

# Policing within integrated offender management

What kind of policing is taking place under the umbrella of integrated offender management and with what implications for offender desistance, procedural justice, and the proportionality of interventions in offenders' lives?

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A thesis submitted to the University of Bristol in accordance with the requirements for award of the degree of PhD in the Faculty of Social Sciences and Law, School of Law,

September 2014

## Abstract

Integrated offender management (IOM) is a term used within criminal justice to describe a multi-agency form of policing designed to (variously) deter, incapacitate or rehabilitate offenders defined as prolific. This thesis is a study of integrated offender management in England and Wales and is both empirical and theoretical in its focus. It draws on existing and original research to examine critically the practices and processes that occur during the day-to-day 'management' of recidivist offenders within a unique criminal justice setting. The study explores both the experiences of those working within IOM but also those subject to the scheme's dictates: prolific offenders. Accordingly, it considers the perspectives of these offenders, the police and other workers who form part of the IOM unit, including probation staff, prison officers and criminal justice intervention workers. A further aim of the study is to inform and refine theoretical debates about multi-agency working within a criminal justice setting and broader ideas about desistance. To do this I have situated what I found within theories about police decision-making and legitimacy. Based on these theories and empirical evidence, this study seeks to understand what kind of policing is taking place under the umbrella of IOM and with what implications for offender desistance, procedural justice and the proportionality of interventions in offenders' lives?

## Acknowledgements

Completing this thesis could not have been done without the help and support of many others. First and foremost, Professor Richard Young, whose determined efforts to keep the study on track throughout the journey were invaluable. There are several other academics that have provided important feedback and advice including my second supervisor, Dr Oliver Quick, and members of my upgrade panel, Professor Steven Greer and Stephen Jones.

At the very core of this research are the police officers, other integrated offender management (IOM) workers and those subject to IOM that permitted me to observe and interview them. Whilst they cannot be named here, I am very grateful that they shared their perspectives with me. I am also very grateful to the senior police and probation staff that allowed and greatly facilitated access to the IOM research field.

To my family, Colin Cram, Ruth Cram, Rosanna Cram, Robert Cram, and Elisha Cram, who helped me to maintain focus, energy and motivation throughout the research process. Finally to Holly Barber, my guiding light through many a dark moment and tireless provider of much needed sustenance at crucial times throughout the study.

This work has been supported financially by the Economic and Social Research Council.

# Author's declaration

I declare that the work in this dissertation was carried out in accordance with the requirements of the University's Regulations and Code of Practice for Research Degree Programmes and that it has not been submitted for any other academic award. Except where indicated by specific reference in the text, the work is the candidate's own work. Work done in collaboration with, or with the assistance of others is indicated as such. Any views expressed in the dissertation are those of the author.

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# **Chapter 1**

## **Questions and ideas**

### **Introduction**

This thesis unfolds a study of integrated offender management (IOM) in England and Wales. IOM is a term used within criminal justice to describe a multi-agency form of policing designed to (variously) deter, incapacitate or rehabilitate offenders defined as prolific. The overarching research question this thesis seeks to answer is: What kind of policing is taking place under the umbrella of IOM and with what implications for offender desistance, procedural justice and the proportionality of interventions in offenders' lives?

Drawing on existing and original research, I examine critically the practices and processes that occur during the day-to-day 'management' of recidivist offenders within a unique criminal justice setting. The research, therefore, considers the perspectives of offenders, the police and other practitioners who form part of the IOM unit, including probation staff, prison officers and criminal justice intervention workers. A further aim of the study is to inform and refine theoretical debates about multi-agency working within a criminal justice setting and broader ideas about desistance. To do this I have situated the research within theories about police decision-making and legitimacy. These theories are explored mainly in Chapter 2. The present chapter, however, undertakes three main introductory tasks. Firstly, I examine the broader political context of IOM. Secondly, I provide a brief overview of the published research on IOM. Thirdly, I outline the current methods and practices of the IOM scheme, tentatively situating them amongst the theoretical constructs that form the foundations of my research. Finally, I provide a brief outline of the content of the thesis.

## **IOM and the broader political surround**

Most of us are accustomed to politicians speaking about the criminal justice system in vague sound-bite statements within the media: ‘prison works’,<sup>1</sup> ‘zero-tolerance’<sup>2</sup> and ‘tough on crime, tough on the causes of crime’<sup>3</sup> make several good examples.<sup>4</sup> This type of risk-orientated discourse is pervasive throughout government thinking and policymaking. It claims to speak with the ‘authority’ of an angry ‘majority’, fearful of unruly youths and ‘dangerous’ criminals. Represented in this way, the ardent disposition towards ‘risky’ topics (Loader and Sparks, 2007) is designed to invoke common sense ideas of getting ‘back to basics’ and restoring order and balance within the sphere of crime and justice (Garland, 2001).

Security and the risk-management of criminal offenders also has been the focus of much debate within criminology literatures.<sup>5</sup> Ashworth and Zedner (2008, p.48), for example, highlight the changing character of crime, criminal procedure and sanctions. They draw particular attention to the ‘panoply’ of preventative, civil, administrative hybrid orders introduced in England and Wales’, which, they argue, represent the changing relationship between the state and citizen, as well as changes in the nature of the state itself (2008, p.22).

These developments or ‘shift in political emphasis’, as Ashworth (2009, p.87) puts it, are generally viewed as being part of what has been referred to as ‘the new penology’ of risk, or ‘actuarial justice’ (Feeley and Simon, 1994; Kemshall and

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<sup>1</sup> Then Home Secretary Michael Howard’s address to the Conservative Party Conference 1993; see also: House of Commons ‘Reducing Reoffending: the ‘what works’ debate’, research paper 12/71, 22<sup>nd</sup> of November 2012’.

<sup>2</sup> Prime Minister David Cameron’s comments made during an interview with the Sunday Telegraph following the 2012 riots, available here: <http://www.telegraph.co.uk/news/uknews/crime/8700243/David-Cameron-on-UK-riots-Its-time-for-a-zero-tolerance-approach-to-street-crime.html>, last accessed 22/05/13.

<sup>3</sup> Tony Blair, the 1997 Labour Party Political Manifesto, available here: <http://www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto.shtml>, last accessed, 22/05/13.

<sup>4</sup> Ironically, though perhaps not unsurprisingly, there appears to be little empirical evidence to suggest that such policies lead to a general reduction in crime. As Garland (2001, p.13) observes, ‘the policy-making process has become profoundly politicized [sic] and populist. Policy measures are constructed in ways that appear to value political advantage and public opinion over the views of experts and the evidence of research.

<sup>5</sup> There is a huge amount of criminology literature associated with the term ‘risk’. Accessible entry points include Garland, 2001; Goold, 2007; Zedner, 2003; O’Malley, 1992; Hope and Sparks, 2000.

Wood, 2009; Braithwaite, 2000). This form of 'justice' places an emphasis on the identification and classification of dangerous segments of the population (Brownlee, 1998, p.323), who must be risk-managed at a minimum cost (Garland, 2001; Pratt, 1997).<sup>6</sup> Others suggest we are witnessing the rise of 'the risk society' where, in the context of policing, criminal justice has become an exercise of developing communication systems to identify and manage risks (Ericson and Haggerty, 1997). The police are at the centre of this form of governance and, it has been suggested, are now organising their thinking and operational arrangements in such a way as to 'anticipate and forestall harms' (Zedner, 2008, p.36; Ericson and Haggerty, 1997) presented by suspect populations or situations before they happen. Surveillance and general knowledge gathering has played a key part in this approach (Ericson and Haggerty, 1997). The aim is to transform the existence of risk as an 'unknowable externality' into something 'calculable' (Baker and Sutherland, 2009, p.2) so that strategies can be developed to control it. Nonetheless, predicting *unpredictable* human behaviour, that is to say determining who poses a danger and to what extent, is fraught with methodological difficulty. As Zedner (2008, p.35) explains:

Despite the growing sophistication of actuarial tools, surveillance and intelligence gathering, and despite the growing political confidence invested in these diverse technologies, future human activity can rarely be foretold with certainty.

Taken to its logical conclusion, Zedner's argument suggests that protective or pre-emptive action, even calculated action, taken against risk, is naturally emasculated in the face of 'unknowable' dangers. This type of thinking seems to expose imperfections within the concept of risk-management criminal justice. Nonetheless, as we shall see, the discourse of risk-management remains firmly entrenched within the thinking behind modern criminal justice initiatives, particularly IOM.

At times, the result of interactions between the media, politicians and the general public may be a new approach to crime and justice (Cohen, 1972). Reforms to criminal justice responses to prolific offending have placed an emphasis on the

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<sup>6</sup> Whitty (2009, p111) also suggests that public protection and risk-management are now considered to be the 'all-pervasive ... force in contemporary offender management'.

management of risk through collaborative working between criminal justice agencies. Whilst this way of working has been encouraged by a tranche of legislation,<sup>7</sup> the ‘high watermark’ (Gough, 2010, p.23) for multi-agency working has been the Crime and Disorder Act 1998. The Act enshrined partnership working by requiring the police and local authorities to develop multi-agency collaborations aimed at crime reduction (Crime and Disorder Act s.6). Other catalysts, such as the Morgan Report (1991), which recommended a ‘multi-agency approach to community safety’, and the Carter Review (2003), which led to the creation of the National Offender Management Service Agency in 2004, drawing prisons and the probation service under one umbrella organisation, have further encouraged multi-agency working within criminal justice in England and Wales.<sup>8</sup>

Youth Offending Teams,<sup>9</sup> Multi-Agency Public Protection Arrangements,<sup>10</sup> Drug Intervention Programmes,<sup>11</sup> Prolific and Priority Offender<sup>12</sup> schemes and now integrated offender management units are all examples of multi-agency collaborations tasked with controlling and changing offenders. The overarching objective has been to avoid duplication of effort and inconsistencies in approach to the same localised crime problems (Home Office, 1997). Instead, criminal justice agencies have been required to adopt a tough and coordinated response to offending (MOJ, 2010), ‘reform and rehabilitation’ by means of a ‘new and integrated approach to managing offenders (2010, p.25). IOM adopts actuarial techniques, ‘risk-managing’ dangerous sections of the population through heightened covert and overt surveillance, (Lister et al 2008) intelligence gathering, information sharing and general disruption of acquisitive crime.

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<sup>7</sup> For example, the Sex Offenders Act 1997; Criminal Justice and Court Services Act 2000; and Criminal Justice Act 2003.

<sup>8</sup> See also: Home Office (2009b) Integrated Offender Management Government Policy Statement. London: Home Office/Ministry of Justice.

<sup>9</sup> See <http://www.justice.gov.uk/global/contacts/yjb/yots/index.htm>; also, for more detailed discussion of ‘youth offending teams’, see Burnett and Appleton (2004).

<sup>10</sup> See: <http://www.yjb.gov.uk/publications/Resources/Downloads/Multi-Agency%20Public%20Protection%20Arrangements%20%28MAPPA%29%20-%20Guidance%20for%20youth%20offending%20teams.pdf>; also, <http://www.justice.gov.uk/publications/corporate-reports/mappa-reports/index.htm>; for more detailed consideration of discussion of MAPPA arrangements see: Kemshall and Wood (2007).

<sup>11</sup> For more information see <http://www.homeoffice.gov.uk/crime/reducing-reoffending/dip/>

<sup>12</sup> For more information see, <http://www.homeoffice.gov.uk/crime/reducing-reoffending/ppo/>

## **Research on multi-agency offender management in England and Wales**

A research project should aim to add something useful to our existing understanding of a given phenomenon (Gilbert, 2001). It is not enough, of course, to say that it addresses a gap in the literature. The question is whether that gap is important enough to warrant a focused research effort (King and Wincup, 2008). Despite the political impetus to drive forward the multi-agency offender management model of criminal justice there is a dearth of in-depth qualitative research in the area. There has, however, been a large amount of research and other publications about the multi-agency approach to criminal justice.<sup>13</sup> The official position is that multi-agency working should be underlined by an ‘ideology of unity’, which dictates a strategy of joined up thinking and service delivery with an increasing emphasis on partnership between the agencies (Appleton and Burnett, 2004, p.35; Crawford, 1994). Pooling their collective resources, these organisations are meant to work to ensure recidivist offenders get the right intervention by the right agency at the right time, depending on the needs of the individual. Empirical research has highlighted some of the practical consequences of these closer formalised relationships between the partnership agencies. Mawby and Worrall (2011b, p.79), for example, point to implications of ‘greater collaborative working for role boundaries and the blurring of agency roles’. Nash (2007, p.302) has written about the idea of the ‘polibation’ officer (a fusion of police and probation officer) as a possible outcome of closer collaboration between the police and probation service. Similarly, Mawby, Crawley and Wright (2006) have broadened the concept to ‘prisi-polibation’ officer.

Within the context of IOM, the framework of multi-agency working, with its emphasis on partnership and collaborative working (Burnett and Appleton, 2004, p.35), supposedly requires that police officers put aside any mistrust or suspicions they may have regarding the agendas of the other agencies (Garton, 1980, p.89). As Burnett and Appleton (2004, p.27) point out, one implication of closer working

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<sup>13</sup> There is an extensive literature that covers this area of criminology. Good entry points include: Morgan, 1991; Blagg et al, 1988; Samson, 1988; Pearson et al, 1992; Crawford, 1993; Crawford and Jones, 1993; Forrester et al, 1988; 1989; Burnett and Appleton, 2004; Liddle and Gelthorpe, 1994; Nash, 1999, 2007; Nash and Walker, 2007; Hopkins and Wickson, 2012.

relationships is often closer proximity of the various agencies, for example, where the ‘team’ maintains an operational base within the same building or shared open-plan office space. In these circumstances, research<sup>14</sup> indicates that the submergence or transformation of both traditional cultural attitudes and operational understandings is more likely to be evident.

On the other hand, there is much research to suggest that multi-agency partnerships have not always resulted in a ‘comfortable’ fusion of roles, rather that partnerships have been permeated with problematic issues of information sharing, conflicting objectives, different ways of working, contrasting attitudes towards offenders and, not least, cultural tensions (Mawby and Warrall, 2011b). Moreover, a proximate relationship between the non-police workers and the police may undermine any trust that exists between the former and offenders, if offenders have had negative experiences of policing. Generally, there appears to be a large gap between the policy statements concerning IOM (and multi-agency working more broadly) and the practical reality on the ground.

What research has been done on IOM specifically has consisted largely of evaluations of the process involved in setting up and running IOM schemes. Wong et al (2011),<sup>15</sup> for example, examined the involvement of third sector involvement across four IOM sites in England and Wales, identifying several ‘barriers’ to involvement, such as a lack of information sharing protocols, as well as several ‘benefits’, such as the strengthening of relationships between voluntary and statutory sectors. Several other studies<sup>16</sup> have evaluated the costs and service delivery of IOM.

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<sup>14</sup> See for example: Mawby and Worrall, 2011b; Mawby et al, 2006; Nash, 1999, 2004, 2008; Burnett and Appleton, 2004; Williams and Ariel, 2012.

<sup>15</sup> Integrated Offender Management and Third Sector Engagement: Case Studies of Four Pioneer Sites available here: Sheffield Hallam University Research Archive (SHURA) at: <http://shura.shu.ac.uk/7050/> (accessed, 13/05/2014).

<sup>16</sup> Hallam Centre for Community Justice Sussex IOM Evaluation - Break Even Analysis: available here: <http://www.cjp.org.uk/iom-elearning/my-iom-e-learning-portal/knowledge-repository/research-findings/sussex-iom-evaluation-break-even-analysis/> (accessed, 13/05/2014). See also: Hallam Centre for Community Justice Sussex IOM Evaluation - Complex Client Costing, available here: <http://www.cjp.org.uk/iom-elearning/my-iom-e-learning-portal/knowledge-repository/research-findings/sussex-iom-evaluation-complex-client-costings/> (accessed, 13/05/2014); See also Hill and Roberts (2012) Conwy / Denbighshire Integrated Offender Management Unit - 8

Other evaluative research, has taken a more qualitative approach. Senior et al (2011), for example, evaluated five integrated offender management pioneer areas on behalf of the Home Office, charting the development of the IOM schemes during 2008 and 2009. What they found was a ‘streamlined operation’, heavily influenced by pre-existing offender management schemes such as Prolific and Priority Offender Schemes and Drug Intervention Programmes. Moreover, a willingness amongst partner agencies to work with conflicting inter-agency and intra-agency agendas had facilitated knowledge transfer and cultural change. Significantly, however, Senior et al (2011, p.7) reported that ‘tensions’ had arisen between IOM police officers and their force colleagues due to the newly ‘extended roles of the police’<sup>17</sup> in intelligence gathering, pathway support, disruption and enforcement’ and the apparent ‘shift away from enforcement activities’.

Offender experiences of IOM have also been empirically investigated to a limited extent. Housden (2011), for example, ‘mapped’ the three-month ‘journeys’ of offenders specifically supervised by the Bristol ‘IMPACT’ (IOM) unit. Interviewing 30 IOM offenders (15 at the start of their IOM journey and 15 after 3 months supervision by IOM) Housden focused on the effects and ‘outcomes’ of the various ‘pathways’<sup>18</sup> away from offending used by the Bristol scheme. The study found that, whilst there were many cases of ‘relapse’, amongst the offender cohort, most reacted positively to the support given in relation to their criminogenic needs. Similarly, a Local Government Improvement and Development study provided ‘customer insight’ into the workings of ‘Lewisham Total Place’ IOM scheme, again

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Ways Performance Monitoring Report, available here: <http://www.cjp.org.uk/iom-elearning/my-iom-e-learning-portal/knowledge-repository/research-findings/iom-report-2011-12/> (accessed, 13/05/2014); also: Soppitt and Rowe (2012) An Evaluation of the Safe Newcastle Non-Statutory Target Project (June 2012) available here: <http://www.cjp.org.uk/iom-elearning/my-iom-e-learning-portal/knowledge-repository/research-findings/nst-report-final-newcastle-iom/> (accessed, 13/05/14); also Revolving Doors Agency (2012) Integrated Offender Management: Effective Alternatives to Short Sentences, available here: <http://www.cjp.org.uk/iom-elearning/my-iom-e-learning-portal/knowledge-repository/research-findings/iom-effective-alternatives-to-short-sentences-june-2012/> (accessed, 13/05/2014).

<sup>17</sup> By IOM ‘police’, as distinguished from force colleagues, it should be presumed that Senior et al, are referring to ‘field intelligence officers’.

<sup>18</sup> The ‘pathways’ away from offending, i.e. the focus of offender criminogenic needs, are discussed in more detail later in this study. However, for the purposes of his study, Housden considered the effects of 8 ‘pathways’: Drugs and Alcohol, Housing and Accommodation, Family and Relationships, Finance and Benefits, General Health, Mental Health/Learning Disability, Coping with the Order, Work, Training and Education.



by ‘mapping’ the journeys of offenders. However, the Lewisham research found problems with information sharing between the partnership agencies and the ‘overlap and duplication’ of service provision.

