined formal interview but provided answer to this question by email 18.9.2007)

In order to test the ability of lay members to interpret HMIC reports an experienced

journalist was asked to review the HMIC internal report on the West Midlands Police

(HMIC 1998 unpublished). He made the following comments:

> **"My first act is, skip to the conclusion. Nothing jumps out at me. This looks like a tedious internal examination of bureaucratic processes. Because I've been handed the document I suspect there must be more to it than that. The first paragraph in the audit findings suggests to me that the force is failing to record crimes properly – and that implies that the West Midlands is a higher crime area than the police would have us believe. However the conclusion also states that this is based on a sample which is too small to be statistically significant. The thought- "well why bother?" crosses my mind, but spinning a story about apparently pointless inspections from this document doesn't light my fire. My general news reporter's head is now losing interest. I flick through the remaining chapters – convinced I've got something very boring on my hands.**
>
> **A quarter of crimes go unrecorded in Birmingham City Centre**
>
> **I have a story. I'm a touch dubious about it, however there's enough here to make a case. I need to understand a little more about white reports and also PSV's, TICs and OCU's their crime managers and whether they are held accountable for crime stats. On their patch.**
>
> **But I'm on page 27 now – so I keep reading about TICs. This is also interesting. As I read on through the lists from page 30 to 35 the story appears to get better. Are the police doing two things at once – under recording crime rates (by 25%) and boosting convictions by getting people to admit crime they haven't done?" (Journalist: Interviewee K)**

The journalist who reviewed the internal document went on to compose the type of

news article he would have prepared if he had the report passed to him at the time:

> **"West Midlands Police has been told to change the way it records crime after a confidential report warned that officers are claiming convictions where there is no evidence.**
>
> **The report found that the controversial technique of encouraging suspects to admit to other crimes, may be significantly distorting how many crimes the police can claim to have cleared up.**

They call them Ticks [*sic*] – taken into consideration – a method where police will talk to a suspect about a whole range of crimes on top of the offences they have just been arrested for. This confidential report highlights one case where a suspect admitted to a further 86 offences, all them tics [*sic*]. However the suspect never made it to court – with the prosecution discontinued by government lawyers.

What did happen though was that those 86 incidents remained on the police books as crimes solved, despite the fact that no one had gone to trial. In some cases, the report says, the police will even accept a tic when the evidence is clear that the suspect could not have committed the crime.

This comes on top of further evidence in the document that the way the police keep their paperwork could be cutting the number of crimes actually recorded by 25%.

Her Majesty's Inspector of Constabulary has now told the force to review the way officers interview suspects about Ticks [*sic*] and how the force checks whether each tick [*sic*] is a genuine crime detected or simply a convenient boost to police statistics." (Journalist: Interviewee K)

One of the interviewees was more explicit in his comments based on the information

in the HMIC report (HMIC/West Mids. Dec. 1998 unpublished):

"In here they do an audit of crime reports, it's appalling there isn't another word for it really." (Interviewee A)

When asked "What is the report telling you about the ethical standards operating in this force at that time? He replied:

"Well they're not very high are they; there are all sorts of things going on in this force which are contrary to never mind any laid down standards, they are totally contrary to any ethical system of recording or detecting crime." (Interviewee A)

The impact of such standards on the police officers themselves was commented on by another interviewee:

> **"Why are cops cynical? Because they are continually faced with mixed messages and you get police cynicism because they know the true story and yet they see the public image which is very different. So people get medals, press reports saying crime is going down, all that sort of stuff."**
> **(Interviewee C)**

HMIC also acknowledge that some officers had little confidence in the inspectorate:

> **"A perception was shared with the Inspection Team that some officers may be reluctant to raise issues with Her Majesty's Inspectors, believing 'There's no point in me telling them because they're all friends of the chief constable anyway.' This myth has to be dispelled by HMIC through actions, and seen to be so by police officers, support staff and special constables" (HMIC 1999:69)**

The evidence discussed in this chapter suggests that the officers' perceptions were based on more than myth. Sir Michael Bichard identified the lack of impact of HMIC Inspections during his inquiry following the Soham murders and he criticised HMIC for their inaction:

> **"I have no doubt that Her Majesty's Chief Inspector of Constabulary (HMCIC), Sir Keith Povey, appreciates the critical part that HMIC can play in raising the performance of police forces across the country. I also believe that he understands how HMIC can perform that task most effectively. Nonetheless, I have already said that HMIC could and should have done more to identify earlier, and help address more effectively, the problems that existed in Humberside Police. HMIC might also have focused earlier, nationally, on the issues of record retention, deletion and vetting. Humberside Police were inspected on several occasions during the period in question, and although comments were made about IT information systems and intelligence, at no time was the scale of their problems exposed. The fact that HMIC were able to reach clear views so quickly in their inspection in late 2003 underscores my conclusions." (Sir Michael Bichard 2004:8-9)**

The review of HMIC documents conducted as part of this research supports Sir Michael's assessment.

5. THE INFORMATION COMMISSIONER:

The Information Commissioner oversees both compliance with data protection legislation and the Freedom of Information Act. The office is therefore of crucial importance of upholding the principle of accountability and transparency as the Freedom of Information Act converts government policy on public accountability into reality. When public bodies refuse to disclose information under the provisions of one of the exceptions contained within the Act the decision can be appealed to the Information Commissioner for consideration. If the Information Commissioner finds in favour of the appellant a disclosure notice can be served on the Public Body requiring them to disclose the information being sought.

A request to obtain copies of the PSU's reports on Nottinghamshire and West Yorkshire police forces under the provisions of the Freedom Of Information Act was refused by the PSU. This decision was referred to the Information Commissioner on 26th July 2006. The grounds for appeal were based on two main points:

1. **If these forces were genuinely performing badly then informing the public why this was so would enable them to form an opinion about the effectiveness of those responsible for delivering the service and allow them to exert pressure on them to improve. This argument was consistent with the Government's objective of informing the public about the performance of a public service, thus empowering them to hold those responsible to account. The refusal to make public the apparent failings of these two forces prevented such informed action occurring.**

2. **If the PSU was encouraging these two forces to improve the statistical reflection of their performance by adopting the type of 'gaming' practices discussed in this thesis then the public had a right to know.**

The matter was still being dealt with by the Information Commissioner's office over two years after the referral (1.03.09). That said the intervention of the Information Commissioner does involve the Commissioner's Office engaging with the Public Body subject of the appeal in order to understand the issues at stake prior to making an informed decision. This process is resource intensive and staffing difficulties may explain why the appeal had not been issued to a case worker over 12 months after the appeal was received.

However as has already been highlighted, earlier in this chapter, problems with the use of non-sanctioned detections, particularly DNFPAs and the practice of recording crimes as detected without informing the suspect, had been brought to the Information Commissioner's attention. The initial response of the Information Commissioner dated 26.3.2006 to the revelations made by the president of ACPO indicated that the Commissioner's staff had been consulted on crime recording rules in 2004 and had made it clear that individuals should be informed that they were considered suspects along with the reasons for this. The Commissioner voiced his concerns over the latest revelations:

> **"Consequently I was disappointed to receive your letter (although I thank you for the courtesy of informing me). From my perspective I am most concerned that individuals were not being informed that they were considered to be the perpetrator of an offence even though this did not involve a legal process, especially if such information could be used in future Enhanced Disclosure relating to them. This clearly breaches the requirement of the first data protection principle that the processing of personal data must be done fairly. I am also worried by the sufficiency of evidence used. If a police force is going to label an individual as the de facto perpetrator then they must have a good objective reason for doing so. Not having this could lead to a record being viewed as inadequate or inaccurate (breaches of the third and fourth principles respectively)."**
> **(Information Commissioner 26.3.2006: Unpublished)**

However despite these reservations the Commissioner declined at that stage to use his formal powers opting for a less confrontational approach:

"I would prefer to work with chief officers to ensure compliance. I would like to know more detail about how this has come about and what action is being taken to ensure future compliance" (Information Commissioner 26.3.2006: Unpublished)

The Information Commissioner included the caveat that he may review his decision if a complaint was received about the breaches brought to his attention. The uncovering of unwarranted 'stitching' involving DNFPA procedures is likely to come to light during Part VIII Serious Case Reviews, which take place following the death of a child as a result of a crime. A number DNFPAs recorded without the suspect's knowledge relate to domestic assaults or sexual offences which tend to be scrutinised during Part VIII Reviews. However the Information Commissioner's decision in another case may well prevent such abuses coming to public notice: In the City of Plymouth vs. the BBC the Information Commissioner indicated that he would not support full disclosure of the information considered by the Part VIII review boards on the grounds that professionals should be able to share information openly at such reviews without the risk of public exposure. The decision related to a Multi Agency Part VIII Review[14] carried out after the death of a child in the Plymouth area in 2005. The BBC appealed against the refusal by Plymouth City Council to disclose the full submissions made by the various agencies to the review. The Council maintained that the executive summary was sufficient for the purposes of informing the public of what had occurred and what the agencies involved intended doing in order to embed the lessons leaned into their future working practices. One of the grounds for non-

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[14] Serious case reviews are commonly known as Part 8 Reviews, a reference to the fact they were established under part 8 of the 'guidance' document 'Working Together to Safeguard Children'.

disclosure was made under the provisions of Section 36 of the Freedom of Information Act – prejudice to the conduct of public affairs. This is the same exemption relied upon by the PSU. After careful consideration of the case (FS50082254 www.ico.gov.uk) the Information Commissioner upheld the decision of the Local Authority, maintaining that the making of the individual agency submissions public could result in less candid information being shared by public bodies in future Part VIII reviews and such behaviour was not in the public interest:

> **"The most effective and efficient way of incorporating the lessons learnt from these tragedies into working practices in order to increase the levels of protection afforded to children is to provide an environment in which professionals can freely discuss the circumstances of a case as honestly as possible. The established means of achieving this is the Part 8 Review and the Commissioner accepts this process would be compromised if professionals anticipated that reviews would be disclosed to the public. It follows that the public interest is best served by maintaining the exemption in order to preserve the best opportunity care agencies have in improving the protection they provide " (FS50082254 www.ico.gov.uk 2006:13)**

Whilst the Information Commissioner was satisfied in this case that the executive summary was an accurate reflection of what had occurred[15] the decision set a precedent[16] which shifted the balance towards professional confidentiality at the expense of public accountability. If this decision had been made prior to the commencement of this thesis then many of the documents utilised in the course of the research could have been withheld and/or delays imposed by the requirement to appeal the decisions to the Information Commissioner. It is to the credit of the Police Forces subject of this research, particularly the West Midlands Police, that they showed such commitment to the principles of accountability and transparency.

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[15] Not all the Part 8 Reviews examined as part of this research make it clear what had gone wrong.
[16] The case was quoted when a request for disclosure of the Part 8 review on the Troy Simpson case was requested.

The decision also makes the assumption that disclosure under the protective arrangements of Part VIII reviews will lead to the remedial action required to prevent a repetition of the tragic events under review, as can been seen from the evidence presented in this thesis that assumption is not supported.

The impact of the City of Plymouth vs. The BBC impacted on one part of this research. Anecdotal evidence indicated that quality failings had occurred in the way the police and other agencies had dealt with a case which resulted in the death of a baby found dead in a drain in Sandwell on 8.2.06 (BBC News 27.2.2007). A request was submitted to Sandwell Social Services for a copy of the Part VIII review into the circumstances surrounding the death. The initial response received on 19th Oct 2007 made reference to the Information Commissioner's decision in The City of Plymouth vs. The BBC:

- **"We are currently unable to provide a copy of the full Part 8 Review, as this is ongoing and the full report has yet to be completed.**

- **In addition, you may be aware of the Information Commissioner enforces the provisions of the Freedom of Information Act 2000 (FOIA) and has the power to overturn decisions reached by public bodies to withhold information.**

- **Of particular relevance to your enquiry is the decision reached by the Commissioner on 23rd August 2006, in respect of the disclosure of a Part 8 Review commissioned by Plymouth's Area Child Protection Committee.**

- **The Commissioner investigated Plymouth City Council's decision to withhold the full report, following an appeal by the BBC. The full decision notice (Ref. FS50082254) can be accessed via the Commissioner's website.**

- **The Commissioner upheld the decision reached by Plymouth City Council in this case. In particular, paragraph 67 of the decision notice states:**

- **"The most effective and efficient way of incorporating the lessons learnt from these tragedies into working practices in order to increase the level**

of protection afforded to children is to provide an environment in which professionals can freely discuss the circumstances of a case as honestly as possible. The established means of achieving this is a Part 8 Review and the Commissioner accepts that this process would be compromised if professionals anticipated that reviews would be disclosed to the public"

(Sandwell Metropolitan Borough Council)

The executive summary was released on 25th Oct 2008 (Sandwell LSCB[17]). The twenty recommendations suggested that serious failings had occurred but it was impossible to tell from the scant detail contained in the executive summary what these were.

6. POLICE STANDARDS UNIT (PSU), NOW PART OF THE POLICE AND CRIME STANDARDS DIRECTORATE:

The remit of the Police Standards Unit is to improve the performance of police forces on the detection and reduction of volume crime. Performance Management lay at the heart of the philosophy adopted by the unit:

> **"The embedding of a performance-focused approach to policing has been a central element of the Government's Police Reform programme. The Police Standards Unit has played a pivotal role in this work. Key components of the approach to shaping this performance drive have been:**
> **• Arriving at a more comprehensive and informed view of what comprises effective police performance through the development of the Policing Performance Assessment framework**
> **• A greater emphasis on assessments of force performance which are objective, independent and data driven**
> **• More use of comparative performance information which highlights variations in achievement between forces, Basic Command Units and their peer groups**
> **• An increase in the capability to access up-to-date performance data at both the national and local level.**

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[17] The report is so deficient in information that there is no reference and the details of the child or the date of the child's death are not included in the report.

> **• Quality assurance of data to ensure that data is reliable and valid comparisons can be made." (PSU 2005:2)**

The Home Secretary can authorise the PSU to engage with forces which are deemed to be underperforming. The Police Performance Steering Group chaired by the Director of Policing Policy and comprising of representatives from ACPO and the Association of Police Authorities meets on a monthly basis to review the performance of forces. The criteria for engagement are as follows:

> **"For a force to be considered for 'engagement', its performance data across a range of measures, including crime reduction, will have been flagged to the Steering Group, over a minimum of two successive quarters (a 6-month period), indicating that it is either performing at or near the bottom of its peer group for selected measures or has shown a significant decline in performance over the two periods. The Steering Group will then decide whether it is appropriate to commission a full force assessment to take account of the more qualitative aspects of performance and context of policing in that area." (www.homeoffice.gov.uk/about-us/freedom-of-information/relaesed-information 11.8.2005)**

Note the Steering Group did not monitor those forces which showed sudden improvements in performance, a sign, as can be seen from this research, of problematic behaviour. However, the PSU's own performance was clearly gauged on its ability to improve the performance of police forces in general and those it engaged with in particular:

> **"During 2004/5, the forces with which the Unit engaged reduced target (volume) crime by 23.2%, compared with 15.4% in the other forces in England and Wales. This is a significant achievement when one considers why we were engaged with those forces in the first place and is a particular testament to the efforts which the forces themselves put in to turning around performance." (PSU 2005:2)**

In order to gain an understanding of the unit's impact in delivering improved

performance the following graph was produced showing the relative improvement in

crime reduction rates for the forces they had 'engaged' with (Fig .10.2):
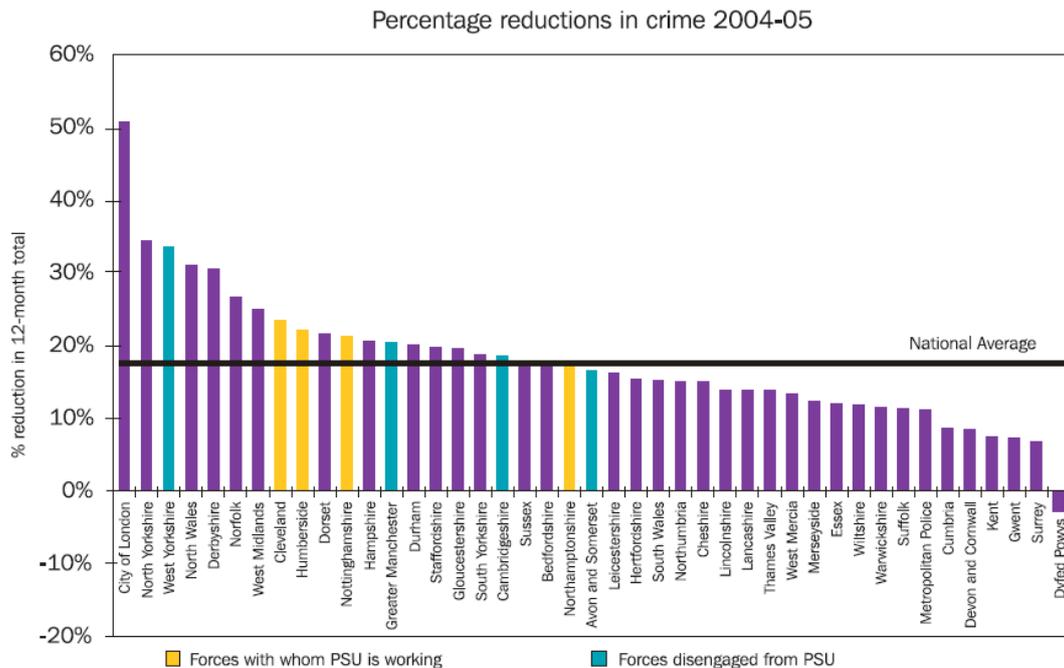

Fig. 10.2)   (**PSU 2005:3**)

As this research has revealed the marked statistical improvement in performance of a

number of the forces 'engaged' by the PSU corresponded with changes to their crime

recording procedures as they moved back towards an 'evidential' crime recording

standard; GMP have moved from a 'prima facie' standard to 'balance of probability';

West Yorkshire had introduced a comprehensive 'false reporting policy' indicating an

'evidential' standard; Cleveland, Nottinghamshire, Humberside, and Avon &

Somerset had all introduced some element of a 'false reporting policy';

Northamptonshire and Cambridgeshire had not introduced a 'false reporting' policy

and no evidence was available to suggest that they had changed their crime recording

standard although, as has been discussed previously, the 'balance of probability' standard does leave considerable room for manoeuvre and a move towards an 'evidential' standard would not be detectable from the information in the public domain.

In their 2005 annual report the PSU cited their engagement with West Yorkshire Police as an example of their success. The marked reduction in recorded crime following the introduction of a comprehensive 'false reporting' policy is evident from Fig. 10.3:

West Yorkshire Total Recorded Crime
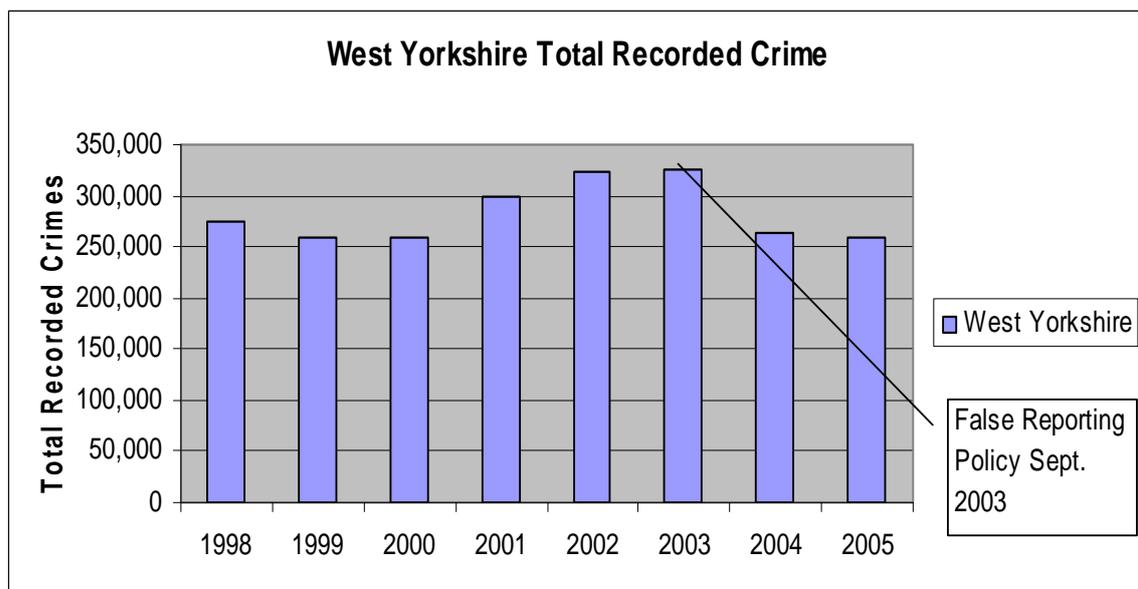
(Fig. 10.3)   (Home Office 1999-2007)

A copy of the documentation relating to the PSU's engagement with West Yorkshire and Nottinghamshire forces was requested under the provisions of the Freedom of Information Act. After an initial blanket refusal from the Director some peripheral documentation was released following the Home Office internal appeal. This revealed

a need to improve forensic-DNA recovery for burglary and vehicle crime however the documentation contained a recommendation to West Yorkshire to increase TICs:

> **"TIC's and additional detections resulting from forensic investigations could be improved" (Policing Delivery Unit Assessment 14/4/03: unpublished)**

It is surprising that improved forensic examinations were not being related to arrests and charges which are more valuable in terms of controlling crime. TICs do not, in most cases, result in a judicial outcome in which the full facts of the case are fully disclosed to the court or indeed in some cases even placed before a court. One possibility is that, while aware of the difficulties involved in securing convictions from forensic or DNA evidence alone, the PSU was suggesting the easier option of improving detection rates by post sentence TICs which is associated with 'nodding'. When the number of TICs detected by West Yorkshire was examined for the period 2001/2 to 2006/7 (Fig. 10.4) the marked increase from 2004/5 onwards was evident.
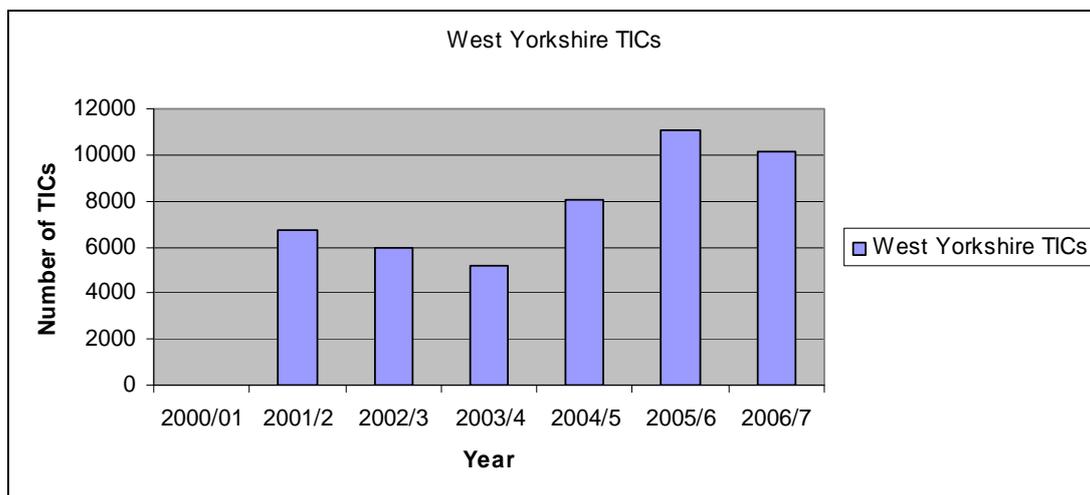
(Fig. 10.4)   **(Home Office 2008)**

When West Yorkshire's annual detection rate for sexual offences is examined (Fig. 10.5) the reported improvement in the force's overall performance had clearly not extended to the investigation of this particular category of offences.

West Yorkshire Sexual Offences Detection Rates
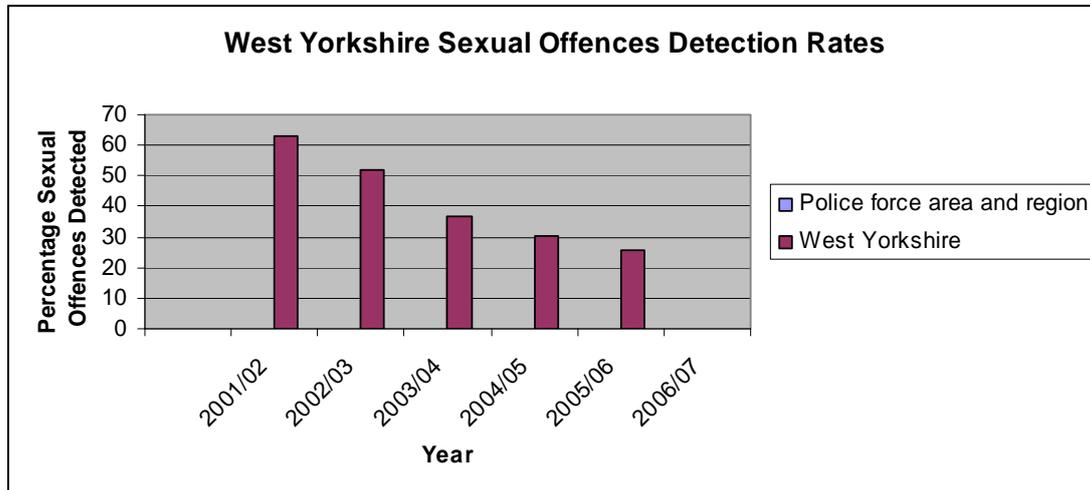
(Fig. 10.5)   **(Home Office 2008)**

Closer examination, of the recommendations made by the PSU, was thwarted by the refusal to release the pertinent documentation. The grounds for refusal were as stated:

> **"For all of PSU's existing and future engagements the disclosure of the documentation would prejudice the PSU's ability to conduct effective work with under-performing forces……If forces find these assessments in the public domain, they will be understandably defensive to any critique, increasing dramatically the difficulties of the already sensitive engagement process. Release of this information could irrevocably affect the relationship between the service and PSU and could severely prejudice PSU's capacity to help improve performance." (Home Office 12.7.2006: Unpublished)**

This approach is in marked contrast to HMIC's policy of publishing reports. HMIC inspectors were also able to uncover evidence of malpractice during their inspections despite working under similar conditions to the PSU and in some cases lower ranking

officers brought to the attention of the inspectors the means by which performance was being enhanced e.g. the unofficial crime registers being operated in the West Midlands Police. This stance denied the public the opportunity to assess how the PSU was improving performance. Such a policy also prevents the public from assessing if improved performance was being achieved by re-defining or interpreting differently the crime recording standard; relying on TICs to improve the detection rate; and/or cutting back on the investigation of serious crime.

