

**EVERYTHING TAKEN INTO
CONSIDERATION:
A study of the use of the
Offences Taken Into
Consideration Process within
the Metropolitan Police Service**

Attilio R. Grandani

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School of Social Sciences Cardiff University

This thesis is submitted in fulfilment of the
degree:

Doctor of Philosophy

Declaration

Statement 1

This work has not been submitted in substance for any other degree or award at this or any other university or place of learning, nor is being submitted concurrently in candidature for any degree or other award.

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This thesis is the result of my own independent work/investigation, except where otherwise stated. Other sources are acknowledged by explicit references. The views expressed are my own.

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Abstract

This thesis seeks to understand how and why police use 'Offences Taken Into Consideration' (TIC) processes as part of their crime management work. Informed by empirical data collected in the Metropolitan Police Service (MPS), the study utilises a multi-method research design, to understand the organisation of TIC process and the variety of factors influencing the ways they are implemented and the outcomes they deliver in different areas of London. A key feature of the research is its use of focused comparative case studies of TIC work based upon in-depth qualitative fieldwork and interviews. The evidence and insight gleaned from these case studies are augmented and corroborated by the examination of material derived from the examination of official police case files.

A key theme explored through exploration of the empirical data concerns the role and meaning of 'performance indicators'. Specifically, the analysis highlights how a range of organisational, subcultural and individual level factors interact to produce very different approaches to the use of TICs across different geographical areas. There are various interpretations applied to the TIC policy and procedures, which highlight the implications of such variant approaches.

Theoretically, the evidence helps to shine a light on a neglected aspect of police practice and how crime detections are produced. The findings also have policy and practice implications, as the TIC policy wordings and processes may have been misinterpreted. As discussed in the thesis, potentially this could have led to miscarriages of justice or even breaches of the Human Rights Act (HRA) 1998.

Abbreviations

ACPO - Association of Chief Police Officers
ASBO - Anti Social Behaviour Orders
BE - BLUE
BIU - Borough Intelligence Unit
BOCU - Borough Operational Command Units
BTP - British Transport Police
CCTV - Closed Circuit TeleVision
CID - Criminal Investigations Department
CJS - Criminal Justice System
CJU - Criminal Justice Unit
CMU - Crime Management Unit
CoP - College of Policing
CPS - Crown Prosecution Service
CRIS - Crime Reporting Information System
CSU - Community Safety Unit
DC - Detective Constable
DDM - Designated Decision Maker
DDO - Designated Detention Officer
DNA - Deoxyribonucleic Acid
DS - Detective Sergeant
EBP - Evidence-Based Policing
ERO - Evidential Review Officer
FCR - Force Crime Registrar
FME - Force Medical Examiner
HMIC - Her Majesty's Inspectorate of Constabulary
HMP - Her Majesty's Prisons
HOOCR - Home Office Counting Rules
HRA - Human Rights Act
ILP - Intelligence-Led Policing
IOPC - Independent Office for Police Conduct
IPCC - Independent Police Complaints Commission
MPS - Metropolitan Police Service

Abbreviations continued

MSC - Metropolitan Special Constables

NCRS - National Crime Recording Standard

NFA - No Further Action

NPCC - National Police Chiefs' Council

NSD - Non-Sanction Detections

NSPIS - National Strategy for Police Information Systems

OBTJ - Offenders Brought To Justice

OCU - Operational Command Unit

OIC - Officer In Case

PACE - Police And Criminal Evidence Act

PC - Police Constable

PI - Performance Indicators

PLO - Prison Liaison Officer

PND - Police Notice for Disorder

POP - Problem Oriented Policing

PPU - Prisoner Processing Unit

PS - Police Sergeant

RD - RED

RJ - Restorative Justice

SAP - Sentencing Advisory Panel

SD - Sanctioned Detections

SLP - Statistically-Led Policing

SME - Subject Matter Expert

SMT - Senior Management Team

SOIT - Sexual Offence Investigative Techniques

SOP - Standard Operating Procedures

SPOC - Single Point Of Contact

TIC - Taken Into Consideration

UK - United Kingdom

USA - United States of America

VCMM - Volume Crime Management Model

VCU - Volume Crime Unit

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Chapter 1

Taken into Consideration

1.0 INTRODUCTION

'It would be nice if all of the data which sociologists require could be enumerated because then we could run them through IBM machines and draw charts as the economists do. However, not everything that can be counted counts, and not everything that counts can be counted' (Cameron, 1963, p.13).

1.1 My background

I joined the Metropolitan Police Service (MPS) in 1990. It encompasses 32 Borough Operational Command Units (BOCU) and is divided into eight areas. After initial training, I was posted as a uniform officer to Bexleyheath, which was in 4 Area. I spent almost four years policing this outer MPS division, working on burglary and vehicle squads. It was during this time that I had my first exposure to the offences TIC process.

In 1993 I moved to Peckham to work on the burglary, motor vehicle, and robbery teams, and it was here that I learnt more about the TIC process, especially the methodology employed by some police officers to increase the number of crimes cleared via these means. I recall observing a Detective Constable (DC) dealing with a burglary suspect, who wanted to admit to stealing items from churches and noted that the officer stopped recording the information from the suspect at about eight crimes. I enquired why they did not continue taking the details of all of the crimes admitted, and put those before a court on the back of a charge. They said, *"No, you don't want too many otherwise people start asking questions. Five to ten is all you need, after all, you don't want to be greedy."* I remember thinking that this just cannot be right.

After a couple of years, I was approached by a Detective Sergeant (DS) and asked if I would like to consider becoming a substantive detective. I agreed and took the national detective exam. I was successful and became a member of the Criminal Investigations Department (CID) at Belgravia, a central London BOCU. It was here that I realised that the workload of CID officers created only a 'loose-coupling' between policy directives and what they did.

I joined the Emerald investigations and detections team in 2006. After a short while, I was asked to assist in reviewing a high profile case, namely *R v Norman Sinclair* (2006) with over 3,700 criminal offences, of which 2,646 were being put forward as part of the TIC process (Burleigh, 2006). I was not confident that the investigators had ascertained the full extent of the defendant's involvement or guilt. His drug habit was costing him £3,000 per day, so it was difficult for him to recall his precise offending. A Commander overseeing the process was pleased with my level of knowledge on the subject of TICs, so much so, that they informed me that I was now, the MPS lead for offences Taken Into Consideration. My journey to becoming the national academic lead and expert in this subject had officially begun. In 2010 I was approached by the same Commander who asked if I would consider doing a Ph.D. (Doctorate of Philosophy) on the subject of offences TIC. The 43 police forces of England and Wales, and the Association of Chief Police Officers (ACPO) needed a 'TIC torchbearer'. ACPO became the National Police Chiefs' Council (NPCC)¹ in 2015; I use the former in my thesis to avoid confusion. I was informed that I would have to fund any research myself. I agreed. Having already published articles on TICs in journals, and conducted numerous studies within the MPS, City of London Police, Cambridgeshire Police, Leicestershire Police, and Jersey Channel Islands to name but a few, I was regarded as the TIC Subject Matter Expert (SME) on a national stage. Building on being the MPS lead for TICs, I officially became the national academic lead for offences TIC in 2010, and shortly afterwards joined Cardiff University, Wales, which was a decision that I have never regretted.

¹ <https://www.telegraph.co.uk/news/uknews/law-and-order/11171187/Sir-Hugh-Orde-to-quit-ACPO-as-police-organisation-scrapped.html>

1.2 Purpose of this study

The purpose of this study is to investigate the use of the offences Taken Into Consideration (TIC) Policy and Processes, by the Metropolitan Police Service (MPS). The overall aim is to explore the methods used by police officers and police staff when interpreting the TIC Policy and how this influences any outcome.

The term TIC refers to a recognised process (as discussed in Chapter 4), which deals with a person who is convicted of a criminal offence and wishes to admit to other offences that may be taken into consideration by a court. Any additional crimes that they have admitted to committing must be presented and accepted at court (SAP, 2011)², as explained by Archbold et al., (2005),

'A defendant may ask a court passing sentence to take into consideration other offences of a similar nature in accordance with a well established and recognised practice' (Archbold, et al., 2005, p. 107).

The TIC process is not enshrined in law but is an accepted and recognised means for dealing with additional crimes that an offender wishes to admit to, which may be taken into consideration by a court. This practice dates back over 100 years and found in the case of R v McLean, 1911³, which covers the fact that the court does not have to consider any crime, and is discussed in greater depth later in this thesis. The offences TIC process is influenced by the Police and Criminal Evidence (PACE) Act 1984 and is framed by the Home Office Counting Rules (HOCR) as a 'case disposal' option, provided that the processes and policy have been adhered to, in order to clear the crimes via these means.

² Sentencing Advisory Panel (SAP) is now known as the Sentencing Council. 'The primary role of the Council is to issue guidelines on sentencing which the courts must follow unless it is in the interests of justice not to do so'. <https://www.sentencingcouncil.org.uk/about-us/>

³ R v McLean (1911) <http://iclr.co.uk/ic/1911000493>

The court may TIC other criminal offences, which have not been previously charged. The person who committed them must have admitted crimes. The court then decides whether the offences laid before them should be TIC. Offences presented to a court for consideration must have sufficient evidence to support a separate prosecution, as the court may decide that they are not suitable for disposal by way of offences TIC. This is per the guidelines set out by the Crown Prosecution Service (CPS) for England and Wales⁴.

The rationale for the offences TIC process is to ensure that those who have committed other crimes to the ones being charged, may admit to the offences intending to putting their offending behind them. This means that when they are released from the court that they can start with a 'clean slate' and the victim may receive closure on their ordeal. Moreover, the courts deal with more crimes in one sitting rather than dealing with them separately. This reduces the congestion at the court, and arguably in prisons as well. The police can achieve cleared crimes by using the TIC process, which is counted towards the way they are deemed to be 'performing well' or considered to be 'underperforming'. There is, therefore, an argument that TICs afford both effectiveness and efficiency.

However, as well as enabling higher efficiency, there are attendant risks to the application of TICs. Miscarriages of justice could ensue if the police fail to adhere to the approved TIC process, guidance, and policy. For example, they may believe that it is okay to use 'duress' or, 'inducement' or, the 'promise of immunity from prosecution' in order to obtain a confession when in fact it would render any confession inadmissible (Buckwalter, 2013, p.155). In turn, this could result in someone admitting to crimes that they have not committed, which results in them receiving punishment from the court. Regarding miscarriages of justice, one needs to bear in mind that it tends to be 'high profile' cases such as the cases of the 'Birmingham Six' (Griffiths, & Milne, 2006) and the 'Tottenham Three' (Gudjonsson, 1992) that grab the headlines, not necessarily those deemed to be at the 'low end'.

⁴ <https://www.cps.gov.uk/publication/code-crown-prosecutors>

1.3 The problem

When set against this backdrop, critical objectives for my study were to assess if the MPS TIC policy and processes were being adhered to and to establish how the police learnt their craft in this discipline. Establishing the way in which the police gained the figures for cleared crimes would shed light on the perceived 'dark art' of generating offences TIC, and enable a conclusion to be reached, namely if the figures were ethically obtained for every single case.

The problem is we do not know if the crime data figures submitted for TICs and cleared by those means, and approved by the government, have been achieved ethically and legally. Is there a focus on results by any means, or are the police adhering to the approved policy and processes? It is only by 'taking everything into consideration' when examining 'how everything is taken into consideration' by police that we will know if the data on the prevalence and distribution of these kinds of administrative clearance are a true reflection of the crimes 'solved' via the TIC process.

This study focuses on the period from 2010 to 2012. It coincides with a period of police reform and recognised tensions between the officers dealing with offences TIC and pressures from senior managers to clear crimes. TIC policy and processes have come under the scrutiny of late by the Home Affairs Select Committee (Rawlinson, 2013), which included questioning of serving and retired police officers concerning recorded crime data. The outcome of the enquiry suggested that police were cavalier in their pursuit of achieving the performance targets set by the government of the day. The police service constitutes one of the principal ways that the liberal state seeks to intervene and shape the social order of society (Innes, 2003). Such a powerful organisation requires strict guidance, and to be held accountable for its performance.

The political influence on the 43 police forces of England and Wales is most evident within the bureaucratic mechanisms by which the police are measured and held accountable (Reiner, 2010). My study establishes the way in which offences TIC is influenced by policies, processes, associated statutes, and

structures for policing within the United Kingdom (UK) while examining the importance of police accountability.

1.4 Thesis organisation

I have divided this thesis into 8 chapters. In Chapter 2, I explore the interrelated subjects of crime data, police performance and criminal investigations. I scrutinise previous studies and examine how crime data is managed. The politics of 'police performance' are also probed, as is the topic of 'why offenders admit to crimes they may or may not have committed?' These subjects have previously been explored to some degree by other researchers (Holdaway, 1983; Gudjonsson, 2003; Leo, 2008). Theoretical explanations for how and why the police use the offences TIC process in order to clear recorded crimes and control crime levels are unclear, as they do not consider everything. It is towards this gap in knowledge that this study is oriented.

The police in England and Wales seek to clear crimes, with summary statistics about these activities submitted to the Home Office. Data are then used to determine if the police are performing in an efficient manner (Fitzgerald & Hale, 2013). This has created a league table of sorts, as it pitches the 43 police forces in England and Wales against each other. When the Coalition Government was formed in 2010 by the Conservative and Liberal Democrats, the way in which crime was counted changed, and I cover this in Chapter 2.

In Chapter 3 I set out the aim of my research and questions. They guided my overall approach, research design, and my chosen methods of data collection and analysis. The specific aim of this study is to explore the extensive use of the offences TIC process by the MPS. Three specific research questions flow from this aim, which are addressed in Chapters 5 and 6. They are:

- How do the police use offences TIC as part of their crime management work?
- Why do police deviate from organisational policies and procedures?
- What are the implications for how we understand the crime control functions of the police?

By engaging with the questions, the thesis explores how operational policing collates and analyses specific data. It provides an account of the broader offences TIC policies, which includes the police investigative processes. I consider the strengths and limitations contained therein and outline the method used to analyse the data. The ethical issues raised during my research are explained.

Data collection for the study was a structured multi-method research design, embedded within which administrative data played a significant role. Newman (Newman, 2008, p.124) supports the use of a combination of methods, demonstrating how it can enable a researcher to observe a subject from more than one perspective. The central empirical element of this research was a case study of two BOCUs within the metropolitan policing area. I explored the policies, official working practices, and guidance documents that shape the TIC process within the MPS. Those documents can only be accessed via the MPS Intranet system.

Chapter 4 establishes the directions provided by the Crown Prosecution Service (CPS), exploring whether the Criminal Justice System (CJS) is sufficiently equipped to deal with people who admit to crimes that they have committed, intending to having them TIC at court. I observe what influences central government policies had on local crime recording practices. The review explored what affects compliance by the police with Government policy, and associated processes have on the quality and quantity of offences TIC.

The next two chapters, 5 and 6, present the findings of my primary data analysis. The former focused on the detailed accounts of the participants at RED (RD). I did this so that a clear understanding of 'why' they believe they are 'performing well' and 'how' they seem to achieve a high proportion of cleared crimes via the TIC process, compared to other BOCUs within the MPS. Included are my views as a participant observer, while at the same time establishing the officers 'standpoint' concerning their use of the MPS TIC Policy. I present further detailed observations when approached by officers who wished

to confide in me about their personal feelings on the subject. The next chapter presents the discoveries made during my visits to BLUE (BE). I describe 'why' they believe they are considered to be 'underperforming' to the offences TIC. Also presented are the findings of 'how' they appear to achieve a low number of cleared crimes while using the TIC process, compared to other MPS BOCUs. The analysis is elaborated and enriched by integrating observational data from a period spent with the officers in the area.

Chapter 7 provides a comparative analysis of the data and findings between RD and BE. The perceived 'pinch points' and similar practices are set side by side. Where the two BOCUs are at variance with each other regarding their general use of the TIC process, and their similarities, are presented. I describe the viewpoints from the officers who use the TIC process at RD and BE, which consisted of a thematic analysis of findings from the 28 interviews with police officers embedded within the 'clearing crimes' police culture.

The overarching conclusions are set out in Chapter 8. I provide an overview of the key findings of my study and relate them to existing literature, and reflect on the conceptual framework utilised during my research while also considering the extent to which the empirical findings provide theoretical propositions. For example, the research has identified that there is a period when the police and the suspect could converse, and that exchange is not recorded. The observations of practice, policy, academic and theory implications are also provided. Theoretically, police officers could carry a portable recording device to cover the periods of 'dead air'. Another solution is for all the MPS officers to use the newly introduced 2016 body-worn cameras. Included are my critical evaluations of the research design and methods used. I highlight the contribution that my academic study makes to the existing body of work in this field and provide suggestions for future studies.

Chapter 2

Literature Review

Influencing - Crime Data, Police Performance, and Investigations

2.0 INTRODUCTION

This Chapter explores the interrelated subjects of crime data, police performance, and criminal investigations, and is divided into three main sections. The first provides a brief narrative about previous studies, examining how crime data are managed, what influences them, and how they have become part of the political arena. The following section then explores political influences on police performance and examines police protocols for dealing with crimes that have been adapted to accommodate changes in policing styles. The concluding section examines the methodologies used for clearing and solving crimes. It further explores the reasons why offenders admit to crimes they may or may not have committed. This Chapter thus seeks to establish: What are the factors driving the politics of police performance measurement?; How do police solve crimes and what are the influences upon their investigative processes?; and, how and why do police deviate from policy and procedures, and what consequences flow from these departures?

2.1 POLITICS OF THE POLICE AND CRIME MANAGEMENT

Jones and Newburn (Jones & Newburn, 2006a, p.1) are of the belief that it is now customary for criminologists to be mindful that there is a great deal more to 'policing' than what the 'police' actually do. Traditionally police personnel in the United Kingdom (UK) are governed by a 'constitutional structure' which is autonomous of elected governing authorities, albeit this situation has been amended by the introduction of Police and Crime Commissioners in 2012⁵. According to Muir (1979), police are 'characteristically' political since they impose a low-level set of parameters to ensure that society is treated reasonably for the benefit of all classes (Muir, 1979, p.37). They are measured

⁵ <https://www.bbc.co.uk/news/uk-politics-19504639>

by how they perform and the results that they deliver, and do so while dealing with internal politics and law (Shane, 2007).

2.1.1 Politics

The involvement of police within the political realm is not a new concept (Reiner, 2010). Politics influences the formation of police policies, which must be approved and sanctioned by the Home Secretary before they can be applied (White & Hussey, 2015). Police can influence some of the decisions during the early stages of policy development especially concerning practical policing and use of policy (Reiner, 2010). It is undoubtedly in the national interest that members of the public go about their everyday lives with little or no interference from the police, and as such there is a political tension in the UK, as to the extent police should respond to the views of the general public, balanced with demands and requirements emanating from the Government. For example, should the police focus on crime prevention, or concentrate on bringing offenders to justice? 'Political pressures' from the government of the day will more than likely be informed by the public expectations to secure votes for their political gains (Reiner, 2010, p.132).

2.1.2 Law

Waddington (1999) suggests that the 'law is the law' and the police have to uphold and enforce it (Waddington, 1999, p.186). The police themselves are warranted members of the public and have power over other members of society only by virtue of their role (Klockars, 1985). Past studies have shown that when the police apply 'procedural justice' members of the general public are more likely to accept the interaction between themselves and the police, as long as the police are upholding the law fairly (Tyler, 2006, p.83). The consequences of failure may result in public trust and confidence in the police diminishing and may go some way to 'explaining why people are willing to comply with the law itself' and obey instructions given by the police (Jackson, Bradford, Hough, Myhill et al., 2012, p.1).

Klockars (1980) observes that police possess statutory powers to do what they do, but the methodology they employ to execute such powers can be focused on the result rather than the way by which they are achieved. He claims that the nature of policing places the role holder constantly in situations which means that they can use 'dirty' tactics to achieve 'good' results (Klockars, 1980, pp. 33-47). If the task in hand is considered urgent, and the results achieved are used as a measurement for success, it is conceivable that the police officer will use every possible way of achieving them, as 'the ends justifies the means '. This, Klockars (1980) dubs the 'Dirty Harry problem' referring to the film where a police officer puts an end to a one-man crime wave by shooting him, rather than arresting him and taking him to court. Klockars (1980) deploys this trope to reflect upon how police officers also face more everyday moral dilemmas. He considers 'a genuine moral dilemma' to be circumstances that a person cannot materialise from as 'innocent' regardless of what they do; thus they employ unethical means to achieve the desired outcome (Klockars, 1980, pp. 33-47). He concludes that if an officer can find a way to take shortcuts through a process and still achieve the desired results, then they will.

Furthermore, the officer may not have lost their moral direction, and may even consider that the way they do things is better than official policy, and what they are doing is acceptable by their peers. These views are supported by Waddington (1999), who also considers that the role of police 'cannot be done according to the book' but they must at least appear to be abiding by the law itself (Waddington, 1999, p.148). Brunsson (1989) is of the view that it is important to avoid making the 'mistake of supposing that organizational statements and decisions agree with organizational actions' (Brunsson, 1989, p. 231).

2.1.3 Performance measurement

The 43 police forces in England and Wales, and the British Transport Police (BTP) provide the Home Office with their recorded crime data (Hirschfield & Bowers, 1998). These data, as well as providing a record of transactions between police and the public, are examined by the government and used as a

measuring tool to construct an assessment of whether police forces are performing well. Those meeting the targets set are deemed to be performing well, and those that do not are judged to be underperforming. Such processes are enabled by the Police Reform Act (2002), that ensures police are held accountable to the Home Office and are measured on value for money, primarily based on demonstrating that they have achieved the statistical targets set (Drake & Simper, 2005). The data collated are further used to construct national crime statistics. The criminal offences include those normally tried by a jury (Hirschfield & Bowers, 1998).

The term 'cleared-up' is used to describe criminal offences that have been detected or solved by the police, and these are known as notifiable offences (Saetnan, Hammer & Lomell, 2009). Detections are divided into two specific categories, namely Sanction Detections (SD) and Non-Sanction Detections (NSD) (Tilley, Robinson & Burrows, 2007). If the offender receives a formal sanction because of their offending, the crime recorded would be considered 'cleared-up' and shown as a SD, the police would then receive recognition for this (Saetnan, Hammer & Lomell, 2009). In certain circumstances where no further action is taken against the offender due to them being too ill to stand trial, having died, or have admitted their guilt and the criminal act was resolved by way of a Restorative Justice (RJ) process, the crime would be shown as 'cleared-up' by the police and considered as a NSD (Tilley, Robinson & Burrows, 2007). 'Clear-ups' are seen as a positive performance indicator for the police (Saetnan, Hammer & Lomell, 2009). The detection rates referred to in this Chapter relate to the number of criminal offences recorded by police, and shown as detected in a reporting year, as a proportion of the total number of crimes for that period.

Despite the fact that the Home Office policing targets were abolished in 2010, targets for call handling and response times still exist⁶. In line with other forces in the UK, the MPS was under pressure to achieve results in the form of 'cleared crimes' that are shown as 'detected'. The requirement to meet

⁶ <https://www.gov.uk/government/news/police-targets-review-published>

performance targets set by the government of the day has been contentious. This reflects a concern that police may focus their efforts on achieving results for crimes that they will be measured on and not necessarily put equal efforts into dealing with other crime types that are not being measured. Crime targets may have been removed in 2010⁷, but in terms of the management regimens within the police service, the focus is still on statistical comparisons where a league table identifies who is deemed to be 'performing well'.

Enhancing police performance results is not without its ethical challenges. If the focus is on results and not the way that they are achieved, then this can lead to police corruption and malpractices. Sparrow (2008) describes how, although actions by some police officers may be deemed illegal, or at the very least unethical, they did not conduct themselves in this manner because personal gain inherently motivated them, but because they wanted to ensure that their unit or police force would shine by outperforming others (Sparrow, 2008).

According to Sparrow (2008), police officers are under intense pressure to focus on a narrow set of quantitative performance targets (Sparrow, 2008). This can be split into two categories: those officers who know what they need to do to get results; and those who know how to 'skewer'⁸ crimes. The latter is achieved by 'rounding up the usual suspects' to clear the maximum amount of crimes, which is what they believe their managers demand. The latter form of organisational pathology is particularly prevalent when TIC units are compared to each other, as performances are based on the results they achieve, rather than the way in which they were attained. Such risks can be reduced if officers adhere to the official processes and policies relating to their role. However, some officers may be inclined to exploit any ambiguities contained within those documents, based on a view that the managers and organisation only care about the results and not the way by which they were achieved. It is for policy writers to engage and observe the working practices of those whom the policy

⁷ <https://www.independent.co.uk/news/uk/home-news/theresa-may-axes-police-performance-targets-5550574.html>

⁸ <https://www.gov.uk/government/news/police-targets-review-published>

refers to, and ensure that any amendments are made that will prevent practitioners from cutting corners. This may hurt statistics in the short term, but in the long term, it should reduce the risk of miscarriages of justice (which will be covered in depth later in this chapter) ensuing.

Police performance and the management of statistics are intrinsically linked and in the United States of America (USA) is increasingly based on the collective use of COMPuter STATistics, known by the abbreviation CompStat (Bratton & Malinowski, 2008). It could be argued that strategic and directed policing models such as CompStat, and Intelligence-Led Policing (ILP) may be more effective in crime reduction efforts than reactive policing methods (Ratcliffe, 2016, p.4). ILP could be considered as being closely associated with CompStat, as debatably they have both evolved from community policing, and together anticipate risk (Ratcliffe, 2016). McDonald and Greenberg (2002) assert that crime causation is predominantly linked to societal issues, such as drugs, poverty, and unemployment (McDonald & Greenberg, 2002). A further argument that could be made is that police are unable to address the issues mentioned above until they become criminal acts. McDonald and Greenberg (2002), and Newburn (2012) consider police enforcement methods include arrest, detention, and bail (McDonald & Greenberg, 2002; Newburn, 2012). The belief is that even though the police could influence specific crime patterns created by individuals by exercising their power of arrest of a suspect, it is doubtful that they would be able to stem the flow of crime in general. Despite this view and the absence of consistent empirical evidence, there are serving and retired senior police managers that have taken credit for reducing recorded crime as a result of what they claim to be their policing practices. It is worth noting that although many police managers may take credit for good results, it is difficult to find those administrators who are prepared to stand up and be counted when there is an increase in criminal behaviour (Rosenfeld, Fornango & Baumer, 2005). The senior managers that are more experienced will be far more cautious and will shy away from declaring that they have discovered the Holy Grail, or indeed possess the blueprint, for reducing criminal behaviour.

The basic principles of a CompStat approach to everyday policing in the USA are that it provides a crime control model that has key components that deal with accurate intelligence, specific objectives, strategies and tactics, rapid deployment of personnel, and follow-up assessments. All of those principles provide an alternative method of operating for police departments that utilise data under this model. The CompStat model may have been created to change the way in which police precincts in the USA functioned. It could be argued that its introduction aimed at bringing about a change in policing styles, which may have faced resistance by rank and file officers, but would also require senior managers to account for the crime levels in policing areas that they were in charge of (Bratton & Malinowski, 2008). It amounted to a change from the bottom, which was created from the top down, or a performance management system that finally held the hierarchy to account.

The CompStat model ensures that police managers and supervisors are held to account for their actions and decisions, and so too are the heads of each policing area. On the one hand, it can be seen that crime data and patterns of criminal behaviour are continuously monitored to ensure that police supervisors and managers are notified of any changes in crime in their area so that they can understand and address the issues accordingly. On the other hand, the constant micromanagement of line managers is to be expected, but they still need the resources to deal with all that is expected of them and their team. CompStat does not magically produce resources to deal with an influx of higher numbers of calls or incidents.

It is axiomatic that managers and supervisors are held to account for the decisions that they make, as they are the ones deploying the resources available to them at the time. Their accountability and responsibility do not cease at the stage of deployment of resources as they need to establish the outcome of the event. They need to ensure that follow-up inquiries are conducted, and findings used to inform data held on their force's computer systems, which is needed for regular business meetings. Walsh (2001) is of the view that CompStat provides an analysis of modern-day police managers,

which shows what does and does not work in police scenarios, and consequently, organisational learning and development can be used to enhance accountability and responsibility of all those involved (Walsh, 2001).

The use of CompStat may work well in some parts of the policing world, but Maguire (2007) asserts that for the UK police to successfully control crime by using the ILP model they must first establish the true identity of persistent offenders. The intelligence data is only as good as that which has been collated and inputted into the police computer (Maguire, 2007). ILP was initially designed and applied by Kent Constabulary, which specifically focused on combatting volume crime offences, namely; residential burglaries; robbery; and motor vehicle-related crimes (McGarrell, 2007). Focusing purely on volume crimes meant far less priority was afforded to other crimes considered minor misdemeanours. By systematically analysing crimes, priority could be given to dealing with crimes that counted towards the cleared crime rates, which in turn could result in Kent being viewed from Whitehall as performing well. When the data were dissected further, it showed the venues within Kent that were specific problem areas, which allowed police to target their resources towards them (McGarrell, 2007). Targeting criminals and focusing resources specifically on dealing with vehicle crimes assisted Kent Police in reducing their vehicle crime rates significantly.

Sharing information between UK police forces enables senior managers to establish and monitor risks within a recognised framework, and monitor levels of local and national crimes. On the other hand, it does very little to deal with non-volume crime rates, which of course are not measured by the government and could result in dangerous criminals being overlooked by the police. Thus the main factors that appear to be driving the politics of police performance measurements are the quantity of resolved recorded crimes, rather than the quality of the criminal investigation processes.

2.2 HOW DO POLICE SOLVE CRIMES?

Goldsmith (1990) propounds that police culture is often observed from a negative perspective, namely as an unreasonable effect regarding the approved use of discretionary actions (Goldsmith, 1990; Walsh, 2001). The view of Goldsmith (1990) is valid and supports the notion put forward by Ditton (1979), namely 'bureaucratic' and incidental suspicion serve as 'investigatory' methods employed by police to discharge through the intimidation of the usual suspects (Goldsmith, 1990; Ditton, 1979, p.34). Applying such investigative methods may explain how the police use offences Taken Into Consideration (TIC). The interactions and interviews with suspects are governed by rules and regulations, such as the Police And Criminal Evidence (PACE) Act 1984. The introduction of PACE forced the police to be open, transparent and held accountable for their actions, but what is occurring when their line managers are not monitoring the officers, or when the tape machine is not running? Police officer's perspectives possibly influence police culture, and that, in turn, is used in 'formulating rules' regulating specific details of police behaviour and what they consider to be their responsibilities (Aaronson, Dienes & Musheno, 1984, p.425).

2.2.1 Bureaucratic and incidental suspicion

Matza (1969) makes the point that police investigate and solve crimes in two principal modes or 'organisational mindsets'. 'Incidental suspicion' is operationalised when they start from the victim and scene of the crime and search for suspects 'who might have a means, motive, and opportunity' to have committed the crime (Matza, 1969). This approach is counter-pointed by their use of 'bureaucratic suspicion' which is predicated on the idea that an efficient search strategy can start from looking at offenders 'known' to police, to identify a small pool of likely suspects for the particulars of the crime based upon their prior histories. In the vernacular, this is known as 'rounding up the usual suspects.' Matza's (1969) point is that, although the 'archetypal' crime investigation model pivots around the logic of incidental suspicion, it is implemented only comparatively rarely. The majority of criminal investigations, and especially volume crime investigation, is based upon the operationalisation of 'bureaucratic suspicion'. Critically, Matza (1969) is trying to describe what is

happening, rather than normatively assessing whether police are right or wrong to do this (Matza, 1969).

According to Hess, Orthmann and Cho (2016), most crimes that come to the attention of the police will be investigated by those on the 'frontline' of policing (Hess, Orthmann & Cho, 2016, p.12). The initial stage is cast as a 'primary investigation'. Depending on the severity of the offence the crime will either remain with the initial reporting officer, or be passed on to those in specialist departments. Smith and Gray (1985) believe that some frontline officers consider the prospect of arresting a high profile offender and depriving a specialist department of 'glory', as a way of demonstrating that they are better than other departments, a sort of 'them and us' syndrome (Smith & Gray, 1985). Notwithstanding the style or motivations of response, they will all need to ensure that they adhere to an approved process of criminal investigation. It is worth noting that, although the College of Policing is now responsible for ensuring that approved practices are published and accessible to all police officers and staff of the 43 police forces in England and Wales (Quinton & Packham, 2016), this occurred outside of the timeframe of my study.

The role of the Criminal Investigations Department (CID), and therefore detectives, is a key component of reactive policing (Tong, Bryant & Horvath, 2009). Their primary role is to conduct subsequent criminal investigations. The Metropolitan Police Service (MPS) has 32 London Borough Operational Command Units (BOCU), each has a CID with a Volume Crime Unit (VCU) linked to it, specifically tasked to deal with volume crime offences. Improvements in core areas of policing have assisted the CID in identifying suspects of volume crime offences. These have included scientific advances including the use of improved 'Deoxyribonucleic Acid' (DNA) and 'fingerprint analysis' (Hough, 1987, pp.74-78). This is not to suggest that officers do not go after the usual suspects to save investigation time, and save money by not submitting items for laboratory testing for DNA, which is performed by outside agencies. The increased use of forensic evidence by police during their investigations is no longer confined to 'serious' crimes but is routinely used to

support cases at 'all levels' (Tilley & Townsley, 2009, p.287). However, if every item were submitted for analysis, this would be seriously detrimental to the policing budget.

Research on criminal investigations conducted in the USA by Chaiken, Greenwood, and Petersilia (1977), suggests that investigating crime should be considered as primarily bureaucratic work (Chaiken, Greenwood & Petersilia 1977). They claimed that 7 percent of a police investigator's time is spent on activities that lead to a crime solved. They concluded that solutions to criminal cases reflect more on the activities of beat patrol officers, rather than any specific specialist investigation techniques. Their report also suggests that post-arrest processing makes up for nearly half of cleared crimes, claiming that evidence collated at a crime venue does not help solve crimes unless adequate evidence processing capabilities are in place. This all builds on the earlier notion that the TIC teams in the UK achieve their results by dealing with post charged offenders who already have the desire to admit to crimes that they have committed. Ericson and Haggerty (1997) refer to these as 'follow-up investigations', claiming there is no need to receive any formal training to be able to conduct a 'complete investigation' as you can learn how to do that through literature (Ericson & Haggerty, 1997, p. 350). This suggests that police only exceptionally need to use specialist investigation techniques even when they are dealing with a willing customer, and employing a reactive policing style.

Not all crimes require protracted inquiries, as there are alternative actions that can be taken by the police and the Crown Prosecution Service (CPS). For example, 'cannabis warning, conditional caution, and a penalty notice for disorder' to name but a few (Ashworth & Redmayne, 2010, p. 167). For instance, if a person is found in possession of a small amount of cannabis and they are not habitually committing other crimes, then they may receive a cannabis warning rather than face a court trial. Essentially, within police organisations, this is considered a self-clearing crime as the police have found it, even though there is no report of an offence having been committed to them. A further example is a person found by police in possession of an offensive

weapon where no one has been injured, and they have not committed other offences; then it is conceivable that they may receive a conditional caution instead of going to trial.

Despite the examples given, detectives still have an essential role to perform, as they utilise a variety of skills, which include gathering information from the general public, and databases, locating suspects and interviewing. Depending on the information collated, they may need to prepare cases for the CPS for trial (Morris & Heal, 1981). Pressure on detectives to clear more crimes, not based on post-arrest or sentence interviewing, is explored in greater depth in Chapter 4 of the empirical research.

Chatterton (1976) established that information collated at the crime scene by uniformed police officers is a prime determinant for investigative success (Chatterton, 1976). If the information provided to locate the offender is accurate, the crime could be cleared-up before it reaches a detective. Hobbs (1988) and Kenber (2011) have noted that crimes recorded by the police on a daily basis tend not to provide significant leads and could be tactically 'put away' (Hobbs, 1988; Kenber, 2011, p.1). There is an obvious need to grade cases formally according to their prospects of solvability. This became apparent during the 1980s, as crime levels increased and so did the pressure on the police to enhance their appearance of efficiency and effectiveness, as mentioned earlier in this Chapter. The need for public management of target framing and monitoring escalated in the 1990s. When coupled with the need to categorise according to solvability, a more formalised system was adopted. In 2000 an operating system called 'Volume Crime Management Model' (VCMM) was introduced (Stelfox, 2013, p.183). This is based on the 'Crime Management Units' (CMU) which presided over the key functions carried out by 'specialist units, call handling teams, initial scene attendance, and crime screening' (Reiner, 2010, p. 153).

Despite the safeguards mentioned in the previous paragraph, scandals relating to the manipulation of clearing crimes attributed to offences TIC, and

prison write-offs, where detectives question convicted prisoners to get them to admit other offences that they have committed, have occurred historically (HMIC, 2013). Prominent examples include the county of Kent in England during the late 1980s, and again in 2012 (O'Neill, 2012). Considered a dubious way of 'clearing the books' by massaging the statistics they have been a concern for years in other police forces as well (Young, 1991; HMIC, 2013). Investigations conducted by several police forces in the late 1990s suggested the government's increasing emphasis on meeting performance targets may be related to the revival of statistical data manipulation. Police forces meticulous in their crime recording process may appear inefficient in comparison to a force less scrupulous (Young, 1991). Pressure to attain targets set by government leads to the notion that Statistically-Led Policing (SLP) is of primary concern for the police (Grandani, 2009).

That pressure to clear crimes and thus show improvements in efficiency still exists, despite the removal of police targets, is supported by a recent Her Majesty's Inspectorate of Constabulary (HMIC) report (June 2013). The report calls into question Kent Constabulary's approach to clearing crimes, particularly with the use of offences TIC process. It is alleged that Kent's approach led to poor working practices and circumventing safeguards within the administration of offences TIC. This resulted in junior detectives from the force being suspended in November 2012, for an apparent abuse of the TIC process, intended to increase their force's crime detection rates (HMIC, 2013). According to the latest reports in the media (Cox, 2017), Kent police failed to record 24,300 crimes between June and November last year. In response to the findings, the Chief Constable of the Kent Police Force was of the view that all crimes that had not been recorded had been reviewed. It was recognised that there was a lack of experienced staff, and those that were employed in specific roles required extensive training. The response from HMIC speaks volumes, as the Inspector had formed the view that the reason why the Kent Force had underperformed was as a result of inadequate supervision and audit trail inconsistencies (HMICFRS, 2017). This led to misleadingly positive results being published, as opposed to the actual results, which were poor.

Research has uncovered that not all actions taken by the UK police can be found in the public domain. A visit to The National Archives (TNA) website for a list of research publications revealed that Policing Research Series Paper 113 is not available to the general public (TNA, 2011). This could be because the research paper reflected on a policing scandal in the Yorkshire Constabulary in 1998. The Home Office report covered a process which specifically dealt with suspects involved in domestic burglaries in the Boggart Hill area. Yorkshire Police focused on the area, and their working practices significantly reduced the crime level, so much so, that the Home Office commissioned a study to establish how this reduction was possible. The subsequent report showed that police methodologies involved officers liaising with known criminals and recruiting many informants. They did this to gain intelligence on all known local offenders who committed burglaries. By arresting and removing them from the street, they were able to reduce their ability to commit those crimes. However, to ensure that the informants were 'telling the truth' officers from Yorkshire Police were bribing them with heroin. Such action is not only illegal but if disclosed during a trial, would make all the information obtained from the informants inadmissible and the case would collapse. The officers involved were suspended from duty, and the report was not made publicly available. If restricting or removing research papers is being conducted by the Home Office, as it appears in this case, how are we supposed to trust the figures and other data published by them?

It has previously been noted that in 2005, the MPS switched to publishing Sanctioned Detections (SD)⁹, which are those where there is a formal sanction attached. This includes offences TIC. After this switch, fewer crimes appeared to be detected by way of offences TIC. This could be due to the ongoing effect of the introduction of the Police and Criminal Evidence (PACE) Act 1984. PACE has made it harder for the police to use legally dubious tactics of interviewing suspects, which had led them to admit to large numbers of offences to be TIC (Irving & McKenzie, 1989; Centrex, 2005, p.29). The PACE 1984 achieved this

⁹ <https://data.gov.uk/dataset/6faa966a-434c-412c-9034-b97584c600ff/percentage-of-detected-and-sanctioned-offences-borough>

by 'strengthening legal controls over' the powers used by the police (Newburn, 2012, p.21). McConville, Sanders and Leng (1991), delve into the decision-making process of the CPS since the introduction of PACE 1984. They suggest that the Act that introduced the CPS was created to ensure an open, transparent and fair process, would enhance the standard of prosecution cases brought to trial by the police (McConville, Sanders & Leng, 1991).

Before the introduction of PACE 1984, access to legal advice was only permitted by way of 'Judge's Rules'. This was on the proviso that the police would suffer no unreasonable delay or influence, and they have 'considerable latitude' for which they were rarely called to account (Irving & McKenzie, 1989; Dixon, 1997, p.147). The judge's rules also included the notion that all suspects should be informed orally of the rights and facilities available to them, but this changed, and all suspects now receive a copy of their rights and entitlements (Sanders & Bridges, 1990). There are no reliable figures for the number of suspects requesting or receiving advice before 1984, nor information on how many suspects booked in at police stations are offered the TIC process. The fact that this data is unavailable means that there is no way of knowing whether or not suspects admitted crimes without understanding the ramifications or bearing it would personally have on their lives.

Furthermore, such changes have made it far easier to measure the number of outcomes, as opposed to the quality of the same, by strengthening legal restrictions beyond the powers used by police. For example, the total number of recorded crimes, and their results provide a balanced view of detected crimes regarding percentages. Each should have emphases placed on the 'quality of the supporting data' and the conduct of the police used during the investigation, ensuring that associated policies and procedures have been adhered to (Bullock & Tilley, 2012, p. 248). This supports my claim that the final published statistics should favour quality over quantity. There is little doubt that the offences TIC units which are the subject of the present study deal with monotonous volume crimes and therefore offenders and are engaged in process-based work. The total number of crimes cleared by way of the TIC

process is used for comparisons against other TIC units by BOCU Commanders. The primary reason for this is to establish which units were deemed to be performing better or worse than others. This reaffirms my concern that a league table of sorts is being used to play one area against another without reinforcing safeguard measures. The focus is on quantity and not quality.

2.2.2 Interactions and interviews with suspects

During the pre-charge detention period in England and Wales, the detainee has various rights, set out by the PACE 1984. The custody officer has statutory responsibility for the detainee. This should ensure that they do not become involved in the investigation process, thus allowing themselves to remain impartial in their role. A suspect can only be detained before charging for questioning and investigation of the offence which they have been arrested. This does not prevent the detainee from being questioned for other offences after being charged with a primary offence. This affords the person charged an opportunity to admit to other crimes that they have committed, which may be TIC by a court. This raises questions such as: why do people admit to crimes that they have committed which could be TIC?

Although a suspected criminal could have information about crimes that the police are investigating, they also have the least incentive to part with that information (Innes, 2003). This raises the question of how do the police lawfully extract the information from the suspect? Commentators (for example, Braithwaite, 1989; Leo, 2008) suggest the essential commodities that detectives exchange in return for the offender's cooperation in admitting to prior offences include the reduction of charges and concealment of actual criminality, especially freedom from further investigations of prior offences. It is arguably in the interest of the defendant and the police that the defendant clears crimes. The defendant may cooperate once a deal has been set in motion, and indeed, may occasionally become too cooperative by confessing to crimes they have never committed because at this stage liability does not increase as a result of admissions made for clearing crimes. This may change when the facts are

presented at court. Skolnick (2005) believes that the pressures in this situation are apparently in the direction of overlooking, or not inquiring thoroughly into the defendant's representations, as by not looking too closely the police can ignore the possibility of a fissure appearing, which may later become a chasm if those cases are examined more closely (Skolnick, 2005). The investigator is focused on constructing culpability to assist obtaining a confession and charging the suspect, but not all suspects who confess do so for the right reasons (Leo, 2008).

Holdaway (1983), and Gudjonsson (2003) list some reasons why suspects may voluntarily admit to crimes that they have not committed, providing false confessions (Holdaway, 1983; Gudjonsson, 2003). These include a desire to become notorious or to protect other persons (Gudjonsson, 2003). Arguably (Gudjonsson, 2003) suspects could admit to crimes they did not commit, believing they will receive credit at court, especially if the police use 'nodding' as a way of clearing crimes (Slack, 2014, p.2). They may believe confessing to crimes they have been arrested for will avoid the continuance of the interview process, so they take control of the situation. This is known as coerced-compliant false confession syndrome - believing that immediate gain derived from making the false confession, is more valuable than any change in the overall penalty (Leo, 2008, p.121; Gudjonsson, 2003). A possible catalyst for this is a technique that has been in existence for some time and still apparently favoured by the police today, that of isolating the prisoner for long periods, in a bid to secure a 'confession' (Holdaway, 1983, p.33). The fact that police use the term 'prisoner' rather than 'detainee' or 'suspect' suggests that just like a person convicted and held at one of Her Majesty's Prisons (HMP), the 'prisoner' needs to be controlled (Holdaway, 1983, p.86; Leo, 2008). This could also be construed as the police believing the detainee is guilty before any formal interview being conducted, or judicial disposal decision being reached.

Coerced internalised false confession is where the suspect, under interrogation, starts to believe they are responsible for the crime they have been arrested for and questioned (Gudjonsson, 2003). There is also memory distrust

syndrome (Gudjonsson, Kopelman, & MacKeith, 1999), which at a cognitive level, involves an offender forming memories consistent with the alleged crimes (Gudjonsson, 2003).

Various researchers (Gudjonsson, Kopelman & MacKeith, 1999; Gudjonsson, 2003; Kassin & Gudjonsson, 2004) suggest that a process of reversal exists, which is linked to the methodology employed by the detective investigating criminal offences. For example, if detectives are investigating a burglary, which results in clearing crimes, they could persuade the burglar to admit to other criminal offences committed before being arrested for the present crime. This is known as the 'exchange principle'. The detective must provide the burglar with either rewards or penalties to motivate self-incrimination. A type of business transaction takes place, as both parties seek to establish the advantages and disadvantages of the deal. The police need to demonstrate that they are proficient at clearing crimes, and the offender needs to see the benefit of self-incrimination. Thus a type of reversal takes place. Particular groups have been identified as being prone to making confessions of this type, and these include those whose memories have become confused by alcohol or drugs and persons with learning difficulties. For example, when interviewed, susceptible interviewees may respond by incorporating offered information to fill apparent lapses of memory, which then becomes accepted as the truth (Kassin & Gudjonsson, 2004).

The purpose of the custodial interview is to establish the facts and permit the suspect to answer questions and clear up any ambiguities which may have arisen during the investigation. This can only be achieved if the suspect is willing to answer questions put to them by the police. If the suspect has mental issues or is suspected of being impaired through drink or drugs, then they must be examined by an approved FME (Force Medical Examiner) before the interview. If their condition does not materialise until during the interview, then the police need to stop the interview and seek medical advice (Hayes & Craddock, 1992). To continue the interview when the person is impaired may result in the evidence obtained being made inadmissible in court, and the

officers may face disciplinary proceedings as the interview may have been deemed to have been conducted under 'duress' (Hayes & Craddock, 1992, p. 155).

The apparent lack of a single agreed methodology to successfully identify 'innocent' individuals, who have been subjects of a 'miscarriage of justice' (covered later in this chapter), is arguably alarming (Garrett, 2011, p. 183). Clarity regarding the true level of false confessions is needed, as this would go some way to identifying how many innocent people have been imprisoned when they should be free (Dixon & Maher, 2005). While such failures must be highlighted, it must also be noted that limitations exist in the way that prisoners are assessed, especially when trying to understand false confessions. The role of the police interview in adducing false confessions, and evaluating the tensions of a crime-focused police investigative process, describes how the imposition of PACE has not delivered all that was expected in protecting the interests of suspects (Dixon, 1997, p.157; Dixon & Maher, 2005). It does not prevent police attempting to portray the suspect as a rational person who is freely choosing to participate in the interrogation process while making statements to police with foreknowledge of his legal rights (Leo, 2008; p.174). The obvious paucity of effective police managerial controls allows opportunities for those who are statistically-led to circumvent the spirit of the legislation and therefore PACE (Home Office, 2005).

Additionally, if the police use or imply duress, inducement, or the promise of immunity from prosecution to obtain a confession, then any admission by the suspect could be considered unsound. It appears that both police and the courts place a great deal of weight on offences admitted by the suspect, and not on how the admissions were obtained. If duress, inducements or any promises have been made to the suspect as part of a trade for their cooperation during the offences TIC process, then any confessions will be deemed inadmissible, and any judicial process will cease. The application and interpretation by the MPS concerning the TIC process will be disclosed during Chapters 6 and 7 of this thesis.