A further study by Dawson et al (2011) reviewed a London IOM project (Project Diamond) targeted at a specific group of prolific offenders released from short-term custodial sentences. Whilst the authors of the report found no evidence of reduced reoffending rates amongst the cohort, the scheme was ‘highly regarded’ by the offenders they questioned, with some claiming the scheme had had a ‘positive influence’ on their lives (2011, p.66). Finally, Williams and Ariel (2012), taking a quantitative approach, ‘tested’<sup>19</sup> a cohort of prolific offenders assigned to the Bristol IOM scheme. The intention was to determine the effects of IOM on recidivism (2012, p.5). Whilst recognising the methodological limitations of their study, Williams and Ariel were able to claim that offenders who did not receive IOM interventions had a ‘higher likelihood of re-arrest’ (2012, p.8) than those who did. Moreover, Williams and Ariel’s analysis suggested a 67% reduction in the seriousness of offending in comparison with a 15.8% increase in the seriousness of offending for those who received no IOM intervention.

Whilst evaluative research has provided some useful insight into the processes and outcomes of localised IOM, such research has failed to address fully the wider implications of IOM for front-line police officers, offenders and criminal justice. For example, no study has yet examined gender or racial relations within the scheme or between IOM workers and offenders. A further concern might be whether partnering in this way has improved the efficiency of information sharing between agencies.

Nevertheless, no research project, certainly not a doctoral one, could consider all *prima facie* implications satisfactorily. Moreover, choices relating to which research questions are undertaken by a given researcher tend to be moulded by various factors including personal interests, access and current positions found

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<sup>19</sup> The ‘test’ was conducted by Williams and Ariel (2012, p.1) using a ‘generalised linear regression model with a Poisson distribution’; the findings were then discussed within the wider context of desistance theory.

within the literature (Blaikie, 2007). My own decisions about which aspects of IOM to study are explained fully in chapters 2 and 3. Suffice to say here that I designed the research project in a way which I thought would be likely to have the support of a key gatekeeper – a senior police officer who was interested in whether IOM was perceived to be fair by those subject to its dictates. What took place here was a compromise between what I wanted to do and what could be done given issues of access, resources and ethics. Beyond this, my personal interests and the salient importance of certain concepts within existing debates within criminology led me to focus primarily on two potential implications of the IOM model.

First, I was interested in whether close working between the partnership agencies may have caused distinctions in the respective missions and roles of the partners to become blurred and confused. It is possible that closer working with traditionally welfare-orientated organisations like the probation service has led IOM police officers to develop a way of working that primarily focuses on the provision of social support rather than more traditional crime control goals. Alternatively, the organisational culture of police officers (ordinarily precipitating a focus on catching and convicting offenders) may struggle to fit within a criminal justice strategy, which ostensibly places support and rehabilitation at the heart of its mandate. In the latter case, perhaps the social support mandate of IOM merely provides a convenient opportunity for field intelligence officers to subtly pursue more crime control-orientated goals. Indeed, it is common practice for officers to use ‘alternative’ policing methods even as their overarching aims remain the same (Lister et al, 2008). Consequently, attention is given to what kind of policing is taking place under the canopy of IOM and what this tells us about cultural integration within this particular form of multi-agency criminal justice working.

A second but linked point of interest is that the thinking of one agency within IOM may be dominating the partnership. Research suggests that, historically, multi-agency criminal justice collaborations involving the police have tended to fall under the latter’s direction and control (Gordon, 1987, p.141; Hopkins and Wickson, 2013, p.603). It is conceivable that police officers may be driving how IOM operates much more than any other agency. This has potential implications for the

way in which IOM offenders are managed, but also may be crucial to any understanding of whether IOM offenders view the practices of the scheme as fair.

### **Sunnyvale IOM Unit**

This is a qualitative research project, tied to a unique criminal justice setting and context – IOM. The study involved an empirical examination – through interviews and observations – of those subject to IOM, police and non-police IOM workers. Much of the sample was not statistically representative of the whole population in question, which carries with it implications for the generalisability of the study (Falk and Guenther, 2006, p.1; Myers 2002, p.2). These implications are discussed in Chapter 3. For present purposes, it is important to understand the setting and processes at work within it when thinking about the findings. The IOM unit (called ‘Sunnyvale’ hereafter), which formed the focus of the present study, draws together the police, prison and probation service, the criminal justice intervention team and third sector voluntary agencies. Sunnyvale IOM unit targets approximately 700<sup>20</sup> people thought by the police<sup>21</sup> to be responsible for a disproportionate amount of acquisitive crime in the local area.<sup>22</sup> IOM is not limited to offenders subject to statutory orders or prison release licence conditions (as had been the case with previous intensive probation or community supervision schemes<sup>23</sup>), but is open to all offenders considered prolific and committing ‘priority’ crime.<sup>24</sup>

Offenders can be referred to IOM by any of the partners or agencies represented on the IOM referral panel, including voluntary organisations such as the family

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<sup>20</sup> At the time of initial observations IOM was managing 688 offenders. The team consisted of 9 police officers, 22 probation officers, 27 drug workers and 3 prison officers. IOM is ‘steered’ by a local Criminal Justice Board, which meets every 6-8 weeks. At the time of the present study the board consisted of an Assistant Chief Constable, an Assistant Chief Probation officer, the local Prison Governor, an Area Director from the local Health Trust and various senior managers.

<sup>21</sup> The targeting of the IOM offender cohort has also been influenced by local priorities determined by Crime and Disorder Reduction Partnership and the Local Criminal Justice Board. For example, in Sunnyvale, a need to reduce local burglary rates meant that prolific burglars were viewed as ‘priority’ offenders.

<sup>22</sup> Much research suggests that a small minority of offenders are responsible for the majority of crimes committed. See for example: Home Office, 2001, 2003, 2004.

<sup>23</sup> Youth Rehabilitation Orders (YRO) and Intensive Supervision and Monitoring (ISM) provide two examples.

<sup>24</sup> ‘Priority offences’ are determined at a local level, typically by the Community Safety Partnership. Generally such offences include burglary, robbery, drug offences, drug related offences, motor vehicle crime, theft and fraud.

intervention project. Once referred to the panel, offenders are selected on the basis of ‘Offender Group Reconviction Scale’,<sup>25</sup> ‘Offender System Scores’<sup>26</sup>, as well as police intelligence, arrest and conviction data.<sup>27</sup> In line with the findings of Senior et al (2010, p.17), police intelligence is central to this ‘risk-allocation’ process. Offenders’ contemporaneous risk<sup>28</sup> levels are colour coded ‘Red’, ‘Amber’ and ‘Green’. ‘Red’ offenders are deemed to pose the greatest risk of re-offending, whereas offenders are considered ‘amber’ if there is a lack of police knowledge about the degree of offending activity they might be involved in, but ‘professional judgement’ suggests that the offender is involved or at risk of being involved in crime. ‘Green’ offenders, on the other hand, are those not thought by the police to be committing priority crime (see Police Operations Guide 2010<sup>29</sup>). The risk-status of IOM offenders forms the basis of an ongoing selection and de-selection process, with offender participation in IOM continuously re-assessed.

IOM offenders who fail to engage (when required to do so by law), or those who re-offend, are brought back before the courts and often returned to prison. Viewed holistically, IOM embodies something of a ‘carrot and stick’ approach (Senior et al, 2010: 5), challenging service providers to strike the right balance between controlling offenders, protecting communities and requiring offenders to take the necessary action to change their criminal lifestyle (MOJ, 2010 p.25).

Broadly speaking, police officers working within IOM have one objective (officially, that is): to reduce re-offending through support and enforcement (Police Operations Guide, 2010, p.1), referred to by some police officers as the ‘gold’ or ‘premium’ ‘service’. Both uniformed (specialist<sup>30</sup> response officers) and plain

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<sup>25</sup> The Offender Group Reconviction Scale (OGRS) is a predictor of re-offending based only on static risks: age, gender and criminal history. It allows probation, prison and youth justice staff to produce offending-related actuarial predictions for individual offenders. See Howard et al (2009) Ministry of Justice OGRS 3: the revised Offender Group Reconviction Scale, Research Summary: 7/09, available here: <http://eprints.lancs.ac.uk/49988/1/ogrs3.pdf> (accessed, 16/05/2014).

<sup>26</sup> ‘OASys’, as they were referred to within the everyday jargon of probation workers I encountered, assist probation workers to understand an offender’s likelihood of reconviction and also highlight any ‘criminogenic factors’ which need to be tackled throughout the statutory supervision period.

<sup>27</sup> The Panel also uses a Police Risk Assessment Matrix to gauge the suitability of referrals.

<sup>28</sup> According to the Police Operations Guide (2010, p.1), IOM offenders’ ‘risk’ levels are measured in terms of their ‘current risk of re-offending’. This assessment is based on recent intelligence, provided by all IOM partners.

<sup>29</sup> The copy made available to me during observations was the 2010 version.

<sup>30</sup> A specialist unit of uniformed police officers support the IOM unit.

clothed (field intelligence officers) police officers work within the IOM framework. Uniformed cops act primarily as sentence enforcers, surveillance operatives and general disrupters of crime – all standard policing roles (Waddington, 1998a).<sup>31</sup> Field intelligence officers, on the other hand, are responsible for building an intelligence picture that supports the wider IOM mandate: reducing crime.

Intervention is not always coercive, social support may be given to offenders in an attempt to reduce their risk of re-offending. Police officers are required to arrange ‘pathway support’ for IOM offenders (Police Operations Guide 2010, p.1). Pathway support is socially orientated assistance, which seeks to address the criminogenic needs of IOM offenders in the following areas: accommodation, employment, training and education, mental and physical health, drugs, alcohol, finance, benefit and debt, children and families of offenders and attitudes, thinking and behaviour.

Desistance literatures lend support to the focus on these ‘pathways’ towards ‘going straight’ (Hopkins and Wickson, 2013). Significant research suggests a correlation between stopping offending and finding employment (Sampson and Laub, 1993), embarking on a stable relationship (Farrington and West, 1995), changes in accommodation or geographical location (Jamieson et al, 1999) and addressing drug and alcohol problems (Colman and Vander Laenen, 2012). Arranging appropriate support for offenders in relation to complex psychological, economic and social issues means officers must suspend, at least for a time,<sup>32</sup> the informal occupational ‘values, norms, perspectives and craft rules’ associated in the literature with core policing culture (Reiner, 2000: 87).<sup>33</sup>

Field intelligence officers, however, are still police and this opens up the question (explored further in chapter 5) of whether they remain highly motivated by traditional ‘catch and convict’ crime control goals. If officers do, then supporting IOM offenders would be of secondary concern and IOM offenders would be more likely to be subject to intensive surveillance and other intrusive crime control

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<sup>31</sup> See generally chapter 1.

<sup>32</sup> Field intelligence officers reported carrying out ‘normal police work’, at times covering the shifts of ‘non-IOM’ intelligence officers.

<sup>33</sup> The concept of ‘cop-culture’ and its links with the behaviour of field intelligence officers and other IOM police is explored, in detail, in Chapter 2.

policing tactics (Bullock and Johnson, 2012). As explored in more detail in the next chapter, intensive monitoring of IOM offenders, whether covert or overt, engages the human rights of IOM offenders, most notably in relation to Art.8 of the European Convention of Human Rights – the right to respect for private and family life. Relevant here, therefore, is whether the actions taken within the IOM scheme are necessary and proportionate. If they are not, for example, where offenders are being covertly surveyed despite there being no new intelligence or indication that they are offending, then the police are likely to infringe art.8. Chapter 2, therefore, draws on human rights jurisprudence to build a basic standard of proportionality against which to juxtapose the methods and practices adopted by IOM.

Proportionality is important here because ‘disproportionate’ monitoring and policing activity (based on the values, norms, and craft rules of core police culture) may delegitimise the scheme in the eyes of IOM offenders. This argument is linked to ideas about the ‘procedural fairness’ of police decision-making and the general exercise of police authority. Put simply, when people believe in the legitimacy of their criminal justice institutions, they are more likely to support these institutions and obey the law. Procedural justice – that is fair decision-making and respectful treatment by those in authority – engenders a belief in the legitimacy of criminal justice institutions, particularly the police (Gau and Brunson, 2009, p.258). Procedurally fair policing, therefore, should foster a belief in the legitimacy of the police and thus a moral obligation to comply with their dictates (Tyler and Sunshine, 2003, p.514). However, if IOM police officers (and perhaps other IOM workers) are engaging in highly coercive and arbitrary order maintenance and surveillance practices, their actions and behaviours may be perceived by offenders as procedurally *unfair* thus rendering the actions of police (as both officers and as an institution) illegitimate.

A further but linked aim of the study is to theorise about what is shaping the decision-making practices of IOM police officers. To do this, I situate the research within Hawkins’s (2002) ideas about decision-making within a criminal justice setting, but supplement these theories with the analytical concept of police culture. These ideas and concepts are developed in Chapter 2 and revisited throughout the thesis. However, I argue that police culture, often distilled through police working

‘assumptions’ (Hoyle, 1998) and ‘rules’ (McConville et al, 1991), significantly determines the tactics and behaviours of IOM officers. Consequently, law may be enforced and applied in patchy, discriminatory and corrupt ways,<sup>34</sup> compromising procedural justice and thus undermining the legitimacy of the scheme in the eyes of IOM offenders. This assumption mirrors numerous studies<sup>35</sup> that have found that offenders espouse hostile views about the unfair manner in which police officers dispense authority. The outcome of any perceived illegitimacy of the IOM scheme would, if we accept the ideas of Tyler (2006) and others,<sup>36</sup> be a lack of offender compliance with the requirements of the scheme.

It might be thought that this argument would explain why the police generally appear to be perpetually dealing with the same offenders (MOJ, 2010). However, much research<sup>37</sup> documents offenders overtly accepting the coercive and authoritarian behaviour of the police as part of the ‘game’. This academic orthodoxy is further explored in Chapter 6, within the context of my own findings. But it suffices to say here that it is likely that aggressive, arbitrary and disdainful police treatment is something IOM offenders will see as bringing on themselves through their offending behaviour.

If ‘bad’ cops on the streets are continuing to subject IOM offenders to disproportionate and unfair procedures as well as arbitrary ‘tests’ and social discipline, this may further compound offenders’ negative perceptions of the police. The result may be unwillingness on the part of offenders to engage with the scheme, due to a lack of trust in those whose intentions are in line with IOM official policy and who are actively trying to engage with them. Trust, of course, is a key aspect of procedural fairness and closely associated with ideas about legitimacy (Tyler, 2006). More than this, however, such behaviour may undermine the generation of good intelligence by field intelligence officers because it disrupts the efforts of these officers to build rapport with IOM offenders. Ideas about the

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<sup>34</sup> See for example, Skolnick, 1966; Reiner, 1978; Punch 1979; Holdaway, 1983; Young, 1991.

<sup>35</sup> See for example, Choongh, 1998, p.195; Lister et al 2008, p.43-4; Sarang et al, 2010; Aitken et al, 2002; Loftus, 2010; Skins, 2011; Young, 1991; McKeganey and McGallagly, 2013.

<sup>36</sup> See for example, Sunshine and Tyler, 2003; Bradford, 2012, 2013; Bottoms and Tankebe, 2012; Jackson et al, 2012; Gau et al, 2012.

<sup>37</sup> See for example, Lister et al, 2008, McKeganey and McGallagly, 2013; Sarang et al, 2010; Aitken, 2002.

broader implications of how offenders and the various IOM personnel are adjusting to and managing different ways of thinking and working are examined in Chapter 6.

In summary, this study examines the experience of IOM from the perspectives of IOM workers and the offenders they manage. The account offered is both empirical and theoretically informed. But my research is also theoretically relevant in that it suggests refinement to current ideas about desistance, compliance and perceptions of legitimacy amongst recidivists. The research is situated within three main theoretical debates about police decision-making: legitimacy, desistance and the nexus between them. These are explored in Chapter 2. The aim of the study was not to ‘test’ these theories. Rather the ideas provide a way of examining and defining IOM policing practices and their implications for those subject to the scheme and working within its framework. The empirical findings from the study are discussed and integrated with existing literatures in Chapters 4 to 6. Chapter 4 explores the relationships between the various partnership agencies, as well as the broader implications for the promotion of desistance amongst recidivists. Chapter 5 examines the world outlook of field intelligence officers and how this influences both their decision-making practices and interactions with IOM offenders. Chapter 6 considers offender experiences of IOM methods and practices, but also situates these experiences within ideas about police culture, police decision-making and legitimacy. As a whole the study aims to contribute to debates about the feasibility and value of this style of inter-agency working. This is the subject of Chapter 7, as are the implications for improving the IOM approach to the management of prolific offenders.



## **Chapter 2**

### **Understanding culture, fairness and legitimacy within integrated offender management**

#### **Introduction**

Richards (2010, p.73) tells us that ‘research design is created by the researcher, is molded (rather than dictated) by the method, and is responsive to the context and the participants’. In this way, it is important to develop and situate research questions within existing conceptual debates. This approach bridges the potential ‘gaps’ between gathering the data (method) and analysing it (theory) (Banakar and Travers, 2005). In the present study, I am seeking to understand what kind of policing is taking place under the umbrella of integrated offender management (IOM) and with what implications for offender desistance, procedural justice, and the proportionality of interventions in offenders’ lives. Most attention is paid to the methodology of the study in Chapter 3, here I provide an account of the key theoretical perspectives that informed my research. This chapter also speaks to a broader issue, that of the empirical methods I adopted throughout the fieldwork. In this way it lays the foundations for Chapter 3, in which the ideas discussed will be linked closely to the empirical methods I adopted throughout the fieldwork.

This chapter is divided into two main sections. I begin by focusing on those most affected by the ‘management’ choices of field intelligence officers: offenders. The key issue here is whether offenders viewed the outcomes of field intelligence officer decisions – in practical terms, the methods and practices adopted by these officers – as both legitimate and proportionate. The first section therefore considers what is meant by legitimacy within the context of IOM and develops a standard of proportionality against which the operational practices of field intelligence officers were examined during the fieldwork. It also reflects on the relationship between legitimacy and desistance from (or reduction of) offending.

Secondly, I present some theoretical reflections on police decision-making. The operational methods of Integrated Offender Management (IOM) by definition stem from decisions made by police officers and other IOM practitioners. The voluminous research literature on the relationship between law and policing establishes that police officers are not constrained by legal rules, rather that officers often manipulate them to serve independently defined objectives.<sup>38</sup> Orthodox police research suggests that these objectives are closely linked to police sub-culture. By reviewing several classic policing ethnographies, I examine this claim. In doing so, I identify the core constituents of police culture, but also the various challenges that have been made to the concept. In the light of such challenges, I argue that police sub-culture must be supplemented with other ideas about what influences police decision-making. In support of this contention, I draw on Keith Hawkins's (2002) theory of decision-making within a criminal justice setting. Hawkins points to a connection between forces within the broader decision-making environment within which police officers find themselves and the process of interpretation they embark on when responding to particular events. The final part of this chapter explores the relevance of Hawkins's ideas to the decision-making practices of police officers working with the IOM unit and links these ideas with the concept of police culture.

## **1. Legitimacy and proportionality in integrated offender management**

### **Integrated offender management**

IOM is a localised multi-agency approach to promoting desistance amongst prolific acquisitive offenders. Multi-agency, within this context, means a 'partnership' formed between four criminal justice agencies: the police, probation service, prison service and a criminal justice intervention team. Its aim is to reduce crime by identifying and targeting recidivist offenders who, according to police intelligence, are committing large amounts of crime and harming local communities (Ministry of Justice, 2010).<sup>39</sup> Various tactics are employed by the scheme to achieve these

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<sup>38</sup> See for example, Choongh, 1998; Dixon 1997 and Loftus 2010.