7. THE AUDIT COMMISSION:

The Audit Commission carried out data quality checks on behalf of the PSU which set the specification and extent of the audit. The audit itself was advertised to forces in advance, and the areas of scrutiny were also known. This could enable forces to rectify records likely to be checked; a factor acknowledged by the Audit Commission:

> **"In some forces, considerable resources have been devoted to the retrospective checking of records, and in a few cases this work appears to have been concentrated on records expected to fall within the scope of the Audit Commission's review. While every police authority and force should have in place a programme of internal audit, this should always be risk-based and designed to cover all units, BCUs and types of data on a sample basis rather than by focusing on the particular records likely to be scrutinised by the external auditor". (Audit Commission 2004:15)**

As discussed in Chapter 4 the mechanisms by which forces record crimes and incidents can make non-compliance easier to detect: For example, the Met. Police received and 'logged' all calls from the public on its electronic call handling system

and then passed crime incidents which did not require the immediate attendance of an

officer on to its crime recording centres. Any failure to record a crime could therefore

easily be identified by the audit. By contrast forces which passed calls directly to

crime recording centres had more opportunity to 'cuff' reports without the risk of

detection by the audit. Whilst the limitations of this audit approach was highlighted in

chapters 4 & 5, the Audit Commission was straightforward in the language it used to

report on its findings as the following comment on the Met Police demonstrates:

> **"Performance in relation to crime data is inconsistent. A good standard
> has been achieved for crime reclassification, a function undertaken
> centrally by the Data Accuracy Team. The standard of 'no criming' is
> poor having deteriorated from 'good' in 2006: this function is undertaken
> at BCUs and whilst reasons for non compliance vary, a lack of knowledge
> of Home Office Counting Rules was apparent. Overall, crime data has
> been assessed as fair." (Audit Commission/MPS 2007:9)[18]**

Whilst the Audit Commission were not aware of 'false reporting' policies and their

impact on the crime recording standard in 2006, when this part of the research

was conducted, the auditors did uncover and report unfavourably on similar policies

discovered during their audit of the Met. Police in 2007:

> **"A number of local policies are in use, and whilst most comply with the
> relevant guidelines or standards, there is evidence of non compliant
> policies being implemented". (Audit Commission/MPS May 2007:7)**

The Audit Commission also carried out data quality checks on the 'incident'

categorisation as part of this audit of the Met, (recording 'incidents' inaccurately, e.g.

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[18] Unpublished but accessible on the MPA web site)

reported crimes as suspicious incidents, was one way of circumventing the crime

audit checks[19]). The findings prompted the following comment:

> **"The data is not yet of a sufficient standard of accuracy to merit sharing with partner agencies (such as crime and disorder reduction partnerships) but BCUs that we visited have NIM compliant tasking mechanisms in place and data sharing protocols which will facilitate the sharing and use of NSIR data when appropriate." (Audit Commission/MPS May 2007:10)**

However the Audit Commission only placed the national report in the public domain.

Local force specific reports had to be accessed directly via the Audit Commission or

individual forces. There was also a problem with the aggregation of individual Police

Command Unit results into the overall force 'grade'. This could result in a form of

'definitional gaming' (Jackson 2005) as low data compliance levels in Police

Command Units where particular crime types are prevalent could be 'masked' in the

aggregated data compliance results. This factor was acknowledged by the Audit

Commission:

> **"In 2003, there were 19 forces where the average gap between the compliance rate of the best-performing BCU and the weakest in recording crimes was more than 10 per cent, suggesting that not enough was being done to share good practice between BCUs. (Audit Commission 2004:11).**

Such non-compliance could have a disproportionate impact on force's overall

performance on crime reduction.

The Audit Commission's support for Neighbourhood Crime Fighting Teams, the basis

for Neighbourhood Policing, involved an assessment of the West Midlands Police

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[19] The Audit Commission check incidents categorised as crimes against crime reports. If an operator doesn't indicate an incident is a crime the crime audit would not pick it up.

experience (Smith 2002). The methodology employed (primarily interviews with police officers) did not appear to take into account the wider impact on the distribution of resources (see Chapter 8 & Patrick 2004b).

8. THE INDEPENDENT POLICE COMPLAINTS COMMISSION (IPCC):

The IPCC took over from the Police Complaints Authority on 1st April 2004 with the aim of improving public confidence, as the chairperson Nick Hardwick was to comment:

> **"The body will mark a fresh start for the complaints system and boost the public's confidence in the service" (Police Review 19.3.2004:22)**

The IPCC has its own team of investigators and senior investigating officers in order to carry out its own investigations in more serious cases. However it can make an order to supervise or manage investigations carried out by outside forces. All police forces have to report complaints of a serious nature to the IPCC in order that they can decide the level of scrutiny they will apply. The referral of the J.L.M. case, (discussed in detail in chapter 7 'skewing'), to the IPCC and their stated objective of investigating the wider issues of how the West Midlands Police dealt with child protection and domestic violence incidents in general did provided an insight into their effectiveness. The investigation was, on the surface, fairly straightforward. The Part VIII review had already identified where the individual failings had occurred. The internal report on child protection procedures completed on 18th June 2004 (WMP 2004 unpublished) rendered the force culpable for the underinvestment and

under management of their child protection units. A review of previous Part VIII

reviews would have confirmed the trend referred to in the report dated 18th June 2004.

The officers involved could avail themselves of the defence that they were under-

staffed and over worked and this had led to the failings identified in the Part VIII 8

review. HMIC's inspection report in 2006 (HMIC/West Mids. 2006:48) confirmed

under-staffing in Child Protection Units.

Reviews of individual cases of such seriousness have had a major impact on police

practice and procedure in the past: Lord Macpherson's report (1999) into the death of

Steven Lawrence; Lord Laming's inquiry (2003), following the death of Victoria

Climbie, and Sir Michael Bichard's inquiry (2004), following the Soham murders,

being the most recent examples. However the IPCC investigation did not criticise the

West Midlands Police. The results of the investigation were released in a press

statement from the IPCC in 2.4.2008 (three years after the child's death):

> **"No evidence of systematic failure, but scope for significant improvements…….Previous reports found shortcomings by several agencies concerned. Our investigation does however confirm that there was no serious misconduct by individual officers, no systematic failure in West Midland Police's approach to child protection, and no evidence of failure by the police to pass on information to other agencies". (www.IPCC.gov.uk/news/pr020408)**

Examination of the IPCC report (IPCC 9.6.08 unpublished) on the investigation

carried out by a Detective Chief Inspector from the West Midlands Police revealed

that the officers from the Family Protection Unit who had investigated the assault on a

child which preceded the murder of J.L.M. had cited workload pressures for their

identified failings. The investigating officer made the following comment:

> **"It is the opinion of the investigating officer that this delay was excessive and cannot be justified even in light of the extreme resource and workload pressures outlined by [details withheld] during interview."** (IPCC 9.6.08:23 unpublished)

> **"It is clear that the excessive pressure of work within the team led to this officer being allocated an investigation that would not usually have been expected to own at this stage of [*deleted*] attachment."** (IPCC 9.6.08:23 unpublished)

A local command unit policy, which advised officers not to circulate suspects details until a certain level of evidence has been obtain was cited as the reason for the failure to circulate the named suspect as 'wanted' on the Police National Computer:

> **"Suspects should only be circulated on PNC when there is sufficient evidence to support a substantive charge against them (pending interview) e.g. statement(s) from the IP and/or witnesses clearly identifying the offender, positive forensic evidence identifying the offender etc."** (IPCC 9.6.08:18 unpublished)

The failure to circulate as wanted the known offender was commented upon unfavourably in the Part VIII Review of the case (see Chapter 7) and resulted in a missed opportunity to arrest the offender prior to the murder of J.L.M. However, the investigating officer was of the opinion that his arrest would not have prevented him being at liberty at the time of the murder:

> **"However it is extremely likely that he would have been released on police bail following interview albeit with conditions attached to protect his three victims [*details deleted*] owing to the requirement to obtain other statements from witnesses."** (IPCC 9.6.08:20 unpublished)

The option of informing the National Probation Service with a view to revoking his prison release 'licence' is not referred to specifically in the report.

The report also identified a failure to record, on the force incident recording system, the fact that a crime had occurred when the earlier assault was reported by a third party:

> **"The information contained in the call clearly indicates that a domestic assault has occurred and that there is concern regarding the safety of the children with [*offender named*]. This information is not reflected in the wording of the log." (IPCC 9.6.08:5 unpublished)**

It would appear the officers attending the incident were unaware a crime of assault had occurred and dealt with the incident as a 'breach of the peace' removing the offender from the scene.

There in nothing in the documentation released to suggest that any audit of calls has taken place to check that crimes are not being recorded as such on the incident recording system therefore allowing officers to use their discretion at the scene to decide whether or not to record the incident as a crime or not i.e.' cuffing'. Such a practice would, as has been discussed earlier in this chapter, circumvent the Audit Commission's data quality checks. Failure to record reported assaults as crimes 'cuffing' featured in the death of another child, N.M. referred to in chapter 4.

The investigating officer did attach a copy of an internal West Midlands Police report, 'Child Protection Audit', dated 15.3.04, completed by the 'Climbie Implementation Project team'. This report was not as direct or hard hitting as the report dated 18 June 2004 (see chapter 8) which did not appear, from the evidence available, to have been

released to the IPCC[20]. The report dated 15.3.04 did however highlight the problems

with 'arresting suspects by appointment', which featured in the J.L.M. case:

> **"The interviewing of offenders by appointment was found to occur as a matter of course on some CPUs….In terms of reinforcing the gravity of committing offences against children to offenders, interviewing by appointment potentially undermines this principle." (IPCC/West Midlands Police 15.3.04:5 unpublished)**

The IPCC did, however, commission an independent report by an expert in the field

of child protection (The Fox Report). The IPCC press release on the investigation

concludes:

> **"Neither the investigation of the handling of the *J.L.M.* case nor the wider independent review found evidence of systematic failures in WMP's arrangements. However both shortcomings by individual officers in the case and significant scope for improved working arrangements were identified." (www.ipcc.gov.uk/020408)**

The high workloads of Child Protection Units commented on by HMIC (HMIC West

Mids. 2006:48) was not referred to although the increase in resources committed to

Child Protection Units was referred to positively:

> **"The actions taken and the resources committed by West Midlands Police demonstrates an open-minded approach to learning and improved working by a generally high-performing force, which is good news for the public of the West Midlands." (www.ipcc.gov.uk/020408).**

The positive portrayal of an increased allocation of resources after the 'event' under

investigation was in marked contrast to the position taken by the inquiry into the

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[20] It is impossible to determine whether or not the investigating officer was aware of the existence of the report dated 18.6.04 addressed from the Detective Superintendent Child & Adult Protection, Crime Support to the Assistant Chief Constable (Crime).

Soham murders where post incident actions were viewed as evidence of pre-incident neglect (Bichard 2004:8-9).

Whilst this was just one case, investigated by the IPCC, it did provide an opportunity to test the IPCC's investigative ability against a set of known criteria, i.e. knowledge of the details of the case enabled comparison with their findings and conclusions. This was pertinent as at the time this research was concluding the IPCC was attracting criticism:

> **"The Independent Police Complaints Commission (IPCC) came under fire when a High Court Judge called its thinking 'fatally flawed. Mr Justice Saunders made the criticism when considering R** *(Dennis) v Independent Police Complaints Commission* **CO/9140/2007, 6 May 2008…..'It is important that the functions of the [IPCC] are carried out properly to maintain public confidence in the system and the police force and to ensure if there are lessons to be learnt that that happens' (www.lag.org.uk/27.6.08)**

> **"The IPCC, which was set up in April 2004 to replace a discredited Police Complaints Authority, was dealt a severe blow when more that 100 members of the Police Action Lawyers Group (PALG) withdrew their backing from the commission and two of the group's representative members…resigned from its advisory board this year" (www.lag.org.uk/27.6.08)**

The evidence reviewed in this research suggests such criticism was valid.

9. CHIEF OFFICERS OF POLICE:

Although not a regulator in the formal sense the Association of Chief Police Officers

does act as a professional body and set standards for service delivery in certain areas.

It is therefore of value to review the reaction of chief officers to Performance

Management and the potential encroachment on their operational independence.

In 1978 Sir Robert Mark, the retired Commissioner of the Metropolitan Police,

warned of the dangers of political encroachment into the operational realms of

policing:

> **"Resistance to political encroachment on their operational freedom and exposure to the brunt of social change. By comparison with these two, crime is never likely to be more than the conventional costly nuisance it is today and terrorism, as today, in reality a comparatively insignificant issue. Freedom and public order, in the widest sense, must be the priorities for the police of tomorrow – and I mean free from domestic, not foreign masters." (Mark 1978:290)**

John Alderson, the ex Chief Constable of Devon and Cornwall, and a pioneer of

'neighbourhood policing' warned his fellow Chief Officers of the constraints a

subscription to narrowly defined performance criteria would impose upon them:

> **"Trapped as they are in the world of criminal statistics as proof of their efficiency, the police need to break out and seek other measurements of their success."(Alderson 1979:7)**

The ex Chief Constable of Bedfordshire was to comment on the unwanted side effects

of performance management in 2001:

"Experience in policing and of any other organisation where performance management techniques are used, powerfully shows that when robust performance management techniques come in the door, ethics tend to go out the window" (O'Byrne 2001)

In 2003 this warning was to be repeated in a forthright manner by Peter Neyroud, then Chief Constable of Thames Valley, in the written evidence he presented on behalf of ACPO to the Parliamentary Committee on Administration. The following is an extract from the memorandum submitted to the committee:

**Q. "Is there a danger that targets and league tables that are badly drawn up and crudely managed will destroy morale and motivation on the front line – for instance by implying that professionals can't be trusted?
A: Yes. "Policing for London" exposed the real erosion of trust in the organisation created by an even focus on performance measures and a real danger of "administrative corruption" (Parliamentary Select Committee on Public Administration 2003).**

Following the Police Federation of England and Wales's Annual Conference in 2007, which brought the perverse effects of performance management into the media 'spotlight', Bob Quick, the Chief Constable of Surrey, admitted that overall improvements in detection rates did not necessarily imply success, as such results were achieved by improving the detection of softer, easy to investigate crimes (London Evening Standard 20.10.07). This revelation was then followed by an acknowledgement from the Chief Executive of the National Policing Improvement Agency[21] that serious crime was being neglected:

"The professional view is that the one area in which we have not improved significantly over the last ten years is raising our level of performance in relation to the most serious crimes." (The Times 13.11.2007).

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[21] Peter Neyroud

He suggested the blame for this rested with the performance regime:

> **"Because detecting a stolen milk bottle counts the same as detecting a murder….you get your points from, not necessarily milk bottles, but certainly mid-range, volume crime, rather than serious crime." (The Times 13.11.2007).**

This public announcement was to stimulate the type of public response which earlier comments from the HMIC had failed to elicit:

> **"This is a striking intervention from one of the most senior and experienced police officers in the country…..The public would expect the police to make it a priority to deal with serious crimes of violence." (Richard Garside[22] quoted in The Times 13.11.2007).**

However, Peter Neyroud did not outline the role his fellow ACPO officers had played in bringing about this state of affairs. The National Association of Retired Officers was not so reticent:

> **"NARPO have provided evidence to Sir Ronnie's review [*HMIC 2008*]. In that evidence we have highlighted the movement of the service away from a common sense approach to policing, allowing the use of discretion by police officers relying on their professionalism, training and experience, towards an over accountable, target driven, and bureaucratic service. The fact is that much of this bureaucratic burden has been imposed from outside the service with varying degrees of complicity from senior management" (NARPO Nov 2007:11)**

One of the interviewees was also to comment on the role of chief officers in maintaining ethical standards:

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[22] Director of the Centre for Crime and Justice studies at King's College London

> **"A police force is shaped by its Chief Officer who then shapes the senior officers and sets a tone and that tone trickles its way down" (Interviewee C)**

HMIC placed a responsibility on chief officers to monitor and deter the perverse effects of performance management as the following extract from the good practice guide demonstrates:

- **Have all unethical crime recording practices been eradicated?**
- **Are high volume crimes being unnecessarily pursued at the expense of proper investigation of more serious crime?**
- **Is there a system for the chief officer team to be advised by the head of the CID of any inconsistencies or bad practice in crime recording, and investigation, particularly major crime investigation?**
- **Is the standard applied for crimes detected upon the authorisation of a senior police officer only attributed to a particular perpetrator whose involvement is provable by evidence which, if given in court, would be likely to result in a conviction, commonly including at least an unprompted admission containing accurate features of the crime that only the perpetrator would have known?**
- **Whilst embracing the concept of best value, is the 'service' side of policing, for example child protection and community and schools liaison, work still afforded a high priority?**
- **Is there a genuine desire by chief officers to find out what is going on in their force?**

(HMIC 1999: Appendix A)

Of course there is little or no incentive to be vigilant and no evidence emerged from this research to indicate that any sanctions were imposed on the chief officers of those forces where malpractice was uncovered or exposed:

> **"There are a number of cases in recent years where Chief Constables and others have left the service under something of a cloud but actually can anybody identify any case where a Chief Constable has actually been held to account for things that's he's done or have gone wrong in their force. The closest you get is the Chief Constable of Humberside…at the end of the day he retired on pension." (Interviewee A)**

More junior officers tended to bear the burden of responsibility for any wrongdoing; a feature of policing identified by Smith & Gray (1983); Smith (1986); and Waddington (1999) and labelled by Ericson 1981) as "organisational hypocrisy". Clearly in the case of the West Midlands prior to HMIC's inspection in 1998 (HMIC 1999) senior management had their suspicions that 'gaming' was occurring as the following quote, from an Assistant Chief Constable in the West Midlands Police, implies:

> **"An area of concern is under-recording. I can't rule out people wanting to generate good figures.' In that force, a separate method of recording those 'difficult to detect' crimes, was discovered." (HMIC 1999:20)**

The findings of the HMIC inspection in 1998 had a marked impact on the force as ethical crime recording procedures were introduced. However whilst the procedures in relation to TICs in general were tightened the practice of seeking post sentence TICs continued, although they tended to be sought for selective offences such as vehicle crime and burglary which had become the focus of more refined detection targets. However the procedure was known to be fraught with risks:

> **"It didn't kick in immediately this fiddle, some OCUs were quicker than others, other OCUs were slower and some wouldn't touch it with a barge pole, quite understandably, but you are back into this performance culture" (Interviewee D)**

It was clear problems with this type of detection were being brought to the attention of senior officers prior to the incident in October 2003 when officers were arrested during the operation in which drugs were passed to an offender released from prison into their custody:

> **"There was a reluctance to tackle them head on. I can think of two OCUs that Performance Review would regularly raise concerns about and they were pushed upstairs, highlighted to ACPO, and nothing ever happened."** (Interviewee D)

Other more detached interviewees (Interviewees A; B; & C) were to take a more supportive view of the senior officers:

> **"Well I think the force had been grabbed by the scruff of the neck and it had been shook up, but the nature of policing is that these things re assert themselves. There is a strong culture."** (Interviewee C)

However, there was no evidence that managers at Command Unit level were being penalised for the 'gaming' practices uncovered:

> **"The problem was as we went further down the time line dealing with those OCUs, dealing with those people on OCUs, the managers who were appearing to be abusing the rules to enhance their own performance. That was something I was always disappointed with because nobody was ever pulled up before him (the Chief Constable) or any other similar person to be disciplined, to be if you like smacked on the head and it was unfortunate that it wasn't dealt with in the way it should have been."** (Interviewee D)

Whilst the scale of abuse involving TIC procedures may have emanated from lower echelons of the service and failed to register alarm with senior management the introduction of 'false reporting' policies was a direct result of senior managerial decisions and force policies were 'signed off' by chief constables. Although the interviewees were all of the opinion that the policy would lead to crimes being 'cuffed' some were conciliatory towards chief constables who introduced the policy:

> **"You would want to say; they're sufficiently experienced enough and knowledgeable to understand the consequences of each and every one of their policies; on the other hand they are initiating a policy which is**

designed not to ensure that crime is accurately recorded but to ensure that crime is under-recorded. So, on both accounts you would want to say you have some concerns. I actually doubt if they really understand all of the implications of what they are saying here." (Interviewee A)

However, on the issue of where responsibility for the general levels of integrity within a force lay, the interviewees supported the position taken by HMIC (1999) that the ultimate responsibility lay with senior officers who set the ethical tone for the organisation. Having completed a review of the documentation and performance data relating to the West Midlands Police the interviewee C was to conclude:

"There is a tone within the organisation which is not healthy." (Interviewee C)

The problems uncovered by of detections (table 10.1 and 10.2) in relation to DNFPA/non sanctioned detections and revealed in the correspondence between ACPO and the Information Commissioner provides an illustration of the level of internal scrutiny applied by chief officers when adequate external arrangements are not sufficient.

10. THE RANK AND FILE OFFICERS AND THE POLICE FEDERATION OF ENGLAND & WALES:

One of the most powerful forms of regulation is self-regulation by those charged with the delivery of the service and in the case of police constables their authority derives from the Crown. So they are individually responsible for their own actions and, in theory, need not obey if ordered to do something unlawful by their superior officers. This in itself is a potential constraint on 'gaming' and one of the interviewees was of

the opinion that the 'gaming' practices prevalent within the police service of the

1960s and 1970s would not be able to re-establish themselves because of the

resistance they were likely to generate from a new generation of police officers:

> **"I think it's harder, it might be more attractive to senior officers but I don't think there is the commitment of more junior officers to undertake those sorts of dubious activities. I think policing has changed in the last ten years, to the extent that many of the people who join it now join the service because it is a job they want to do other than a career they want to have and they are not prepared to put themselves out on limb as people were in the past." (Interviewee A)**

Another interviewee was also to comment on the discomfort the pressure to engage in

'gaming' had engendered in new recruits:

> **"There is a strong culture in the police. If that culture becomes dysfunctional, where everyone chases numbers, very rapidly the junior officers will be drawn into that culture and will become zealous in their probationary period to achieve the numbers that are required. Now that's not a professional start to your career…… It is difficult for people in that position, for a PC to go to the Superintendent and say you've got it wrong Sir; for a probationer to go to a Superintendent and say 'you are breaching human rights.' (Interviewee C)**

One medium for junior officers to vent their frustrations and expose 'gaming' has

emerged recently in the form of web chat rooms and one of those who made use of

this communications channel was the constable who used the pseudonym David

Copperfield. He subsequently published his observations, which contained numerous

examples of gaming, in book form (Copperfield 2006). This stimulated a rebuttal

from the Police Minister in the House of Commons. Another example was the

virulent opposition to the Chief Constable of Essex, an exponent of performance

management, who was the subject of a lengthy chat room discussion on the police

oracle web site (www.policeoracle.com/forum 6.7.2006) and again 'gaming' practices

were exposed as the following entry demonstrates:

> **"Discretion goes out the window and folks, mainly law abiding who have committed minor misdemeanours are being lifted for offences that are going nowhere. This of course allows prolific criminals to run round doing as they like. His latest trick is to remove officers from front line to custody blocks to obtain TICs – worthless detections just to get our det. rate up. Again, more officers off the front line getting ticks in the box from criminals who won't be punished any more, and of no benefit to the victim."** ([**www.policeoracle.com/forum 6.7.2006**](www.policeoracle.com/forum 6.7.2006))

Whilst such resistance could be expected from the rank and file of any organisation

undergoing a process of change the reference to some of the 'gaming' practices

discussed in this thesis suggested that the officers were highlighting genuine

problems. When the performance profile of Essex Police was examined the officer's

observations were supported: TICs for the combined key performance offences of

Burglary, Robbery and Vehicle crime doubled between 2004/5 and 2006/7, (Fig.