When it comes to admitting offences, Appleby, Hasel and Kassin (2013) have sought to understand why confessional evidence in the United States of America (USA) appears so influential in securing convictions. They observed that even where offenders have provided false confessions and subsequently withdraw these, and then go on to trial, the reported conviction rates exceed 70% (Appleby, Hasel & Kassin, 2013). One possibility for high convictions could be that the courts believe that no one would 'admit to involvement in a crime' he or she did not commit. Therefore the only reason someone would then change their minds is due to being made aware that they are about to receive a custodial sentence for their crimes (Krauss, 2016, p.32).

A review of 33 cases in the USA identified that a standard feature of false evidence, which successfully led to a conviction in severe cases, was the amount of detail provided by the suspect. Researchers reviewing cases of false confessions noted that 32 of the 33 cases included information that according to detectives had not been made public and could only have been known by the offender. However, another viewpoint suggests that the information could have been provided to the offender by the investigating officers before a formal interview took place (Costanzo, Blandón-Gitlin & Davis, 2016). This is what officers refer to as 'dead air space' and is when the tapes are switched off, and there are no other audio or visual recording equipment in operation. It is of particular relevance when police officers are conducting a drive round¹⁰ interview with a suspect who wishes to admit to other crimes, mainly as the officer is meant to be recording the details of all conversations during this process, in a contemporaneous¹¹ manner. This raises the issue of whether the police record the conversations that occur when the tape is not running? It appears that confessions are obtained through police control and interrogation methods, used on those who may not be able to make informed decisions. For example, adults and juveniles with low levels of intelligence, but not deemed in law as being vulnerable (Murphy, Harnett & Holland, 1995).

¹⁰ It must be noted that concerning the suspect guiding officers to locations when in a vehicle, the correct term is 'drive round', and not 'drive around'. This is mentioned and approved in the official MPS TIC policy. The term 'drive around' therefore has not been used in this thesis.

¹¹ PACE 1984 Code C - Interviews General - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729842/pace-code-c-2018.pdf

2.3 WHY DO POLICE DEVIATE FROM POLICY?

The use of discretion by the police is not ingrained in law, and there are no known policies on when it can be used, or where it should be recorded (Walker & Archbold, 2013). If police chose to use their discretion in a situation, it would be for the officer to justify their decision. This could be quite difficult to establish, especially if there were no credible witnesses present at the time. Thus, an officer using their discretion decided to deviate from policies would only be questioned if their line manager or senior officer were present, or the situation came to light during an audit trail examination of the officer's performance.

Discretion is not limited to one officer but could be considered an unwritten rule for specialist units. Occupational culture in police units and influences from line managers may have a bearing on which crimes are recorded, investigated and how. Such as pressures to achieve results in cleared crimes rather than wasting time on crimes that could take longer to investigate with no guarantee of them being solved. These may be some of the reasons as to why police deviate from policies instead of adhering to them (Grimshaw & Jefferson, 1987).

2.3.1 Discretion

According to Walker and Archbold (2013) police use discretion in their daily duties in ways that cannot be measured, as there is no requirement for them to record such actions (Walker & Archbold, 2013). For those reasons, the term 'discretion' can also be viewed as 'power' (Ericson, 1981, p.10). The ability to legitimately employ discretion concerning deciding how, when and why to apply the law is one of the defining qualities of the office of constable. Police discretion is more commonly associated with frontline officers when dealing with essential elements of their role such as preventing breaches of the peace, which requires a degree of common sense and sensitivity, rather than continually enforcing the law. The use of discretion can be problematic, as it relies on police perception of moral standards, and it is difficult to train officers to act in specific ways or to do what is considered ethical in any given scenario (Westmarland, 2016).

It is worth noting that, 'police discretion' in the United Kingdom (UK) was given quasi-legal status when Lord Denning gave judgement in a case at the Court of Appeal (even though he did not use the term) in *R v Metropolitan Police Commissioner, ex p. Blackburn* (1968) 2 Q.B. 136¹²:

'No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement is on him. He is answerable to the law and to the law alone' (Jason-Lloyd, 2013, p.10).

The sentiments expressed in the above quotation embody the view that a police officer cannot be made to do anything that they do not wish to do. In addition to these choices, the detective can also use their discretion when they write their notes as they can decide what actually to take into account. Discretion is also used when dealing with those suspected of committing the crimes that are being investigated by the detective, and when they are predicting the outcome of their cases. The use of discretion is not without its pitfalls, as the police have sets of policies, procedures, and guidance contained within a legislative framework that they must adhere to; all of which sit within the scope of the detective's ability to exercise their discretion. Walker and Archbold (2013) believe that the way to confine the use of discretion is having 'written' policies that states what an officer is permitted to do, and what they are not (Walker & Archbold, 2013, p. 71). It is thus axiomatic that any police investigator found breaching policies will have to justify their decisions to those in a more senior position, and if found guilty, could face disciplinary sanctions (Walker & Archbold, 2013).

2.3.2 Occupational culture

Grimshaw and Jefferson (1987) put forward a perspective regarding theoretical and political notions regarding sociological intricacies of the working practices of

¹² *R v Metropolitan Police Commissioner, ex p. Blackburn* (1968) 2 Q.B. 136 - <https://swarb.co.uk/regina-v-commissioner-of-police-of-the-metropolis-ex-parte-blackburn-CA-1968/>

the police. They observed that the working practices of the UK police, while engaged in the implementation of official police policies, could not be explained by a single concept, as other factors such as working environment, and policing subcultures played a part in the way they performed their duties. Regarding police subculture, a specific set of attitudes, behaviours and beliefs are portrayed by police officers, mainly since they spend a great deal of time dealing with criminals. Thus, they generally hold the view that members of the public are not to be trusted, even if they are alleged victims of crime.

The purpose of policy and procedures is to inform police practice which, when adhered to, serves to ensure that safeguards contained therein will protect all those to whom the policy affects (Grimshaw & Jefferson, 1987). If it is accepted that administrative policy is formed for a rational-scientific purpose, which is specifically designed to produce distinctive practical outcomes, then it must also be recognised that operational policies rely upon a more commonsensical approach. The outcomes for the latter produce notable kinds of practical outcomes, not least because the final decision as to whether or not to comply with them is bequeathed to the discretion of the officer. This could be described as the probable flaw of any process, as discretion is a personal interpretation exercised at any given time, and is, therefore, something that is unmeasurable in real terms.

By the same token, McConville, Sanders and Leng (1991) are of the view that the public expects the law to be constructed and enforced with equality and fairness, while at the same time recognising that police are driven by a need to construct cases to support crime control (McConville, Sanders & Leng, 1991). This implies that the criminal justice process cannot be measured concerning crime control alone, as the value placed on a transparent process is also integral to ensuring that offenders are brought to justice in a fair way. Policing itself cannot be regarded as a 'sausage factory' conveyor belt with the sole function of providing one product, or service, namely convictions. Not all functions performed by police are restrained within the confines of the law, and therefore it falls to those who study social science to understand what 'rules'

and values relating to policy and processes are influenced by the interactions of the police (Ericson, 1981, p.19). Just as measuring those scenarios where the officer has to adhere to the letter of the law itself are important so that it could be argued are those that are not measured. A prime example of a measurable act is where an officer is interviewing a suspect at a police station and therefore is required to adhere to the PACE (1984) codes of practice. The tapes from the interview can be listened to after the event, and it can be established if the protocols were followed. The same cannot be said for officers who have a 'quiet word' with a suspect when they are away from the station.

Research conducted by Dixon (1997) found that law in policing is intrinsically enshrined in cultural, and structural areas of the organisation (Dixon, 1997). These are affected by the bureaucratic influences and mechanisms that are directed by those in superior positions of power. The suggestions here are that police law is broader than first imagined. As within the context of the 'police regulations', there is a code of conduct that is ingrained into each officer during their initial two-year probationary period (Punch, 2009, p. 24). Beyond that point, the officer may be exposed to a different code of conduct, one that may 'turn a blind eye' to the way things should be done, to the way in which they are done in special teams (Punch, 2009, p. 24). This could go some way to establishing why police deviate from policies. If it is considered acceptable for police to monitor themselves when it comes to their conduct and performance, who can challenge the findings? Researchers, in general, can request access to information from the police, but they may never be able to establish if the information is correct.

Thus it appears that police solve crimes by implementing the methodologies that they have been trained in, or those which they have observed from the working practices of other colleagues. The former influences the correct methods that are supported by the organisation and official guidelines in the form of approved policies, while the latter may be incorrect working practices as there is no guarantee that what they observe other colleagues doing are officially approved. The inference drawn here is one of confusion based on

subcultural practices, which informs our understanding of one aspect of the crime control functions of the police, whilst highlighting a desperate need for official training in the use of approved policies, processes, and procedures. It appears that a gap in policies and practices has been identified, and it lays within the accepted subcultural practices of police work. Innes (2003) established that detectives seek to identify suspects and to use their experiences and skills attempt to construct a solid case against them (Innes, 2003). The way they utilise the information drawn from suspects during interviews, and then apply forensic evidence to prove or disprove the suspect's involvement is reliant to some degree on the original crime report being an accurate reflection of the incident in question. Recognising that, 'data collection' to begin with is reliant on the way the crime is reported, and the categorisation of crimes can vary from one policing area to another, are all liable to change (Tilley, 2014, p.161). If the detective has to manufacture a narrative of the original crime and establish for themselves what had occurred, such as 'who did what to whom and why' this will undoubtedly influence the time spent on the case (Innes, 2003, p. 7). It would be too simplistic to suggest that a detective collates information leading to the arrest of a suspect and the case being solved in a short period, as they are likely to encounter problems during their inquiries. For example, problems may arise while relying on others to provide them with additional information ranging from access to recordings from CCTV (Closed Circuit TeleVision) evidence to waiting for results from DNA (DeoxyriboNucleic Acid) forensic examinations. It is the detective who has to deal with problems that they encounter and provide solutions promptly. On the one hand, not all detectives possess the same amount of experience or expertise that can have positive influences upon the cases they are dealing with, and as a result, they need to ensure that they can rely on colleagues and adequate policies for guidance and support. On the other hand, all detectives possess discretion on how they prioritise their workload, as they decide which victims to take statements from, and whether or not to arrest suspects. They even decide what questions to ask during interviews (Ericson, 1981). Their approach may change in high profile cases.

2.4 POLICE DEVIANCE AND ITS CONSEQUENCES

The way the police work and the way they present themselves are very different. Presentational rules exist to provide an acceptable appearance to the way police carry out their work (Smith & Gray, 1985). This may appease some of those who consider the police as being a closed, secretive, governmental organisation, a web of corruption and deceit.

To ensure that the police are fit for duty, it is necessary that they undergo a period of formal training in controlled situations. Once they are exposed to the working practices of other members of their police force, it is highly probable that they will be shown informal and inadequate practices. This is where good leadership in the guise of line managers is vital, as the officer will need guidance and support to ensure that they perform ethically and lawfully. They will also require assistance in identifying where to find official policies, and at times how to interpret them. Failure to adhere to the protocols may result in the miscarriage of justice, the police being held to account and losing public confidence, but more importantly, an innocent person sentenced to a custodial term.

Police are held accountable for their actions by a set of regulations and a code of conduct known colloquially as 'police law' (Repetto, 1978). Many of these laws cover police misconduct, such as treating members of the public and prisoners harshly, abuse of official process, and interrogation malpractices to name but a few (Klockars, Ivkovic & Haberfeld, 2003, p.272). This may lead to miscarriages of justice ensuing, which could be addressed through adherence to official policies and bespoke training. However, Brunsson (1989) is of the belief that it is important to avoid making the 'mistake of supposing that organizational statements and decisions agree with organizational actions' (Brunsson, 1989, p.231). It is therefore prudent to examine the contents of policies and procedures and apply these to what the police do, as there may be working practices that could be considered a breach of policy, but not unlawful. If there are better ways of doing police work without prejudicing the case, which could influence a change in policies and procedures, it would be

foolhardy not to consider changing the contents of those policies. The caveat here is that any changes would not breach the law itself.

The 'Independent Police Complaints Commission' (IPCC) is now known as the Independent Office for Police Conduct (IOPC) (since January 2018)¹³, and specifically deals with overseeing the complaints made against the police in England and Wales. It is independent of any political party or pressure group. Generally, it is accepted that they are also independent of the government¹⁴. The vast majority of complaints are dealt with by the Professional Standards Department of the police force relating to the complaint. The IOPC's independent investigators investigate the most serious complaints, for example where someone has died following contact with the police. They do not deal with all complaints raised against the police but specifically focus on deaths of prisoners in police custody, armed police shootings, and fatal traffic collisions involving the police. Additionally, they will investigate allegations against any member of the police who may have committed a serious criminal offence. This means that all other complaints made against the police will be dealt with internally. The issue this could raise is that the member of the public making the complaint may deem their scenario serious enough to warrant IOPC action when in fact it may not. During the period of this thesis, it has been established that, 'one in four officers faced complaints between 2011 and 2012' which equates to approximately '30,000 police officers¹⁵' and most of these dealt with at command level.

2.4.1 Working rules and presentational rules

The police may be charged with upholding the law, but they too are governed by rules and regulations. These range from being held accountable for what they do or do not do, to the way that they portray the police service to those outside of the organisation. Waddington (2002) argues that apart from legislation police are subject to two primary rules (Waddington, 2002). The first, govern the routine accomplishment of police tasks and are known as 'working

¹³ <https://www.gov.uk/government/news/independent-office-for-police-conduct-launches-today>

¹⁴ <https://www.gov.uk/guidance/public-bodies-reform>

¹⁵ <https://www.bbc.co.uk/news/uk-21277094>

rules' (Waddington, 2002). Some officers, for example, may be of the opinion 'certain offenders' can be treated more harshly than others, which is undoubtedly a form of prejudice (Smith & Henry, 2007, p. 91). They may consider that drug dealers are 'the scum of society' and therefore treat them with absolute contempt. 'Presentational rules', by contrast, are the means that govern the way that the organisation presents itself (Smith & Gray, 1985, pp. 441-442) For example, the standard of uniform dress, and the way officers represent presentational rules cover the Police Service itself during interactions with the public.

Notwithstanding the two rule types mentioned, Smith and Henry (2007) suggest that reflecting the transformations occurring in modern-day policing; there are in fact a third set of rules in existence. These are known as 'inhibitory rules' and are used to attempt to block particular courses of action, or attempts to deviate from protocols (Smith & Henry, 2007, p.91). For example, officers may only focus on achieving confessions by using duress, inducement, or promises of immunity from prosecution, which they consider to be normal working practices. They could consider this to be okay just as long as the final result is that the suspect is 'charged' and the crime is shown as solved (Smith & Henry, 2007, p. 91). Such actions may form some part of police duties, but they are against approved policy and procedures, which may be considered a form of corruption.

According to Punch (2000) police corruption, deviance, and misconduct are constant occurring themes due to the nature of their work and those 'generated by the organisation itself' (Punch, 2000, p.26). Challenging and addressing such behaviour requires constant monitoring within the police. This may come from colleagues or members of the public, as well as strong leadership. By promoting proactive investigations and persistently reaffirming acceptable policing conduct, it is hoped that lessons will be learnt by other officers observing the punishment that is handed to those who breach police approved working practices and standards. In essence, this can be described as a balance in positive and negative control of police within regimented public service. Failing

to address corruption, deviance, and breaches of current policies and procedures may result in the general public losing confidence in the UK police.

The prevailing view of Klockars, Ivkovic and Haberfeld (2003), supports the theories of Punch (2000), namely that a deviant person does not cease to be deviant because they have become a police officer (Klockars, Ivkovic & Haberfeld, 2003, p. 228). If officers interpret behaviour from their leaders as 'favouring some police colleagues more than others', or they are seen to cover up 'inappropriate working practices', sooner or later they will become cynical and question their worth within the organisation (Klockars, Ivkovic & Haberfeld, 2003, p. 228). It is difficult to imagine that a cynical police officer would be willing to adhere to policies and procedures or even behave ethically if all they want to do is the minimum amount of work and go home (Klockars, Ivkovic & Haberfeld, 2003).

Holdaway (1983) contends police construct and control their space within the police station environment to safeguard it from those outside the organisation (Holdaway, 1983). This includes their interactions with colleagues, supervisors, and of course suspects. Holdaway (1993) considers that some police officers manipulate their work time, mainly junior ranks, by exploiting their use of discretion and adapting policing styles and activities to portray an image of the police that is expected of their role. Despite changes to policies and procedures, which are meant to be adhered to, Holdaway (1983) believes that the occupational culture of junior ranks within the police is the font of knowledge primarily influencing conduct. While those with less experience and service look to those who are more senior in time spent within the organisation for guidance and support, there is no guarantee that what they are being shown is acceptable or approved practices. Holdaway (1983) suggests that some police officers create stories to strengthen their position or standing within the realms of occupational culture (Holdaway, 1983).

If the points mentioned reflect the general working practices of uniformed police officers, who are under the control of uniformed sergeants, it may be

presumed that when they are working in smaller teams in plain clothes, they have a higher degree of freedom to police as they see fit. On the one hand, working in plain clothes makes the officer less visible to their colleagues and the general public, so the deviant officer may be able to exploit this position; mainly if they are working with likeminded people who do not care how the job is done, as long as the desired results are achieved. On the other hand, if the deviant plainclothes officer is confronted by their colleagues regarding their use of policing techniques that breach official policies and procedures, then they may face disciplinary proceedings. In either case, the outcomes pivot around the notion that the deviant officer would be dealt with according to what they had done. This would mean that officers would have to report on one another, which is something that is frowned upon to say the very least, according to the values of police culture. It is considered as failing to protect a person that is 'on their side' (Holdaway, 1983, p.88), and it comes down to the notion of whether you are on the side of the team known as 'us' or against the team, one of 'them'. Loyalty is paramount, and the unwritten 'blue code of silence' implies that police may conduct themselves differently in private, then they would otherwise do in public (Skolnick, 2005, p.301).

Manning and Redlinger (1977) suggest that the invitational fringes of cultural deceit commence with a general departure from correct protocols (Manning & Redlinger, 1977, p. 290). In essence, the police officer is culturally pressured to portray the image of what is expected from an officer of the law but is aiming to change the outcome of their duties so that gains can be made in their favour. For example, a police officer under pressure to get results may inform a suspect that if they admit to crimes they did not commit as well as to the ones they had, they will receive freedom as opposed to a formal court outcome. In the UK, if this could be proved, it would be regarded as a promise of immunity from prosecution. The result of such actions may at the very least, result in the cases against the suspect being dropped, and the officer will be disciplined. Depending on the outcome of the internal disciplinary proceedings the officer may be sent for trial. Another suggestion of how police deviate from policy and procedures would be the actions of a corrupt police officer who while working on

a small specialist team such as the 'drugs-squad' is paid by the dealers for notice of any police raids (Rock, 1977, p.303). The officer then searches the drug users on the street and seizes the drugs without arresting them, or completing the necessary paperwork. They sell the drugs and pocket the money, and as there is no official audit trail, the officer reduces the chances of being caught. Publicity of such wrongdoings causes a 'decline in public confidence' and labels the police toxic as a whole (Smith & Henry, 2007, p. 295).

2.4.2 Training and leadership

The UK police are more likely to create a policy or introduce new training schedules after a significant inquiry has concluded its findings. They may declare that lessons will be learnt, new ways of doing things will be introduced, and possibly new police Home Office approved equipment may be issued. This also provides an opportunity for promoting 'particular proposals or conceptions of a problem' (Jones, 2006, p.22). The consequences of the Brixton Riots (1981) and the murder of Stephen Lawrence (1993) are prime examples of incidents that have led the police to reform the way they discharge their duties. The general public can see those changes, and the media reports them (Innes, 1999).

Vodde (2009) considers 'training and education' equip police with approved knowledge and recognised techniques (Vodde 2009, p.37). However, as the MPS training for frontline officers is received via computer modules rather than personal interactions, it could be argued that the service benefits greatly and not necessarily police officers. For example, once the officer completes the computer module, it is recorded on their records regardless of how long it has taken them to complete it, or whether or not they have understood what has been presented to them (Green, Lynch & Lynch, 2014, p.235).

According to Baker (2011), the correlation between police efficiency and effectiveness is intrinsically linked to the quantity and standard of training, which focuses on the management of communication, improved productivity, reduction

of 'liability,' and an increase in 'self-discipline' (Baker, 2011, p.129). Baker (2011) further suggests that frontline supervisors are naturally the best-placed trainers to cater for the needs of subordinate colleagues while in the field, known as 'on-the-job training' (Baker, 2011, p.129). Marks and Sklansky (2014) support the suggestions put forward by Baker (2011). They are of the general view that it is important for a police 'planned training programme' to exist as this equips police officers with the knowledge and skills to apply professional standards of policing while executing the duties of their office (Marks & Sklansky, 2014, p.149). They also consider this as an important part of 'police reform from the bottom up' (Marks & Sklansky, 2014, p. 165).

The standard of training must be at a policing college accredited level, and in the UK it is overseen by the College of Policing (CoP)¹⁶. They approve training models used by police forces in the UK and have three additional functions that cover knowledge, education and standards¹⁷. It is worth noting that the CoP was not in place when part of the data used in this thesis was collected. The ideal model of academy training is based on a generic formula that can be adopted by the police at a regional level, or in-house training. However, there is no blueprint for the best form of police training and police education program that merges training and education to the precise level that can be applied in all scenarios by police. Greene (2006) claims that there has never been an 'internationally recognised de facto standard' for police to follow (Greene, 2006, p.235). Despite such claims, Greene (2006) believes numerous police officers are appointed 'de facto policy makers' charged with balancing the needs of the service and the demands of the government of the day. While some policies are used by police officers to compensate for lack of training (Greene, 2006, p. 1014). It could be argued however that even if training delivered basic levels of understanding of police powers, legal and legislative framework, and safety, it would undoubtedly be useful for police officers of all ranks. Such training, as highlighted by Hess, Orthmann and Cho (2016) 'must include the policies and procedures' of the departments that are intrinsically linked to the delivery of the

¹⁶ <https://www.app.college.police.uk>

¹⁷ <https://www.college.police.uk/About/Pages/default.aspx>

service in question for it to be effective (Hess, Orthmann & Cho, 2016, p.537). Thus another probable reason as to why an officer might avoid using conventional protocols might be that they have not received adequate training on the subject.

Rather than continuing to repeat the same approach to training, police leaders and their leadership styles are starting to take on an alternative approach. Knutsson and Thompson (2017) consider Evidence-Based Policing (EBP) as a valid approach for creating effective policy and implementing tactical decision-making for police leaders (Knutsson & Thompson, 2017). According to Weisburd, Farrington and Gill (2016), EBP does not dismiss the traditional drivers of decision-making by the police but instead seeks to establish awareness of the application of targeting and tracking police resources (Weisburd, Farrington & Gill, 2016). This may be an acceptable hypothesis during the current austerity pressures placed on police budgets and the ever-growing public demands for value for money. The EBP method suggests police should concentrate on 'what works' in policing by focusing on the practices and strategies employed to accomplish police missions in a cost-effective manner (Bullock & Tilley, 2006, p.10). One version of EBP pivots around a 'triple-T approach namely, targeting, testing, and tracking' (Knutsson & Thompson, 2017, p.217; Sherman, 2013, p.3). Targeting requires systematic comparisons of harm levels associated with various venues, times, suspects, and scenarios that can be addressed lawfully by the police. Testing is meant to ensure that police do not waste time and money on unrealistic ventures. The tracking of the frontline police officer to establish if what they are doing is what their leaders believe should be done, as evidenced by the increased use of Global Positioning Satellite (GPS). GPS records where police have been and where they should target, and the introduction of police body-worn video recorders so that the interactions between the police and the general public can be reviewed.

2.4.3 Miscarriages

Dixon (1999), and Leo (2008) have identified that even though safeguards are now in place in every UK custody area to assist the police in recognising those

who display the characteristics of a mentally vulnerable prisoner, it is specifically designed to deal with prisoners at the point of booking them in (Dixon, 1999; Leo, 2008). The process does not take into account someone that may change mentally during their incarceration, and unless they become violent, there is no way that every officer would be able to identify the changes in behaviour, or even know how to deal with such people. It would be wrong to presume that only persons with a learning disability would make unreliable or false confessions, as personality factors are just as important as they can render a confession unreliable.

Miscarriages of justice can result from a variety of causes, as mentioned previously in this chapter. Mental issues may already be present before any contact with the police, as the person may already be under the watchful eye of other agencies. Being mentally ill is not a crime, after all, many clinically sane people commit criminal offences every day. However, in some cases, the pressures of being placed in a controlled environment can increase stress levels, and this can change people. Making the correct judgment call in such circumstances cannot be easy for the police, and trying to work out if the individual is faking their condition must be almost impossible to make without formal training. A possible consequence of failure to adhere to policy and procedures is that in the event of something going wrong the actions of the police may be held against the conventional protocols.

It is important to note that not all cases of miscarriages of justice are due to prisoners confessing to crimes that they did not do, or play any part in. They can also stem from the fabrication or introduction of fake evidence or the withholding of relevant evidence. For example, the issues in the cases of the Birmingham Six (Griffiths & Milne, 2006) and the Tottenham Three (Gudjonsson, 1992) where police and witnesses proved to be unreliable when called upon to identify offenders. Even the use of experts has proven to be unreliable in some cases. One example was the testimonies of Stefan Kiszko and Judith Ward in the Birmingham Six case, where post-trial review it was established that the tests being used were unreliable (Griffiths, & Milne, 2006). Both Kiszko and

Ward were deemed to be inept. Other identified components in cases of miscarriages of justice include false confessions that have been obtained by the police using pressure in the form of duress, inducement, promises of immunity from prosecution, psychological, or a combination of these factors.

In the opinion of Naughton (2007), the criminal justice system provides a perception that miscarriages of justice only occur in exceptional cases that result in wrongful imprisonment (Naughton, 2007). Although Naughton (2007) provides a valid observation, it may be that the media are only interested in publicising high-profile cases. Those considered low level and non-headline grabbing may well go largely unnoticed, and mostly unreported. This is not appropriate. The primary concern should be the possibility that innocent people have been, or are about to be wrongly convicted of crimes they did not commit.

Safeguards introduced mainly in the wake of previous scandals and failures, are already in place to prevent miscarriages of justice from occurring, but that does not mean that there is no room for improvement. The failings of the criminal justice process to be open and transparent in every way is arguably part of the problem. The system is seen as a protector of the innocent, and punisher of the guilty, but when those charged with adhering to policies and processes fail to do so, the consequences may result in all involved suffering in one way or another.

2.5 SUMMARY

In conclusion, this review of the literature has identified several key themes that are important in framing an empirical analysis of TIC process. Crime statistics are not 'pure' and unadulterated reflections of facts about crime, but rather 'social' and organisational 'constructions', deriving from multiple possible methodologies for understanding the complex and changing forms of behaviour that can be described as criminal. An increase or decrease in crime data, indicated by police records or survey results, should be regarded as an essential piece of evidence, rather than conclusive proof of changes in the scale and patterns of criminal behaviours. According to Weisburd, Groff and

Yang (2012), there is a correlation between police presence and recorded criminal activities more so than being an accurate indicator of specific levels of criminality. Moreover, crime statistics are not immune from political and social changes, and how crime data is collated, analysed, and presented, influences the ways government and the police deal with the crime problem and public perceptions of their efficiency.

Setting targets for police performance and then using data to establish if an area is performing well, or underperforming, and then using the same data to pitch one policing area against another, is possibly one reason why officers may be inclined to 'push the envelope' and test the boundaries of legality. Encouraging such behaviour is generally liable to produce large amounts of data as officers aim for quantity while sacrificing quality. Failure to adhere to the agreed policies and procedures could result in police being considered corrupt, whereas they may be incompetent. The former could result in dismissal from the force, or in severe cases imprisonment, whereas the latter denotes training needs.

The core analytical themes that have emerged from the literature review pivot around many of the critical and helpful issues highlighted by the work by Simon Holdaway (1983). Over twenty-five years ago now, Holdaway was working in a busy city police station, where he conducted his research into the day-to-day working practices of police officers. This researcher can relate to Holdaway as a fellow police officer observing police behaviour, and the apparent need for reform, which helped to inform and shape the subsequent analysis and discussion in this thesis. Of particular resonance, Holdaway documented the distrust between the police and those on the receiving end of law enforcement. Moreover, he also illuminated remarkably similar traits within the police and the reproduction of a defining 'them and us' culture. Although a significant period of time has passed since Holdaway recorded his observations of police behaviour, and considerable research has since been conducted, it is his experiences and findings that are closest to the key themes of the present study.

Police forces continue to adapt their policing styles, which has influenced crime, data, and investigations, as the government passes new laws and legislation. The introduction of the PACE Act 1984 created 'guidance on the treatment' of those being detained by police (Dixon, 1997, p.157), although it may not have 'prevented miscarriages of justice' (Centrex, 2005, p.28).

If the TIC process were implemented correctly, then organisations and persons linked with the judicial process could benefit, but it appears that policy in books does not necessarily transfer to process in action. The victims of unsolved crime could receive closure, the image of the police and their ability to solve a crime, may be improved, and the accused could put their offending behind them (Grandani, 2009). The defence solicitor should ensure that strict protocols are followed while their client is in police custody (Holdaway, 1983). However, their apparent reluctance to engage in the TIC process could be deemed as incorrect advice and guidance to the accused. Is this a breach of Article 6 of the Human Rights Act (HRA) 1998, the right to a fair trial? The CPS may have been introduced to ensure that the suspects' rights are upheld, but that can only occur if and when the case is put before them, as they do not deal with the suspect direct until their case goes to trial (McConville, Sanders & Leng, 1991).

The challenges of identifying 'good policing' and therefore 'good performance' especially given the discretionary nature of police decision-making, assessed via official statistics, are inherently difficult to overcome. This is due to the way the figures were collated and interpreted. Delving into the official crime figures put forward by the police provides just one segment of data outcomes, a fairer method would be to establish how those figures were achieved, namely, if the correct protocols were used. This thesis addresses the gap in the literature. If constant pressure is placed upon police officers and investigators to meet performance targets, then nothing will change, and it is likely that other issues may ensue.

Chapter 3

Research Design and Methodology

3.0 INTRODUCTION

This chapter presents the complexities and challenges of researching the offences Taken Into Consideration (TIC) process within the Metropolitan Police Service (MPS). I examine how my own experiences within policing and being the Subject Matter Expert (SME) and national academic lead for TICs informed my research process. This chapter will examine why I chose to do this research, which Borough Operational Command Units (BOCU) were focused on and why, and the methodology I employed. Throughout this process, I integrate reflexive insights within the chapter and illustrate how the research was able to benefit from me being a participant observer during this study.

The chapter is divided into six sections. It commences by presenting the overall aim and research questions. Next, it explains the research design that was chosen and why. The fieldwork methodology, including the various sources of data collected, are then examined. The chapter then moves on to explain how the data were analysed. The final stage considers issues of ethics and accountability, and the limitations of the current study.

3.1 Aim and research questions

The specific aim of this study is to explore the extensive use of the offences TIC process by the MPS. The following specific research questions are encapsulated within the aim:

- How do the police use offences TIC as part of their crime management work?
- Why do police deviate from organisational policies and procedures?
- What are the implications for how we understand the crime control functions of the police?

Research questions for the study were informed by my reading of the literature, but also drew upon my experiences as a serving police officer.

I wanted to establish if police officers understood the processes, and followed the policy protocols. From my professional life, I was only too aware of how occupational culture can influence how police officers conduct themselves. Keen to explore this during my study, I called upon my previous extensive experiences as a Detective Constable (DC). Instead of observing and studying criminals, I was looking at police officers engaged in conducting the TIC process within the MPS.

As a serving detective with over 27 years of service, and an academic, I am arguably well placed to know about the intrinsic inner-workings of criminal investigations of volume crime offences. The information gleaned from the data generated during my studies enabled me to answer my research questions. Furthermore, to ensure the credibility of this research, I imitated the same critical and ethical approach adopted as a police officer while examining the empirical findings and theoretical themes.

Recalling the difficulties that Simon Holdaway (1983) encountered during his research: *Inside the British Police: A Force at Work*, I noted that Holdaway was a Police Sergeant (PS) at the time of his research, who engaged in covert participant observation. I also noted that he had to continuously switch back and forth from his role as a police officer, to that of a researcher. Personally, this information assisted me to decide that covert research was not going to be either useful or suitable for the study. The critical issue here is that unlike Holdaway, I am known by all 43 police forces in England and Wales, as the national SME for offences TIC, so deciding not to use a covert approach, which I considered to be ethically problematic, was in theory taken out of my hands.

That said, the research has some similarities to Holdaway's (1983), as I am also an 'insider' of the social environment being researched, and a serving police officer at the time of my study. So, from an auto-ethnographer's perspective, I used 'self-reflection' (Jones, Adams & Ellis, 2016, p.114), and my personal experiences, while connected to this 'autobiographical' study (Jones, Adams & Ellis, 2016, p.427). For example, having authored the MPS TIC policy

and processes from a practitioners perspective, and when coupled with my experiences of conducting the TIC process, I believe that I am well placed to identify the correct methods for conducting TIC inquiries. This enabled me to understand the broader cultural and political pressures that influenced the research. I am not claiming that my study is solely an ethnographic one, but ethnographic research significantly informs it.

Pawson and Tilley (1997) have argued for an approach to evaluation from a realistic scientific standpoint, which works from the stage of causation (Pawson & Tilley, 1997). Social programs could be regarded as being embedded social systems which are understood through close examination of the established working rules and institutions in which they are integrated. The program may include the personnel, venue, history, and prospects. In essence, the outcome of the research is determined by identifying those causal mechanisms that lead the program. It is for these reasons that this thesis benefits from examining what the police say they do, and compare that to what they actually do, within the offences TIC process.

3.2 Approach - qualitative and interpretivist

Having considered various research methods, I decided that my study would primarily make use of 'qualitative' and 'interpretivist' approaches. This was primarily because the qualitative method forms part of the interpretive sociological approach to understanding the meaning that individuals assign to different social situations occurring in their lives (Snape & Spenser, 2003, p. 300). The interpretivist approach emphasises the important nature of an individual's participation in the social world, and the significance placed by individuals upon their actions and those of others (Scheurich, 2014).

The views of the participants being studied were gleaned by asking open-ended questions, and listening carefully to what was being said by them, and observing what they did in their natural working environment. In essence, these were not merely imprinted on my participants' minds, but are instead formed by them when interacting with others. As a researcher, I recognised that my

background could shape interpretation (Mason, 2002). There were apparent obstacles to overcome, such as having to explain to senior officers within the MPS that this research was arguably the best way in establishing the current methodologies employed by officers, specifically concerning dealing with offences that may be TIC by a court. This could only be achieved with their support, and I informed them that their assistance would be much appreciated. One senior officer suggested that as long as the MPS was not paying for the research, I could do what I wanted. The emphasis was placed on times being hard, especially with a government that was enforcing austerity measures. What the senior officer wanted to make clear was that they wanted a copy of my research when I have finished, but they were not willing to pay for it.

The qualitative approach enabled me to explore and examine complex and detailed references to human perceptions, as I believe this is the way the world is 'understood, experienced, or produced' by an individual's behaviour, and their interactions (Mason, 2002, p. 4). My qualitative research takes into account the officer's perspective, and how they view their world (Marshall & Rossman 1999). This included their narratives and life experiences. The participants were able to use their own words to express their feelings about social interactions through their practices. Moreover, my qualitative research methodology was interpretive, inductive, and used multiple methods, which rejected 'natural sciences' as a model (Silverman, 2013). Being grounded in communication and focussing on an 'interactive research process', permitting interaction with the officers during the study (Marshall & Rossman, 1999).

In recent years, a significant trend in social research has been to blend methods and epistemological standpoints, to enable 'triangulation'. This allows for various data to be compared so that that in-depth analysis can be conducted. Mixed methods approach aims to take into account the complexities of human conduct and human nature, which if studied, need to be viewed from more than one standpoint. Thus, this type of research applies contrasting methodological approaches deliberately. I determined that this methodological approach would be useful for my research, mainly if my objective were to

assess the ways police officers interacted within their group and at their place of work (Cohen & Manion, 2007). I attempted to achieve this by utilising primarily quantitative information as a means of complementing the evidence obtained through qualitative methods. I also used secondary analysis of documentary information, which can be considered administrative data, as a method for contextualising the collated qualitative data.

Due consideration was afforded to the use of a mixed methods approach being advantageous for many reasons. Primarily, it would allow 'cross-checking, or triangulation of information' to increase the likelihood of validity (Bell, 1999, p. 102), by combining both quantitative and qualitative data. I also considered that through a combination of research methods, I could place accurate (Newman, 2008) measurable information within an organisational context, and therefore provide real meaning to the information captured. Newman (2008) supports the use of a combination of methods, believing it can enable a researcher to observe a subject from more than one perspective (Newman, 2008). It was for these reasons that I decided to adopt the mixed methods approach for my research. I am aware that not all social scientists are convinced of this argument, with some suggesting that using multi-methods research forces together incompatible data to support vague arguments (Payne & Payne, 2004).

3.3 Research design - mixed-methods case study

The criterion for my research was focused explicitly on those crimes cleared by way of the TIC process. The initial sampling of BOCUs was based on internal police performance indicators that ranked individual units according to the proportion of detections accounted for by TIC offences, rather than absolute numbers. The final decision about which BOCUs to research in detail was further shaped by restrictions on access to the potential sites, in terms of which Commanders would be likely consent to participating in the work. Due consideration was given to the possibility of comparing the whole of the MPS to another policing area, but this was not feasible for several reasons. Namely, the

need to obtain authority from multiple senior managers, access to relevant police departments, and the ease of retrieving necessary material for the study.

Framed by such considerations, I ended up conducting a comparative case study of two policing BOCUs within the MPS. The two BOCUs were chosen based on analysing the data collated. They consisted of a BOCU that was deemed to be performing well according to internal assessments, namely RED, that is shown as RD, and a BOCU that appeared to be underperforming, namely BLUE, which has the code of BE (Appendix C). It is worth emphasising that the national statistical data (Appendix B) was used to compare all Police Forces in a 'league table' of sorts. The data collated for the MPS BOCUs was juxtaposed against all 32 BOCUs in the MPS, to enable comparative analysis of the total amount of TICs achieved by way of detection.

3.4 DATA COLLECTION

Having decided and secured outline permission to conduct the research in these two areas, initial meetings with senior management on both BOCUs were arranged. These were not research interviews and thus could not be used to collect primary data. Moreover, they cannot be reported as they were confidential. That said, it is safe to suggest that they significantly assisted in shaping my overall impressions of the organisational environments on the two BOCUs concerned.

Having reviewed the data for offences TIC concerning volume crimes from a national perspective (see Appendix B); this study focuses upon the MPS data and its 32 BOCUs for the 2010 - 2012 period (Appendix C). It will identify the area that is deemed to be performing well, and the BOCU that is adjudged to be underperforming, so that the respective working practices can be examined further in subsequent Chapters. This will serve to establish if the approaches by the BOCUs are consistent, or if different approaches are the primary drivers in their published results for offences TIC. All London BOCUs are compared with each other for the reporting year of 2011 - 2012 (Appendix C), which identified the total number of offences TIC for all MPS BOCUs was 6,789.

Appendix D shows that RD attained 627 offences by way of the TIC process for the 2011 - 12 period, and for this reason is regarded as a BOCU that is ostensibly considered to be performing well. In contrast to this, 'BLUE' (BE) only attained 27 offences by way of offences TIC process during the same reporting period. Although there is no recognised minimum number of crimes that should be TIC, when the 32 London BOCU are compared to each other, the analysis clearly shows that BE is not using the TIC process as frequently as RD.

The data presented in Appendix C shows the total number of reported crimes, and the number of crimes detected, during the 2011 - 2012 reporting period for the MPS BOCU of RD (Appendix C). It can be seen that 31,592 criminal offences were recorded by the police at RD. The total number of Offences TIC was 627. This figure also identifies RD as the MPS BOCU with the highest amount of detections by way of TIC process for the reporting period being examined.

During the reporting period for 2010 - 2011 there were 29,464 recorded crimes for RD of which 8,441 were dealt with by way of SD (Appendix C). A total of 189 offences were TIC, and this means there were 438 fewer TICs than those reported for the ensuing period. This also means that RD BOCU increased its usage of offences TIC for the following period.

The data used for RD was then compared to the MPS BOCU BE, which has a low crime detection rate. This ensured that a comparison could be made between them so that a better understanding of the TIC usage by the MPS as a whole could be obtained. Appendix D includes the data for BLUE and has been dissected in the same way as the figures for RD were.

The total number of offences recorded by the MPS at BLUE is 11,736. The SD rate is shown as 2,734. The offences TIC process was effectively used to achieve 27 detections. BE is the MPS BOCU with the lowest detection rates and therefore is labelled as underperforming for this empirical research.

The data collated from each of the BOCUs chosen, consisting of Official documents (3.4.1), Interviews (3.4.2), Participant observation (3.4.3), and Case files (3.4.4). These are covered in the sections that follow.

I attended RD and BE BOCUs and conducted interviews with the participants. This was done at a time and place that suited them. A total of 14 identical questions were posed to each of the ten interviewees. I used this period to build a rapport with the officers and ensured that I was accepted by them. Being aware that they all knew who I was, and my position within the police, I accepted their responses to my questions in a non-judgmental manner. The officers were not made aware at any point during the interview periods that I was going to attend their place of work and witness them putting their responses into action. My senior managers had spoken to the BOCU Commanders before my visits and they agreed that the best approach was to break the visits into three segments. This would ensure that the participants would not have their normal day-to-day work disrupted for longer than was necessary. On face value, this may appear to be a bit of an ethical compromise, but this was certainly not my intention, nor do I believe that it was the intention of the senior managers. Pragmatically, one of my senior managers said, *“Operational policing must take precedence over research.”*

Following this initial negotiation over access arrangements and permissions, I successfully arranged to attend each BOCU for a four week period, so that key staff could be observed working in their environment. I then attended the BOCUs on a further occasion to examine official documents, which served to identify the conclusion to the dip sampled cases. At RD a total of 68 recorded crimes were examined, which equated to 10 per cent of their overall crimes claimed via the TIC disposal option during the period of study. I also attended BE and examined 10 per cent of their crimes cleared by way of the TIC method, which was a total of 10 recorded crimes for the same reporting period.

Although I prioritised participant observational fieldwork, it was supplemented by conducting interviews, audit trails, and documentary analysis, as mentioned

above. I was able to explore data which had been recorded by the police, examine interview tapes, and case files. Overall, the amount of time spent at the two BOCUs was the same.

To ascertain the credibility of the figures submitted by the BOCUs, I needed to dissect the process used to attain their results. I considered that a three-stage approach would be the most effective. Commencing with interviewing the participants, so that I could ascertain their views on the subject matter, and then observing them in their natural working environment to establish if they put into practice what they said they did. Following this up by examining the contents of the related case files, if permitted to do so.

3.4.1 Official documents

The analysis of official documents had three essential objectives. The first was to provide an initial framework narrative of data selection, specifically for the research period. The second was to map out the MPS policy influencing the local TIC units, and the third was to inform the sampling of crucial policy users at the local level for the interview component of the research. These details were obtained from the documentary analysis and provided an essential basis for comparison with the interview accounts. The aim was to establish the nature of these detailed policy documents, which lend themselves to a more modest form of qualitative 'content analysis' (Bryman, 2012, p.305), providing a minimum benchmark against which to explore the interview narratives of policy implications.

The documentary analysis provided a detailed account of what had occurred and when. It also established those involved in the implementation of the offences TIC policy and processes within the MPS. I decided that it was necessary to conduct two levels of analysis of the documents, so I commenced with the policy documents at a national level. This analysis was somewhat limited, being primarily focused on identifying broad themes within them, purely as a means of setting the context for the local study. Next, I analysed local level regarding the use of policy documents, which I subjected to a rigorous level of

exploration since they were to form a vital source of empirical data in their own right (Yin, 2014). Analysis of the body of literature on TICs, and in particular previous studies on crime policy development in the UK, had prompted me to search for particular vital themes. Once a general reading of all relevant documents had been completed, I conducted a process of manual annotation, by highlighting critical themes contained within the MPS policy. The material was then summarised so that I could cross-reference it with the accounts of the interviewees, the findings of which are contained in Chapter 8.

The documents included for analysis were of varying types, but the rationale for selection was broad in that they were relevant to understanding offences TIC. They can be categorised into three main types, each of which will be discussed in turn: national-level documents (2); local-level documents (17); documents within individual criminal case files (15). Specific documents were tracked down using the Internet, Intranet, library searches, policy unit, legal services, Crown Prosecution Service (CPS), Force Crime Registrar (FCR), and from discussions with key policy users at a local level which equates to a total of 36. The collated documents include internally published literature, such as the local policies for offences TIC within the MPS BOCUs, which covered the period of study. These documents included examples of both policy guidance and policy protocols. Documentary evidence included an extensive collection of crime reports, tapes, and case papers. These were drawn from the offences TIC data publications for the research reporting period. The local documents were made up mainly from the qualitative material, which included some useful statistical evidence to demonstrate the trajectory of particular features of the offences TIC policy in the MPS. For example, they included local level statistics regarding the use of offences TIC process, which identified two key BOCUs, one that was deemed to be performing well, and another that was deemed to be underperforming. It was anticipated that data would support the decision to focus on the two BOCUs identified from the 32 BOCUs within the MPS.

The information extrapolated from the data provided for both RD and BE, enabled a total dip sampling of 78 (12 percent) out of 654 criminal cases and

their associated documentary records. I then conducted a comparison between what policy stated the police should be doing and what they did, regarding the offences TIC process. Further exploration was required so that I could ensure that in-depth empirical work could ensue.

While I was at RD, I attempted to obtain unrestricted access to the audio tapes linked with the case files that I wanted to examine. However, this was declined by a senior manager working in a Criminal Justice Unit (CJU). The rationale behind this decision was that some of the cases were 'live' (not received judicial outcome), and therefore any findings could be detrimental to the judicial proceedings. Even though I explained that I would report any anomalies found to the BOCU Commander, my formal request was still denied. I did receive permission to have complete unrestricted access to the case files, on the proviso that they were not shown as currently 'live'. This was rather confusing as I had been informed that some of the cases were actually 'live' and therefore specifically out of bounds. The CJU manager provided a Single Point Of Contact (SPOC) to act as a conduit for information from the CJU to me, but only once I had attended a classified briefing and accepted to adhere to specific instructions ensuring that I only had restricted and monitored access to the files. I agreed and was granted immediate authority to continue with this part of my study.

I provided the assigned SPOC with a list of case file details selected from an internal source. They located the case files requested; however, I was informed that I could only examine these in a specially allocated side room, and only in the presence of the SPOC. The assumption that my professional background might favourably lead to additional privileges or access was erroneous, and further illustrates the sensitive nature of the focus of my research. It is also worth noting that all of the cases requested were provided, which raised the theory that none were in fact 'live' and therefore there was no justifiable reason for restricting access to the audio tapes associated with those case papers.

I maintain that one way of establishing what occurred during the interviews at the police station is by examining the Tape Transcripts, which are typed on a Manual of Guidance (MG) number 15, and contain the information that supports the interviews. It is known colloquially as an MG 15T. These were located in each case file. I also found copies of the questions posed to the suspect within the confines of the mobile interview, having seen that each page has been signed off by the suspect. The only problem here is that the police are using no portable recording devices for the offences TIC process 'drive rounds'. I noted that this leaves the officers exposed to allegations of duress, inducements, and promises of immunity from prosecutions being made. The TIC process is covered in Chapter 4.

It could be argued that the significance of formal documentation, which may include legislation and policies, could be established from the 'historical circumstances' of their creation (Wharton, 2006, p.112). My chosen methodologies and the recognised importance associated with documentary analysis, are supported by previous work in social research, which enhances knowledge, understanding, and the 'conceptualization of social action and interaction' (Potter & Wetherall, 1998, p.138). I noted that documentary analysis could inform research, as written documents work to shape and order knowledge, social groups, those in hierarchal positions, and political power (Prior, 2008). Documents are useful supplements to other sources of data, by providing an alternative viewpoint against which to test, support, or indeed refute hypothesis and propositions (Prior, 2008). It was via this process that I used the documents in my study and noted that a substantial body of published literature gathered included a range of policies, processes and protocol documents.