<sup>39</sup> See also: Lewisham Total Place: Customer Insight in Total Place - Case Study 'Reducing Re-Offending', October, 2010, at p.5.

objectives. On the one hand, IOM places a premium on conducting targeted enforcement-type interventions, for example, surveillance operations and vigorous monitoring and enforcement of offenders' prison licence or bail conditions. On the other hand, some effort is also put into rehabilitating and supporting these offenders with the ultimate aim of promoting long-term desistance amongst the cohort.

What is of interest here are the implications of this approach, for offenders themselves and, more specifically, whether the enforcement strategies adopted by the scheme are perceived to be legitimate and proportionate by the offenders at which they are targeted. In what follows, therefore, I consider (and intend to determine) the meaning of legitimacy and proportionality within the context of integrated offender management. As a working definition, however, I will treat proportionality as referring to the requirement that the means used to achieve an objective should bear a reasonable relationship to the importance of that objective (a hammer should not be used to crack a nut), and legitimacy as referring to the 'property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed' (Sunshine and Tyler, 2003, p.514).

Acquiring and sharing information is at the core of integrated offender management strategies. Information gathered on offenders is continuously processed and updated by field intelligence officers and other IOM practitioners.<sup>40</sup> This steady stream of intelligence is circulated amongst the various participating agencies. In many ways 'integrated offender management' could be re-cast as 'integrated information sharing'; for it is this pooling of knowledge which facilitates greatly the development of recidivism prevention strategies by the IOM team. The practice of 'integrated information sharing' is essentially a 'risk-management' exercise, wherein the information gathered is assessed and the risk, if any, of these individuals re-offending is 'calculated'. Once the risk is determined, tactical enforcement strategies are deployed by the IOM team. This means that the majority of IOM offenders are subjected to intensive surveillance strategies, their

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<sup>40</sup> The IOM team is assisted by an 'admin support' team who facilitate, by means of maintaining comprehensive computer systems – Guardian, IIMS and the Local AS Hub, the communication of information between the various agencies.

movements and activities being overtly (and covertly) monitored and information about them collected, usually without their consent.

The Police Operations Guide provides field intelligence officers with a form of ‘official’ guidance on how IOM offenders should be appropriately managed according to their risk status. Offenders are colour coded according to the level of ‘risk’.<sup>41</sup> For example, ‘red’ offenders are deemed to pose the greatest risk of re-offending, whereas ‘green’ offenders appeared to be, at least from an intelligence point of view, ‘back on the straight and narrow’.

Levels of enforcement, therefore, are determined by the ‘colour-code’ assigned to each offender during the selection process.<sup>42</sup> For ‘red’ offenders, habitual drug users who regularly commit priority crime,<sup>43</sup> the enforcement strategies are tremendously invasive. They include daily reviews, arrest plans, regular singular and multi-agency intelligence visits, CCTV surveillance, covert and overt directed surveillance, financial investigation and ASBOs. ‘Amber’ offenders, vaguely defined as those on whom IOM has insufficient intelligence to judge the degree of priority crime offending and who are still deemed involved or at risk of being involved in such offending, are subjected to a slightly more relaxed regime of weekly reviews, arrest plans, intelligence visits, internet appeals and monthly case supervision. ‘Green’ offenders are former red or amber offenders, who are still kept on the ‘radar’ even though intelligence suggests that they are no longer committing priority crime. This group is ‘managed’ through monthly reviews, case supervision, arrest plans and *ad hoc* intelligence reports (Police Operations Guide, 2010).

The discretionary nature of policing (Dixon, 1997; Reiner, 2010; Waddington, 1999) enables field intelligence officers to pursue their own ideas about how the IOM mandate should be attained. Whether or not field intelligence officers rigidly

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<sup>41</sup> According to the Police Operations Guide (2010, p.1), IOM offenders’ ‘risk’ levels, are measured in terms of their ‘current risk of re-offending’. This assessment is based on recent intelligence, provided by all IOM partners.

<sup>42</sup> Offenders are ‘colour-coded’ on the basis of current intelligence and a police ‘scoring system’ (See Police Operations Guide, 2010).

<sup>43</sup> ‘Priority crime’ is a localised police term used regularly within the context of IOM. It refers to acquisitive crime consider to be a ‘priority’ within the force area. In this case, it refers to robbery, burglary, theft, and vehicular crime.

stick within the appropriate enforcement guidelines is considered further in later chapters, drawing on field observations; nonetheless, I will offer some tentative suggestions as to the possibilities. At times strategies may fall well outside the operational guidelines. ‘Green’ offenders with a history of prolific shop-lifting, for instance, might be regularly followed by CCTV cameras or plain-clothes police officers when observed near shops. ‘Amber’ offenders may be subjected to surveillance tactics normatively reserved for ‘red’. Some offenders might be treated differently to others - not being pursued with the vigour dictated by the operational guidelines – whilst others are zealously targeted by field intelligence officers, perhaps even disproportionately.

### **Legitimacy and policing**

Proportionality and, perhaps to a greater extent, legitimacy have grown in importance within discussions about policing.<sup>44</sup> Skinns (2011), for example, draws heavily upon sociological and psychological research on legitimacy by Tyler (2003) and others<sup>45</sup> as part of an empirical examination into the processes and practices that occur within police custody in England and Wales. Bradford (2011) has also incorporated legitimacy into studies on public confidence in policing. Similarly, Gau and Brunson (2009) examined inner-city young men’s perceptions of police legitimacy as a way of understanding police order maintenance practices. The broad focus of these studies has largely been on whether those in authority, police officers for example, are regarded as legitimate by those over whom they exercise power, – the general public. This has been determined by reference to procedural and interpersonal treatment of the policed.

The significance of understanding how individuals who come in contact with the police experience these encounters and in turn how those experiences inform their judgements about the legitimacy of the police (Tyler, 2010, p.127) has become widely recognised within policing research. This is particularly important within

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<sup>44</sup> See for example, Skogan and Fryfl, 2004; Skogan and Meares 2004. Tyler and Fagan, 2008; Murphy et al., 2008; Hough et al, 2009, 2010, Jackson et al, 2010, Bradford, Quinton, Myhill and G Porte, 2012, Myhill and Bradford, 2013, Jackson, et al, 2013

<sup>45</sup> See for example, Sparks and Bottoms, 1995; Sunshine and Tyler, 2003; Tankebe and Gelsthorpe, 2007 Tyler, 2006; Tyler and Fagan, 2008.

the context of desistance, as research suggests that when those in authority act unfairly towards those they come into contact, this diminishes their chances of encouraging rule-following behaviour amongst these people (Tyler, 2010; Jackson et al, 2012). This claim will be examined below more fully within the context of IOM attempts to turn prolific offenders away from a criminal lifestyle. However, first it is necessary to consider the rapidly expanding literatures on legitimacy in order to arrive at a more precise definition, for the purpose of this study.

### **Legitimacy: towards a practical definition**

In the context of IOM, the concept of legitimacy speaks to offender perceptions of the power exercised over them by police officers and other IOM staff. Because of the nature of prison release licence conditions, various aspects of the lives of IOM offenders may be subject to wide ranging controls. For example, offenders may be told where they can reside on release from prison or perhaps with whom they can or cannot associate. Appropriate controls for each offender will likely be determined by IOM probation workers. However, given that IOM is by definition an information sharing partnership, it is also possible that IOM police officers will have a part to play in this decision-making process. Certainly IOM's uniformed branch would be responsible for enforcing any IOM-informed restrictions placed on offenders. Decisions made by IOM staff about restrictions and enforcement will also be based on police intelligence updates. It is also possible that field intelligence officers may convey the outcomes of the decisions to offenders, which may in turn shape how offenders view these officers. These possibilities are important because as far as the legitimacy of IOM actions are concerned, a key factor will be whether offenders view the police and other IOM staff as having earned an entitlement to command, which in turn creates in them an obligation to obey (Hough et al 2010, p204).

For the purposes of this study, therefore, the actions of IOM will be regarded as 'legitimate' if IOM offenders recognise that field intelligence officers and other IOM practitioners have a right to exercise power, prescribe behaviour and enforce the edicts of the scheme. Underpinning this definition, nonetheless, is the question of whether or not the actions and decisions of those in authority are considered

valid, fair, and acceptable (Tyler, 2006; Skinns, 2011; Tankebe and Gelsthorpe, 2007) by IOM offenders.

### **Procedural fairness**

My primary focus here is the role of the police within IOM. In order to ‘command’ obedience from members of the public, police officers must ‘demonstrate moral authority embodying a shared sense of right and wrong ... through the quality of their behaviour in specific interactions’ (Hough et al, 2010, p.205). This ‘moral alignment’ (ibid) becomes more relevant when considered within the context of discussions about the relationship between police discretion and organisational culture. Police culture and its influence on police behaviour is examined in detail in section 2, but to provide a brief but salient example, a view held by some police officers – one shaped by police culture – is that some people are beyond, or simply not deserving of help (Bradford et al, 2013). This type of outlook may affect the quality of police decision-making but also whether offenders are treated and managed fairly within the framework of IOM. What becomes important therefore is how the police exercise their authority. Tyler (2003) describes this as ‘procedural fairness’, a key determinant in the maintenance of police legitimacy (Skinns, 2011, p.37; Jackson, et al, 2012).

### **The relevance of procedural fairness to police legitimacy**

A growing body of evidence suggests that the legitimacy of police actions is closely linked to public perceptions about the procedural fairness of police decision-making and also the way in which officers exercise authority. Tyler (1990) has found that when people believe the actions of the police are legitimate they are more likely to comply with their directions.<sup>46</sup> The way field intelligence officers go about making ‘management’ decisions may be closely linked to offenders’ views on whether or not they feel they are being treated in a procedurally fair manner. If IOM offenders perceive the decisions of police officers and others within IOM to be procedurally fair, they will be more likely to comply with the edicts of the scheme.

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<sup>46</sup> See also: Paternoster, et al, 1997; Tyler, 2000.

Of course, people may define what is ‘fair’ in various ways. Think, for example, of the individual who believes that combat is a fair way to resolve a conflict, whilst another person believes that independent arbitration is a fairer way of settling the same dispute. Whilst both parties appear interested in involving some form of fair procedure, what that procedure looks like remains in dispute.

Tyler (2000, p.117),<sup>47</sup> however, suggests that people evaluate whether a particular procedure or process is ‘fair’ primarily through several criteria: whether there are opportunities to participate, whether the authorities are neutral, the degree to which people trust the motives of the authorities and whether people are treated with dignity and respect during the process.<sup>48</sup> Whether offenders can reconcile their experience of IOM with the above criteria is both an open and empirical question. Yet it is here that Tyler’s ideas can provide a reference point, to which we may return throughout the study. As a practical definition, therefore, procedural fairness will exist where offenders are subjected to fair (as they see it) decision-making procedures and are treated respectfully and politely during interactions with IOM workers.<sup>49</sup>

Many determining factors are likely to play a part in how offenders perceive the methods and practices of the IOM scheme. What is possible, however, in light of the work of Tyler (2006) and others, is that IOM offenders who feel they are being treated unfairly or disproportionately will be less likely to engage with the scheme and more likely to reject pathways support. Equally, other IOM offenders engaging with the scheme may only do so because of the threat of sanctions. In the latter case, compliance and obedience comes not from any moral compunction to obey the directives of IOM but, according to Bottoms and Tankebe 2012, p.126), from ‘a combination of physical coercion (e.g., locking people up), fear or a self-interested calculation of the consequences of resistance’. Offender perceptions of the proportionality of enforcement strategies adopted by IOM may also have a bearing

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<sup>47</sup> See also: Kitzman and Emery, 1993; Lind, et al, 1998; Lind, et al, 1993.

<sup>48</sup> The ‘quality’ of offender treatment, is likely to tie into ideas about the influence of police sub-culture on the decision-making practice of police officers. This aspect of the study is explored in more detail below.

<sup>49</sup> Here the term ‘IOM workers’, includes both uniformed and field intelligence IOM police officers, as well as probation, prison and drug workers.



on the likelihood of offender participation in the scheme. This is of critical importance to the research because it suggests that ‘proportionality’, as a concept, is intrinsically linked both to the general legitimacy of the IOM scheme and the likelihood of its success in promoting long-term desistance amongst recidivist offenders. Yet in order to investigate whether IOM approaches are perceived by offenders to be proportionate and, therefore, by implication legitimate, it is first necessary to determine the meaning of proportionality within the context of IOM approaches.

### **Proportionality: towards a practical definition**

Proportionality is a nebulous concept which must be examined carefully. In what follows I set out a basic standard of ‘proportionality’ against which IOM enforcement strategies can be assessed throughout the empirical research. Before turning to this ‘basic standard’, for reasons I shall subsequently make clear, I will rule out some alternative approaches to discerning the meaning of proportionality within the context of IOM.

First, I considered, and rejected, the idea of drawing an analogy between the various intrusions (intensive surveillance and so on) into the lives of IOM offenders and the intrusive nature of stop and searches conducted during ‘ordinary’ police operations. One might argue that the events, factors and criteria contained within the PACE<sup>50</sup> Codes of Practice guidance, for example reasonable suspicion<sup>51</sup>, together with associated case-law<sup>52</sup>, could be used as a basic standard against which to measure the proportionality of IOM enforcement strategies. This approach, however, must be discarded. Firstly, it may not be possible to make a direct comparison between IOM ‘intrusions’ and stop and search ‘intrusions’, as they are by nature inherently different. Secondly, there is likely to be little by way of authoritative case-law in the IOM area, as the targeted groups<sup>53</sup> are disorganised,

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<sup>50</sup> The Police and Criminal Evidence Act 1984, hereafter referred to as PACE.

<sup>51</sup> See PACE Codes of Practice A, para.2.2.

<sup>52</sup> See for example, *Murray v UK* (1994) 19 EHRR 193; *Shaaban Bin Hussien v Chong Fook Kam* [1970] AC 940; *Castorina v Chief Constable of Surrey* [1998] NLJR 180; *Cumming v Northumbria* [2003] EWCA Civ 1844; and *O’Hara v Chief Constable of the RUC* [1997] 1 All ER 129.

<sup>53</sup> According to Ministry of Justice statistics, the typical IOM offender is a white male, aged 29, with a criminal history going back 14 years and an average of 74 previous convictions. More often than

poor and lacking in social capital.<sup>54</sup> This means they are less likely to challenge the actions of field intelligence officers.

Second, consideration was given to drawing upon ideas associated with empirical ethics research methods.<sup>55</sup> Adherents to this approach might suggest that proportionality in the context of IOM can be conceptualised by reference to the standards or particular thinking formed about proportionality by IOM offenders and field intelligence officers. In other words, a basic standard of proportionality could be developed from the data extracted during the empirical research. This approach, however, was deemed impractical given that what was needed from the outset was a standard of proportionality that could be used *throughout* the observations, rather than waiting until *after* the interviews were conducted and analysed using an empirical ethics approach. Moreover, as will become apparent in what follows, human rights law already provides an authoritative standard of proportionality.

#### *Proportionality – a human rights based approach*

The growth of ‘rights-consciousness and claims within the UK’ (Murphy and Whitty, 2007, p.798), particularly since the passing of the Human Rights Act (HRA) 1998, has meant that rights discourse, particularly that concerning the civil and political rights as expressed within the European Convention of Human Rights

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not, the offender will have problems with addiction, no stable accommodation, and is unlikely to have ever held regular employment (MOJ, 2010).

<sup>54</sup> For present purposes I have adopted Putman’s conceptualisation of social capital, in which he suggests that it refers to the ‘networks and norms, and trust that enable participants to act together more effectively to pursue shared objectives’ (1995, p.664-65). Research suggests that moreover, ‘a lack of social capital can be associated with an elevated risk of delinquent behaviour’ (Salmi and Kivivuori (2006)) and persistent offending (see, for example, McNeill, 2009)

<sup>55</sup> Empirical ethics is a way of combining ethics and empirical research. As a theoretical concept it suggests, according to Borry, et al, that ‘the study of people’s actual moral beliefs, intuitions, behaviour and reasoning yields information that is meaningful for ethics and should be the starting point of ethics; secondly, empirical ethics acknowledges that the methodology of the social sciences (with quantitative and qualitative methods such as case studies, surveys, experiments, interviews, and participatory observation) is a way (and probably the best way) to map this reality; thirdly, empirical ethics states that the crucial distinction between descriptive and prescriptive aspects should be more flexible. Empirical ethics denies the structural incompatibility of empirical and normative approaches, and believes in their fundamental complementarity; fourthly, empirical ethics is a heuristic term which argues for an integration of empirical methodology or empirical research evidence in the process of ethical reflection. In its overarching meaning, empirical ethics is not a methodology of doing ethics, but a basic methodological attitude to use the findings from empirical research in ethical reflection and decision making’ (Borry, P., Schotsmans, P., Deirickx, K., (2004) Editorial Empirical Ethics: a challenge to bio-ethics *Medicine, Health Care and Philosophy* 7: 1–3).

(ECHR), has greatly augmented the relevance of individual rights to the IOM approach. Human rights law, therefore, provides the foundation of the definition of ‘proportionality’ which I have adopted as the ‘yardstick’ against which IOM strategies can be measured.

Statutory IOM offenders are required to engage with the scheme as part of their prison release licence conditions. In order to be lawful, however, some form of reasonable relationship must be maintained between the crime prevention/risk-management aspirations of the state and the interests of IOM offenders to have their rights upheld. In short, licence conditions must be proportionate. This principle is anchored in human rights jurisprudence having developed out of challenges made, under the auspices of art.8 of the ECHR, against the terms of prison licence conditions. Three cases in particular warrant attention: *Craven*,<sup>56</sup> *Carman*,<sup>57</sup> and *Mehmet*<sup>58</sup>. In each case the applicant contended, *inter alia*, that a condition of the licence (*Carman* - residing at a particular hostel, *Craven* - an exclusion zone, *Mehmet* - travelling restrictions) amounted to an infringement of his right to ‘respect for his private and family life, his home and ... correspondence’. It is quite possible that IOM enforcement practices, for example, the use of intensive surveillance tactics, may also interfere with the art.8 rights of statutory offenders. State interference with the exercise of art.8, however, is permissible when it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others’ (art.8(2)).

Moses J in *Carman*<sup>59</sup> insists that this means that ‘any restriction on [art.8] ... must be necessary and proportionate’.<sup>60</sup> This position stems from *obiter* remarks made by Burnton J, in *Craven*,<sup>61</sup> wherein his Lordship maintained that ECHR law requires

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<sup>56</sup> *Stephen Craven v Secretary of State for the Home Department and the Parole Board* [2001] EWHC 850 (Admin).

<sup>57</sup> *R v (on the application of Carman) v Secretary of State for the Home Department* (Again, do you mean Home Office?)[2004] EWHC 2400 (Admin).

<sup>58</sup> *The Queen on the Application of Rifat Mehmet v London Probation Board* [2007] EWHC 2223 (Admin).

<sup>59</sup> *Supra.*, n57.

<sup>60</sup> *Ibid.* at para.25.