10.6). The force's poor grades 'across the board' on table 10.1 also supports the

allegations made by the officers.
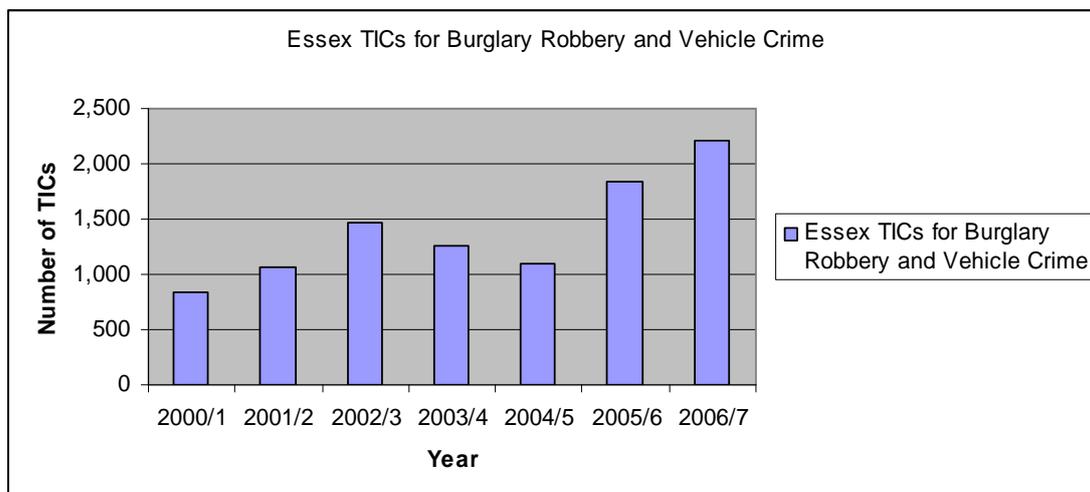
(Fig. 10.6)   **(Home Office 2008)**

Another example of officers exposing 'gaming' occurred in 2008 when a memo issued by an Inspector in Norfolk was leaked to the media. "The whistleblower who released the document said police chiefs regularly discussed how to downgrade more serious offences" (Daily Mail 9.7.2008). In the memo the Inspector who wrote the memo is clearly instructing officers to adopt an 'evidential' crime recording standard (see chapter 4), as the following extract demonstrates:

> **"We appear to be making things difficult for ourselves by 'criming' things which aren't crimes…. One example is where a car window is found to be damaged, no entry to vehicle, no witnesses and no idea how it happened…..This has been recorded as criminal damage, even though there is no evidence to suggest it fits the definition. If there is no evidence of someone intending to destroy or be reckless then there is no crime…Please ask yourself if there is evidence of a crime or if it is more appropriate to deal with it in a different way?" (Daily Mail 9.7.2008)**

The Police Federation for England and Wales reflected their members' concerns by raising the issue of 'gaming' in their Annual National Conference in 2007. Examples of 'gaming' were sought from members throughout England and Wales and these featured in the conference address on the topic. The presentation concentrated on the curtailment of officer's discretion and the pursuit of minor offences which boosted performance. The issues surrounding TICs were not touched upon. This in turn stimulated media interest and the Policing Minister was required to respond. The Federation also commissioned two related pieces of research; Chattereton and Bingham (2006) evaluated the impact of Neighbourhood Policing on the ability of the service to provide 'round the clock' response policing. Chattereton (2008) evaluated the resilience of the 'general' CID to investigate serious crime. These two studies support the findings of this study in relation to the spreading of resources (Patrick

2004c) and the lack of investment in the control of serious crime both forms of

'skewing'. The Federation also took the opportunity to question the validity of

recorded crime figures by highlighting the presence of 'cuffing':

> **"Officers are being very innovative in the way that offences are recorded because so much pressure is being placed upon them by senior management who are having pressure placed upon them by the Home Office in order to make it appear to the public that crime is in fact reducing….In some parts of the country, Mr Gordon said, police were keeping crime figures low by encouraging people who had their mobile phones stolen to report them as lost"** (**www.policeoracle.com** **12.11.2007**)

Such instances of resistance from the rank and file to 'gaming' practices are at odds

with the position of those who maintain police corruption is 'bottom up' exemplified

by Tyre (1999).

11. POLICE AUTHORITIES:

The duty of a Police Authority is to 'secure the maintenance of an efficient and

effective police force for its area (Police and Criminal Evidence Act 1984, s. 106)

However there was little evidence to indicate that they were effective in controlling

the types of 'gaming' practices identified by this research. This lack of impact was

commented on by one interviewee:

> **"Police Authorities, I'm sometimes disappointed, it varies around the country, some are very pro-active and very good…….I'm sometimes a bit disappointed they don't bite enough; disappointed police authorities are unwilling to sort of punch their weight within the partite arrangements. Chief Constables have seen themselves pushed back by central government the Home Office leg of the tripartite arrangement through performance management. It's only with the proposed merger of forces when their very existence was threatened that the authorities baulked and**

actually forced the Home Office to re consider its position." (Interviewee C)

Docking (2003) also noted that the public were largely unaware of the role of Police Authorities and questioned their effectiveness:

"However many people were sceptical as to whether they were effective, largely because of their low profile." (Docking 2003: vi)

Greater Manchester Police Authority was the one exception to come to notice during the research. The force had not adopted a 'false reporting' policy (chapter 5) and an interview with the Police Authority's information officer revealed that the Authority had taken an active stance against the policy because they felt it was contrary to the NCRS. The interview revealed the importance the authority placed on accurate data and the links to public satisfaction. However they were candid about the pressure government targets to reduce crime placed on the force:

"we would rather see the true level of crime recorded because that means everyone gets dealt with better because they get treated better and the police also use better intelligence and they can 'hot spot' operations better. However, the Government, politically, the Home Office clearly don't want crime to go up. So there is a constant tension between what the reality is" (Interviewee H).

The Authority had also responded to the rise in detections through the use of fixed penalties and engaged with the force on a scrutiny exercise:

"So at the moment we are looking at penalty notices for disorder (FPDs), that side of things because again it's Government policy, but what is the impact on members of the Public out there? What is it doing to the statistics in that respect? (Interviewee H)

However such commitment to quality control can have negative consequences and the Authority and the force were sensitive to the fact that they had been subjected to PSU 'engagement'. Interviewee H was unwilling to comment on the force's stance on TICs.

The Nottinghamshire Police Authority didn't require the resignation of the Chief Constable after the media exposure of the revelations made by Superintendent Coles. The action taken to remove the Chief Constable of Humberside, following the Bichard Inquiry, was prompted by the Home Secretary not the Police Authority. In the case of the 'gaming' behaviours uncovered by HMIC (1998 unpublished) in the West Midlands it would appear that the scale and implications of the behaviour were not explained fully to the Police Authority. However the powers available to the Police Authorities are extremely limited. They appoint Chief Officers, although they are advised on their choice by HMIC and the Home Secretary, and they can dismiss Chief Officer subject to the approval of the Home Secretary. No other form of sanction is available to them, other than the somewhat draconian measure of dismissal. However they can chose not to renew the Chief Constable's contract after the initial five year term.

It is also clear from this research that the data presented to police authorities is complex and requires interpretation and this provides Chief Constables with a distinct advantage over their Police Authorities; an advantage which many chief executives have exploited:

> **"if the chief executive is allowed to control the social distribution of information through secrecy and selective presentation of information,**

then he can control the definition of the situation." (Pfeffer & Salancik 1978: cited in Pugh 1997:150).

The ability of senior police officers to control information in order to set the criteria for debate was noted by Raine et al in their review of Policing Boards in 2006:

"In particular, for effective public accountability, it is vital that the 'agent' who is to be called to account by the community does not 'capture' and dictate the basis on which accountability is framed. In other words, for effective public accountability, it is essential that members of the community, as principals, are able to ask the questions and receive answers on the particular issues that matter most to them, rather than those that happen to preoccupy the agent." (Raine et al 2006:11)

The Metropolitan Police Authority's response to the negative Audit Commission report in May 2007 was to establish a Scrutiny Committee to work with the Deputy Commissioner on improving the situation. However the Met's Poor results remained largely unpublicised until an article appeared in the London Evening Standard during the 2008 Mayoral campaign:

"Parts of the Met are deliberately preventing Londoners from reporting crime to keep the figures down, an official report has found…Published crime statistics are "inaccurate" and sometimes "dishonest" and police have been "pressurised" to massage the numbers for political reasons, it claims." (The London Evening Standard 18.4.2008)

The reliability of the crime data did not feature in the controversy over the Commissioner's productivity payment for 2007/8 which would have been partly based on the success in reducing recorded crime. In fact the apparent improvement in the performance of the MPS was used to bolster the Commissioner's position following the outcome of the De Menezes Health and Safety trial:

"Sir Ian is important to the government because he is at the forefront of modernising the force, introducing neighbourhood policing strategies and shaking up old-fashioned police culture" (BBC News 22.11.2007).

However, the improvement in the MPS's performance in reducing crime could be accounted for by a return to an 'evidential' crime recording standard (chapter 4 & 5) which would explain the low Audit Commission rating. The improvement in detections is also assisted by an increase in TICs, particularly noticeable over the period 2005 – 2007 (Fig. 10.7). This could also be linked to the concerns raised by the Law in Action broadcast (BBC Radio 4 5.6.2007) when two of London's leading criminal lawyers objected to the use of intelligence interviews by police officers to engage in unsupervised 'conversations' with their clients (the implications of this are discussed in detail in chapter 6).

MPS Detections for Burglary, Vehicle Crime and Robbery obtained by TIC
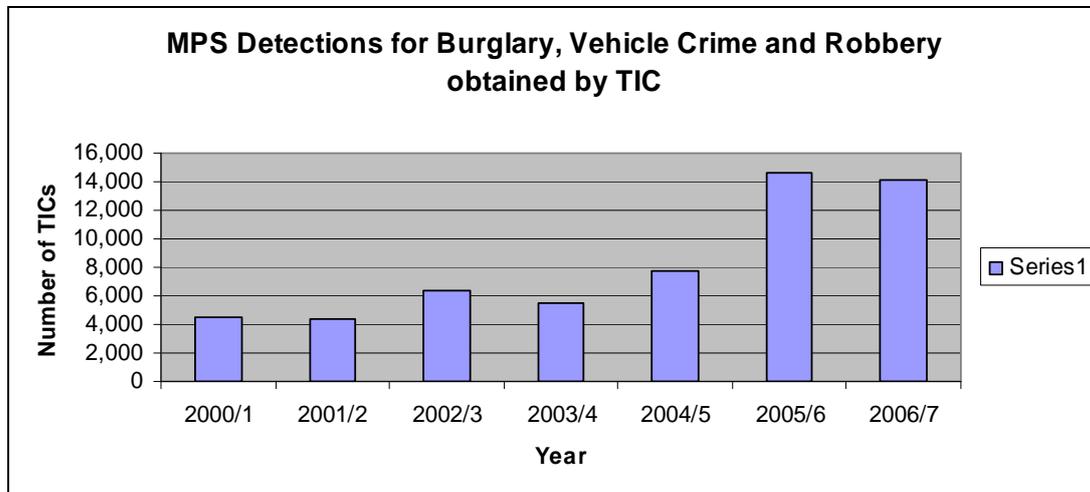
(Fig. 10.7)   **(Home Office 2008)**

12. THE COMMISSION FOR RACIAL EQUALITY (CRE):

The recent history of relations between the police and minority ethnic groups in the United Kingdom has been beleaguered by tension and mistrust highlighted in the reports by Lord Scarman (1981) and Sir William Macpherson (1999). Both reports commented adversely on the organisational aspects of policing which contributed to an environment of mistrust. Lord Scarman concluded that a 'crime fighting' model of policing with its emphasis on the detection and prosecution of offenders had led to a breakdown in relationships with minority communities who believed insensitive policing was criminalising the community as a whole. This report led the police service to reassess its role and move towards an 'order maintenance' model, with an emphasis on service oriented consensual policing (Alderson 1979). The change in name of the Metropolitan Police Force to Metropolitan Police Service (MPS) and the introduction of the MPS's PLUS[23] programme are evidence of this shift in policing style. The Macpherson report concluded that "professional incompetence, institutional racism and a failure of leadership by senior officers" had led to the failings uncovered by the inquiry into the death of Stephen Lawrence. The term 'institutional racism', initially applied by Scarman to overtly racist policies and practices deliberately pursued by an organisation, was re defined by the Lawrence Inquiry as:

> **"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantage minority ethnic people. (Macpherson 1999: para. 6.34)**

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[23] The PLUS programme was based on a report by Wolf Olins (1989), 'A Force for Change', commissioned by the MPS and was designed to ensure the whole ethos of public service was embraced by the MPS

The organisational element of 'institutional racism' led the British Government to place a legal duty on most public authorities in Britain to ensure that public services were free of 'institutional racism'. The Race Relations (Amendment) Act 2000, founded upon the Race Relations Act 1976, came into effect on 31st May 2002 and required public authorities to:

> **"Monitor their functions and policies for any adverse impact on race equality. They are also required to assess the likely impact of any proposed policies on the promotion of race equality. This means that they will have to develop and adopt ethnic monitoring systems for the work they carry out to meet their legal responsibilities" (www.cre.gov.uk)**

In 2003 the police service was again the subject of critical review following the revelations of a BBC documentary 'The Secret Policeman' based on the experience of an undercover reporter who revealed "devastating comments and images of extreme racism within the police" (The Independent Newspaper 9.3.2005). In response the Commission for Racial Equality (CRE) launched an inquiry (CRE 2005), headed by Sir David Calvert-Smith, in October 2003.

The interim report noted the lack of progress in the implementation of the provisions of the RRAA (CRE 2004), a responsibility which lay firmly with the higher echelons of the service and formal action was threatened under the provisions of the RR (A) A 2000:

> **"Trevor Phillips, chairman of the Commission for Racial Equality (CRE), is to threaten Chief Constables with legal action for flouting race laws. He has notified David Blunkett, the home secretary, that he is ready to use his ultimate sanction after a formal CRE investigation discovered a catalogue of abuses in the police service in England and Wales" (The Sunday Times 13.6.2004)**

However the final report (CRE 2005) was much more conciliatory towards Chief

Officers of Police:

> **"Willingness to change at the top is not transferred into action lower down, particularly middle-management where you find the ice in the heart of the service" (Sir David Calvert-Smith: Quoted in The Independent Newspaper 9.3.2005)**

It is unknown what brought about this sudden change in emphasis but it saw the focus

of critical scrutiny shift from the senior echelons of the service, responsible for policy

and direction, to the lower managerial tiers charged with delivery. However as

Lustgarten noted:

> **"It is for those in charge of the organisation to change its ethos and working atmosphere, career rewards and disincentives, so that its members come to identify their interests, individually and collectively, with the desired behaviour. Training and effective management supervision to reinforce its strictures would be a central element in any reform strategy. (Lustgarten 1986:127)**

Whatever the reasons for this change in direction the lack of Race Relations Impact

Assessments on False Reporting Policies in particular and Crime Recording

procedures in general (chapter 5) suggests the strategy did not bring about the desired

reform and implementing the more robust action suggested in the Interim Report

(CRE 2004) may have been more effective.

13. CHAPTER CONCLUSION:

The evidence reviewed in this chapter has shown that the official regulators of the Police; HMIC; Police Standards Unit; Independent Police Complaints Commission; Information Commissioner; have tended to deal with 'gaming' behaviours which are organisational in nature in an 'in house' manner thus avoiding the potential damage to the police service's public image. This has invariably involved working with Chief Officers of Police to rectify any identified organisational issue as opposed to making the full circumstances and consequences of their findings public. This denies the citizenry and their elected representatives the opportunity to hold those responsible to account. This behaviour is much more akin to the workings of a professional body responsible for regulating its members. The persistence of 'gaming' practices both over time and spatially indicates the limitations of such an approach.

CHAPTER 11

CONCLUSIONS

The purpose of this thesis was to identify the nature and scale of 'gaming' behaviour in the police service in England and Wales and explore why such behaviour persisted. This involved the use of a number of empirical methods to measure the impact of various types of police 'gaming' practices. The extent and scale of the 'gaming' behaviour identified provided an opportunity to comment on the part played by police leadership in relation to the behaviour of the officers under their command. The research also facilitated an insight into the role of the police regulators and enabled their effectiveness to be judged.

The specific types of 'gaming' behaviour; 'cuffing' (Chapters 4 & 5); 'nodding' (Chapter 6) 'skewing'(Chapters 7 & 8) and 'stitching' (Chapter 9) were discernible in the literature[24] reviewed and quantified in the thesis: Young (1990), Burrows et al (2000), FitzGerald (2001) referring to 'cuffing': Wilson et al (2001) to 'nodding': Rogerson (1995); Patrick (2004c); O'Connor (2005); Chatterton & Bingham (2006); Chatterton (2008) to 'skewing': and Holdaway (1979) and Tait (1994) to 'stitching'.

The presence of these specific types of 'gaming' and the scale indicated by the research supports Burrows et al's (2000) assertion that such behaviours had re-emerged with the introduction of Performance Management linked to New Public Management. This finding challenged HMIC's assertion that the behaviour was not widespread but confined to small pockets (HMIC 1999). The thesis also clarified

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[24] The behaviour was clearly discernible in the literature reviewed although the terms used in this thesis may not have been applied.

Loveday's question (1999) as to whether performance management would improve efficiency or lead to 'gaming' practices, motivated by a desire to give the false impression that performance had improved. It was clear that 'gaming' had been the outcome and the scale of it made it impossible to rely on police statistics on recorded crime and detections to make any reliable assessment on whether Performance Management, in particular, or New Public Management, in general, had improved the efficiency of the police measured by these indicators.

Whilst the results from British Crime Survey (BCS) over the period of the research (1997-2007) suggested overall crime was reducing, the BCS was limited in its scope, excluding under-16s and non-householders and curtailed its questions to specific offences. The Home Affairs Committee (2007) were not convinced that there had been a marked improvement in police performance; concluding that an 11% increase in police officer numbers between 1997 and 2007 had not impacted significantly on the overall level of crime[25] as indicated by the BCS. It was however acknowledged that significant reductions had been achieved in burglary and vehicle crime with the caveat that such reductions may have been influenced by factors beyond direct police enforcement activity. This thesis has shown that 'gaming' practices, including the 'skewing' of police effort towards detecting minor crimes, has had a significant impact on the performance data thus confirming the concerns expressed by the Home Affairs Committee (2007).

This thesis re-affirmed the warning about the un-reliability of police statistics articulated by Yin (1994) and supported the assertion by Kitsuse & Cicourel (1963)

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[25] The BCS measures crimes experienced by householders over the age of 16. It does not take into account commercial crimes such as shoplifting.

and Black (1970) that police statistics were of little value except as measures of police behaviour. This assertion was supported and formed the methodological foundations of the thesis.

The scale of the 'gaming' behaviour identified was shown to have had a significant impact on the performance of a number of police forces. This research established that 'cuffing' still persisted even after the introduction of the National Crime Recording Standard (NCRS) in April 2002. An indication of the extent to which 'cuffing' could impact on recorded crime rates was provided by HMIC (2000) who found, prior to the introduction of the NCRS, that on average 24 per cent of the crime recorded in force command and control incident logs went unrecorded in the corresponding crime systems. Reductions of this scale in recorded crime statistics were identified and attributed to 'cuffing' (chapter 5). In order to help address this issue the National Crime Recording Standard could be re-drafted from a 'balance of probability' standard to a 'prima facie' standard.

'Nodding' was identified as responsible for an average of 30 per cent of all burglaries detected and 50 per cent of all vehicle crimes detected by TIC or 'prison write off' in those forces which were known to have taken encountered abuses of such administrative procedures. This was apparent from the performance data on detections by detection type prior to and post remedial action and is shown graphically in chapter 6. Nationally the increased reliance on TICs as a means of detection for burglary and vehicle crime (Nichols et al 2007), both statutory performance indicators, may indicate the existence and scale of 'nodding' across England and Wales. Likewise

'skewing' (Chapters 7 & 8) and 'stitching' (Chapter 9) had a significant impact on force's performance as measured by Government indicators.

These four categories of 'gaming' behaviour could, together, be regarded as a 'Perverse Policing Model' against which police forces could be compared. Whilst this may be considered to be an organisational 'ideal type' in a 'Weberian' sense, the use of the term 'ideal' is in itself perverse as the behaviour it refers to is far from 'ideal' in the ordinary sense of the word. It is also pertinent to note that the Perverse Policing Model like all 'ideal types' is a conceptual construction and does not exist in its purest form. Such an extreme would be difficult for police forces to conceal from the public and sustain. However forces which are able to utilise these 'gaming' methods to improve performance, i.e. the closer they are to the pure 'Perverse Policing Model', the more successful they will appear. That said this carries with it the increased risk of scandals or 'incidents/events' of the nature discussed in this thesis becoming exposed.

All four types of 'gaming' behaviour were present, in varying degrees, in the West Midlands Police during the period 1995 to 1999 and the force could be categorised as a 'Perverse Policing Model'. The inspection carried out by HMIC (HMIC/WMP 1998) uncovered 'cuffing' and 'nodding', however the measures introduced to curtail such behaviour proved neither adequate or long lasting thus demonstrating the resilience which R.J. in't Veld's (1996:36) and De Bruijn (2002 & 2007) noted was a feature of 'gaming'. Certainly 'nodding' continued until October 2003 when abuses came to light with the arrest of a number of police officers and 'cuffing' re-emerged in 2004, with the introduction of a 'false reporting' policy. 'Skewing' in one form or

another proved more enduring with some re-allocation of resources towards the investigation of gun and gang related crime following the shooting of Charlene Ellis and Letisha Shakespeare on New Years Eve 2002. Increased investment in child protection units occurred after the death of J.L.M.on 5th August 2004. 'Stitching', involving abuse of the Home Office counting rules on detections which allowed senior officers to authorise suspects to be shown as responsible for alleged offences they had not been made aware of and for which there was not sufficient evidence to support a charge, stopped when such detections were devalued to non-sanctioned detections (Simmons et al 2003).

The 'spread' of 'police gaming' both within the West Midlands Police and nationally supports Collier's theory on competitive isomorphism (Collier 2005) and confirmed the views of Interviewee D who predicted that the 'gaming' practices prevalent in the West Midlands Police would spread. The lack of evidence provided by forces to support the introduction of 'false reporting' policies confirmed Collier's (2006a) findings that Performance Management as opposed to knowledge/intelligence based systems, such as the National Intelligence Model, was driving police behaviour. The experience of 'cuffing' and 'skewing' reported by the Police Federation at their National Conference in 2006 and the Police Federation sponsored research by Chatterton & Bingham (2006) and Chatterton (2008) suggested 'gaming' behaviours were widespread throughout England and Wales. The evidence presented in this thesis demonstrates that the Police Federation; Chatterton and Bingham (2006) and Chatterton (2008) were not exaggerating or 'over egging the cake' as suggested by the Minister responsible for Policing.

The nature, scale and persistency of the 'gaming' practices identified supported De Bruijn's (2002 & 2007) assertion that 'gaming' was a consequence of Performance Management systems. It also re-affirmed the claim made by Argyris (1985) that management control systems based on performance indicators stimulate those subject to such controls to ever more inventive means of subverting the system. The police 'gaming types' identified fell within the category of 'gaming' referred to as 'behavioural gaming' (De Bruijn 2002 & 2007, Jackson 2005) which Jackson suggested was the most serious and damaging to staff morale (ibid 2005). The police 'gaming' behaviour identified and described by Neyroud (2003) as 'administrative corruption' would certainly be considered corrupt according to the definitions of police corruption advocated by Klienig (1996a 1996b) and Newburn (1999) which take into account the motivation for the behaviour under question. The motivation for the types of gaming described in this thesis supports Chatterton's conclusion that the objective was a desire to deceive by giving a false impression of improved performance (Chatterton 2008:40). The absence of any mitigation, other than a desire to achieve Government objectives at any cost, denies those involved of the 'noble cause' defence, proffered by officers who fabricated evidence in order to secure the conviction of those they were convinced were law breakers.

On the question of whether such 'gaming' behaviour is driven by the actions of senior officers i.e. 'top down' or by a deviant culture embedded in front line staff i.e. 'bottom up'? The evidence suggests the phenomenon is certainly organisation in nature; the sudden and significant shifts in the performance profiles of forces known to have changed their data recording procedures indicated the scale of the behaviour. It also suggested that officer's behaviour was susceptible to managerial action, either

to prevent 'gaming' behaviour or create the environment in which it could flourish. One interviewee provided an insight into the relationship between police leaders and the rank and file:

> **"At the Chief Officer level they are pursuing a ruthless approach which then impinges on the officers who are delivering the service to the public…...If HMI or the Home Secretary kicks the Chief Constable the Chief Constable kicks their divisional commanders, eventually it's the PC's who are going to be kicked and they will kick the public and this is where you get these ridiculous stories where tickets are issued for ridiculous things: People being arrested for all sorts of nonsense because they feel their discretion is gone." Interviewee C.**

It is clear from the evidence presented in this thesis that Performance Management systems confer senior officers with the means of exerting considerable pressure on junior officers to perform. Whilst written instructions to officers to engage in 'gaming' practices were rare, the scale of the 'gaming' behaviour and the suddenness with which changes in the statistical patterns occurred suggested the presence of managerial direction. If the statistical patterns were the result of an uncoordinated collective response on the part of front-line operational officers one would have expected more gradual statistical patterns to emerge and more uniformity across the country as every force adjusted on a similar time frame. Instead it was apparent that forces which adopted particular policies suddenly deviated from the norm reflected in national performance data. The complaints from the junior ranks, subsequently championed by the Police Federation, indicated that a significant number were uncomfortable with 'gaming' behaviour and this was leading to 'whistle-blowing'. This is hardly the actions of officers willingly engaging in 'gaming' behaviour and again supported Chatterton's conclusion that the pressures were 'top down', i.e. senior

officers 'playing performance games to mislead the public into thinking that the crime problem was being addressed successfully' (Chatterton 2008:40).

The involvement of chief officers in the introduction of the 'false reporting' policy[26] and the interpretation of the NCRS demonstrated how they had created an environment in which 'cuffing' could be re-established. Failing to challenge the rules by which 'prison write offs' could be converted into TICs was another example of chief officers allowing those under their command to exploit procedures in order to maintain 'gaming' practices. Young (1991) was of the opinion that senior officers were aware of police 'gaming', as they had had to master such methods to progress in the service and Ericson (1981) labelled this form of managerial behaviour 'organisational hypocrisy': the likely consequences of the procedures are known but can be denied if they result in a scandal. Pfeffer & Salancik (1978) noted this made it extremely difficult to hold senior officers to account for the actions of individual officers. The scale of the 'gaming' behaviours measured in this thesis, coupled with the opinions of the officers interviewed suggested senior officers were either directly orchestrating the behaviour or turning a 'blind eye' to it. One interviewee made the following comment on where responsibility for police 'gaming' lay:

> **"Forty-three Chief Constables and a collective blindness of people who know and are unwilling or maybe even unable ultimately to do anything about it because it is all driven by a performance culture which runs right the way through the force from the Chief Constable down to the most lowly constable who is now being assessed on the basis very much of their competency and their performance." Interviewee A**

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[26] Chief Officers 'sign off' force policies and instructions.