Analysing these documentary sources provided me with a degree of triangulation between the different types of evidence used in this research. I was also able to establish and test the accuracy and validity of the interview accounts of the participants involved in my fieldwork by searching the crime records, and by identifying the cases that had been TIC and applying the

policies and protocols to the information retrieved from the taped interviews and case files. I then crosschecked the data with my field notes, which enabled a more precise picture to develop. Cross-checking is an essential quality in research methodology, as all the findings should be checked, as far as possible, from various standpoints. I used triangulation and noted that both 'convergent' and 'divergent' themes emerged (Thomas, 2004, p. 65). I considered the TIC Units as 'tribes' and their BOCUs as 'territories' (Thomas, 2004, p. 63). From an observational standpoint, the convergent themes which emerged indicated that each of the TIC units had some strong beliefs. At RD these ranged from doing things the way they thought they should and believing that their actions were for the common good, while at BE they were keen to follow protocols irrelevant of the crimes they were investigating, and not willing to divert from an ethical and transparent process. Thus, one research site focused on achieving as many cleared crimes as possible (RD), whereas the other was more procedurally oriented (BE), irrelevant of the number of crimes cleared via the TIC process.

3.4.2 Interviews

During the planning stages of the research, I approached my Operational Command Unit (OCU) Commander and asked preliminary questions, to help determine some key themes to cover in the interviews (for example, the role and responsibilities of those I was going to observe, and how they learnt their craft). By attending their places of work to conduct the interviews, I would be able to have a reflexive (Loftus, 2008) insight into their working environment before attending as a participant observer.

Additionally, I was aiming to pose questions that allowed interviewees to specifically air their opinions of other TIC units if they so desired. After modifying the questions, my OCU commander assured me that he would support me through my research, up to and including publication. He also granted access to all areas that fell within the scope of the research. It was at this point that I thought that having access to everything was set in stone, but then recalled;

'The participant observer who studies a complex social organization must be aware of the fact that clearance at one level of the organization does not ensure clearance at another level. It is very important that the researcher take into account the levels of power and decision-making extant in the group' (Bruyn, 1966, p. 204).

Interviews are one of the leading tools used by qualitative researchers as a means of obtaining a better understanding of individuals or groups (May, 2002), and can take many forms. The use of both 'structured and unstructured' interviews are deemed valuable for creating favourable outcomes (Pawson & Tilley, 1997, p.154). Each approach arguably has its advantages and disadvantages. The more structured style of interview relies upon a researcher asking each interviewee a relatively tightly defined set of standard questions. These questions are often 'closed' in that there is little room for the development of any responses by the interviewee. At the opposite end of the spectrum, the unstructured interview is more of an 'open-ended' conversation, where there is little in the way of pre-defined questions, although the interviewer may guide the interviewee to certain areas of interest. In my opinion, conducting this type of interview allows the interviewee considerable freedom to set the course of the interview.

Highly structured interviews with a specific set of closed questions scores particularly high regarding standardisation, and the degree of comparability between cases (Wilkinson & Birmingham, 2003). There are practical advantages in terms of being relatively easy to administer, particularly with pre-set questionnaires, and being much more comfortable to manage in terms of the time that the interview is likely to take, which makes it appealing. However, I thought that this highly structured approach could be too narrow, restricting the research and placing undue pressure on the interviewees' by limiting their responses (Wilkinson & Birmingham, 2003). This, in turn, could hinder my ability to probe or develop issues in greater detail, which then restricts the data to shallow factual details without the possibility of developing the information to its full potential.

In contrast, the unstructured interview would, in principle, allow an in-depth exploration of particular problems for debate, by facilitating the correlation of detailed data and any discovered themes, thus permitting the interviewees more time to articulate their viewpoint (Wilkinson & Birmingham, 2003). Using this approach would enable probing of the answers in greater detail, which would permit me to delve beneath the surface of the more basic accounts that would be extracted by highly structured approaches (Manzo, 2014). I could then use explanatory and focused probes, which consist of asking the interviewees to provide specific examples of their experiences (Manzo, 2014). Unstructured interviews have their limitations, such as they risk roaming away from the study's core topics of interest, and each interview can be very different from the other, limiting comparability. Also, unstructured interviews can take a considerable time to conduct.

Whichever style of interview was selected for this research; the fact remained that I was dealing with busy professionals. It could be seen as impractical and possibly unethical to expect interviewees to give up a considerable period, by taking them away from their day-to-day policing duties. After due consideration, I utilised a semi-structured interview approach specifically to deal with the police, as it would permit a degree of deviation and development of particular issues while avoiding an entirely prescriptive approach.

I was able to keep the interviewees' focus on the core issues of the study, while also ensuring that interviews were conducted within the limited time available to the professional practitioners. The advantage of this style of interview was that it permitted a degree of control of the process. Using the semi-structured interview enabled me to be reactive to the answers given, and probe for further details if required. It also enabled the interviewee to openly engage by way of a natural conversation (May, 2002). The interviewees discussed at length specific areas of interest and used their terminology related to their area of work. This assisted in making them feel more comfortable in the research setting (Manzo, 2014). A salient point worthy of note is using the semi-structured interviews, much information was gleaned from a limited

number of people. I had allowed for the risk that this approach could lead to significantly large amounts of information being collated, and subsequent analytical processes becoming cumbersome. Notwithstanding this risk, I was determined to conduct a thorough study to address the aim and objectives of this empirical research.

I arranged a mutual day, date, time, and venue that was convenient for the officers so that I could conduct a one to one interview. This allowed for the interviewees to secure a venue where they could feel relaxed. I offered the interviewees a degree of control over the research process, which is part of the power-exchange process. I wanted to encourage an equal relationship between myself and the interviewees (Rappaport & Stewart, 1997), and so, interviews took place at their respective BOCUs. Offering a choice in how they could communicate was important due to the sensitive nature of the research. This resulted in all officers choosing to be interviewed in person, rather than via any other method. Had I not used this format, very fruitful data might have been lost during this research. It is worth noting that none of the officers wanted to have a conversation that was being recorded on tape. Therefore, the interview extracts reported across the chapters are not based on audio transcripts, but are summaries of interviewee accounts put together from contemporaneous notes shortly after the encounters, although some words and phrases were written down verbatim. I used my covert note-taking skills at both sites to ensure that I recorded the details without disrupting the officers' routines. I would sit at a desk with my personal computer in front of me, log in as though I was looking at emails, and made sure that I had a wall behind me. This guaranteed that I could see all of the participants in the room, and safeguard my notes from prying eyes. At no point during any part of my research did I leave my computer or field notes unattended. During the lengthy contemporaneous note-taking, namely when certain officers wanted to speak away from the group, I used my fieldwork notebook to lean on, and the officers spoke at a pace that was easy to follow and to make notes. None of the participants spoke quickly, even when they appeared animated, this was probably down to their environment and the acceptance of the researcher in their presence.

3.4.3 Participant observation

Having completed my interviews, I continued to build upon the familiarity and our relationships, which had been established, to become generally accepted by them (Loftus, 2008). This stood me in good stead, as it enabled me to gain access to their place of work, which in turn meant that I could conduct the fieldwork part of the study. I observed the same people that I had interviewed. The period of observation lasted 4 weeks at each site (8 weeks in total).

While conducting my fieldwork as a participant observer were several issues relating to the subject of offences TIC began to materialise. One was the fact that the MPS, and the police service in general, had received unwanted media attention suggesting the practice of inaccurate recording of crimes had taken place (O'Neill, 2012). This development may have assisted in raising the profile of the need to have the TIC policy and procedures researched. Generally, at a very senior level, there was very little interest in participating in my research. The police may figuratively investigate crimes beneath a magnifying glass, but there is no doubt that they are not comfortable being the topic of investigative research themselves. This is not restricted to those researching the police from the outside, but also those who are considered 'insiders'.

I consider myself to be an insider in terms of researcher status, as I have conducted a study with participants who are police officers of the MPS. I have to add that I feel uncomfortable using the term 'going native' as it implies some form of racial undertone, but I appreciate that it is a commonly used in social science research (Kanuha, 2000). Concurring that by that definition I do share the identity of the group that is studied (Asselin, 2003). This allowed me to gain acceptance from the research subjects at a far quicker pace. However, I was on the receiving end of some choice language, which I doubt an outsider would have been subjected. With such openness, I was able to obtain more data depth during the interviews, and of course during the participant observation fieldwork (Dwyer & Buckle, 2009), the details of which can be found in chapters 6 and 7.

As the SME for offences TIC, I acknowledge that I share professional bonds with other officers, and am acutely sensitive to the negative attention they receive in media coverage, but it is by acknowledging these biases outwardly and honestly, that I believe it adds to the credibility of some of my findings. I also consider that my fieldwork methodology permitted me to view the participants' actions through my adaptive lens, which is that of a SME. Ensuring that I did not lose sight of the 'positive or negative' bearing that my presence may have had during my interactions with the officers (Whyte, 1984, p. 96). By observing the actions of the group, as well as those of the officers when they were on their own, I was able to glean additional data on their feelings, rather than just relying on them to explain how they felt (Crow & Semmens, 2007).

3.4.4 Case files

A thorough examination and analysis were conducted of the criminal cases, and the associated files, with key insights presented in chapters 6 and 7. Analysis of these documents informed me of the choices that had been made by the officers, as to how they introduced the TIC process to the prisoner, and how the crimes that were admitted were cleared. The transcripts from the drive round interviews were assessed, and I noted how the TIC policy had been varyingly interpreted, as had methodology used to execute the procedure. This also assisted me to establish the general usage of the offences TIC policy.

3.5 DATA ANALYSIS

According to Coffey and Atkinson (1996), data analysis is not a 'distinct stage' of research. Instead, it is a 'reflective activity that should inform data collection, writing, further data collection, and so forth' (Coffey & Atkinson, 1996, p. 6). The interviews that I conducted spanned 8 weeks, and I, therefore, did not consider the analysis as the last stage of my study. Bottoms (2007) is of the opinion that theorisation, data-gathering, data-analysing, and integration of data-theory is generally applied within the socio-criminological sphere of the study. My analysis was indeed fluid during my collection of the interview data, because I was categorising, and thematically coding while pondering and connecting all the disclosed responses throughout my research.

Tesch (1990) suggests the process of analysing qualitative data entails the conversion of raw data, thus positioning the researcher as an implement in the research process. This became apparent during the fluid process enacted while analysing my qualitative data. To aid the navigation of the kinds of issues being encountered, I opted to use a thematic analysis. This meant that I was required to engage with the results in a second-level data document, rather than being conscious of the analysis as a precise science (Tesch, 1990). Acknowledging the fact that my role as a policy writer, and my identity as a SME for offences TIC, and my own policing experiences have a bearing on how the data were gathered and analysed, which is why it was explored in great detail. I have openly acknowledged that my theoretical position and values are embedded within this research. Being conscious of these facts, I was able to keep control of my personal views and examine the intricate details of the working methodologies based on the correct policies and protocols for the MPS offences TIC process.

The thematic analysis relied upon an inductive approach of recognising an important moment or experience that was disclosed and encoding it before the process of interpretation being employed (Boyatzis, 1998). The data identified as a 'theme' was based on its occurrence in frequency. In essence, I let the data guide me to determine what was and was not a theme.

The adoption of the thematic analysis process was beneficial to my research. I have to agree with Braun and Clarke that, 'thematic analysis provides a flexible and useful tool, which can potentially provide a rich and detailed, yet complex account of data' (Braun & Clarke, 2006, p. 5). Smith (2015) is of the view that thematic analysis is capable of uncovering rich data sources (Smith, 2015). My personal experience concurs with the views above, especially while examining the comments and opinions of the officers. By employing thematic analysis, unexpected secured findings began to materialise. In other words, several contributory findings that were not part of my original intentions appeared as part of my investigations. I may have commenced with a focus on a specific concept, namely the offences taken into consideration policy, processes, and

procedures; however, various other themes have emerged, which included, but is not limited to, police culture, and police perception of their peers.

During the analysis ‘fracturing’ of the data occurred, as specific codes associated with ‘individual’ pieces could be categorised and situated within broader theoretical notions and themes (Bottoms, 2007). I was able to identify and validate each specific theme while fluidly transitioning from collecting data to defining conceptual categories based on these themes. As a result, I clarified the links between the conceptual categories. Not using data to obtain meaning, but instead used the recurring patterns in which certain themes emerged in interview notes to confirm their importance. This was based on what the officers disclosed. Themes that had emerged during data-gathering and data-analysis were used simultaneously to increase the focus on collecting data and establishing a connection between the empirical reality and my view and experience of it. By treating data coding in this way, I identified issues, and subjects of importance to the officers, which informed the empirical data collection.

I considered using computer software for qualitative analysis, such as Atlas (Friese, 2014). Computer software could be used for storing and managing considerable quantities of qualitative data and can be a more efficient method for searching and retrieving specific elements of data (Ragin, 2014). However, such software cannot undertake analysis itself, and it may have taken me a considerable time to become proficient in using it (Friese, 2014). Consequently, I made a decision not to employ it for this study. Instead, I coded the data by hand, as this provided me with the opportunity to see the emerging patterns. I was then able to monitor the data carefully, which made me feel like an implement in the evidence gathering process and the research in general. I also felt a distinct connection to the data itself.

3.6 ETHICS AND CONFIDENTIALITY

The information contained within police departments in the UK should always be treated as highly confidential. This includes information held on police

computers, files, and legal cases. It is necessary to remain ethical and accountable at all times when conducting research, and essential that all data be stored anonymously and confidentially.

It has never been my intention to single out any specific officer, but instead to focus on the use of the TIC process, the interpretation of policy, and the procedures used. Obtaining formal consent, maintaining integrity, safeguarding all of those who have confided in me, and ensuring that they did not come to any harm was imperative (Bryman, 2004).

I obtained written informed consent from all parties directly involved in the study, and I abided by the code of ethics as stated by the British Society of Criminology¹⁸, the Data Protection Act 1998, and the directions laid down by Cardiff University Research Ethics Committee. Each officer was provided with assurances that their details would be kept confidential at all times. However, none agreed to be interviewed on tape. It could be argued that by declining the taped interview they were holding on to some form of control. All research data presented in this thesis was anonymised using researcher-created pseudonyms, and all officers were made aware of the intent of this research.

It could be argued that the informed consent of the research participants was constrained by the fact that it was their managers who granted permission for the fieldwork to be conducted, rather than the individuals themselves. However, such concerns should not be overstated. The participants at RD genuinely considered their BOCU as being better than the rest. As a reflection of which they felt privileged to be identified as performing well. In relation to the participants at BE, they simply believed that they followed the rules and had nothing to hide, so they too can be considered as willing participants. Some of the comments arising during the research interviews reproduced in Chapter 5 by officers at RD and BE support such claims. However, it does need to be acknowledged that the TIC unit officers may have felt that they had no choice

¹⁸ <http://www.britsoccrim.org/documents/BSCEthics2015.pdf>

but to go along with the research. That said, consistent with standard academic ethical practice, all of the participants were made aware that they could withdraw their consent to take part in the study at any time, but none of them did so.

A critical decision about the ethical conduct of the research concerned the rationale for not informing interview participants that their work would be observed by the researcher, after the interview, was taken out of my hands. The senior managers at the BOCUs believed that given operational commitments within the MPS during the fieldwork study period; it was prudent not to make promises to the research participants of returning to the BOCUs, and then failing to do so. As such, it was only once the interviews had been concluded at each site that a firm decision was taken to engage in the observational work.

Another fundamental element of the ethical approach to research is confidentiality, and this study followed the standard practices to disguise links between data and any identifiable individual. Extreme care was taken throughout to ensure that individuals were not identifiable. All interview transcripts were listed according to a number instead of a name, and the actual identity list was kept separate. It can be seen in the chapters which follow that standard social science techniques were used to disguise the identities of the interviewees or other participants. Also ensuring that no respondents could be identified by gender, so when attributing responses to interviewees the terms 'he' or 'she' have been replaced by 'their' or 'they'. All documentation and transcripts relating to this research were stored securely, and the data will be destroyed within 12 months following the submission of this thesis, as this is regarded as a standard ethical practice within the realms of social science.

3.7 LIMITATIONS

Regarding the complexities deriving from my role as a serving police officer and national SME for offences TIC, it is worth mentioning that these roles are interchangeable. I am very well known within the police service, so my presence during the study undoubtedly affected the research, from its initial conceptualisation and design, through data collection and analysis. Based on

these facts it is evident that this type of research requires a degree of restraint to observe colleagues in their natural working environment. Professionalism and impartiality remained at the forefront of my mind throughout this study, ever remembering that with 'different roles' come 'different perspectives'. I remained conscious of the need to prevent my individual 'personality' influencing this study (Burgess, 2003, p.118).

Some of the other challenges faced during my research included; as a police officer robustly studying my organisation, while trying to be critical from a practical perspective and, not being influenced by my own or other people's opinions. I was subjected to various taunts from colleagues, suggesting that there is no place for academia in the police, let alone a police academic. It was at this point that I recalled the work of Simon Holdaway (1983) and, the substantial challenges that he faced when researching the police from within (Holdaway, 1983). Although he was a uniform Sergeant at the time and, he was researching in the 1970s, whereas I am a Detective Constable (DC) and researching the police in the Twenty-first Century, the tensions appear to be very similar.

3.8 CHAPTER CONCLUSION

In this chapter, I have described some of the complexities and challenges encountered while conducting this study. The process outlined the theoretically informed decisions that underpinned my reasons for choosing the BOCUs, officers, and the data, which I pinpointed to assist me in this study. I explained why my study took me down this particular pathway. Throughout, I have integrated 'reflexive' (Loftus, 2008, p.206) insights within this chapter and illustrated how I was able to benefit from being a participant observer.

The qualitative research methodology was interpretive, inductive, and used multiple methods. This ensured that the information collated from official documents, and interviews would provide useful insights into a defined aspect of police work. It is grounded in social communication and focused on an interactive research process. Thus permitting interaction with the officers

involved in my research and providing the necessary exposure to their working practices from a participant observer perspective. The mixed methods approach afforded a number of advantages to the project. These included checking the validity of the information collated, by using a 'cross-checking of information' that resulted from combining both quantitative and qualitative data. Engaging this procedure provided a real meaning to the captured data, something that no single approach could have achieved in its own right.

There is a deep-rooted belief amongst police officers that engaging in the TIC process leaves them open to possible disciplinary proceedings and in some cases a custodial sentence (Grandani, 2009). These fears are genuine and often result in officers being reluctant to engage with prisoners for offences TIC. These issues will be explored in greater depth in the following chapters. The TIC policy and processes have been created to safeguard all concerned. It provides a systemic understanding of what is required to be credited for securing offences TIC.

Police 'clear-up' rates for crimes that are shown as detected are published annually for all 43 police forces in England and Wales (Taylor & Bond, 2012). Higher values are commended, as they are considered to suggest the efficiency of the police service, and when closely scrutinised, each police force. This is not without its issues, as it is misleading for a few reasons. It has been shown that some police forces can exaggerate some 'clear-up' rates and 'under-record'¹⁹ crimes that have been either brought to their attention or that they have discovered during their duties.

The data presented in this Chapter help to contextualise the fieldwork. It is by exploring the working practices of a BOCU that is deemed as a high performer, and one a low performer, for clear-up rates achieved by way of the TIC process, that a more in-depth analysis can be provided. This will provide valuable insights into the working practices of those concerned with the TIC process and

¹⁹ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-select-committee/news/crime-stats-substantive/>

their application and use of policy and process. Offences TIC process can be used for various crimes, but primarily they are applied to volume crime offences (Taylor & Bond, 2012). Previous studies have shown the police service has been successful in dealing with residential burglary and vehicle crime offenders by way of TIC process, but has had more limited success in relation to robbery offences (Burrows, et al., 2005). Robbery offences attract a greater custodial penalty, which may be the reason for the limited success, whereas burglary offenders receive a lower punishment. Solicitors and legal advisors may be less inclined to advise their clients to accept additional offences for robbery.

In statistical terms, the police have significant variations in how, when, and why they are using offences TIC process. This is evident nationally and within the MPS. Debatably this has an adverse impact on crime figures. If the TIC process were implemented correctly, then organisations and persons linked with the judicial process could benefit. The victims of unsolved crime could receive closure, the image of the police and their crime figures could be improved, and the accused could put their offending behind them.

Especially when negotiating access, some senior managers attempted to control elements of the research. Notably, a Superintendent specifically pointed out that the use of MPS published data would mean that a BOCU with a large number of TICs should be compared to one that presented a low number. It transpires that by coincidence one BOCU is situated north of the River Thames, and the other is located south of the River. At one of the BOCUs, the managers wanted to restrict access to documents, while at the same time suggesting that this study could result in another 'whistleblowing' exercise. So any suggestions that I have enjoyed 'access all areas', or a 'free rein', could not be further from reality. I funded this research myself, and therefore do not feel that I need to report anything to the organisation, other than my findings, and only when I have published them.

I am aware that the contents of this Chapter has probably increased the chances of drawing greater critical attention to how my data were analysed. It has always been my intention to acknowledge the role that I had during this research so that I could provide an open and transparent account of my methodological process. I doubt that any researchers have not had an impact on what they have reported as 'findings'. Having a strong connection to the subject that is being researched is sure to benefit knowledge production. Ultimately, I feel that my position as a participant observer has produced a deeper understanding of my subject.

Data contained within this Chapter have allowed analysis as to which MPS BOCUs are performing well, and those which are not, in relation to crimes cleared by way of the offences TIC process (Taylor & Bond, 2012). The following Chapters will explore the possible reasons for this.

Chapter 4

Policies and Protocols

4.0 INTRODUCTION

The policies, official working practices, and guidance, which influence the offences Taken Into Consideration (TIC) processes within the Metropolitan Police Service (MPS), will be explored in this Chapter. It establishes the directions provided by the Crown Prosecution Service (CPS) to ascertain if the Criminal Justice System (CJS) is sufficiently equipped to deal with people who admit to crimes that they have committed, which could be TIC by a court. The recognised offences TIC process used by the MPS has been created based on the principles outlined by the Sentencing Advisory Panel (SAP) (SAP, 2011), which is recognised by the courts.

The chapter is divided into three sections. The first provides an introduction and background to the existence of the offences TIC policy within the MPS. The next covers the TIC process within the MPS and explores the role of the prosecutors within the realms of the court's responsibilities. The next section looks at the influence TICs have on the court and the approach that the police can make to Her Majesty's Prison (HMP).

4.1 Statistical targets

The Metropolitan Police Service (MPS), and the other 42 forces in England and Wales are subject to statistical performance targets even though they have been abolished (as per 2.1.3 of this thesis). Police performance has been measured by way of statistical indicators, rather than how it achieved those figures. Theoretically, if the statistics show police are meeting the targets set by the government, then they must be performing well, and if they do not, then they are considered to be underperforming. Is this notion oversimplifying the complexity of police work, which is used to achieve the figures set? Even though in recent times there has been a 'political shift' by the government to steer away from 'setting targets for the police' (Reiner, 2010, p.234), there is no

getting away from the fact that the police still need to be measured regarding their performance. Statistics are still being collated and submitted to the government, and the figures published.

Police performance indicators are interwoven within the objectives of policing and are subject to adjustments, especially with a change in government. It could be argued that policing strives to improve public satisfaction and confidence in its service, and this is measured by way of published performance figures (Collier, 2006). While most of the targets have been met within the time and scope of this research, the total number of people being dealt with by the CJS has continued to fall. This is not a new issue as it was explicitly highlighted in the publication entitled 'Narrowing the Justice Gap' (Taskforce, 2002), and has been reinforced by the government of the day. The aim was to bring 1.2 million criminal offences to the CJS in England and Wales, each year commencing from 2006. This initiative leads to the measurement of Offenders Brought To Justice (OBTJ), as opposed to merely obtaining a Sanction Detections (SD). The term OBTJ is used to identify a recognised measure of justice, for example when a person has been dealt with for a notifiable criminal offence, which has resulted in them being convicted, cautioned, issued with a Police Notice for Disorder (PND), receiving a cannabis warning, or having an offence TIC at a court (Ashworth, 2010). This is covered in greater depth in the next chapter.

There are plenty of police activities that will increase the potential for OBTJ, but one markedly rich source is the practice of criminal offences being TIC. Although every offence being considered for disposal by way of the TIC process must be put before a court, it must be noted that TICs have no statutory basis, but are nevertheless recognised and indirectly referred to in the statute. It is a long-standing accepted convention, which is approved by appellate courts since the start of the twentieth century and applies both in Magistrates' and Crown Courts. It was established during the trial of *R v Walsh* (unreported), 8 March 1973²⁰, that the court has responsibility to ensure the accused understands the

²⁰ *R v Walsh* (unreported), 8 March 1973 - https://www.sentencingcouncil.org.uk/wp-content/uploads/web_case_compendium.pdf

document that he has received, which is a list of criminal offences that he admitted to committing, known as a Schedule of Offences - MG18, and has sufficient time to consider the contents of that document. The court 'may' if necessary, provide further time by way of an adjournment. The term 'may' features regularly in relation to the court and offences TIC. This is due to the fact 'the court' has a choice on whether to take offences into consideration or not. It is also worth noting that the terms 'should' and 'could' regularly feature in relation to this policy. It is worth considering that if there are fewer defendants attending court, and the police must still achieve the targets set by the government, the police could manipulate the TIC process for their benefit rather than for those whom it was intended?

4.2 Background

In my capacity as a policy reviewer and writer (2006 - 2017), I identified during a scheduled policy review in 2009, that the MPS offences TIC policy contained insufficient information for police officers and staff, to deal with the process effectively. I liaised with a person at the superintendent level, and they directed me to create a new MPS offences TIC policy. The one which was in existence prior to the time of this research was known as the 'Detections and Case Disposal Standard Operating Procedure Item 2, Notices 07/09'; but was still referred to as the MPS TIC Policy. That document composed of 51 pages, of which 4 were dedicated to the MPS TIC Process. The subheadings within the TIC section were: Counting TICs for Sanction Detections; Responsibilities for TICs; and corporate prisoners. The underlying theme was performance. There were no flowcharts and therefore no visual aid to assist police staff in forming a decision on how to deal with the offences TIC, without reading the entire document. These were created and published in the MetLine MPS Police Federation Magazine (Grandani, 2009; pp. 20 - 22). Copies were sent to each of the 32 BOCU Commanders. The circulation was also made available to all MPS staff. A copy of the publication was also sent to the National Police Federation, Association of Chief Police Officers (ACPO), and the Home Office. After consultation with my line managers in 2010, it was decided to develop the

TIC process further, and it was agreed that I should create a new TIC Policy Document, which I did.

The new policy framework was designed to assist in bringing all the offences TIC within the MPS into line with a minimum acceptable standard and ensure that all the police officers and staff across the 32 London BOCUs were safeguarded from the potential pitfalls of the process. It was also the intention to create uniformity, whilst at the same time removing the myth that this is a specialist role. A breach of the policy and processes may result in those involved being subject to disciplinary action taken against them. Depending on the severity of the breach, those involved may even receive a custodial sentence.

In order to ensure that each step of the process was relevant, it was necessary to engage and work in consultation with agencies that had a vested interest in the subject matter. Due to disclosure issues, I cannot list those agencies. A close examination of stated cases and comments made by Judges were examined in order to mitigate the possibility of an abuse of process taking place. It is worth noting that in a late development relevant to this focus, the College of Policing, who are responsible for ensuring that approved practices are published and accessible to all police officers and staff of the 43 police forces in England and Wales²¹, have provided access to the official guidance provided to the police for investigating criminal allegations and offences. A copy can be found in Figure 1.0 below. It must be stressed that the details of the diagram are merely for illustration purposes, as each police force area will have their policy and procedures that they will need to follow. For example, a more in-depth working practice is needed to deal with serious sexual assaults, and therefore the investigation will involve protracted inquiries involving specially trained police investigators. Therefore, the information contained in Figure 1.0 can be regarded merely as a skeleton process. It is worth noting that,

²¹ <https://www.app.college.police.uk/app-content/investigations/investigation-process/#process-of-investigation-diagram>

'Every offence Taken Into Consideration requires an investigation, but not every investigation results in an offence Taken Into Consideration'
(Grandani, 2014. p.2).

Investigation Process

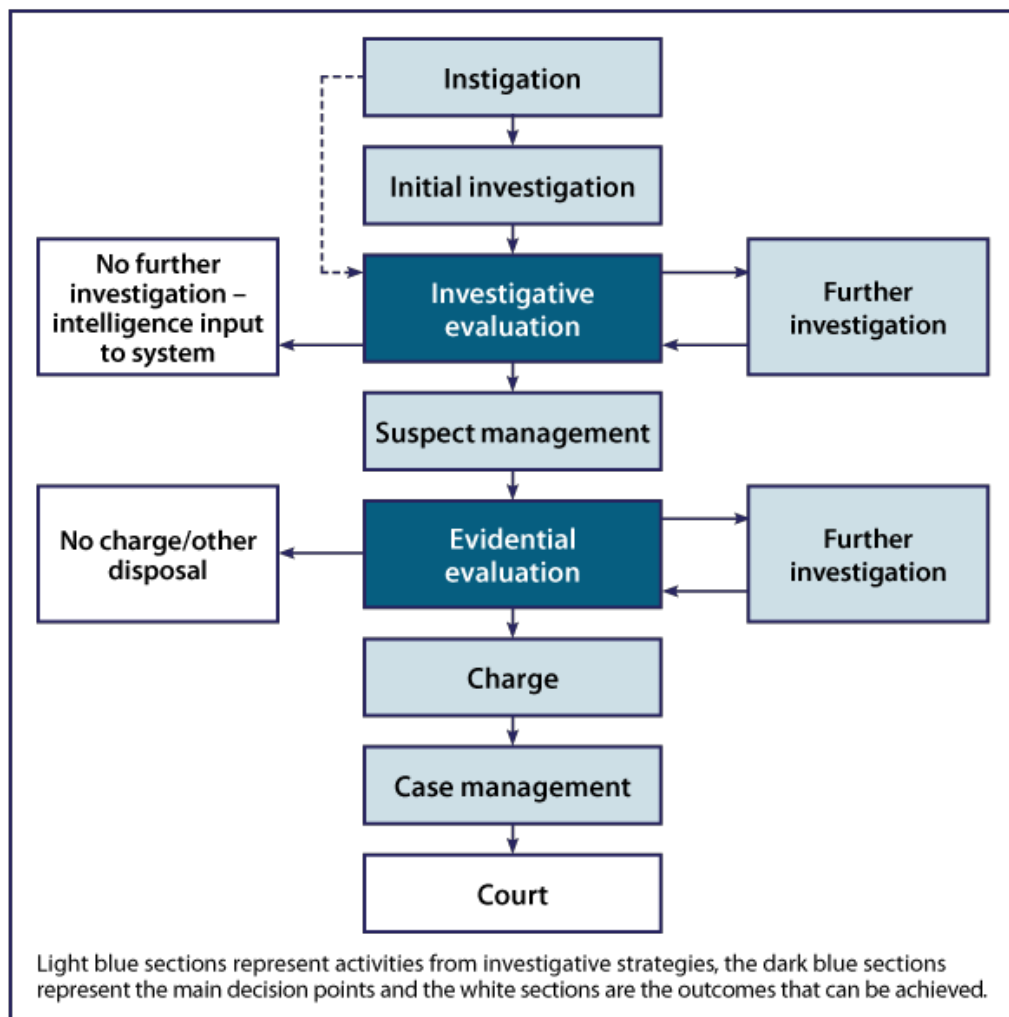


Figure 1.0 (Source: College of Policing (CoP) - Authorised Professional Practice 2017).

In terms of how the TIC policy was constructed, it is specifically compiled to inform the user on the accepted methodology for dealing with the TIC process. Ample opportunity is afforded to the suspect to admit to crimes that they have committed which may be TIC by the court. The new MPS policy for offences TIC was created in 2009 and was being used throughout the time of this research.

The MPS policy regarding offences TIC is considered as a safeguard for the police when dealing with suspects that wish to admit to other offences that they have committed which may be TIC by a court. It can only protect those involved in the process if they adhered to its contents. Therefore knowing what should be done informs the user; thus it is necessary to go through each stage of the process. Whilst doing so, it is worth bearing in mind that the status of policy is figuratively set in stone, whereas the actions of the practitioner are not. The officer may use their discretion during some points of the proceedings, and these may be influenced by the culture of policing (Nhan, 2014). Law and process may work very well in books, but that is no guarantee that they work in action.

The process commences when a suspect has been lawfully arrested for a criminal offence and brought into police custody. In addition to the suspect being handed their rights and entitlements, they must be advised as per policy, that the offences TIC process is also available to them. This assists in protecting the MPS police and staff, as Article 6 of the Human Rights Act 1998 covers the 'right to a fair trial' which includes the 'presumption of innocence' (Daly & Jackson, 2016, p. 284). It could be argued that if a person is detained at a police station and is not made aware of the fact that a judicially agreed process exists, which would allow them to admit to other offences that they have committed that may be taken into consideration by a court, then how could they put their offending behind them? A possible breach of the said Article could ensue if they are charged with a domestic burglary and attended court on say the third occasion for a similar offence. Under the 'three strikes' rule was sentenced to the 'maximum term permitted' only to discover that they could have had all of their 'previous offences' dealt with on a previous occasion, but were never informed (Jones & Newburn, 2006b, pp. 781-802).

Next, this Chapter will explore the process and highlight areas of vulnerability, where it is conceivable that an officer under pressure may resort to dishonestly obtaining a detection, rather than remain within the confines of any official process. This, in turn, could result in those suspected of committing a crime,

admitting to something that they have not done. A miscarriage of justice could ensue. To reduce such risks requires an approved process agreed in principle by a legislative framework, one which ensures that all those involved in the TIC process can be held to account for their actions.

4.3 What is policy and how is it communicated?

A policy should be regarded within this study as the specific guidelines agreed by the MPS when dealing with those wishing to have offences that they have committed taken into consideration by a court (Ward, Bagley, Lumby, Hamilton, Woods & Roberts, 2016). The MPS TIC policy specifically sets out the way that things should be done within the legal framework of the CJS, and has arisen from identifying best practice. The policy considers that there may be occasions when it is not practicable, for whatever reason, for its guidance to be adhered to. On such occasions, and in respect of any disciplinary proceedings, the onus is upon the user to justify why they could not comply with the policy. This is not unique to the MPS TIC Policy. In order to understand the methodology that the MPS investigators must follow when dealing with crimes which may be TIC by a court, it is necessary to outline the TIC policy and processes. The original document is deemed to contain sensitive operational information, and it is for this reason that it has not been possible to reproduce the document in its entirety.

Policies and protocols within the MPS are all communicated to staff via the intranet, which means that personnel can access the latest version of the approved documents. All police officers and staff are informed about any changes, and in cases of doubt or difficulty, awareness sessions are made available. These sessions are open to all MPS BOCUs and Police Forces in England and Wales. If a BOCU requests attendance of the SME to improve staff awareness, then a mutual date, time, and place will be agreed, usually via the MPS organisational learning and training hub.

4.4 Definition and benefits

In order to understand the principles of the TIC process, it is first necessary to explain what an offence TIC is? When a defendant is convicted of a charged offence, a court may 'take into consideration' other criminal offences that have not been previously charged. For this to happen, the defendant must have admitted the offences. It is for the courts to decide whether to take offences into consideration when they are determining a sentence. It is important to note that offences presented to the court for consideration must have sufficient evidence to support a separate prosecution, as the court may decide that they are not suitable for disposal by way of offences TIC. There are stated criminal cases that have influenced the TIC process and informed policy (shown within this thesis). They have outlined the definition of offences TIC, and crimes that should not be considered for disposal by these means. They have sought to establish a general understanding for all those involved in the TIC process, encompassing police officers, victims of crime, offenders, and the courts. Despite the attempts of those charged with providing such guidance, the responsibility for interpreting the guidance and creating policy and procedures are left to policy writers like myself.

Two distinct aspects within the TIC process need to be addressed; namely that an admission needs to be obtained, and due consideration should be afforded as to the manner in which any subsequent denials are handled. It could be argued that appropriate use of the TIC process offers considerable benefits, especially operationally, as the information gleaned on a suspect's lifestyle can prove valuable when piecing together evidence of a crime. It could reveal the true identity of the suspect, rather than total reliance being placed on a suspect's admission to a crime.

In theory, the victim has an opportunity to claim compensation in respect of an offence that has been admitted by the defendant, detected, and acknowledged by the CJS, but in order to do so, they need to complete forms prior to the defendant arriving at court for their first hearing. The onus is upon the police to bring this to the attention of the victim, but how often does this occur?

Theoretically, the victim has some form of closure to their ordeal, but there is no guarantee, as every victim deals with those experiences in their way, and some may never come to terms with it. Another recognised benefit is associated with the court, which has a fuller picture of the offender and their offending and therefore can pass an appropriate sentence. There could be potential for savings too, as offences can be dealt with promptly and without additional court hearings.

Another benefit can be seen from the defendant's perspective, as they 'may' receive credit for early admission of guilt. The emphasis is on the word may, as there is no way of knowing what sentence a court will pass. If the suspect receives a lesser sentence than they would have received had they been charged with a substantive criminal offence, is solely a decision for the court. At the time of sentencing, the court may also advise that the offender enters a rehabilitation programme, which would support the accused and assist them to be able to 'wipe the slate clean' and thus avoid the risk of subsequent prosecution for those offences (Keogh, 2012; p. 459). The following quote by Lord Diplock in the case of *Anderson v Directorate of Public Prosecution (DPP)* 1978 is worthy of note:

'The laudable object of the practice is to give to a convicted offender the opportunity when he has served his sentence to start with a clean sheet and not to be arrested at the prison gates for some other offence which he committed before the particular offence which was the cause of his conviction...If justice is to be done it is essential that the practise should not be followed except with the express and unequivocal assent of the offender himself' (Anderson v DPP, 1978, p.515).

To summarise, the **police** could gain valuable intelligence and increase their detection rates, whilst at the same time recording a fuller picture of offending for possible use in future cases or to support applications for Anti—Social Behaviour Orders (ASBO), or other restrictive orders. The **prosecution** has a more accurate picture of the offender's criminal history when considering the

public interest test, and when consulted regarding bail decisions. The **Offender** has the opportunity to put their offending lifestyle behind them, and move on with their lives. The **Victim** may have psychological closure in relation to their ordeal. The next subsections will detail the many opportunities for TICs throughout the CJ process.

4.5 TICs and the criminal justice process

There are many opportunities to obtain admissions for offences that may be TIC by a court, which are covered within the TIC Policy and Processes. These will now be highlighted.

4.5.1 Initial custody procedures

Once a lawful arrest has been made by a police officer, and the suspect has been taken to a police station, it is for the custody sergeant to decide whether or not to authorise detention. Once authorised, the detainee should be served with a Form TIC Notice 1 (Appendix E), usually with their 'Rights and Entitlements' literature. This ensures their attention is drawn towards the existence of the TIC process at the earliest opportunity. It also serves to remind the police staff of the existence of the TIC policy.

The suspect and if applicable their legal representative, will be asked to sign the custody record for the receipt of Form TIC Notice 1. This serves to safeguard the police service from future allegations concerning the suspect declaring they have never been informed of the TIC process, and therefore could not have participated in it. If the suspect refuses to sign, then the custody sergeant will endorse the custody record in their presence. They will also record any reasons for their refusal. If the suspect cannot read, the custody sergeant will read the notice to the suspect. This fact will be recorded on the custody record, which is known as the National Strategy for Police Information Systems (NSPIS), in accordance with the Police and Criminal Evidence (PACE) Act 1984. Attention to TIC posters (Appendix H) should be maximised throughout the suspect's detention, and not merely at the time that they are booked in.

4.5.2 Pre-interview disclosure

The interviewing officer must provide disclosure before the custodial interview taking place, for the first criminal offence (Sukumar, Hodgson & Wade, 2016). This involves disclosing particular facts that the police are already aware of regarding the first offence being investigated. This will be done with the suspect's legal representative and recorded on audiotape, and by using a prepared recognised format. This is to ensure that all obligations of the disclosure are met (Glover & Murphy, 2013). This will include bringing to the attention of the legal representative the fact that the Form TIC Notice 1 had been served to the suspect. The representative should also be informed of the policy regarding offences TIC and that research into other offending will take place, which may result in further questioning. If necessary it will only be conducted after the interview for the first offence has concluded.

4.5.3 Collating information

The research undertaken by the investigating officer before the interview will be recorded on the relevant Crime Reporting Information System (CRIS). The interview covering the TIC offences must also be conducted on audiotape and forms part of the prosecution file. Before the interview, the investigator must familiarise themselves with the interview model, which should be used. This comprises five phases, namely: Planning; Engage; Account; Closure; and Evaluation. It is known colloquially as the 'PEACE Model' (Shepherd, 2008, p. 27). This PEACE model applies to all categories of investigative interviewing, despite differences in emphasis between witnesses, victims, and suspect interviews (Milne & Bull, 2016). The recommended practice is that all suspect interviews must include the Form TIC Notice 2 - 'Warning to Detained Persons' (Appendix F). The reason for this is to ensure the process is open and transparent, which in turn safeguards all those involved. The theory is to ensure the TIC process is brought to the attention of every suspect no matter what they have been arrested and detained for. I have always maintained that the police cannot expect the suspects to 'buy' into a process when they do not even inform them of its existence.

It could be argued that planning prior to an interview is one of the most critical phases in effective interviewing. Failing to prepare could result in professional embarrassment, as interviewing officers need to familiarise themselves with the details of the case that they are dealing with, as;

Society cannot afford investigative interviewing to be poor. This affects people's perceptions of the criminal justice system. The guilty get away, the innocent are convicted, justice for children and vulnerable adults is inadequate. Poor interviewing is of no value to anyone; it is a waste of time, resources and money. No one wins. People will not come forward if they have no confidence in the quality of investigators' interviewing techniques' (Milne & Bull, 1999, p. 191).

According to the policy, before speaking to a suspect in any PACE compliant interview, the investigator should always consider including at the planning stage, additional activities. For example, as mentioned above, the officer should ensure that the suspect has received, understood, and signed for a Form TIC Notice 1. The officer should conduct checks on the CRIS, and establish if there are further details on the suspect via the Borough Intelligence Unit (BIU). Any information gleaned could be used to support the suspect's history of criminal behaviour. The suspect should first be interviewed under caution for the primary offence or offences for which they have been arrested, and the interview brought to a close when it is deemed that no purpose would be served by continuing.

Where the detainee is suspected of committing other offences a decision whether to arrest for those offences, or aim to deal with them as TICs will need to be made at the pre-interview planning stage (James, 2016). The Crown Prosecution Service (CPS) should be consulted, and their decision should be received in a written format on a Form MG3, which is part of the audit trail. The decision will vary according to the strength of evidence, or the information that gave rise to the suspicion. For example, if a person is arrested for burglary, and

research shows that 20 other burglaries have been identified in that area, all have a similar Modus Operandi (MO) to the offence for which they have been arrested for, the officer should aim to deal with those as TICs, which is in accordance with policy. This direction could be confusing, as the policy appears to lean towards an outcome for the investigation, without first speaking to the suspect and establishing if there are further offences that they have committed, which they want to admit to. Police officers are neither 'judge' nor 'jury'; their role is to investigate each crime, and it is for the CPS to decide as to charge, caution, or consider TICs (CPS, 2014).

4.5.4 Interviews

In accordance with policy, at no point during police interaction with a suspect or accused, must inducements be given or phrases such as those offering bail in return for admissions for other offences, or promises that all admissions from hereon will be TIC, be used. The police can inform them of the options available to the police, which includes the TIC procedure. The MPS officers use an interview aide memoire (Appendix G) when conducting an interview, which can be found in Appendix G.

The Home Office requirement for an offence TIC to be permitted to stand as a Sanction Detection (SD), is that sufficient evidence to charge the suspect for the offence must exist. In some cases, this could be the fact that the suspect describes the offence in such a way that only the offender would know, and this would be sufficient if the information is elicited from the offender without prompting from the interviewer (Home Office, 2011). An example of this was found in one of the interviews examined, where the suspect informed the interviewer that on one occasion they were in the vacant victim's property, and whilst ascending the stairs they recalled seeing a poster of the Tottenham Football Team. They stated that it was easy to recall, as they supported Arsenal Football Club and they are rivals. They added that they had taken an LG television that had a scratch on the remote, and some coins from a small tin with Tottenham's Football Ground on it, which was in the kitchen.

Another example was when a suspect being interviewed stated that they had found a safe hidden behind a painting on the wall. They can readily recall this because the painting was of a naked woman. They claimed that they tried to open the safe, but when it failed to do so, they left the painting on the floor. On the way out they grabbed a pillowcase and filled it with two jewellery boxes which were on the dressing table, and knocked over a bedside lamp on their way out of the room. In both examples, each of the suspects provided additional information that was not on the crime reports. This prompted the police to contact the victims, obtain further statements, and confirm the information provided. The victims in each case concurred with the confessions obtained. The policy also explains that whilst interviewing a suspect there should be no preconceptions concerning the appropriate mode of case disposal. The final decision regarding what crimes a suspect will be charged with will only be made when all the relevant facts are known.

If it is deemed appropriate to continue with the 'Warning to detain Persons' that is also known as Form TIC Notice 2 (Appendix F), while the investigator must consider if the suspect has admitted their involvement in the primary offence. It must be established if there is sufficient evidence to consider a charge for the primary offence. The investigator must consider if the prisoner is suspected of having committed other criminal offences. The investigator may then continue with the TIC procedure. At this stage, it is appropriate to serve the Form TIC Notice 2 on the suspect. This must form part of the original interview and be conducted on audiotape, as should any subsequent comments or admissions in relation to other offences. The investigator should then be prepared to suspend the interview as the suspect may wish to consult their legal representative in private. At a separately recorded interview, the suspect should be formally invited to admit responsibility for any other similar offences committed. If the offences are dealt with in the main interview are admitted, and the suspect is not represented, then at the conclusion of the main interview and while the tape is still running, the suspect should be invited, using the wording of the Form TIC Notice 2, to admit responsibility for any other similar offences they have committed.

If further crimes are admitted during the interview, namely possible TICs, then there is no need to arrest and caution the suspect for each of those offences. However, if the offences admitted will affect the suspect's possibility of bail, such as a more serious crime, and a remand in custody is likely to be sought, or time in custody will be substantially increased, then the suspect should be arrested for the additional offences at the end of the interview. This part of the policy is influenced by a stated case, namely *R v Samuel*, 1987²² which has been discussed in Chapter 1. If the offences in the main interview are denied, the suspect should subsequently be processed in the standard way, that is charged, cautioned, or released.

4.5.5 Post Interview procedures

Following disclosure of other criminal offences, the investigator must conduct secondary research in order to confirm the details provided by the suspect are correct, and that the offences disclosed are suitable to be considered for the offences TIC process.

Offences TIC must be 'like offences' to the offence charged. For example, if the suspect is charged with burglary, a TIC offence may include theft or other forms of dishonesty. Another example is if the primary offence charged is one of Rape, then a TIC offence may include indecent assault. Those that are not 'like offences' cannot be TIC by a court, and must be either charged separately or cautioned. They should not be categorised as 'No Further Action' (NFA), as the suspect must have admitted the crimes prior to them being considered for disposal by way of the TIC process. It is worth remembering that even though the suspect is providing the police with details of the offences that they claim that they have committed, the onus is on the police to prove that they are only admitting to crimes that they have committed.

The MPS uses the term 'corporate prisoner' and this refers to any person who has the potential to provide 10 or more detections on offences for a single BOCU, or is suspected of committing these offences across several BOCUs. It

²² *R v Samuel* (1987) http://www.hrcr.org/safrica/arrested_rights/R_Samuel.htm

is important to recognise this type of prisoner, as they are used to increase detection rates for volume crime offences, such as residential burglaries, robbery, vehicle crimes, sexual crimes, and violent crimes. Domestic, racist, and homophobic crimes are also included. If several BOCUs are involved, then there should be a single TIC Unit taking the lead, in order to deal with all possible detections across all BOCUs. This will undoubtedly involve the prisoner being taken on a 'drive round' to point out venues of their wrongdoing. This topic is covered later on in this chapter (4.6). The theory is that this should reduce the risk of antagonising the prisoner, and maximise the potential for obtaining SD rates lawfully.