<sup>61</sup> *Supra.*, n.56.

the court to determine ‘whether the interference is proportionate to the particular aim being pursued ... the more serious the intervention the more compelling must be the justification’.<sup>62</sup> In *Mehmet*,<sup>63</sup> Sullivan J merely confirmed this now well established position.<sup>64</sup>

The law in this area can be summarised as follows. Providing licence conditions (which, for our purposes include mandatory engagement with IOM) are consistent with a legitimate purpose (in this case - the prevention of recidivism), any corresponding interference with an IOM offender’s right to private and family life (for example, by way of intensive surveillance measures) will be justified if that interference is considered by the court to be necessary and proportionate to the legitimate aim pursued (protecting the public and/or preventing re-offending, for example). Licence conditions are ‘not to punish but ... to protect the public in general or specific individuals from potential risks of harm based on risk assessment undertaken by the probation service’.<sup>65</sup>

The Government’s National Offender Management Services guidelines draw heavily upon these principles. Both the ‘Transfer to the Parole Board of functions under the Criminal Justice Act 1991: Release of long-term prisoners’ and the list of NOMS-approved licence conditions for adults, insist that ‘proportionality’ must, in this context, mean that the ‘restrictions placed on the offender are no more than the minimum required to manage the risk posed’.<sup>66</sup> ‘Necessary’, on the other hand as Feldman points out, is a ‘difficult phrase to which to give substantive content’ (2002, p.539). It refers to the requirement that interference must be ‘necessary in a democratic society’. Some like Taylor (2002, p.68), however, have suggested that it merely amounts to a ‘test of proportionality’. Certainly, in judicial or administrative practice, ‘necessity’ bears a more flexible meaning than ‘no lesser means available’

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<sup>62</sup>Supra, n.57, at para.21.

<sup>63</sup> Supra., n.58.

<sup>64</sup> Ibid, at para.12.

<sup>65</sup> Supra., n.57, at para.18. In principle these challenges can be dealt with by the Administrative Court by means of conventional judicial review grounds: reasonableness, necessity and proportionality (although each case is dependent on its own facts).

<sup>66</sup> Ministry of Justice National Offender Management Instructions (ref: PSI 37/2011) ‘Transfer to the Parole Board of functions under the Criminal Justice Act 1991: Release of long-term prisoners’, p.3, para.2.9, available at: <http://sitesearch.justice.gov.uk.openobjects.com/kb5/justice/justice/results.page?qt=PSI+37%2F2011> (accessed, 03/08/2011).

(Feldman, 2002, p.539). For present purposes, however, it seems appropriate to continue to follow the government's offender management guidelines: 'necessity' (and thus proportionality) will be taken to mean either that no other means are available or, where other means are available, that the legitimate aim pursued by the interference cannot be achieved by less restrictive measures. This provides a working definition of proportionality against which to assess the targeted enforcement strategies adopted by IOM in the field.

In sum then, any interventions employed by the scheme to manage the 'risk' posed by a particular offender were considered disproportionate when they amounted to more than the minimum required to manage the risk posed by the offender in question. Furthermore, such interventions will be regarded as unnecessary (and thus disproportionate) where other less restrictive means are available to achieve the legitimate aim pursued by the interference.

### **Legitimacy, proportionality, desistance and IOM**

Ideally, all IOM offenders should be treated proportionately and thus legitimately; this would be in line with generally accepted moral standards in society. Proponents of risk-based offender management, however, may argue that the sheer volume of crime committed by this group as a whole justifies high and at times disproportionate (in terms of particular individuals) levels of strategic intervention. Offenders might view the levels of resources targeted at them as disproportionate. They could, for example, argue that their privacy is being continuously invaded by 'multi-agency intelligence visits' or 'CCTV surveillance' (Police Operations Guide, 2010). The system of selection may, however, alleviate the danger of disproportionate intervention if, firstly, it places considerable emphasis on a careful and measured assessment of whether an individual deserves to be in the IOM scheme and, secondly, if it is the scene of exacting and continuing reviews of the status of IOM offenders, therefore filtering out individuals no longer considered to be 'risky'. However, a potential paradox arises. 'Rigorous and continuing reviews', as required by the police operational handbook, will need to be based on up-to-date intelligence reports, which will often be obtained only by the kind of intrusive tactics most likely resented by offenders. If the operational methods and practices

adopted by IOM are perceived by offenders as grossly disproportionate, it may undermine the legitimacy of the scheme in the eyes of offenders (Skinns, 2011, p.23), particularly where there is no new intelligence or indication that they are continuing to offend. Ironically, then, a scheme designed to promote desistance may actually be counter-productive, at least to some extent. To understand this more fully it is important to engage with some of the key lessons of the literature concerning how best to promote long-term desistance amongst offenders.<sup>67</sup>

First, the higher the degree of scrutiny, the more possible it is that an offence will be detected, even if the offender in question is offending at a lower rate than other people not currently on the IOM scheme. Consequently, to some, as yet unknown, extent IOM may lock its own prolific ‘priority’ offenders into their offending identity. Second, this may in turn promote fatalistic thinking by offenders about their own offending trajectories. Maruna’s (2001) narrative study concerning the subjective dimensions of change amongst ‘persisters’ (persistent offenders) and ‘desisters’ (those that had achieved an offence free period) found that persisters tended to retain a sense of fatalism about the inevitability of their offending trajectories, largely viewing their offending life scripts as having been written for them a long time ago (Maruna, 2001, p.75). As well as reinforcing the status of IOM offenders as ‘prolific’, ‘priority’ offenders, the methods and practices of the scheme may also reinforce any sense of fatalism that these offenders have about their own offending careers.

Third, desistance literatures point to the importance of establishing effective relationships – built, amongst other things, on sensitivity, respectfulness, compassion and fairness – as a pivotal part of the offender supervision process (Burnett, 2004; Burnet and McNeil, 2005; McNeil 2006; Bottoms, 2001). If offenders perceive the actions and authority of IOM to be ‘illegitimate’, this could undermine IOM staff’s chances of persuading offenders to desist permanently from offending. As McNeil (2006, p.52) explains:

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<sup>67</sup> See for example Papachristos, A. V., et al, 2007; 2012; Tyler, 1997.

...in the community legitimacy is likely to be a crucial factor both in preventing breach [of court imposed orders] by persuading offenders to comply with the order and, perhaps, in preventing recidivism by persuading offenders to comply with the law.

Fourth, where individuals feel pressurised to engage with IOM because of the threat or use of sanctions, this may further delegitimize the scheme from the viewpoint of offenders. In any case, coercive criminal justice approaches run counter to broadly held ideas about the promotion of desistance amongst recidivist offenders. Indeed, whilst some evidence suggests that threats of punishment can make people engage with authorities when they might otherwise not, some writers, Appleton and Burnett (2004, p.35) and Crawford (1994) for example, suggest that ‘voluntary participation’ in programmes designed to promote desistance is likely to be an important motivator in the promotion of long-term desistance amongst this cohort. Another factor is an individual’s self-motivation to stop offending. Burnet (1992, p.66) found that offenders who felt that they were both ready to stop and that they could stop offending were more likely to desist from offending than those who remained unsure about whether they wanted to stop offending. Employment, age, and other social and psychological variables have also been found<sup>68</sup> to be conducive to long-term desistance; coercion alone, it seems, does not motivate people to comply with legal authority; other factors are also vitally important.

Finally, returning to ideas about procedural fairness, if the police unfairly exercise their authority, this may be met by defiance and non-cooperation (Tyler and Sunshine, 2003). Moreover, disrespectful treatment and unfair decision-making, or in other words procedural *unfairness*, not only makes compliance less likely<sup>69</sup>, but may also weaken any the connection between the police, the policed, and the rule of law (Jackson et al, (2012). Further, treating people in this way not only has the potential to lower self-esteem but also, as Jackson et al (2012, p.1053) point out, conveys a stark message to offenders: ‘*you are not valued by society*’.<sup>70</sup>

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<sup>68</sup> See for example: Uggen and Kruttschnitt, 1998; Farrington, 1992; Cusson and Pinsonneault, 1986; Farrall, 2004.

<sup>69</sup> See for example: Sunshine and Tyler, 2003; Engel, 2005; Gau and Brunson, 2009; Tyler and Fagan, 2008; Wells, 2007. Although most of the empirical work has been concerned with the police and court system, a second strand of criminological research has developed. Sparks et al, (1996) provides a good entry into this research, but see also: Liebling 2004 and Crew 2009.

<sup>70</sup> Italics signify original emphasis.

This is important within the context of IOM because such messages, whilst congruent with orthodox police cultural attitudes, are difficult to reconcile with a penal strategy which aims to reintegrate offenders back into society. In fact they appear more reflective of popularist punitive attitudes (Bottoms, 1995; Garland, 2001). Desistance research has identified a connection between offender decisions to desist, their sense of self and a need to feel included within the social world. Positive social inclusion, therefore, seems to go some way towards motivating recidivist offenders to desist (Weaver and McNeill, 2010). The point is, however, that procedurally unfair treatment of offenders may have a negative impact of their perceived sense of worth. This may also reduce the likelihood of long term desistance.

## **1. Understanding decision-making in a criminal justice setting**

One of the key research questions tackled in this thesis concerns the kind of policing taking place within IOM. In essence, this involves looking closely at the setting within which policing decisions are taken and the nature of that decision-making. Field intelligence officers within IOM are legal decision-makers. By this I mean that these officers routinely make decisions within a criminal justice setting, the contours of which are determined by law. Police decision-making is underpinned by vast amounts of discretion; this is well documented (see for example: Dixon, 1992, 1997; McConville et al, 1991; McConville and Shepherd, 1992; Young, 1991; Waddington, 1999a, 1999b). Likewise, discretion is all-pervasive in IOM. It is the means by which law<sup>71</sup> is translated into action (Hawkins, 1992) by field intelligence officers and other IOM practitioners. Field intelligence officers form an integral part of the multi-agency teams which form the bedrock of the IOM scheme. There is little doubt, moreover, that their choices regarding the management of IOM offenders have the potential to impact massively on the lives of these individuals. It is imperative, therefore, that we are able as much as possible to understand the factors and criteria employed by officers when arriving at a

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<sup>71</sup> Sections 5 to 7 of the Crime and Disorder Act 1998 place a statutory duty on local authorities to formulate and implement a strategy for combating the misuse of drugs and the reduction of crime and disorder in the area.



decision. In what follows, I broaden the lens through which field intelligence officer behaviours and practices can be understood by examining and subsequently transposing Keith Hawkins's ideas concerning discretionary decision-making within a criminal justice setting into the wider context of IOM.

### **Surround, field, and frame**

Research suggests that 'police culture' influences the way police officers handle legal rules.<sup>72</sup> It is highly likely that the same 'culture' impacts on field intelligence officer decision-making, particularly during field intelligence officer-offender interaction. Moreover, it is unlikely that field intelligence officers exercise discretion in total isolation from any wider socio-political or organisational context. Resource allocation, organisational demands, ideological orientation and occupational pressures all, to varying extents, impact upon police decision-making. Keith Hawkins argues that decisions made by actors within a criminal justice setting 'can only be understood by reference to their broad environment, particular context and interpretive practices: their surround, field and frames' (Hawkins, 2003, p.189). As Hawkins explains further:

...Criminal justice decisions are made in the broader setting of a surround and within a context or field, defined by legal and organisational mandates... Decisions are made in a rich and complex environment, which acts as the setting for the play of shifting currents of broad political and economic values and forces. Decision frames, the interpretive and classificatory devices operating in particular instances, are shaped both by surround and field. To understand the nature of criminal justice decision-making better, a connection needs to be forged between forces in the decision-making environment and the interpretive processes that individuals engage in when deciding a particular case' (2003, p.189).

Hawkins's ideas are useful when transposed into the context of IOM, for they provide a theoretical lens through which to explore and interpret the decision-making practices of field intelligence officers. The surround, for example, is the wide landscape within which criminal justice decision-making takes place. It is the

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<sup>72</sup> See for example: McConville et al, 1991, Choongh, 1998; Loftus, 2010, Skinns, 2011 and Reiner, 1992.

site of crime trends which criminal justice agencies are mandated to address, particularly those that precipitate public and political concern. Moreover, the surround is the political and economic environment for individual decision-making and the activities of the legal bureaucracies, for instance the Home Office, the National Offender Management Service and the Ministry of Justice, within which such decision-making takes place. The surround is fluid and therefore subject to change, which is often perpetuated through hysterical media interpretation and representation of the criminal process (Ericson and Haggerty, 1997; Hutter and Manning 1990). Both the socio-political and socio-economic climate may shift. The changed environment then becomes part of a new organisational and decision-making space for criminal justice actors. In this way, both the organisational field and the process of interpretation and classification by decision-makers (frames) are affected.

### *Surround*

The surround primarily concerns the socio-political and socio-economic climate. This can be broken down further when we consider the policies which have shaped criminal justice over the last few decades. Combating crime, being ‘tough on crime’ and a general concern for the safety and security of the law abiding ‘majority’ seem to have been an important election pledge of most political parties. It is therefore unsurprising that a ‘key priority’ (MOJ, 2010, p.1) of the current coalition government is the ‘safety and security’ of the ostensibly ‘law-abiding citizen’ (MOJ, 2010, p.1).

Breaking the reoffending cycle by punishing, reforming, and rehabilitating offenders is the current government’s mission statement. This can be viewed against a backdrop of a rise in ‘managerialism’ and ‘actuarial’ criminal justice approaches (Garland, 2001; Feeley and Simon, 1994) over the last two decades. This form of ‘justice’ *inter alia* places an emphasis on the identification and classification of ‘dangerous’ or ‘risky’ segments of the population (Brownlee, 1998, p.323) who must be risk-managed at minimum cost (Garland, 2001; Pratt, 2000). The result, is a ‘shift in the goals, principles, and procedures of criminal law in the

direction of compliance-based law enforcement, which uses surveillance and record keeping as the primary form of control' (Ericson and Haggerty (1997, p.52-3).<sup>73</sup> This 'shift' makes up a key part of the current 'surround' within the context of IMPACT. Since the late 1990s, primarily under the last Labour government, wide ranging programmes have been developed specifically to prevent crime and manage risk. Hybrid civil-criminal legislation, providing for the confiscation of criminal proceeds,<sup>74</sup> and various civil behaviour orders<sup>75</sup> are but two examples.

Those responsible for law enforcement policy-making must adapt to changes in the surround in more ways than merely introducing new legislation. Transformations, shaped by the changing surround, have already taken place in the field of policing. Privatisation, joint venture arrangements, payment by results and financial incentivisation have become buzz-words within criminal justice spheres.<sup>76</sup> This is perhaps a reflection of 'managerialist' trends and market value disciplines infusing criminal justice practices. As Sanders, Young and Burton (2010, p.39) note, 'criminal justice has been much influenced by the 'new public management' promoted by successive governments from the early 1980s onwards'. More recently, Her Majesty's Chief Inspector of Constabulary for England and Wales, Thomas Winsor,<sup>77</sup> made clear the current government's position on 21<sup>st</sup> century policing, suggesting that 'the primary role of the police is the *prevention* of crime and disorder'.<sup>78</sup> The idea is that focusing on *would-be* offenders, *likely* victims and *potential* crime hotspots will save taxpayers'<sup>79</sup> money and increase public safety and security. Yet perhaps what is really at work here is the integration of two key aspects of the surround. Focusing on preventative, risk-management criminal justice strategies speaks to the actuarial justice aspect of the surround, but also reflects the current socio-economic climate of austerity.

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See also: Ericson, 1994a; and 1994b.

<sup>74</sup> The Proceeds of Crime Act 2002.

<sup>75</sup> The Crime and Disorder Act 1998.

<sup>76</sup> See for example, 'Uncorrected Transcript of Oral Evidence' at the HC 8<sup>th</sup> of June 2011.

Thomas Winsor's speech to the Royal United Services Institute  
<http://www.hmic.gov.uk/media/hmcic-speech-policing-in-the-new-dynamic-environment-20130429.pdf> (last accessed, 15/05/2013) at p.5.

<sup>78</sup> Emphasis added.

<sup>79</sup> Emphasis added.

Law enforcement has adapted to this ‘new’ criminal justice paradigm in two main ways. Firstly, the changes in criminal justice policy, briefly explored above, have been conveyed from centralised, national criminal justice agencies to localised police and probation services for implementation on the ground (Hawkins, 2002). Thus, IOM can be firmly situated within the actuarial justice paradigm. The scheme aims to disrupt criminal behaviour amongst a criminal cohort, identified, through surveillance and knowledge gathering, as a ‘dangerous’ section of the population. In other words, IOM is, broadly speaking, an exercise in risk-management criminal justice.

Equally, however, as Hawkins (2002, p.50) explains, ‘changes in the surround can prompt an immediate change in practice’. In other words, field intelligence officers and other IOM staff may modify their own decision-making in response to perceived changed expectations. For example, public criticism relating to the failure of specific police operational practices might, in an effort to stem any diminishing public confidence, precipitate changes in force policy or the launch of force wide operations. In turn, decisions made concerning the management of offenders may be subsequently overridden by the change in policy.

### *Field*

Changes occurring in the surround can alter the decision field, the ‘legally and organisationally defined setting’ (Hawkins, 2002, p.52) in which field intelligence officers work. Cuts to the central police budget, for example, may generate changes in force policy direction or precipitate new more ambitious operational targets. A preoccupation with risk and public protection might, for a time, dominate government criminal justice policy. New ‘rules of engagement’ may be formulated; mantras such as ‘zero tolerance’<sup>80</sup> or ‘tough on crime ... tough on the causes of

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<sup>80</sup> Recall, for example, the words of the current Prime Minister (PM), in the wake of (mistake here!) the worst rioting to hit mainland Britain in 30 years. – “We haven’t talked the language of zero tolerance enough” (Daily Telegraph, 2011), the PM suggested, subtly indicating that the police should adopt a more radical approach to street crime.

crime’<sup>81</sup> may surface, precipitating new, more radical and ... ‘far-reaching [criminal justice] approaches’ and ‘more effective ways of using scarce resources’ to reduce crime (Carter, 2003, p.1).

Nonetheless, as Hawkins (2003, p.189) reminds us, law ‘determines the contours and reach of the field by establishing and defining a mandate and how this mandate must be attained’. Within the context of IOM, sections 5 to 7 of the Crime and Disorder Act 1998 place a statutory duty on local authorities to formulate and implement a strategy for combating the misuse of drugs and the reduction of crime and disorder in the area. This is evidence of a change in the surround changing the field. The 1998 Act originates from the broader surround, but also forms part of the field for operational police officers as it defines, in part at least, their legal and organisational mandate. IOM then is the localised response to a legal mandate emanating from the surround and expresses the ideas about how it should be attained.

As Hawkins (2002, p.50) explains differential distribution of ‘values, expectations and aims’ occurs across different people depending on their precise context and occupational position. The way in which the organisational mandate is transposed into the field will therefore be filtered through a lens coloured by rank and occupational role. For senior police managers, the *sine qua non* is likely to be reducing recidivism (and thus crime in general) through support and enforcement (Police Operations Handbook, 2010, p.1).<sup>82</sup> Field intelligence officers, on the other hand, may have their own vision, perhaps one more closely linked to core police culture, of how the mandate might be attained. This may serve to complicate matters if the dominant culture is not disrupted. For example, officers might prove resistant to the wholesale attitude changes required to take on a more ‘probation-type’ role during interactions with offenders, instead remaining intent on preserving

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<sup>81</sup> Coined by Tony Blair in the run-up to the party's landslide victory in the 1997 general election, Labour promised to be "tough on crime and tough on the causes of crime"; this became a decisive Labour mantra.

<sup>82</sup> See s.17(1) of the Crime and Disorder Act 1998 (as amended by s.108 of the Policing and Crime Act 2009), which provides policing authorities with a duty to ‘do all that it reasonably can to prevent, crime and disorder and re-offending, in its area’.

their ‘police officer’ status.<sup>83</sup> In this way, ‘frame’ speaks to ‘field’ since the legal and organisational aspects of the mandate are, as Hawkins (2003, p.190) puts it, ‘defined by the decision-maker in occupational terms’.