However the incentive for chief officers to introduce policies, procedures and practices designed to ensure probity is minimal, in fact there was a disincentive to taking such an approach. As has been evidenced, ensuring high ethical standards had a detrimental impact on performance and this in turn created the risk of sanctions in the form of PSU 'engagement'. In marked contrast high performance, achieved through the employment of 'gaming' techniques, was likely to result in 'light touch' inspections which in turn reduced the risk of detection. This led to a situation in which unethical behaviour was rewarded through productivity bonuses, promotions and honours whilst maintaining ethical standards of behaviour was punished. The role of those regulators charged with preventing such 'gaming' practices is therefore critical.

The thesis provided an insight into the various bodies charged with maintaining probity in police behaviour (Chapter 10) and revealed a general tendency to underplay the scale and nature of 'gaming' within the police service. The types of 'gaming' behaviour identified in the thesis were familiar to the Home Office (Burrows et al 2000) and HMIC, the principal regulator of the police, (HMIC 1999). HMIC made it quite clear the responsibility placed upon Chief Officers and Police Authorities to prevent such unethical behaviour (HMIC 1999 Appendix A). The evidence reviewed in this thesis indicated a number of examples where such standards had not been met, yet no examples could be found of Chief Officers being publicly sanctioned as a result of routine HMIC inspections. When 'gaming' behaviour was uncovered by HMIC, it appeared that they referred it directly to the Chief Constable to address as opposed to informing the Home Secretary or Police Authority with a view to holding the Chief Constable to account. One of the interviewees revealed something of this trait:

"So sometimes there were suspicions, yes on a number of occasions the draft report raised questions even made tentative conclusions which did not necessarily appear in the final report. Now that may have been because the HMI bottomed them out during this particular inspection or it may have been that politically they were not the sort of thing or questions which they wanted to publicise." Interviewee A

HMIC could not be accused of covering up 'gaming' as suggested by Bevan & Hood (2006) as the behaviour was referred to in the official published inspection reports. However the significance of the findings were not given due prominence and searching the inspection reports for the pertinent information signifying the presence of 'gaming' was like 'looking for a needle in a haystack'. In none of the force inspection reports reviewed was 'gaming' behaviour referred to as 'corrupt'. Likewise the significance of large fluctuations in the performance statistics was not explicitly linked to unethical or corrupt practice. This approach was in marked contrast to the approach taken by Sir Michael Bichard, at the public inquiry following the 'Soham' murders. Sir Michael held the Chief Constable of Humberside responsible for the failings of his force:

"when the problems are of this scale in a function critical to effective policing, the importance of which had been highlighted nationally on several occasions by HMIC, then I do believe that senior management could and should have done more to identify and then deal with them. The nature of that responsibility has been described above. From March 1999 at the latest, that was ultimately the personal responsibility of Chief Constable Westwood" (Bichard 2004:99).

The behaviour of HMIC in this respect is more akin to the approach expected of a professional association rather than an independent auditor charged with bringing problematic issues to the electorate's notice, in order that those responsible could be held to account. This approach manifested itself in the joint action taken by HMIC,

ACPO and the Home Office in response to 'stitching' and associated breach of the

Data Protection Act, uncovered as a result of the audit of non-sanctioned detections

(HMIC 2007). The joint approach to the Information Commissioner demonstrated the

nature of the relationship between ACPO and those charged with regulating and

governing the police. The evidence presented in this thesis suggests the role of HMIC

needs to be reviewed and one solution would be to make the Inspectorate directly

accountable to Parliament as opposed to the Home Office. Careful consideration

should also be given to continuing the practice of selecting H.M. Inspectors from the

ranks of the current Chief Officers of Police. Those appointed to chair Public Inquires

have demonstrated that the skills required to carry out such a scrutiny function are not

restricted to senior police officers.

However subscription to a 'professional association' type approach to regulation was

not restricted to police regulators. The Information Commissioner's stated desire to

'work with' the police in order to resolve the problems associated with non-

sanctioned detection, as opposed to using his formal powers to expose the issue, was

the most obvious example of a regulator subscribing to an approach more associated

with a professional association. Whilst the Information Commissioner did add the

caveat that he would review the decision if any complaint was received from a

member of the public, the example didn't accord with the democratic principle of

making malpractice public in order for those responsible to be held to account[27]. This

preference was also evident in the Commissioner's decision in the BBC vs. Plymouth

City Council (2005) case. The decision of the Information Commissioner to prevent

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[27] Publishing the documents on the problems encountered with non-sanctioned detections on the Information Commissioners web site may have provided an opportunity for the public to judge and comment upon the Commissioner's decision on this matter. At the time of submission, Jan 2009, this had not occurred.

making public all the documents relating to the deaths of children subject of Part VIII reviews, on the grounds that such disclosure may result in professionals failing to disclose pertinent information (BBC vs. Plymouth City Council 2005), again denied the public the opportunity to judge the effectiveness of public servants dealing with the critical issue of child protection.

The precedent set by the Information Commissioner in the BBC vs. Plymouth City Council needs to be challenged or overturned by legislation. To leave it as it is provides a screen behind which public servants can avoid being held to account. The fears the Information Commissioners articulated about professionals withholding information could be addressed by legislation designed to ensure open disclosure. The requirement to publish disclosures made under the provisions of the Freedom of Information Act 2000 should be made mandatory as opposed to 'good practice' and this requirement should apply to the Information Commissioner's Office.

The ability of the Independent Police Complaints Commission (IPCC) to investigate incidents which were linked to organisational factors also appeared limited. The investigation conducted by the IPCC following the death of baby J.L.M. (Chapter 7 'skewing' and Chapter 10) does nothing to enhance public confidence in this regulator. However they have limited resources and information of an organisational nature may have been withheld from them. That factor could be curtailed by the introduction of legislation making it a criminal offence to withhold pertinent information from any investigation. The onus to prove that all reasonable steps had been taken to ensure compliance could be placed on Chief Officers of Police.

The Police Standards Unit appeared to be more concerned with improving productivity than ensuring probity and the reported improvements in the performance of forces following their involvement appeared to be influenced by 'gaming' behaviour (Chapter 10). The limitations of an audit approach to ensuring reliable police recorded crime data was evidenced in Chapter 4 & 5 and supported Argyris's views on the failings of such an approach to management control (Argyris 1985). A less predictable approach to police force inspections should be adopted and the emphasis put on probity. The statistical patterns identified in this thesis could form the foundation for an intelligence led approach to police regulation as advocated by O'Neil (2002); Power (1997; 2003) and Goldsmith (2005). Whilst this research was based on identifying incidents of 'gaming' and then examining the impact on the performance statistics it would be a relatively easy task to reverse the process and identify the statistical patterns associated with the various types of 'gaming' and then seek the direct evidence of such practices. The regulatory 'light touch 'approach to'high performing force is questioned. The evidence presented in this thesis suggests 'high performers' should attract closer attention from regulators.

The failure of the Commission for Racial Equality (CRE) (2005) to ensure police forces had carried out race relations impact assessments on their policies also questioned their resolve and effectiveness (Chapter 10).

The limitations of the 'professional association' approach to police regulation are evident in the fact that the same 'gaming' behaviours re-occurred both spatially and

over time, thus creating a 'boom and bust' effect referred to by Braunstein (1999) and Neyroud and Beckley (2001). Day and Klein (1987) noted that this form of regulation was in direct contrast to the principles of democracy and instead of replicating the self regulating mechanisms of the market, where product cost and quality are inextricably linked. Police regulators had in effect created a situation where quality control was positively discouraged. In such an environment those individuals referred to as 'Knaves' by LeGrand (2003); 'reactive gamers' or 'rational maniacs' by Bevan & Hood (2006:523) will prosper and progress to the highest positions, and in view of the practice of recruiting HMIC from existing Chief Officers, that will include the Inspectorate. So the system is self corrupting:

> **"Well it institutionalises bad practice. Here you've got HMIC, an independent body saying look at this, all this is going on, the miscellaneous enquiry register, misuse of the registers, a complete lack of credibility in terms of crime reporting and yet people who have a real responsibility for this are actually being promoted in spite of all this and they get onto the most senior ranks in the service. Where is the impetus there for anyone to change; what it says to people is 'this is alright this is the way the force expects us to operate." Interviewee A**

At a structural level the research has shown that the Home Secretary is the dominant partner in the tri-partite arrangements of police governance setting priorities for Chief Officers of Police and Police Authorities alike, and enforcing failures to achieve performance targets through the direct intervention of the PSU:

> **"What Chief Constables are concerned about is what government ministers think, because the landscape has changed. The landscape changed in 1994 with the Magistrates Courts and Criminal Justice Act that was further consolidated into the Police Act that was further changed in the Police Reform Act, to make Chief Constables much more accountable to the Home Secretary. So now rather than being creatures of**

> **the Police Authority they are really always looking, not over their shoulder, but directly at the Home Secretary, because the Home Secretary can direct the Police Authority to suspend them and then dismiss them if necessary." Interviewee A**

Police Authorities were noticeable by their absence during the period researched in this thesis. The only exception, to come to notice, was Greater Manchester Police Authority which had directly intervened to challenge 'false reporting' policies:

> **"Accountability is a bit of a myth really and in any way there is no democratic accountability because even the Police Authority is made up of a majority of elected councillors but not entirely of elected councillors and they are not elected to the Police Authority, they are elected to their local authority and then they serve on the police authority. It's a very tenuous democratic accountability." Interviewee A**

Whilst Loveday (1993 & 1994) advocated strengthening Police Authorities in order to curtail the growing power of central government it would take considerable resource, effort and expertise for them to effectively counter 'gaming' behaviour of the type described in this thesis. It should also be noted that police 'gaming' was a feature of policing prior to the demise of Police Authorities (Young 1990). Police Authorities are also reliant on the expertise of HMIC when dealing with these matters and it is not known to what extent HMIC briefed them when 'gaming' was uncovered.

Jackson (1993) noted that any drop in performance was also likely to reflect badly on central government and Bevan & Hood (2006) identified that there was little incentive for Government to maintain standards, going so far as to suggest collusion in the form of turning a 'blind eye' to 'gaming'. Day and Klein (1987) also noted the possible conflict of interest when auditors were charged with 'improving efficiency' a point acknowledged by HMIC (1999). Certainly the evidence reviewed in this thesis

indicated that none of the partners to the tri-partite arrangement had any incentive to maintain probity and the regulators were de-facto reporting to Home Office. The very body responsible for driving performance management and improving outputs. This would suggest the concentration of power in the hands of Central Government needs to be curtailed. The sharing of power with Local Government appears to be the most appropriate solution and Loveday's suggestion (1994) of aligning Police Basic Command Units (BCUs) with Local Authority boundaries and making BCU commanders directly accountable to locally elected councillors meets that requirement. However it does not fully address the issue of quality control and probity as local politicians and police commanders could still both benefit from 'gaming'. This suggests some body separate from Central Government and Local Government should perform a scrutiny function and ensure local police commanders contribute to the control of more serious crime which does not feature in local priorities. A re invigorated Police Authority, responsible for the whole police area could perform that function with the necessary training and support. This would involve re-defining their role to that of quality control and they would need statutory powers to inspect and intervene if standards were not being met. The contracts of employment for Chief Constables could include a specific requirement to take all reasonable steps to address and prevent the types of 'gaming' practices outlined in this thesis. This would provide the legal means by which those failing to achieve acceptable standards could be removed from office.

The widespread presence of police 'gaming' uncovered brings into question the nature of the relationship between the Police and the State and questions the notion of 'policing by consent'. One might argue that 'gaming' has enabled the police to resist becoming an instrument of the State. However it could equally be argued that the forms of 'gaming' employed by the police to meet the demands of their political masters demonstrated that they are far from being a bastion against the growing power of a centralised State:

> **"Take that false reporting policy to its logical conclusion; it is not acceptable. It is the State basically saying you are an underling and you'll do as you are told and you cannot report that crime. Something wrong there." (Interviewee C)**

The findings also challenged Neyroud and Beckley's (2001) assertion that a commitment to Human Rights legislation and the rule of law would transform policing.

The lack of 'distance' between central government and the police makes it difficult for any government, particularly one which had been in power for a lengthy period of time, to acknowledge and accept responsibility for a system which had in effect 'corrupted' the police service. To do so would be to admit that improved police performance was underpinned by 'gaming' practices which resulted in victims being treated as suspects ('cuffing'); mutually beneficial partnerships between offenders and police officers which involved the exchange of inducements for admissions ('nodding'); reduced investment in the investigation of serious crime which resulted in a deterioration in the investigation of sexual offences, including rape, and child abuse ('skewing'), and the labelling of citizens as criminals without sufficient

evidence to justify such action, in some cases without the individual's knowledge ('stitching'). This makes it extremely challenging for any government to address the failings of such a system without risking public confidence and damaging their prospects at the ballot box. However, to continue with such practices in a democracy with a free press and active opposition is likely to result in exposure, scandal and a loss of trust in both Government and the Police Service:

> **"Ultimately the whole thing becomes so scandalous that it ends up with a Royal Commission and public inquiry and the Police get reformed and we're off again." (Interviewee C)**

It is only to be hoped that Government and/or those Chief Officers of Police responsible for curtailing the 'gaming' behaviour uncovered in this thesis do not abuse their considerable powers to prevent the exposure of such practices.

REVIEW OF THE RESEARCH METHODOLOGY:

The methodology proved appropriate to the task. The approach was in many ways similar to a fraud investigation: once it was established 'how' the trick or deception was being formulated it became a relatively easy, though tedious, task to uncover the documents and patterns in the data sets to prove the case. The data and documents were made available under the provisions of the Freedom of Information Act 2000 and this legal device proved a valuable asset. However the Information Commissioner's decision in the BBC vs. Plymouth City Council (2005) case may limit this legislative tool in future research. The use of informed individuals to review and comment on the documentary and statistical evidence provided a counter to the risk of researcher bias and yielded a rich commentary on policing during the period under study. The predominately quantitative approach provided the most convincing evidence by establishing the scale of the 'gaming' behaviour under study.

FURTHER RESEARCH:

This thesis provides a means of identifying those individuals who have engaged 'gaming' behaviour. It would be of value to profile their careers to establish if and to what extent 'gaming' has been a feature in their career progression. Psychological profiling against the 'ideal' types of 'gamers' categorised by Le Grand (2003) and Bevan & Hood (2006) would be valuable contribution to an understanding of such behaviour.

APPENDIX A: SEMI-STRUCTURED INTERVIEW FORM

Impact of Performance Management: Semi Structured Interview.

Interviewee

Purpose:

The purpose of the study is to evaluate the impact of New Public Management, the performance system by which the police are held to account, and the performance regime associated with it, on the Police Service in England and Wales. Although performance measurement has been a feature of policing since its inception in the UK, the mid 1990s has seen a more focused approach as central government encouraged police forces to be held to account for their performance against national and local targets.

Disclaimer:

The completed research will be placed in the public domain and interviews are conducted on the understanding that quotations will be made public. Quotes will be attributed to "interviewee": "police interviewee" or "retired officer", which offers a degree of anonymity. However, the interviewees are being selected because of their specialist knowledge and it would be a relatively easy task for those within the police service to identify the individual respondents. Your consent is therefore required for your responses to be used under these conditions.

Consent:

I agree to my answers/comments to be used under the above provisions.

Yes/No

Questions:

If you are able to support your answers with specific examples this would be greatly appreciated.

Q1. Can you please provide a short resume of your service history and relevant experience? .

Q2. What has been your experience of performance management during your career?

Q3. How did Performance Management change policing?

Q4. When did any changes you identified with performance management take effect?

Q5. What advantages did you attribute to performance management?

Q6. What disadvantages did you attribute to performance management?

Q7. How did performance management impact on your specific role or roles (please specify) within the police service?

Q8. What concerns, if any, did you have about performance management?

Q9. What was the role of senior management in relation to performance management?

Q10. What do you think about the balance results or outputs and quality control?

Q11. What was the effect of performance indicators on performance?

Q12. How did the police force you were a member of improve or attempt to improve its performance on crime reduction?

Q13. How successful were these strategies or tactics at reducing crime?

Q14. How did the police force you were a member of improve or attempt to improve its performance on detections?

Q15. How successful were these strategies and tactics at improving the detection rate?

Q16. What impact did the following reports have on the police force you were a serving member of?

The Macpherson Report on the investigation of the death of Stephen Lawrence?

The Laming Report on the death of Victoria Climbie?

The Bichard Report on the Soham murders?

HMIC's inspection report on the West Midlands Police December 1998?

Q17. How did the Police Force you were a member of respond to the requirements of the Race Relations (Amendment Act) 2000 and the further demand from the CRE following screening of the 'the secret policeman' programme.

Q18. What is your view on the 'False Reporting Policy'?

Q19. How do you think the 'False Reporting Policy' will impact on the relationship between the police and the public?

Q20. How do you think the 'False Reporting Policy' will impact on minority groups?

Q21. What potential dangers do you think the 'False Reporting Policy, poses in relation to avoiding discrimination on the grounds of age; disability; gender; race; religion; or sexual orientation?

Q22. Do you think the 'False Reporting Policy' should have been subject to a Race Equality Impact Assessment under the provisions of the Race Relations Amendment Act 2000?

Q23. How could the performance framework be improved?

Q24. If you have any further comments on the impact of performance management on the police service, or the police force which you served in?

Thank you for taking part in this research, your assistance is appreciated. If you wish to make any additions or amendments to your answers or advice on how the questions can be improved, please do not hesitate to contact me.

APPENDIX B: List of interviewees' professional backgrounds and expertise.

Interviewee A: HMIC; Retired in 1995; HMIC Staff Officer at the Central Office of HMIC from 1991-1995.

Interviewee B: HMIC; Retired Staff Officer at HMIC Central Home Office section 1988 – 2001 with responsibility for Information technology issues.

Interviewee C: ACPO; Joined police service 1976 Served in subject force until 1992 when he transferred to another large metropolitan force. Involved in PI from its introduction to the police service and is an exponent of the approach: Retired in 2005, having achieved ACPO position.

Interviewee D: Crime Policy; Detective Inspector: Crime Support Staff Officer retired 2005.

Interviewee E: Child protection; Detective Inspector: Policy Officer for Child Protection 1995- 2005. Retired 2005.

Interviewee F: Operational. Joined the police service in 1973 - Retired 2005 having reached sergeant rank. Wide and varied operational experience including postings to Shoplifting Squads.

Interviewee G: Diversity. Retired 2005 as Chief Inspector after 30 years service; Specialist experience as policy officer for diversity.

Interviewee H: Performance Officer GMP: Greater Manchester Police Authority Performance Management Officer.

Interviewee J: Fawcett Society: Member of staff at the Fawcett Society

Interviewee K: Experienced Journalist and current affairs programme maker based in the Birmingham area. (HMIC Inspection report on West Midlands Police 1998 Unpublished was sent to him without comment and he prepared a draft article he would have prepared if the document had come to his attention at the time of its circulation in 1998.

APPENDIX C: List of Documents reviewed or referred to by Interviewees.

RP4: Monthly recorded crimes for West Midlands Police April 1996 – April 2005
Interviewees; A, B, C, D, E, & G

RP5. An Audit Report by Her Majesty's Inspector of Constabulary completed on the
West Midlands Police in December 1998. Interviewees A, B, and C.

RP6.   Rape Audit conducted by the West Midlands Police Performance Review
Department in 2001. Interviewee C

RP 7. Child Protection and work volume and staffing implications report completed
by West Midlands Police Performance Review Dept. March 2004. Interviewee C

RP 8.   Child Protection within the West Midlands Police. 18th June 2004.
Interviewee C
RP 9.   West Midlands Police Rape Investigation Review 1.1.2003 – 30.6.2003.
Interviewee C

RP 11. West Midlands Police Burglary Audit Report dated 27.1.2005. Interviewees A,
B & C

RP 12. Email from crime manager West Midlands Police dated 11.10.2004.
Interviewees A, B, & C

RP 14. Force TIC Audit: West Midlands Police report dated 11.2.2004.
           Interviewee C.

APPENDIX D:

Performance Profile West Mercia Constabulary

West Mercia Constabulary introduced a policy 'West Mercia Constabulary Guidance False Reporting of Offences Involving Property' in August 2003. The force initially refused to disclose any details of the policy. However after the Appeals Panel reviewed my request the force disclosed the main provisions of the policy which relate to the identifiable trends in false reporting i.e. the trigger factors; late reporting; telephone reporting; non use of the emergency number; discrepancies in their account; lack of witnesses; lack of full description of suspect; and insurance purposes being the main reason for reporting. The policy also indicated the types of offence most likely to be subject of a false report; theft of mobile phones for insurance purposes; theft of benefit funds; juveniles afraid of admitting to their parents that they had lost their phones; burglaries or theft of motor vehicles reported for insurance purposes; and theft of motor vehicles to avoid prosecution for motoring offences. They did release the paragraph on ethical reporting, noting the need to maintain public confidence and stating that the policy would ensure ethical reporting and investigation which 'has transparency of process.' They did not disclose the procedures which demonstrated how the policy complied with the National Crime Recording Standards, relying on the provisions of Section 31 Freedom of Information Act to withhold the information on the grounds that release would furnish individuals or groups with the opportunity to fully understand the police preventative measures and therefore be more effective at carrying out such crimes.

Robbery reports West Mercia

Recorded Robberies

| 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |

■ Robbery reports West Mercia

False Reporting Policy Aug 2003

West Mercia Burglary, Robbery & Veh. Crime

Recorded Crimes

| 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |

■ West Mercia Volume Crime

False Reporting Policy Aug. 2003
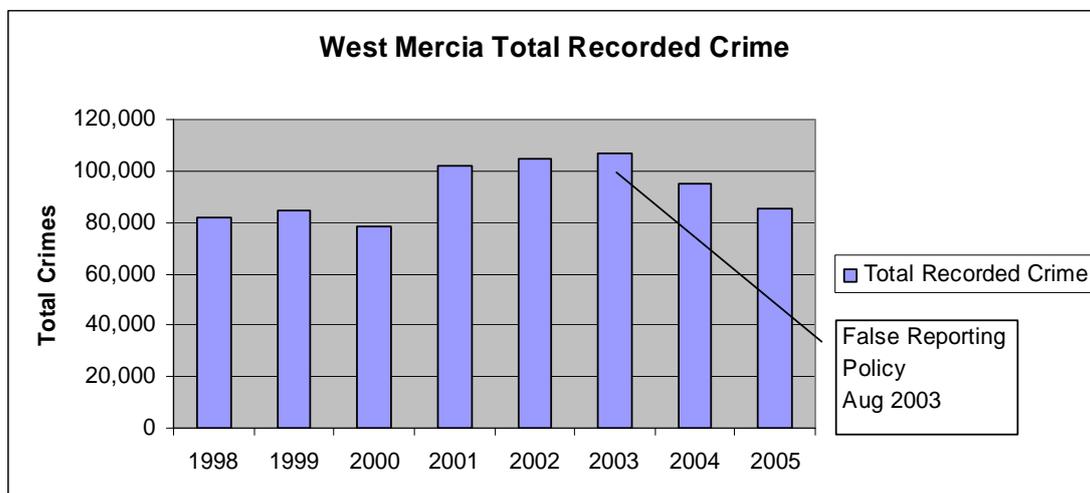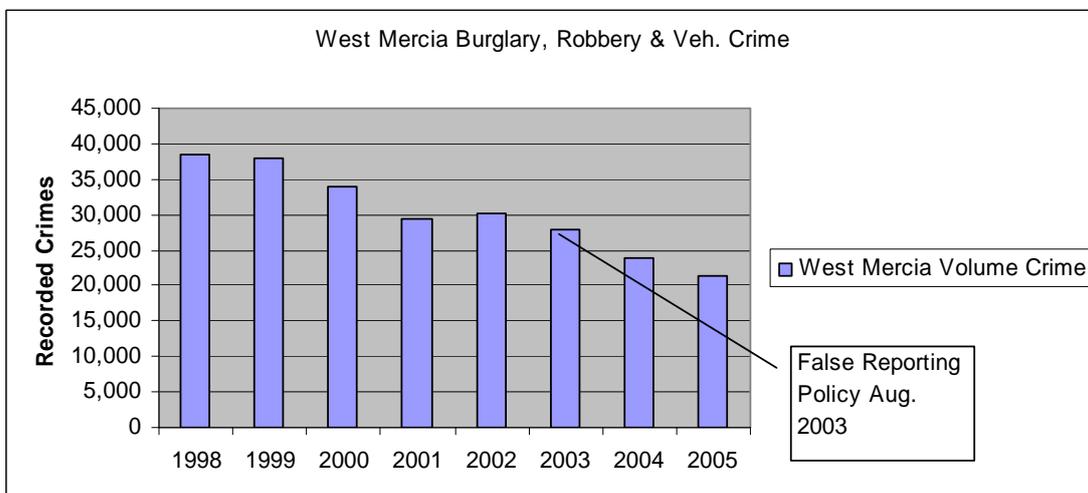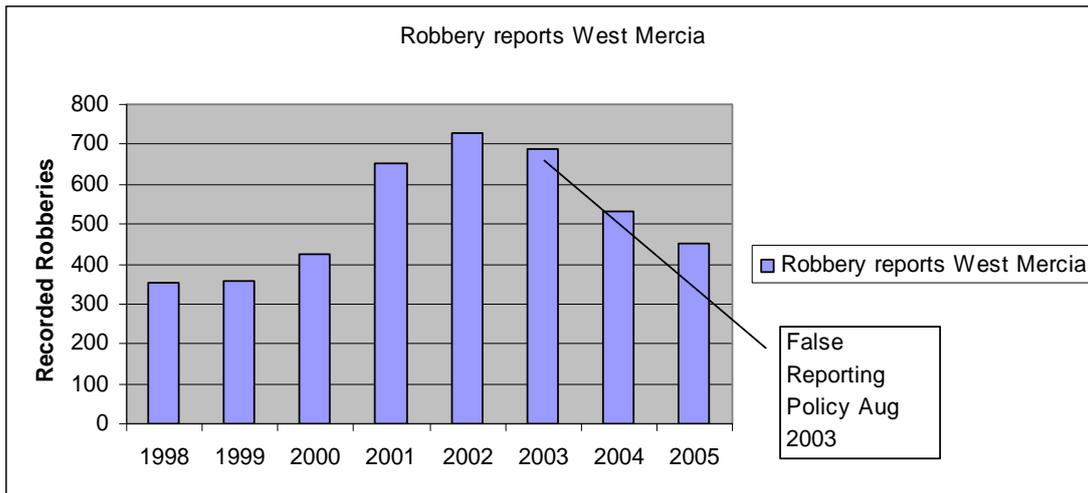
|	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	654	728	689	531	453
Robberies No Crimed	38	39	70	75	33
% No Crimed	5.49%	5.08%	9.22%	12.38%	6.79%
No Crime Grade				Green	Green (Excellent)
Overall Audit Grade			Green	Green	Green (Good)

**Table West Mercia Robbery 'No crimes' and Audit Commission grades.**

West Mercia Comment: The force adopted the NCRS in April 2001 (Simmons et al 2003:86). The introduction of a comprehensive 'false reporting' policy corresponds with significant reductions in total recorded crime, volume crime and robberies. The number of robberies 'no crimed' increased significantly during the period 2002-2004 and then reduced dramatically in 2005 after the Audit Commission commenced checks. The Audit Commission grades for both 'no crimes' and overall data quality do not indicate any problems.