4.5.6 Case file application

Where a suspect wishes further offences to be TIC, a Form MG 18 must be completed, including the section on compensation, and the CRIS numbers of the offences to be considered for TICs. The suspect must be asked to sign the completed forms. This should be done as soon as possible although their release cannot be delayed for this purpose. Copies of the completed TIC forms are to be forwarded to the respective Crime Management Unit (CMU) for input onto CRIS. In terms of compensation, there is no limit on applications at Crown Court. However, there is a limit to the amount of compensation that can be claimed at a Magistrates Court, which is £5,000 per charge. For example, two offences charged and five TIC means £10,000 to be shared between seven offences. The court is required, under the Powers of Criminal Courts (Sentencing) Act 2000 section 130(1), to consider the question of compensation in respect of offences being TIC relevant sections of the MG18 and MG19 (Appendix D) must be completed (Solomka, 2002; pp.345-355).

4.5.7 Victim reassurance

Every victim has a right to know if their crime is being considered for TIC, as they may wish to apply for compensation. It is therefore essential for the investigating officer to contact the victim before the case goes to court (Harbin & Llewellyn, 2016). The MPS Victims of Crime Policy covers this action. Equally crucial is to reassure the victim by informing them that the offender has been

caught and that they were possibly subject to a random offence and not specifically targeted, as this may assist victims to bring closure to their experiences. This could be considered as a type of 'reassurance policing' (Telep & Weisburd, 2016). Where a victim had been informed, full details should be recorded on the CRIS and the code 'HM' used on the victim's charter screen when the offences are dealt with by way of TIC. Using such codes allows for instant remote audit trail recall. The investigating officer must notify the victim of any crime that has been cleared in this manner.

Even though a case has been detected as a TIC, the investigator must ensure that all lines of inquiry are complete; particularly any concerning other suspects and outstanding property. They must also ensure that the CRIS report for the original offence has cross-referenced details on the details of crime page (known as DETS) of all other offences that have been admitted. Once again this provides an audit trail so that the process is transparent. A supervisor must ensure that additional verifiable evidence against the suspect exists before a recorded crime being considered suitable for a TIC at court. The supervisor must check this and authorise TICs before they are presented at a court by using Form 383 'TIC Supervision' Form. The name of the supervisor must be recorded on the DETS screen of the relevant CRIS.

4.5.8 Pre-court procedures

There has, in the past, been some incentive for defendants to admit TICs at a police station, which includes the increased chance of bail. However, there was minimal incentive to confirm those admissions whilst at court, mainly if the defendant or defence barrister could be quite sure the CPS was unlikely to make the necessary effort to pursue outstanding offences listed on the TIC schedule. Recording systems further exasperated this unsatisfactory situation, whilst 'Offences Brought To Justice' (OBTJ) remained a key CPS target. TICs that were admitted at the police station, but subsequently denied at court, were still being counted as an OBTJ, even though the defendant had not been dealt with in respect of those offences. This also meant that the court could not award victims compensation.

In order to highlight the apparent benefits of TICs, it was first necessary to ensure that a change in policy and working practices across the entire spectrum of the criminal justice system was undertaken. Commencing at a national level, a system for recording court admitted TICs was created. This has meant that OBTJ is reflected more accurately. Observing this issue from the CPS perspective, several essential elements have been addressed. These include maximising the defendant's opportunities for admitting offences to be TIC, thus ensuring a robust follow up where previously admitted TICs were being subsequently denied in court.

Once a defendant is charged with a criminal offence, the police may invite them to admit to other offences. On the other hand, the defendant may make an unprompted confession of every offence which they have committed. The CPS and the police must draw up a list (MG18) of all additional criminal offences. The defendant must be served with a list of the other offences and asked to sign it to acknowledge receipt and to admit the offences provisionally. This must be done before the final court appearance. It is for the defendant to accept or decline some or all of the offences on the list. This must be provided to the defence counsel and must be included in the CPS briefing. The defendant is not charged with the offences on the TIC schedule, and there is no need for a full case file, as in most cases additional verifiable admission will suffice.

The TIC procedure applies most naturally to defendants who are pleading guilty to the conviction offence(s), but it can also be used where a defendant is convicted after a trial. In the latter case, the police or CPS will prepare the list and use an adjournment between conviction and sentence to invite the defendant to admit responsibility for the offences identified. Each offence must be thoroughly investigated and able to stand on its own merits, as the offender could deny the offence prior to sentencing, or the courts may decide to prosecute rather than TIC those offences.

4.5.9 Procedure in court

A court can only take offences into consideration if police and prosecution agree the offences should be dealt with in this way. The offender must also admit those offences in court and request they are TIC. In essence, it can be presumed that the defence and prosecution will discuss the cases in question possibly in *camera* (private chambers) first. This may be considered as plea bargaining. One must keep in mind that it is for the court to decide whether or not to TIC offences.

There are occasions when a court will not take offences into consideration, such as an offence that involves mandatory disqualification from driving, or endorsement of a driving licence in *R v Simons, 1953*²³. Another example is if the offence being considered is likely to attract a more significant sentence than the primary offence for which they have been arrested for. For example, if a court is sentencing for an offence of shoplifting, it is unlikely to take into account a residential burglary. However, if the principal offence was the burglary, then it may consider taking the shoplifting offence into consideration. Note that both offences have one central theme in common, and that is theft, and therefore considered likened offences. Another example is where it is in the public interest that the offence being put forward, as a TIC, should be prosecuted separately due to the seriousness of the crime, or for some other reason that a court may decide. In such cases, the offences should be subject to a separate charge (*R v McLean, 1911*).

I recall on one occasion attending a court, and prior to the judge sentencing the defendant, the council for the defence stated that the defendant wanted to admit to a string of burglaries. The court refused the offer, as the details provided by the defendant, showed he committed the offences after being charged for the primary offence of possession of class A drugs with intent to supply, and the offences are not 'like offences'. The Judge stated, "In order for you to have those offences taken into consideration, you will need to be

²³ *R v Simons* https://www.sentencingcouncil.org.uk/wp-content/uploads/web_case_compendium.pdf

charged with at least one of those offences first.” The defendant received 6 years imprisonment, and police had to request a production order for him to be produced from prison. This was in order to conduct the drive rounds. It transpired that he had never committed the burglaries he claimed, and he merely wanted the judge to be lenient on him at the point of sentencing. I know this to be true, as I was the Officer In Case (OIC).

At a convenient moment in the sentencing hearing for the conviction offence(s), the prosecutor will inform the court that the offender wishes to have other offences TIC; the court then sees the list. Before taking any offence into consideration, the sentencing court must make sure that the defendant received the document listing the TICs, and admits to committing each of the offences listed. They must also wish for each of those offences to be TIC, and that the offender has signed the list. There is no limit to the number of TICs which may be accepted; there may be only one or two, but in some cases, there have been hundreds. If the defendant rejects previously admitted offences at court, the CPS file should be marked, and immediate consideration given to prosecuting the now denied offences. The defendant can give a reason for their denial of the previously admitted offences, and when deciding whether or not to proceed with charges, the prosecutor should take any explanation provided into account.

4.5.10 TICs between conviction and sentence

During the adjournment for pre-sentence reports between conviction and sentence, the investigating officer should where appropriate, interview the defendant to establish whether they admit to further offences. As a professional courtesy, if the prosecutor at court is aware that the police intend to interview the defendant during the forthcoming adjournment, they will inform the defendant’s legal representative accordingly. If the defendant does admit further offences, the general consideration will then need to be given whether charges are appropriate. If the court has already given an indication of a sentence, this will affect the prosecutor’s decision.

4.5.11 Offences admitted post sentence

Where further offences are admitted post-sentence, the HOCR sets out the circumstances in which a serving prisoner can be interviewed. For example, to gather intelligence, or where an offender admits responsibility for a previously recorded crime where forensic evidence exists. The evidence must link the offender to that crime. If further corroborative evidence is obtained, the CPS will need to consider whether to charge or not. Offences TIC would only be appropriate in such circumstances if they were attached to new charges so that a court could consider penalty and compensation issues.

4.5.12 Later prosecution for TICs

There is a convention that a defendant will not subsequently be prosecuted for an offence which has already been taken into consideration by a court. The Code for CPS makes the general point that, if a defendant has been told that there will not be a prosecution, then that is the end of the matter. It is likely that the subsequent prosecution of a TIC would be regarded as an abuse of the process of the court. If, however, an error is made, and a defendant is later prosecuted and convicted of such an offence, the sentencing court should ensure that no additional punishment is imposed for it.

4.6 The drive round

A process known as the 'drive round' within the TIC process exists. The rationale for discussing it here is down to the fact that during my research I discovered that practitioners were more inclined to produce someone from HMP and conduct a 'drive round' rather than do so at the early stages. When the detainee is taken out of the police station, or produced from prison, so they can identify venues for the offences they wish to be TIC, any questions, answers, explanations and admissions should be recorded contemporaneously, as per policy. This can be done in various ways; manually on an MG15; visually on a video camera; or, audibly on a portable tape recorder. If the information is recorded on an MG15, the detainee must be asked to sign the contemporaneous notes in order to validate their comments. This can be done in the vehicle, or during the interview, when the notes must be read to the

suspect and offered for any amendments that the suspect would like to make, then if agreed signed, or declined. To ensure this has been done, it is scrutinised by the Evidential Review Officer (ERO), and if complied with, they will approve.

On returning to the police station, the detainee must be further arrested if the investigating officer now has reasonable suspicion that they have committed those offences and they should be further cautioned. The officer can come to a natural conclusion based on the details they have on their crime report, coupled with the specific details of the commission of the offence by the suspect. This is in accordance with the TIC policy. Once back in the custody suite the Custody Officer must be informed if there have been any further arrests. The detainee should be formally interviewed again about their admissions. During these interviews, the admissions and any significant statements are to be put to the detainee, and they should be asked to admit their involvement formally on tape. Whilst still being taped, they should then be asked to countersign any contemporaneous notes.

If the interview is held and recorded somewhere other than at a police station, the contents of that record must be put to the detainee, and the replies noted. This includes instances where the detainee has been driven round to identify premises or locations. Before exhibiting the audio or video recording, it should be copied, and a copy offered to the detainee although legal representative. During an interview, the investigating officer should not comment on any particular option for case disposal, as a final decision as to the suitability for TICs will only occur when all the facts about the offence and the surrounding circumstances are known. At the conclusion of the main interview the detainee or their legal representative should be served with a form TIC Form 2 - 'Notice to Suspect' and the detainee should be afforded the opportunity to consult with their legal representative privately.

In line with all PACE compliant interviews, there must be no inducements, no duress or promise of immunity from prosecution inferred or otherwise to the

detainee. The use of any words or actions that could be construed as being an inducement, duress, or promise from immunity from prosecution is also forbidden. Any such actions would render the whole interview inadmissible. If the detainee refuses to sign the contemporaneous notes a member of the custody staff will endorse the NSPIS accordingly. If the detainee cannot read and then an appropriate adult read the notice to them. This will also be recorded on the NSPIS in accordance with PACE. If the offences are admitted, they will affect the detailing suitability for bail. For example, the nature of the offences admitted to, are more severe than the original offence and will require a remand in custody or the time in custody will need to be increased. The detainee should be arrested for the additional offences at the conclusion of the interview (*R v Samuel*, 1987).

The OIC is responsible for completing the MG18, all relevant CRIS reports, and ensuring that the BIU system is updated. It is also the OICs responsibility to inform the Designated Decision Maker (DDM) of all offences to be TIC by ensuring that code CU (Cleared-Up) is entered onto the flag page of CRIS. This provides another useful electronic audit trail, which can be used when conducting peer reviews. The OIC should consult either the ERO in cases where the police have charging authority or the CPS in all other cases regarding the case disposal decision. The investigating officer or 'Victim Focus Desk' should inform the victim that the matter is likely to be TIC at court and that it could affect their compensation. The victims' views can then be canvassed. Following the decision to treat the matter as a TIC, the MPS TIC policy instruction is that the victim should receive either a personal visit or a letter informing them of the outcome. In such a meeting or letter, it should be stressed that the person responsible for their offence has been caught, has admitted guilt in this case and that the CPS and Police have decided to allow the matter to go in front of the court as a TIC. They should also be told that the police will be treating the crime as solved and that treating the matter this way does not prevent them from taking civil proceedings on their initiative. Once the victim has been informed of the outcome, full details should be recorded on the Victim Code of Practice screen on the CRIS using code HM for matters dealt with by

way of TIC. The OIC should ensure that any outstanding suspect or property shown on the original CRIS entry is correctly investigated.

4.7 Designated decision maker

In accordance with the HOCR, TICs require individual elements to be present before a crime can be detected as a TIC. An added safeguard which should mitigate miscarriages of justice taking place, caused by the TIC process, is the role of the Designated Decision Maker (DDM).

The DDM must certify on each CRIS the fact that they are a currently authorised DDM and independent of the crime being reviewed. They must provide the reason for the review, which includes the name of the offender and, the Unique Reference Number must be shown. The existence of an 'audible' (taped interview) audit trail to the PACE compliant interviews, which the DDM has reviewed, must also be provided. They must listen to the recordings to ensure that they contain a precise and reliable admission, after all, they will be signing this off. There must be no leading closed questions, no ambiguity, and no duress implied or otherwise stated. Once again the situation presents itself where the DDM must ensure that the crimes considered to be TIC, are similar to, but not more severe than the offence charged by recording standard and showing the direct link. This will ensure that the custody officer has complied with the directions of the CPS via the form MG 3.

The DDM must ensure an auditable trail to MG 18 form has been signed by the offender for the crime being considered for TIC and, includes the number of this crime in the schedule. This ensures that the DDM has the opportunity to check the existence of the aforementioned documents and items, which is another point of safety that may reduce the possibility of a miscarriage of justice ensuing. The Court and date at which the offender is appearing must be clearly shown and recorded accordingly. If the TIC CRIS has not been created or linked correctly via the accused page on the original charged CRIS, then the CRIS number of the offence that has been charged must be linked. When this action has been completed, it should ensure that all of the relevant crimes are

presented at court at the first hearing. This action also serves to reduce the risk of the suspect being arrested again in the future, for an offence they have already been to court with. At the conclusion of the review, the DDM must be satisfied that the criteria for detection, as a TIC, has been achieved. If this is the case, then they will authorise it. However, if there are outstanding actions or, the DDM is not satisfied for any reason, then they must decline the request and ensure that the process is ceased immediately.

The significant point is that in relation to the suspect being found not guilty of the primary offence for which they had been initially charged, the CPS have to consider if they will pursue one or more of the other offences which were TIC, they do not, then police must remove the offences detected by way of TICs from their books.

If during the sentencing period the offender admits to crimes that they wish to be TIC, the DDM must certify each linked CRIS. Once again, the fact that they are a currently authorised DDM and how they are independent of the matter being reviewed must be recorded. They must also provide the reason for the review, and that an MG18 has been completed and signed. An auditable trail to the additional documentation must be in existence, that shows the offences were considered and accepted by the court. The DDM must also ascertain that the request for the offences to be TIC was spontaneous and unforeseen, and the crimes requested by the offender were not being considered before the finding of guilt or complete normal process between conviction and sentencing.

Additionally, for cases that are not previously recorded, the DDM must also certify that the victim confirms the crime had occurred and how. For all TIC the DDM must certify the fact that the victim has been informed that the crime has been dealt with by way of the MPS TIC Policy. A copy of the DDM certificate can be found in Appendix J.

It must be stressed that the DDM cannot be held responsible for anything that they could not examine. For example, any comments made by investigators or

the suspect during 'dead air' period in the interview rooms, or in places where contemporaneous notes are made instead of an audio recording, such as during production from prison or as previously discussed during the drive round stage of the TIC process.

4.8 Considerations for productions

Police use the term 'produced' when referring to the production of prisoners from HMP for further investigation and questioning. However, the police do not have an absolute right to 'produce' prisoners. They must satisfy the prison authorities to justify any production, and if granted then they cannot deviate from the written instructions provided to them by the Governor. The OIC should consult with the CPS before production is sought, as the CPS may consider that it is not in the public interest to have them produced. Following consultation with the CPS, there may be a need to obtain evidential samples from the suspect; then an arrest will be necessary. The OIC should thoroughly document their intended actions with the suspect to Prison authorities, and seek their permission to carry out those actions.

Once police have produced the prisoner, and they have them within the confines of the vehicle, there is no way of knowing what conversation takes place, other than the comments recorded contemporaneously. This implies that if it is not written down and countersigned by the suspect, or if there is no audio recording, then no conversation took place. This is 'dead air' time and may be open to abuse. There is no way of knowing if there has been an abuse of process, nor if promises of inducements or immunity from prosecution have been implied or otherwise, nor if duress has been used. That said if police were deemed to be abusing the production process, then it is conceivable that HMP would merely decline production orders, which in turn could see a decline in the take up of the TIC process.

4.9 Chapter conclusion

In conclusion, this chapter has established that there are many benefits of the offences TIC process if the policy is adhered to, and several opportunities which

arise during the Criminal Justice process for the offender to admit to the crimes that they have committed that could be TIC at court. The practical benefit from the acceptance of TICs enables some criminal offences to be brought to justice that might otherwise have remained undetected due to insufficient evidence, or they might not have been brought to the attention of the police. An offender who 'wipes the slate clean' by way of the TIC process cannot be prosecuted in the future and may receive an additional penalty for the TICs that is far less than the penalty likely to be imposed by way of separate conviction for the same offences. It is as though the courts recognise and in some cases reward the assistance of the defendant. One incentive for the police to use the TIC policy and process is to clear crimes, but if they do not adhere to the approved policy, then they risk being accused of abuse of process and will find their cleared crimes reinstated. Another incentive is for the police to remove the 'usual suspects' from the streets, thus reducing their opportunities to commit crimes whilst detained by the police (Gill, 2000). The policy is also designed to reduce the risk of miscarriages of justice, especially if the offender has admitted to crimes that they have not committed. The 'ethical' use of TICs by way of adhering to the policy is a matter for the police, and any breach will need to be justified.

The policy is intended to ensure that police do not influence offenders into admitting to crimes that could make them feel pressurised into confessing to offences that they did not commit. The offender may still freely claim to have committed crimes which have been committed by someone else. The reasons as to why people may act in a manner as described earlier has been covered in a previous chapter. Needless to say that much case law about TICs is well established, and a recurring theme is that concerning policy and procedural compliance. If used correctly, the prosecution has an accurate picture of the offender's criminal activities which can be used in court when the judge passes sentence. The Offender has the opportunity to cease their offending lifestyle and move on with their lives. In relation to the victim, they may have psychological closure in connection to their ordeal, and possibly receive financial compensation from the offender.

The agreed policy and procedures that govern the way in which MPS officers should deal with offenders for offences that may be TIC by a court has now been outlined. As such, the next chapter explores the data that has been collated and used to inform this research. It is clear that the MPS TIC Policy is precisely what the police should adhere to, but do the police investigators abide by it? Chapters 5 and 6 will discuss if that is the case.

Chapter 5

A Borough Operational Command Unit Performing Well?

5.0 INTRODUCTION

This chapter is divided into four main sections. The first provides a brief insight into the profile of RED (RD) BOCU in terms of its location within the MPS policing area, and police numbers. The second section considers issues of confidentiality and impartiality while conducting sensitive research. It also develops a number of analytic themes derived from analysis of semi-structured interview data. This is augmented with the findings of the ethnographic participant observations. The third section provides the findings established via a secondary analysis of data and documents, supported by examining the Crime Reporting Information System (CRIS) and audio tapes. This section also covers an appeal made by the researcher for further access to previously undisclosed documents. The fourth section explores those units that are indirectly involved in the TIC process but are considered by the researcher as worthy contributors when attempting to take everything into consideration in order to establish if the TIC process is being used effectively.

This Chapter seeks to establish if the BOCU RD is justifiably placed in the top position within the MPS performance hierarchy in terms of obtaining detections via the TIC process when compared to the other 31 BOCUs, and to what extent internal and external political influences have a bearing on their performance. It also engages with the question of whether the police at RD ensure that those with whom they are dealing via the TIC process, and who admit to committing criminal offences, are admitting crimes that they have committed, or are the police merely chasing figures to meet performance targets?

5.1 Profile of RED BOCU

The policing area or 'the ground' as it is known colloquially, covered by RD is 43.09 square kilometres. To put this into context, the entire area covered by the MPS is 1,578 square kilometres. RD BOCU is larger than the whole of the

policing area covered by the City of London Police, which only covers 2.8 square kilometres.

During the period of observational study, 581 police officers were shown as working in the BOCU of RD. The total comprises of 387 Police Constables (PC), 87 Detective Constables (DC), and 81 Police Sergeants (PS). The PC and DC ranks are considered subordinates, whereas the PS rank is regarded as having a supervisor status. In relation to the PS position, it was not possible to identify how many of the 81 shown had detective status. Additionally, there were 17 Inspectors and 6 Chief Inspectors, referred to as senior supervisors. There were 2 Superintendents and 1 Chief Superintendent. Collectively they are referred to as the Senior Management Team (SMT). The latter is also known as the RD BOCU Commander. The ranks covered do not include police support staff, nor does it include Metropolitan Special Constables (MSC).

It could be argued that each BOCU has the same hierarchal structure, although policing numbers and their ground changes, the rest remains unchanged. For example, the PCs will be responding to 999 (emergency) and 101 (non-emergency) calls, and the sergeants will be acting as custody officers or team supervisors. The DCs tend to be employed either in the Criminal Investigations Department (CID), specialist squads or the offences Taken Into Consideration (TIC) Unit. At the other end of the spectrum, the BOCU Commander is answerable to the Police Commissioner at a monthly meeting known as 'Crime Fighters' (internal source). At these meetings, the current crime levels covering the volume crime offences are compared across all 32 BOCUs, and the way ahead to reduce crimes is discussed.

5.2 Interview questions and answers

There were 14 specific Interview Questions posed to respondents, which sought to establish a basic understanding of how the officers viewed their roles and responsibilities within the RD TIC unit. The TIC Unit at RD BOCU, consists of five personnel in total, all of whom participated in this part of the research. The unit composed of 3 Constables, 1 Sergeant, and 1 Inspector. Their identities have been concealed, and are known only as 1 RD, 2 RD, 3 RD, 4 RD, and 5

RD. They are in no particular order, and the officers have no idea which identity has been assigned to them.

Each officer generalised that their role within the TIC unit was to deal with suspects who indicated that they were interested in having other criminal offences TIC. 1 RD claimed that the TIC Unit got good results because each person knew what had to be done, and more importantly how to do it. 3 RD stated their focus was contacting other BOCUs and police areas to establish if any prisoner had admitted to crimes on RD BOCU and if they had how best to, *“fetch them in.”* 2 RD contacted the custody office and instigated the TIC process from afar. 5 RD stated they act as an overseer and attend weekly meetings with the Senior Management Team (SMT) at RD. They believe that without their interaction unachievable targets could be set for the team to achieve. This implies that performance targets are set and that consequences may ensue if they are not obtained. 4 RD saw their role as working in partnership with another English police force area and establishing if any prisoners that they have come into contact with could be responsible for criminal offences at RD. If they have, then 4 RD obtains the full details of the suspect making further inquiries on how best to facilitate obtaining the necessary authorisation to bring the suspect to RD in order to get them to admit to crimes that could be TIC by them. They are of the opinion that this, in turn, would increase the likelihood of clearing more crimes and increasing the detection rate and performance indicators for RD and the MPS as a whole.

In performing their respective roles 1 RD, 2 RD, 3 RD, believed that they called upon their general detective skills, whereas 4 RD and 5 RD were of the opinion that they were continuously learning about criminals and the way they committed a crime. All appeared to agree that they possessed the necessary skills to deal with any crime type and therefore were best placed as a team to nurture the suspect into confession.

During their interviews, all participants expressed the opinion that they had to get a result and that this would benefit the performance indicators for their

BOCU. 1 RD implied that they just wanted to get on with their job and that it does not sit well if the team thought that they were being placed under the microscope for doing well when it should be those not performing well that should be scrutinised. 1 RD said, *"Officers can feel undermined if their working practices are being observed by an outsider, as it means that they are not trusted. It also puts additional pressure on them, as they think they are being tested on what they are doing and that at any point someone will say that what they are doing is wrong. To be fair though, our team will not feel that pressure, as what we do is right, so no issues here."* 2 RD believed that getting a positive result would please the team's superiors. A theme that is beginning to emerge is the feeling of pressure not only to obtain detected crime figures by way of the offences TIC process but to please the hierarchy during the process. 3 RD was of the mindset that arresting people and bringing them to justice is what mattered. 3 RD stated, *"I am not suggesting that people being arrested might be innocent, but if suspects did not commit the crime that they have been arrested for then the courts would find them not guilty anyway."* The officer continued, *"We get measured on detections, so detections is what we aim for. You might have forgotten this, but our job is to arrest the bad guys and get them off the streets, whereas the courts deal with the trial side of things. We are not judge and jury you know!"* 4 RD was of the opinion that it is important to remove the criminal from society as this is for the greater good, and that getting the *"criminal"* to admit to crimes is the main objective for the TIC Unit at RD. 5 RD was of the opinion that as long as the TIC Unit got the results that were fine, if not then questions would need to be asked. Two deeply interwoven themes are beginning to emerge; the feeling of pressure to achieve targets set for detecting crimes and, the need to please those who demand results in the guise of the masters. 5 RD elaborated, *"No one forces the officer to be on the Unit, they can always go back in the main office and deal with volume crimes and anything else that comes in that uniform don't want to deal with."* This implies that there is a significant difference between those officers in uniform and those in plain clothes, which is a sort of 'them' and 'us' rather than collective personnel all working toward a common goal. This is supported by the claim made by 5 RD who added, *"The main problem is where some of the uniform officers want to*

join our unit, but we don't believe that they could cope with the way things are done. They rush from call to call, but we are more professional and, yes I believe that some see us as an elite unit."

When asked, *"Where do you primarily conduct TIC interviews?"* 1 RD was keen to stress that it was essential for them to conduct interviews before the Volume Crime Unit (VCU) or any other team gets involved. They were not specific in their response, and the researcher could not ascertain what they were inferring. 2 RD was less reticent; they placed great emphasis on the fact that the TIC Unit only conducted interviews as directed by the Police and Criminal Evidence (PACE) Act 1984. They suggested that anyone not following the 'rules' of the TIC Unit and the Guidance and Policy, had no place on the Team. The researcher pressed for what they meant by 'rules' of the TIC Unit, and after a few moments 2 RD dismissed this remark suggesting that they meant that all officers complied with the Police And Criminal Evidence Act (1984); guidance on PACE compliant interviews. 3 RD claimed to conduct all their interviews at the police station and was not aware of any wrongdoings. This came as a surprise to the researcher, as no one had mentioned anything about 'wrongdoings' or improprieties of any sort. This also suggests that what they say they do and, what they do, may be different. Are they hinting at not being caught, or not doing anything outside of the official guidelines? 3 RD stated:

"Where do you think the interviews take place, in the backyard or out of reach of the CCTV cameras, we are not daft you know!"

4 RD claimed that they do not get involved in interviews, but would be shocked if they found out that the TIC Unit at RD conducted interviews anywhere other than in the unmarked police vehicle, which they referred to as 'drive rounds' (please see 4.6), or in the interview room with the tape running.

1 RD was of the opinion that, *"Awareness and familiarity with the TIC process was just something you picked up as you went along, no training was ever*

provided, you look and learn from people who had done it for a very long time.”

The key issue here is that if the person that was performing the TIC process was not doing it correctly, the person observing it could learn how not to do it, but be none the wiser. So the cycle commences until all those copying each other are doing it wrong with dire consequences for all concerned. The suggestion that no training was ever provided is not correct, as I have personally assisted with creating a virtual training aid accessible by all members of the MPS via the Intranet. It was created in 2008 and is still available today. 2 RD was keen to suggest that the TIC process was natural and that anyone who could not grasp it should have their head examined. 3 RD was of the view that although TICs and its associated processes should be easy to follow and understand, they should only be conducted by those in a specialist role based in a recognised TIC Unit. 4 RD emphasised that they have read the MPS TIC Policy and associated literature, which they found very easy to understand. 5 RD claimed they never went on a course, but learnt about TICs over the years from previous colleagues.

5 RD indicated that a policy direction had been provided that every prisoner should be handed a Form TIC 1 but in reality it is only the volume crime offenders that receive one. This is an example of how an informal local policy or working practices have replaced official policy and protocols. This dismantles the safeguards put in place to protect all those that are involved in the offences TIC process. They implied that too many detainees would not understand what the process was all about, and it would stretch the TIC Unit. 5 RD stated, *“Remember we only have a few officers and, we cannot simply open a box and get more staff out.”* This could be interpreted as the police being worried that if every prisoner were handed a Form TIC 1 and were willing to admit to other criminal offences they had committed, then there would be no way of processing them due to limited staff numbers. An alternative explanation is that as long as the targets are reached and the bosses are happy, why look for more work? A concern here is that prisoners could have admitted to additional crimes, which means they would pass through the judicial system fewer times with more crimes, thus reducing the congestion within the CJS. A related concern is that

countless victims will not have received closure for their crimes and, they may have done if the official policy was adhered to.

When asked: *“Why do you conduct the TIC process?”* 1 RD offered the justification it assisted criminals to put their offending behind them so that they could turn their life around. Offering a markedly different rationale, 3 RD was of the opinion that it helped the police get better crime figures and, it was seen as a quick win. Offering a markedly different rationale, 3 RD stated: *“You can get them to cough for loads of offences with little or no effort, something that would otherwise take a long time to achieve if you had to investigate individual criminal cases.”* The theme here points to the lack of understanding of the accepted offences TIC policy and processes. To suggest that less effort is required when investigating criminal offences is quite disturbing. The implications for failing to investigate an offence thoroughly, range from apparent neglect of police duty to miscarriages of justice. 5 RD implicitly supported this view claiming it is what the hierarchy wanted as it boosted their performance figures, as a TIC was counted as a ‘cleared-up’ crime. They also presumed that the Government wanted this, as it also served to suggest that they too were tough on crime.

1 RD was convinced that the only real winner from the TIC process was the suspect. They claimed that the justice system placed all the suspects in the same category as the victim. Instead of dealing with the criminal as the courts should, they seemed to see the suspect as some sort of victim and the police as the villains. 2 RD was under the impression that unless the police went the extra mile to target known suspects and their associates, then there was no chance of getting the figures that senior management wanted, so the only real winners are the hierarchy. The theme of pleasing the hierarchy reappears here. 3 RD was keen to express their feelings on the subject of the TIC process and whom may benefit from the process, commencing with a flippant comment aimed at the researcher:

“You have no idea, no one does, if we don't get these shits then no one will, you and others do not get this.”

This suggests that not only undue pressure is being placed on this team to achieve results, but that they also consider themselves as being elite. This individual continues (the following is a direct quotation from my contemporaneous notes):

“The fact is a simple one to understand, it’s down to playing the game, coz that is what it is, a game. We nick the bad guys and then tick the boxes and that is all you need to do to get noticed. But if you stop then the bosses give you grief, so it’s easier to bang on with the job as it is the shits that win either way. This reiterates the observations made above.”

The theme here is the constant feeling of pressuring and pleasing the bosses, and the belief that this can be done by just placing a tick in the box is quite disconcerting. They continued, *“If you say anything then you are off the team, targets are what it is all about, quick and easy wins all day long.”* 4 RD was more reserved in their response stating: *“It is a win for all, as the suspect gets a chance to clean their slate, the victim gets closure, and we get the crime figures that pleases the senior managers, and of course the government.”* 5 RD stated, *“I think the answer you are looking for is victims, so victims and probably the suspect as well.”* It is worth noting that most stated that it was their BOCU Commanders and the MPS who benefited, but not all of the respondents wanted this recorded under their details.

Question 9 in the interview was: *“Which offences if any do you focus on when using the TIC process?”* 1 RD was clear that the only offences worth focussing on were volume crime offences, namely burglary and motor vehicle crimes. Burglary, robbery, and vehicle crimes are collectively referred to as ‘volume crime offences’ (ACPO, 2002, p.9). The theme here is the narrow focus on acquisitive crime, rather than crime in general. Once again this implies the apparent failure to comply with the approved offences TIC policy and associated processes. 2 RD implied that all sorts of offences could be TIC by the courts, but the unit focused on offences that were likely to be TIC by a court,

so burglary and robbery. 3 RD was forceful in their response and adamant that not only did the TIC Unit at RD only deal with burglary, motor vehicle and robbery offences, but they did this because that was what the senior managers wanted. They said, *“Lets face it, the figures we get no one else can, so we focus on what BOCU leaders want, and that is what the Association of Chief Police Officers want, and that is what the government wants, so anything other than that ain’t worth doing coz it don’t really count.”* 4 RD was adamant that there were no targets and any crime could be TIC. 5 RD stated that the team were able to deal with any crime that could be TIC by a court, but it just so happens that they only ever dealt with volume crime offenders, as that is what they were being measured on as a TIC unit. They stated:

“It is more of a coincidence than anything else, as the TIC Unit only gets informed by custody is someone wants to have offences TIC, and would like to talk to an officer. The fact, as I say, that all the crimes are volume crime offences is just a coincidence.”

These responses imply that every suspect entering the custody area must be informed about the TIC process, by way of a Form TIC1, which is served on them when they are being booked in. Could it be the case that of all the prisoners booked into the custody office, only those who wish to partake in the TIC process are volume crime offenders? Or more specifically, only those wishing to admit either burglary or motor vehicle crimes are willing to partake in the TIC process. The potential to TIC a range of crimes exists, however, in practice officers’ focus upon volume crime offences. This raises the question, why? This will be covered later in this chapter.

In asking to explain, *“Why people admit to offences that could be TIC?”* 1 RD was of the opinion that the suspect believes that the police know more about their lifestyle than they first thought and that it is only a matter of time before their past offending catches up with them. 2 RD stated:

“I ask all of the prisoners that I deal with, why they are admitting the other offences, and nine times out of ten they say it’s because they know that the judge will think that they are being honest when they say they will stop offending, so the chances are they will receive a lesser sentence or punishment.”

3 RD was keen to point out that the suspect is playing a game, *“They know they did it, they also know that if you come to our BOCU and commit crimes, then we will hunt you down and get you in.”* 3 RD also suggested that only guilty people admit to crimes that they have committed and that they already know about the TIC process and the benefits of admitting crimes, as their associates have already tried it and it works. 4 RD was of the opinion that it was down to each BOCU to ensure that every person is brought into custody who indicated that they wanted to admit to crimes that could be TIC by a court, was explained what the process entails. In their opinion, the TIC Unit at RD dealt with the prisoners so well and explained the process in full, that there was no way that the prisoner could resist but admit to further crimes. 5 RD was keen to point out that in their opinion the TIC Unit at RD all believed that guilty people who had been caught by the police, and only admitted crimes so that they could receive a reduced sentence at court.

The interviewees were also asked about why they believed some people do not admit to crimes that could be TIC? 2 RD was more profound in communicating their response stating:

“Some other BOCUs and police forces do not take the time to explain the process to the suspect, so the suspect does not really understand that there is a process out there that could benefit them and that is simply why they do not confess.”

The theme here is one of elitism, suggesting that this TIC Unit is better than the others. 3 RD was once again quite passionate in their response, *“Police generally don’t have the time to speak and explain things, so if your’e not telling these lot that there is a process that can clear their crimes, then do not be surprised if they don’t admit to crimes that could be cleared-up, and that is why we are really good at getting results as we tell the suspect what is good for them.”* They continued and explained that only guilty people have something to hide, the innocent ones have nothing to fear. 5 RD insisted that, *“You need to have loyal and passionate people working in the TIC Unit, or you can forget it, as there is no way you will get the kind of results that our unit does.”*

It appears that the custody officer plays a pivotal role in letting the unit know if someone was expressing an interest in wanting to know more about the TIC process. 2 RD claimed that it was difficult to know if someone wanted to partake in the TIC process until you spoke with them on a personal level. They claimed, *“By chatting to these guys on a low level and not using flowery language, they tend to want to know more about it, and that is the only way you can really do this effectively and get results.”* 3 RD stated:

“Look, you need to find the bit that they don’t think of and explain it to them, like saying what does your mum think of you when she sees the police coming round every five minutes, and how about sorting your life out and doing everyone a favour?”

They continued, *“Once you know what makes them tick they will admit to anything.”* This supports the earlier suggestion that duress could be the norm here. This officer is implying that once an ‘Achilles heel’ or point of weakness has been ascertained, it can be used as a leverage to obtain admission to a crime. The officer may have forgotten that part of the offences TIC process is for the suspect to admit to the crimes that they have committed and, they must want to take part in the process. One thing is certain, the chance of a miscarriage ensuing is increased and, public distrust in the police could ensue.

4 RD believed that the best way was to speak to people and invest time and effort with them. They stated, *"You need to stop using police jargon and court speech, as most of the people we deal with have a low intelligence level, so anything too complicated will simply get you a negative result, and no one wants that."* Here the results theme has emerged once again. 5 RD believed that prisoners who were placed on remand were easy to talk into taking crimes that could be TIC, as they would do anything to get out of prison for a short time so that they could reduce their sentences as well. This implies that the police use days out from HMP as a form of inducement. They continued, *"I have been in for many years, and to be honest the way we do things today and with all the protocols and red tape, I am amazed that we get any results. It really is down to the team, they do really well and that is good for the people and our BOCU."*

The interviews concluded by asking each of the respondents: *"What are your feelings about being part of this TIC unit?"* 1 RD suggested that working on the TIC Unit at RD made them feel special. They claimed, *"It is like working on a specialist team, everybody at our BOCU knows us, and our Unit, so, yeah, we are known because we get the job done and get good results."* 2 RD stated, *"I suppose it is a sort of go to squad, sort of, you know the numbers for the month are down, so who you going to call, ghostbusters, no I'm kidding, of course it is the TIC Unit."* They continued, *"To be perfectly honest though I have never given it much thought, but I feel that it is about doing the right thing, so it feels more important than just being employed and doing a normal job, so I for one enjoy it."* They went on to suggest that they felt as though they had a purpose in the police and that no other role in the police would give them as much satisfaction. 3 RD stated:

"I love it, we are like an elite squad, we can get into the scum that plague our streets and show them that our gang is bigger than theirs in every way."

They then mentioned some of the names of people they had dealt with, and they went on to say, *"I get a thrill thinking about what I give to this team and the*

organisation, so I reckon it owes me, you see you just cant buy my experience, so yeah I would say it makes me feel special, yeah special.” 4 RD stated, “In a word, satisfied.” They started to smile and then said, “It gives you a buzz to know that you are making a difference to society, so that normal, decent people can go about their everyday lives”. 5 RD stated:

“It is a job that is worth doing, and it gets results, which makes me feel good, especially when I report to the hierarchy and they in turn appreciate what we do. It’s all about pleasing the bosses, and that is done by getting measurable results.”

This apparent need to please their masters and demonstrate the proof that they are efficient and effective in delivering results. This implies that not everything is as good as it appears on paper and, that there is something wrong with how the TIC process ‘works’ on this BOCU. 5 RD then said:

“You should know, after all your bosses are higher than mine and they are the ones that have to answer to the government, otherwise they can forget about their peerages.”

In general terms, the answers provided from all of the interviewees attributed the ‘elite status’ to the TIC unit.

Continuing from the questions posed the researcher stated: *“I would now like to offer you the opportunity to tell me about your day-to-day working practices in relation to the way the TIC unit works. Please take as much time as you require.”* Each section is then followed by the comments of the researcher so that an overview of the individual officers can be delivered. One salient point worthy of note is that a few remarks do not keep within the confines of the question posed, but have been included to provide an overall picture.

1 RD - Stated, *“ My role is simple, I explore the crime reports and see if any burglary crimes have happened. If it has, then I will see how the offence occurred and then look for a criminal that fits the bill. I then let the team know who we should be looking for and then see where they live and arrange to get them in. It works really well, [and] we get good results. After all, we already know he is guilty, you just need to find out the crime that fits his MO (Modus Operandi) and get him to admit it.”* This implies that the usual suspects are the key focus rather than investigating the crime itself. The problem arises if the suspect admits to a crime that they did not commit and is accepted at face value by the investigating officers. This could result in a miscarriage of justice, a risk that does not appear to be considered, as the officer is focused on getting a result. The theme here also alludes to pleasing the hierarchy once again. They pondered for long periods of time before proceeding onto the next part of their explanation of their role, which seemed to be less specific and more general. They stated further, *“I believe the team is keen to show that what we do actually works, and we ensure that senior management are kept informed weekly of our progress.”* 1 RD avoided eye contact during the latter stages of their explanation. This was highly evident when they stated, *“I know that we work well because our managers seem happy with the results, so we just do what we do, and we do it well.”* During this next explanation they sat on their hands and said, *“It is not like we do anything wrong, but I only know what I know, and that is I have a role to perform, so what the others say is down to them, but as a team we work well, as we all know our place and we want what is best for the people in our BOCU.”*

From the researcher's perspective, this officer appeared to be concerned about saying something that may be construed as not towing the party line. Their responses were slow and methodical, as though they were trying not to mention anything that may be perceived as going against the practices of official policy, guidance and, processes.

2 RD - Stated that: *“I believe that although we work as a team, we have our own roles to perform, and mine is contacting the custody offices and checking on*

volume crime offenders. But to be honest, we make sure that priority volume crime offenders that come into custody are informed of the TIC process, by getting the custody officer to serve a Form TIC 1 to each prisoner. That way they can't say they didn't know about it. We will always make sure that if we can get a burglar remanded he will sweat for a while, so when we go and see him in prison, we remind him of the TIC process and having been in [prison] for a fair amount of time, he will see the benefits of the TIC process. If not, then we haven't lost anything." This methodology is covered in Chapter 2 and 4.15 of this thesis and, implies that after a period of detention a suspect may falsely claim that they have committed a crime even though they may not be guilty of such crimes, to gain some form of control. They believe that they can see a reward for admitting such conduct with view to receiving a lenient punishment at court (Gudjonsson, Kopelman & MacKeith, 1999). 2 RD then stated, *"If they are not interested in the TIC process then its down to the fact that they haven't done other crimes, otherwise they would, in my opinion, agree to it. To point out a simple fact, if you are a burglar and you are on our ground, get nicked at the weekend, you wont get bail, so you will still be in the cells when we get in on Monday morning, plenty of time for them to understand the TIC process."* They went on to say:

"I know we are doing it right because our boss thinks we are great and the figures back us up. It is not as though we do anything wrong; the rules are the rules."

From the researcher's perspective, these interviewees provided a straightforward account of what their role entails. They touched upon the principle of the TIC process, which is to bring to the attention of every detainee the fact that the process exists, by serving of Form TIC 1. However, they then indicated that by delaying the processing of the detainee, expeditiously, they could achieve a higher success rate regarding clearing crimes via the TIC process. If this is true, then it implies duress or a breach of PACE (Police And Criminal Evidence) Act 1984. This is something that the Independent Office for Police Conduct (IOPC), HMIC (Her Majesty's Inspectorate of Constabulary) or

internal complaints could be interested in dealing with. The researcher had no choice but to bring this fact to the attention of their line manager, as the methods are not in accordance with the official offences TIC policy and processes.

3 RD - Stated, *"Our focus is on solving crimes that count towards our performance targets, as this is where ACPO and government look to see how we are doing. So my role is to ensure that our crime reports meet the minimum standards set out by the government. I suppose I make sure that we have plugged all the leaks, so we pass any HMIC or internal inspection. Well, if they see everything is okay, they ask less questions. In relation to the TIC process, I always make sure that they are dealt with properly, but saying that we have our own local policy, as the one for the MPS does not really work well, what it does is restrict the stuff you can do, whereas that is not what works in the real world."*

The researcher found that this response was delivered with a degree of hostility. It was as though this person was trying to prevent further intrusion into their world, or they believed that this is what the researcher wanted to hear. The former of these was never going to happen, and as for the latter, it is safe to suggest that 3 RD was aware that the researcher was the author of the said policy. They then went on to say, *"The problem is senior management have to answer to government, and to be fair they are too busy chasing honours and peerages to be bothered to find out how things are done, so they keep pushing for bigger and better results, for a lot less money, but the same amount of effort, madness!"* The researcher considers the comments from this officer as reflecting the 'Statistically-Led Policing' (SLP) theory (Grandani, 2009). From the comments made they appeared to believe that performance is what counts and to avert authorities from prying deeply into the crime reports, they merely ensure that housekeeping is in good order, which prevents this. After all, if as an auditor one is examining whether a process has been followed, and it can be seen that it has on the face of it, then there is little else to explore. This is how failures of scrutiny may have led to poor practice by officers. There is a process of the 'normalisation of deviance' whereby bad practice becomes acceptable and when unchallenged becomes the norm. This may be perceived as an

ineffective regulation, which fails to eliminate this type of exploitative methodology.

4 RD - Stated, *"My role is to act as a conduit for information between our BOCU and another police force, as we get quite a bit of business from them, and we share our information with them in return. This way we all win, as it is only the police who work within boundaries, the criminal just gets on with crime all over the place. I believe that we are the only BOCU that works with another force, but we don't work with another BOCU, well they have their own figures to get."* They continued, *"To be perfectly honest, what I have told you is only a bit of what I do, part of a bigger picture if you will, just I don't want you to think I make a couple of phone calls and that is it."* They started to lean forward in their chair in said in a low voice, *"I also look at the police indices and see if I can suss out who has done what and why, so looking up the usual suspects, their family composition, people they have been seen hanging around with, and I get some information on them, which builds a great picture."* This implies once again that the usual suspects are the key focus rather than investigating the crime itself. Also the need to please the hierarchy and, get the results that are needed for them. They continued, *"I then research each of their associates and where they hang around and what they have been up to, so we can narrow the field and round them up."* The officer went into a considerable amount of detail about the way in which they conducted their daily routine, however, due to the nature of this study the researcher is unable to describe which indices are scrutinised, nor the frequency of access to the information.

5 RD - Stated, *"The TIC process is great, it is so easy, I believe there is less work involved in getting a cleared-up crime or detection, as the onus is on them (suspect) to prove they did the crime. Only guilty people admit crimes, if we don't believe the prisoner we have a go at trying to work out why, but there is no way in my in my experience and long length of service, that someone would admit to crimes they haven't done, really what would be the point? If you don't like getting caught then stop committing crimes, simple really."* This suggests that less effort is required to reach a conclusion that a prisoner is guilty of a

particular crime. Once again the key focus is the result rather than the investigation of the reported crime. Also the apparent need to please the hierarchy by achieving the targets set by them. The sub-theme here is the apparent need for training. This interviewee attempted then to explain what their specific role was. They continued, *"I consider my role as being a type of overseer and buffer. As an overseer, I make sure that each member of the team justifies their existence by performing their key roles to the best of their abilities, and I expect them to do so without any problems, and if there are problems that it is addressed in quick time. They might need verbal support and encouragement to get the detections and assist the team in reaching the targets set, but my role includes answering to my senior managers, and this is where being a buffer comes in."* He became animated and said, *"This is something that people in ivory towers do not comprehend because they do not do the job, but expect everyone to jump to their commands and the world is not like that. So basically I defend the team when they are not getting results, that is what really counts, being a team player and working for the figures."* The officer starred intently at the researcher and said, *"Please don't take this the wrong way, but it's people like you who go for promotion, and then tell us how to do things, and when we do not comply with your policy then you jump all over us, but when we are doing well with crime figures we get no thanks whatsoever, and that is what really hacks me off!"* This raises the question if 'good' figures are obscuring 'bad' practices. The researcher believes that this officer was reliant on their police experiences, and they place these above and beyond the understanding of why a person might admit to crimes that they have not committed. This is undoubtedly a point of concern as arguably it represents a perception that every person is guilty prior to any investigation taking place. If this is what a person who influences a team thinks, what happens to members of that team that do not think the same way? The general feeling from the RD TIC Unit thus far is one of concern. The officers were keen to justify their existence and tried their best to answer questions in a way that they thought that they should, rather than what they thought. This is precisely the point of conducting this part of the research prior to the researcher engrossing into the ethnographic fieldwork observation stage. The information gleaned thus far sets

the scene of the working environment for those involved in the TIC process and therefore TIC Unit at RD.

5.3 Ethnographic participant observations

Having interviewed each member of the RD TIC Unit, and ascertained their views, it was necessary to conduct an ethnographic participant observation of how they performed in their working environment. The BOCU lead agreed to this for offences TIC Unit at RD.

During the 4 week overt observation period, between 1st April 2012 - 31st March 2013, the researcher was able to witness first-hand the working practices of RD TIC Unit. Each of the 4 weeks has been divided into separate sections for ease of reference. The exact dates and times have been withheld in order to reduce the risk of divulging the identity of the officers involved and their actions. Each week shown covers Monday to Friday (inclusive), as the unit does not work weekends or bank holidays.

5.4 Week 1

The observation period commenced with a brief introduction as to the researcher's role for the 4 week period. The officers, 1 RD, 2 RD, 3 RD, 4 RD, and 5 RD, were all very receptive.