### *Frames, working assumptions, and rules*

Decision ‘frames’ constitute the means by which ‘features in a particular problem or case are understood, placed and accorded relevance’ (Hawkins, 2003, p.190). They include the knowledge, experience, values and meanings that field intelligence officers employ during interaction with IOM offenders. Police officers and, therefore, field intelligence officers ‘frame’ interactions with offenders or ‘events’, as Hawkins (2002, p.190) describes them. For example, if police officers receive a report of a potential breach of a prison licence condition by an IOM offender, the frame addresses such questions as, ‘What sort of case is this?’ It is a classificatory act which provides officers with a ‘set of rules for ... organising the ascription of meaning to events’ (2003, p.190).

Frames have the ability to fill the inevitable legal vacuum, which arises where the law fails to dictate how and when certain police powers should (or should not) be used. In this context, framing can be viewed as interchangeable with the ‘structuring of discretion according to working rules developed by policing on the ground’ (McConville et al, 1991, p.22-3). The requirement that, prior to stopping and searching citizens, police officers must reasonably suspect that relevant evidence of an offence will be found, provides an instructive example of when ‘working rules’ and thus frames can become operative in everyday policing. Reasonable suspicion is an amorphous, undefined legal mechanism, aimed at preventing officers from conducting indiscriminate searches, which are often predicated on vague, subjective concepts, such as ‘instinct’ and ‘experience’ (Sanders, Young and Burton, 2010, p.78).

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<sup>83</sup> It is also possible that this type of insecurity, which may also play a part in officers resisting any adaptation of their role, is closely linked to anticipated changes in the surround, such as privatisation of aspects of the police role.

Where legal rules have failed to constrain police decision-making, officers themselves have developed working ‘assumptions’ and ‘rules’<sup>84</sup> of thumb’ which appear to shape police-suspect interactions (McConville et al, 1991, p.22). It is during these encounters that officers find themselves confronted by a barrage of conflicting sensory information: a witness telling their ‘side of things’, for example, or perhaps ‘evidence’ found at a potential crime scene. Working assumptions may arise from officers’ interpretations of these social interactions. On the other hand, assumptions, made about people, incidents, or circumstances will also be likely to drive interpretations of a particular interaction or situation. As Hoyle (1998, p.21) explains:

Understanding ... social interactions, and the context within which they are taking place enables [police officers] to arrive at certain ‘working assumptions’ about what has occurred, what is occurring, and what is likely to occur. During this interpretive stage, judgements are made based on how the police officers routinely make sense of information. It is only when these judgements are made that officers know which ‘working rule’ to apply. The negotiation process as well as their own cultural capital allows them to decide on the appropriate rule for the assumption. The rule cannot be chosen without having first made the assumption.

‘Working assumptions’, therefore, play just as important a part in the structuring of police discretion as working rules. In essence, these assumptions become a prequel to the deployment of the ‘rule’ by officers.<sup>85</sup> Again, it is important to draw a comparison between the working ‘rules’ and ‘assumptions’ and ‘frames’ (Hawkins 2003) adopted by police officers during encounters with the public.

Like working rules and assumptions, frames are ‘indicated by cues or signs such as a word, action or event’ (Hawkins, 2003 p.191). That is to say the frame is ‘keyed’, as Hawkins (2003, p.191) puts it. What cues or signs are recognised by field

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<sup>84</sup> See also Ericson’s (1982) ‘recipe of rules’.

<sup>85</sup> Research has uncovered a mosaic of police ‘working ‘ rules’. Examples include: suspects who challenge the authority of the police are usually arrested; arrestees should always be detained; being ‘known’ to the police is sufficient to arouse suspicion; prosecution is a high priority for those suspected of regular criminal activity; officers spend only as much time on a case as they believe it deserves. McConville et al, 1991, perhaps provides one of the most recent and in-depth discussion of the operation of police working rules. Other examples can be found within the writings of Skolnick, 1966; Strohshine et al, 2008; McConville et al, 1991; Hoyle, 1998; Loftus, 2010; Choongh, 1998; Fielding, 1989; Feder, 1996; Fitzgerald, 1993.

intelligence officers and what they mean, however, depends on the frame employed. Frames and keys are both negotiable and open to re-definition (2003, p.190-2). For instance, merely passing an IOM offender in the street may 'key' and precipitate a 'general suspiciousness' frame for the field intelligence officer who observes the behaviour. Adoption of the frame keyed in this way might result in the offender being stopped and spoken to (stop and account) or, in more extreme circumstances, searched and perhaps arrested. Similarly, a matter framed as a serious 'arrest situation' may be re-keyed (especially if a bargaining relationship exists between the police officers and the decision subject) as a 'trivial matter requiring no enforcement' by a subsequent word, action or event, for example, the receipt of some valuable intelligence. Nevertheless, a change in frame does not uniformly produce a different outcome. According to Hawkins, it merely provides 'an occasion for the development of a new basis for defining material as relevant (and discarding other previously relevant material) as well as a new basis for interpreting the decision to make the outcome rational' (2003, p.192).

Particular types of police officer framing will be more resistant to change than others. For instance, it is probable that an offender, framed as 'suspicious' or 'known to the police' on one occasion, is likely still to be framed as 'known to the police' or 'suspicious' on the next. This may be the case regardless of the outcome of the interaction which precipitated the particular frame. It is possible, of course, that these types of 'working rules' (McConville et al, 1991, p.23) are viewed by field intelligence officers as too important to be abandoned on the basis of a single interaction. This is because the 'rule' usually provides the basis or justification for enforcement strategies or action taken by police officers. 'Information received' (McConville, et al 1991, p.25), for example, may lead field intelligence officers to 'task' police surveillance teams to catch IOM offenders in the act of committing a crime or breaching prison release licence conditions. It may, on the other hand, trigger an unofficial home visit. The point is, however, that the key and the frame (or indeed working rule) govern the transaction or, at least, '...mark out the territory on which matters are to be conducted' (Hawkins, 2002, p.55). This is important given the significance of negotiation in interactions between field intelligence officers and IOM offenders.



## **Working assumption, rules, frames and police organisational culture**

Framing, Hawkins (2002, p.53) explains, is also shaped by occupational and professional ideology although exactly how varies according to the world outlook of the decision-maker and is dependent on their professional training and socialisation. Teachers, for example, may frame matters in terms of ‘learning outcomes’; psychiatrists may frame matters in terms of ‘mental health’; judges may frame matters in terms of what is ‘legal’. The point is, according to Hawkins, organisational culture can influence how decision-makers understand a case, a problem or even a person. This is an important claim, one that must be carefully considered within the context of police officer decision-making.

That frontline officers are required to interpret and selectively apply their legal powers whilst ‘on the beat’, has pre-occupied academic research on policing since the 1960s. Much of this research has focused on police decision-making, ‘on-the-street’, during interaction with the general public (Banton, 1964; Bittner, 1967; Skolnick, 1966; Dixon, 1992, 1997; McConville et al, 1991; McConville and Shepherd, 1992; Young, 1991; Waddington, 1999a, 1999b; and Loftus, 2010). The research has largely been driven by a desire to understand, *inter alia*, police decisions to arrest, to stop and search and/or to detain those they ‘suspect’ of criminal activity. The result has been to expose the way in which frontline officers often manipulate their legal powers.

The underlying reason for the use of police powers can be fluid. Pervasive throughout policing research is the deliberate exploitation of the anguish felt by people brought into police custody. Choongh (1998), for example, who conducted observations of police station procedures and interviews with detainees, witnessed police powers being informally used during custody primarily to enforce a type of ‘social discipline’ (1998, p.623). By ‘social discipline’ Choongh means the use of police powers to punish, humiliate and extract submissiveness from the same old ‘dross’ (1998, p.628) who continuously fall within the police purview.<sup>86</sup> Similarly,

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<sup>86</sup> However, as Skinns (2011) points out, the flaw in Choongh’s argument is to state that social discipline is the primary purpose of police custody. This over simplifies the matter. Instead Skinns contends that social discipline is ‘probably one of a number of purposes’ and that her research

Skinns (2011) found that detaining suspects for such period as is ‘necessary to secure or preserve evidence...’<sup>87</sup> can easily become an opportunity informally to punish suspects or to ‘let them stew’ before interview. Loftus (2010, p.117) also witnessed police officers delaying the release or interview of suspects in order to increase intelligence-gathering opportunities.

The subversion and manipulation of legal rules by the police extends far beyond the confines of the custody suite. Section 5 of the Public Order Act 1986 is sometimes employed against individuals who challenge officers’ authority on the streets (Brown and Ellis HORS, 1994).<sup>88</sup> The Act enables frontline officers to reassert their authority by charging people with ‘offences to which they have no real defence’ in order to win something of a ‘moral victory’ (Loftus, 2010, pp.113-14). Powers of arrest serve several functions in addition to bringing suspects before the courts. They can, for instance, be wielded as an ‘expression of power’, or used as a ‘punishment’<sup>89</sup> or a means of ‘control and harassment’ (Dixon, 1997, p.77). Stop and search powers are also susceptible to manipulation, on occasion being used ‘not to enforce the law *per se*, but to secure broader objectives: social surveillance, the imposition of order ... [and] the acquisition of information’ (McConville et al, 1991, p.16). The point is, frontline officers are clearly not averse to manipulating legal rules and procedure ‘on the street’ in order to further their own independently defined aims, many of which have little to do with enforcing the law.

### *Cop culture*

Examination of the ‘linked series of decision stages’ (Bottomley, 1973, p.35), through which a suspect passes before entering the more formal stages of the

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suggested that in practice the custody suite is too busy for the police to maintain the degree of malice and foresight consciously to arrange the custody process in a way that suits their ends (2011, p.129).

<sup>87</sup> Police and Criminal Evidence Act 1984, s.37.

<sup>88</sup> Section 5 of the Public Order Act 1986 makes it an offence to use threatening, abusive or insulting words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment alarm or distress thereby. It is sufficient for conviction that a police officer – based on his own evidence - felt ‘alarmed, harassed or distressed’, by the behaviour in question: see *DPP v Orum* [1988] 3 All ER 449. These concepts are vague and difficult to challenge, particularly considering the evidence is largely based on the arresting officer’s subjective judgements.

<sup>89</sup> The experience of arrest, detention and trial can be just as punitive as any formal punishment imposed by the courts: Feeley, M., (1979).

criminal justice process, has been of crucial significance in identifying a common thread which runs through frontline policing. This is that whenever officers choose whether or not to use the vast discretionary powers at their disposal, their decisions are invariably coloured by a unique set of commonalities arising as a result of the unique and enduring pressures of street policing (Skinns, 2011; Loftus, 2010; Barton, 2003). These 'commonalities' have been variously identified as including an exaggerated sense of mission, a desire for action and excitement, the glorification of violence, an Us/Them divide of the social world, isolation, solidarity, prejudice, authoritarian conservatism, suspicion and cynicism (Reiner, 2010: 119-32).

Together these 'values, norms, perspectives and craft rules which inform police conduct' form 'cop-culture' (Reiner, 1992, p.109),<sup>90</sup> which is transmitted and reinforced throughout the immediate rank-and-file peer group (Skinns, 2011).<sup>91</sup> Field intelligence officers are drawn from rank-and-file police officers (often recruited from the frontline or intelligence units). It should be expected, therefore, that they exhibit many, if not all, of the same occupational characteristics as officers on the street. Whilst orthodox accounts of police culture have wielded considerable influence over understandings of police everyday decisions and practices, several criticisms have also been levelled at the concept.

### *Challenging orthodox accounts*

Waddington (1999a) points to a distinction between 'cop culture' orientations, implied and expressed by officers during the course of their work, and 'canteen culture', the values and beliefs privately expressed during off-duty socialising. In other words there is a disparity between talk, likely to be heard in the canteen, and action which takes place on the streets. In this case, talk represents a valuable outlet and an 'expression of solidarity and cohesiveness' (Hoyle, 1998: 74) amongst police officers. Moreover, it is a rational response to the unique role of frontline

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<sup>90</sup> The sub-occupational world outlook of the police has been identified by numerous police researchers, all of whom have spent much time observing patrol officers. Some good examples of policing studies, highlighting these sub-cultural traits, see: Bittner, 1967; Wilson, 1968, Punch, 1979; Manning, 1977; Skolnick, 1966; Skolnick, 1994; and Crank, 1998.

<sup>91</sup> However, see Reiner, who acknowledges that officers are not 'passive or manipulated learners' (1992, p.109).

policing, which in no way corresponds with actual police practices (Waddington, 1999a). It has also been pointed out that language forms and manifested values and beliefs may diverge; in other words canteen talk may not reflect officers' internalised thoughts (Loftus, 2010).

Some research on policing seems to support Waddington's argument. Smith and Gray (1985: p.388-9, for example, found that 'racial prejudice and racist talk . . . [were] pervasive . . . expected, accepted and even fashionable' amongst frontline police officers; nonetheless, there appeared to be little continuity between these attitudes and officers' behaviour towards ethnic minorities. Similarly, Hoyle (1998, p.76-8) observed a divide between negative cultural attitudes, held in relation to domestic disputes, and the sympathetic and sensitive way in which some officers actually dealt with these disputes. If rhetoric has no relationship with reality, then perhaps the utility of police culture as a model for examining police behaviour may be limited.

Waddington's argument, however, is sustainable only if previous cop culture scholars have based their understandings on 'cop canteen talk' alone. This is not the case. Much of the key cop culture literature is based on empirical studies of cops 'in action'. For example, McConville et al's concept of police 'working rules', borne primarily out of observations of rank-and-file police officers, can be viewed as an attempt to distil cop culture into its component parts. The argument is that these rules can be discerned from patterns of police behaviour, not simply - or even at all - by what the police happen to discuss in the canteen. Waddington himself accepts that a number of cop culture norms can be seen in action, not merely in words.<sup>92</sup> Sometimes words can help us understand actions; it is the actions, however, that really matter.

Other criticisms of the concept of police culture have emerged from policing literatures. Janet Chan, for instance, insists that police culture is a 'poorly defined concept' which lumps values, beliefs, attitudes, informal rules and practices

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<sup>92</sup> Waddington posits the following examples: 'the cult of masculinity ... the willingness and ability to use force, the sense of crime fighting mission and the abusive often racist denigration of police property' (1998b: 302).

together under one umbrella, rendering it ‘of little analytical value’ (1996: 110). Instead, Chan, drawing on Bourdieu’s (1990) theory of culture, and Sackmann’s (1991) framework on cultural knowledge in organizations, suggests that any conceptualisation of police culture must recognise its interpretive and creative aspects, as well as the legal and political context of police work (1996: 109). It is these aspects, Chan claims that have the potential to shape the nature of police organisations and their working culture, in other words, to modify police culture from without.

Yet police culture is already transforming. After all, it is not invariant or, as Reiner puts it, ‘monolithic, universal, nor unchanging’ (2000: 106). It is far too simplistic to suggest that all police officers are peering at society through a singular lens. Rather, world outlook varies across ranks, forces, genders, ethnic backgrounds and time periods. Moreover, changes in recruitment strategies have increased the presence of females and ethnic minorities among the demographics of police personnel, thus directly challenging the dominant white heterosexual male culture, pervasive within early accounts of police culture (see for example: Wesley, 1970).<sup>93</sup> Sub-cultures may, therefore, be contained *within* police culture, although this may be also be too narrow a generalisation because it misses the fact that internal rivalries and conflicts often exist between officers themselves (Fielding, 1989, 1994; Loftus, 2010). There is also evidence that individual officers adopt individual styles of policing (Hoyle, 1998). This is perhaps inevitable, as officers are likely to cope with the pressures of the frontline differently.

Other writers have suggested that orthodox accounts of police culture can be criticised for their assumption that the concept is insulated from the wider socio-political, legal and economic landscape (Loftus, 2010). These accounts appear to overlook that policing is structured according to core organisational mandates, which greatly influence police behaviour. Whatever the case, there appear to be some strong arguments which suggest that police culture is a problematic concept. However, none have proposed that the concept should be abandoned completely. If

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<sup>93</sup> However, see Loftus (2010) who suggests that the diversity drive has only ‘interrupted’ the dominant culture, largely pushing aspects of it such as racism underground or into exclusionary ‘white spaces’ rather than stamping it out altogether (See also Skinns, 2011: 28).

anything, police culture must merely be considered alongside many other factors and the broader context within which it arises. With this in mind I turn now to consider the relevance of police culture within the context of IOM.

*Is cop-culture still a useful analytic concept?*

The various challenges laid out above suggest that the power of orthodox police-culture as an analytical concept may have been overstated at times. It is not monolithic or homogenous and there does appear, at times at least, to be a gap between canteen talk and police action. Furthermore, it may be that diversity drives, training and community policing initiatives have ‘interrupted’ the dominant culture (Loftus, 2010; Hoyle, 1998). Even cumulatively, though, these criticisms do not entirely negate the analytical usefulness of police culture. As Loftus explains, ‘successive generations of researchers have observed predominantly similar characteristics in the sentiments and practices of officers across different times and jurisdictions’. She suggests, drawing on her own recent study of police culture, that these characteristics appear to have stubbornly resisted any reordering of the policing landscape (2010: 198). Moreover, while the way officers express themselves in ‘private’ may not correspond exactly with the way they behave in public, ‘it does provide a crude barometer of their attitudes, which do have some impact on their behaviour’ (Hoyle, 1998, p.81).

Canteen reconstructions, albeit at times exaggerated, of interactions with the public help define the operational limits within which police officers act whilst on the streets. Rhetoric of this nature can serve to inform new recruits of how other more experienced officers think and feel, educating them into the boundaries of behaviour which is ‘acceptable’ during routine police-public encounters. This is important because officers will want to know when other officers will back them up and when they will be perceived to have ‘over-stepped the mark’ and are ‘on their own’. It cannot be said, therefore, that even this culinary manifestation of cop-culture bears no relation with reality; on the contrary, it seems the relationship between the two is both discernible and enduring.

### *The tenacity of police culture*

It is important not to abandon orthodox ideas about police culture or overlook the challenges made to the concept. Rather we should consider the concept as evolving (Hoyle, 1998). Perhaps the role of the modern police officer is also evolving. Skolnick's (1966, p.42) earliest identification of a collective culture amongst police officers described it as a 'working personality', since the culture was born out of the demands of everyday police work. Logically, therefore, as that work changes so, to an extent, the culture should change.

The peculiar nature of the field intelligence officer role makes it likely that these officers put the core characteristics of cop-culture into practice in ways which are uniquely shaped by the pressures of working within the setting of IOM. This claim, however, requires further empirical qualification and will be more fully examined in Chapter 5. For now, it is enough to suggest that, when considered against the backdrop of IOM, the concept of police culture remains useful. Firstly, the concept explains the way in which rank-and-file officers conceptualise and interact with the social world (Dixon, 1997; Reiner, 2010; Loftus, 2010; Skinns, 2011) and, secondly, it helps us understand better the wider context within which decisions are made by field intelligence officers during the day-to-day multi-agency management of IOM offenders.