APPENDIX E:

Performance Profile West Yorkshire Police

West Yorkshire Police indicated that they introduced a false reporting policy on 03.09.2003 which applied to Volume Crime i.e. burglary; robbery and theft from the person and theft including vehicle crime. The detailed instructions to officers is contained in a General information document which relates specifically to offences of theft of mobile phones, benefit monies and juveniles avoiding parental wrath when they have lost their mobile phones. The trigger factors are as per the Home Office street crime guidance. The 'general information document is quite clear that its purpose is the detection of those seeking to false report crime not the recording of street crime allegations. However it suggests individuals seeking to report allegations that are over a day old should be encouraged to attend a police station or make arrangements for officers to visit them. It indicates that unwillingness to comply with these instructions should not prevent a crime report being recorded. The policy goes on to state those reports which are suspicious should be examined by a Detective Sergeant or Detective Inspector and where a false report is suspected the victim should be spoken to in person at the police station ,home address, place of work, or over the phone by an experienced investigator. It also specifies that victims should be informed that during the investigation the police may examine phone records and CCTV coverage of the area where the offence purportedly occurred in order to corroborate their account. The policy is clear on the action to be taken when evidence shows conclusively that a report is false but does not specify how suspected false reports which do not result in a prosecution of some sort are disposed of in the incident recording or crime recording systems. A second policy document on the action to be taken in respect of volume crime indicates that the force will actively screen reports of volume crime to identify false allegations and appropriate action will be taken against them. It also goes on to encourage the development of local systems to identify and deal with incidents of false reporting of Volume Crime.

Robbery reports West Yorkshire

Recorded Robberies

| 6,000 |
| 5,000 |
| 4,000 |
| 3,000 |
| 2,000 |
| 1,000 |
| 0 |

1998 1999 2000 2001 2002 2003 2004 2005

■ Robbery reports West Yorkshire

False Reporting Policy Sept 2003

West Yorkshire Burglary Robbery & Veh. Crime

Recorded Crimes

| 180,000 |
| 160,000 |
| 140,000 |
| 120,000 |
| 100,000 |
| 80,000 |
| 60,000 |
| 40,000 |
| 20,000 |
| 0 |

1998 1999 2000 2001 2002 2003 2004 2005

■ West Yorkshire Volume Crime

False Reporting Policy Sept 2003

	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	5,674	4,947	3,738	2,196	2,531
Robberies No Crimed	33	94	108	62	34
% No Crimed	0.58%	1.86%	2.81%	2.75%	1.33%
No Crime Grade				Amber	Amber (Fair)
Overall Audit Grade			Amber	Amber	Green (Good)

Table: West Yorkshire Robbery 'No crimes' and Audit Commission grades.

Comment: The force adopted the NCRS in February 2002 (Simmons et al 2003:90). Whilst the force received an overall 'Amber' grade from the Audit Commission in 2003 the data quality grade was 'red'. This resulted in the force addressing data

quality and in 2004 the Audit Commission made the following comment on the force's improvement:

> "The Authority has demonstrated a clear commitment to the application of NCRS which appears to have cascaded down through the force. There is an excellent awareness of NCRS within divisions as a result of the force's on-going programme to communicate the importance of consistent crime recording and the implications of NCRS. Officers are clearly moving away from the "evidential approach" to crime recording enabling the application of the "balance of probabilities" that is central to NCRS." (Audit Commission July 2004:3)

This would explain the peak in total recorded crime circa September 2002. The fall in total recorded crime and volume crime corresponds with the introduction of the 'false reporting' policy. The earlier fall in recorded robberies corresponds with the Street Crime Initiative when 'false reporting' practices were being introduced by the ten 'street crime' forces of which West Yorkshire was one. The significant reduction in robberies 'no crimed' again corresponds with the commencement of the Audit Commission checks.

Performance Profile: Merseyside Police

Merseyside Police indicated that they have an electronic link on their "What Works Reference Library" to the Home Office website with details of the Problem Solving: Practical Lessons from the Street Crime Initiative. They also require those reporting benefit monies stolen to sign a declaration indicating that their report is genuine. All general enquiry offices are using these forms and it is hoped that this will deter this type of offence. An 'Area Order' in relation to benefit fraud was issued on 10/09/2004.

Merseyside Total Recorded Crime

Year	Merseyside
1998	~141,000
1999	~148,000
2000	~143,000
2001	~151,000
2002	~163,000
2003	~169,000
2004	~171,000
2005	~175,000
2006	~155,000

Merseyside Recorded Robberies

Year	Merseyside Robberies
1998	~2,480
1999	~2,660
2000	~2,400
2001	~3,150
2002	~2,990
2003	~2,340
2004	~2,160
2005	~2,500
2006	~2,280
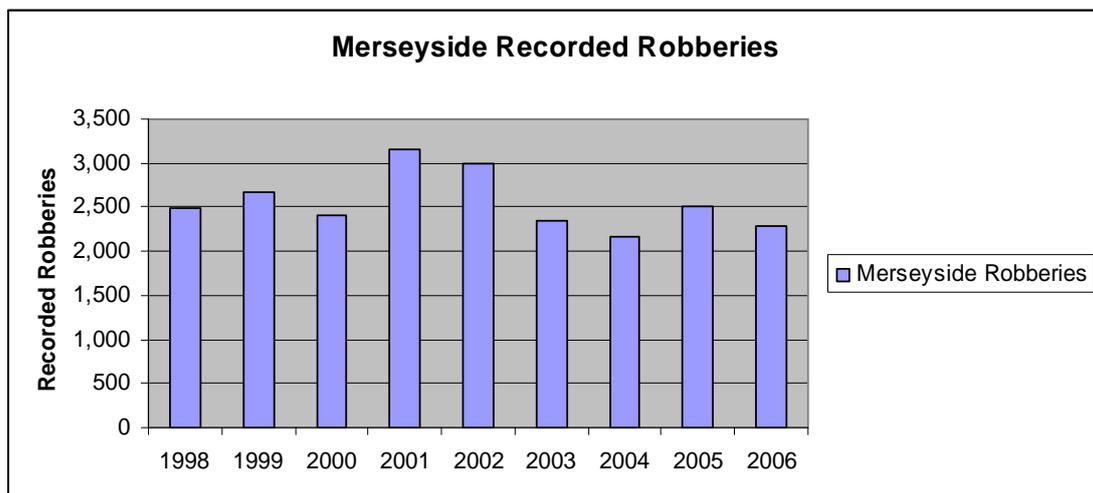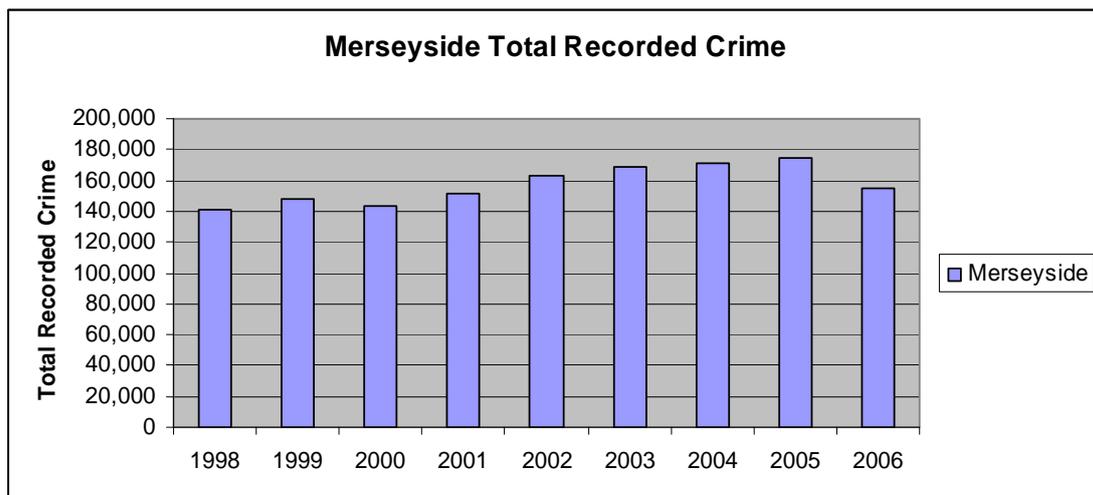
	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	3,155	2,994	2,347	2,173	2,502
Robberies No Crimed	140	151	138	71	33
% No Crimed	4.25%	4.80%	5.55%	3.16%	1.30%
No Crime Grade				Green	Green (Good)
Overall Audit Grade			Red	Amber	Green (Good)

Table: Merseyside Robbery 'No crimes' and Audit Commission grades.

Comment:
Merseyside's total recorded crime profile does not match the trend displayed by the other three forces which have adopted 'false reporting' policies. However this may be due to the limited scope of the policy which relates to benefit monies only or the impact of late compliance with the NCRS reflected in their improved grades over the period 2003-2005. Simmons et al (2003:54) were unable to include Merseyside in the national NCRS impact assessment because incidents weren't categorised until an officer had assessed the nature of the incident thus negating the methodology employed in the study. The force did however adopt the NCRS in April 2002. The recorded robbery trend follows that of the other 'street crime' forces showing a marked reduction in recorded robberies during the period when false reporting tactics were being introduced as part of the national initiative.

An examination of HMIC baseline assessment (HMIC Oct 2006) does however reveal an interesting observation on the force's application of the NCRS.

> "The force is encouraging officers to maximise the 72-hour rule under NCRS to fully investigate the circumstances around reported crime. This will assist in the process of reducing the number of 'non crime' after the event and assist in the correct categorisation. However, this will leave a lag in the performance-monitoring process and possibly impact on NIM. In addition the force should ensure that only officers who are competent in NCRS are provided with this facility." (HMIC Merseyside: Oct 2006:53)

The 72 hour rule does comply with NCRS guidelines but this suggests officers are seeking evidence to substantiate the victims claim and then using their discretion to decide whether a crime has occurred or not as opposed to accepting the victims account.

APPENDIX G:

Performance Profile: Cleveland Police

Cleveland Police introduced a 'false reporting' policy on 04.04.2006 with specific reference to theft/robbery of mobile phones, with a mention of Benefit monies in a declaration which victims were required to sign indicating that the report was genuine? In the introduction to the policy it states that victims may 'believe that insurance on the mobile phone will only be valid if it has been lost in the course of a crime as opposed to lost. It also states in bold lettering that the evidence of the scale of the problem is anecdotal and that there is no published data on the proportion of robbery reports which are false. They use the term 'thin' to describe the research evidence. The trigger factors are as per the street crime guidance. A caveat, warning that the guidelines may lead to a number of false positives is included and there is a reminder to officers of the NCRS, although the term balance of probability phrase is given prominence. It is also indicated that the NMPCU has produced a 'Reporting of Crime – Declaration document which victims are required to sign. The wording of this document is recommended as it meets the requirements of the NCRS in promoting a victim oriented approach to crime recording, whilst ensuring they are aware the offence as reported will be investigate robustly; and the consequences of false reporting. The policy requires a previous warning to be discontinued on the grounds that they may be dissuading genuine victims. So some form of 'false reporting' procedure appears to have been in operation prior to the formal adoption of the policy.

Cleveland Recorded Robberies
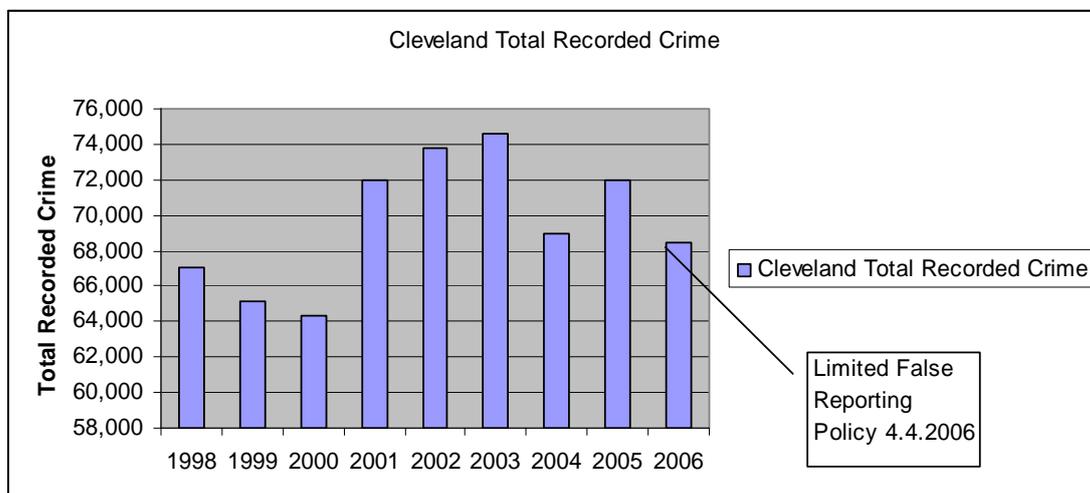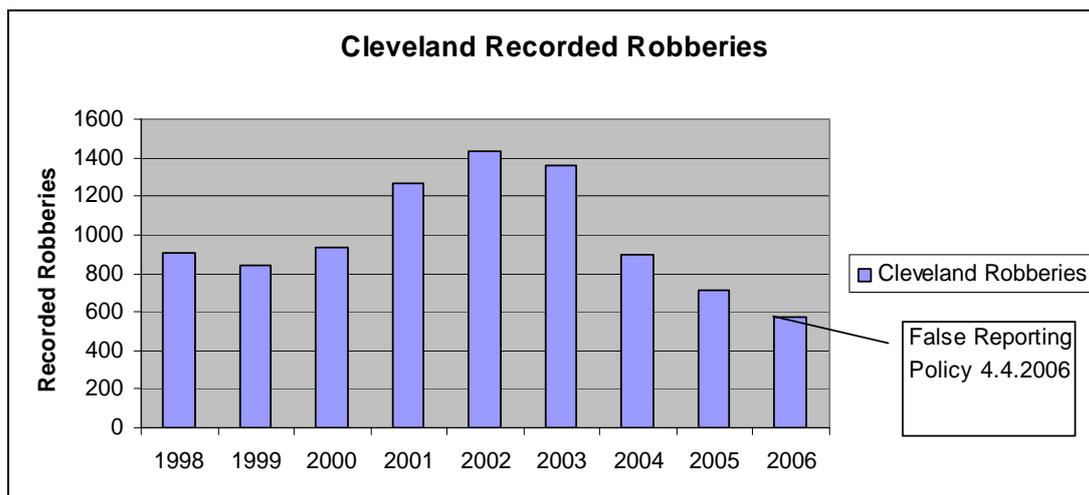
	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	1,264	1,434	1,355	898	715
Robberies No Crimed	6	24	22	38	11
% No Crimed	0.47%	1.65%	1.60%	4.06%	1.52%
No Crime Grade				Red	Green (Excellent)
Overall Audit Grade			Red	Red	Green (Excellent)

**Table: Cleveland Robbery 'No crimes' and Audit Commission grades.**

Comment: this force experienced a reduction in total recorded crime in 2003/04 although its overall NCRS compliance grade is poor for both 2003 and 2004. Improving its compliance grade to Green (Excellent) in 2005 corresponds with a marked increase in recorded crime. Recorded robberies show a marked reduction from late 2003 onwards (approx 12 months later than the 'street crime' forces) without any adverse affect from improved NCRS compliance. The introduction of a 'false reporting' policy for robberies would, as has been seen with other forces adopting the policy, ensure compliance with the Audit Commission requirements and Cleveland was graded 'green' Excellent for data quality in 2006.
Again the marked reduction in robberies 'no crimed' is noticeable after the Audit Commission checks in 2004.

APPENDIX H:

Performance Profile: Humberside

Humberside Police introduced a 'false reporting of crime good practice guidance' on 01.07.2004. The policy is introduced with the rider that research and statistics demonstrate that there has been an increase in false allegations of street crime. Two particular group are the main suspects; those reporting mobile phones stolen for insurance purposes and juveniles who are afraid to admit to their parents that they have lost their phones. Three 'trigger factors' are identified; non use of the 999 system; victim unable to give full description of offender; report for insurance purposes. The policy indicates that the decision on whether an incident should be recorded as a crime must be made within 72 hours based on an auditable Crime Recording Decision Making Process, again the emphasis is placed on 'balance of probability' that a crime has occurred. Once recorded as a crime if the trigger factors apply victims are to be encouraged to attend the police station or arrangements made for an officer to attend their home or workplace. The policy explains that those reports believed to be false can be 'no crimed' and that it is vital that sufficient detail is recorded for the purposes of auditing by HMIC or Audit Commission. The delicate issue of what happens when a report is suspected of being false but there is insufficient evidence to prosecute is not dealt with specifically. There is also a heavy emphasis on compliance with the National Crime Recording Standard.

Humberside Recorded Robberies
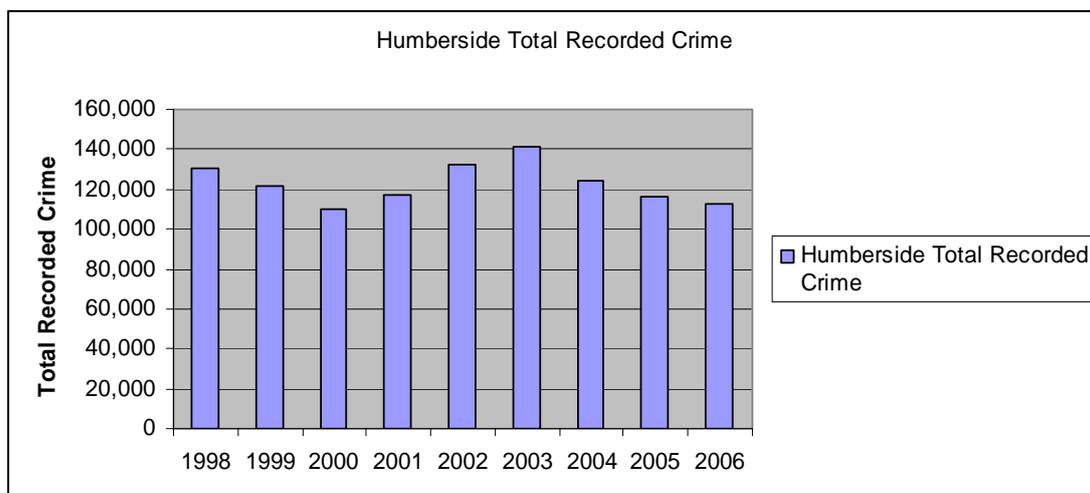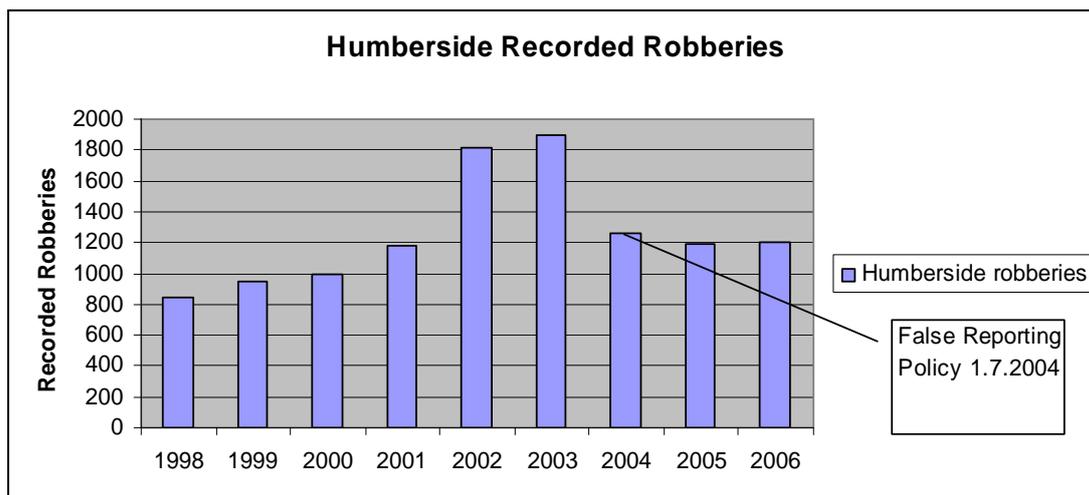
|	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	1,182	1,813	1,896	1,262	1,185
Robberies No Crimed	28	44	85	94	65
% No Crimed	2.31%	2.37%	4.29%	6.93%	5.20%
No Crime Grade				Amber	Amber (Fair)
Overall Audit Grade			Amber	Amber	Green (Excellent)

Table: Humberside Robbery 'No crimes' and Audit Commission grades.

Comment: Humberside adopted the NCRS in April 2002 (Simmons et al 2003:42). The force was not one of the ten Street Crime Initiative forces; the later reduction in robberies occurs just after the formal introduction of a false reporting policy. The reduction in overall crime again occurs soon after the introduction of the false reporting policy. The Audit Commission overall grade has improved from Amber in 2003 to Green (Excellent) in 2005 however the 'no crime' grade has remained constant at 'amber' (Fair). Only a small reduction in 'no crimed' robberies has occurred when the Audit Commission commenced checks in 2004 although the force is only graded 'amber' for this test. An increase in 'no crimes' corresponds with the introduction of a 'false reporting' policy for robbery in 1.7.2004.

APPENDIX J:

Performance Profile: Nottinghamshire:

Nottinghamshire Police endorsed a guidance document advising officers on how to deal with false reports in April 2004 although it is likely the force would have introduced elements of 'false reporting' tactics during 2003 as part of the Street Crime Initiative. The policy appears from examination of their Policing Plan 2005/06 (Policing our Communities: The Year Ahead 2005-2006:28) to have been extended to burglaries.

Nottinghamshire Total Recorded Crime

Nottinghamshire Recorded Robberies
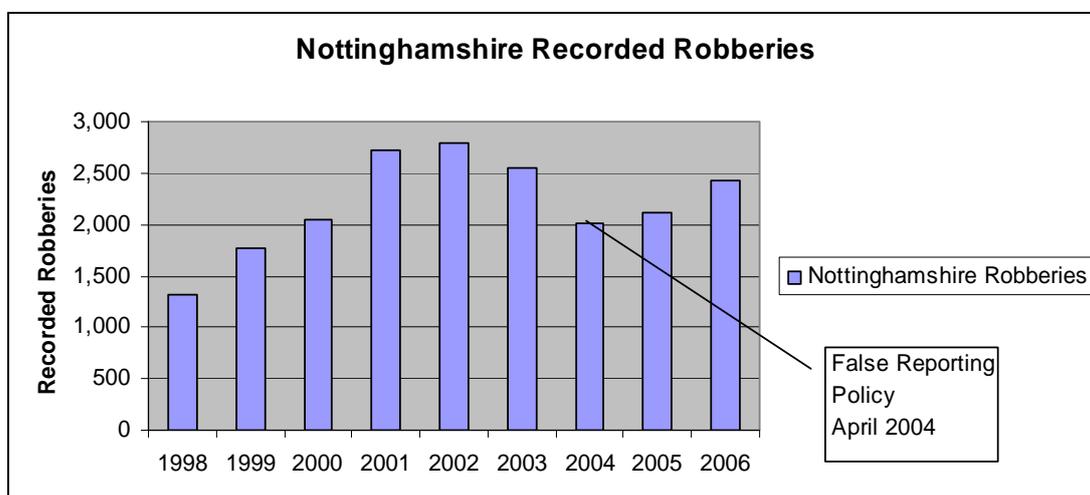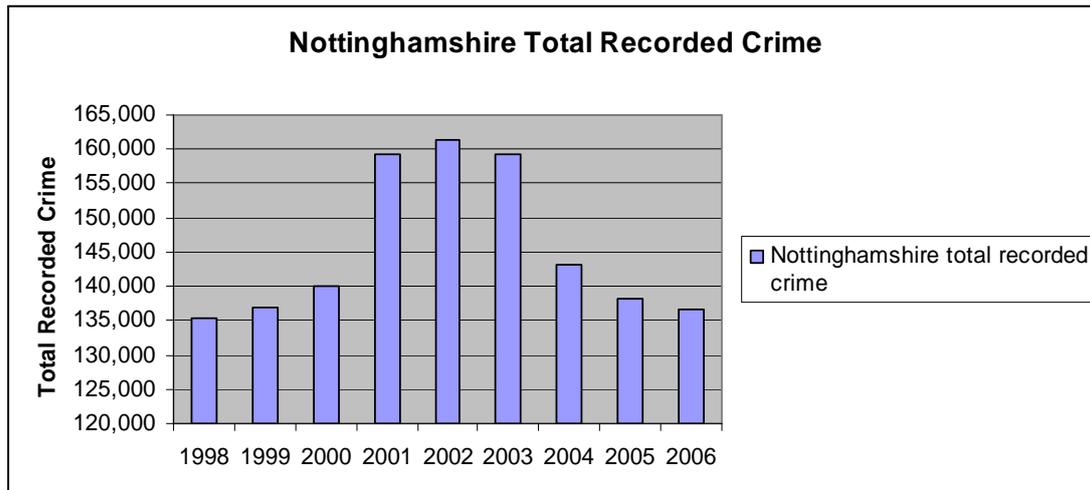
|	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	2,726	2,799	2,556	2,004	2,112
Robberies No Crimed	27	73	127	114	78
% No Crimed	0.98%	2.54%	4.73%	5.38%	3.56%
No Crime Grade				Green	Green (Good)
Overall Audit Grade			Amber	Amber	Green (Excellent)

Table: Nottinghamshire: Robbery 'No crimes' and Audit Commission grades.