After a slow start to the week, 1 RD started exploring crime reports for RD, and although they found that several burglary crimes had occurred recently, they were unable to progress any further, stating, *"Typical uniform, just cannot record basic information."* In some form of desperation 1 RD started to look at vehicle crimes, stating, *"Even uniform can't screw this up, they just need to record what the victim says happened."* This was also unsuccessful. He appeared agitated and proclaimed: *"Well, we won't be getting very far today, but that means no crimes can be cleared-up, not yet anyway."* At face value, it would appear that 1 RD performed this role on a daily basis. Unfortunately, there was no positive result from this line of inquiries during this week. They stated later, *"I believe that senior management are not going to be very happy when they are informed*

of this weeks progress, especially as you are here.” It appeared to the researcher that there must have been a separate briefing prior to the one described above, as though the officers were under pressure to make a good impression and behave themselves as if this could make a difference to the final result. The apparent pressure on staff to obtain results, no matter how they are gleaned, is a recurring theme in this fieldwork.

During this first week, 2 RD was keen to demonstrate that they all worked as a team, even though the individuals appeared to have separate roles. They contacted the custody officer by phone to find out if there were any volume crime offenders booked in. 2 RD also asked other members of the unit if there was anything further that they could do to: *“Drum up business.”* After trying the custody office throughout the day, they kept disappearing for long periods of time. On one occasion they entered the room and said, *“I can’t believe we have not had a nibble yet, we usually have something by now.”* They contacted the custody office again, to no avail. This theme of being obsessed with obtaining results, as though this was the only way of proving that the TIC Unit was working well consistent with his interview comments.

3 RD spent most of the first week discussing poorly recorded crimes stating, *“I cannot believe how stupid some police officers are, they have the victim in front of them and just don’t record what they are told by them or their details, phone numbers are missing, I mean who hasn’t got a phone!”* Their frustration appeared to be the lack of professionalism from the recording officers and the fact that it would mean that they would have to physically visit the victim rather than discuss the case over the phone. The theme here is a divisive one, suggesting a ‘them’ and ‘us’ culture within the policing community. It also implies that the TIC unit at RD is more superior and professional than their colleagues. They continued, *“I’m going to memo this idiot and see what crap excuse they come up with?”* 3RD said this on several occasions during the first week alone. On one occasion they were so furious that they shouted: *“How are we meant to investigate crimes when uniform don’t have the brains to fill in a simple record!”* There were no opportunities for the offences TIC process to be put in place,

especially as there were no evidential leads. 3 RD continued every day trying to establish if there was any possible lead that would identify a known offender.

Likewise, the first week was also not an eventful one for 4 RD. They contacted another English police force area, and reported to the rest of the RD TIC members that there were: *"No prisoners on the horizon."* The team seemed dejected as it was already claimed by 4 RD that, *"Quite a bit of business"* came from them, in terms of getting crimes cleared-up. Could this be the first time that RD would look to work with neighbouring BOCUs within the MPS? If this line of inquiry was instigated, it was not done in the presence of the researcher. 4 RD then began to interrogate the police indices, which was all done on a computer. At no point did they consider liaising with any other TIC Unit or prison. It seemed that there was a great reliance placed on the police custody officers at RD to generate positive results for the TIC team. This certainly did not occur during this first week.

5 RD was the most upbeat person during the initial observation period, they laughed as they stated, *"Typical, we are usually very busy, but since you turned up we haven't had a sniff, do they call you lucky?"* They contacted the Volume Crime Unit (VCU), this unit is covered later in this Chapter and attempted to extrapolate details of possible offenders, who could be on the periphery of offences that they thought could be TIC. They also contacted frontline neighbourhood officers, attempting to establish if any of, as they put it, *"Usual suspects"* out and about on the: *"ground"* (area covered by this BOCU). This resulted in a negative response in trying to obtain details of an offender that may be dealt with by way of the TIC process. The theme here is one of risk. By focussing on the suspects who regularly come into contact with the TIC unit, suggests that some police officers regard this methodology as an easy and quick option. The focal point appears to be on the result rather than the investigation of the reported crime.

5 RD stated, *"Not much going on, so if you want I can show you the vehicle that we use for the 'drive round' part of the TIC process."* The researcher

agreed. This vehicle could take up to 7 persons and not specially adapted in any way, and it was for sole use by the team, and not to be used for any other purpose. The researcher was made aware that there were no portable or other recording devices used, and that all PACE compliant interviews were conducted in the police interview rooms at RD. If this is to be believed, then anything that is said in the vehicles during the drive round process by the suspect could not be used as evidence, and having to conduct further interviews at the police station would arguably fail to deal with the suspect expeditiously as required by PACE.

5.5 Week 2

Week 2 commenced at a low key pace and was almost the same as the previous week. The efforts of the team, in general, appeared to be more proactive, and it was obvious that frustration had set in. 1 RD believed that they had uncovered a possible lead, and worked with 4 RD to ascertain the validity of the information that they had uncovered. After about an hour 4 RD said, *"I am just going to put a call into my mate and see where that takes us."* 4 RD made a call and liaised with someone and after about 5 minutes they put down their mobile phone and said, *"Yeah, just heard from the other force, they have heard of that guy, but he is a no go for now, but they have just put a body (prisoner) up in court this morning on a three day lay down, so he will be rich pickings come next week."* 1 RD said, *"Next week, what about getting him off them now?"* 4 RD responded, *"I reckon if we shove some details over to his brief (solicitor), we can have him Tuesday or Wednesday next week at the latest, "* After this claim, 1 RD stated:

"Chuck us his details and I will see if I can pick out the crimes that he could have done. Not sure if his brief is going to play ball, to be fair once they are involved we usually don't get a result."

The theme here is one of risk, as it seems that the focus is on fitting the crime to the suspect, rather than a suspect admitting to the crime that they have committed. It is as though the police are looking for the usual suspects, rather

than entering into each investigation with an open mind. It is axiomatic that this could lead to miscarriages of justice, especially if the suspects are easily persuaded that they are responsible. The relationship between this unit and the legal representatives appears to be at odds. This could be for the basic reason of seeing the case from a different perspective, as covered in chapter 3 of this thesis. The details were gleaned, and then various indices were interrogated, which appeared to be something that the team was used to performing. They all worked as a team, but at the same time pressed on with their roles. This new information certainly made for a more positive feel within the TIC Unit, something which was generally absent until now. 3 RD was keen to get involved and started looking through crime reports. 2 RD also seemed keen to ensure that there was a good team working environment, by liaising with the VCU and establishing if the suspect being researched had been in their custody at any point. The researcher observed 5 RD take charge, briefing the team. They provided a risk assessment, a plan on how to deal with the suspect when they are collected from another English police force area, and requested that a schedule of the crime venues that they are suspected of to be drawn up immediately. Although there had been no persons brought into RD for the TIC process this week, there was an increase in morale and the week ended on a positive note.

5.6 Week 3

The news received in the latter part of week 2 that a prisoner was being passed via the criminal court from another English police force area to RD TIC Unit, was still fresh in the minds of the officers as week 3 commenced. Upon arrival, the researcher noted that 1 RD, 2 RD, and 4 RD, were already in the previously mentioned unmarked vehicle. They were leaving the backyard of RD. The researcher was approached by 5 RD who stated, *"You just missed them, they have to go and collect the prisoner."* The researcher thought that this was slightly bizarre as no one had mentioned that the officers would be leaving early, let alone inviting the researcher to join them. This raised concern, as there are no recording devices of any kind within the vehicle, so how would any conversations with the prisoner, outside of the confines of an interview, be

recorded? This is arguably 'dead air' time, and not conducive to the restrictions imposed by the Police and Criminal Evidence (PACE) Act 1984. 3 RD was already in the office, and after the exchange of pleasantries declared that, *"It is probably best you wait in the canteen until they get him back here."* I went to the canteen and waited. During this period other police officers were interviewed informally to explore their views on TICs.

After some considerable time, 3 RD entered the canteen and started queuing, they noticed the researcher, and approached stating, *"Hi, you just missed them, they have been back booked the prisoner in and out, so will give you a shout when they get back."* This appeared somewhat belittling, so I went back to the office and engaged in conversation with 5 RD. Seeking to establish how long the officers were going to be, the answer was delivered by 5 RD with harshness,

"Look, you need to realise that this is the real world, not some academic exercise. We cannot accommodate you every waking hour, this is sensitive police work, and the last thing we need is another person in a vehicle, so you will need to find something to do until they get back."

It appeared that the researcher's presence was causing some form of pressure. This could be a frustration for not getting a result last week, or that something was afoot. Was pressure being implied by the hierarchy for this team to get results every week, or is it self-obsessed pressure, where the officers want to please the hierarchy?

The researcher returned to the office some considerable time later, and 3 RD stated to 5 RD, *"They have him on the drive round now, so I will check up on a few things and hopefully we can get a result or two."* 5 RD responded, *"No rush, got him for a while, so anything thing he gives will be a result."* The researcher sat in the corner and continued to observe. 3 RD used their mobile phone to contact one of their colleagues in the car. They exchanged sensitive details

about the crimes which must have been within earshot of the prisoner. Even though the researcher could only hear one side of the conversation, it was clear that the message was being repeated at the other end, as 3 RD kept saying, *"Yeah, that's what I said, yeah."* They then said in a hushed voice and covering their mouth with their other hand in an attempt to muffle their message, *"Just make sure he knows the score, yeah."* After this, 3 RD started to look through crime reports. For about an hour they remained focused staring at the computer screen working diligently through the reports. On a couple of occasions during this period, they exclaimed, *"Here is another one, it has to be him!"* Once they had interrogated the computer, they used their mobile phone to contact the officers in the unmarked vehicle. The researcher overheard the start of the conversation, *"Yeah, got a few on him, so what has he said?"* There was a long pause from 3 RD, then they said, *"I take it he knows the score, we are not pissing about here."* They then left the room still communicating via their phone, so the researcher was unable to hear the rest of the conversation. 3 RD returned with 5 RD, and neither spoke. Then after about 10 minutes, 5 RD said, *"So that's it then, we will have to try and get another one."* Sometime later the officers returned to the office. 1 RD approached the researcher and said, *"Can I have a quick word?"* The researcher accompanied 1 RD into a separate room. 1 RD said, *"It has not gone as it was meant, the prisoner decided they did not like one of us, so was not going to talk, so that is it for now."* From the researcher's perspective, this demonstrated that the officers had permitted the prisoner to opt out of the TIC process if and when they wished to. The remainder of week 3 consisted of the officers carrying out their roles. The atmosphere was tense, and rather than appearing to work within a team environment, they were working individually.

5.7 Week 4

The final week of overt observations commenced with a briefing involving all of the team, during which 1 RD, 2 RD, and 3 RD sat together in one part of the office, whilst 4 RD and 5 RD took the lead. Following on from the events of last week, it was clear they all wanted to prove that they were a team that works hard and gets results. 1 RD, 2 RD and 3 RD were keen to leave the station.

After the briefing, the researcher walked into the side office and was met by 5 RD who said, *"Got some good news, the hard graft has paid off, the prisoner from last week wants to talk."* The researcher was joined by 4 RD who said, *"I take it you have heard the good news, now you will see how it's done."* It was noted that 3 RD had gone on the drive round, and that 4 RD was engaged in printing crime reports. 5 RD stated, *"It is amazing when they have had time to think about their crimes, and they know we are onto them, they soon come round."*

Later in the day, 1 RD approached the researcher and commented, *"He is having quite a few, so this was worth the wait."* The researcher established that the prisoner was now in a formal interview in custody and that it was impossible to establish how long the interviews would last for. 4 RD was on the computer again, going through more crime reports. Later in the day, 1 RD approached 4 RD and said, *"He is having 35 residential burglary offences, so got to see if there are any others later."* 4 RD commented, *"I think thirty-five will be enough for now, there is no need to push any other ones."* I thought this was rather strange. Surely the concept is to permit those who have committed crimes to admit their guilt, so that those crimes may be TIC by a court. The theme that has presented itself once again is one of judicial risk, as it is not for the police to decide which crimes or how many, are dealt with by these means. It is worth recalling that the researcher was not permitted to go on the drive round, for the reasons already cited earlier in this Chapter, nor permitted to be present in the static interview rooms.

Towards the end of the week the team returned the prisoner to court, and upon their return finished off paperwork. 4 RD approached the researcher and said, *"That is how you get results, hard work by the team, pushing on yeah with inquiries and then bam they cough."*

The team continued in an upbeat fashion. 1 RD and 4 RD were tasked to deal with a burglary prisoner who was in a police cell. The prisoner had been caught by uniform officers who had been stopped whilst on patrol by a member of the

public. Apparently, there had been a short chase, and the prisoner struggled with the police when he was captured. 3 RD interrogated the police computer, looking for crimes that could have been committed by the overnight prisoner. Once again the risk theme is evident. Here officers are trying to find crimes that fit the usual suspects with a view to bringing them in on some future occasion, rather than investigating the reported crimes fully and, this is seen by many as a quick way to achieve results. 5 RD was keen to ensure that all of the officers were involved and that they fulfilled their obligations.

The theme of naturalism is evident in this qualitative research (Matza, 1969, p. 8) and, has been covered in Chapter 2 of this thesis. Whilst probing human behaviour, the researcher has had to remain professional in order to refrain from interjecting during this process. Instead, appreciating that the practitioners were working within their environment. This is purely observational social interaction within a professional policing environment. Observing officers free to execute their duty and employing their everyday investigative skills and methodology provides a unique opportunity to glean raw practical data, from an area perceived to be working as a 'dark art'.

After a short period 1 RD returned to the office, and said to 5 RD, *"The prisoner is not playing at the moment, he wants a brief, and I think the FME (Force Medical Examiner) has been called, so god knows when we can chat to him next, anything on the box (computer) for him?"* 3 RD looked across from the desk and said sarcastically, *"Yeah that is why I am sitting here still going through all the crap on this system, what do you think?"* 2 RD walked into the room, and said, *"Just bumped into Uniform, apparently the prisoner is happy to talk, but he wants to wait until the brief has gone."* 3 RD said:

"If the brief hasn't arrived yet, we can cancel him if the prisoner wants that. Best bet is taking him out for a smoke and see what he says."

These remarks caused all of the other officers to leave the room.

It was midday before they gathered again in the main office. The atmosphere was relaxed, and they seemed subdued. Apparently the solicitor or legal representative had attended as requested by the prisoner, however, during the initial consultation with their client (prisoner), they advised him to provide 'no comment' responses to all questions. Once the representative had left, the prisoner declined to engage in the offences TIC process, citing the advice that they had received. 3 RD said, *"That's the problem with fucking briefs, they come over, get involved and fuck things up!"* As previously noted in this chapter, the theme of a strained professional relationship with the legal representatives is clear. 5 RD walked into the office and said:

"Okay, so we know that legal usually advise their client to go 'no comment' during the interviews, as it is not in their interest for them to have him cough up (admit offences), but we could still ask questions, then more questions. What we do not do is just stop the tape after a few minutes because he appears to not want to talk."

It appeared that 5 RD had liaised with the custody staff to check on the progress of the interviews, which resulted in them being informed that the officers had been in an interview and it was over in 15 minutes. This obviously displeased 5 RD, and when coupled with the remarks made by 3 RD, it was apparent that this was not the first time that this scenario has occurred.

4 RD said, *"Not been too bad over the last month or so, sometimes you win, sometimes you lose, but we keep trying."* 5 RD added, *"It is apparent that our figures are better than all the rest in the Met (MPS), so we are obviously spot on with our work, but it is uniform and the custody that is letting us down here. So I will speak with the boss (BOCU Commander), and explain our slight blip. I believe it will pick up again soon."* These comments indicate the pressures on getting a result for the senior management and, the false impression that the TIC unit at RD is in some way more superior than other units or officers. 4 RD commented, *"So, what we will do is crack on with the way we do things, and at*

the end of the week we will have another chat (debrief) and say goodbye to the researcher." At this point all eyes turned to me, which made me feel as though the 'blip in performance' was somehow my fault.

1 RD went off to the custody area and returned some 20 minutes later. They liaised with 4 RD. A prisoner had been identified as being keen to partake in the TIC process. 3 RD immediately started to look through crime reports on the computer system, and 2 RD went to prepare the unmarked police vehicle. After about 3 hours, 1 RD phoned the custody office and liaised with the police staff, and having established that the prisoner was ready to speak to the police, they informed 5 RD. It was also at this point that 1 RD was joined by 2 RD and 4 RD. After a few moments, they headed down to custody. The researcher remained in company with 3 RD and witnessed them selecting various crimes from the computer system. The crime type was Burglary residential, another volume crime offender.

All of the team resumed their roles. 3 RD received a phone call on their mobile from their colleagues in the unmarked vehicle. They were keen to show that they worked as a close team and that they fully understood the importance of the TIC process. After approximately two hours the officers returned. 2 RD stated, *"Excellent that is twenty-five more crimes put away, and he wants to give more."* Their focus was on the result from a quantitative perspective rather than a qualitative standpoint. In essence, focusing on obtaining figures rather than how they were obtained was the order of the day. 5 RD said, *"If he is at court tomorrow, then we need to get him out on a three day lay down so we can hopefully get more out of him."* 1 RD said, *"Not certain if that is going to work, as he says he is going to get a brief, and we all know what that means."* 5 RD said, *"If you do not ask, you do not get, so pop over to the court in the morning and see what happens."* The researcher thought this would be an ideal opportunity to see the officers in a different environment, and liaised with 5 RD in private, to ensure that this would be okay. They confirmed that it would be fine, but not to expect anything great, especially if the prisoner employed the services of a solicitor.

The following morning the researcher attended a Magistrates Court within the MPS area and liaised with 1 RD, 2 RD, and 4 RD. They all approached the Crown Prosecution Service (CPS) Lawyer. After a period of time, the CPS Lawyer spoke to the council for the defence, and this resulted in the defendant declining to take any further offences into consideration. The researcher returned to RD TIC Unit, where all of the officers converged. It was clear that 3 RD was not impressed. They stated, *“Do me a favour, every single time a brief (solicitor) gets involved we end up with nothing!”* 5 RD said, *“I am not impressed with briefs either, but they have a job to do, so that is that.”* 1 RD said, *“We have had one in the past who gave up loads of TICs, then a brief gets into them and they decide they no longer want to play ball. I suppose that’s just the way it goes.”* This was met with agreement by all those present. The theme, of apparent unease, between the TIC unit and the legal representatives, was a recurrent concern.

After a few minutes, 1 RD approached the researcher and out of earshot of the others asked if it was possible to have a private word. The researcher agreed and left the office, and headed down the corridor away from the main office. 1 RD commenced by suggesting that there was something that they wanted to mention, however, they did not feel comfortable discussing it with the other members of the team being present. The researcher explained that the rules governing this particular study and the conditions also attached to the discussions were still in place so that anything divulged by them would be recorded and communicated within the final thesis, but their details would be held in confidence. They stated that they understood and that they were pleased that this was the case. 1 RD said:

“You are being fooled by the figures, in fact the police in general are fooling the government.”

They started to lower their voice, and increase their intensity by almost gritting their teeth. It was apparent that they felt passionate about this and they continued,

“The management will have you believe that we are jumping through hoops and walking on water when it comes to obtaining detections, but they appear to be missing one thing.”

This officer then paused for a few moments and, then said,

“I am sorry I cannot tell you, because one of the guys on my team will have it in for me and I will be back in uniform on the streets.”

The researcher explained once again that everything that they mentioned was to be held in the strictest of confidence and more importantly that their identity will never be revealed. 1 RD then said:

“Okay, but I cannot tell you here as they will know it was me.”

Just then 3 RD walked by and starred at 1 RD, and then looked at the researcher and said, *“Is everything okay here?”* 1 RD said, *“Yes, I was just trying to explain that I enjoyed the last four weeks, and hope that the research reflects our hard work and dedication.”* 3 RD said, *“Of course it will, I think we all understand how these things work. Someone in an ivory tower gets an academic to look at a dedicated and professional unit and then reports back on the reasons as to why we are so good. Remember this is better than outsiders coming round sniffing, this is one of our own, so let’s just say I feel confident that the research will show us in good light, after all we’re not the bad guys, we’re the good guys.”* 3 RD walked off smiling. The key theme here is a reluctance to endure close scrutiny, as though they are concerned about what may be found. It is possible that the way in which the unit portrayed itself was not the way it actually conducted its business.

The researcher was keen for 1 RD to explain what they were saying prior to 3 RD interjecting. 1 RD said, *“Okay, I will have to be quick, so please listen. You heard a team member mention earlier about the court problems, you know*

when the suspect gets to court and then changes their mind, you know when his solicitor gets involved and then it looks like we have lost everything, well that is rubbish. We all say that when this happens because that is what people want to hear. The truth is it makes no difference to our figures." The researcher asked 1 RD to explain in detail if they could. 1 RD commented, *"You promise that they will not know it was me that told you?"* The researcher reiterated the assurances. 1 RD said, *"The reason why it does not matter is because the Home Office counting rules or HOCR as everyone knows them as, is flawed. I know someone who works as a supervisor on the CMU and they said that once the suspect is shown as an offender responsible for the crime, that crime is closed and shown as cleared-up, which means that we get the detection and everyone is happy."* The researcher probed the comments made by 1 RD in an attempt to get a clear picture of what they were claiming.

1 RD said, *"All I can say is that the MPS does not change the crimes from detected back to undetected, and I am sure that is what they should be doing, after all we owe it to the victim."* There is a suggestion here that not only is the TIC unit manipulating crime figures to achieve 'good' results, but the actual safeguards put in place by the HOCR are not being adhered to. The theme here is focussing yet again on results. Explaining this issue further, if for example, a person admits to 30 offences that could be TIC by a court, then the crimes would be updated with that result and the crime put away. However, if when they attend court only 20 of those crimes are TIC, then the other 10 results should be removed from the crime report and, that in turn would have an influence on the final yearly figures. This raises the question if BOCUs are actually requesting the removal of the TIC result, or if they are simply being counted as detected and left in situ. 1 RD continued, *"You see the reason why no one will say anything is because, the victim gets told we got someone for their crime, the suspect looks good because they have admitted to loads of crimes, which are usually burglary or vehicle crimes, this ups their bad boy image, and of course the police get the detection, and we are highly unlikely to give that back!"* The researcher sought to glean further details, but they were not prepared to mention the names of any of those police officers or staff whom

were suspected of being involved. 1 RD commented, *“You will never get the true figures of anything because no one really knows what the police do, or how they do it. What people want to see is the final result, if it is bad they are told to go away until the figures read what they want them to read, and when they return it is like they were never wrong to begin with. This is one big con and all because that is how we are all measured, bloody performance indicators are the scourge of the police service, forced by governments!”* The constant theme of focusing on crime figures rather than process is repeated again here. As the officers do not appear to adjust the results accordingly, the figures provided can only be regarded as flawed. The researcher enquired if 1 RD was aware of a local TIC policy, and if so could they obtain a copy for the study. They said, *“The policy, the local policy, yes there is a local policy, but you cant have it.”* This implied that showing the policy to the researcher would render their current figures void. The theme of using a local policy is evident here. Central policy direction was provided in 2008 to stop local TIC policies being used on all 32 BOCUs. The researcher tried to ascertain the reasons behind the existence of a local policy and why it would not be possible to obtain a copy. 1 RD said, *“Just before you came here, we had a clean sweep of all our desks and files to make sure that we were up-to-date with what the MPS TIC policy said, just so that if you asked questions we would be able to answer them. The other policy that we were using, was a local one and quite old, so the bosses decided to scrap it. I saw it and did a quick comparison and it was poor, very poor standard.”* The researcher was concerned about this revelation, but not surprised: this is something that is likely to occur when the police think there is an inspection due or an external probe. It raises the question; are these functions by which the police attempt to control crime?

5.8 Debrief

At the conclusion of the 4 weeks overt observations, it was necessary to conduct a formal debrief, as this permits the officers to receive some form of closure. It also served as a time for them to express any views they may have on the proceedings during the observation period.

The researcher and the officers gathered in the main TIC office at RD. 5 RD commenced by welcoming all and opening the meeting. They stated that the observation period was now over. They thanked the researcher for taking the time to attend RD and to observe the inner workings of a proactive and highly experienced TIC unit in full swing. They then asked if there were any questions. 1 RD stated, *"It has been good to have someone who knows about the TIC process to come and spend time with those who are doing the practical side of things, as this makes us feel that we can show how it works."* 2 RD commented on the fact that everything was a bit hectic at first but that the team knew that it would be fine in the end. They stated, *"We have been a bit unfortunate in the sense that we usually get quite a few TICs in a short period of time and that is down to working as a team, something we do well."* The officers appeared to be in general agreement with these comments. 3 RD stated, *"Luck, you make your own luck. We do well because we work hard and play hard, so hopefully you have seen a bit of what we do and how we do it. You just won't find another team like us."* At this point 4 RD interjected, and said, *"I think what is being said here, is that the team understands the need to be proactive and provide clear and concise solutions to the barriers placed in the way of justice."* 5 RD stated, *"I agree with the fact that everything is being done just right and as far as I am concerned I have got the right people in the right roles, and I am very proud of my team and what they achieve in an otherwise thankless organisation."* They then asked if there were any other observations or comments, and the officers just shook their heads. The researcher was thanked once more and the meeting was closed.

5.9 Qualitative secondary analysis of data and documents

Having spent 4 weeks with RD TIC Unit and witnessed what they actually did, it was time to conduct a secondary analysis of data and documents. This was to be conducted by way of covertly examining crime reports, case papers, and listening to interview tapes. This would serve to provide a valuable insight into the methodology employed by the police during the otherwise inaccessible part of the process, and therefore shedding light on the perceived 'dark art' of

obtaining confessions from suspects with a view to having them TIC by a court.

5.10 CRIS

The Crime Reporting Information System is more commonly known as CRIS in the MPS. The system can be accessed away from a BOCU, once the operator has logged on. This permits covert examination of the data contained therein. This is not to suggest that anyone can merely observe crime reports anonymously, as part of the safeguards ensures that a digital footprint is left by those logged on. The benefits of interrogating this specific system remotely are that it reduces the need for confrontation, and it can also be viewed at any point during a 24 hour period, 7 days a week. It also allows the user to peruse the contents at their leisure whilst in the computer view mode. This also allows for the electronic audit trail, in terms of time of recording any information on the system, which includes investigation notes and memos, to be examined in closer detail.

There were 627 offences TIC by RD during the 2011 to 2012 reporting period, which as previously stated commenced on the 1st April to 31st March each year. Due to time restraints and permitted access to the information sought, a decision was made to dip sample 10 per cent of the total offences shown. This meant looking at 68 recorded crime reports. The examination revealed that all of the crime reports were completed to a minimum standard as set by the NCRS. They were completed in a clinical way, which if taken on face value would pass any examination. Although completing a crime report serves as a record of an event for which a person has been subjected to the TIC process, it still fails to explain in sufficient detail, how the crime has been 'cleared-up'. For example, just writing that a PACE compliant interview has taken place and the suspect has admitted committing the crime, does not explain why the suspect admitted committing the offence, nor the type of questions posed by the police to glean this apparent admission. It was, therefore, necessary to request appropriate access to the audio tapes, which were linked to the sampled cases.

5.11 Audio tapes and case files

Upon first glance, just like the associated crime reports, everything appeared to be clinical and in order. When applying specialist knowledge to the examination, it became clear that in fact only very minimal information had been recorded and in such a way that various interpretations could be implied. For example, the forms used during the 'drive round' was preloaded with questions that had been previously typed onto the MG15T. Each question was followed by a minimal space, which did not allow the suspect to provide a significant amount of information. This will be highly evident when reading the responses to the preloaded questions. For example, the police ask 'What happened here'? The response from the suspect was 'burglary'. This is concerning for a few reasons, ranging from how did the suspect get to the venue, did the police follow the directions provided by the suspect or did they already have the address and simply drive them there? Did the suspect commit the alleged offence, or is the answer that they have provided, them imparting knowledge of someone else having committed the offence. The concern here is that this could result in the police being accused of 'leading' the suspect and providing them with the answers, after all, there are no visual or audio recording devices being used on the drive rounds. There is a real risk of a miscarriage of justice ensuing. The suspect could have the crimes credited to them when they did not commit the offence in question. Furthermore, the suspect who is responsible for the offence is free to continue committing criminal offences, safe in the knowledge that they will never be pursued for the crimes already attributed to someone else.

A further example is where the police asked the suspect, "What was taken?" The details of what was taken from the residential venues were 'listed by the suspect' on the form, in precisely the same order as the police had recorded them from the victim. This could suggest that during the drive round the police took with them copies of the crime reports, and the suspect was able to have sight of them in some way, which they then repeated. This mirrors the theme of the possibility of a miscarriage of justice ensuing.

The transcripts for the majority of the interviews which took place at RD lacked sufficient information to prove that the suspect acted alone, was solely responsible for the crimes and that there was any real remorse. For example, the police asked 'you have admitted during the drive round that you have committed several burglary dwelling offences, is that right?' The suspect responded 'Yeah'. The police then suggested that they would read out what happened during the drive round and let the suspect comment at the end. This is another example of the police leading the interview and not what the offences TIC process is meant for. The onus is upon the suspect to admit the offences that they have committed. Having just returned from a drive round, and apparently admitting to a list of offences that took place some considerable time ago, it is arguably difficult to suggest that the suspect cannot recall what occurred during the drive round process, let alone all the offences that they are apparently guilty of. It would have been prudent for the police to allow the suspect to explain in their own words where the crime had occurred, how they committed the offence, what was taken, how was it disposed of, and can they describe the inside of the venue? These would be basic questions that one would expect to see on a taped transcript. They may have asked these questions, but without access to the audiotapes, it is impossible to second guess whether or not these questions were asked. It is also difficult to gauge how the questions were put to the suspect and in what manner. The tone of their questioning, the length of time taken to pose the questions, and the time permitted for the suspect to respond, would debatably have some bearing on the outcome of the interview. Remembering that the onus is on the suspect to want to admit to crimes that they have committed so that they may be taken into consideration by a court, and it is for the police to satisfy themselves that they can prove that the suspect committed the offences that they have admitted. Failure to adhere to the procedures mentioned earlier may lead to an innocent person being found guilty for a criminal offence that they have not committed, whilst the real perpetrator is still free to commit further offences.

Further examination of the case papers revealed that Form TIC 1 had been correctly served to each offender. This is particularly useful as it implies that the

comments made by the RD TIC Unit were correct and that the custody staff served the form to each volume crime offender, although it should be served on every person brought into police custody regardless of the offence for which they have been arrested for.

Another discovery was that a Form TIC 2 - was used after the initial interview for a primary offence for which the suspect had been arrested for. Once the suspect had admitted the primary offence, they could then request to participate in the TIC process. From the information gleaned from the case papers, the police at RD used this form in every case, which complies with the MPS policy.

5.12 APPEAL

Whilst conducting this study at RD, the researcher's line manager contacted them for a general update. It was at this juncture that the researcher appealed for the decision to grant unlimited access to the case papers and audio tapes at RD, so that a thorough examination could be undertaken, which would benefit the study and the MPS as a whole. After a couple of hours, the researcher was in a side room at RD with the SPOC. The SPOC was called out of the office by another member of staff and was absent for approximately 30 seconds. When the SPOC returned, they indicated that additional case papers could be examined, however, the same protocols were still in place and had to be adhered to.

Having now obtained the additional levels of authority and clearance to examine additional case papers, the researcher proceeded to examine four complete case papers. The specific details, which include suspect and officer information remained undisclosed as per agreement. Crime numbers and case paper defences also remain undisclosed in order to protect the identity of all those involved, which of course includes victims.

The first set of additional case papers examined appeared at face value to be in good order. Upon closer examination, it was clear that there were some issues. There was no copy or evidence to prove that the Form TIC 1 had been

served to the suspect, nor any reference to Form TIC 2 being issued or used. The opening of the MG(15) forms that were used for the drive rounds covered the Rights and Entitlements. Concerns were raised as the forms used had pre-typed questions and were not handwritten as directed per policy instructions. The initials made after the entries were not made immediately after the last word or sentence by the suspect. This could leave the officers involved open to allegations of malpractice, as it could be alleged that the suspect signed the forms where they were told to and the officers placed the answers in on a future occasion, once they decided which crimes that the suspect had committed.

Listening to the first taped interview, the lead police officer read out each of the MG15(T)s; however, it is unclear if the suspect or their associates are stealing property. The *Modus Operandi* (MO) used by the offender is the same as that used by their associates. However, as in most cases, the suspect is not willing to inform the police as to who the other persons were. The suspect's involvement in the alleged crimes appeared unclear at times. The interview lasted for approximately 15 minutes, during which time some 25 offences TIC were covered. This is insufficient time to cover each case in detail, which would prove beyond reasonable doubt that they were culpable. Is this possibly where 'nodding' is being used (Slack, 2014, p.2)? As discussed in chapter 2 of this thesis, 'nodding' could be used unethically during the TIC process to assist in clearing crimes, as the offender assists the police by admitting to offences they may not have committed in return for asking the court for leniency when passing sentence.

The second set of additional case papers examined also appeared to be in good order. The same pre-typed MG15(T)s had been used, suggesting that this is part of the accepted process at RD. This interview dealt with 16 offences TIC. The suspect was keen to express that they work in conjunction with other persons when committing crimes. However, it was unclear what their role was during the commission of the offence. The interviewing officer simply used leading closed questions, which resulted in the suspect only being able to answer with a yes or no to the questions posed. This interview lasted

approximately 16 minutes. Allowing for the formal opening and introduction, there was less than 1 minute per alleged offence. One could suggest that if the suspect was spoken to prior to the interview commencing, namely during 'dead air time', and they were advised on the way the interview will go, then they could be inclined to agree with the leading interviewing officer. The researcher is not suggesting that any form of corruption has taken place, but that this may be common and therefore accepted the practice.

The third set of additional case papers were in an appalling visible state. They looked as though they had been stored on the CJU floor rather than in a secured filing cabinet. There was no mention of the Form TIC 1 being served to the suspect, and neither was there any mention of Form TIC 3. The MG15(T)s were the same. The officer was merely reading the MG15(T)s and leading the offender through as previously mentioned in this Chapter. Listening to the taped interview, it commenced with the lead interviewer sounding very professional, and it flowed particularly well. They sounded very relaxed in their approach. It was unclear if the suspect directed the officers during the drive rounds the locations mentioned by the officer, or if the suspect was merely taken to various venues and then had them pointed out by the officers instead. It is worth noting that during the interview the offender admitted to committing offences with others; however, they stress that they do not wish to name them. One expects, therefore, the interview to cover their actual involvement, something which is not clear from either the case papers that have been provided nor from listening to the interview tape. During the interview that lasted approximately 17 minutes, the suspect agreed to be involved in the commission of 19 criminal offences. The interview commenced slow and methodical manner as stated above, however, after the opening had been completed, the lead interviewer started to ask short closed questions, and the suspect just provided one worded answers. This is not conducive to effective interviewing.

The fourth and final set of additional case papers examined were professional in appearance. It was clear upon closer examination that Form TIC 1, Form TIC 2, and Form TIC 3 had not been served. After the initial opening of the interview,

one officer mentioned that they would be discussing offences that the suspect wants to have TIC, that they may or may not have committed. The interviewee in this scenario does not have the choice; they must only admit to crimes that they have committed which may be TIC by a court. The officers in this interview appear to have lost sight of the fact that concerning the offences TIC process, the onus is on the suspect to freely admit only the offences that they have committed, which may be TIC by a court.

Examining all of the literature which was made available to the researcher, it was apparent that this offender had not been taken on a drive round. Instead, it appears that they were being led through the interview and provided with information about the offences in question, by the interviewing officers. Although they claimed that the suspects MO fit the crimes being put to them, the suspect was not forthcoming with additional verifiable evidence for the offences, which may be TIC. There were several reports which showed DNA/Forensic links, one of which was mentioned during the interview by the officers, but none of the others was put to the offender at any point during this interview. The suspect did deny some offences put to them. The officers numbered the offences for ease of reference, but these numbers mean nothing to the suspect, so the officer was wasting their time.

In part the interview had some excellent points, highlighting the offender's MO, and the fact that they were drug dependent and sought assistance to curb this problem. The key issue here is whether or not the suspect was aware of what they were admitting to, and what was their mindset when they were committing the alleged offences? If they had a drug problem, how could they recall all of the offences that the police claim that they had committed? Even if they had been taken on a drive round, which they should have been, could they honestly lead the officers to various locations? This interview highlights the fact that there was little or no planning by the interviewing officers prior to conducting the interview. This, in turn, could lead to the offender being found guilty at court, for admitting a crime that they could not have committed. This could naturally result in miscarriages of justice taking place.

The case papers examined were presented professionally, and the contents were all in the correct numerical order. This assisted the researcher in establishing which forms if any, were, in fact, missing or had not been provided in the first place. The MG 18 schedule of offences were completed to a high standard and was available in each case file. The form that was not present in any of the case files was the MG19. This is the compensation form for victims and must be completed in triplicate and presented with the case papers. These forms must be then be presented to the court at the first hearing, as the facts contained therein may comprise the gravamen of the offence in question, which could result in the court deciding to charge the offender rather than consider the offences to be TIC.

5.13 Criminal investigations department

During the period of observation at RD, the researcher was able to engage with police officers from outside of the TIC Unit. This included those working within the Criminal Investigations Department (CID), Frontline Officers, Prisoner Processing Unit (PPU), Volume Crime Unit (VCU), and Custody Officers.

Whilst liaising with CID officers at RD, the researcher explained their role within the MPS and was invited in by a senior officer to interact with the staff within the CID. This was on the proviso that none of the comments was attributed to any person that could be identified. The researcher thanked them and agreed. The researcher listened intently and was able to ascertain the general feeling towards the offences TIC process and quickly established that it was not good. Indeed, to suggest that it was not held in high regard is an understatement.

One investigator proclaimed that: *"Prisoners in general are grief, they never tell the truth, and when a brief (solicitor) gets involved you have got no chance of getting anywhere. To be frank it has to be said that I am grateful that the TIC unit exists, but I am also grateful that I am not on it."* This echoes the sentiments of the members of the TIC unit at RD, implying that they are specially chosen to work on that team. They continued, *"All those prison visits, trying to arrange for*

briefs, and sorting out the courts, just messes with your routine, I have got lots more cases ranging from harassment to GBH (Grievous Bodily Harm), so I am not dealing with the same crime type.”

Another investigator stated, “I reckon it is horses for courses, we cannot all do the same job, someone has to deal with the non-specialist roles, such as the day-to-day investigations. I have to say that I have not heard anything good about the TIC system.”

A high ranking member of the CID overheard our conversations and said, *“I am just going to interject here, we are all busy dealing with crimes, crime scenes, and exhibits, so I have limited resources to begin with, if I had my way we would scrap the TIC unit and make every investigator capable of dealing with the TIC process. The problem is we do not train officers and staff in the process, and we have had our budgets cut, so the only way of keeping the hierarchy happy is by getting volume crime figures, so having a TIC unit makes sense, but I don't like it.”* This supports the divisive attitude of ‘them’ and ‘us’ coupled with the need to attain the cleared crime figures, whilst at the same time appeasing the hierarchy. Observing the comments made more closely, it can be seen that they contest the ‘elite status’ projected by the members of the TIC Unit. The suggestion is that every officer should be trained in the TIC process, as this would remove the need to have a TIC Unit, which could free-up on average six members per BOCU. These officers could then deal with crimes in general, which in turn could reduce the caseload for each officer within the CID. This raises the question; does the creation of a specialist TIC unit, really mean that no one else bothers?

A brief discussion took place and, it was abundantly clear that the TIC process was not held in high regard within the CID at RD. One person said, *“You will not fix the TIC problem until you get the courts to change their minds. When I worked on a TIC unit in the past you could spend weeks dealing with a job (case) and when chummy gets to court, the beak (Judge) gives them a lenient sentence for being a good boy and confessing to fifty plus burglaries and gets*

them TIC. You then go to court with another job and that could be ten or so burglaries, and even though they admit the crimes they get two years. Without consistency how does any criminal know if they should be taking additional crimes and clearing their slate, or simply keeping mum (quiet)."

The researcher obtained clearances from all those who participated within the CID at RD, for the comments to be used in a manner that safeguards the individual's concerned. Prior to leaving the CID, the researcher was approached by a police officer claiming to be a Designated Decision Maker (DDM). They wanted to express their views on the TIC process, and what it meant to them. The researcher ensured that they were aware of the scope to the study, and the DDM interrupted saying, *"I have done a few research studies myself, and to be fair I know what you are going through, but unlike you I had my lot published. So, let me give you the views of a DDM and see if I can make life easier for you."* The researcher prevented the DDM from continuing until they were made aware of what action would be taken if unlawful conduct or other misdemeanours were disclosed. The purpose of the study and the how the information gleaned was also explained. The DDM said, *"Yes, thanks for that, as I said about five minutes ago I have done research before and had them published, so I could have saved you a few months if not years, but there you go. So, simple really, my job works on the basis that I review the cases from an impartial perspective and advise accordingly. One thing I and the other DDMs have noticed, and that is the lack of real detail in the taped interviews. There is a distinct lack of professionalism, and not enough scope when dealing with the offender or suspect. Some tapes do not last longer than 20 minutes, and everything the suspect says is taken at face value. I have been in the police for quite a few years, and we thought it was bad before, but the new officers just want to drive fast everywhere and have no understanding of how to deal with scenes of crime or conduct a decent investigation. It is not their fault, as the government just cuts the funding and there is nothing left for training. So, if you are just looking at the TIC process, then you are not even skimming the surface. Whether you believe me or not, I know you will speak to the frontline officers,*

and get their perspective, just don't expect too much. We have all joked before, but the job really is, well, you know what I am saying."

5.14 Frontline officers

Whilst waiting for the TIC Unit members to return from their drive rounds and interviews, the researcher managed to engage with Frontline Officers in the canteen area. 5 RD introduced the researcher to some police officers sat in a corner. They asked what the purpose of the research visit was, and it was explained to them in general terms. 5 RD stated to the group, *"It is up to you to decide if you want to chat to Attilio Grandani, he is doing a research on offences TIC, and I am sure that he would like to hear your views. What I can assure you with is that anything that you say to him might be recorded on paper and used in the study, but he will not mention your name, rank, or shoulder number, so fill your boots!"* The group were cautious at first, as 5 RD remained with the researcher. After about 10 minutes 5 RD stood up and said, *"As exciting as this is, I need to be somewhere else."* They then walked out of the canteen. Once they had left the researcher was asked by a young officer in the group, *"Where do I look for information on offences TIC?"* They stated further, *"I only ask because I have been told that you are doing some study on TICs, and as far as I am concerned no one ever tells us about it. I have been in nearly three years and I have never received training on this subject. I suppose its because we don't use TICs, well I have been told that it is a specialist thing."* The main theme which emerges here is the need for further training. Also the organisational issues of what occurs when a specialist unit is created. Understanding through further training may assist in dispelling the myth that offences TIC can only be conducted by specialists. Another officer joined in and said, *"I think TICs are geared towards the criminal, he is the one who gets treated the best at court, whereas the poor victim gets nothing out of it."* They elaborated further, *"My mate tells me that all police officers fit people up with crimes they have not committed, but to be honest I have never seen that happen, but it was to do with the TIC process, so CID officers, and not uniform."*

The group then started talking amongst themselves and another uniformed police officer started to join in. They proclaimed, *"Yeah, I know all about TICs, I heard of an officer who took a serving burglar [prisoner] out on another borough (BOCU), he was going fess up (confess) and took them round to his bird's (girlfriend's) house and let him shag her, then while the officer and his colleagues were outside waiting for him to finish, he does a runner out of the window, talk about an easy way to lose your job!"*

This prompted another officer to join in, and they stated, *"I heard a better one, a DC (Detective Constable) takes a slag out of Hollow (Holloway, women's prison), he then has sex with her in a pub toilet, well, at least he bought her lunch. Best bit, she moaned to her mother cause she got pregnant!"* The ability of rumours and other stories to influence police practices is evident in this chapter and the next. Focusing on the negative aspects and, apparently using these as an excuse not to conduct certain policing duties, could and should be addressed. Training could explain how those negative scenarios unfolded and, then identify pitfalls and how to mitigate them. They then went on to say, *"Joking aside CID deal with TICs and they gotta get results otherwise their gaffer will be for it, and so will they. I think suits (detectives) have a job to do, but it really doesn't float my boat, as there's too much paperwork."*

Another Officer in the group asked if they could speak to the researcher in private. This invitation was accepted, and it was stressed that anything they stated would not be attributed to them in a way that they could be identified. A further explanation was provided as to the purpose of the visit to RD. The researcher accompanied the officer into a side room. The officer commenced with highlighting an issue with some of the police officers in the group, and suggested that you cannot believe too much of what they said. The officer then explained that they once worked on a TIC unit, but would not divulge where. They indicated that it was within the MPS and that they had left because they did not feel that they were actually making a difference to the way in which those being put through the TIC process would actually benefit anyone other than the police. They said, *"You will hear a lot of police making claims that it has*

nothing to do with chasing figures, but it has. If it did not, then why are they always on the officer's wanting to get more detections?" The theme of focussing on maintaining performance figures appears again. The undue pressure felt by officers to obtain detections and clear crimes are evident here. They continued, *"Surely we should just get on with the job and, anything that is shown as a result is because that is what it is, a result."* The officer then expressed a deep concern about the TIC Unit at RD. They indicated that the unit was suffering from severe pressure to get results and that the focus is on the detection and not the way in which they were obtained. They stated, *"I have a friend who works on the TIC unit here and the other month we were chatting over a coffee, and they were not impressed with the way the unit was being used to bump up detections. That is not why we joined the job, we joined to make a real difference and not just to tick boxes!"* This reiterates the observations made earlier in this chapter and, the repetitive theme of pressure felt by officers in the TIC unit. Prior to leaving they stated, *"The best way to keep your job in this organisation is to do things the correct way, and not being too economical with the truth. The best way of losing your job is getting involved in the TIC process at any stage, as it will only end in tears. The prisoner is either lying because they want a day out of prison, or they want to get drugs and smuggle them in, and all the officer wants is to get a quick collar and look good. As I said before, ticking boxes, just for the sake of it, cannot be good in any way that you look at it."* They then walked away with a disconsolate facial expression.

5.15 Volume crime unit

According to the investigators based within this unit, they are responsible for dealing with crimes that have only been committed on their BOCU, even if they have been recorded by police officers or staff from another BOCU. They establish from the information contained therein, if there are any identifiable suspects. If there are then they pass the information on to several units. These include the BOCU - Borough Intelligence Unit (BIU), Burglary, Robbery, Motor Vehicle squads, and of course the RD TIC Unit. The general consensus of opinion within the VCU ranged from police officers not knowing how to record crime correctly, to the police not utilising their investigative skills in order to deal

with allocated crimes in a thorough and rigorous manner. One person suggested that in general police officers were looking for quick wins, as though less effort was required to get a result. Another person was keen to imply that some police officers just wanted to race from call to call and pass the responsibility of investigation on to other officers.

The opinion of all those involved in the VCU in terms of the TIC process was made very clear, it was a waste of time and effort. One person stated, *"It is a freebie for those in prisons to have a day out and get a burger and fries, and has nothing to do with admitting to crimes. They are scum and would sell their own mother to get drugs, notoriety, or an easy life. Most are thick as shit and have no responsibilities and more importantly don't want any. So why on earth we entertain this lot I have no idea, lock them up and throwaway the key!"* Again this view contradicted that of the TIC unit members.

5.16 Custody officers

In addition, the researcher liaised with the custody staff to canvass their views of the TIC process, and how they see their roles within it. The Designated Detention Officers (DDO) believed that if it meant that more crimes could be cleared-up or solved, then it was a good thing. If on the other hand, it resulted in the prisoner getting a lesser punishment or sentence, then it was not so good. They considered the initial approach by the custody sergeants as being sufficient, so are wholly reliant on the Form TIC 1 being served to volume crime prisoners by them. There were comments made by one DDO who suggested that they should be given training, as they were concerned that the custody officer had only just started handing the Form TIC 1 out, just a couple of days before the researcher appeared.

The custody sergeants were of the general opinion that way of the offences TIC process achieved good results, and it was due to their ability to read people. One stated, *"I have been in this role for a few years, and I can tell those that are placed before me that will want to take part in the TIC process and those that will not. You cannot teach this, it is a skill, you either have it or you*

don't." Another custodian stated, *"If it wasn't for us this borough wouldn't have half the figures its got, but what thanks do you get?"* The general feeling was that the custody staff believed that the offences TIC process was helpful in generating clearances for volume crime offences and that they were the catalyst for this being, as they appeared to see it, a success.