Whilst the present research is not explicitly intended to be a 'pure' study of police culture, it is clear that understanding the core cultural traits exhibited by field intelligence officers will be essential to understanding the routine interactions between these officers, offenders and others within IOM. This will help us answer the linked research questions of what kind of policing is taking place within IOM. For example, views held by field intelligence officers, both personal and professional, about IOM offenders, or the same old 'dross' as Choongh (1998)<sup>94</sup> puts it, may impinge on a field intelligence officer's framing of an event. Research suggests that police attitudes towards suspects are 'rooted in stereotypes' (Skinns, 2011, p.71). This may represent a manifestation of the dichotomous 'us' and 'them'

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<sup>94</sup> See also: McARA L., and McVIE S., (2005).

view of society often held by rank-and-file officers. It emphasises the ‘isolation and solidarity’ (Reiner, 2010) referent of cop-culture. Clear divisions are apparent within ‘the ‘them’ and ‘us’ outlook which ... makes clear distinctions between types of ‘them’ (as well as of ‘us’)' (Reiner, 2000, p.92).<sup>95</sup>

Those subject to IOM are likely to be characterised by most field intelligence officers as ‘police property’, that is to say ‘low status, powerless groups whom the dominant majority see as problematic and distasteful’ (Reiner, 2000, p.93). Officers may accordingly see it as vital to maintain police dominance and authority over IOM offenders, a concern which may not always be congruent with the mandate emanating from the field.

#### *The fluid interaction of the surround, field and frame*

The surround and field influence which frames move from background to foreground and vice versa; in this way they are in mutual interaction (Hawkins, 2003, p.190). Let us say, for instance, that force policy dictates that all incidents of cannabis possession, whether involving IOM offenders or not, are to be treated in a specific manner on pain of discipline. How a field intelligence officer frames IOM offenders caught smoking ‘dope’ in a park will probably be influenced by the mandate emanating from the organisational field. It may, therefore, be framed far more seriously, or less seriously, than would be so in the absence of this influence.

The direction of influence is not one-way; the organisational field may have to accommodate long-established patterns of framing. Senior IOM managers, for example, who know that front-line practices are entrenched, at times may modify organisational rules and targets to ‘fit reality’ rather than trying to make ‘reality’ fit organisational policy. In other words, senior management may formulate operational targets, but this formulation might in fact be done via consultation with those on the ground, thus making targets achievable.

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<sup>95</sup> Reiner suggests that ‘seven key groups can be distinguished: ‘good-class villains’, ‘police property’, ‘rubbish’, ‘challengers’, ‘disarmers’, ‘do-gooders’ and ‘politicians’.



The surround may also be aligned by the Government to fit front-line reality in the knowledge that it will coincide with the grain of what police officers want to do. This in turn might help neutralise police opposition to planned budgetary cuts. In this way, both field and surround might be influenced by typical field intelligence officer ‘framing’.<sup>96</sup> Organisational policy, for instance, which dictates the arrest of all IOM offenders found in possession of cannabis, may be modified to resonate with the preferences of field intelligence officer occupational culture. The modification could be rationalised as allowing the ‘interests of justice’ to be served by permitting the suspect to remain at large, perhaps in view of some future intelligence haul or increased surveillance capability. Thus with the frame ‘rekeyed’, field intelligence officers could still pursue objectives pertaining to organisational sub-cultural norms and values. Alternatively, the impetus for reworking of this nature may be the legitimate aim of increasing the offender’s chances of long-term desistance.

Hawkins’ theory allows us to understand better the nature of criminal justice decision-making. It is intrinsically linked to the exercise of discretionary powers and therefore allows us to make a tangible connection between forces in the decision-making environment and the interpretive process engaged by field intelligence officers. In this way it enables the researcher to explain holistically the complex decision-making processes in which field intelligence officers inevitably engage during interaction with IOM offenders. In this context, Hawkins’ ideas were used as part of an empirical research framework, which examines the policing methods of IOM and their implications for offender desistance, procedural justice and the proportionality of interventions in offenders’ lives.

### **Concluding thoughts**

In this chapter I have set out the analytical framework which informs this study and my approach to answering the research questions. To conclude, there are two main points to be made. Firstly, theories of legitimacy and proportionality provide an

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<sup>96</sup> It is probably no coincidence that the Government has told officers that it wants them to focus on ‘cutting crime’ (no doubt a popular direction within core cop culture) at the same time as it is radically cutting police budgets. This approach was outlined by the Home Secretary during her speech to the Police Federation in 2010.

important backdrop to the present research. The body of work above, from which I draw,<sup>97</sup> suggests that the potentially invasive nature of the scheme's strategic enforcement options may reduce offender motivation and undermine the legitimacy of the scheme in the eyes of offenders. These methods and practices may have an effect on offender chances of long term desistance, particularly if 'disproportionate', or they go beyond the restrictive measures deemed 'necessary' to 'manage' the risk posed by the offender. One of the objectives of this study, using the theoretical constructs outlined above, is to explore empirically the relationship between the tactical interventions and offender perceptions of the scheme, critically assessing the data against the background of desistance literatures.

The second point to be made is that there is a need to integrate both orthodox and contemporary accounts of police organisational sub-culture with theories about criminal justice decision-making more broadly. Notwithstanding the challenges, described above, to the analytical power of police organisational-culture, it is clear that the concept remains hugely useful. Cop-culture is alive and well within the consciousness of rank-and-file police officers; this has been confirmed by the collective evidence of numerous ethnographic studies.<sup>98</sup>

In many ways, however, field intelligence officers do not represent the archetypal police officer. The role, particularly the more social or supportive aspects of it, is unique. Yet this does not insulate field intelligence officers from police occupational thinking; rather it may be that the role merely precipitates something of a modified form of cop-culture, one which is shaped by the uniquely altered policing landscape of IOM. At the same time my framework remains alive to the risk of presenting cop-culture as the dominant way of understanding how field intelligence officers think about and interact with offenders and others within IOM. In broader terms, the status of field intelligence officers as 'legal decision-makers'

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<sup>97</sup> On legitimacy, proportionality and privacy see, for example: Sparks and Bottoms (1995), Tyler (2003) and Goold (2007) and on desistance, see, for example: Farrall (2004), Farrall and Caverley (2006).

needs to be recognised and understood, particularly given the potential impact of their decisions on the lives of offenders. The ideas of Keith Hawkins are useful in this regard as they help us to understand better the wider contextual factors that influence discretionary decision-making within a criminal justice setting. In the chapters that follow, Hawkins's theory of decision-making will be drawn up to enable the close examination of the choices made by field intelligence officers during routine interactions with offenders and others within IOM.

In setting out what has become the orthodox account of police culture, I aimed to provide a platform for Chapter 4 in which I link the concept of cop-culture to the world outlook of field intelligence officers operating within the framework of IOM. Prior to this, it is important to examine the methods I adopted to 'get close' to what is happening on the street, in the probation office and at the police station during the everyday management of IOM offenders.

## Chapter 3

### Method and theory: getting close to decision-framing

#### Introduction

This chapter addresses how the research was designed and carried out. In earlier chapters I have explained how I came to formulate my research questions and how certain key concepts (proportionality, legitimacy and police culture) were identified as important in developing rich answers to these. The focus of this chapter is therefore more on those questions of design that seek to operationalise the research questions. Its focus is on how access was gained to participants and organisations, how the data came to be generated, collected, recorded and analysed and, finally, what ethical and other problems were encountered during the course of the fieldwork.<sup>99</sup>

The methods for any research project must be those which are appropriate for answering the research questions (Banakar and Travers, 2005). This project asks what kind of policing is taking place within IOM, why, how offenders perceive this and with what consequences for legitimacy and desistance? If we take as our starting point Hawkins' ideas of 'surround, field and frame' (see chapter 2) as the most useful way of conceptualising the field intelligence officer decision-making process, then it follows that empirical data will best be generated by methods which enable the researcher to examine field intelligence officer decisions made in situ within the wider context of the surround and organisational field. By taking such an approach, the research retains a commitment to documenting the means by which law is translated into action (Hawkins, 1992) by field intelligence officers.

Other, more policy-oriented texts, for instance the 'Police Operations Guide' and documents outlining present field intelligence officer 'operational targets' for the

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<sup>99</sup> Rather than being a straightforward and orderly process, the fieldwork turned out to be a complicated and messy business, involving difficult issues of design and logistics.

current year, as defined by senior managers,<sup>100</sup> also provided useful data. Observations and formal interviews were the primary sources of data, however, and these focused not just on those doing the policing, but also those being policed. These methods, I suggest, for reasons outlined below, were most suited to answering the research questions. In what follows, therefore, I examine the methods chosen for this study, critically assessing their relationship with the theoretical framework set out in Chapter 2. I also offer a reflexive discussion about my ethnographic experience within the IOM team.

### **Gaining access to the police organisational field**

Negotiating access to the police research field is invariably a continuing fluid process, involving several hurdles (Reiner and Newburn 2008). The experience of some police researchers – Reiner and Newburn (2008, p.357) and Loftus, 2010, for example – are that problems of access and trust are commonplace within the police research field. It is possible of course that the researcher may uncover questionable practices. Senior officers may be sceptical about the relevance of the proposed research. Also, those in overall operational command will likely be anxious about how they (or the operations of which they are in charge) might be presented to non-police audiences, for example, the media or perhaps even the Independent Police Complaints Commission (Reiner and Newburn, 2008; Loftus, 2008; Choongh, 1998).

My impression, however, was to the contrary. The police force I approached seemed very open to the idea of research. Formal access was also greatly facilitated by an existing collaborative relationship between the University and senior officers at within the force. Initially my idea was to study a new form of policing prompted by the Proceeds of Crime Act 2002. However, I was denied access. I then approached a different senior officer of the same police force to see if he was open to the idea of a study of an initiative in which I knew he was interested – IOM. It was here that this gatekeeper spoke of his interest in a study of IOM's legitimacy,

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<sup>100</sup> Operational targets were most often made available to me in the form of copies of email correspondence between the various IOM managers.

fairness and proportionality. The ideas of this gatekeeper fitted well with my desire to undertake a critical analysis of some aspect of ‘modern’ policing.

The next step was to meet with the senior probation manager and the senior police manager directly responsible for the day-to-day running of Sunnyvale. By now I had more of an idea of what the research project might look like, at least from a practical point of view. The point of this encounter, therefore, was to discuss what the overarching objectives of the research might<sup>101</sup> be and provide an indication of the likely methods to be used, the level of cooperation that would be required and so on. I also made it clear from the outset that it was my intention to report my emerging findings shortly after completing the fieldwork, with a fuller final written report to be made available once data analysis was completed.<sup>102</sup> At this point the senior officers kindly agreed to provide whatever assistance they could.

I took the approach of conducting an initial, informal pilot study of the integrated offender management team, involving informal interviews and observations. Conducting a pilot study is useful for developing research design. It allows the researcher to gain a good indication of the functionality of the intended research methodology (Bryman, 2008), for example, to gauge whether particular questions are appropriate or need further refinement (Simmons, 2005). What was of primary concern to me, however, was further cementing my research ideas and generating a detailed research proposal which could be presented to the ‘Criminal Justice Board’.<sup>103</sup> The Board would then make a final decision regarding access to the integrated offender management organisational field. I therefore spent a month with team IOM, based at the Southside office, conducting the pilot study. My time was spent speaking to field intelligence officers, probation workers, criminal justice intervention workers and one offender. The pilot observations enabled me to

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<sup>101</sup> It is important to note that this was a fluid process and, at this time, other than some general themes of interest, no specific research objectives had been identified by me or XXXX Police Force.

<sup>102</sup> This has been described as ‘the research bargain’, see for example, Becker, 1970; Walters, 2003; and Loftus, 2010.

<sup>103</sup> The Criminal Justice Board is the name given to the local area steering committee, responsible for managing and improving the criminal justice system locally. The board consisted of various partners, including the Crown Prosecution Service, the Probation Service, Her Majesty’s Prison Service, the Youth Offending Team and Her Majesty’s Courts Service.

develop a good preliminary understanding of the workings of IOM and also to determine appropriate research methods (Kvale, 2007).

During this period I became skilled at ‘staying in the background’, whilst simultaneously ensuring that my attendance was subject to the informed consent of those present. Demonstrating that these key methodological aspects of the research were ‘workable’ was important in allaying concerns of the senior police that significant amounts of police time (and the time of other IOM staff for that matter) would be lost during the research period (Hawkins, 2002).

Finally, around one month after the pilot observation period, I presented a draft proposal to the senior probation officer and the senior police manager, with whom I had had the second meeting. Both managers agreed in principle that my ideas for an in-depth study of IOM were both methodologically sound and logistically achievable. A final proposal was then submitted to the senior police officer with whom initial contact had been made. This precipitated a further face-to-face meeting wherein the proposed research questions were discussed and an informal timetable agreed. The outcome of this meeting was that my proposal would be submitted to the Local Criminal Justice Board for consideration. The Board would then make a decision as to whether the research could proceed on the basis outlined within the proposal. This was the final stage of the access negotiations process. Around two months later, after a delay precipitated by retirements, promotions and job transfers within IOM, I received word from the Chairperson of the Criminal Justice Board stating that my proposal had been approved and that written permission to begin the fieldwork would be forthcoming in the next day or two. Around the same time I received clearance from the University of Bristol Law School Research Ethics Committee and the following Monday morning, at 8am, I arrived at the Southside IOM office to begin the study.

I proceeded with the research on the basis that no individuals were to be identifiable in any reports or publications arising out of this research (unless they gave explicit written consent to be identified). In view of this, all identifying features were removed from any datasets I created. Note, therefore, that any names appearing in the data are fictitious. The consent of those participating was subject for negotiation

on a day-by-day basis. Anyone who agreed to be involved in this research was free to withdraw at any time during the fieldwork period, without the need to give any reason, and any data they had provided would then not be used.

### **Observing police officers**

Data for this study came from one police force area and were generated during 12 months of continuous fieldwork. The primary method of data collection was the observation of field intelligence officers and other IOM practitioners. Field intelligence officers acting as ‘IOM offender managers’ or, as part of a collaborative multi-agency ‘offender management team’, were observed as they carried out their operational mandate of ‘reducing re-offending through support and enforcement’ (Police Operations Guide, 2010, p.1). 400 hours of observations were conducted. 350 of these observation hours were spent with field intelligence officers as they encountered other IOM staff and offenders.<sup>104</sup> A further 50 hours were spent accompanying uniformed police officers from the District Focus Team.<sup>105</sup> I accompanied these officers on ‘ride-alongs’, during which time I collected information on officers’ actions, reactions and encounters with the public, IOM offenders and other IOM staff. Ethnographic methods were useful here because they allow researchers to move beyond retrospective analysis and instead focus on real-time interactions. As Flood (2005, p.47) points out, ‘If we want to understand the complexity of ... relationships, we need to know what happens in those interactions, we need to observe them and watch them play out’.

Much academic knowledge about what influences police behaviour during routine police-citizen interactions has been based on observational data. Largely, the data has been collected by researchers during extended observations of the police at work within their organisational setting.<sup>106</sup> As Spano (2005, p. 522) notes, ‘Observational data form the foundation of a large body of our knowledge about the

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<sup>104</sup> Around 100 of the 350 hours were spent outside of the various IOM offices, actually ‘riding along’ with field intelligence officers as they went about their day-to-day tasks.

<sup>105</sup> The uniformed enforcement arm of IOM.

<sup>106</sup> See for example, Choongh, 1998; Skolnick, 1966; Wilson, 1968; Brown, 1997; Burnett and Appleton, 2004; Crawford, 1993; Heinsler, Kleinman, and Stenross, 1990; Loftus, 2008; Skinns, 2011; see also Mastrofski and Parks 1990 for a detailed review of early police observational research data.



behaviour of criminals and criminal justice actors'. Within the police organisational field, opportunities for 'real' participation are few, given the obvious considerations of legality and the potential for interrupting operational policing. Indeed, whilst observational studies of policing usually involve the researcher taking on an 'observer-as-participant' role within the police organisational field, very little of the field work involves actual 'participation' in the ordinary sense of the word (Bryman, 2008).

Despite working within a multi-agency partnership, field intelligence officers generally act alone when pursuing their policing mandate, with only loose supervision. This gives them significant scope for independent, 'low visibility', discretionary decision-making.<sup>107</sup> Field intelligence officer accounts of events or reasons given for decisions are, therefore, unlikely to be questioned or challenged (other than perhaps by IOM offenders themselves – individuals who, in any event, are likely to be discredited, due to their general lack of social capital). Observing field intelligence officers, I suggest, provided the best chance of penetrating this fog of low visibility that appears to surround the actions of police officers. In addition it enables one to gain a sense of field intelligence officer thinking around an approach which situates 'ordinary' police officers within a multi-agency partnership promoting long term desistance amongst recidivist offenders.

The idea of conducting observer-as-participant fieldwork as part of the present study is closely linked to the primary theoretical constructs which provide the backdrop to the integrated offender management research, police culture and Hawkins's theory of criminal justice decision-making. Within this context, close observations of field intelligence officers will allow for the examination of field intelligence officer decision-making or, as Hawkins puts it, 'framing' (see Chapter 2) in situ within the empirical setting of the surround and organisational field. This will facilitate a deeper, more nuanced understanding of what shapes field intelligence officer decision-making during offender-police interactions. As Hawkins (2002, p.449) maintains, 'It is not enough to try to understand decision-

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<sup>107</sup> The field intelligence officers at the 'Southside' office were loosely supervised by a detective sergeant. They appeared to manage their own caseloads, with little or no intervention from the sergeant or other more senior line-managers. The Sergeant reported directly to a police chief inspector.

making behaviour from reliance upon interview data alone'. Observations should render visible the sentiments that comprise field intelligence officer and offender attitudes and which guide their behaviour.

Observing field intelligence officer operational methods and practices was also thought to be the best method of addressing the question of whether or not field intelligence officers have managed to suspend or rework the informal occupational values and informal rules which, Reiner (2000) tells us, influence police conduct, decision-making practices and general interaction with offenders. It is during these day-to-day, routine interactions that police researchers are able to 'uncover and document ... informal norms, values and practices of the police' (Loftus, 2010, p.201), in short, their core organisational cultural traits and belief systems.

Observations allowed me to get close to the belief systems of field intelligence officers, interpret the different organisational cultures at play in the IOM office and see how offenders reacted in the presence of field intelligence officers. Moreover, as Hoyle suggests, 'Certain types of behaviour or ways of interacting might be so taken for granted by the police [and perhaps offenders] that they would be unaware of them and unlikely to mention them' (1998, p.43) during interviews. Within the context of IOM, observations also provide a useful way of exploring, firstly, the relationship between field intelligence officers and the various agencies operating within the integrated offender management partnership and, secondly, understanding offender experiences of being managed by police officers in an ostensibly different role.

I decided that the quality of the observational work would be improved if I remained with one team of field intelligence officers at any one time, rather than moving between different groups, in an attempt to observe them all at once. I adopted this approach primarily in order to mitigate any 'observer effect' my presence may have had on field intelligence officer behaviour (Smith and Grey, 1983; Hoyle, 1998). The idea, of course, was that the longer I spent with each group of officers, the more familiar they would become with my presence, thus rendering me less of an 'outsider'.

## Becoming ‘accepted’

The validity of police observational data has been criticised. Primarily, the challenges have centred on the potential for observers to influence those they are observing and to be influenced by the people and the events being observed. Spano (2005, p.523), for example, argues that observers become part of the context of observed behaviour and can therefore ‘potentially ‘bias’ or contaminate observational data and undermine its reliability and validity’.<sup>108</sup> Moreover, the possibility that an observer might have a disruptive influence on the behaviour of frontline police officers may be heightened by the pervasiveness of police sub-culture throughout the rank-and-file. Core policing literature suggests that the police feel isolated from a perceived hostile public (and media) and managerial attempts to control their behaviour through methods of accountability (Sando, 2005, Crank, 1998, Reiner, 2000, Skinns, 2011, Waddington, 1998).