Comment: Nottinghamshire adopted the NCRS in April 2001. Although the force was a member of the ten Street Crime Initiative forces the marked reduction in robberies does not occur until March 2003- April 2004. This is consistent with the other 'Street Crime 'forces reviewed which show a similar reduction in recorded robberies. The false reporting policy for street crime and theft of benefit monies is formally adopted in April 2004. This force's Audit Commission grade improves from Amber during 2003 and 2004 to Green (Excellent) in 2005 and this corresponds with an increase in recorded crime in 2005-2006. 'No crimes' grades remain at good although the number of robberies 'no crimed' reduced after the Audit Commission checks commenced in 2004.

APPENDIX K:

Performance Profile: Avon and Somerset:

Avon and Somerset Constabulary commented in their response to the Survey: "Avon and Somerset have no such specific policy in existence. I am informed that over the years there may have been some guidance issued to officers in geographical areas of the constabulary, particularly in relation to matters such as the spurious reporting of some thefts of mobile phones, some robberies and some vehicle-related crimes. I am informed that these local guides would have been replaced by the Home Office Guidance on the false reporting of Street Crime." A search of the force's web site indicated that the Bristol BCU had a dedicated unit established to investigate false reports[28]. The force's response provided some analysis of the problem of false reporting which appeared to be relevant to their Bristol Basic Command Unit. The analysis indicated some practice involving delays in the issuing of crime numbers was being operated and that this was in part responsible for a reduction in false reports.

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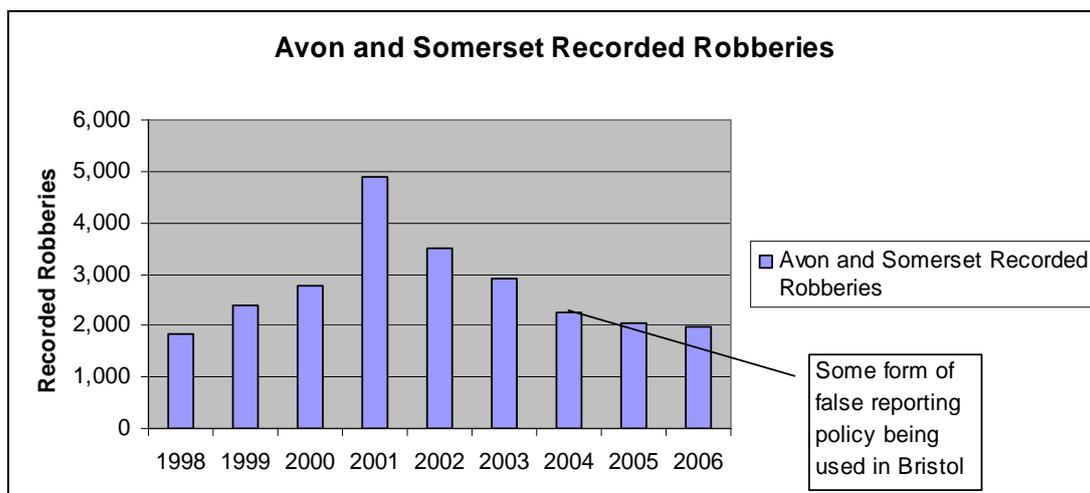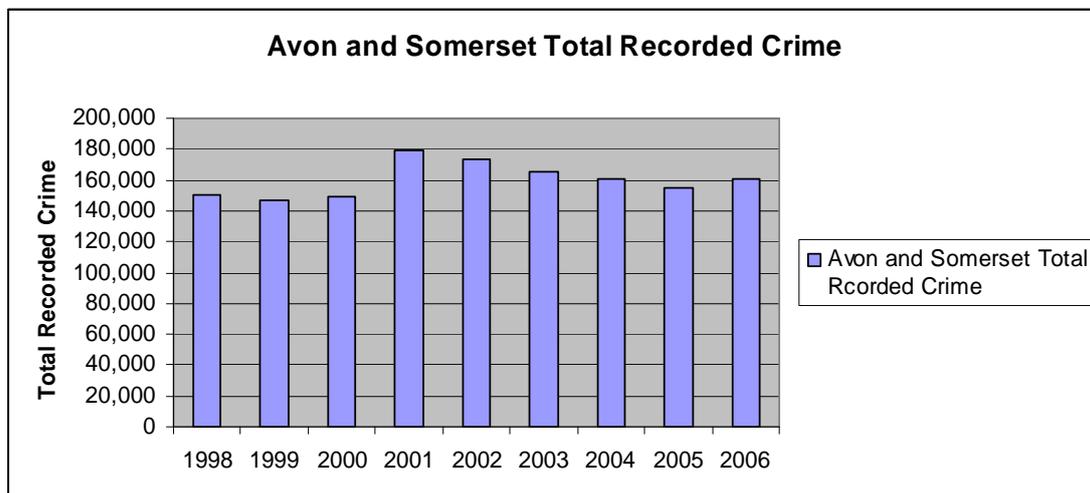
[28] Partnership with People 2003/04 Bristol pg. 11

	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	4,889	3,504	2,908	2,237	2,036
Robberies No Crimed	37	39	74	85	60
% No Crimed	0.75%	1.10%	2.48%	3.66%	2.86%
No Crime Grade				Amber	Red (Poor)
Overall Audit Grade			Amber	Amber	Amber (Fair)

Table: Avon & Somerset: Robbery 'No crimes' and Audit Commission grades.

Comment: Avon and Somerset adopted the NCRS in October 2000 although Simmons et al indicate the force made a concerted effort towards compliance in 2001 (2003:8). Simmons et al also noted a marked reduction in robberies in 2002/03 which they were confident was due to a genuine reduction in this crime category:

> "Robbery – Robbery offences show a negative NCRS impact across all four quarters of 2002/03. Since NCRS implementation, the rise and fall in crimes has tracked incidents, which suggest that the reduction in robbery from April 2002 represents a genuine and sustained fall. The Home Office has estimated that there has been a minus six per cent NCRS impact for 2002/03. Avon and Somerset estimated a negligible NCRS impact on robbery offences in the previous year." (2003:8)

The Forces overall Audit Commission compliance grade remains at Amber from 2003 to 2005 and its 'no crimes' grade worsens from Amber in 2004 to red in 2005.

APPENDIX L:

Performance Profile: City of London Police

City of London Police indicated that they did not have a 'false reporting' policy although an 'instruction' had been issued to officers in March 2006 amended in October 2006 relating to the reporting of *lost* passports. The instruction required the recording officer to corroborate the victim's identity prior to issuing any reference number which could be used to obtain a replacement. The force also released two posters which were displayed in their police stations advising members of the public that it is a criminal offence to falsely report an item stolen. They were unable to ascertain when these posters were first displayed. It is assumed their introduction corresponds with the marked reduction in recorded crime experienced in 3003/04. The posters indicate a predisposition to view all property as lost unless their evidence to the contrary:

> "It is not always clear, in respect of mislaid property, whether an item is lost or stolen. If the circumstances under which you report an item mislaid amount to a genuine loss of property, or on the balance of probabilities the property is more likely to have been lost than not, you will be asked to endorse your true feelings within the lost property register. However, if on the balance of probabilities it is more likely than not that the property has been stolen we WILL record the loss as a crime." (Poster A: City of London Police Poster on public display)

> "If the circumstances under which you report an item mislaid amount to a genuine belief that it is stolen or stolen with violence being used against the victim, a crime report will be taken from you and a crime reference will be allocated (Poster B: City of London Police)

City of London Total Recorded Crime

City of London Recorded Robberies
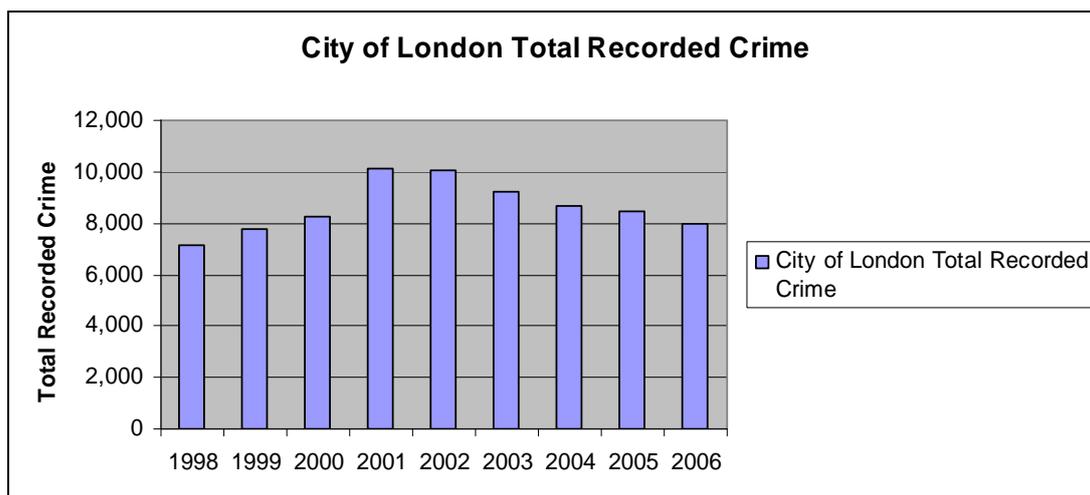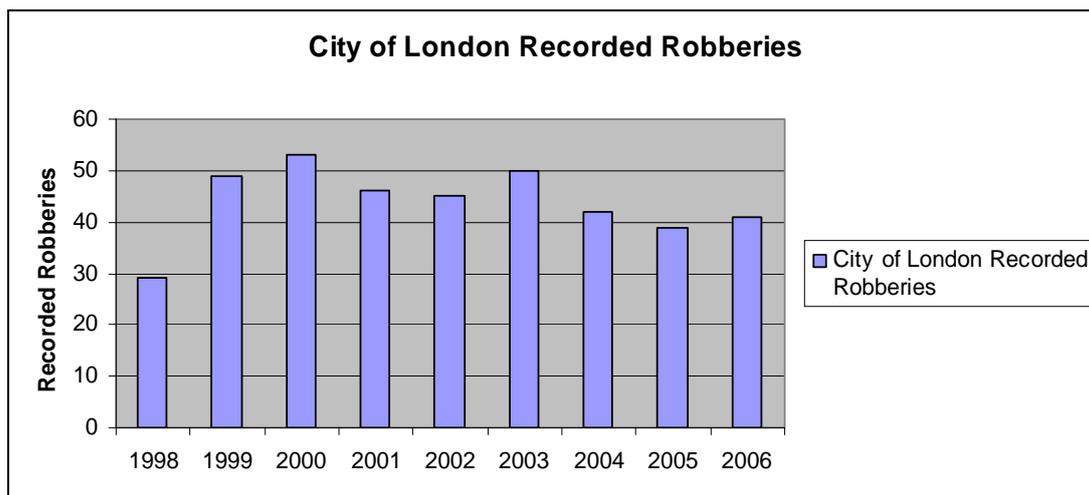
|	2001/02	2002/03	2003/04	2004/05	2005/06
Total Robberies	46	45	50	42	39
Robberies No Crimed	6	4	9	30	12
% No Crimed	11.54	8.16	15.25	41.67	23.53
No Crime Grade				Green	Green (Good)
Overall Audit Grade			Green	Green	Green (Excellent)

Table: City of London: Robbery 'No crimes' and Audit Commission grades.

Comment: The City of London adopted the NCRS in April 2002 although the size of the force and the small number crimes and incidents reported meant that Simmons et al's assessment of the NCRS impact was unreliable (2003: 52). The force also indicated that it had increased its officer strength by 11 per cent which they felt had an impact on recorded crime and their ability to deal with it. Whilst the force's Audit Commission grades both overall and in relation to 'no crimes' remained consistently good the high number of 'no crimed' robberies is high in comparison with the other forces with some form of 'false reporting' policies. The high percentage of robberies 'no crimed' in 2004/05 (41.67%) masks an overall increase in reported robberies This could reflect a high proportion of 'false reports' consistent with the percentages quoted by other forces to the media. However the City of London is surrounded on all sides by the Metropolitan Police Service and frequently records crimes which occurred on the Metropolitan Police Service's area thus necessitating 'no criming' of these reports when they are passed to the MPS for investigation.

**APPENDIX M: GREATER MANCHESTER POLICE & 'NODDING'**

CRITICAL INCIDENT: Greater Manchester Police (GMP) discontinued prison write offs in 1995.
Incident reported in the Guardian (Carter: The Guardian 4.6. 2004) which suggested post-sentence TICs were being sought by at least one Command Unit

Greater Manchester Police Burglary Dwelling Detections: Total & TIC

(Fig 6.8) **(Home Office 2008)**

Greater Manchester Police Theft From Vehicle Detections: Total & TIC

(Fig. 6.9) **(Home Office 2008)**

Greater Manchester Police Theft or Unauthorised Taking of Motor Vehicle Detections: Total & TIC
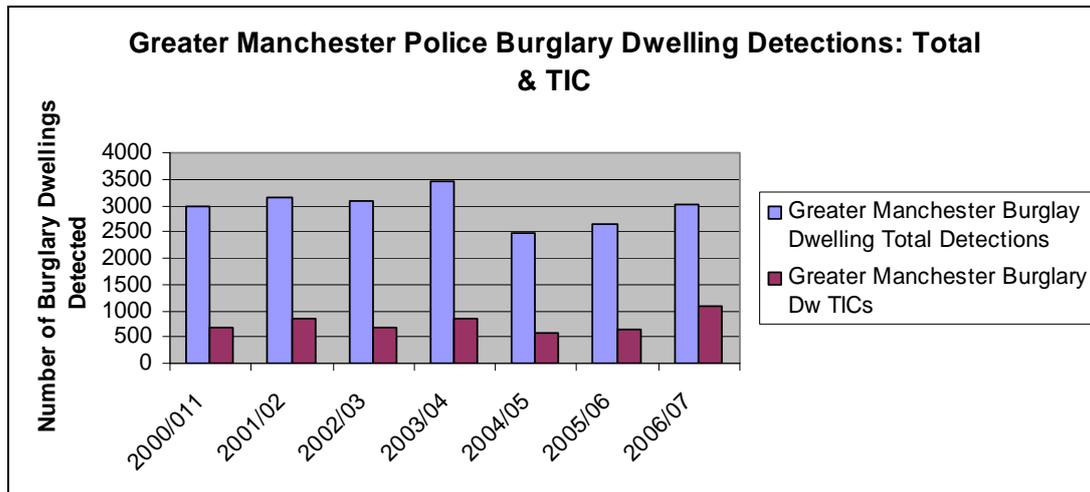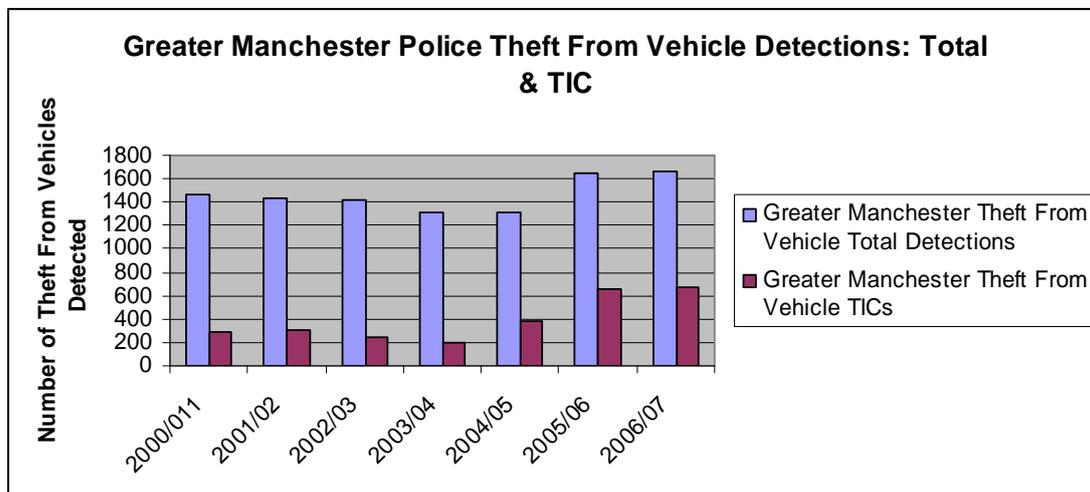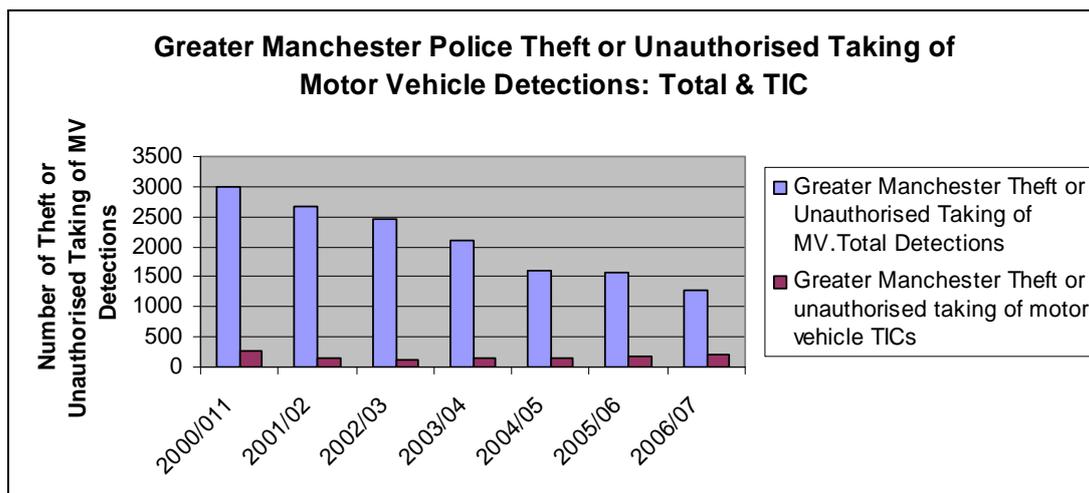
(Fig. 6.10)   **(Home Office 2008)**

 The graphs (Figs 6.8;6.9;6.10) demonstrate that whilst TICs have increased from 2005/06 they still only account for a small proportion of the total detections for Theft or Unauthorised Taking of a Motor Vehicle and a minority proportion of the detections for Burglary Dwelling and Theft from Motor Vehicle. Interestingly the increase in TICs occurs after the reported incident involving inducements at Salford (Carter: The Guardian 4.6. 2004) which indicated post sentence TICs were being sought by at least one Command Unit[29]. The increase in TICs also post dates the involvement of the Police Standards Unit with the Force (2002/03; Home Office/PSU 2005).

Comparing GMP with the National data for the period 2003-2007 it is evident that although GMP was increasing the percentage of Burglary Dwelling (Fig 6.11); Theft from Motor Vehicle (Fig 6.12); and Theft and Unauthorised Take of Motor Vehicles (Fig. 6.13) detected by TICs year on year, it was still detecting lower percentages of offences in these categories by TIC than the national percentage.

[29] The GMP performance officer declined to comment on the use of TICs.

National GMP: Percentage of Burglary Dwelling Detected by TIC

TICs as a Perecentage of Total Detections (y-axis: 0 to 60)

Years: 2003/4, 2004/5, 2005/6, 2006/7

- National % Burglary Dwelling detected byTIC
- GMP % Burglary Dwelling detected by TIC

(Fig 6.11) **(Home Office 2008)**

National and GMP Percentage of Theft from MV Detected by TIC

TICs as a percentage of Total Detections for Theft from MV. (y-axis: 0 to 70)

Years: 2003/4, 2004/5, 2005/6, 2006/7

- National % Theft from MV detected by TIC
- GMP % Theft from MV detected by TIC

(Fig 6.12) **(Home Office 2008)**

National & GMP Percentage of Theft and Unauthorised Take of MV Detected by TIC

TICs as a percentage of Total Detections of Theft of MV (y-axis: 0 to 30)

Years: 2003/4, 2004/5, 2005/6, 2006/7

- National % Theft of Veh.detected by TIC
- GMP % Theft of Veh.detected by TIC

**(Fig 6.13)**   **(Home Office 2008)**

The above analysis might suggest GMP took an executive decision

in 1995 to discontinue the pursuit of post sentence detections in the form of 'prison

write offs'. Initially, it would appear, the force did not substitute 'prison write offs'

with 'post sentence TICs'. However their performance suffered as a result. In 2004

there was an incident suggesting 'post sentence TICs' were being sought when abuses

at the Salford command unit were uncovered (Carter: The Guardian 4.6. 2004) and

the percentage of TICs forming part of the detection rate for key offences increased

from 2004/5 onwards (although it remains below the national percentage level).

**APPENDIX N: NOTTINGHAMSHIRE CONATBULARY & 'NODDING'**

CRITICAL INCIDENT: DESPATCHES PROGRAMME 1999

Analysis of Nottinghamshire Constabulary's detection data revealed the force post exposure (1999) continued to rely to a lesser extent on offences detected by TIC in the key crime categories of Burglary Dwelling (Fig. 6.14); Theft from Motor Vehicle (Fig. 6.15); and Theft of and Unauthorised Taking of a Motor Vehicle (Fig. 6.16)

Nottinghamshire Burglary Dwellings Detections: Total & TIC

(**Fig. 6.14**)   (**Home Office 2008**)

Nottinghamshire Theft From Vehicle Detections: Total & TIC

(**Fig. 6.15**)   (**Home Office 2008**)

Nottinghamshire Theft or Unauthorised Taking of a Motor Vehicle Detcetions: Total & TIC

Number of Theft or Unauthorised Taking of MV detected

- Nottinghamshire Theft or Unauthorised Taking of MV.Total Detections
- Nottinghamshire Theft or unauthorised taking of motor vehicle TICs
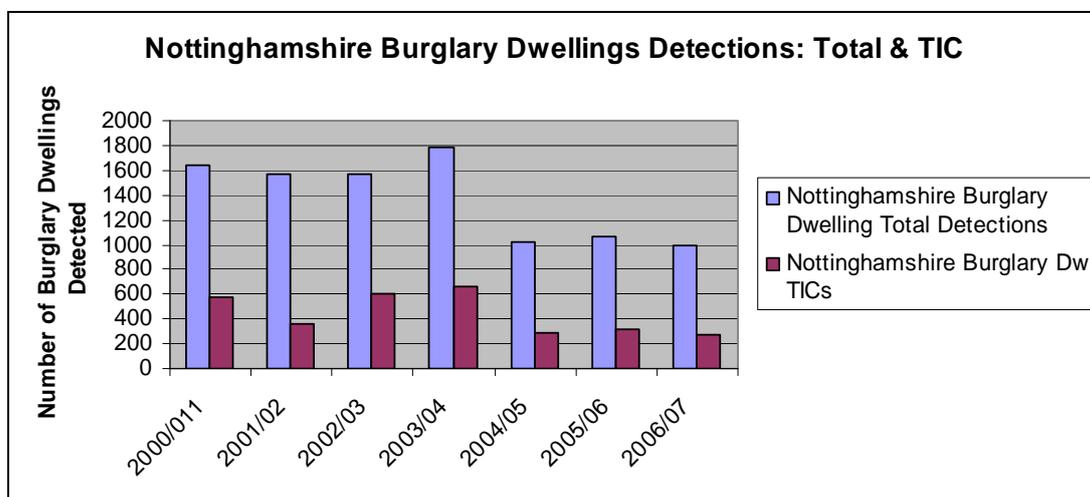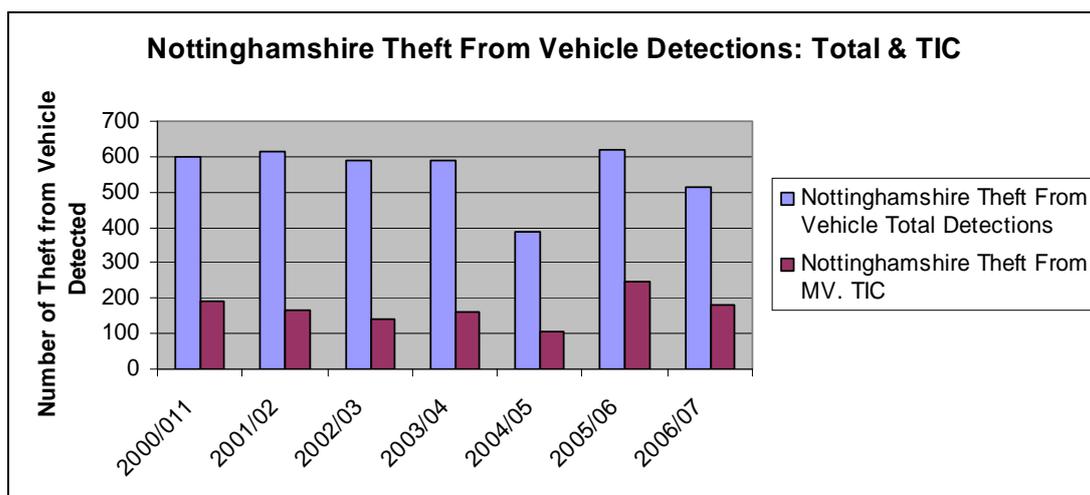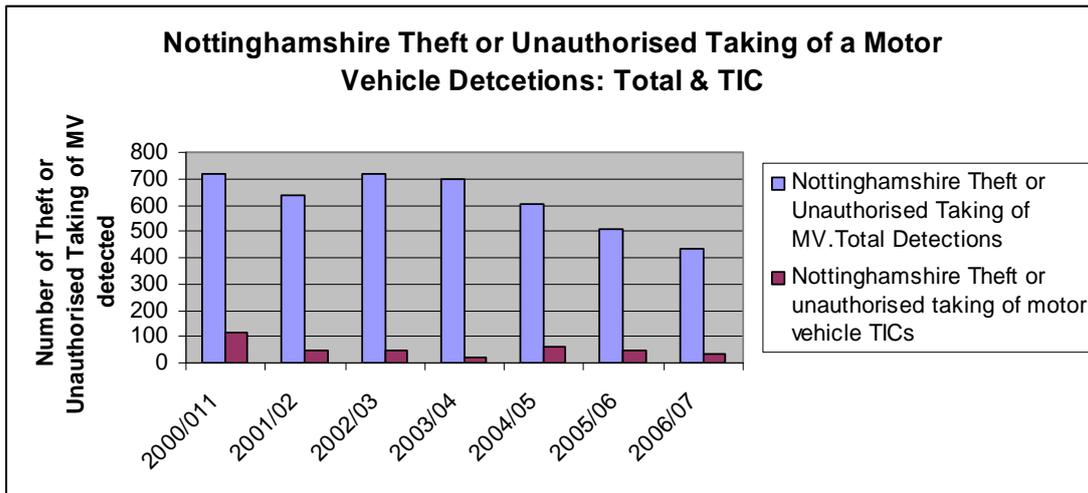
**(Fig. 6.16)**   **(Home Office 2008)**

The impact of that decision, like GMP's, contributed to the force's low performance when compared to the national detection rate. This is evident from the data on burglary detection rates (Fig 6.17).