There were no TIC posters or any other form of signage that indicated that the TIC process was available to every person brought into police custody. If the suspect cannot see it, then neither can the police officers who brought them in, and this could arguably reduce the opportunities for this process being taken up by those who could benefit from it, namely the suspect.

As the researcher was looking at the posters located outside of the custody area within the police building, they were approached by a custody officer, who stated, *"I did not want to say anything over the phone or in the custody area as there are too many eyes and ears about."* They went on to say, *"We are not doing everything that we can do in terms of the TIC process, because we rely on the detainee to approach us, so to be honest you have probably sussed out that we have just started giving out the Form TIC 1, which I think is a good idea, but no one cares, its not like we have nothing else to worry about."* They went on, *"It is not part of the custody course which is nationally run, and there is no legal requirement for us to hand these out, so until we were made aware of the fact that you were coming down, we did not even know where to find them."* They explained that pressure had come from the hierarchy at RD to start pushing the TIC process, as they deemed it as *"a quick win"* in terms of getting a detection. They explained further, *"Crime is crime, but ACPO think that most crimes that cause concern for Joe public is burglary, robbery and of course motor vehicle, but they don't understand that crime is crime, and therefore we should be dealing with all of it, but we don't have the manpower and I think it's going to get worse."*

5.17 Chapter summary

In conclusion, this Chapter has provided valuable insights into the working practices of the practitioners involved in dealing with the offences TIC process at RD. There is no doubt that this BOCU is shown as performing well in terms of achieving detections and clearing crimes via the TIC process. However, it does not appear to be achieving these results as per the official MPS protocol.

The impact of a performance regime which leans towards focusing on volume acquisitive crime, rather than crime in general, is disturbing, as it reduces the police officers' ability to conduct investigations of all crime types. Furthermore, this approach narrows the scope of clearing all types of crime. This could be attributable to perceived pressure from Government of the day; counting volume crime types as performance indicators. The behaviour of officers was focused on the perceived importance of pleasing their line managers, and this is a recurring theme. This implies that these police officers are 'statistically-led', as they strive to maintain high detection rates, by focusing and clearing acquisitive crime types only. Their motivations and incentives, undoubtedly play a part in persuading suspects to engage with the RD version of the offences TIC process willingly. Not having sight of the said policies, it is impossible to ascertain if they are legal, or if safeguards are present, which would arguably protect the officer and, of course, the suspect. This leaves all those involved exposed to the possibility of miscarriages of justice taking place. The official MPS protocols and Standard Operating Procedures (SOP) for the offences TIC process are covered in chapter 4 of this thesis and should be adhered to. So, simply creating a local policy and claiming to adhere to that is not complying with an approved process. Moreover, scanning a computer to see who is 'good' for an offence, also places the practitioners in a precarious position.

Another area of vulnerability that appears to be a constant theme is the reliance on culturally based informal learning, rather than any formal training. The devastating impact that this type of instruction has on the offences TIC process could be highly significant, as there is no guarantee that the officer is learning from someone who is using the official mandated process. This could

result in 'Spanish practices' being induced, and therefore the cleared crimes may not have been achieved ethically or legally.

Another theme of concern is the apparent unprofessional attitude of officers concerning their interactions with other members of the Criminal Justice System (CJS), particularly those engaged in the role of defence solicitor. Attempts to avoid working thoroughly through an investigation appeared to be especially evident when a solicitor is involved. Officers deemed the introduction of legal representation as a hindrance. There is no evidence to suggest that anything untoward is taking place during the drive round process, however, as this interview area is only recorded on paper and not on an audible device, there is a significant risk that not everything that is said or implied is recorded verbatim.

From the information gleaned and observations made, it appears that the officers from RD TIC Unit were working well with other policing areas, but these are outside of the MPS. Their apparent reluctance to provide other BOCUs with cleared crimes statistics supports the concept that within the MPS each BOCU feels that they are in some form of competition with each other, as though they are in a league table of sorts.

The case papers and technical audit trails show discrepancies and, a lean towards what the officers believe they should do, as opposed to following recognised protocols and approved MPS policy. There is no suggestion of any underhanded tactics or any attempt to deceive any person.

The fact that the researcher was also able to liaise with other police officers and police staff who are engaged in other roles, benefits the study, as the information provided showed how the police generally perceived the TIC process.

If this is how a BOCU deemed to be performing well in terms of its use of the TIC process, then what would be the overall perception of those working on a

BOCU that is deemed to be underperforming? This will be addressed in Chapter 6.

Chapter 6

A Borough Operational Command Unit Underperforming?

6.0 INTRODUCTION

This Chapter presents the findings and analyses of the fieldwork conducted in BLUE (BE). BE Borough Operational Command Unit (BOCU) was identified as a relatively 'low performer' in relation to detecting crimes by way of the offences Taken Into Consideration (TIC) process.

This chapter is divided into four main sections. The first provides a brief insight to the profile of the BOCU BE in terms of location within the MPS policing area and, police numbers. The second section discusses findings from the semi-structured interviews and ethnographic participant observations. The third section provides the qualitative secondary analysis of data and documents, supported by the examination of the Crime Reporting Information System (CRIS). The fourth section explores several policing units that are indirectly involved in the offences TIC process, to establish in a rounded view of whether the TIC process is being used efficiently and effectively.

6.1 Profile of BLUE BOCU

During the period of observational study, 312 police officers were shown as working on the BOCU of BE. The total is made up of 200 Police Constables (PC), 33 Detective Constables (DC), and 57 Police Sergeants (PS). Additionally, there were 16 Inspectors and 3 Chief Inspectors, 2 Superintendents and 1 Chief Superintendent.

6.2 Interview questions and answers

Interviews were conducted with all staff of BE TIC unit. The said TIC Unit consisted of five personnel in total, all of whom agreed to participate in this research. The unit composed of 3 Constables, 1 Sergeant and, 1 Inspector. Their identities have been concealed as agreed, and are only known to the researcher. They are referred to in this research only as 1 BE, 2 BE, 3 BE, 4

BE, and 5 BE. It is worth mentioning that they are in no particular order, and the participants have no idea which has been assigned to them. It is also noteworthy that unlike the TIC units are shown in chapter 6, these officers had other responsibilities, including dealing with all types of crime reports allocated to them on a daily basis. Here are the 14 questions and relevant responses from the participants.

All the officers understood their role was to deal with suspects who indicated that they were interested in having other criminal offences TIC. 1 BE claimed, *“Our TIC Unit is underachieving in comparison to other policing areas, mainly due to the fact that we have to investigate crimes in general, so we cannot really dedicate time to just dealing with TIC offences, or even the TIC process.”* The general feeling was that good results can only be achieved if time and effort were used to good effect and if each person knew what had to be done, and how to do it. 3 BE claimed, *“I contact other BOCUs and police areas to establish if any prisoner had admitted to crimes on our BOCU, but this never really had a positive result.”* 3 BE continued, *“The problem is no one is going to increase someone else’s detections, as all BOCUs are measured against each other.”* 2 BE stated, *“I contact the custody office most days, but have learnt to wait for the custody staff to make the approach to the prisoner and, if appropriate they would then contact our TIC unit and tell us direct about the prisoner’s willingness to TIC crimes.”* 2BE said, *“It depends on which custody officer is working at the time when the suspect is brought into custody, whether a Form TIC was actually issued or even mentioned.”* 5 BE stated they attended weekly meetings with the Senior Management Team (SMT) at BE. They were under the impression that all of the SMT were resigned to the fact that some BOCUs were better at getting TICs than others. 5 BE further commented,

“It is obvious that the hierarchy need us to get crimes cleared, but the figures take care of themselves if you put the work in. Personally, I would want all officers to be honest and sincere, but you cannot trust the figures!”

This implies that although performance targets are in existence, there is no direct pressure on the officers to achieve them and, no ramifications if they are not met. 4 BE stated that their role focused on establishing if any prisoners held at Her Majesty's Prisons (HMP) have come into contact with BE officers, could be responsible for criminal offences at BE. If they have, then 4 BE will obtain the full details of those suspects and then make further inquiries on how best to facilitate obtaining the necessary authorisation to bring the suspect to BE in order to get them to admit to crimes that could be TIC by them. However, they claimed, *"I am so busy dealing with other crimes that I very rarely get a chance to ring the Prison Liaison Officer (PLO), so I wait to hear from them."*

All of the respondents expressed the opinion that they had no pressure to get detections and, that this benefits the wellbeing of the TIC team members in general. 1 BE, implied that they just wanted to get on with their role as an investigator and, if the team members thought that they were being placed under the microscope by other BOCUs for underperforming, then it would welcome any degree of scrutiny, training and advice, as they all believe that their team members always follow the protocols laid down by the MPS. 2 BE believed that getting a positive result was not only important for the victim of that crime but the organisation as a whole. 3 BE was of the mindset that arresting the right suspects, to begin with, would save time in the long run, but in order to do so, time must be spent on the investigation, rather than just bringing in the usual suspects. 4 BE said, *"It is important to get the suspect to provide their side of the story and, if they admit crimes then we need to do our job and make sure it is the right person who is admitting the crimes. The main objective for the TIC Unit at [BLUE] is to deal with crimes efficiently and effectively."* 5 BE was of the view that as long as the TIC Unit was able to work with little or no pressure to get results, then officer sickness would remain low, performance would be constant and, the results that were achieved would be honest and true. Two deeply interwoven themes are beginning to emerge; the feeling of no pressure to achieve targets set for detecting crimes, nor to please those who demand results from the 32 BOCUS in general. It is also worth noting that compared to RD, which is discussed in chapter 6, BE is maintaining

an ethical process for TICs. They claimed that, *“Being on the TIC unit does add a bit of variety to the working day, as the main office deals predominantly with volume crime offences and anything else that comes in from the public.”* This suggests that there is some form of kudos associated with being part of a TIC unit, rather than merely dealing with the same crime types day-in and day-out.

1 BE stated, *“I have heard of people rushing interviews just to get a quick win, but I can honestly say that our TIC unit does not do that.”* They explained that interviews were conducted formerly on drive rounds and, the contents were reiterated once again on audio tape in a recognised interview room at the police station:

“I am sure that other BOCUs have great figures and, you are already aware of whom they are, but our clear-up rates are not great, however they are honest.”

This implies that what they say they do and, what they actually do is, in fact, fairly coherent. There is a hint of being envious of other BOCUs who appear to be doing well in terms of achieving cleared crime rates. Possibly they are actually working consistently within the official guidelines and have simply not come across many suspects who wish to participate in the TIC process. 2 BE claimed that the TIC Unit members only conducted interviews as directed by the Police and Criminal Evidence (PACE) Act 1984. They expressed their views in a calm and relaxed way saying, *“Anyone not complying with the guidance of PACE would be working outside of the official Guidances and Policies.”* This is something that they were keen to point out. 3 BE stated, *“I have heard that other BOCUs will do almost anything to get a prisoner to admit to crimes, which can be TIC, but we will not do that. There are so many people with mobile phones and video cameras, CCTV cameras and, many other recording devices, that there is no point taking any risks. The rules are the rules and they are there to safeguard the police as well as the suspects.”* They claimed to conduct all their interviews at a recognised PACE compliant police station and, as far as they were concerned they never witnessed any form of breaches of PACE. 4 BE

claimed that they do not get involved in any of the interviews, they simply listened to the interview tapes and, they then read the notes from the drive round before any further advice was taken from the Crown Prosecution Service (CPS) lawyers. They claimed that if they found out that any of the TIC Unit members at BE or any other police investigator had conducted interviews anywhere other than in the unmarked police vehicle, which they referred to as 'drive rounds', or in the interview room with the audio tape machine on, they would have them suspended from duty. 5 BE confirmed the views of the other team members by saying,

"I have many meetings to attend during the week and it would be impossible to be in two places at once. I trust the members of the team to work professionally, honestly, and of course with integrity."

When asked, *"Who told you about the TIC process?"* 1 BE replied, *"That is a good question and, to be honest it was just something I was taught by more experienced detectives. Other than that I have not received any formal training and none has ever been provided to me."* The key issue here is that if the person that was performing the TIC process was not actually doing it correctly, the person observing it could easily learn how not to do it. 2 BE suggested that they followed the guidance available on the intranet and, then they simply applied the notion of PACE and everything then comes together as it should. 3 BE was of the opinion that this was a *"Good question"*, and believed that all police officers learnt about the TIC system, including uniformed officers, when they joined the police. They were of the mindset that although TICs and its associated processes should be easy to follow and understand, they further stated, *"The problem is most people think this a specialist role and therefore not in their remit, so why get involved. This is not the case on this BOCU as our bosses think we should have a basic understanding of what is required from the TIC Unit and, frontline officers in general."* 4 BE said, *"I have read and understood the MPS TIC Policy and all of the associated literature. I found them very easy to understand and follow. I must admit though, apart from that I have not received any formal training."* 5 BE claimed that they have never been

informed that a course about TICs existed. They said, *“I thought it was covered on the CID course, but I never had the lesson, instead I have learnt from other colleagues.”* The theme here is one of training, which reiterates the point made earlier; the importance of informed peer learning within police culture persists. In essence, if this officer has picked up bad practices, then it is likely to have been passed on. If they are in a position of authority, then they may influence their colleagues and possibly their staff too.

Discussing the use of TIC forms as part of the process, a consensus was established. 1 BE who said, *“I know the Form TIC1 should be given out, but we leave that to the custody officers to decide who gets one.”* 1 BE suggested that they would, if push came to shove, serve the Form TIC1 themselves on a prisoner if and when they attended the custody area, claiming, *“It depends on which custody officer is on.”* 5 BE Stated, *“I have received information from the BOCU Commander that every prisoner should get a Form TIC1, but that just cannot happen.”* They then claimed that only volume crime offenders receive the form, all the others hear about it in the interviews. This is an example of how official policy and protocols, which the officers admit that they conform with, have been replaced by local working practices. This removes the safeguards put in place to protect all those that are involved in the TIC process. They then stated, *“Please be aware that we have limited resources, limited budgets, and time restraints, and we have to prioritise.”* This could be interpreted as the police being worried that if every prisoner was handed a Form TIC 1 and they were willing to admit to other criminal offences that they had committed, then there would be no way of processing them due to limited staff numbers. A concern here is that prisoners could have admitted to additional crimes, which arguably means they could pass through the judicial system fewer times with more crimes, thus reducing the congestion within the CJS. The primary concern here is that countless victims have not received closure for their crimes, although they may have done so if the official policy was adhered to.

When asked, *“Why do you conduct the TIC process?”* 1 BE supported the TIC process because it gave suspects the means to admit to crimes and put their

offending behind them. 1 BE explained, *"I suppose if they don't know about the process it would be difficult for them to want to take part. If you don't ask, you don't get, yes I think that is about right."* 3 BE said, *"For me it is all about the victim of the crime in question. So if you can get the guilty to admit their crimes, then the victim will be happy because we caught someone, and that will be reflected in the crime figures."* The theme here points to the lack of understanding of why the offences TIC process exists, coupled with the findings of RD.

4 BE stated, *"To be honest I have not got the foggiest idea, but hazarding a guess, I would say that it has something to do with getting crimes figures for ACPO and the Home Office."* 5 BE claimed,

"The performance culture has caused a massive headache to the police and the crime figures are used to reflect how well or badly each BOCU is doing. I have to say that having worked on several BOCUs over the years, it is clear that while we are chasing villains the hierarchy are chasing figures."

They then stated, *"The Government is to blame for all this, but some of the blame should go to ACPO, but that is what the powers that be want, so that is unfortunately what they get from most BOCUs."* Reflecting on these answers a follow-up question was then posed: *"Who do you think benefits from the TIC process?"* 1 BE said that the victim benefited, but believed that the suspect could also be considered a victim,

"Well, if you think about it, victims of reported crime want something done, whereas suspects going to court say five times, when they could have gone to court once with all their crimes, but we didn't tell them about the TIC process, just doesn't seem right."

3 BE was keen to express their feelings on the subject of the TIC process and whom may benefit from it, *"I have a firm idea that most people would answer*

this question believing that the senior managers benefit the most, but I honestly believe that everyone connected with the TIC process can benefit in some way. This is something that many others do not get.” This suggests that there is no pressure being placed on these officers to achieve results. They continued, *“If you just get on with the job then the results will take care of themselves.”* 4 BE expressed a similar perspective, *“It is a win for all really, as the victim gets a chance to have closure on their crime and, the suspect can have their slate cleaned. The crime figures that are obtained will undoubtedly please the Home Office.”*

TIC team at BE were of the opinion that *all* criminal offences are investigated including volume crime offences, such as residential burglary and motor vehicle crimes. The theme here is the ‘broad’ approach to a criminal investigation in general. 2 BE implied that all sorts of offences are TIC by the courts, so it is right and fitting that all crimes are fully investigated. They said, *“All crimes should be investigated as though they were going to end up in court.”* 3 BE said, *“Lets be honest, I know that some TIC units only deal with the crime figures game, they focus on what BOCU and the MPS leaders want and, that is what the government wants as well, but we are not under this type of pressure, so we just get on with our jobs.”* 4 BE stated, *“To be fair there are no official target hunting games and I believe that any crime could realistically be TIC, if it was investigated fully.”* These responses imply that every suspect entering the TIC process is dealt with in the correct manner. Is it conceivable that all suspects irrelevant of the reasons for their detention, who have been booked into the custody office at BE, are afforded the right to participate in the TIC process? This will be covered later in this chapter.

1 BE believed suspects think the police know more about their lifestyle than they initially let on and that,

“This gives the police a significant psychological advantage, as knowing more than the suspect believes, the ball is in the suspect’s court and, this in turn lets them know who is in charge.”

This concurs with the findings in the literature review chapter of this thesis. 2 BE stated further, *“I ask each of the suspects that I deal with if someone is forcing them to admit the criminal offences for other people.”* 3 BE was keen to point out that the suspect may not be telling the truth, *“They know whether they committed the offence for which they have been arrested.”* This respondent also suggested that innocent people have been known to be found not guilty at court and later appeal and be given a financial payout for the negligence of the police. 4 BE was of the opinion that it was down to each BOCU to ensure that every person is brought into custody, who then indicated that they wanted to admit to crimes that could be TIC by a court, and the process explained. It appears at this stage that the members of the TIC Unit at BE conversed with all prisoners as part of their role as investigators and, explained the TIC process in full.

Moving on to the reasons ‘why people do not admit to crimes that could be TIC’? The interviewees typically thought that, *“It is usually down to the fact that officers do not explain the process to the prisoner in the first place. So how do you enter into a process if you have never been told what it entails”* (1BE). 2 BE stated, *“I think that some BOCUs do not take the time to explain the TIC process to the detainee, so I doubt that those suspects would comprehend that the TIC process could actually be of benefit to them. I should imagine therefore that this is simply why suspects do not confess.”* The analytic theme here is one of compliance, as this BOCU complies with all policies and processes, which is why they believe that if a suspect admits to crime on their BOCU it is because the process has been explained to them. 3 BE responded to this question by stating,

“The police need to take the time to speak to the suspect and explain things and, I think the best approach is making this part of the investigators process. We do this on our BOCU and it is proven to work.”

They continued: *“You must be silly if you believe that only guilty people hide something, and that the innocent people have nothing at all to fear.”* 5 BE was

of the opinion that innocent people simply have nothing to fear from the police, saying, *“There are so many legal and procedural bureaucratic hoops to jump through, that every step of the way the information obtained is scrutinised by supervisors and managers; these safeguards work, provided the investigator is honest in what they say they have done, rather than simply paying lip service to their managers.”* The sub-theme of procedural adherence is evident here. This interviewee further asserted that:

“Although some people may believe that you need to have passionate people working in any of the TIC Units in order to get a result, but I would rather work with a team that complies with the official procedures and, not put the rest of us in jeopardy.”

Amongst this team, the opinion was put forward that every officer had to be responsible for serving a Form TIC 1. For example, one respondent claimed, *“It is difficult to know if someone wanted to partake in the TIC process until you speak to them in a language that they understand and, this could take time (2BE).”* They further claimed, *“Simply having a quick word, not over-egging the TIC process and, not using language that is alien to them, could pay dividends.”* This was backed up by 3 BE who said, *“In all honesty if the process is not understood by every police officer and, trust me it is not, then the way the message is delivered will vary and so too will the results”* They continued, *“I honestly believe that there is a real need for training.”* 5 BE expressed concern that some BOCUs believed that prisoners who were on remand were easy pickings, in terms of admitting to crimes that could be TIC, but they were not sure how much effort the investigating officers of those BOCUs actually took. They stated, *“I have heard of these so-called quick wins, but our BOCU has never taken that approach, as far as I am aware.”* They continued, *“We do things here in the correct manner, using the protocols accordingly, it really is down to the team understanding the policies and, using them accordingly. They do really well and that is good for the people on our BOCU.”*

When asked, *“What experiences have you gained by being part of this TIC unit? 1 BE keenly stated, “I have gained new skills, which I have been able to take into other interviews. I am now more proficient in dealing with all forms of suspects, mainly due to the fact that the TIC suspect is willing to admit to crimes, but it is still like walking through a minefield, and you need to have your wits about you at all times, especially when conducting interviews.” 2 BE, “Yes, good question, I think it has made me better at dealing with my crime workloads. I have learnt how to identify and deal with priority crime prisoners. The fact that I base all my evidence on my findings and, I have dealt with many prisoners, has really stood me in good stead.” 4 BE said, “Working in the CID and dealing with other crimes on a daily basis, means that when someone wants to TIC crimes, it feels like a new challenge.” They continued, “It has been a really good learning experience, but I do feel that other BOCUs are doing better than us and, I have no idea what they do or how they do it.” 5 BE stated, “When you have been in the police for a short while it is easy to see that you need to keep your skills polished and update them with anything new. Laws and policies change every year, so you need to be professional and keep up-to-date with changes.”* The training theme emerged consistent with the previous chapter.

Compared with RD, the TIC Unit at BE appeared to have a less defined organisational identity. 1 BE said, *“I feel a sense of belonging, but to be honest it is not really a team until we get a TIC suspect, as we tend to deal with other crimes and prisoners. This might be why our crime figures are so low.”* This officer continued by saying, *“Working on the TIC Unit and being associated with it is like being on a specialist team, as all the officers and staff know us.”* 2 BE stated: *“I suppose it is a sort of squad, which is okay, but I do not feel it is any form of kudos just for having additional responsibilities. I enjoy it, but it is not a specialist unit in my eyes. I for one enjoy being part of it.”*

5 BE was of the opinion, *“When it works it gets results, which benefits all concerned from victims to suspects. I know that most BOCUs want figures, but that means nothing to the victims or suspects, it is just useful to the hierarchy.”*

This highlights how some BOCUs demonstrate the proof that they are efficient and effective in delivering results, by clearing crimes via the TIC methodology. If this BOCU does not have the same pressure as others; is this why it does not appear to be regarded as a good performer on paper? This depends on how 'good performance' is constructed. It could be argued that it should be deemed as ethically and procedurally correct.

6.3 Roles in the TIC unit

1 BE stated, *"If someone wants to admit to crimes that may be TIC, I look at the crime reports on our system to see if any of the crimes they claim they did have actually occurred. If it has then I will establish the facts of the offence and then see if they could have done it. I inform the rest of the TIC team members and arrange to interview the suspect."* This is a slow and methodical process. This implies that the usual suspects are not the key focus and that an investigation into the crime itself takes place. This reduces the risk of a suspect admitting to a crime that they did not commit and being taken to court and being found guilty. Nothing here is accepted at face value by the investigating officers. This also assists in reducing the risk of a miscarriage of justice, a risk that does appear to be considered. This officer is not focused on getting a result. They stated further that, *"I think that the team works well and we ensure that the senior management are updated on any progress that we make in the TIC world."* 1 BE further expanded on this saying,

"I suppose we are lucky really, as we have more time than the busier BOCUs to deal with things properly and, with the full support of our line managers we do not have to chase figures, just get on with the work. I must say though, I am not suggesting that other BOCUs do not do things the right way, but you have to wonder how they get such high figures."

They then, started laughing and giggling stating, *"I am not suggesting that they are cutting any corners, but if that happened here we really would be for it."* From the researcher's perspective, this officer appeared to be concerned about

saying something that may be construed as pointing the finger at other MPS BOCUs. Their responses suggested that they were trying not to mention anything that may be perceived as illegal or immoral, as though other BOCUs are going against the practices of official policy, guidance and, processes. The overarching theme is the apparent lack of MPS BOCU-wide training in the TIC process. 2 BE gave the following reply,

"I think the officers on the TIC unit and CID office work well. We do have our own individual roles to perform. I deal mainly with volume crime offenders that come into our custody. I make sure that they have been handed a Form TIC 1 and, I inform them personally of the TIC process. The good thing is that we all work shifts so there is always someone on duty to deal with suspects who wish to TIC crimes. This means we cover weekends as well. I have to say that is something I never understood about so-called TIC units on other BOCUs, I mean, criminals do not do shift work, well they shift other peoples goods, but that is not what I mean."

They began to laugh before continuing,

"Seriously though, if they are twenty-four hours a day, so must we be. To be honest, I believe that it is important to first make sure that the person wishing to admit to crimes has actually done it, but if you do not ask to begin with, how would you know?"

Some safeguards appear to be used here. 2 BE then stated, *"If the suspect is not interested in the TIC process then it is their choice. However, plenty of time must be afforded for them to understand the TIC process and, what it actually means to them."* They went on to say, *"I know what we are doing is right because we check everything at each stage with our line managers and they will soon tell us if we are not following policy."* 2 BE said, *"It is not good to think that you have all the answers to each and every crime, but we would be shocked if we thought we were actually doing anything wrong."* From the

researcher's perspective, this officer provided an honest account of what their role involves and, providing that what they say they do, is actually what they do, then it would appear that every opportunity to deal with suspects via the TIC process is clear and transparent. This will be closely scrutinised later in this chapter. They appear to have grasped the concept of the TIC process, which is to bring to the attention of each and every detainee the fact that the process exists, by serving of Form TIC 1. However, the processing of the suspect still needs to be conducted in an expeditious manner and, if used effectively then greater success in terms of clearing crimes via the TIC process could ensue. The researcher noted that the methods disclosed thus far are in accordance with the official MPS offences TIC policy and processes. Describing their particular role within the unit, the third member of the team (3BE) said,

"I understand that the focus on figures by the organisation as a whole, places undue pressure on investigators and, the government can look at those figures to see how we are doing, but there is little point in reaching those figures if the process has been breached. So my role is to ensure that crime reports attain the minimum required standards which have been set out by the government. In essence, I make certain that we are HMIC ready. If there has been a breach then I will find it. If I need to ask more questions then I will. In relation to the TIC process, I pride myself to make certain that we are even more open and transparent. I for one believe in process and protocols and I make sure that everyone knows that."

The researcher found that this response was delivered with sincerity. It should be noted that 3 BE made it known that their TIC colleagues are all aware that the researcher is the author of the said policy. They believe that performance counts for very little in fact, especially if the policy has not been adhered to. The theme here is one of informing the researcher of the fact that adherence to policy is important on this BOCU in relation to the TIC process.

4 BE identified themselves as making a different contribution to the collective effort:

“My primary role is to act information handler between the officers on the TIC Unit and the BOCU Commander. I keep the DCI informed of what is going on as well, only we may need to obtain certain clearances and, it is easier for the hierarchy to hear the scenario from one person rather than twenty different versions of the same event. To be honest, what I have said so far is only a small amount of what I do, a small part of a bigger picture. I also look at the police specialist indices in order to establish if there is a likelihood of someone else actually being guilty of the crime being investigated. If you like I am a sort of safety net.”

This implies that it is not just the usual suspects that are the key focus of a TIC investigation, but rather investigating the crime itself. They continued, *“I am fully focused on the subject and, once I have exhausted their lifestyles, I begin to research their associates, family, workmates if they are employed and, where they frequent. This aids the investigation by narrowing the scope of research.”* It is clear that this officer is professional and understands the key principle of clearing crimes. They suggested that they do not simply look at crimes on their own BOCU, but attempt to benefit other BOCUs as well. The theme here is one of teamwork, not just to benefit their BOCU but the MPS as a whole. The officer went into a considerable amount of detail about the way in which they conducted their daily routine, however, due to the nature of this study the researcher is unable to describe which indices are scrutinised, nor the frequency of access to the information. Suffice as to suggest that the DATA protection Act and its associated guidance and protocols are adhered to.

5 BE offered the view that,

“Some investigators probably think that the TIC process requires the same minimum standard of investigation as a normal crime, but I believe there is more work involved. Even though the offender has the upper hand in the investigation, as they know whether they did the crime or

not, the investigator still has to gather sufficient evidence for each case to stand on its own merits.”

5 BE became quite intense claiming,

“It is a fool who does not believe some of the things that a suspect says, so you must be even more foolish to believe everything that they say. Clearly it is not only guilty people admit crimes, but some innocent people who feel that they are under duress may also admit to crimes that they have not actually done.”

This suggests that more effort is required to reach a conclusion that a prisoner is guilty of a particular crime. Notably, the focus here is on the investigation rather than the result. It is clear that there is no mention of the apparent need to please the hierarchy by achieving crime reduction targets. This interviewee then explained what their specific role was; *“My role as being a type of overseer and buffer. As an overseer, I make sure that each member of is to ensure that the members of the team work together whenever the need arises, but to maintain their day-to-day crimes as well. They must perform their key roles to the best of their abilities and, if they have any problems then know that they can ask freely so that they may be addressed quickly. I expect them to learn the correct way of doing things, which should be balanced with common sense. Some officers just need encouragement which may come in the way of verbal support, whereas others may need to be shown where to find the information and how to use it to good effect. I do believe and, the team know this, that we do not chase detections or results. The end result is just that, whereas the investigation is the key to keeping the results and not losing a court case. My role also includes liaising with senior managers on this BOCU and, I am honest as to where we are with criminal investigations, high profile case and, results. There is no pressure applied by them on us, just as long as we are honest with them.”* He began to smile, *“Some might say that I defend the investigators from the results shown, but it is being honest with your managers, that is what really counts.”* This raises the question if ‘bad’ figures really mean bad practice?

This officer was open and transparent, and drew significantly on their police experiences. Their emphasis appeared to be on believing that a suspect may admit to crimes that they have not actually committed and, the safeguards used to reduce the possibility of a miscarriage of justice taking place. If this is what a person who influences a team believes, does it necessarily follow that the members of that team act and think in the same way? The general feeling from the members of the BE TIC Unit thus far is one of professionalism. The officers were particularly relaxed in their explanations of their roles within the TIC Unit. They were answering questions in a way that they thought they should, as well as providing an insight into what they thought. This is precisely the point of conducting this aspect of the research, prior to the deeper immersion engaged by the ethnographic fieldwork observation stage. The information gleaned thus far sets the scene of the working environment for those involved in the TIC process and therefore TIC Unit at BE.

6.4 Ethnographic participant observations

Following the interviews with each member of the BE TIC Unit, the ethnographic participant observation then commenced, focusing in upon how the officers individually and collectively performed in their working environment.

During the 4 weeks overt observation period, between 1st April 2012 - 31st March 2013, the researcher witnessed first-hand the working practices of BE TIC Unit. Each of the 4 weeks has been divided into separate sections for ease of reference. The exact dates and times are withheld in order to reduce the risk of divulging the identity of the officers involved. Each week showed covers Monday to Friday (inclusive). Although due to shift roster this unit does work some weekends, a majority of their working time is Monday to Friday, with core hours being 8 am to 4 pm.

6.5 Week 1

The period of observation commenced with a brief introduction about the researcher's status, interests and role being provided to the five officers in the unit. The officers, 1 BE, 2 BE, 3 BE, 4 BE and, 5 BE, were all very open-

minded. At this initial meeting they conveyed a relaxed and at the same time keen demeanour.

The week commenced at a slow pace. 1BE was exploring crime reports that had been allocated to them. They consisted of burglary and criminal damage crimes. They made several comments one of which was, *"I have read the details of investigation page and can honestly say that there are no leads. To be fair there is just the minimum amount of information here and, I noticed that there are no witness details, so this crime won't be going anywhere for now."* The officer further stated, *"Sometimes it can feel that you are missing something because the person taking the initial report has not recorded sufficient information or, they do not explain themselves very well in the main investigation page."* They appeared relaxed and stated, *"Well, I do not want you to think that we get TICs every week, we are just not that kind of unit. It simply means that no crimes can be cleared-up by the TIC process, but that does not mean that we cannot put them away."* At face value, it would appear that 1BE performs their role as stated earlier in this Chapter and, on a daily basis. During this week they concentrated on dealing with the crimes allocated to them and were shown on their work file. They stated later in the week, *"If you are waiting for the pace to increase, you may wish to think again. We are very laid back here, a nice pace to work at, so we can get things right the first time."* They continued, *"Senior management are not going to put pressure on us for TICs, as that is not the way they act. What I am sure they will be happy with is knowing that when it comes to an inspection from other specialists like HMIC, we will stand up to any scrutiny."* There was no apparent pressure on the investigators at BE to obtain TIC results and, this was a recurrent theme for the fieldwork observations conducted in this BOCU.

Across the week it was clear that each member had similar roles to each other, which meant that there was a lot of duplication of effort and activity. 2 BE stated, *"We double-check everything just in case one of us misses something important and, we do the same with case files. You just cannot be too careful."* They attended the custody office and returned about twenty minutes later. They

stated, *"I have just checked and there are no real prisoners to talk about, just some drunk and, I think the other one is in for driving whilst disqualified."* They then looked at the researcher and said, *"You get some days like this, but they just don't need a Form TIC1 as they are not really the type of people to admit to other crimes."* This demonstrates both lack of knowledge and a breach of policy. Each and every prisoner should be handed a Form TIC 1 when they are booked in at police custody. A point of note is that they only made contact with custody first thing in the morning. After trying the custody office just once they never liaised with them again. This officer said, *"If they get anything downstairs they will let us know."*

3 BE spent most of the first week reading the local newspaper and on one occasion attempted to justify their actions by stating, *"It is always worth seeing if you can spot a local criminal, who has had their photo taken and placed in the local rag."* They occasionally looked at their work file, but not with any degree of enthusiasm. 3BE did this on several occasions which were witnessed by the researcher during the first week they were seen to look at their file twice a day. On one occasion they opened their work file and said, *"I cannot believe I have another crime to investigate, that brings me up to five."* They started laughing, *"How am I meant to investigate crimes when I am busy trying to sort out a holiday!"* There were no opportunities for the offences TIC process to be put in place during this week, especially as according to them, there were no evidential leads on any of the crimes that had been allocated to them.

The first week was also not an eventful one for 4 BE. They were busy trying to contact victims and witnesses with no success. They left messages for people to contact them and, they also left memos for police officers to complete parts of the crime reports. They said, *"I really do not mind investigating crimes, but officers who take these reports really need to fill the boxes in, at least that way I would have a sporting chance."* They remained calm and said, *"I worked with neighbouring BOCUs in the past, but they tend to have more villains that come over here, then we have that go over to them."* 4 BE then began to interrogate other police indices, which was all done on the police computer system. They

did consider contacting other BOCUs, but they did not follow that through. It appeared to the researcher that the officers were waiting for information to be presented directly to them, so that they may generate results of some kind. This certainly did not occur during this first week. 5 BE stated, *"I am not sure if we will get any TICs this week, as the team is a bit snowed under with normal crimes, but I suppose you will take that into account when you write up any reports."* They continued, *"I am not sure how many we should be aiming for while you're here, but if any come our way I will be happy for you to sit in on the interview, as I am sure we all are."* There was a distinct feeling of a lacklustre approach by this TIC Unit. There was no suggestion of any pressure to achieve targets set for the MPS.

6.6 Week 2

The second week commenced in a similarly relaxed manner. There was no evidence of team cohesion. In general terms, they were all working in silos. 1 BE was clearly working through their crime files and caseloads. 4 BE was looking through the police indices attempting to piece together some information to provide them with a possible suspect in one of their burglary cases. 4 BE said, *"I am just going to go to speak with the bosses and see what they want us to do this week."* 4 BE left the main office, and after about 20 minutes they returned. 4BE said, *"Just been informed that there is a prisoner being dealt with by the Volume Crime Unit (VCU) who might want to talk about crimes they have done before. They will let me know later."* 1 BE said, *"I doubt that we will get anything from that unit, but if we do I will start looking at some of the crime reports, but it is not worth the effort at the moment."* 4 BE responded, *"I am not sure if the suspect has a legal representative, which may slow things, well, I suppose only if they want one. After all, they usually obstruct proceedings. They advise their clients to say nothing or respond with no comment to each and every question."* 1BE stated, *"Well, not worth the effort at the mo, so I am going to crack on with my cases."* The themes here are the distinct lack of teamwork and, the fact that legal representatives are considered a hindrance. This information had no impact whatsoever on the members of this TIC Unit. 3 BE was keen to read their newspaper and drink tea, with the

occasional glance at their workload. They had no intention to get involved with their colleagues. When they did look through their allocated crime reports, they portrayed the image of a disinterested investigator. 2 BE also seem keen to stay away from examining crime reports in search of possible suspects for outstanding crimes. This was not a good working environment. 4BE contacted the VCU a couple of hours into their shift. They then passed the message on to the rest of the TIC team. 4 BE said, *"Guys, just established that the suspect being dealt with by the VCU has asked for legal representation. The solicitor has just arrived and is in custody, so they will let us know if we are needed."* 3 BE stretched and yawned saying, "Time for a tea then." The researcher observed 5 BE looking through travel websites in an attempt to book a last minute holiday. 5 BE commented, *"I know this looks a bit unprofessional, but I don't get time at home to do this and I do need a break, well we all need to get away from the stress of it all."* No persons were brought into BE for the TIC process during this week. Little or no effort was made by the TIC Unit members to investigate crimes that may identify a suspect. It appeared that apathy was present within the members of this team, combined with a lack of direction and leadership. This week ended much the same as the preceding one.

6.7 Week 3

The third week of observations continued at a similar tempo. 1 BE, 2 BE, and 4 BE, were dealing with their cases. The researcher was approached by 3 BE who stated, *"I take it you are getting used to our pressurised environment?"* They smiled and then said, *"Tea, biscuits, or even a newspaper?"* 3 BE sat at their desk and put their feet upon it. Leaning back in their chair then said, *"We are all very busy, so we tend to be a bit behind other BOCUs when it comes to TICs, but you can't have everything. At my last station, I was the kingpin in getting TICS, in fact, I was highly thought of by everyone, but that was a much busier area than this one. Here, you are waiting for other BOCUs to help you out, but they chase figures and we do not."* 1 BE said, *"If you like you can go to the canteen and I can come and get you once I have made some enquiries. You never know there may be some good news regarding a suspect. I feel one of*

my crimes may produce something." The researcher went to the canteen and waited.

After some considerable time, 1 BE entered the canteen and they noticed the researcher, and approached stating, *"You will not believe this, but I nearly had a suspect for a theft case that I am dealing with, but the one I thought it was, well it is not him because I checked with the BOCU intel unit and apparently he was on remand at the time for burglary. I am just glad I checked before bringing him in, otherwise what a waste of time that could have been."* The researcher noted that this officer had unwittingly admitted to complying with the approved policy and the national police investigatory doctrine. Importantly, they had reduced the risk of a possible miscarriage of justice ensuing, as the suspect may have admitted to a crime that they had not committed.

The researcher returned to the office sometime later, and 3 BE was still in the same position as earlier, but this time they were looking at their case files. 1 BE said to 2 BE, *"Do you have any suspects for TICs?"* 2 BE responded, *"No not really, but then I have not had one in ages."* 3 BE looked up and said, *"You can see how difficult it is to get TICs from prisoners, but I know some areas are finding it easy, not sure how though?"* The researcher found a seat in the corner and continued to observe. 3 BE said, *"I need to go out for a while, does anyone want anything from the shop?"* After this 3 BE left the office. They were absent for about 3 hours. During their absence 1 BE said, *"Unfortunately we have no TICs this week, but we are getting on with other investigations."* On one occasion 1 BE said, *"You must be really hacked off, I know I would be, sitting around and watching others, I cannot think of anything worse."* 3 BE returned and said, *"So has the wheel come off while I was gone?"* 1 BE then said, *"Nah, same old same old."* 4 BE approached the researcher and said, *"I hope that you are okay with the way things are going in general. I know you must be thinking this is not what I signed up for, well, I think the same some days, but at least it is a job."* The researcher was then approached by 1 BE who asked if they could go into a side room. 1 BE said, *"I have no idea why you would choose our BOCU as part of your research, as we really don't get that many TICs. We are*

having a good go and trying to get some, but it doesn't come as easy as the busier BOCUs." This comment implies that this officer felt that other BOCUs were being rewarded for their apparent success in achieving detections through the TIC process and, that this BOCU could never compete, as though this was some form of competition. Perhaps this is how most of the 32 BOCU Commanders view TICs? The remainder of week 3 consisted of the officers carrying out their roles. The atmosphere remained relaxed and, rather than appearing to work within a team environment, they were still working individually.

6.8 Week 4

1 BE, 2 BE and, 4 BE were all dealing with case files and allocated crimes. 3 BE was drinking tea and reading a tabloid newspaper. 5 BE came into the office and said, *"I am going to ask, but I think I already know the answer, here goes, any TICs so far?"* 1 BE, 2 BE and, 3 BE started laughing. 1 BE said, *"I have been trying to sort things out, but not had any luck so far."* Then 2 BE commented, *"I think you mean we have been trying together to get TICs."* 3 BE followed this with the comment *"Yeah we are a team, and we are very trying."* 5 BE said, *"It is a shame that we have an observer for TICs and we cannot get any, well, I know you will try your best, after all there is only a few days to go then we will be back to normal."* The researcher was unsure what to make of these comments. Could it be that the officers have changed the way they investigate crimes, just because there is an observer and, if so, in what way have they changed? They may have been jesting, as it is quite clear that the officers involved have their traits and are as individuals so defined. 4 BE was approached by a uniformed officer who asked if he could speak to them in private. After a period of some twenty minutes had passed, 4 BE returned to the office and said, *"I have just been informed that a neighbouring BOCU has been contacted by another police force, saying that they have a chap out who wants to TIC crimes on our ground."* 1 BE said, *"I will start doing the background checks."* 3 BE said, *"I will go and get the drinks, anyone for tea?"* 2 BE commented, *"No change there then, I think I will have a coffee, could be a long day."* 4 BE had gone to sort out an unmarked vehicle, so that a drive round

could ensue, once of course the suspect had been either collected or handed over. Of concern though, was how there were no details regarding whether the suspect was produced from prison, currently on bail or, how they stated they wished to engage in the TIC process. 2 BE started printing crime reports. 5 BE stated, "It looks as though some crimes will be cleared-up and, this will of course, please the bosses." The researcher also found this strange, as on previous occasions the subject of chasing figures and pleasing the hierarchy was not considered as important by the TIC Unit on this BOCU. In fact, the officers on this BOCU believed that they are unique when compared to their counterparts, as they do not consider themselves under any form of pressure to attain cleared crimes. At least, so they claimed.

The researcher was informed by 5 BE, that they were not permitted to join the officers on any part of a drive round. The reason cited by 5 BE was that, *"You can imagine that it would be crowded in the car with five of you in there, possibly six if he wants a solicitor to go round with them, and this may put the suspect under pressure, let's be honest we wouldn't want that."* Whilst the team was waiting for updates, the researcher liaised with other persons at the station and, the engagements were commented on later in this Chapter.

Later that day, 5 BE approached the researcher and said, *"Have you heard, we won't be doing the drive round, only the suspect is not shown as wanted or suspected on any of our crimes, so that is that. He is having quite a few on the other BOCU, so that is that. At least someone is going to make their bosses happy."* The researcher established that the prisoner was actually serving their sentence and, therefore produced from prison. They were willing to admit to a vast amount of crimes, with a view to having them TIC, but none of the crimes was committed on this BOCU. This raises the question; where did the original information come from, that someone wanted to admit to crimes and have them TIC? The researcher thought this was rather strange, surely the concept is to permit those who have committed crimes to admit their guilt, so that those crimes may be TIC by a court. It is doubtful that the said suspect would know the policing boundaries of this BOCU, so who actually did the background

checks on the crimes alleged to have been committed by the suspect in the first place? None of the officers actually claimed to have conducted a full profile search on the prisoner, so there are doubts that the process would have been conducted efficiently. It is worth remembering that the police are not meant to decide which crimes or how many, are dealt with by way of TIC process. It was imperative to ensure that authority was granted for the researcher to conduct covert as well as overt observations, which are covered later in this Chapter. This would ensure that a balanced view could be provided on this BOCU and, this would also act as a safeguard if the overt resulted in no suspects being processed for TICs.

The team continued in a similar way during the rest of the week. 2 BE and, 4 BE were dealing with a burglary prisoner. The prisoner apparently had been caught by way of fingerprint identification. 3 BE was drinking tea in the office and said, *"You know this is probably a waste of time. I spoke to the officer that arrested the suspect and they reckon the dabs (fingerprints) are on a movable object, so I doubt this case is going anywhere fast."* 5 BE entered the office and said, *"The suspect has opted for legal, so we shall see how far this goes."*

After a short period, 5 BE returned to the office, and said to the others, *"I just heard that the prisoner is claiming that he wants legal representations because the prints were found on a coke can and, as that is a moveable object, there is no way that he is having the burglary. He is already saying that someone must have picked it up in the street and then taken it into the venue, after he had thrown it away."* 3 BE looked across from their desk and said, *"Well, I knew that was going to happen. Who's up for tea then?"*

The atmosphere in the office was relaxed as always. Apparently the solicitor or legal representative had attended as described earlier and, the prisoner mainly answered 'no comment' to each question put to them, except when the can of coke issue was mentioned, at which point he is purported to have suggested that as it was a movable object, it had therefore been put there by someone else. The prisoner was released with no further action taken against them. The

crime report was updated by 1 BE and then put away, although not witnessed by the researcher.

Towards the end of the week, 5 BE approached the researcher and asked if it was possible to have a private word away from the other officers. The researcher agreed and left the office with this officer. 5 BE commenced by suggesting that they had heard that all of the MPS was under suspicion of dealing with prisoners for TICs in an unethical manner. They said, *"I can assure you that even though we have not had a positive TIC during your visit, we did try as we always do, but no luck."* They continued, *"I have to say though, it proves that our safeguards work, otherwise we could end up with people admitting crimes, even though they didn't do them."*

5 BE said, *"You are obviously aware that not all BOCUs are the same and, we pride ourselves over the others, because we do everything by the book. Undoubtedly you will be looking at the case files on TICs, well, I am sure that my point will be proved. You will realise that you maybe fooled by the figures collated from other BOCUs, but remember we may be slow, but we are methodical."* 5 BE continued, *"The police force has for a while now been focused on the management of crime figures, instead of dealing with the crime itself. I will predict that at some point all of this will not be good for the police. You have to believe that we are doing the best that we can legally, rather than bend the rules, we use the rules. Especially when it comes to clearing crimes, but they appear to be missing one vital thing, and that is what the victim thinks of the police."* 5 BE waited for a short while, then said, *"I am sure that you can tell which area is cheating and which is not. We cannot be so far off the mark, so what are the other BOCUs doing that makes them so good?"* The researcher could see that the officer was trying to go into greater detail, but for some reason decided not to. The researcher explained once more that everything that they mentioned was to be held in the strictest of confidence, as will their identity. 5 BE said, *"Honestly there is nothing else that I want to say, but just look at the figures and then look some more."* The researcher was keen for further explanation, 5 BE said, *"Okay, you must have heard the stories from other*

BOCUs about how things have gone wrong in terms of clearing crimes via the TIC process. Well, we have one of those officers working here on this BOCU in the CID. I have struggled to keep him away from our TIC Unit, and, more importantly from you. I have heard though that you may have spoken to that officer when you were in the canteen on another occasion. Well, no doubt they have issues that I cannot go into, but thankfully they have not had any dealings with any of our cases.” The researcher asked 5 BE to explain in detail if they could. 5 BE commented, “I cannot prove anything, but you know when you get that gut feeling that something or someone is not right, well that is the knotted feeling that I get when I have to talk with them, which thankfully is not often!” The researcher asked if there was anything else that 5 BE would like to mention in relation to the TIC process. 5 BE said, “I know someone who was supervising them at their last BOCU, they said that when they checked the crimes that had been shown as cleared by this officer, you know the one I was just referring to, and the crime was closed and shown as cleared-up, and the detection was claimed, well all I can say is that they were very economical with the truth.” 5 BE continued, “You see if you tick all the right boxes then it is obvious that no one will ask any questions and, that is the main reason why no one will say anything because, the victim gets told we got someone for their crime, the suspect clears crimes so who really cares about them afterwards, and we cannot say anything as we would lose face.” The researcher sought to obtain further details, but they were not prepared to mention the names of any of those police officers or staff and claimed once again that they had already said too much. 5 BE commented, “If you can get the true figures from anything to do with the police, then all I can say is check them, then check them again. We might all be measured in the same way in order to provide performance indicators, but I doubt very much that we are all doing it the same way, let alone the right way.” The researcher enquired if the officer was aware of any local TIC policy, and if so could they obtain a copy for the study. The officer said, “No, we don’t see the point, as we believe one policy is enough for TICs.”