Policing research, which has largely focused on issues of deviance, has tended to be critical of police practices. This is unsurprising; street policing after all can be highly charged and dangerous. Settling a dispute or making an arrest will usually require police officers to use coercion or force. The tactics officers use to achieve these aims can be ‘frequently of dubious legality or clearly illegal’ (Reiner and Newburn (2008, p.353). Naturally, therefore, officers are going to be reluctant to provide researchers with overt opportunities to uncover questionable practices or gain dangerous knowledge. During the early stages of a study, officers are more likely to be suspicious and evasive, may refrain from certain activities and shield certain practices from researchers. Officers may even answer questions in a pre-packaged manner (Spano, 2005). Evidence does however suggest that participant ‘reactions’ to researchers can be overcome by establishing some form of rapport with those being observed. If this can be achieved, over time participants may begin to act naturally and spontaneously, rather than presenting something of a false front.<sup>109</sup>

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<sup>108</sup> See also, Fine, 1993; Glense and Peshkin, 1999; Schwalbe, 1996.

<sup>109</sup> See for example Gottfredson, 1996; Lyng, 1990.

It is important then that police researchers become ‘accepted’ by the main participants of the research, in this instance field intelligence officers. This usually involves spending extensive time in the research field (Brown 1996). Gaining the ‘trust’ of IOM staff was a process of continuous negotiation, particularly with field intelligence officers. I was, it seems, what Reiner and Newburn (2008, p.357)<sup>110</sup> describe as an ‘outside outsider’, a position that may significantly affect the type of data accessed.<sup>111</sup> The perception of the researcher is likely to vary amongst the group being studied, although how much may depend partly on their personal characteristics and presentation of self (Reiner and Newburn, 2008). Generally a person’s appearance can affect other people’s behaviour towards that person. The way a researcher is dressed, for example, can have an impact how they are received by research participants (Bickman, 1974; Young 1991).

Initially, I was located in a police office building frequented by a mixture of police and non-police staff. Within this environment there appeared to be an informal dress-code of sorts, smart casual clothing.<sup>112</sup> I decided it was necessary to attempt as much as possible to dress in a similar manner to those present. This meant that on most occasions, I arrived at the police office wearing a pair of formal trousers, and open neck shirt and a pair of relatively smart shoes. Largely<sup>113</sup> I retained this appearance throughout the research period.

### *Being an ‘outsider’*

It is of course important to interpret the behaviour of participants and their responses to interview questions with an understanding of whom they perceived their audience to be. My status of PhD student, ‘university lecturer’ as I was sometimes referred to, may have led some IOM practitioners to regard me as elitist

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<sup>110</sup> See also, Brown, 1996.

<sup>111</sup> However, Reiner (1992) during his study of Chief Constables generally found it to be something of an advantage to be perceived as a ‘naïve student’ outsider. May also (1997) claims that rigorous research involves the separation of researchers from the subject of their research and thus the ‘outsider’, may be the best position for true objectivity.

<sup>112</sup> Having said this, a police detective sergeant did on one occasion remark that his rank required that he wear a shirt and tie to work.

<sup>113</sup> When interviewing offenders away from the police or probation office, I adopted more casual attire in order to appear less authoritative (Damon, 2010).

and out of touch with their general day-to-day experiences with offenders (Tornquist and Kallsen, 1994; Susman, Koenigsberg, and Bongard, 1989). Moreover, it is possible that, like Reiner (1992, p.47; 1978) and other ‘outsider’ police researchers,<sup>114</sup> I was seen by officers as ‘one of a growing band of at least potentially critical police watchers ... flourishing in the academe and the media’. Such opinions, however unwarranted, may potentially have precipitated concern amongst IOM staff about how their opinions and behaviours might be represented to other audiences, such as the media. This in turn could have reduced the data generated during the fieldwork or coloured social interactions with IOM staff.

Further aspects of my personal biography may also have affect levels of ‘trust’ I enjoyed within the field. For me, being a black male<sup>115</sup> within a predominantly white organisation may have hindered access to more covert aspects of IOM work. Whilst it is difficult to assess how much, if at all, my ethnic background affected the quality of data recorded throughout the research, several white police researchers<sup>116</sup> have speculated that their ethnographic experience would have been markedly different had they been a researcher from a minority ethnic background. One of the reasons this might have been the case in the present instance is how my own characteristics may, in the minds of IOM staff, have been linked to the general characteristics of the groups with which IOM typically worked.

A large body of research suggests that much policing activity in both the UK and abroad, is based on stereotyping. These stereotypes are often linked to personal characteristics or ‘auxiliary traits’, as Sanders, Young and Burton (2010, p.80) refer to them. These visible signs might include a person’s gender, age, appearance and ethnicity and enable the police (and perhaps other criminal justice actors) to make quick and at times ill-informed judgements about a person’s character, judgements which in turn to feed into decisions made around whether to stop and search an

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<sup>114</sup> See also Loftus, 2010.

<sup>115</sup> The term black is used here as a generic term to identify peoples of African and African-Caribbean origin.

<sup>116</sup> See for example, Loftus, 2008, Marks, 2004, Huggins and Glebeek, 2003. However, also see Kauffman, 1994, and Abrums, 2000, for an alternative ethnographic experience of the white researcher within a black community. Other ethnic minority researchers have also documented the difficulties they faced conducting research in their own and other ethnic minority communities, see for example, Serrant-Green, 2002.

individual, for instance. It is beyond our present concern to examine these claims more closely. However, these assertions are generally confirmed by statistical evidence. For example, a 2010 report<sup>117</sup> commissioned by the Ministry of Justice found that young black and Asian men were more than 4 times as likely to be stopped and searched on the streets of London than their white counterparts. I was not subject to a stop and search at any time during the fieldwork. It is not inconceivable, however, that some officers may have transferred any stereotypical views they may have held about ‘typical offenders’ onto me.

In the main, however, there was no overt hostility towards me, or my study although, throughout the first few months of observing field intelligence officers, my presence in the IOM office was met with widespread suspicion. Anxiety about non-police actors entering the policing environment is far from uncommon. As Reiner (1977, p.13) points out, officers have ‘always been suspicious of talking to outsiders’.<sup>118</sup>

#### *A management ‘spy’?*

The initial apprehension exhibited by IOM ‘ground’ staff appears in part to have been due to me being granted access, and subsequently introduced, by senior officers.<sup>119</sup> Having official approval may create problems of trust amongst research subjects. Getting the ‘golden handshake’ from senior management, as one officer described my access agreement,<sup>120</sup> may also result in officers feeling as though they have been ‘instructed’ to cooperate with outsiders (Ericson, 1982). Secondly, participants may regard the researcher as a ‘management spy’ (Reiner, 1978).<sup>121</sup> That is not how I saw my role, but there were instances where I had to be careful

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<sup>117</sup> Statistics on Race and the Criminal Justice System 2010 A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991, available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/172542/stats-race-cjs-2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/172542/stats-race-cjs-2010.pdf) (last accessed, 03/07/2013).

<sup>118</sup> See also Young, 1991.

<sup>119</sup> It was during the second ‘access’ meeting I had at the Southside office that I was introduced to a number of IOM staff, including the supervising police sergeant, by a senior probation officer (of assistant chief rank) and a senior police officer (of superintendent rank).

<sup>120</sup> Fieldnote-Westside.

<sup>121</sup> It probably did not help matters that at one stage I was approached by a very senior police officer and asked ‘how’s everything going?’ whilst we both happened to be having lunch in the same canteen.

not to be pulled in that direction. For example, on several occasions I was casually approached by senior managers who expressed an interest in how ‘the research was going’ or on ‘what my thoughts about the scheme were so far’. Generally I provided vague non-committal responses such as: ‘well it’s far too early to make any concrete assertions at this stage’ or ‘results is such a difficult word in this context’.<sup>122</sup> Other managers, however, were fairly indifferent to what I was doing and whilst they were prepared to be interviewed in the spirit of cooperation, they did not enquire about the progress of the research. It had been agreed with senior management that I was essentially to be given an ‘access all areas’ pass within IOM. As a senior police manager put it, “go anywhere, see anything; if you need formal confirmation of this then let me know”.<sup>123</sup> The situation on the ground, nonetheless, was somewhat more complicated.

During my first week, I was effectively ‘cross-examined’ by one of the Southside field intelligence officers. Several issues were on the officer’s mind beyond the mere aims and objectives of the research. For instance, I was asked about my relationship with senior officers, how access to IOM had been obtained and for whom the research was being conducted. My presumption is that the officer was attempting to ascertain whether I was in any way connected to the police hierarchy. Another field intelligence officer refused to be interviewed for the study in case a recording of the interview ‘ended up on YouTube’.<sup>124</sup> The following fieldnote extract reveals further underlying anxiety within the IOM office:

When we got back to the office, having been out to the prison in the morning for one of A5’s weekly ‘surgeries’, things seemed fairly quiet in the Eastside IOM office. Not long after we had sat down at various desks and were drinking coffee, A5 turned to me and asked, “What happens to the results from this study then Fred? Who gets the intellectual property rights?” I explained that I do and the research council who are funding the research and probably the university as well. “OK”, A5 responded, “But what’s to stop you

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<sup>122</sup> Fieldnote-Southside.

<sup>123</sup> Informal comments made during the second access meeting.

<sup>124</sup> Fieldnote-Eastside. This was despite much assurance from me, for example, that the recorder could be turned off at any point and that any data could be excluded from the final report, at the request of the interviewee. Eventually, after considerable negotiation and a nudge from the IOM sergeant, the field intelligence officer agreed to be interviewed *and* for the interview to be recorded.

from selling the results to G4S?”<sup>125</sup> “Well, nothing I suppose, but that’s not something I’m at all interested in doing”.<sup>126</sup>

That officers might have these concerns had been pointed out by a senior police officer during an initial access meeting. The officer had suggested that ‘any objections made to the research are likely to relate more to intellectual property rights than anything else’.<sup>127</sup> It is perhaps unsurprising then that this officer’s anxiety was probably related to a growing concern amongst field intelligence officers, and within IOM more broadly, about the possible ‘modernisation’ of the scheme through privatisation.

However, whether related to privatisation concerns or not, various formal and informal tactics were employed by field intelligence officers in what I believe were attempts, sometimes successful, to hinder my accessing certain behaviours and documenting certain information. For example, throughout the early days of the research I would arrive at the beginning of a shift to find field intelligence officers preparing to visit offenders. Many times I asked officers to accompany them on these ‘early doors’<sup>128</sup> visits; yet rarely was I allowed to. Generally in these situations officers suggested that I was simply “too late” and that my presence on said visit would be logistically difficult to organise.<sup>129</sup> At other times I was told, “Well, it’s probably not worth you coming on this one. I doubt you’ll get anything from it; you’ll just be bored”.<sup>130</sup> On occasions, responsibility for whether I was able to accompany officers was delegated to one of the partnership agencies, usually the probation service. In these instances the practitioner almost uniformly refused permission for me to attend the appointment. Of course, there is no way of knowing for certain why some probation staff adopted more of a preventative stance towards the research in these instances. Explanations given by probation staff in these

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<sup>125</sup> ‘G4S’ is an international security company which, according to their website, specialises in secure outsourcing in countries and sectors where security and safety risks are considered a strategic threat.

<sup>126</sup> Fieldnote – Eastside. Not to mention that to have done so would have constituted a breach of both my access agreement and my ethical approval.

<sup>127</sup> Informal comments made during the second access meeting.

<sup>128</sup> Fieldnote – Southside. The term ‘early doors’ was used by field intelligence officers to indicate either that an ‘event’ was happening early in the supervision process or simply that the ‘event’ was taking place early in the day.

<sup>129</sup> Fieldnote – Southside.

<sup>130</sup> Fieldnote – Southside.



circumstances tended to relate to an offender's mental state, emotional wellbeing or even my own health and safety. The following field note extract provides an instructive example of such exchange:

I asked whether I could accompany A.5, as he was going over to one of the local hostels, to see an offender who hadn't turned up for an appointment and there was some Intel to suggest that he was carrying a knife. A.5 deferred to D.2 [a probation officer] who suggested that the offender was 'paranoid' and that three of us visiting him might be too much for him, and he's carrying a knife – you don't want to get stabbed. At this point A.5 concurred, suggesting that "for safety reasons....it was probably best if you don't come".<sup>131</sup>

### *Precipitating limited trust*

Gaining the complete trust of field intelligence officers was unlikely to ever be achieved during the study. Moreover, there can be no way of knowing for certain whether what was presented was the natural behaviour of field intelligence officers, or merely an acceptable organisational face to me as an outsider. However, there were instances that I believe demonstrated, to a certain extent at least, field intelligence officers' willingness to accept my presence. That I was able to win the confidence of some field intelligence officers became apparent on several occasions later on in the study.

Although such circumstances did not reflect the norm, there were times when I 'assisted' officers in operational police work. For instance, on one occasion two field intelligence officers had 'surrounded' a wanted IOM offender's home in the hope of making an arrest should the offender answer the door. One of the officers handed me the keys to the police car, explaining that I should 'move [the car] quickly if anything happens'.<sup>132</sup> Similarly, when observing uniformed officers from the district focus team, IOM's enforcement arm, I not only made tea for the shifts

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<sup>131</sup> Fieldnote – Eastside.

<sup>132</sup> Fieldnote-Southside.

but also wrote down number plates, summarised tasking documents<sup>133</sup> and kept a lookout for suspects and cars already known to the police.

As well as getting ‘involved’ operationally, I also found myself privy to office gossip and was invited to several social occasions. Twice I was asked to proof read the curriculum vitae of officers seeking promotion or secondment to a different unit. Many times I lent a ‘friendly’ ear to officers wishing to air some organisational grievance or other. As the research progressed it became clear that some officers viewed me as someone ‘in the know’, or to whom the ‘bosses’ would listen.

Participation, to varying extents, in the critical activities of research subjects is a pervasive thread running through much policing and general criminology research. Parker (1974) for example, during participant observations of low level street criminals, actually ‘participated’ in property offences by acting as lookout, receiving part of the proceeds of the crime. Skolnick (1966), during his seminal study of the policeman’s ‘working personality’, aided officers by walking into a bar to identify an armed robber and drove a disguised truck up to a building to help officers get past a lookout. Loftus (2008) acted as a bogus girlfriend of a plain clothed officer she was observing at the time. Loftus, like Skolnick and others conducting criminological research, justified their actions by arguing that rejecting requests to assist officers could have jeopardised rapport. The point is, on a day-to-day basis, police researchers may be required to pay their way within the research field. If I had not assisted officers or ‘earned my keep’ in the manner outlined above, I would have undone the limited trust and confidence I gradually gained as the research progressed.

If the above discussion suggests to the reader that the fieldwork was consistently action orientated, then this picture is misleading. Out of 400 hours of observations I conducted, only 100 were spent ‘on the street’ with officers and other IOM staff as they engaged with offenders. This aspect of the fieldwork at times meant exposing

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<sup>133</sup> At the beginning of each shift, officers from the district focus team would be given a folder containing recent ‘tasking updates’. These updates would include localised arrest warrants for those subject to IOM and tactical information, such as where a particular offender had last been seen.

oneself to unsociable working hours and unusual situations. Nonetheless, a large proportion of my time was spent waiting for opportunities to leave the confines of the various IOM offices. As time progressed it became obvious that these opportunities would be far less than I had anticipated. Initially this realisation caused me a good measure of anxiety and frustration. My concern was that large amounts of time spent in the office meant that I was perhaps missing out on some vital aspect of the IOM scheme. Numerous hours were spent in a fairly small office, waiting for something to happen, which I found boring and at times emotionally draining. Moreover, when something did happen, it usually involved accompanying officers down a corridor to another small office. Yet, despite the rich nature of much of the data obtained by observing field intelligence officers in 'action' orientated situations, large amounts of the office-based talk I witnessed was also highly illuminating. Moreover, it became apparent that the majority of IOM staff did in fact spend a large proportion of their time sitting around the office.

#### *Role-conceptualisation and access to the police research field*

Before examining how data gathered during the study was recorded and interpreted, the different reception I received when I began observations with IOM's uniformed branch must be examined. This is important because it appears speak to a broader issue, that of role conception within police ethnographic research and perhaps beyond.

Having witnessed the considerable anxiety my presence had precipitated amongst field intelligence officer and other IOM practitioners I had braced myself for a similar experience on beginning observations of this group of officers. I was therefore quite surprised when the members of the team appeared to readily accept my presence within the office. More than this however it appeared that some officers were enthusiastic about participating in the study. Below is a partial extract taken from notes I made in my field diary, following the first shift.

As arranged with the team inspector, I arrived outside the Westside police station at 2.00pm. I felt slightly apprehensive. Although I had come across the district focus team

inspector earlier in the observations, I had not encountered any police officers from this team. A plain clothed officer met me at the door and took me though to what I can only describe as a 'situation room'. The inspector was in there, as were several other district focus team officers; they were all men. Most of these guys were sat in front of computers or putting on various pieces of body armour getting ready for the shift ahead.

The inspector proceeded, quite enthusiastically, to outline what it was the district focus team did for [IOM]: disrupt the criminal activities of XXXX's priority offenders – those that were hurting the local community the most in terms of criminal activity. "We've got something on for you today", he informed me. "We're conducting a surveillance operation around a specific [IOM] offender. Intel suggests he's looking really rough and we're pretty sure he's at it [offending]. He's due to attend a probation appointment; probation will tell us then when he leaves the appointment. Our guys will pick up his trail and you'll be with two response officers who will make the arrest". Whilst this was being explained to me some of the other officers came to crowd round the table. It was noticeable that the research seemed to genuinely interest officers in this team. Some officers asked questions about the research. "What is it you're looking at Fred?", "You trying to find out how these guys tick"? Jokes were also made, "What, you've turned up on your first day with no cakes?"<sup>134</sup>

This reception, to both my presence within the office and my research more broadly, therefore, was a marked contrast from the mixture of suspicion and indifference displayed by other IOM staff up until this point. It is possible therefore that the way in which police officers conceptualise their role within the police force has a tangible impact on the level of 'acceptance' any given researcher gains when entering the police organisational 'field'. As this was not a study of police ethnography, systematic analysis of this dimension is not possible. Nonetheless, brief discussion is essential to provide some qualifications for this claim.

In stark contrast to field intelligence officers, uniformed police were keen to display their skill sets and tell their 'stories', to an 'outsider'. This was demonstrated by the fact that officers within the team would often suggest that I accompany them on operations that they felt I would find helpful or at least interesting. It became clear

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<sup>134</sup> Fieldnote – Westside.

that these officers retained an air of dedication and confidence about their work, not exhibited (overtly at least) by field intelligence officers. It was this fact, I now believe, that greatly enhanced the type and quality of data I was able to record during this phase of the study.