National & Nottinghamshire Burglary Detection Rates

Percentage of Burglaries Detected

- National Burglary Det. %
- Notts Burglary Det. %
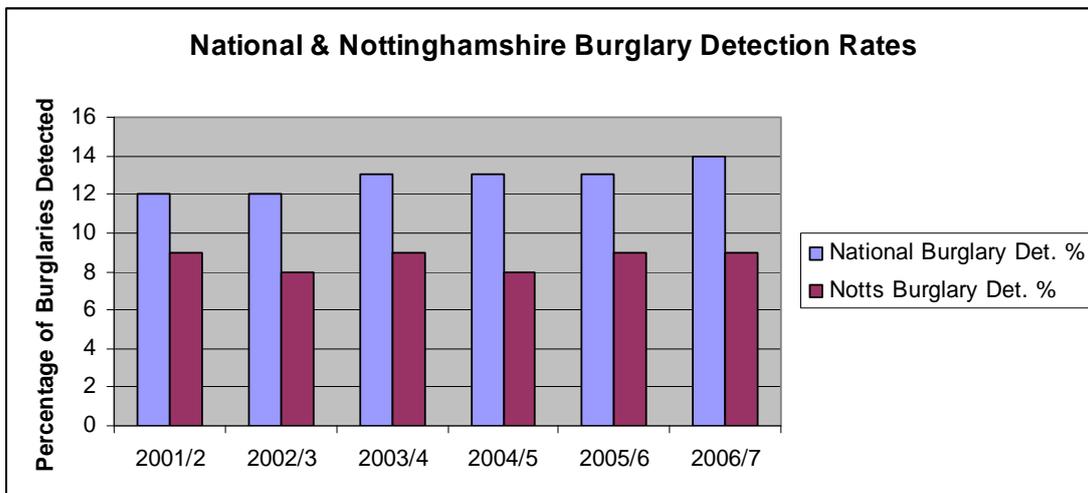
(**Fig. 6.17**)   **(Home Office Bulletins 2001-2007)**

When the percentage of offences being detected as TICs are compared to national rates it is again evident Nottinghamshire continues to detect a lower percentage of key offences by TIC; Burglary Dwelling (Fig 6.18); Theft from Motor Vehicle (6.19); and Theft of and Unauthorised Taking of a Motor Vehicle (Fig. 6.20).

National and Notts. Percentage of Burglary Dwellings Detected by TIC
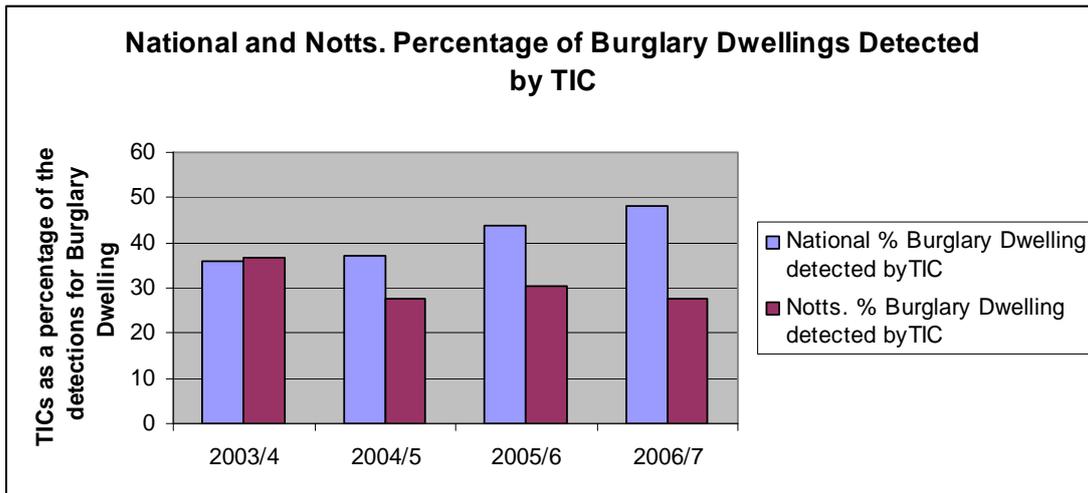
(Fig. 6.18)   (Home Office Bulletins 2003-2007)

National & Notts. Percentage of Theft from MV. Detected by TIC
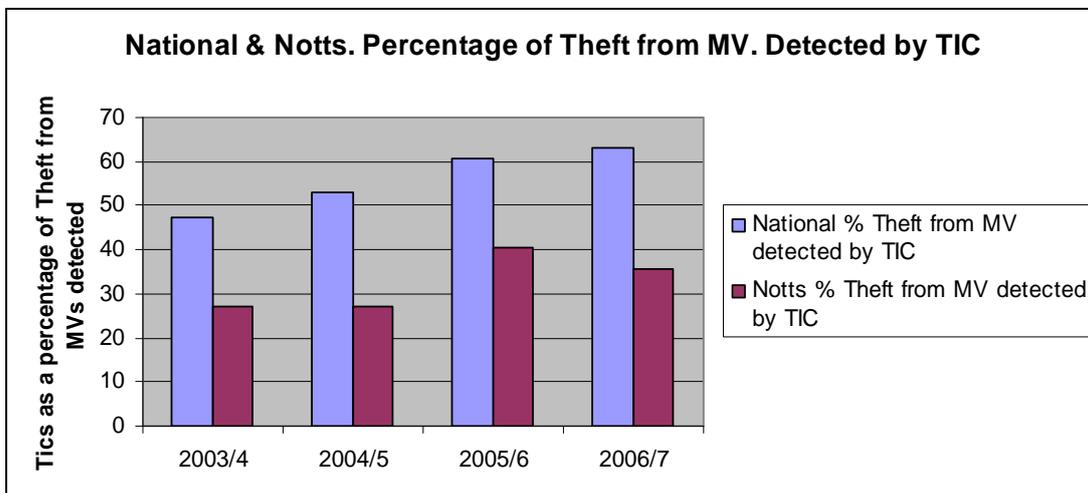
Fig. 6.19)   (Home Office Bulletins 2003-2007)

National & Notts. Percentage of Theft of and Unauthorised Take of MV Detected by TIC
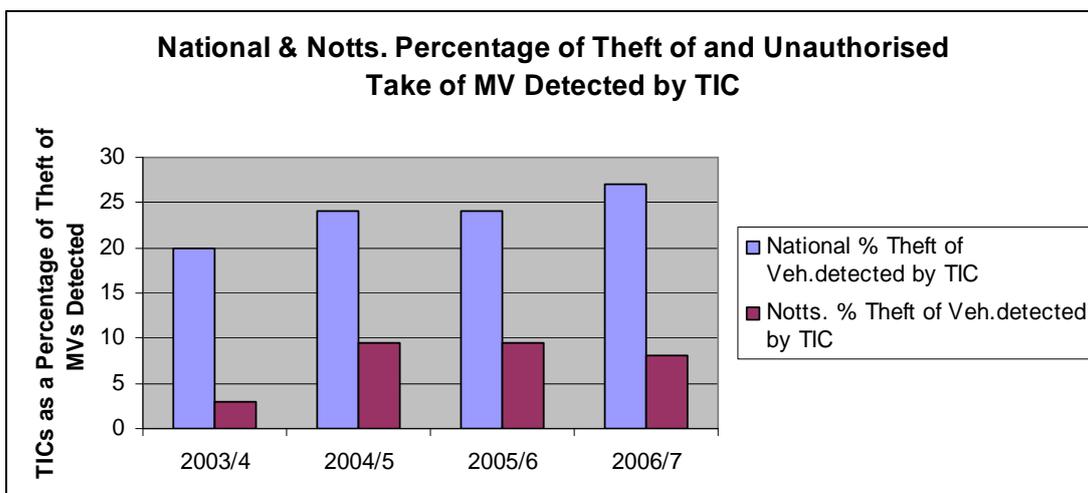
(Fig. 6.20)   (Home Office Bulletins 2003-2007)

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Like GMP the action taken by Nottinghamshire Constabulary to prevent 'nodding' abuses involving 'post sentence TICs' and TICs had a detrimental impact on their performance and, like GMP, they were subject of PSU 'engagement' (Home Office/PSU 2005).

APPENDIX P: CLEVELAND CONSTABULARY & 'NODDING'

CRITICAL INCIDENT: ALLEGATIONS AGAINST DETECTIVE

SUPERINTENDENT MALLON 1998

National & Cleveland Burglary Detection Rate
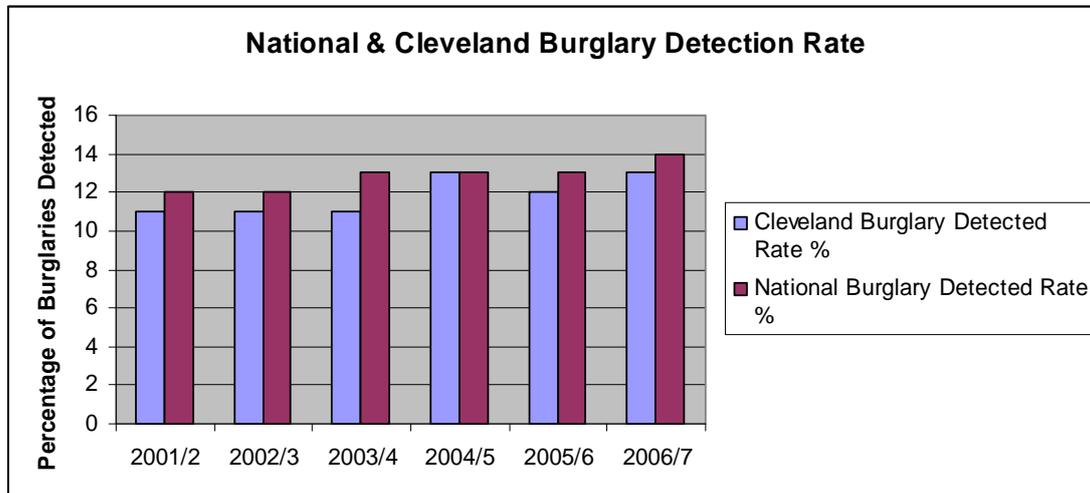

(Fig. 6.21)   **(Home Office Bulletins 2002-2007)**

Compared to the National Detection rate for all burglaries (Fig. 6.21) Cleveland does not appear to be too far off the national burglary detection rate. However its performance in comparison to its family group[30] of forces is poor.

The reliance on TICs as a means of detection continued to be low as shown by Figs. 6.22, Burglary Dwelling; 6.23 Theft from Vehicle; and 6.24 Theft and Unauthorised Taking of a Motor Vehicle.

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[30] Family group includes West Yorkshire; West Midlands; South Yorkshire; Merseyside and Northumberland (HMIC Cleveland 2005:5)

Cleveland Burglary Dwelling Detections: Total and TIC

(Fig. 6.22)   (Home Office 2008)

Cleveland Theft from Vehicle Detections: Total & TIC

(Fig. 6.23)   (Home Office 2008)

Cleveland Theft or Unauthorised Taking of a Motor Vehicle Detections: Total and TIC
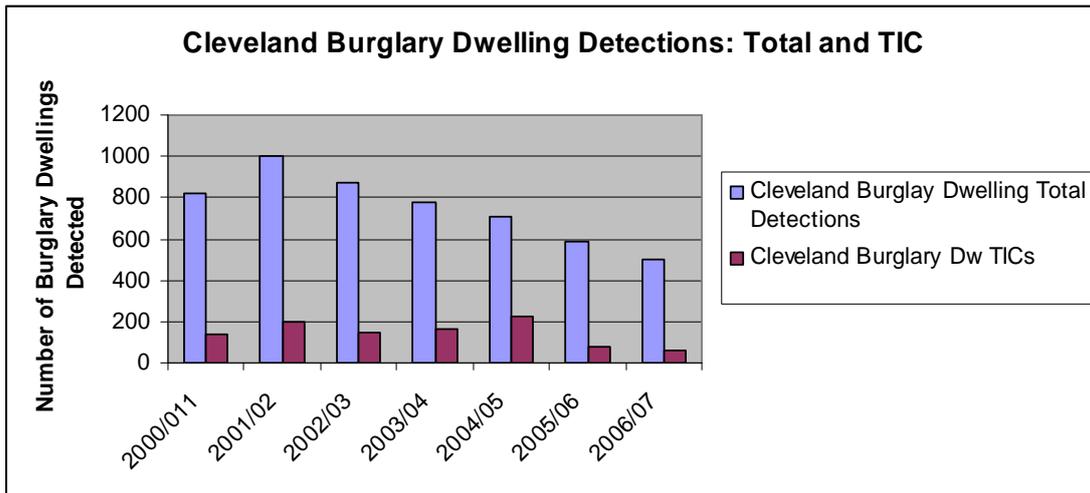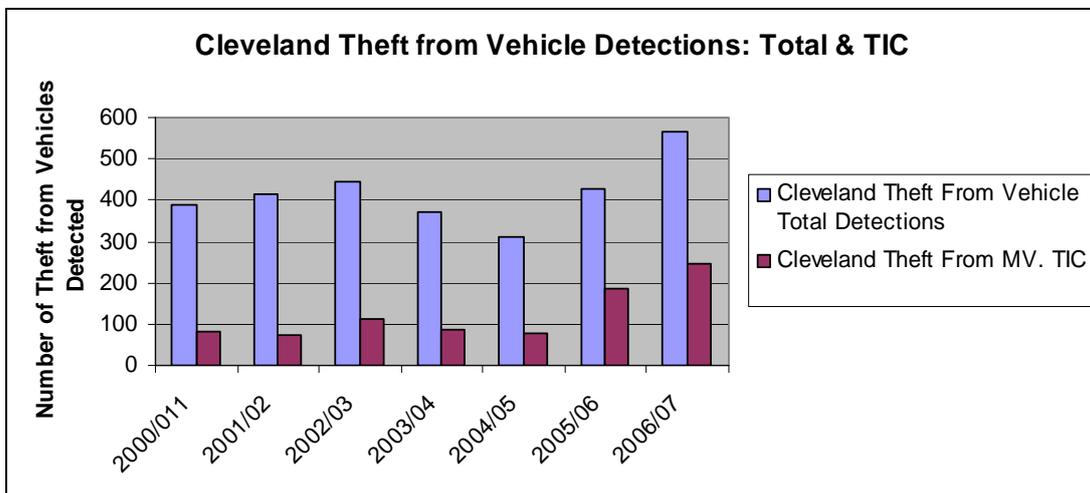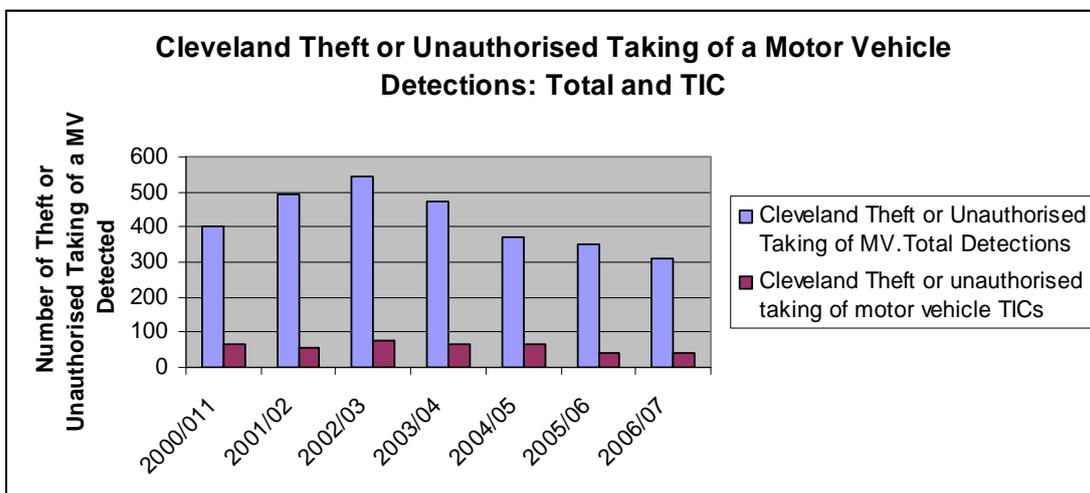
(Fig. 6.24) **(Home Office 2008)**

Again the pattern is similar to GMP and Nottinghamshire; preventative measures introduced to reduce the risk of 'gaming' had a negative impact on force performance in key areas such as burglary and vehicle crime and like GMP and Nottinghamshire Cleveland also became subject of PSU 'engagement' (Home Office/PSU 2005).

APPENDIX Q: WEST MIDLANDS POLICE & 'NODDING'

**CRITICAL INCIDENT: OCTOBER 2003 ARREST OF OFFICERS WITH SUSPECT PRODUCED FROM PRISON**

The impact on the burglary detection rate (Fig. 6.25) demonstrated that the force detection rate for all burglaries remained above the national average until the incident in October 2003, thus demonstrating the extent the force was relying on what were in effect 'prison write offs'.

National & West Midlands Police: Burglary Detection Rates
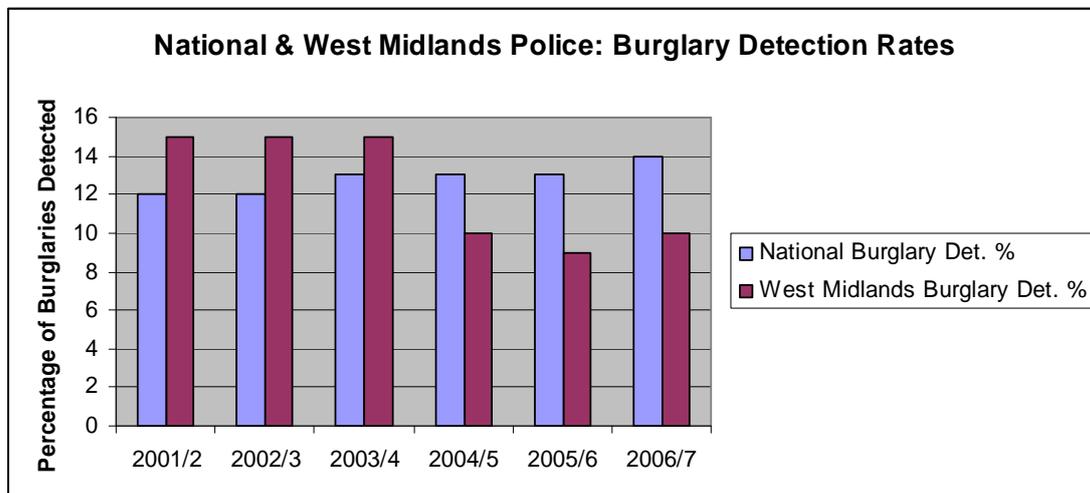
**(Fig. 6.25)**   **(Home Office Bulletins 2002-2007)**

The impact of the incident in October 2003 and the response to it is evident from the reduction in the number of detections for Burglary Dwelling (Fig. 6.26); Theft from Vehicle (Fig. 6.27); and Theft or Unauthorised Taking of a Motor Vehicle (Fig. 6.28).

West Midlands Burglary Dwellings Detected: Total & TIC

Number of Burglary Dwellings Detected

Legend:
- West Midlands Total Burglary Dwellings Detected
- West Midlands Burglary Dw TICs

X-axis: 2000/011, 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07

(Fig. 6.26)   (Home Office 2008)

West Midlands Police Theft from Vehicle Detections: Total & TIC

Number of Theft from Vehicles Detected

Legend:
- West Midlands Theft From Vehicle Total Detections
- West Midlands Theft From MV. TIC

X-axis: 2000/011, 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07

(Fig. 6.27)   (Home Office 2008)

West Midlands Police Theft or Unauthorised Taking of a MV Detected: Total and TIC

Number of Theft or Unauthorised Taking of MV Detected

Legend:
- West Midlands Theft or Unauthorised Taking of MV.Total Detections
- West Midlands Theft or unauthorised taking of motor vehicle TICs

X-axis: 2000/011, 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07

(Fig. 6.28)   (Home Office 2008)

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The marked shift in the percentage of offences detected by TIC is also evident when compared to the national trend; Fig. 6.29 shows the percentage of Burglary Dwellings Detected by TIC and Fig. 6.30 the percentage of Theft from Vehicles detected by TIC.
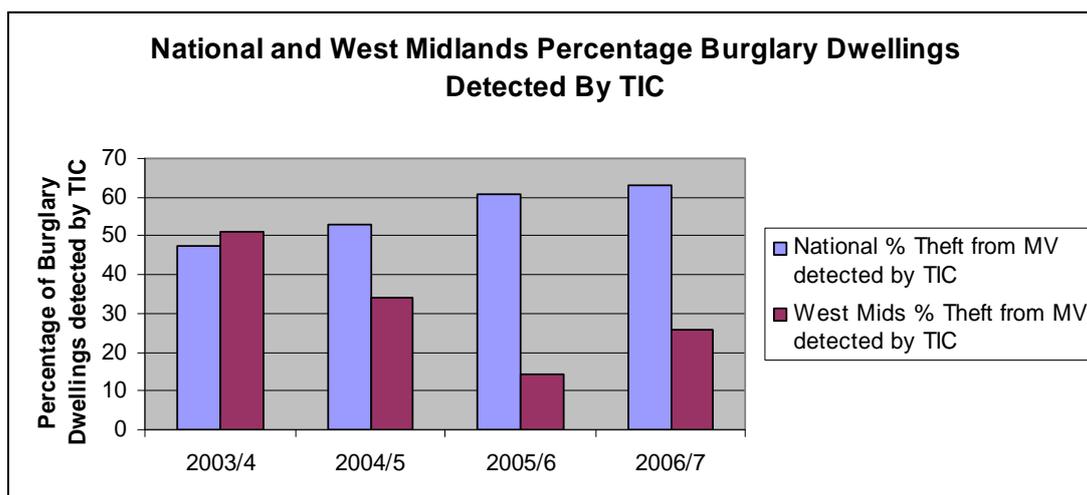
(Fig. 6.29)   **(Home Office 2008)**
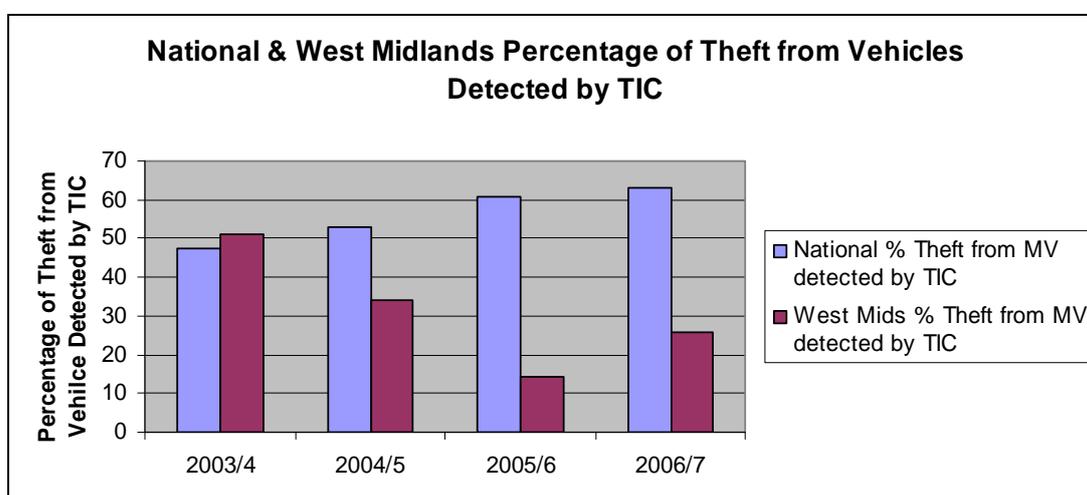
**(Fig. 6.30)**   **(Home Office 2008)**

The dramatic drop in performance brought about by the one incident, is reflected in the above graphs, and indicates the scale of 'gaming', involving TICs, in the West Midlands Police prior to preventative action being taken.

APPENDIX R: BEDFORDSHIRE & 'NODDING'

CRITICAL INCIDENT: MAY 2006

Burglary Dwellings detected, (Fig. 6.31); Theft from Vehicle (Fig. 6.32) and Theft or Unauthorised Taking of a motor vehicle (Fig. 6.33) follows the same pattern of other forces experiencing similar 'incidents' involving 'nodding'.