6.9 Debrief

At the conclusion of the 4 weeks overt observations, it was necessary to conduct a formal debrief, to allow the officers to receive some form of closure, which also serves as an opportunity for them to express any views they may have on the proceedings during the observational period.

The researcher and the officers gathered in the main office at BE. 5 BE opened the meeting and, stated that the observation period was now over. They thanked the researcher on behalf of the officers for taking the time to attend BE and to observe the daily conduct of the members of the TIC unit. They then asked if there were any questions regarding the visit. 3 BE stated, *"I think it has been a waste of time, as the real stuff is contained in the case papers."* This caused 5 BE to direct a stern look in their direction. 2 BE stated, *"We have been rather unfortunate, as you can see we did not get any during the last few weeks, but we came close."* 3 BE stated: *"Seriously though, I think we all wish you luck on this assignment."* At this point 4 BE interjected saying, *"The team as a whole is not as proactive like other BOCUs, but we are honest and what we get, we tend to keep."* 5 BE stated, *"I agree, it would be easy to get loads of figures, but what would be the point if all you are going to do is look silly when they take them back off you."* They then asked if there were any other observations and the officers just shook their heads.

6.10 Secondary analysis of data and documents

Having completed 4 weeks with BE TIC Unit officers and, witnessed what they actually did, a qualitative secondary analysis of data and documents was conducted, covertly examining crime reports, case papers and, listening to interview tapes. This served to provide valuable insights into the perceived 'dark art' of obtaining confessions from suspects with a view to having them TIC by a court.

6.11 CRIS

The contents of the MPS Crime Reporting Information System (CRIS) was explored. There were 27 offences TIC by BE during the 2011 to 2012 reporting

period, which as previously stated commences on the 1st April to 31st March each year. Although time restraints and permitted access to the information sought was an issue, a decision was made to examine 100 per cent of the total offences shown. This involved looking at 10 recorded crime reports. The examination revealed that all of the crime reports were completed to a minimum standard as set by the National Crime Recording Standard (NCRS), as defined in Chapter 4. They were completed clinically, which if taken at face value would pass any examination. Although completing a crime report serves as a record of an event for which a person has been subjected to the TIC process, it still fails to explain in sufficient detail, how the crime has been cleared-up. For example, writing that a PACE compliant interview has taken place and the suspect has admitted committing the crime, does not explain why the suspect admitted the offence, nor the type of questions posed by the police to glean this apparent admission. It was therefore necessary to request appropriate access to the audio tapes, linked to the case papers, as these could go some way to understanding aspects of the literature being examined.

6.12 Case papers and audio tapes

The researcher obtained unrestricted access to the audio tapes linked with the case files featuring in this study. The Criminal Justice Unit (CJU) provided a Single Point Of Contact (SPOC) to act as a conduit for information from the CJU to the researcher. A member of staff from the CJU was tasked to assist. The assigned SPOC located case papers that were requested by the researcher. It is worth noting that all of the papers requested were provided. The only possible way of establishing what actually occurred during the interviews at the police station was by examining the Tape Transcripts (MG15T). These were located in each case file. There was also a copy of the questions posed to the suspect within the confines of any mobile interview, with each page being signed off by the suspect and, the officers present. This is in stark contrast to the documents found at RD and described in Chapter 6.

The crime reports appeared to be correct, but a closer examination revealed that the information had been recorded in a manner that could be interpreted in

various ways. Preloaded typed MG15T forms were used on the drive round, which restricted the responses from the suspect. The MG15T resembled Forms shown in chapter 5, which is an unauthorised template. The risk of a miscarriage of justice thus appears once again. This raises a troubling question as to 'whether this is an MPS wide issue'?

The transcripts for the interviews at BE lacked adequate information proving that the suspect acted alone. As rehearsed previously it is important to the integrity of the process that the suspect admits only crimes that they have committed in order for them to be considered by a court within the TIC procedures. The police must ensure that they follow all reasonable lines of inquiry to prove or disprove the suspect's involvement in the crime that they are admitting to, and not merely accept what the suspect tells them, just because they like what they are being told.

This is poor practice and shows either a lack of investigative skills, malign intent or, a desperate need for training. The investigators may have asked those questions during 'dead air space' time, but without access to additional audiotapes it is impossible to second guess whether or not these questions were asked. The tone of their questioning, the length of time taken to pose the questions, and the time permitted for the suspect to respond, would debatably have some bearing on the outcome of the interview. Remembering that, as already mentioned in chapter 5, the onus is on the suspect to want to admit to crimes that they have committed so that they may be taken into consideration by a court, and it is for the police to satisfy themselves that they can prove that the suspect committed the offences that they have admitted. Failure to adhere to the aforementioned facts may lead to an innocent person being found guilty for a crime they have not committed, whilst the real perpetrator remains free to commit further offences. Form TIC 1 had been served, and Form TIC 2 was used correctly. The case papers indicated that officers at BE comply with the MPS TIC policy.

In terms of the use of Form TIC 3, which is a pamphlet (MPS restricted document), there was no evidence to suggest that this had been used by the officers employed on the BE TIC Unit. When completed correctly the pamphlet would have provided the recipient with all of the relevant details regarding what an offence TIC is, and how the suspect could have direct access to the Officer In Case (OIC). This pamphlet also serves as a reminder that the police use all indices available to them in order to apprehend and bring to justice those in a society that have committed a criminal offence. By the very fact that this BOCU has decided not to use the pamphlet means that they are reducing the opportunity of further victims receiving some form of psychological closure on their ordeal. This theme appears in chapter 6.

In terms of the use of the Form MG 3, there was clear evidence that these were used in every case. They had been completed and submitted correctly to the CPS. The advice provided generally leans towards the OIC being advised to ensure that a primary offence is charged and, the others will be dealt with at court via the TIC process. It could be argued that without this Form the custody officer would be hard-pressed to deal with the suspect in terms of cautioning, charging, or taking no further action against them.

Listening to the taped interview, the lead investigator read out each of the MG15(T)s, and it is clear that the suspect had been stealing property. The *Modus Operandi* (MO) used by the offender was the same as that which was used by the suspect shown responsible for the recorded crime. The suspect's involvement in the alleged crimes appeared quite clear. The interview lasted for approximately 40 minutes, during which time 2 offences TIC were covered. This may be longer than the examples provided in the previous chapter of this thesis but is still considered as insufficient time to cover each case in full detail, which would prove beyond reasonable doubt that they were culpable for the alleged offence.

The second set of case papers examined, also appeared to be in good order. The same pre-typed MG15(T)s had been used, which leads to the conclusion

that this is part of the accepted process at BE and when conjoined with the findings of the previous chapter, it would appear that this could be MPS wide. Listening to the taped interview, it was evident that it dealt with 1 offence which was TIC by the suspect and subsequently by the courts. The suspect expressed that they worked by themselves when committing crimes. It is clear that they were solely responsible for this offence as they stated that they only ever worked alone and would never work with anyone else, citing 'why would I want to share the gear, I do the crime, so what I take is mine.' It is clear what they meant by this. The lead interviewer used open questions, which resulted in the suspect being able to answer in more detail rather than a simple a yes or no to the questions posed. This interview lasted approximately 22 minutes. If one considers that the formal opening and introduction takes about 3 - 5 minutes, there would be less than 20 minutes to deal with the alleged offences. It could be suggested that the suspect could have been spoken to prior to the interview commencing, namely during dead air time, and may have been advised prior to entering the interview room, as to how it will pan out, then they could be inclined to agree with the interviewing officers directly. There is no suggestion here that any form of illegality had taken place.

The third set of case papers examined, appeared very tidy and professional as though they had been completed in a timely manner. The Form TIC 1 had been served in accordance with the instruction, to the suspect on this occasion. The Form TIC 3 had also been served, according to the literature shown. The MG15(T)s were the same, professionally presented. Listening to the taped interview, it commenced with the lead interviewer sounding very professional and it flowed particularly well. They sounded very relaxed in their approach. It is clear that the suspect had actually directed the officers during the drive round to the location mentioned by the officer. During the interview, the offender admitted to committing the offence by themselves. The interview covered all of the points required to prove the offence was committed by the suspect being interviewed. All of this is clear from the case papers and, from listening to the interview tape. The interview lasted approximately 38 minutes, during which time the suspect admitted to being involved in the commission of 3 criminal offences. The

interview was conducted professionally and methodically. The lead interviewer started to ask open and concise questions and the suspect provided sufficient responses. This methodology, in terms of interviewing, was effective. This permits the interviewee ample opportunity to provide answers, which may reduce their responses being construed as ambiguous, as was the case in this interview.

The fourth set of case papers examined were similarly professional in appearance. It was clear upon closer examination that Form TIC 1, Form TIC 2 and, Form TIC 3 had been served. After the initial opening of the interview, the lead officer mentions that they will be discussing offences that the suspect would like to have TIC by a court, which they may have committed, but there was no guarantee what would happen at court. The officer then points out that the suspect must only admit to crimes that they have committed, which will then be put to, and considered by, a court. The officers in this interview appear to have a firm understanding of the terms required for the offences TIC process. They mention that the onus is on the suspect to freely admit only the offences that they have committed, which may be TIC by a court. Examining all of the literature which was made available to the researcher, it was obvious that this offender had been taken on a drive round. The officers claimed that the suspects *MO* fits the crimes being put to them and, the suspect is forthcoming with additional verifiable evidence for the offences, which may be TIC. The officers have numbered the offences for ease of reference, which has become common practice within the MPS. These numbers mean nothing to the suspect. This interview highlights the fact that there was some planning by the interviewing officers prior to conducting the interview. This interview lasted approximately 80 minutes and, was on two cassette tapes. A total of 4 offences were covered.

Procedural compliance appears to have been adhered to. The case papers examined in a professional manner, and the contents were all in the correct numerical order. This assisted the researcher in establishing which forms if any, were missing or had not been provided in the first place. The MG 18 schedule

of offences were completed to a high standard and was available in every case file. The form that was not present in any of the case files was the MG19. This is something that has been duly noted. This is the compensation form for victims and must be completed in triplicate and presented with the case papers, as mentioned in chapter 4. These forms must be then be presented to the court at the first hearing, as the facts contained therein may comprise the gravamen of the offence in question, which could result in the court deciding to charge the offender rather than consider the offences to be TIC.

The implication here is that even though BE is regarded as 'low performing' when compared to RD and their methodology for dealing with offences TIC, the evidence leans towards the contrary. The former is following policy and therefore more likely to keep the crimes that have been cleared via the TIC process. On the other hand, the latter is seen to be a 'high performer', but failure to comply with the official TIC process could lead to them losing some if not all of their cleared TIC crimes, but may also increase the chances of miscarriages of justice ensuing.

6.13 Criminal investigations department

During the period of observation at BE, the researcher was able to engage with police officers from outside of the parameters of the TIC Unit. This included those working within the Criminal Investigations Department (CID), Frontline Officers, Prisoner Processing Unit (PPU), Volume Crime Unit (VCU), and Custody Officers.

Whilst liaising with CID officers at BE, the researcher explained their role within the MPS and, was invited by a senior officer to interact with the staff within the CID. This was on the proviso that none of the comments was attributed to any person that could be identified. The researcher was able to ascertain through their interactions, that the general feeling towards the offences TIC process was balanced, neither favourable nor unfavourable.

One investigator stated, *"I am happy that the officers are available who understand the TIC process. I know that they spend a lot of time working in the CID, so really the TIC bit is a bolt on to their normal duties. I am grateful that I am not having to do it, as I have enough trouble keeping an eye on my own workload."* This echoes the sentiments of the members of the TIC unit at BE, implying that they are responsible for dealing with the everyday investigations including suspects for the offences TIC process.

Another investigator stated, *"I have to agree, the guys do well, if it wasn't for them we would have to share all the extra responsibilities and, I for one just cannot see myself taking on more responsibilities. It would cause me personally some problems, but if I was asked, I would do TICs, but I will need someone to explain it to me. For me though, it's the day-to-day investigations that I enjoy the most. I have to say though, I have not heard anything good about the TIC process."*

Another member of the CID overheard the conversations and said, *"I think you will find that we do okay thanks to the dedication of the staff that have other additional duties to perform. All officers are busy dealing with allocated crimes, managing crime scenes and, obviously dealing with any exhibits. Every investigator is more than capable of dealing with the TIC process, mainly because we learnt all about it on the national CID course."* This is the first time that admission has been made acknowledging that the offences TIC process is formerly covered via training.

Another investigator said, *"I have heard of other areas, one in East London, where an officer decided to let a prisoner see his girlfriend and, that resulted in the officer losing his job after the prisoner beat his girlfriend up, as it was her that had put him in prison. You will probably have heard about it and more than likely that is not a one-off case. Until you get the courts to change their minds, the suspects wont understand the benefits, well it seems the courts are keen to increase sentencing for suspects who admit to crimes. This proves that the suspect is a habitual criminal and this if frowned on by some courts. When I*

worked on a TIC unit in the past you could spend all officers doing it the way that we do it here, then it will keep occurring. Without any form of consistency, there could be many results, but I wager that it will be more bad than good. Criminals know the system and I think if they believe that you are naive or simply unsure then they will push their luck." A salient point worthy of note is that this scenario and, similar opinions, were also raised at RD.

Prior to leaving the CID, the researcher liaised with an officer who is specifically used in a Designated Decision Maker (DDM) role. They expressed their views on the TIC process, and what they believed it meant to them. The researcher ensured that they were aware of the scope of the study and, the DDM said,

"I review the cases from an impartial view and provide advice if required. I have noticed a lack of detail in the taped interviews. Some interviews last no longer than about 10 minutes. You feel that suspect is believed far too quickly by the investigating officers. If you speak to officers, they will probably disagree with my views. They need to be more professional in their approach when dealing with interviews and to prepare case files. I remember being told that there are seven Ps, more commonly known as 'Piss Poor Planning Provides Piss Poor Performance'. No doubt in my mind, officers today should remember this and, if they have never been told, then we should tell them!"

This officer was rather animated in their delivery. However, the passion was sincere, and a general desire for all of the police service to be more professional was clearly evident.

6.14 Frontline officers

On one occasion whilst waiting for the officers from the TIC Unit, the researcher managed to engage with Frontline Officers in the canteen area. A police officer in uniform approached the researcher and said, *"My mate works on the TIC Unit here and tells me that you are doing some research, so thought I would have a*

quick word if that is okay?" They did not say who the person was that they were referring to and, the researcher did not ask. They commenced, "I have been in the police for 22 years and I have worked on three other BOCUs. Every single one of them are screwed when it comes to TICs. Yes, before you ask, even this one. To be fair though, this one is not corrupt, only kidding it just a bit scared of its own shadow so it takes things slow, real slow. They are reactive rather than proactive. Better than the other BOCUs, which tend to be a bit fast and sly. Yeah the others get good results, but I think less is more if it's done right." This officer makes a very good point and, it could be argued that they were implying that other BOCUs see success as the result, rather than valuing adherence to policy. This officer then introduced the researcher to some police officers who had just walked in. They asked what the purpose of the research visit was and, it was explained to them in general terms, by the researcher. Just then the DDM walked in and said to the group of officers, *"You really need to take advantage of this guy, I have just looked him up on the Intranet, bloody hell you are better than I thought. Guys, he writes TIC Policy and produced a new process. Look, it is up to you to decide if you want to talk to Attilio Grandani. I for one am pleased I did. He is doing a really cool research on offences TIC and, I am in no doubt that he would like to hear all of your views on this sensitive subject. He promised me that whatever is said he assured me that even though it might be written down on paper and used in the study, he will not mention your name, rank, or shoulder number, so please guys help him to help us and have a chat."* The group were open from the start and the DDM remained with the researcher, which may have assisted the situation, as the officers appeared to respect the DDM. A general conversation about the groups day-to-day routine policing commenced. After a few minutes the DDM said, *"Shit, I just remembered that I need to see the custody sergeant, so you will have to excuse me, oh guys continue with Attilio and I will pop back when I am done."* They then walked out of the canteen area. Once they had left the researcher was asked by an officer in the group, *"I have been told that TICs are bad in the sense that if you get involved in them you are likely to be disciplined or lose your job, so as far as I am concerned I am never getting involved with the process or the people in it. I have been here nearly two years and I have never received training on this*

subject. To say that I will never ever use TICs, is probably wrong, but I will not get involved in it if I can help it. I think it is a specialist subject and should be used by specialists only." The main theme which emerges here is the need for further training and understanding. This may assist in dispelling the myth that offences TIC can only be conducted by specialists.

Another officer in the group commented, *"TICs in my opinion are meant to help victims of crime, but it has more to do with getting figures for the government. I have been in this job ten years now and, I joined to make a real difference for the public, but it is now more data and figure orientated that sometimes I feel like jacking this in. The criminal is the one who gets the deal, single or, three meals a day, TV, DVD and gym, whereas victims get nothing."* They continued, *"Thankfully, officers here do not have the same pressure as those on other BOCUs. I know because this is my second BOCU and, without a shadow of a doubt the best yet."*

Another officer in the group then started talking, *"I have heard only bad things about TICs. For instance, an officer produced someone from prison and then had sex with them in a public toilet and, to make matters worse they got them pregnant."* They started laughing and said, *"He bought the prisoner a meal to compensate for the sexual encounter and, he did so by using a police issued credit card. I am sorry, but if he is not at least out of the job, there really would be no justice in the world. People like that give the rest of us a bad name."* Again the use of stories in police culture, is seen as more impactful than training, by framing police officers perceptions of what are deemed as acceptable practices and, those which are not.

Another police officer in the group commented, *"I have been told that police officers make claims that we are not measured on crime figures. I think we are as a police force in general otherwise how would people know if we are doing a good job?"* The theme of results appears again. Although the belief is that other officers on other BOCUs have to obtain detections and clear crimes and not the officers on this BOCU. The officer then expressed a relief that members on the

TIC Unit at BE were not just dealing with TICs: *“I have to be honest, if they were just doing TICs then other crimes would not be investigated, which would mean more work for the rest of us.”* They stated further, *“I honestly believe that the members of that team work harder than most, but their main focus is on investigating crime and not the final figures.”* Prior to the researcher leaving, one officer in the group stated, *“The best way to keep your job is, to tell the truth, and stay away from the TIC process.”* The researcher thanked them for their time. The DDM never returned.

6.15 Prisoner processing unit

The researcher was also able to liaise with investigators working within the Prisoner Processing Unit (PPU). In general, they were of the opinion that TICs and associated practices were for specialists only and did not fall within their remit. It was as though they were relieved that other officers dealt with the offences TIC crimes, as this meant that they were allowed to investigate other crimes such as wanted on a warrant, criminal damage and, low-value theft offences in general.

It was not for this unit to deal with serious sexual assaults or even domestic related crimes, as these crimes are regarded by the MPS, as specialist crimes and were dealt by the Community Safety Unit (CSU). The officers on that unit are fully trained in Sexual Offence Investigative Techniques (SOIT). One police investigator stated,

“Offences taken into consideration and its process, well, I think if you believe all the horror stories the MPS would stop doing them. Unless officers being sacked for simply doing their job, is something they are doing in order to reduce the amount of staff without getting them to retirement age. Can I just say though, if officers were actually provided with some training on this and, added safeguards were put in place that meant everyone involved was protected, then maybe, just maybe, the TIC process would be seen as an advantage rather than playing Russian roulette with your job and other peoples lives.”

Another police investigator said,

“We have enough to do with our own allocated crimes, we certainly don't want to deal with more than we need to, for starters we can't, as we don't have enough staff to begin with. TICs always have been and, as far as I can tell, always will be, nothing short of bad news. You can dress it up all you like, but the bottom line is that the criminals want what's best for them, the victim wants to get some form of compensation and, as for the police, well we just want to do a job where people stop chasing figures and start chasing criminals and let the court decide what to do with them. Well, that's what I think and I cannot help but think that is probably not going to feature in your research.”

The researcher thanked the personnel at the conclusion of this period of exchange and, assured all of them that their identities would not be disclosed now nor at any further period.

6.16 Volume crime unit

The Volume Crime Unit (VCU) at BE was the next place for interaction with police investigators. According to the staff present they are responsible for dealing with crimes that have only been committed on their BOCU. Once they have established any identifiable suspects they then pass the information on to several units, which include the BOCU Intelligence Unit (BIU), Burglary, Robbery, Motor Vehicle squads and, of course the BE TIC Unit. Most of the VCU believe that some police officers do not record crime correctly, which means that they waste time trying to establish the full details of the alleged incident. In turn, this means that they are wasting time doing things that the reporting officer should have dealt with. One investigator suggested that police officers were busy rushing from call to call, so they do not have time to do everything properly, but that has a bearing on the rest of the service. Another investigator was of the opinion that some members of the police service joined the police to race from one call to another and simply pass the responsibility of investigation to other units. A supervisor present said, *“It might seem like we are*

moaning, but to be straight with you this is just the tip of the iceberg. At my last BOCU I frequently pulled members of the team and challenged them to take me through the crime that they had recorded. That is the way to supervise people, not just speaking to them when it is too late. They must be taught as they go, as they do not have time to learn any other way.” They continued, *“You think TICs in general would be easy for them to understand, but they all believe that it is a specialist role. You have to laugh, specialist, I remember when people thought that the police role was a specialist role!”* Their general consensus of opinion, in terms of the TIC process was clear, it was regarded as a waste of time.

6.17 Custody officers

The researcher liaised with custody staff and obtained their general opinions of the TIC process and, ascertain how they envisaged their roles within this process. The Designated Detention Officers (DDO) were of the opinion that in general terms they thought it meant that a vast amount of crimes could be solved. They thought that a prisoner could receive a greater punishment or sentence for admitting crimes that they have committed, which is why most will not want to admit to additional crimes. They considered that it was for the prisoner to suggest TICs and not the police. One said, *“The custody sergeants have enough to do, issuing an additional form like the Form TIC 1, is just one more hassle that they can do without. Oh, and in case you’re wondering, I don’t think this is our job either.”* Another DDO commented, *“They should hand the Form TIC 1 out, which to be fair they have just started doing, but probably because they knew you were coming.”* They continued, *“I witnessed a custody sergeant looking at policies on the intranet last week and, I don’t believe in coincidences.”*

The custody sergeants were of the opinion that good results could be achieved by way of the offences TIC process, but were reluctant to state who actually handed the Form TIC 1 to all prisoners. One sergeant stated, *“To be completely upfront, I have been doing custody for a reasonable amount of time and, I refuse to hand any other literature out other than that which I was taught on my course. So, TICs and all that stuff was not on my course and, as far as I can tell*

it still isn't so I will not change any time soon." Another custody sergeant said, *"Some academic probably told the Home Office it was a grand idea, so we now have to do it. As far as I am concerned if they want to join in the process they will simply ask."* Apart from the sense of 'legal cynicism' here, there was also the general feeling that the onus was on the prisoner to request to partake in the TIC process; otherwise the window of opportunity would pass them by.

As the researcher was looking at the posters located outside of the custody area within the police building, they were approached by a DDO, who said, *"You have a tough task trying to convince police officers that something that can benefit a prisoner is worth doing. Let me be straight with you, most of the police officers I see coming in here are focused on a conviction before they even get into the interview room. It is like they know that the prisoner is guilty, they just have to prove it."* They continued, *"I am not suggesting that they are doing dishonest, but they do seem quite focused on the idea that getting a confession from the prisoner is the ultimate goal. It is as if nothing else matters."* They suggested that police culture was partly to blame, as though pressure had come from the government via the hierarchy at the MPS to start pushing the TIC process and, more importantly, to get results. Prior to their departure they turned to the researcher and said, *"I was going to apply to join the police, but I work on this BOCU, a BOCU that is not pushing for figures, so why would I want to join the police and risk working on another BOCU, one that probably puts pressure on all their staff to obtain targets. The only target I aim for is one where nobody dies in our custody area, that is it really."*

6.18 Chapter summary

In conclusion, this Chapter has provided a constructive insight into the working practices of the practitioners involved in dealing with the offences TIC process at BE. There is no doubt that this BOCU is shown as 'underperforming' in terms of achieving detections and clearing crimes via the TIC process. However, it appears that this BOCU has been achieving results as directed by the MPS. A clear definition would need to be established as to what counts as 'good performance'? If it is clearing lots of crimes then BE would remain where it is in

terms of performance; however, if 'performing well' took everything into consideration, such as being procedurally compliant and following the approved process in a robust manner, then the result would be very different.

This BOCU does not appear to place undue pressure on its staff, nor does it appear to lean towards a performance regime. Instead, it favours the approach of delivering a service to its communities and dealing with all crime types, rather than focussing on volume crimes only. Police behaviour in general focused on the importance of dealing with a criminal investigation, rather than simply pleasing the hierarchy of the MPS. This implies that the investigators are far from statistically-led, as they strive to deal with the crimes that they have been allocated, rather than feeling compelled to maintain high detection rates. There is no evidence that this BOCU is simply focusing on clearing acquisitive crime types only. Their motivations and incentives are based on the themes identified in this chapter and, undoubtedly deal with suspects who will wish to engage in the official offences TIC process. There was no suggestion that any other form of policy in relation to TICs was being used. The investigators implied that the safeguards present in the TIC policies provided them with a sense of security. This is on the grounds that they reduce the risks for all those involved, in relation to the possibility of miscarriages of justice taking place.

There is no evidence to suggest that the TIC staff, nor any other investigator on this BOCU, has received any recent formal training on the TIC policy and its associated processes. This suggests that a continuing reliance on culturally based informal learning exists on this BOCU, rather than any formal training on this subject. This is a constant theme across the MPS and has been highlighted in the previous chapter.

Another theme is the overall professional attitude of the officers on this BOCU in general, as well as their interactions with other members of the Criminal Justice System (CJS), particularly those engaged in the role of CPS. The general approach by the officers is to work diligently through any type of investigation in a thorough manner, irrelevant of whether a solicitor is involved

or not. There is no evidence to suggest that anything untoward is taking place during the drive round process, investigative process, or judicial process as a whole. The main concern remains with the fact that as on each BOCU the drive round interview area is only recorded on paper and not on an audible device. This again leaves the officers in a precarious position, as not everything that is said or implied is actually recorded word for word. There is obviously a gap between policy and practice here, as what happens on the ground is largely invisible to policy designers.

From the blend of administrative data analysed, interviews conducted and observations made, it appears that the officers from BE TIC Unit are working well with other members of staff on this BOCU. There was no evidence to show that this TIC Unit had any dealings with other police forces in terms of TIC investigations. The general feeling was that all of the investigators were willing to provide other BOCUs with information that could assist them with cleared crimes statistics. This in stark contrast to the BOCU shown in chapter 6, which is, at least on the surface, considered to be performing well. This also goes against the concept that within the MPS each BOCU feels that they are in some form of competition with each other, as though they are in a league table of sorts. This might be due to the perceived attitude of the hierarchy on this BOCU, as they do not appear to be placing undue pressure on their staff to focus on obtaining cleared crime statistics.

The case papers and technical audit trails evidenced consistent adherence to following recognised protocols and approved MPS policy. There was no suggestion of any underhand tactics being employed by officers, nor any attempt to deceive any person.

Chapter 7

Comparative Analysis of the Fieldwork Sites

7.0 INTRODUCTION

Salient data from Chapters 6 RED (RD) and 7 BLUE (BE) will now be used to determine whether or not a Borough Operational Command Unit (BOCU) whose statistical performance indicator data suggests it is performing well, actually is, and whether one that is shown as underperforming can, in fact, be deemed as such. Directly comparing data would not be sufficient for this task. It is therefore imperative to compare and contrast a range of information gleaned from the fieldwork, in order that; emerging themes can be identified and deployed to inform this thesis.

This chapter is divided into five sections. The first presents the key themes raised from the 14 interview questions put to the interviewees at RD and BE. The next compares the key themes from the ethnographic participant observation, which took place at both BOCUs. The third will provide the findings from the examination of the audio tapes and case files. The final section of this chapter provides a conclusion. Thus it will illustrate the key differences and similarities between the two TIC units. It will then consider if the evidence presented about the operation of specific social mechanisms could have caused the disparity in the crime figures presented by RD and BE BOCUs, for offences TIC.

7.1 Interview questions and answers

The participants from the two BOCUs were asked the same 14 questions (Appendix A), and their responses recorded. Officers from RD and BE were generally in agreement that their primary '**role**' is to deal with suspects who wanted crimes Taken Into Consideration (TIC). RD participants appeared to be focused on the 'need' to achieve results, which could be measured by way of the quantity of cleared volume crimes. The participants at BE seemed to deal

with any suspect, irrelevant of the crime that they were alleged to have committed, who indicated that they wanted crimes TIC. There was no mention of any pressure to obtain results at BE.

In terms of **'skills'** employed by the participants to perform their role, RD officers called upon their investigative skills and experiences, rather than adhering to formal training and agreed protocols. Those at BE focused more on the TIC policy and procedures. It is worthy of note that those based at RD dealt with suspects solely to achieve detections through TICs, which is in stark contrast to those at BE.

It has been established that participants at RD generally believed their **'objective'** was to focus on 'getting the suspect to admit to crimes'. There was no mention that suspects should only be admitting to crimes they have committed. Their focus was apparently on results. This is in contrast to the views of those at BE, whose central focus was on dealing with crimes efficiently and effectively, and their general view was that as long as their TIC Unit was able to work with little or no pressure to get results, they could deliver ethically and transparently.

All police interviews are governed by the Police And Criminal Evidence (PACE) Act 1984 (Home Office, 2005). According to the participants at both sites, a majority of interviews take place in an interview room at a police station. All agreed that if there is a need to conduct a 'drive round' with the suspect, during which contemporaneous notes are made, they would need to conduct a further interview back at the police station. Thus, when the suspect has been returned to custody, they are interviewed again, with a view to repeating and confirming the contemporaneous notes made on the drive round. This is considered a legal practice, but surely the police should deal with all detainees expeditiously? How could conducting an interview that repeats the same verbal information, be considered justified by the police? The purposes of an interview are to pose questions or facts to a suspect within a recognised legal framework. It is central to the strategy of interviewing without supposition (Leo, 2008). Therefore,

unless the police were going to request that the suspect clarifies certain points, or new evidence comes to light which must be put to the suspect, then the police would have to caution, or charge, or release the suspect without unnecessary delay. Neither BOCU appears to adhere to these principles, which points towards poor practices being employed through lack of understanding, or a lack of training. However, they are at least conducting a 'drive round' or are they conducting a 'drive around' until the suspect agrees to whatever the officers say? It is the suspect who should direct the officers to 'drive round' to the venues where they had committed the offences and not the other way around.

Understanding how the police participants were informed about the TIC process, helps to identify any training needs. Generally, RD participants believed that TIC is something that you learn from observing others, whilst those at BE relied upon the MPS TIC Policy being up-to-date. The fact that training on the subject exists within the MPS, and is readily available to every member of police staff via the intranet, should be sufficient to assist them at any time. The recurring issues at RD are that officers are unwilling to engage with conventional protocols so that they can continue to do things their way. They appear to learn by observing others conducting TICs and choosing the way they prefer to do things, without bowing to, what they perceive as unwarranted pressures placed on them to obtain results in order to please their peers, whilst seeking some form of recognition or reward for clearing crimes via the TIC process. All these points are in stark contrast to BE.

Whether or not suspects are made aware that the TIC process exists, could influence its take up. It is, therefore, necessary to establish if and when the 'TIC Forms' are being introduced, and where this action is recorded. The consensus was that the custody officer is responsible for handing the TIC Forms to the suspect, and this is usually done at the point of informing them that their detention has been authorised. It was established during the field study periods that the custody officers at RD only handed the TIC Forms to those detained for volume crime offences. Their counterparts at BE only handed them to those

they believed would want one. The officers were not sure if the custody officer at BE mentioned the TIC process to every prisoner.

Participants at RD and BE were generally in agreement that the reasons why they conducted the TIC process were to provide suspects with the opportunity to admit to crimes and put their offending behind them. Some even suggested that victims could benefit from closure to their ordeal. RD leant towards a performance culture and the importance of obtaining cleared crimes for senior officers to appease them. There was a feeling of elitism by the way in which they responded to the questions posed. BE participants' responses were non-elitist in comparison, as they did not feel or express any concerns about clearing crimes, or chasing figures. They maintained that they merely wanted to ensure that those who could clear crimes and move on with their lives could do so, to benefit the victims as well as suspects.

RD officers continued to focus on volume crime offences and were aiming for quantity over quality when clearing crimes. BE officers insisted they did not focus on any particular crime type, but waited to be approached by suspects willing to partake in the process.

When addressing 'why people admit to crimes that could be TIC'? RD officers generally believed that the suspects understood the process, as a court would be lenient towards them when sentencing. How would they or any other person know what the result will be at court? If the police had made promises of favourable expectations, it could be regarded as an inducement, but there was no evidence that officers were using this method. If this is the reason for admitting to crimes, it would undoubtedly be at variance to the agreed policy. RD does, however, produce a vast amount of volume crime offences for TICs, which implies again that RD is focusing on the figures, rather than the process. Those at BE were generally of the opinion that taking the time to explain the TIC process and the benefits that exist for the suspect if they wished to engage, is the main reason why suspects admit to additional crimes.

RD interviewees believed the main reason suspects 'do not admit to crimes that may be TIC' is due to officers on other BOCUs not taking the time to explain the process to suspects. This suggests that RD officers believe they are elite when compared to other TIC Units. Whilst exploring this answer in greater depth, it does not ring completely true, for if all the suspects at RD were actually spoken to in relation to the TIC process, surely there would be a greater take-up of suspects admitting to other offences that could be TIC by a court, or are there questionable practices at work here? Are suspects at RD admitting to all types of crimes that could be TIC, but officers consider such crimes a 'waste of their time'? This is plausible, after all, they are only being measured on volume crime offences, so why would they waste time on something that they would not be measured on? Those at BE simply reiterated their previous views, which is a failure of some officers to explain the TIC process to all suspects.

'Identifying' those who may wish to take part in the TIC process arguably varies from officer to officer, and it is for this reason that every person booked into custody should be served with a Form TIC 1. Those at RD and BE claimed that they were chiefly made aware by the custody officer if suspects wanted to engage in the process. This suggests that custody officers play a pivotal role when booking in suspects. Performance can be measured in a variety of ways, and the figures gleaned could be used to hold officers to account, as well as BOCUs and their commanders.

The study participants at RD claimed 'the experiences' they had gained by being part of the TIC Unit were negligible. They cited they already had a vast amount of experience so were in a position to lead others. BE officers generally felt that they increased their exposure to the investigative world, especially by taking additional witness statements and honing their investigative skills, by dealing with all types of criminal investigations. They were aware they had additional duties, and could not be considered a TIC specialist unit.

The general feeling about being part of a TIC unit at RD is that the members believe their skills for achieving results is why they remain on the team. Is this

another form of pressure on the officers? If their skills were obtained directly by observing other officers and not through proper training, then it is possible that their actions fall short of the expected standard of policing. They openly admitted to focus on results, and that no one could beat them. The feeling of elitism at RD was rife throughout my observational fieldwork. On the other hand, BE officers continued to emphasise they were not just a TIC unit that was designed to focus on results, but to provide a variety of opportunities to investigate all crime types.

7.2 Ethnographic participant observations

I spent four weeks observing the participants at RD and then observed the participants at BE for the same period. The reasons for attending the BOCUs in that sequence were due to practical policing issues, which concerned confidential and sensitive operational commitments. During the periods mentioned above, all of the participants were working in their respective environments. Observing officers employing their everyday investigative skills and methodology provided a unique opportunity to glean raw data about a perceived 'dark art'.

The RD team appeared to be under pressure from the outset. It was as though they had been provided with a separate briefing and told to make a good impression and 'behave' themselves. The pressure on staff to obtain results, no matter how they are gleaned, was a recurring theme of the fieldwork conducted in RD. It is worth noting that the prevailing culture at RD was one that was obsessed with obtaining results, as though this was the only way of proving that the TIC Unit was performing well.

The TIC unit at RD works in partnership with another English police force. This is a unique situation and not commonly known to the other BOCUs. By working in partnership with an 'out of force' policing area with TICs, means that if RD parts with any TICs it would not be at the detriment to their BOCU. Any TICs gained from other policing areas would be beneficial to the final figures for RD. The perceived pressure continued to emanate from the officers at RD, and at

one point they frantically liaised with another English police force area, determined to deal with a suspect in order to get TICs.

I was mainly concerned when I witnessed the participants prematurely celebrating the clearing of those crimes. It later transpired that the suspect was not willing to admit to any offences. The officers blamed the legal representative, claiming that they had advised the client to make 'no comment' during the interview. From a psychological perspective, these words and actions may be considered as 'deflection' by blaming others for their failings to achieve 'cleared crimes' (Przybylinski & Andersen, 2015). The participants' view of solicitors (Crown Prosecution Service and defence) was particularly damning, as they thought that neither side knew how to deal with suspects for TICs and hindered any progress.

I was not permitted to go on any of the drive rounds, as there would have been too many persons in the vehicle, and this could have been considered as oppressive. I was also not permitted to be present in the static interview rooms, for the same reasons. I believe that this was the correct decision under the circumstances.

The final result appears to be what matters most to this team and their managers. If the data are deemed to be 'bad' then they are told to go away until the figures are 'good'. One of the officers described these data as being: "One big con." The repetitive theme of having to focus on crime results rather than the official process is once again evident here. The figures provided can therefore only be regarded as flawed. This unit openly admitted using a local policy rather than adhering to the official protocols. They did, however, decline to provide me with a copy of it. This suggests that showing the policy to me would render their current figures void. The theme of using a local policy breaches MPS and Central Policy direction, which was provided in 2008 in order to stop local TIC policies being used by any of the 32 BOCUs.

7.3 BE

Having spent 4 weeks observing the participants at RD, I then attended BE to conduct fieldwork there. Unlike with the observations made at RD, there was no apparent pressure on the investigators at BE to obtain TIC results, and this is a recurring theme of the fieldwork at this BOCU. There was a real lacklustre approach by the officers here. They openly admitted that there was no pressure to get results, and they were busy dealing with all types of crimes. They believed that by not focussing on just volume crimes they could achieve detections for cleared crimes across the board. Generally, they used a multifaceted approach to their investigations and claimed that they were taught this on various courses, which meant that they were more inclined to have suspects charged for offences rather than use the TIC method for clearing crimes. Is this the reason for their TIC detections being lower than other BOCUs?

The participants were generally in agreement that they were not a TIC Unit, and that no TIC Unit should be regarded as specialists as anyone can do it. Something which did worry a few officers were the rumours concerning malpractices across the MPS, where officers dealing with suspects for offences TICs had not complied with the official TIC policy and lost their jobs.

7.4 Audio tapes and case files - RD

When applying TIC policy and process knowledge to the examination, it became clear that minimal information had been recorded, so that various interpretations could be implied. For example, there were preloaded questions that had been typed onto the MG15T. There was a minimal amount of space for the suspect's response to being recorded. For example, the police asked 'What happened here'? The recorded response from the suspect was 'burglary'. Did the suspect commit the alleged offence, or is the answer provided by them imparting knowledge of someone else having committed the crime in question? Surely the officers should ask questions that would either prove or disprove the suspect's involvement during the commission of the alleged offence. This could result in police 'leading' the suspect and providing them with the answers, as

there are no visual or audio recording devices being used during the drive rounds. Miscarriages of justice could occur, as the suspect could have crimes credited to them when they did not commit them. Another example provided is when the police asked the suspect: 'What was taken'? The information of what was taken from the venues was 'listed by the suspect' in the same order as the police had recorded them from the victim. During the drive round the police could have taken copies of the original crime reports, and the suspect was able to look at them, which they then repeated. The police could even have completed the Form MG15T before embarking on the drive round. If these actions are taking place, then this could be deemed as perverting the course of justice.

The majority of interview transcripts examined showed RD officers failed to record sufficient information to prove that any of the suspects acted independently, and were solely responsible for the crimes shown. Even during the recorded interviews at the police station, interviewing officers stated that they would read out what happened during the drive round and then let the suspect comment. The police appear to have lost sight of the fact that the onus is upon the suspect to admit the offences committed, so allowing them to explain in their own words what had occurred. The latter is regarded as best practice. If the suspect cannot recall what occurred during the drive round process, let alone all the offences that they are guilty of, I would suggest that questions would be asked as to the validity of any admissions. The police may have asked questions during the 'dead air' time, but there is no way of confirming this. I could not gauge the manner by which the questions were delivered, nor the tone of their questioning, the length of time taken to ask the questions, and the time permitted for the suspect to respond. It is for the police to satisfy themselves that they can prove that the suspect committed the offences that they have admitted.

It was apparent that Form TIC 1 had been correctly served to each offender. Form TIC 2 was used after the initial interview for a primary offence for which the suspect had been arrested. From the information gleaned from the case

papers, it appeared the police at RD complied with this section of the MPS TIC policy.

I needed to formally request unlimited access to the case papers and audio tapes, as the amount that I had initially been provided with was in my opinion, insufficient to inform this study. I could then conduct a thorough examination. I was sitting in a side room at RD with the SPOC when they were called out of the office by another member of CJU staff. After a while, they returned and indicated that additional case papers could be examined by me, however, it must only be done in their presence. I felt professionally embarrassed, as though I could not be trusted, or that the TIC Unit was trying to hide something. Some researchers may be under the impression that I could look where I like, when I like, and receive some form of special treatment, as I am researching from within my force. This could not be further from the truth. I then proceeded to examine four complete case papers. The specific details, which includes the suspects and officers information remain undisclosed as per the agreement. Crime numbers and case paper defences also remain undisclosed in order to protect the identity of all those involved, which naturally includes victims.

At first glance, the additional sets of case papers examined appeared to be in good order. Upon closer examination, it was clear that there were some issues. There was no evidence that Form TIC 1 had been served to the suspect, nor any suggestion that Form TIC 2 had been issued either. The MG15(T) forms used for the drive rounds did not cover the Rights and Entitlements. These forms had pre-typed questions on them and were not handwritten as directed per policy instructions. There were large spaces between the initials made after each of the entries instead of immediately after the last word or sentence by the suspect. I would suggest that allegations of malpractices could be made against the officers involved, as it could be argued that the suspect had signed the forms where they were told to, and the officers then placed the answers on the MG (15) on some future occasion. This could be done once they decided which crimes they wanted to say the suspect had committed.

I played the first taped interview and heard the lead officer read the contents of the MG15(T)s, which contained the details from the drive round. It is unclear if the suspect or any other person had stolen the property listed. The offender's *MO* appeared to be the same as that used by their associates. The suspect was not willing to inform the officers as to who the other persons were, but this is not unusual. The suspect's actual involvement in the alleged crimes was difficult to ascertain, as they appeared to attempt to recall what they had been told to say by someone else. This is 'nodding' and was being used by some police to clear crimes (Slack, 2014, p.2). This interview covered 25 criminal offences, all of which were being considered for clearing via the TIC process. The officer was attempting to conduct the full interview in a mere 15 minutes. In my professional opinion that is not enough time to cover one case in detail. Each case needs to be proved beyond reasonable doubt, that the suspect being interviewed is responsible for committing those crimes.

Another set of case papers examined, also appeared to be in good order. The same pre-typed MG15(T)s had been used, and this suggests that this forms part of an agreed process at RD. Listening to the taped interview; the lead officer was probably reading from a laminated prompt card which is usually secured to the table in the interview room in front of the interviewer. It was clear that some of the writing had been defaced, as the officer struggled to comprehend the precise order of the opening. This interview covered 16 offences that were being considered for TIC. The suspect came across as being keen to express that they committed the crimes with other persons. It was unclear as to what they did at the time of the offence. The interviewer used leading closed questions, and this resulted in the suspect answer with just a "Yes" or "No". This interview ran for about 16 minutes. The opening was about 2 minutes, which meant that each alleged offence was covered in less than 1 minute. It could be suggested that if the suspect was spoken to prior to being interviewed, say during 'dead air time' and, they were advised how the interview would go, then the suspect could be inclined to agree with the interviewing officer. This is not suggesting that corruption has taken place, but some may consider as an accepted practice.

The third set of case papers were in an appalling visible state. The condition was so poor that they looked as though they had been stored on the floor of the CJU, instead of a filing cabinet. No mention of the Form TIC 1 being served to the suspect, and neither was there any mention of Form TIC 3. The MG15(T)s were in the same format as the others. The officer read the MG15(T)s and led the offender through the interview, as previously mentioned in this Chapter. Listening to the tape, the lead interviewer sounded very professional. They had a relaxed approach. During this interview, the offender admitted to committing offences with others. They stressed, however, that they would not name anyone else. The interview should have covered the suspect's actual involvement, and this should also be noted in the case papers that have been provided, but it was not. The interview lasted approximately 17 minutes, and the suspect confirmed being involved in the commission of 19 criminal offences. The interviewer asked short closed questions and the suspect just generally provided one worded answers. This is not an effective interviewing technique.

Closer examination of the fourth set of case papers revealed that Form TIC 1, Form TIC 2, and Form TIC 3 had not been served. After the initial opening of the interview, one officer mentioned that they would be discussing criminal offences that the suspect would want to have TIC, but insisted that the suspect may or may not have committed them. The interviewee does not have a choice, as they must only admit to crimes they have committed. It is for the for a court to decide if those crimes will be TIC. The interviewer lost sight of this fact. The suspect did not provide any additional verifiable evidence for the crimes, which may be TIC. Several reports were found in the case papers, which showed DNA/Forensic links. One report had been mentioned during the interview by the officers, but none of the others was referred to. The suspect denied some offences put to them. The officers had numbered the offences for apparent ease of reference, but these numbers mean nothing to the suspect, so just reading them out and asking the suspect to comment, is a waste of time. They mentioned to the suspect that CCTV covered several of the crimes, and that evidence of the suspect's offending was established. However, these items appear not to have been shown to the suspect.

The interview had some excellent points, namely highlighting the offender's MO, and identifying that they were dependent on 'Class A' drugs. The suspect mentioned that they were seeking assistance with their drug addiction. The issues here are whether or not the suspect knew which crimes they were admitting to, and what their mindset was when they committed the alleged offences? The mind-altering drug problem could cause them problems when trying to recall the offences that police claimed the suspect had committed. Taking the suspect for the drive round, which they should have conducted, could have prompted them to recall what they did and where.

The case file contained the MG 18 schedule of offences and had been completed to a high standard. This form was available in every case file, but the standards varied. The form MG19 was not present in any of the case files examined. This form is the compensation for victims document and must be completed in triplicate. It is then presented with the case file to the Crown Prosecution Service (CPS), Victim Support Services, and a copy for the court. These forms must be completed prior to the first court hearing. This is so that the facts contained therein, which relate to the offence in question, can be considered by the court when deciding whether or not to charge the offender with the crimes admitted, rather than having the offences TIC.

7.5 Audio tapes and case files - BE

I was provided with unrestricted access to the audio tapes linked with the cases being examined. The CJU provided a person to act as a Single Point Of Contact (SPOC) in order to obtain the required information from the CJU. All of the papers requested were provided in a timely fashion. The only possible way of establishing what occurred during the interviews at the police station was by examining the Tape Transcripts (MG15T). There was a copy in each of the case files, which had the questions posed to the suspect within the mobile interview. There was evidence that the officers had complied with the conditions set out in the TIC Policy. All of the necessary forms were located within each case file examined. There was no evidence that anything untoward had occurred. The interviewer asked open and probed questions. This resulted in the suspects

providing details to prove that they had committed the offences being investigated and that they were guilty of those crimes.

7.6 Conclusion

In conclusion, this chapter has presented the themes extrapolated from the observations made in chapters 6 and 7 respectively. The officers at RD and BE are similar in many respects, as they are intrinsically linked by a deontological and moral obligation to comply with the MPS TIC policy, and its principles and guidance regardless of the result.

Some may argue that being the policy writer for offences TIC and being well known throughout the police service, especially in the MPS, would mean that all the officers would only tell me what they wanted me to hear, and do what I would expect them to do. I considered this as part of my preparation for this study, and having consulted with the senior managers at BE and RD BOCUs, it was deemed acceptable by them not to make promises to the research participants of returning to the BOCUs, and then reneging on the agreement. Once the interviews were concluded the decision was made to conduct the observational work with the approval of all concerned. I then returned to their respective BOCUs in order to observe them, and then visit them once again to examine their case files. This meant that I could then hear what they had to say (interviews), see what they did (observational), and then establish what they had done (case files). At each stage of the fieldwork study, the participants were reminded that they could withdraw their consent at any time, but none of them did.

RD officers were generally statistically orientated and results driven. The apparent pressure from the senior officer hierarchy to clear crimes by way of the TIC process, is possibly why this BOCU is shown as achieving high detections; thus it is deemed to be performing well. It is only when thematically orientated research is undertaken that the methodology of how the 'detections' are achieved becomes clear.

During the 'dead air' interaction with suspects is an area of vulnerability, as it means the police could persuade the suspect into admitting crimes that they have not committed. They might do this in the hope of receiving a lesser custodial sentence at court, or they may have been promised 'immunity from prosecution'. Either of these actions would be deemed unlawful and perhaps result in a miscarriage of justice. Equally, if they were informed that they could receive extra special meals, use of a mobile phone, or even have bail for admitting to crimes that could be TIC, this would be regarded as an unlawful 'inducement'. Of course, if they were refused medication until they admitted crimes for the TIC process, this would also be interpreted as a form of duress and considered unlawful.

BE officers are generally policy orientated and not results driven. There was no apparent pressure from their senior command to clear crimes by way of the TIC process, nor was there any such stress placed on officers to achieve statistical results. It is partly for these reasons that this BOCU is shown as achieving low detections and therefore considered as underperforming. When the themes are extrapolated by way of research, the methodology of how their 'detections' are achieved becomes clear. Unlike the officers employed in the TIC Unit at RD, the officers at BE have additional responsibilities. They have their workloads, which involve investigating all types of crimes, and they are not afforded the luxury of just dealing with volume crime offences.

The themes collated from the observations clearly illustrate the different approaches and methods used by the two TIC units, when dealing with suspects for TICs. The evidence suggests their different approaches and perceived levels of pressures have a bearing on the disparity of the crime figures presented by each of the BOCUs. In order to establish if the BOCUs are performing well or underperforming regarding the labels attributed to them, it will be necessary for the entire thesis to be reviewed and summarised.

Chapter 8

Conclusion

8.0 INTRODUCTION

The primary aim of this study was to explore the extent and nature of national and local influences upon the offences Taken Into Consideration (TIC) policy and process. The research has explicitly concentrated upon the activities of those who operate at the local level with this process in the Metropolitan Police Service (MPS). It reflects how offences TIC is a prominent method used by the 43 police forces in England and Wales to 'clear' reported crimes. More broadly, the evidence and insights generated, contribute to our knowledge about the conduct of 'administrative detections' in contemporary police work. This topic has been relatively neglected in the policing studies literature over the past twenty years.

As mentioned in Chapter 3 of this thesis, encapsulated within the aim of the research were the following specific research questions:

- How do the police use offences TIC as part of their crime management work?
- Why do police deviate from organisational policies and procedures?
- What are the implications for how we understand the crime control functions of the police?

Following a national-level examination of policy, I conducted a detailed analysis of local practices, drawing upon qualitative interview data, alongside my observations of participants in their natural working environment. I then sampled crime reports and case files, which had been cleared by police using the offences TIC process, as a way of cross-checking and 'testing' the insights derived from other data sources.

This chapter is divided into 6 sections: (1) a thesis summary addressing the gap between policy and practice; (2) a critical discussion of the limitations of this research project; (3) outlining further areas for study; (4) recommendations for improving the TIC process; (5) a conclusion which seeks to situate the study

and its insights and findings, in a broader context; and (6) my final thoughts on this thesis, and its influences upon me.

8.1 THESIS SUMMARY - ADDRESSING THE GAP BETWEEN POLICY AND PRACTICE

8.1.1 Crime management

This thesis makes a particular contribution to our knowledge and understanding of how crimes are investigated and solved and the nature of police crime management work. Perhaps somewhat surprisingly, this remains a relatively neglected dimension of the sociology of policing. By providing a detailed and focused exploration of a particular administrative procedure utilised by police, the analysis demonstrates how vital 'bureaucratic suspicion' is to the conduct of the police crime management function. Further to which, the work contributes to the literature on the causes and consequences of police deviance.

My thesis has developed an understanding of the practical methodology exercised by MPS personnel, especially when dealing with the offences TIC process. In doing so, it has generated insights about how police decide which crimes may be accepted as TIC by a court, and which offences are dealt with by applying an alternative case disposal option.

The empirical data underpinning the analysis covered the period from 1 April 2011 to 30 March 2012 inclusive. I compared the data for all 32 Borough Operational Command Units (BOCU) in London regarding their performance, with an analytical focus on the results for TICs. Informed by this aggregated analysis, I then selected a BOCU that, according to the MPS performance management framework at the time, was deemed to be 'performing well' and one that was considered as 'underperforming' in respect of the number and proportion of offences being successfully TIC. The BOCUs selected were RED, which is known as RD (performing well regarding the detections obtained via TICs), and BLUE labelled as BE (underperforming).

Regarding official government discourse, 'police performance' is constructed and measured via a range of statistical Performance Indicators (PI), and the figures gleaned are used to determine which policing areas are considered to be performing well (Reiner, 2010). Indicators that emphasise outcomes rather than processes' arguably encourage policing areas and specialist units to view success as achieving the higher number of cleared crimes, rather than how these are produced (Fraser & Williams, 2013, p.365). Framed by such policy constructs, the details of the PIs themselves have been set by the MPS, based on the crimes that the government of the day is perceived to want police to direct their focus towards. This is important since the focus of the PI can change entirely (concerning which crimes are subject to PI), and relatively (with shifts in the relative priority attached between crimes). Although crime reduction may be considered as a desired measurable outcome, if the methods used by police to obtain results are unethical, then it would be safe to suggest that the figures stand for nothing. It is all well and good to use performance measurement schemes, but for them to be of any use, they must include a series of behavioural and procedural indicators.

Summarising this theoretical premise, the procedures for how people are dealt with by the police are of specific concern in their own right, and are equally as important as the resultant outcome. In order to comprehend peoples' attitudes toward authorities, it is essential to assess their perceptions of the fairness and quality of the way they are treated, instead of merely evaluating the outcome itself. Perceptions of 'procedurally just police' have been shown to influence public impressions of the legitimacy of the authorities, trust in the government of the day, and indeed political leaders (Tyler & Lind, 1992).

Almost one thousand sources of evidence regarding police legitimacy and procedural justice policing were identified in a systematic review conducted within the last five years, underscoring the extensive application of this theory within the realms of Criminology (Mazerolle et al., 2013). The formal assessment combined a number of critical components of procedural justice policing, encompassing: efforts made explicitly by police to actively involve

participation of citizens during interactions; efforts made by the police to be transparent and neutral in their decision making process, by exhibiting genuine dignity and respect towards the citizen during the interaction; and, police showing that they are working professionally to communicate their trustworthy intentions towards the people they are employed to protect and serve.

Compliance with approved policies helps to ensure that those enforcing the law operate in a procedurally fair manner and that those on the receiving end perceive their interactions with police to be fair (Lind & Tyler, 1988, p.77).

This thesis has established through extensive empirical research that there are many missed opportunities for police to interact fairly with suspects during interviews and through the TIC process. There are adverse outcomes that flow from this, as noted in the procedural justice literature. Namely, poor attitudes and perceptions of police, leading to reduced cooperation and compliance. It is fair processes that matter to people, equal to, or even more so, than the outcomes of these processes.

Fundamentally, the key finding of this research is that the MPS BOCU that was generating large volumes of offences TIC-based detections, although it appeared procedurally compliant, was achieving these results through a range of informal local practices and understandings. Contrastingly, the comparator BOCU, that appeared to be underperforming given its low numbers for offences TIC, was actually functioning with high levels of integrity, providing for an ethical application of the MPS policy framework. The data published and accepted by the government are therefore found to be flawed. Further to which, it is difficult to imagine that the issues only lie within the scope of this study and that all the other figures published were correctly achieved.

8.1.2 Police deviance

Policies and procedures are designed to inform police practice, on the grounds that when they are adhered to, they function to ensure that appropriate safeguards will protect all those to whom the policies apply (Grimshaw &

Jefferson, 1987). Police deviating from protocol does not make them deviant, as it would depend on what they have done and how they have done it. On the one hand, if an officer observed other colleagues placing exhibits in a store cupboard and not completing a booking in form, they may consider this to be acceptable and copy their example. However, on the other hand, police cannot use 'duress', 'inducement' or the 'promise of immunity from prosecution' at any time, not even if someone's life depended on it, let alone to obtain a confession. Therefore the former deviation may be addressed by supervision and training, whereas the latter deviant behaviour would result in the confession obtained being regarded as inadmissible, and it is likely that the police officers involved would face discipline procedures (Buckwalter, 2013, p.155).

It appears that scoring any form of detection represents a decision to concentrate on the 'performance of the police' by observing the outcomes they produce, as opposed to the ways in which they were achieved (Tilley, Robinson & Burrows, 2007, p.229). Thus, the variations in detection rates can be largely attributed to discretionary choices made by different police BOCUs concerning how they prioritise their responsibilities to their local communities and the extent to which they attend to crimes based on their relative 'solvability'. For example, looking across London, there was a clear pattern inasmuch as the higher detections rate BOCUs combined strong performance regimes with a focus on detections and were more likely to use TICs, which contributed to their higher overall sanction detection rates. The results-driven culture within the police is thus clearly in evidence, as one policing area is measured against others according to the results they achieve. This, in turn, is a key influence upon judgements that are subsequently constructed in terms of whether that unit is defined as performing well, or underperforming.

The fieldwork involved visiting two BOCUs and establishing the personnel responsible for dealing with TIC prisoners. I interviewed the officers individually and asked them 14 questions related to their roles. Data were extended and augmented by fieldwork observations conducted in each of the BOCUs for an agreed period of 4 weeks. During these periods the officers were observed in

their natural working environments. The field notes were coded and analysed, with the resulting data providing valuable insights into how the officers performed their duties.

I then explored case files, which served to establish three critical areas for the research. The first was to compare what the interviewees said in their interviews, to what they did when being observed. The second was to compare what they did to the information contained in case files from their respective BOCUs. The third was to collate all of the information obtained and compare the two BOCUs to each other. These actions and the data obtained provided a richer picture of the actions of the police in terms of confirming whether or not they actually followed the policy and protocols, or if they only told me what they wanted me to hear.

My findings in chapter 8 showed that although RD was considered the BOCU that was clearing the most crimes by way of the TIC process, and therefore considered to be performing well by the most senior officers in the MPS, in fact, it was, not performing as well as portrayed in the case file data. Most of their cases did not stand up to scrutiny. For example, there was an almost systemic lack of compliance with the approved MPS TIC policy, as some of those involved believed that deviating from official process and policy was the way to achieve the results that line managers expected. The same could not be said for BE, as their cases were transparent and ethically cleared, and those involved believed that following policy and adhering to the contents meant that they would be covered if anything went wrong. This suggests that the TIC clearance data provided to the government by the MPS, were factually incorrect, as it measured performance based on the quantity, rather than the quality of outcomes. Equally importantly, my empirical research into the methodology employed by the MPS to obtain the TIC cleared crime figures identifies a risk of potential miscarriages of justice. Such risks present when non-compliance with official policy means that crimes are attributed to those who had no possible means to commit them.

Miscarriages of justice could also ensue if police fail to adhere to the approved TIC process, guidance, and policy. The risk here is that someone may admit to crimes that they have not committed, and thus receive a punishment handed out by the court. Regarding miscarriages of justice, 'high profile' cases such as the 'Birmingham Six' (Griffiths & Milne, 2006) and the 'Tottenham Three' (Gudjonsson, 1992) grab the headlines, in ways that do not appear to happen in respect of the possibility of miscarriages relating to less severe crime types.

As Dixon (1997), and Leo (2008) identified, even though safeguards are in place in every UK custody area to assist the police in recognising those characteristics of a mentally vulnerable prisoner, it is specifically designed to deal with prisoners at the point of booking them in. The process does not take into account that someone may change their mental status during their incarceration, and unless they become violent, there is no way that every officer would be able to identify the changes in behaviour, or even know how to deal with such people. It would be wrong to presume that only persons with a learning disability would make unreliable or false confessions, as personality factors are just as important as they can render a confession unreliable.

Apart from prisoners confessing to crimes they did not commit, fabrication or introduction of fake evidence may also result in a miscarriage ensuing. This was indeed the case concerning the Birmingham Six (Griffiths & Milne, 2006) and the Tottenham Three (Gudjonsson, 1992), where police and witnesses proved to be unreliable when called upon to identify suspects. The criminal justice system provides a perception that miscarriages of justice only occur in exceptional cases that result in wrongful imprisonment. In fact it is the media logics that are interested in publicising high-profile cases, whilst those considered at a low level and non-headline grabbing remain mostly unreported.

A study of this nature recognises the significance of the practitioner's role at a local level within the MPS, and how this intersects with the broader TIC policy process. This recognition developed from an understanding that policy is

designed to direct the end user to a recognised outcome by way of an approved process. It is only by asking practitioners specific questions, observing what they do, and examining the crime reports and associated case files that the extent of accuracy of the use of the TIC process was able to be identified. The deviant officer may be able to provide answers to questions that they believe the interviewer wants to hear, but it is difficult to change working practices, let alone case papers, without committing disciplinary or even criminal offences.

The introduction of the Police and Criminal Evidence (PACE) Act 1984, has made it harder for the police to use illegal tactics of interviewing suspects, which had led them to admit to large numbers of offences to be TIC (Irving & McKenzie, 1989; Centrex, 2005, p.29). PACE 1984 achieved this by 'strengthening legal controls over' the powers used by the police (Newburn, 2012, p.21). Suspects could have information about crimes that the police are investigating, but they have the least incentive to part with that information (Innes, 2003). For example, Braithwaite (1989), and Leo (2008) suggest the basic commodities that detectives exchange in return for the offender's cooperation in admitting to prior offences include the reduction of charges and concealment of actual criminality, especially freedom from further investigations of prior offences (Braithwaite, 1989; Leo, 2008). The officer may not be deviant by nature, but may believe that they are acting as 'judge and jury' on behalf of victims and society. Upholding the firm belief that one way or another the suspect is going to be charged and removed from the streets. If you add the desire to please senior officers by clearing crimes, it becomes a potent recipe with potentially dire consequences for all involved.

8.1.3 Discretion and police culture

Goldsmith (1990) suggested that police culture tends to be viewed from a negative perspective, which is mainly evident when considering the effect of the use of discretionary police activity (Goldsmith, 1990). Before delving into the subject of police culture itself, police studies should be positively and sensitively handled. This is also self-evident when observing the 'rules governing police powers' and their methodology (Loftus, 2009, p.22).

The fact that I decided that my study would not compare separate police forces may be regarded as a limitation of the research. I defend this decision based on the fact that the MPS is by far the largest force in England and Wales. Having examined the TIC data across all 43 police forces, I decided to focus on the MPS to facilitate the examination of the SME, practitioners, and BOCUs in one policing area. This meant that I knew what the practitioners should be doing, all of the details contained within the MPS TIC policy, and any findings that may influence a fair outcome could be reported expeditiously. The fact that BOCUs were found to be interpreting the same policy framework in different ways constitutes a significant finding of the study, pointing to some of the complex and nuanced ways that a gap between policy and practice in policing can arise. In some cases, it is due to officers using their discretion to deal with suspects instead of adhering to the policy itself, and in others, a need for training as the policy is being misinterpreted.

All of my participants were officers of the MPS and had unrestricted access to the offences TIC policy and process. Therefore, future research on this topic should aim to address the limitations identified, by focusing on the experiences of officers from other police forces, to ascertain the generalisability of my findings to other forces. Furthermore, my study was restricted by the imposition of a specific timescale required for data collection, coupled with a limited window of opportunity to delve into the working practices of the officers. The challenge I faced was in 'making the familiar strange' to get sufficient distance to be able to interpret what I was seeing. In this sense, the corresponding elements of the design assisted in illuminating that different approaches exist within what is nominally a familiar setting.

While I was comparing the working practices of the participants at their respective BOCUs, I noted that a distinct variation of local level police culture was present, as well as a distinct dominant political working environment (Loftus, 2008). In general terms, the TIC unit at RD focused on 'results', and sought to achieve them by using their skills and experiences. Generally, they favoured this approach over the use of the official MPS TIC policy and process,

to focus on achieving cleared crimes and appeasing their managers. They relied heavily on focusing on the usual suspects to clear crimes, rather than using their investigative skills to solve crimes (Gill, 1998). Their general mindset was one of elitism, believing that they were better than the rest of the MPS TIC units, as they obtained a higher number of TICs than other units. Their interviews with suspects contained a vast number of leading closed questions, meaning suspects could only respond with a 'yes' or 'no' answer. Their approach was in stark contrast to the officers at BE, who worked in strict adherence to the TIC policy and protocols. They were not under any apparent pressure to achieve results, as they had different management and leadership. All of the BE officers dealt with their workload which covered a spectrum of criminal offences, and not merely volume crimes. Despite some officers focussing on results rather than how they achieved them, many should be applauded for their honesty, integrity, and professionalism in the way they conducted their investigations.

Based on the data analysed, the effect of police interrogation on suspects, and the trustworthiness of police officers activities during 'dead air' time are called into question. For example, producing figures for clearing crimes by way of offences TIC serves to demonstrate that police are clearing crimes. However, what if during the investigative interviewing stage admissions were claimed using a promise of immunity from prosecution, or inducement used, or duress implied, and this takes place when there is no audible recording device in use? These factors are not considered when the final figures are produced.

Having documented these modes of police behaviour, a critical question becomes explaining and interpreting how and why they occur. In this respect, there are potential affinities with Vaughan's (1997) concept of the 'normalization of deviance' (Vaughan, 1997, p.171). Based upon a detailed analysis of how the National Aeronautics and Space Administration (NASA) organisational routines and processes contributed to the Challenger Space Shuttle disaster, Vaughan traces how deviations from established policy and procedures can 'creep' into the work patterns of groups. Typically, these arise because they help workers to

navigate and negotiate a range of demands and pressures upon them, such that, over time, they come to be informally accepted as the ways that things get done by easing the demands upon people. Importantly, according to Vaughan's analysis, as part of these social processes, indicators of risk tend to get downplayed such that growing problems and issues are over-looked. As a description, this seems quite analogous to what was observed happening in RD BOCU in this research. There is evidence, from across the multiple sources, that deviations from expected policy and practice had been 'normalised' and 'routinised.' This is not to suggest that officers overuse their discretionary powers, but when coupled with occupational police culture, it could be suggested that some may be morally corrupt, while others could be deemed incompetent at worse. The misfortunate being lead by the inexperienced, and an apparent lack of understanding of approved policies, it can be fair to suggest that this is a recipe for disastrous consequences, as malpractices have 'normalized the statistical deviation' of working practices (Vaughan, 1997, p.78). Thus, discretion and occupational culture influence police practice, which impacts the way that officers behave.

8.2 LIMITATIONS OF RESEARCH

While my research has made several contributions to the literature associated with police investigative practices generally, and offences TIC specifically, some limitations are worthy of note. For example, it could be argued that my presence as a researcher during the fieldwork observation periods may have had a bearing on the actions of the officers being observed. When I was observing them in their working environments, I felt as though I too was being observed. Thus while analysing the officer's actions and making careful field notes at the same time, I was conscious that this was not entirely natural, nor did it go entirely unnoticed. This was amplified as I was a participant observer and I was already well known by the individuals concerned. If they changed their approach to the way they would usually work, it would arguably influence the data gathered in some way. The fact is that if they adjusted their behaviour, it would lead them to become more professional and therefore effective while adhering to policy. Practitioner tension exists between adhering to process and

achieving the desired outcomes for their respective supervisors. This is most evident at RD TIC unit, as they strived to hang on to their 'elite status' regarding achieving positive outcomes from TICs, whilst selecting which parts of the TIC policy to adhere to and discarding the rest. The apparent pressures in place here lean towards the practitioner having to continually decide whether to adhere to the policy or satisfy the needs of their line managers. The status afforded to such pressures suggests that, if the practitioner adhered to the policy and protocols, they could not produce the high numbers of detected crimes.

8.3 FURTHER STUDIES

My research has presented various pieces of interlinked subject matter. At the end of each of the main empirical chapters, additional research possibilities presented themselves. If acted upon there is every possibility to increase the depth of knowledge on TICs and police investigative techniques more broadly. Some of the areas which could be pursued by way of further studies are summarised below.

1. Statistically-Led Policing and the role of targets?

The police appear to be regarded as performing well when they reach the targets set by the government of the day, and then compared to the other police forces, and more often than not compared to individual Borough Operational Command Units (BOCUs), but is what is being measured worth measuring? Is this really what the general public want? If the police are focusing on the targets set, are they failing to address other crimes that they are not measured for, or other aspects of their job not being explicitly evaluated? For example the quality of their investigative processes, and compliance of approved protocols, rather than just outcomes. The police will continue to strive to meet targets by arresting the usual suspects, whilst not dealing with the next generation of criminals. This needs to be addressed from within, and by someone who can speak truth to justice without detriment to themselves or their connections.

2. Socio-legal analysis of TICs

Regarding sentencing for crimes that have been admitted by those accused and taken into account by a court, why are TICs not set in law? If it were to become law, then there would arguably be a set of official guidelines for sentencing such crimes. The Sentencing Advisory Panel (SAP) may believe that they have addressed to TIC issues by focussing on the result, but that is not conclusive evidence on the area of sentencing itself. If clear guidance was to be supplied, then the defence lawyer could advise the suspect accordingly at the earliest point of proceedings. This, in turn, may result in further crimes being solved, as the suspect would then have a clear understanding of what could happen to them if they do not admit to offences that they have committed. If this subject were to be examined, it could prove invaluable to the police, victims of crime, and the criminal justice process. Police could clear more crimes ethically and transparently. If this was accomplished victims may attain some form of closure for their ordeal, safe in the knowledge that the police actually caught the perpetrator; and the CJS may be able to deal with fewer cases, as each suspect admitting offences TIC could have them all addressed in court on the same day. For example, a person charged with one misdemeanour and admits that crime, puts forward another three offences that they have committed, would have four cases all dealt with together, saving three additional visits to the court.

3. Dead Air: The extent and nature of non-recorded conversations

When police and suspects are not in the interview room, could the conversations be recorded in some way? This could then be subject to empirical examination by dip sampling and ensuring that duress, inducement and promises of immunity from prosecution had not been used or implied, or any other deals between the police and the suspect. Thus, the evidence put forward by police officers would be supported and fairly scrutinised. Any claim made by defence solicitors suggesting that police used unfair means to abstract a confession from a suspect could be counterclaimed with sufficient evidence that could exonerate the police involved. Establishing what was said and by whom is an area worthy of empirical study.

8.3.1 Improving process

I continue to strive to improve the MPS TIC policy and process. I believe that the CJS and Her Majesty's Prisons should be incorporated in the development of reforms. Based on my research evidence the following recommendations are offered with the aim of improving the use of the offences TIC Policy, which I have called 'the 7 point plan':

- 1) There must be a national police offences TIC policy.
- 2) There must be training for all officers on the subject of offences TIC.
- 3) There must be an emphasis on retrieval of any lost items belonging to victims, as currently, the police focus upon obtaining organisational clearance rather than redressing the harm.
- 4) Police institutions should consult with their local HMP to ensure that those who wish to come forward to admit their previous offending can do so without fear.
- 5) Police agencies should make it known publicly that the offences TIC process exists. This could be achieved by ensuring that adequate signage is used in the public area of the police station as well as the custody area. This could be extended to the communal areas at HMP.
- 6) Police training units should emphasise the need for thorough investigations for all offences TIC, and ensure that all officers use PACE compliant body-worn cameras at all times to eliminate dead air allegations.
- 7) A clear directive on how to create an ethical and transparent counting process for all crimes needs to be designed and issued. For example, the use of a traffic light system for acknowledging where the crimes cleared is generated. Red coloured figures on a data sheet would indicate the figures achieved from other BOCUs. Amber would indicate that the crime rates were provided to other BOCUs, and Green data would indicate the crimes that the BOCU had achieved in its own right.

I believe that by implementing the seven recommendations listed above, the police will be better equipped to deal with TICs and that more victims will receive some form of closure to their ordeal. This could be explored in two different ways: by examining crime figures before and after policy changes, and

by comparing policing areas that do embrace the new policy to those that do not.

8.4 CONCLUSION OF THESIS

My research identified two critical issues that emerged from accounts and interactions with policy users. The first is the general inference drawn by police officers and police staff, which considers the MPS TIC policy and process being considered a specialist role. Second, in presenting their accounts, there is a presumption by the MPS hierarchy of total adherence and compliance with the TIC policy and process by those working in the TIC units. These issues suggest that what is required is a more detailed empirical analysis of the TIC policy at ACPO (NPCC) level. For example, based upon the evidence from this thesis, the suggestion is that there are gaps within the policy process that may be exploited by practitioners, and by individuals placing their interpretations on policy. A further example is that some practitioners may be exerting influence over their colleagues and suspects. These are all indicators that the MPS TIC policy needs to address, in order to safeguard TIC practitioners and suspects.

Despite the acknowledged limitations of a case study approach, the overall methodological process that I adopted, and the resulting accounts gleaned from the officers, have aided this study to meet its essential aim. It has highlighted the complexities involved in the TIC process, mainly when the pressure to achieve set targets results in deviant behaviour. It has also provided a foundation for other academic researchers regarding the use of the TIC process, which could enhance our understanding of the effects that broader TIC use and policy adaption could have on working practices. This, in turn, has added to existing academic knowledge on policing performance, criminology, and sociology.

There is a phrase routinely used by criminal justice practitioners when they refer to TIC process; the idea that it provides an opportunity to 'wipe the slate clean'. The evidence generated by this study suggests that this notion is misleading and should cease to be used (Keogh, 2012; p. 459). I believe that it

implies that all of the offences admitted by the offender will go away, but this is untrue. The fact is that they will not be charged for those offences, but they are nonetheless added to their criminal record. It also implies they will not be prosecuted for those offences. This is also untrue, as the victims of their crimes could take them to civil court to receive justice.

8.4.1 Final thoughts

When I commenced this empirical study, I honestly believed that selecting one BOCU deemed as performing well and another that was at the opposite end of the spectrum, would merely result in identifying that one worked harder than the other. I had no idea that my preconceived notion would be shattered by the actual working practices that I witnessed of those involved in the TIC process.

Several participants believed that what they were doing to achieve TICs is what their senior managers wanted them to do. There are those that lead the proceedings by exercising their powerful personas, whereas others could be considered as 'innocent lambs' following the herd. Ignorance is not always bliss. One should consider that finding the actual suspect to match the crime is more important than finding a crime to match any suspect.

During this research, I became more knowledgeable on the subject of offences TIC. I have always maintained that I do not have the blueprint for excellent ideas, and continue to develop as a researcher and policy writer. I have incorporated my research into social, political, and policing science at Cardiff University, which has had a definite bearing on my full-time role a policy writer in the MPS. I look forward to seizing the opportunity to present my research and its findings, to other police forces, policy-makers, practitioners, as well as academic audiences.

I intend to continue writing on the subject of offences TIC and continue to inform the academic world and governments about the subject. I cannot emphasise too strongly the need for the administrative practices of all concerned to abide by the approved process, and only use the literature that

has been sanctioned. This is undoubtedly the only way that the practitioners can be safeguarded. It is worth noting that Police 'administrators and officers' should be 'consulted in negotiating rule making' (Dempsey & Forst, 2013, p. 251). Police culture is influenced by police officers perspectives that are used in 'formulating rules' which regulate specific details of police actions and responsibilities (Aaronson, Dienes & Musheno, 1984, p.425).

By carefully examining the TIC process, associated data, and observing the police investigators at their place of work, this thesis has ascertained that even though the TIC process is the official protocol, opportunities may have been missed to detect more crimes by way of the TIC process. Any failure to interview suspects in the approved manner may result in miscarriages of justice, but if they are at the 'low end' and not 'high profile' then they may never come to light. It is also conceivable that breaches of the Human Rights Act 1998 are linked to miscarriages of justice. The officer investigating a crime is arguably focused on constructing accountability to securing a confession and then charging the suspect. It is arguably the ultimate goal of the investigator to clear their case workload, but not all suspects confess for the right reasons, and this may lead to problems further into the judicial process (Leo, 2008).

I have ensured that everything taken into consideration has been assessed, from policies and processes to actual practices. Based on my findings, I believe that the TIC data examined by me, which was submitted by the MPS for the research period is possibly procedurally flawed. This goes some way to proving that such data, which has been used as 'Performance Indicators' (PI), cannot be truly relied upon. In essence, the perceived 'dark art' is finally in the spotlight.

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Appendix A: The interview questions

Introduction

The following statement was read to each interviewee at the start of the interview. Thank you for taking part in my study, I am Attilio Grandani. I am conducting a study on the methodology employed by the Metropolitan Police Service, in terms of its use of the offences Taken Into Consideration (TIC) processes. I will be speaking to each member of the TIC team based on this Borough Operational Command Unit (BOCU). I would like to ask you fourteen questions about your experiences and feelings about being part of the TIC unit on this BOCU. You will then be given the opportunity to discuss how you view your role within your unit on a daily basis. There is no set time limit, as you have kindly taken time out of your busy schedule to assist me. Thank you once again for accommodating the research. You do not have to answer any questions that you do not feel comfortable answering or don't want to answer. I will simply move on to the next question. I would like to use a personal digital voice recorder for this interview, the recording will be destroyed once I have taken the information off it. Are you happy for me to tape this interview? Everything that you tell me will be in confidence and anonymous, I have allocated you a number, which will be used in my report. If there is anything you are not sure about please let me know. There are no right or wrong answers, I would just like your viewpoints on the MPS TIC process, and how you see your role within it. Before we commence, is there anything that you would like to ask me?

The Interview Questions

1. What is your role within this BOCU's TIC unit?
2. What skills do you employ in order to perform your role?
3. What is your objective?
4. Where do you primarily conduct TIC interviews?
5. Who told you about the TIC process?
6. When do you introduce TIC forms?
7. Why do you conduct the TIC process?
8. Who do you think benefits from the TIC process?
9. Which offences if any do you focus on when using the TIC process?
10. Why do you believe that people admit to offences that could be TIC?
11. Why do you believe that people do not admit to crimes that could be TIC?
12. How do you identify people that may be interested in having offences TIC?
13. What experiences have you gained by being part of this TIC unit?
14. What are your feelings about being part of this TIC unit?

I would now like to offer you the opportunity to tell me about your day-to-day working practices in relation to the way the TIC unit works. Please take as much time as you require.

Closure

That concludes our interview, thank you very much for taking part in my study. Your contribution will go towards providing an overall picture of the use of offences TIC process by the MPS. Are you feeling okay about everything we have discussed today? Is there anything else you would like to ask me? Thank you for taking part in this study and for taking the time out of your busy schedule to assist me.

Appendix B: England and Wales, 2011/12 Recorded crime numbers, and percentages

Police force area, England and Wales Regions	Recorded Offences	Detection % Rate	Sanction Detection % Rate	Taken into consideration	
				Previously Recorded % Rate	Not previously Recorded % Rate
Cleveland	43,535	38	38	1	0
Durham	35,331	38	38	2	0
Northumbria	75,396	46	43	2	0
North East Region	154,262	42	40	2	0
Cheshire	59,829	26	26	2	0
Cumbria	26,071	40	39	1	0
Greater Manchester	207,523	29	27	1	0
Lancashire	99,075	37	37	3	0
Merseyside	96,561	35	32	0	0
North West Region	489,059	32	31	2	0
Humberside	72,017	30	30	2	0
North Yorkshire	38,716	32	32	1	0
South Yorkshire	100,852	28	28	6	0
West Yorkshire	184,085	25	25	4	0
Yorkshire and the Humber Region	395,670	27	27	4	0
Derbyshire	61,483	37	27	2	0
Leicestershire	68,242	24	24	1	0
Lincolnshire	44,164	27	27	2	0
Northamptonshire	49,571	23	23	1	0

Nottinghamshire	77,421	33	33	3	0
East Midlands Region	300,881	29	27	2	0
Staffordshire	65,680	29	29	1	0
Warwickshire	33,861	19	18	1	0
West Mercia	69,582	32	25	1	0
West Midlands	193,532	22	22	1	0
West Midlands Region	362,655	25	23	1	0
Bedfordshire	40,795	24	24	2	0
Cambridgeshire	51,658	31	29	2	0
Essex	105,077	30	27	1	0

Continued: England and Wales, 2011/12 Recorded crime numbers, and percentages

Police force area, England and Wales Regions	Recorded Offences	Detection % Rate	Sanction Detection % Rate	Taken into consideration	
				Previously Recorded % Rate	Not previously Recorded % Rate
Hertfordshire	62,251	35	35	2	0
Norfolk	42,154	38	33	2	0
Suffolk	45,641	34	25	2	0
East of England Region	347,576	32	29	2	0
London, City of	6,119	37	37	0	0
Metropolitan Police	814,625	22	22	1	0
London Region	820,744	22	22	1	0
Hampshire	129,269	31	28	1	0
Kent	101,793	32	32	5	0
Surrey	61,757	26	20	0	0
Sussex	96,546	30	26	1	0

Thames Valley	149,766	27	24	2	0
South East Region	539,131	29	26	2	0
Avon and Somerset	115,186	35	30	2	0
Devon and Cornwall	91,808	28	28	1	0
Dorset	45,148	22	22	1	0
Gloucestershire	34,602	28	20	2	0
Wiltshire	36,046	28	24	1	1
South West Region	322,790	30	27	2	0
ENGLAND	3,732,768	28	27	2	0
Dyfed-Powys	21,163	51	50	1	0
Gwent	38,879	36	36	1	0
North Wales	43,214	31	31	2	0
South Wales	87,350	33	33	1	0
WALES	190,606	35	35	1	0
British Transport Police	52,938	32	32	0	0
ENGLAND AND WALES Totals	3,976,312	28	27	2	0

Appendix C: MPS BOCUs DETECTION RATES - NUMBER OF CRIMES DETECTED 2010 - 2011						
London BOCUs & Codes (Adapted)	Off - Recd	Charge/ Summons	TIC PR	Total SDs	% SDs	% TIC
Yellow - YW	19186	2193	74	3897	20.30	0.39
Berry - BY	25711	2934	805	5665	22.00	3.13
Green - GN	13725	1951	84	3606	26.30	0.61
RED- RD	29464	4354	189	8441	28.60	0.64
Orange - OE	22017	3024	316	5054	23.00	1.44
Brown - BN	34212	3880	499	7146	20.90	1.46
Crimson - CN	32292	3682	211	6726	20.80	0.65
Beiges - BS	35024	4032	129	7498	21.40	0.37
Purple - PE	23664	2941	418	5558	23.50	1.77
Ciao - CO	24078	3328	502	5669	23.50	2.08
Black - BK	28000	3926	520	6988	25.00	1.86
Hammer - HR	24131	3661	123	6288	26.10	0.51
Handy - HY	24588	2974	412	5550	22.60	1.68
Manuscript - MT	14968	1819	614	3570	23.90	4.10
Kia - KA	17575	2316	164	4395	25.00	0.93
London Airport - LA	2951	630	11	896	30.40	0.37
Lilac - LC	23528	3162	106	5356	22.80	0.45
Screwdriver - SR	23868	3336	19	6055	25.40	0.08
Slow - SW	28024	3653	408	6032	21.50	1.46
Nail-NL	21180	3076	109	5496	25.90	0.51
Pink - PK	11158	1582	33	2568	23.00	0.30
Cows - CS	35625	4695	294	7659	21.50	0.83
Lemon - LN	28848	3759	237	6728	23.30	0.82
Time - TE	14709	2112	51	3632	24.70	0.35
White - WE	34294	3900	438	8215	24.00	1.28

Whitechapel - WL	24515	2684	217	5979	24.40	0.89
Grey - GY	11739	1480	140	2786	23.70	1.19
Northern - NN	36264	4837	313	9667	26.70	0.86
BLUE - BE	12385	1881	40	2950	23.80	0.32
Trafalgar - TR	28656	3800	163	6876	24.00	0.57
Treacles - TS	27539	2630	113	5349	19.40	0.41
Tidal - TL	24707	3232	201	5211	21.10	0.81
Water - WR	63971	8056	442	16051	25.10	0.69
MPS Total	822596	105520	8395	193557	23.50	1.02
MPS BOCUs DETECTION RATES - NUMBER OF CRIMES DETECTED 2011 - 2012						
London BOCUs & Codes (Adapted)	Off - Recd	Charge/ Summons	TIC, PR	Total SDs	% SDs	% TIC
Yellow - YW	18825	2202	56	3702	19.7	0.30
Berry - BY	26281	2697	484	4608	17.5	1.84
Green - GN	12168	1714	37	2964	24.4	0.30
RED- RD	31592	4801	627	9695	30.7	1.98
Orange - OE	21903	2966	101	4472	20.4	0.46
Brown - BN	35799	3730	434	6988	19.5	1.21
Crimson - CN	32775	4054	268	7045	21.5	0.82
Beiges - BS	32575	3738	148	6543	20.1	0.45
Purple - PE	22928	2543	310	4584	20.0	1.35
Ciao - CO	22415	3184	221	5102	22.8	0.99
Black - BK	27902	3678	506	6402	22.9	1.81
Hammer - HR	23426	3677	163	5795	24.7	0.70
Handy - HY	25911	3022	379	5302	20.5	1.46
Manuscript - MT	14169	1743	218	2709	19.1	1.54
Kia - KA	17302	2426	88	4067	23.5	0.51

London Airport - LA	3079	659	0	1017	33.0	0.00
Lilac - LC	23937	3259	180	5183	21.7	0.75
Screwdriver - SR	24768	3137	62	5523	22.3	0.25
Slow - SW	27025	3539	174	5336	19.7	0.64
Nail-NL	20766	2721	161	4585	22.1	0.78
Pink - PK	11232	1518	32	2492	22.2	0.28
Cows - CS	36993	4698	168	7078	19.1	0.45
Lemon - LN	27172	3400	161	5485	20.2	0.59
Time - TE	14157	1906	50	3114	22.0	0.35
White - WE	32011	3611	132	6626	20.7	0.41
Whitechapel - WL	24257	2707	124	5743	23.7	0.51
Grey - GY	12012	1359	90	2328	19.4	0.75
Northern - NN	34475	3896	90	7110	20.6	0.26
BLUE - BE	11736	1787	27	2734	23.3	0.23
Trafalgar - TR	29452	3769	127	7071	24.0	0.43
Treacles - TS	24876	2518	193	4397	17.7	0.78
Tidal - TL	24392	2804	450	4705	19.3	1.84
Water - WR	66315	7058	528	15334	23.1	0.80
MPS Total	814626	100521	6789	175839	21.6	0.83

Appendix D: List of the Manual of Guidance (MG) Forms

NB. There is no MG1, as the Front Cover (FC) is simply known as the FC.

MG2: Special needs assessment

MG3: Police request for advice from the Crown Prosecution Service (CPS)

MG4: Charge record

MG4A: Bail grant/variation

MG4B: Request to vary conditional bail

MG4C: Surety/security

MG4D: Postal requisition – info to youth/ parent or guardian

MG4E: Postal requisition – adult defendant

MG4F: NFA letter

MG5: Police report

MG6: Case file evidence/information

MG6A: Pre interview briefing record

MG6B: Police officer/staff misconduct record

MG6C: Disclosure schedule – non sensitive unused material

MG6D: Disclosure schedule – sensitive unused material

MG6E: Disclosure officer's report

MG7: Remand in custody application

MG8: Breach of bail

MG9: Witness list

MG10: Witness non-availability

MG11: Witness statement

MG12: Exhibit list

MG14: Conditional caution

MG15: Record of interview

MG15(T): Record of interview (Typed)

MG16: Bad character

MG18: Offences Taken Into Consideration (TIC)

MG19: Compensation

MG20: Additional information/evidence covering report

MG21: Submission of forensic exhibits report

MG21A: Additional submission of forensic exhibits report.

Appendix E: Form TIC Notice 1

What are Offences Taken Into Consideration (TICs)?

You will be interviewed about the offence for which you have been arrested. If you committed this offence and admit it then, at the end of the interview, you will be invited to admit responsibility for any similar offences committed by you. Depending on all the circumstances these offences may be 'taken into consideration by the court'.

When you are charged with an offence you can ask for similar offences for which you are responsible to be 'taken into consideration by the court.' This may allow you to clear up your crimes without further charges being made giving you the chance to start life with a 'clean sheet'.

However , If you decide not to take this chance and sufficient evidence of your involvement in other offences is found at a later date through fingerprints, DNA, or other means, then you can expect to be charged and prosecuted.

This is your opportunity for a clean sheet, think about taking it.

Appendix F: Form TIC Notice 2
Warning to Detained Persons

Before the interview, you were handed a notice explaining the TIC procedure and you will have seen posters in and around the custody area relating to this.

You have admitted responsibility for the offence(s)

Of

.....

..... for which you may be charged.

This is your opportunity for a clean sheet, think about taking it.

If you admit to further crimes that are similar to the one you have been arrested for, it may be possible depending on all the circumstances, to have these crimes taken into consideration when you appear at Court rather than charge you with them.

Remember:

- If you have committed other offences then evidence concerning those offences can come to light later by various means, for example:
- A witness coming forward, OR by forensic means such as your fingerprints or DNA being identified.
- It is important that you are aware of this, as the processing involved can sometimes come to light weeks, months or even years after the date of the crime itself.

If you do not take this opportunity, and evidence of your involvement in a crime is later discovered, then it is highly likely that you will be arrested again and charged with any new crimes, even after you have been dealt with for the one you have been arrested for now.

You are being told about this because Metropolitan Police Officers do not normally interview offenders in prison after sentence to allow them to admit to further crimes.

There will be no opportunity for you to have these crimes taken into consideration if you are serving a custodial or community sentence.
Having had all the facts and consequences explained -
Do you have anything else you wish to say?

Aide Memoire – Taped Interview of Detained Person

Prior to the interview, make sure you are properly prepared and understand the points you need to cover and the relevant provisions of the Codes of Practice
Remember the Principles of Investigative Interviewing and make sure you ask all the relevant questions you need to ask to obtain accurate and reliable

INTRODUCTION ON COMMENCEMENT or RE-COMMENCEMENT OF TAPED INTERVIEW

Load tape recorder in sight of the subject and any others present, set it to record and state:-

“This interview is being tape recorded;

I am (rank and name) attached to Police Station/Branch/Department.

The other officer(s) present is/are (rank and name) attached to Police Station/Branch/Department.

We are in the interview room at Police Station.

I am interviewing (ask subject to state full name).

“There is no other person present” or “Also present is”:-

- (a) **Solicitor/legal representative** – Ask person to state name, firm and status under Code C6.12.
 The person may also continue and explain their role and duty towards their client.

- (b) **Appropriate adult** – Ask person to state name and relationship with subject, then inform them:-

“You are not expected to act simply as an observer and the purposes of your presence are first, to advise the person being interviewed, second, to observe whether or not the interview is being conducted properly and fairly and third, to facilitate communication with the person being interviewed.”

- (c) **Remote Interpreter** - Ask interpreter full name and ID number

“It is intended to utilise remote interpreting via the video Conferencing to provide linguistic support to the detainee during the interview, the interpreter is “virtually” present and will facilitate communication via the video link”

“The date is and the time is “ (NOTE TIME ON SEAL)

“This interview is being tape recorded and it may be given in evidence if your case is brought to trial.”

“At the conclusion of the interview, I will give you a notice explaining what will happen to the tapes.”

Explain right to legal advice to subject:-

“I must remind you that you have the right to free and independent legal advice. You can speak to a solicitor in private at any time of day or night and this legal advice is free. You can speak to a solicitor in person. If you do not want to speak to a solicitor in

person, you can speak on the telephone. If you do want legal advice or you want your solicitor present, the interview can be delayed unless certain exceptions apply. Do you want to speak to [a] [your] solicitor?" or "Do you want them present at the interview?"

If the subject has declined to speak to a solicitor either in person or on the telephone, ask:-

"Would you like to tell me why you do not want legal advice, you are not obliged to give any reasons?"

Once it is clear that the subject does not want legal advice, you should cease to ask the subject to give reasons.

Confirm the position by asking:-

"Are you quite sure that you do not want to speak to a solicitor in person or on the telephone?"

If the subject previously asked for legal advice but has changed their mind and an Inspector or above has authorised the interview to proceed, confirm the position, e.g. by saying:-

"I understand that previously you asked for legal advice but you since changed your mind. You spoke to Inspector ([?] name) and told him/her that you no longer wanted legal advice because (state reasons) and the Inspector then gave authority for the interview to go ahead. Do you agree that this is correct and that you are willing to be interviewed without speaking to a solicitor?"

Remote Interpreting

"The interpreter will remotely facilitate, and relay all communication between parties present throughout the proceedings. You (and your legal representative) have indicated that you consent to the use of remote interpreting to assist you with this investigation, is this correct?"

use warrant or other identification number rather than names in terrorism and other cases to which Code E paragraph 2.3 applies.

[.....] omit words as appropriate.

Begin interview.....

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."

OR

IF THE RESTRICTION ON DRAWING INFERENCES FROM SILENCE APPLIES (see Code C.10 and Annex C), e.g.:

If subject has asked for legal advice but the interview is to proceed before they have received advice and they have not changed their minds about wanting legal advice, state reasons, e.g.;

"You asked for [legal advice] [your solicitor to be present] but this interview will proceed BEFORE [you speak to a solicitor] [your solicitor arrives] because:-

(a) *"Superintendent ([?] name)"*

(i) *has authorised delaying your access to legal advice."*

(ii) *has reasonable grounds for believing that delaying the interview will involve an immediate risk of harm to persons and/or serious loss of, or damage to,*

property and you are to be interviewed now in order to obtain sufficient information to avert that risk."

(iii) *has reasonable grounds for believing that awaiting the arrival of the solicitor you asked for would cause unreasonable delay to the investigation."*

(b) *"Inspector (name) has agreed that the interview can go ahead because:-*

"the solicitor you asked for [cannot be contacted] [has indicated they do not wish to be contacted] [has been contacted but declines to attend or speak to you] AND you declined to ask for the Duty Solicitor" or "the Duty Solicitor is not available."

(ALSO : in these cases, the special warning cannot apply (C.10.10 & 10.11)

"You do not have to say anything, but anything you do say may be given in evidence."

Be prepared to explain caution in your own words if subject does not appear to understand what it means.

Significant statements/silence: Put to the subject any **significant** statement or silence (see Code C11.4A/Note 11E) which occurred prior to the taped interview and ask the subject whether they confirm or deny that earlier statement or silence and wishes to add anything. Any other previous questions and answers, including **relevant** comments may also be dealt with similarly. If applicable, invite the subject to read and sign any written record of comments made in accordance with Code C11.13/Note 11E.

CONCLUDING AN INTERVIEW

"Do you wish to add anything further or to clarify any point or anything you have told me?"

"Here is a notice (Form 987) which explains the entitlement to a copy of the tapes used in this interview."

Invite subject and any solicitor and appropriate adult present to read the notice. After notice has been read, invite subject/appropriate adult to sign it and give copy to subject, then state:-

"This interview is concluded at on " (NOTE TIME ON SEAL)

===TURN OFF TAPE RECORDER===

ADMINISTRATION

1. Write name and custody number on each tape.
2. Complete details on the tape seal Form 988. All subject and any third person present to sign this form.
Note: If subject or third party refuse to sign, contact an Inspector or above or if not available, the Custody Officer, who must attend and ☐ sign the tape seal Form 988.
3. Take lugs off master tape, place in box and seal with tape seal (Form 988).
4. Ensure each master tape is appropriately marked when more than one tape is used.
5. Pass master tape(s) to Custody Officer.
6. Give copy tape to solicitor/subject if subject charged or told he/she **will** be prosecuted. Signature on custody record required.
7. **Make sure that you remove ALL exhibits from the interview room.**
8. **Note the fact that the interview has taken place and has been recorded on tape, its time, duration and date and the identification number of the master tape(s). (Code E5.1)**
9. **If remote interpreting has been used to provide linguistic support the interviewing officer should indicate that the interview was facilitated using remote interpreting by recording the following detail in lieu of a signature, "Mr/Mrs XXXX ID number 12345 - RI used"**

use warrant or other identification number rather than names in terrorism and other cases to which
MP 137/13

[.....] omit words as

Appendix H: TIC Posters