Bedfordshire Burglary Dwelling Detections: Total and TIC

(Fig. 6.31) **(Home Office 2008)**

Bedfordshire Theft from Vehicle

(Fig. 6.32) **(Home Office 2008)**

Bedfordshire Theft or Unauthorised Taking of Motor Vehicle Detected: Total and TIC

Number of Theft or Unauthrosided Taking Detected

- Bedfordshire Theft or Unauthorised Taking of MV.Total Detections
- Bedfordshire Theft or Unauthorised Taking TICs

2000/011, 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07
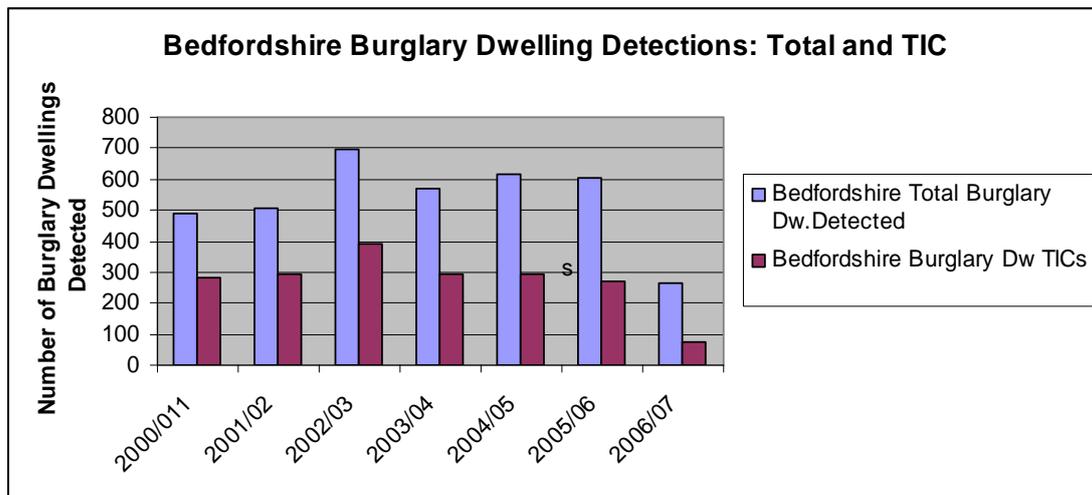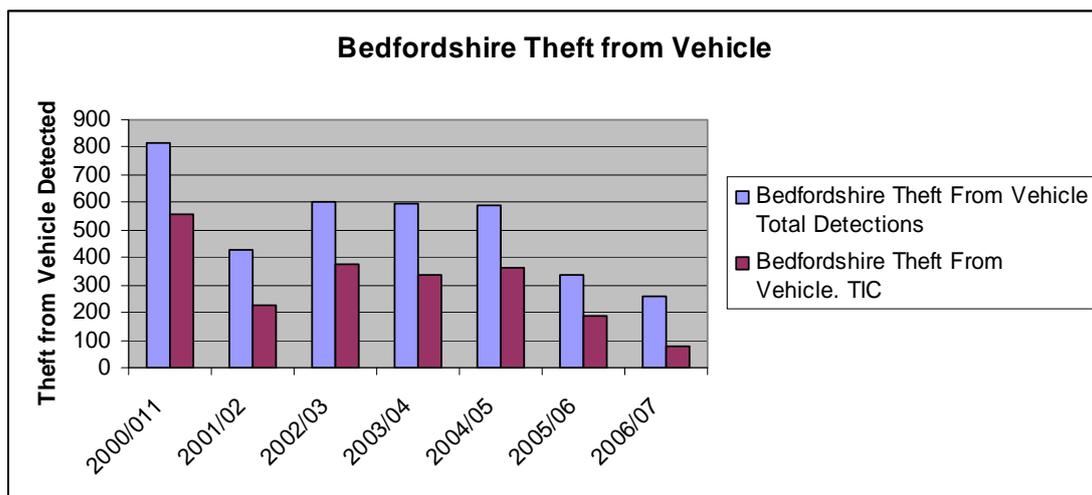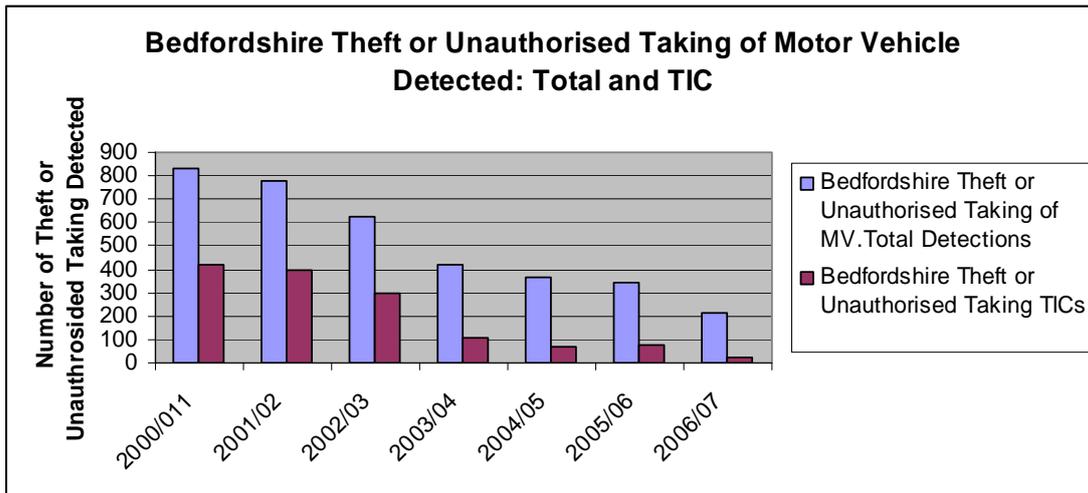
**(Fig. 6.33)**   **(Home Office 2008)**

When the percentage of Burglary Dwelling (Fig.6.34); Theft from Vehicle, (Fig. 6.35); and Theft or Unauthorised Taking of a Motor Vehicle, (Fig 6.36) detected by TIC are compared the national figures it is clear Bedfordshire has moved from above the national percentage rate to below the national percentage rate for Burglary Dwelling, (Fig. 6.34); and Theft from Vehicle (Fig. 7.35); Theft and Unauthorised Taking of a Motor Vehicle (Fig 6.36) is below the national rate although the marked reduction in 2006/7 is still noticeable after the incident reported in the media in May 2006..

**National & Bedfordshire Percentage of Burglary Dwellings Detected by TIC**

Percentage of Burglary Dwellings Detected by TIC

- National % Burglary Dwelling detected byTIC
- Bedfordshire % Burglary Dwelling Detected by TIC

2003/4, 2004/5, 2005/6, 2006/7

(Fig. 6.34)   (Home Office 2008)

National & Bedfordshire Percentage Theft from Vehicle Detected by TIC

Percentage of Theft from Vehicle Detected by TIC

□ National % Theft from MV detected by TIC
■ Bedfrodshire % Theft from MV detected by TIC

2003/4   2004/5   2005/6   2006/7

(Fig. 6.35)   (Home Office 2008)

National and Bedfordshire Theft or Unauthorised Taking of Motor Veh. Detected by TIC

Percentage of Theft or Unauthorised Take of MV Detected by TIC

□ National % Theft of Veh.detected by TIC
■ Bedfordshire % Theft of Veh.detected by TIC

2003/4   2004/5   2005/6   2006/7

(Fig. 6.36)   (Home Office 2008)

In July 2007, following the publication of the annual police performance results,

Bedfordshire Constabulary was declared Britain's worse performing police force(The

Times 9.10.07). The Chief Constable (Bedfordshire Police 2007) attributed the fall in

detections to the diversion of resources to protective services, a requirement placed

upon the force by central government. However one would have expected such a

requirement to have a similar impact on national detection rates. This is not the case.

The most likely cause of the fall in performance is the impact of the scandal involving the Luton officers. There is no evidence from HMIC inspections or Police Authority reports on Bedfordshire to indicate whether the force management team has imposed certain requirements on the obtaining of TICs. The fall in detections could therefore be due to officers refraining from such practices in the light of the dismissal of the Luton officers.

APPENDIX S: MERSEYSIDE & 'NODDING'

CRITICAL INCIDENT: BBC 6.6.2007

A fall in detections for burglary dwelling ,(Fig. 6.37); theft from vehicle, (Fig. 6.39);

and theft or unauthorised taking of a motor vehicle, (Fig. 6.39) was expected to be

evident in 2005/6 and 2006/7 following the exposure of the incident involving

'nodding' type behaviour (BBC 6.6.2007).

Merseyside Burglary Dwelling Detections: Total & TIC

(Fig. 6.37)   **(Home Office 2008)**

Merseyside Theft From Vehicle Detections: Total & TIC

(Fig. 6.38)   **(Home Office 2008)**

Merseyside Theft or Unauthorised Taking of a Motor Vehicle Detections: Total & TIC

Number of Theft of or Unauthorised Taking of a Vehicle Detected

■ Merseyside Theft or Unauthorised Taking of MV.Total Detections

■ Merseyside Theft or unauthorised taking of motor vehicle TICs
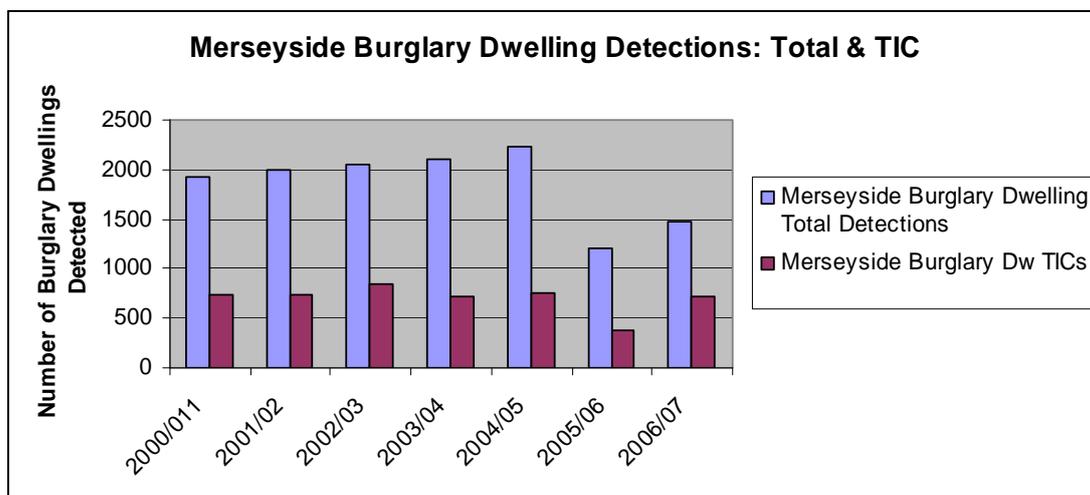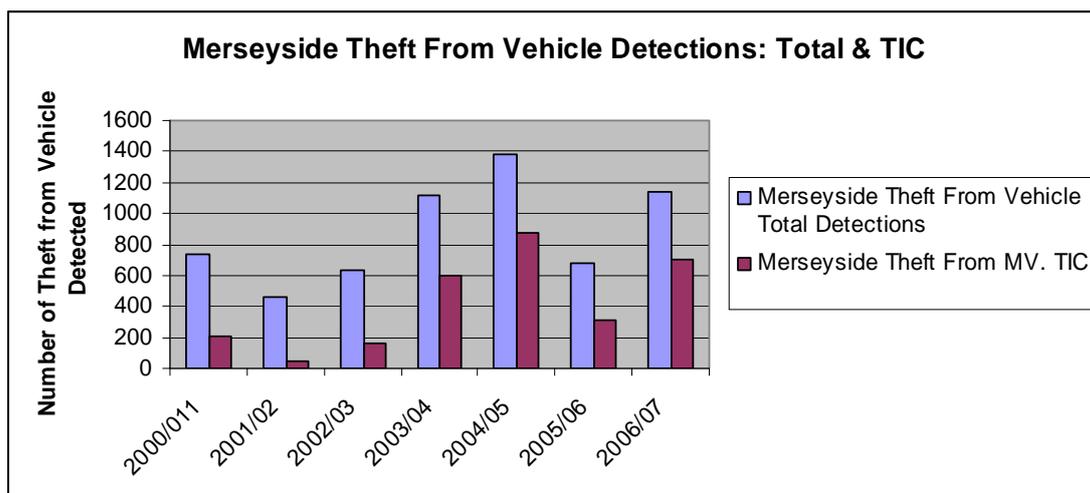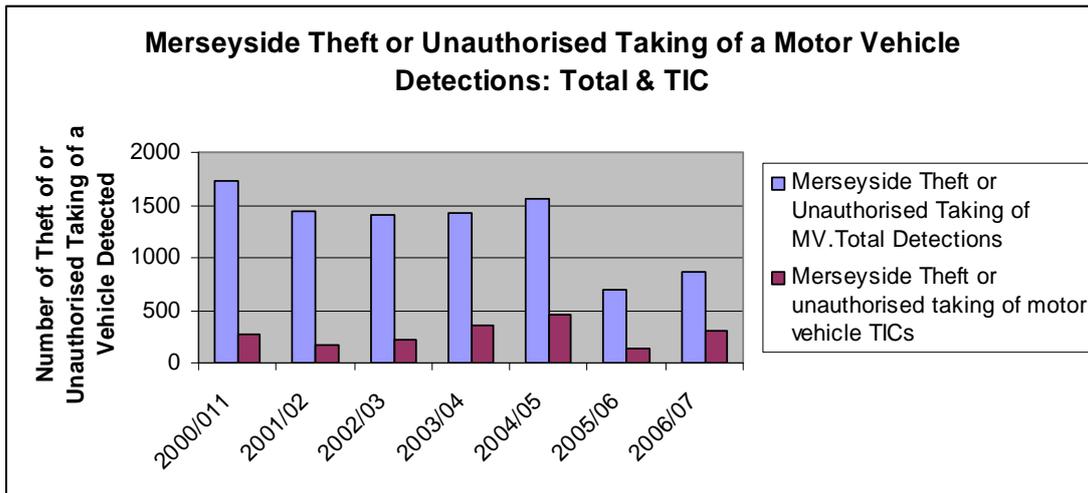
(Fig. 6.39) **(Home Office 2008)**

A review of the make up of Merseyside's detection rate offered an explanation.

Detections categorised as 'other', which would include 'prison write offs', increased

dramatically in Merseyside for the key offences of Burglary Dwelling; Theft from

Vehicle and Theft or Unauthorised Taking of a Motor Vehicle in 2004/05 then

reduced significantly in 2005/6 (Fig. 6.40). Although these 'other' detections would

be regarded as 'non-sanctioned' detections on Home Office performance tables they

could be used for local marketing purposes to demonstrate an increase in detections. It

could be that the force was using 'prison write offs' and the 'gaming' practices related

to this procedure.

Merseyside Burglary Dwelling; Theft from Vehicle; and Theft or Unauthorised Taking of MV. Detected by 'Other' Means

Number of Offences Detected by 'Other' Means

■ Merseyside Burglary Dw. Detected 'Other'

■ Merseyside Theft from Vehicle Detected 'Other'

■ Merseyside Theft or Unauthorised Taking of MV Detected 'Other'
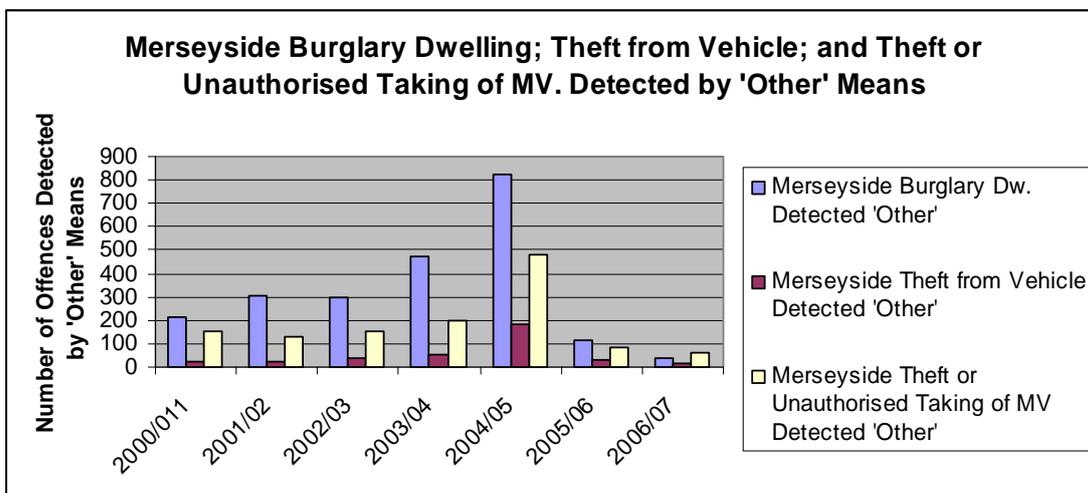
**(Fig. 6.40)**   **(Home Office 2008)**

Whilst the administrative procedures being abused in Merseyside as a means of improving the detection rate were slightly different from the other forces reviewed, it is evident that the large fluctuations in the detection rate experienced by this force are linked to changes in administrative procedures, not improvements in investigative techniques or other factors. It is likely those procedures were exploited to engage in 'nodding'.

**APPENDIX T: THE METROPOLITAN POLICE SERVICE & 'NODDING'**

SIGNIFICANT INCIDENT: BBC Radio 4 Law in Action 5.6.07

Improvements linked to increases in TICs are evident: Burglary Dwelling, (Fig. 6.9);

Theft from Vehicle, (Fig. 6.10); and Theft or Unauthorised Taking of a Motor

Vehicle, (Fig. 6.11).

Met. Burglary Dwelling Detections: Total & TIC

Legend:
- Metropolitan Police Burglary Dwelling Total Detections
- Metropolitan Police Burglary Dw TICs

(Fig. 6.9)   **(Home Office 2008)**

Met. Police Theft from Vehicle Detections: Total & TIC

Legend:
- Metropolitan Police Theft from vehicle Total Detections
- Metropolitan Police Theft From MV. TIC

**(Fig. 6.10)**   **(Home Office 2008)**

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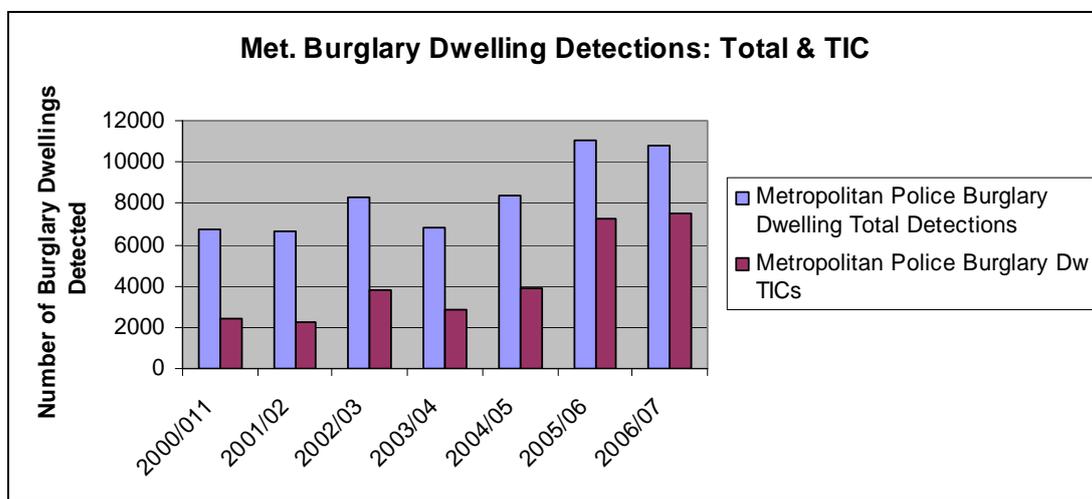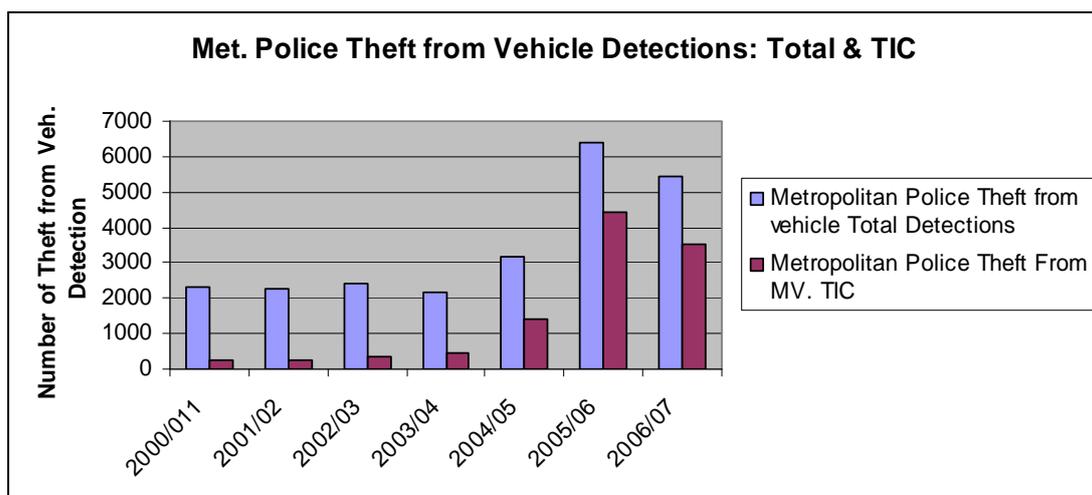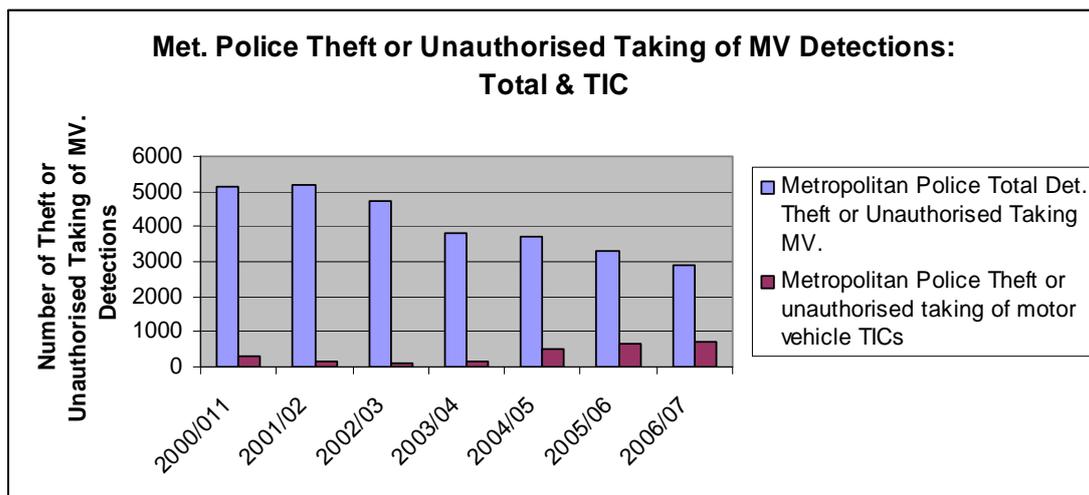
**(Fig. 6.11)** **(Home Office 2008)**

The increase in the numbers of offences in all three categories detected by TIC was evident from 2004/05 onwards. In the case of Burglary Dwelling and Theft from Vehicle this corresponded with an increase in the total number of these offences detected. In the case of Theft or Unauthorised Taking of a Motor Vehicle the overall number of offences detected fell. In all three crime categories the number of offences reported had been falling over the period so whilst this may explain the reduction in Theft or Unauthorised Taking of a Motor Vehicle detected the explanation does not hold true for Burglary Dwelling and Theft from Vehicle. A Home Office counting rule on detections does however offer an explanation for this anomaly. Unauthorised Taking of a Motor Vehicle i.e. where an offender takes a car on a temporary basis for a 'joy ride' etc. is a summary offence on which the limitation for proceedings expires after six months. Offences admitted by suspects six months after the commission of these offences cannot be prosecuted. Home Office counting rules also classify such offences detected six months after the offence as non-sanctioned detections. The same is not true of Burglary Dwelling and Theft from Vehicle. This may explain why Met officers are not seeking to detect such offences as TICs.

When the percentage of Burglary Dwelling (Fig. 6.12); Theft from Vehicle, (Fig 6.13) and Theft or Unauthorised Taking of a Motor Vehicle, (Fig. 6.14) detections detected by TIC are analysed it is evident the Met. Police are following the national trend and relying heavily on TICs to improve their performance on detections.


National & Met. Police % of Burglary Dwelling Detections Detected by TIC

(Fig. 6.12)   (**Home Office 2008**)

National & Met. Police Percentage of Theft from Vehicle Detections Detected by TIC

(Fig. 6.13)   (**Home Office 2008**)

National & Met. Police Percentage of Theft or Unauthorised Taking of MV. Detections Detected by TIC

A bar chart showing Percentage of Theft or Unauthorised Take Detections Detected by TIC (y-axis, 0 to 30) across years 2003/4, 2004/5, 2005/6, 2006/7.

Legend:
- National % Theft of Veh. detected by TIC
- Met. Police % Theft of Veh. detected by TIC

Approximate values:
- 2003/4: National 20, Met. Police 4
- 2004/5: National 24, Met. Police 14
- 2005/6: National 24, Met. Police 20
- 2006/7: National 27, Met. Police 25

(Fig. 6.14)   **(Home Office 2008)**

The Met. Police were clearly improving their performance by the use of offences TIC and whilst it is unknown whether these involve pre or 'post sentence TICs' it is known that defence solicitors were voicing concerns about unsupervised contact between police officers and offenders during 'intelligence' interviews. This is a symptom associated with abuse of TIC procedures. Unlike the other forces studied no major scandal had come to light and the reliance on TICs continued.

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