### **Recording and interpreting the organisational field**

During the observations I took extensive field notes which were written by hand and typed up after each shift. I attempted to collect field notes in a fairly inconspicuous yet contemporaneous manner during each shift, although for various reasons this was not always possible. For example, if officers made informal comments or I overheard spontaneous talk between colleagues, then often this was not immediately noted down. Instead, I would wait for more covert opportunities to record these events. This meant that notes were taken down in private settings such as toilets and sometimes my car following a shift. My decision to take notes in this discreet way was determined quite early on in the study when a probation officer turned to see me scribbling notes only to ask, “What are you writing? I feel like I’m being assessed.”<sup>135</sup>

The foundation of these notes rested on flat descriptions of what I encountered within the field: people, places, and events, for instance. Layered on top of these descriptive notes, however, were my own reflections on what exactly I was witnessing during the day-to-day business of IOM. I also attempted to link the various ‘events’ and conversations I observed to relevant literatures as I went along. Much of the office ‘banter’ I witnessed might, for example, be situated within Waddington’s ideas about police ‘canteen culture’ (see chapter 2). This type of theoretical reflection therefore enabled me to begin formulating my own ideas about what I was seeing within the IOM organisational field. A good example would be where I was able to link field intelligence officer discretionary decision-making to structural accounts<sup>136</sup> of police ‘working rules’. From this starting point, I was able to theorise that, even within the IOM setting, working rules were playing an active part in everyday police-offender interactions.

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<sup>135</sup> Fieldnote-Southside.

<sup>136</sup> For example, see McConville et al 1991 and Skolnick, 1968.

Keeping an accurate and detailed field diary was therefore of great importance (Parker, 1974), as the notes documented *inter alia* the behaviour of officers and offenders as and when it occurred. My general aim, however, was to record anything said or done which appeared to be important or representative of themes, attitudes or behaviours relevant to my research questions. During ‘observer-as-participant’ observations of police work, researchers can concentrate on gathering two primary types of data, usefully distinguished by Norris (1993, p.126). Firstly, what Norris describes as ‘naturally occurring inter-officer talk’. This type of on-going ‘background noise’ was present throughout the IOM observation period. It generally included office gossip, informal conversations amongst field intelligence officers and/or other IOM staff and informal conversations between me and field intelligence officers. The second type of data Norris identifies is ‘detailed descriptions of how officers handled live incidents’. Within the context of IOM, ‘live incidents’ could mean anything from a fairly routine field intelligence officer interaction during a probation appointment right through to an incident where a field intelligence officer was involved in a hunt for a suspect or an arrest situation. Data of both types were recorded systematically from the outset of the fieldwork through to its conclusion.<sup>137</sup>

People attempt to make sense of their own social worlds and will likely provide a greater sense of order and control when interviewed than may be evident when they are ‘in action’. None of us, I suggest, has perfect insight into our own behaviour or manifested attitudes. Consequently, direct comparisons were made between how officers behaved during interactions with offenders and other IOM workers and the informal and formal justifications they provided for their actions (Hoyle, 1998). In this way, discrepancies between what officers said (for example, in response to formal interview questions) and what they actually did, ‘on the street’ or ‘back at the offices’, could be uncovered.

Attempting to understand better the way field intelligence officers conceptualise their social world presents methodological difficulties in relation to timing of

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<sup>137</sup> How this was achieved in a non-intrusive way and other matters such as how I organised my fieldwork diary are covered later in the chapter.

interviews. For example, interviewing officers during the early stages of the study may have provided a better insight into what was happening in the field, the likely outcome being richer observational notes. Hoyle (1998) for example, found that completing a substantial number of interviews before going out on patrol with officers meant that she became familiar with organisational practices but, perhaps more importantly, the legal and informal ('working') rules in which she was interested. But this approach is also problematic. Whilst Hoyle (1998) became familiar with accounts of police practices and rules, observation would also be needed to determine if the reality matched the account of the officers. Moreover, interviewing at an early stage might prevent officers from behaving differently in future from their self-portrayals during interview. For reasons outlined below interviews with field intelligence officers were largely carried out following a period of direct observation.

### **Interviewing IOM practitioners and offenders**

Formal 'exit' interviews were conducted with all available IOM practitioners.<sup>138</sup> In total, 48 one-to-one semi-structured interviews were conducted. The interviewees included 9 field intelligence officers, 1 field intelligence officer supervisor of the rank of sergeant, 6 probation officers, 2 probation managers, 2 criminal justice intervention workers and 1 criminal justice intervention team manager. Other available senior representatives from the major stakeholders in the scheme were also interviewed. These interviewees included 1 Assistant Chief Constable, 1 Probation Chief Executive Officer and 1 Senior Prison Officer. 20 offenders (10 in custody and 10 undergoing community supervision) were also interviewed.

Interviews and field observations have historically been one of the major ways in which qualitative researchers have generated and collected data for their research studies (Gubrium & Holstein, 2003; Kvale & Brinkmann, 2008; Rubin & Rubin, 2006; Seidman, 2006). Interviews were useful in the present context, because they

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<sup>138</sup> Informal interviews, that is to say, conversations between field intelligence officers, offenders, and me, during which specific, informal questions were asked and answered, also took place throughout the observation period.

allowed participants time to ‘develop views, be reflexive, explore the nuances of their ideas and link them to their personal experiences’ (Clarke et al, 2002: 18).

Following each period of observation<sup>139</sup> I conducted formal ‘exit interviews which were loosely structured and of a conversational nature. The semi-structured interview technique is a valuable strategy, usually associated with qualitative rather than quantitative research methods, which allows the interviewer contemporaneously to develop, adapt and generate ad hoc questions, probing ambiguous responses when necessary and appropriate to the central aims of the research (Berg, 2007). As a result of their semi-structured nature, the interviews remained interactive and flexible (McNamara, 2008), largely responding to the direction in which the practitioner or offender took it. This approach produced richer and more detailed answers than perhaps would have been possible using a structured interview in the same circumstances (Fielding and Thomas, 2008). The emphasis remained on what the interviewee saw as important.

This emphasis can, of course, result in ‘rambling’ or ‘going off at a tangent’. This may, at times, be encouraged on the basis that it can provide greater insight into what participants find interesting and relevant (Bryman, 2008). On the other hand, attempting to ‘cover everything’ during unstructured or semi-structured interviews may result in the generation of superficial interview data (Maguire, 2008). It may also make coding of data difficult if this is a desired outcome (Creswell, 2007). Perhaps more importantly, however, there is a danger that unstructured interviews become unfocused, even unreliable (Turner, 2010). In this type of situation, interviewers may find themselves becoming fatigued, perhaps omitting to ask incisive follow ups. Interviewees may also find such interviews lengthy and thus could lose motivation or indeed the willingness to continue.

It may be useful, therefore, to add an element of structure to the interview, so as to sharpen the focus of the ‘conversation’. In the present research, I adopted a circular process of development for field intelligence officer interview schedules. In this way, themes discussed during interview were developed and refined throughout the

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<sup>139</sup> ‘Period of observation’ here refers to the time spent in each IOM location. Before moving to the next IOM office, I conducted ‘exit’ interviews with field intelligence officers.



observations. For example, comments made informally during routine police-offender interactions, or perhaps overheard in the office, were at times used as a basis to formulate a new formal interview question. Officers were also encouraged to reflect on what had taken place during the period of observations.<sup>140</sup> The intention was to gain a more in-depth understanding of field intelligence officer attitudes, beliefs, perceptions and their relationship with any overarching cultural influences.

### *Identifying assumptions, rules and frames*

What was also of interest was discerning influences on field intelligence officer decision-making. How were officers conceptualising offenders or events taking place within the organisational field, for example? What was influencing field intelligence officer action or inaction? Interrogation of this kind of thinking requires, as Hawkins (2003, p.193) puts it, ‘analysis of the broader contextual forces and their relationship to the exercise of discretion in particular cases’. Semi-structured interviews, in this instance, allowed for close consideration of these issues.

Interviews also made it possible to address any unresolved questions arising from the observation period (Hoyle, 1998). The same interviews were also used to explore other topics including the role of police officers within IOM and their knowledge of integrated offender management methods of desistance enforcement. The aim here was to bring field intelligence officer views of what is ‘happening on the ground’, during the day-to-day management of offenders, into sharp focus. This aspect of the interview required a more formal style of questioning. Consequently, predetermined, but invariably open-ended, questions were typically asked in a

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<sup>140</sup> Field intelligence officers were also asked to describe or ‘walk me through’ incidents that had happened outside of formal observations. Some writers, McConville *et al* (1991) for example, have suggested that the reliability of this specific form of data may be open to criticism. They argue there is much evidence to suggest that ‘cases’ are open to ‘construction’ by police officers and therefore what happens in any given situation is ‘the subject of interpretation, addition, subtraction, selection and reformulation’ (1991, p.12). Nonetheless, while such data is open to criticism if treated as an accurate description of the events in question, they are much less open to criticism if treated as revealing an implicit structure of justification or assumptions about how the world works (Professor Richard Young - personal communication).

consistent but not necessarily sequential manner. The ‘open-endedness’ of interview questions allowed participants to provide as much or as little information as they desired. It also allowed me to ask probing questions as a means of follow-up (Gall, Gall, and Borg, 2003) and take a closer look at specific areas which might have so far been disregarded during the more informal part of the interview.

### *Interviewing those subject to IOM*

Field intelligence officers represent one side of the integrated offender management ‘coin’; on the other side are those being managed, IOM offenders. It was considered important, therefore, to understand offender experiences of being managed by police officers acting in an ostensibly different role.

Interviews with IOM offenders, both those with offenders in custody and those with offenders in the community, were conducted in the same manner as the other IOM staff interviews. All offenders were given a short overview of the study.<sup>141</sup> The purpose of the interview was then explained in terms meaningful to them. Prior to each interview I made considerable efforts to explain myself and impress upon offenders the independent, confidential<sup>142</sup> and voluntary nature of the research, after which offenders were asked to consent formally to participation in the research.<sup>143</sup> Some offenders appeared not to grasp the full extent of my independence from IOM, despite the efforts made on my part. On a number of occasions it became necessary to make clear to offenders that I could not and would not be able to influence IOM staff and neither was I a lawyer who could offer offenders any form of legal advice. This, I believe, distanced me slightly from the IOM team and also helped prevent the introduction of an unnecessary and unwarranted power dynamic into the interview situation.

Offender interviews were conducted in a similar, semi-structured, loose conversational fashion to those involving field intelligence officers. I interviewed

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<sup>141</sup> Offenders were also provided with hard copies of details of the research, including what the research was about, who was undertaking it and who was financing it.

<sup>142</sup> Of course, whether my assurances of confidentiality were believed by offenders is a different matter. My impression, however, was that as the interviews progressed, any initial suspicions appeared to give way to an anxious desire to tell me a great deal about their experiences of the scheme.

<sup>143</sup> Offenders signed a pre-designed consent form.

some offenders in prisons, some in cafes and in some cases spoke to offenders waiting for probation appointments outside their local probation office. The primary focus and aims of the interviews, however, were substantively different from interviews involving field intelligence officers. Policing literatures suggest that offenders generally hold a low regard for the police and the criminal justice system in general (Choongh, 1998; Loftus, 2010; Skinns, 2011). This meant that, in order to promote a level of trust between the offender and me, I needed to establish a 'neutral' environment for the interviews; this proved highly problematic.

Police, probation and prison records were used to gather the names of current IOM offenders; names of individuals were then selected completely at random from the list.<sup>144</sup> Most offenders were introduced to me either by probation staff, prison officers or the police themselves; some were selected through snowball sampling (Davis 2000). In the case of community based offenders, my belief was that police interview rooms or probation office consultation suites were unlikely to create the environment required to capture free and frank offender perceptions of the scheme. I decided, therefore, that in order to overcome the 'problem of neutrality', it was necessary, as far as possible, to meet offenders on their own 'turf'. Some offenders, for example, were approached after routine probation appointments and subsequently taken to a coffee shop, so as to conduct the interview away from the formal trappings of the probation office.

For IOM offenders in custody the methodology for acquiring their participation in the study was somewhat more elongated. Firstly, I approached a senior prison officer based at the local prison. Together we simply went on to the prison 'landings' and approached several IOM offenders and asked them if they were prepared to take part in the study. It could be suggested that using a prison officer to help secure access to prisoners could lead these people to believe they had no choice but to agree to be interviewed.<sup>145</sup> However, to maintain as much independence as possible from the 'authorities' and to ensure prisoners did not feel

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<sup>144</sup> A great deal of what I came to term as 'subjective filtering' was attempted on the part of IOM practitioners regarding which offenders it would be 'good for me to speak to'. I regularly had to counter these 'attempts' by restating the aim of the research to produce 'objective data'.

<sup>145</sup> See also Hoyle (2001, p.410), who makes a similar observation about using police officers to secure access to research subjects during her study of policing domestic violence.

unduly compelled to participate, I informed the prisoners that I would contact them again at a later date, after they had had a period of time to reflect on whether they wished to participate in the research. In some instances prisoners did not take part and refused to attend the ‘visits’ I had booked with them, but most offenders, including those not in custody, were open, friendly and interested in participating in the study. Whilst there was no reasonable way to mitigate the coercive nature of the prison environment, I provided, with a view to winning the trust and confidence of offenders, coffee, chocolate biscuits and packets of crisps. This approach helped establish an informal, relaxed and conversational atmosphere within which to conduct the interviews.

Offenders were asked to be completely honest and give their opinions about the police and I found no reason to believe that they were not. What seemed important to most offenders was that they had the opportunity to ‘have their say’, as some put it. Similar to interviews with field intelligence officers, my aim was to cover all the questions covered by the interview schedule, but offenders were also given the time and space to speak as fully and freely as they wished, even if the discussion drifted briefly away from the research.

### **Leaving the organisational field**

It became obvious that I had conducted enough interviews when no new insights were being generated by participant responses.<sup>146</sup> This was more the case with field intelligence officers and other IOM practitioners than it was with offenders, largely because potential offender participants numbered in the hundreds, whereas IOM only had 10 field intelligence officers within its ranks, with approximately 20 probation and 20 drug workers assigned to the scheme.

Observations of 400 hours were considered more than sufficient to establish something of a rapport with most IOM practitioners and to gain a better understanding of the interactions between field intelligence officers, offenders and other IOM practitioners. Further time spent in the field also may have resulted in

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<sup>146</sup> Within social research this point in time is often referred to as ‘saturation point’ (Bryman 2008).

negative consequences, such as over-involvement in the group being studied (Bryman, 2008). Indeed, Hoyle (1998) points out the danger of moving from a non-participant observer, to a 'non-observant participant', thus reducing the researcher's ability to retain objectivity in the field. As Hoyle (1998, p.46) explains:

'I realised that I had spent too much time observing officers when I looked forward to speeding and weaving through traffic with the police car 'blues and twos' going; felt disappointed when arriving at yet another activated burglar alarm which had been set off by a cat or an electrical fault; and empathised too readily with officers who missed the excitement of a violent pub brawl because they were held up in a neighbourhood dispute over dustbins'.

In the latter stages of the fieldwork, like Hoyle, I too would arrive at the police station very much hoping to experience action orientated encounters with offenders or other members of the public. However, even within the confines of the IOM office, I found myself adopting the world outlook of some of the officers I was attempting to study objectively; for me, this meant it was time to leave the research field.

### **Extracting the data**

In many ways much of the work began on my return from the field. It was then that the need arose to make sense of the findings of the study and present them to a suitable audience. Obviously, arguments made throughout the thesis must be both truthful and persuasive (Glibert, 2005). But it is communicating the research findings in a way that is understandable to others which is possibly the most difficult part of the research process (Bryman, 2008). In the final section of this chapter I shall briefly discuss how findings were extracted, interpreted, categorised into themes and subsequently written up,

Interviews, which generally averaged around 1 hour 30 minutes in duration, were electronically recorded and later converted into transcripts. This was an extremely labour intensive and emotionally draining process, but one which generated a vast amount of data. Both sets of data – interviews and observational field notes –

formed a large corpus of unstructured textual material (Bryman 2008). Large empirical data sets may yield richer and more useful information. However, as in the instant case, the size and complexity of the data can make analysis daunting. The advent of computer-assisted qualitative data analysis software has the potential to simplify such analysis. Yet despite having been trained in the use of NVivo, in practice I found it less helpful than extracting interpreting and categorising the main themes from this study manually.

Findings do not emerge easily from the data, as King and Wincup, 2008 observe. Much time therefore was spent during the immediate aftermath of the fieldwork, staring at interview transcripts and fieldnotes, not knowing quite where or how to begin. Nevertheless, detailed guidance on how to analyse large amount of qualitative data can be found in texts specifically formulated for this purpose.<sup>147</sup> To begin with it is generally suggested that researchers keep the analytical process simple (King and Wincup, 2008).

For me, ‘keeping it simple’ meant returning to the original questions and theoretical framework, formulated at the outset to guide the study. This approach aided the initial process of sifting through the interview transcripts and field notes, during which I made frequent marginal notes identifying important statements and emerging concepts. For example, I was interested whether field intelligence officers had developed ‘working rules’ (McConville, et al, 1991) as a way of structuring discretionary decisions made about the day-to-day management of offenders. Any statements, therefore, which suggested such ‘rules’ were apparent within the IOM scheme, were noted in the margins of interview transcripts and fieldnotes. In this way I began the process of coding and categorising of the data (Russell and Schutt, 2011), which proceeded in the following way.

Firstly, participant responses to interview questions (primarily derived from the theoretical framework which underpins this study) were gathered together in meaningful codes. Examples included ‘offender perceptions of their treatment by the IOM unit’, ‘field intelligence officer conceptualisations of their role within

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<sup>147</sup> See for example, Pope, 2000, Bryman, 2008, Russell and Schutt, 2011; Fielding, 2005; Strauss, 1987.

IOM' and 'probation worker thoughts about changing police attitudes'. Fielding (2001, p.236) describes this process as 'coding down'. Secondly, it became obvious that multiple codes were being used to describe the same phenomenon. The codes of 'probation workers' attitudes towards police officers' and 'probation worker thoughts about their relationship with other partnership agencies', for instance, generated the same information and therefore were collapsed into one code, 'relationships between the partnership agencies'. Furthermore, both connections between codes and new themes of interest (often linked to my theoretical framework) were identified as a result of reading and re-reading the data. For example, within the 'offender perceptions of their treatment by the IOM unit' code, a theme developed relating to offender views on the 'fairness' and 'proportionality' of their treatment. Thirdly, as touched on above, fieldnotes were used to help interpret findings obtained during interviews, particularly by making comparisons with what participants reported as happening within IOM and what was *actually* happened on the street. Consequently, fieldnotes were grouped with the codes generated by the interview data.

Extracts from the interviews and observations are provided throughout the thesis as examples of any given theme or category. These extracts are generally accompanied by a heading and footnote which denotes the type of data used in any given instance, unless this is obvious from the extract itself.

## **Reflexive Ethnography**

It has become increasingly common for researchers to reflect on the research process. Some have argued that this form of reflexivity is essential because it acknowledges the role of the researcher as part and parcel of the construction of knowledge (Bryman, 2008; Davis 2008). In this chapter, therefore, I have endeavoured to provide a detailed 'nuts and bolts' account of the methods used throughout this study, their implications for the generation of knowledge and some general discussion about the way in which my personal biography may have shaped interactions with participants. In what follows, however, I turn to a broader issue, that of how if at all I might have approached the research differently.

Researching legal decision-making is and was challenging (see also Hawkins, 2003). My approach to the fieldwork was far from perfect. Much, in my opinion, could have been improved. For example, at times during observations, I did not record participant conversations carefully enough. I was also too selective in detailing real time events in the field, especially those which I mistook to be the ‘mundane’. Quite often I would be looking for precious sound-bites and ‘juicy’ quotes, to the exclusion of other events. This was particularly the case in the early stages of the research where I wrongly considered time spent ‘stuck’ in the IOM office, as wasted. Had I been more concerned with detailing what was taking place ‘off the street’, rather than remaining obsessed with what was happening on it, I would have probably recognised the ongoing social processes earlier on in the study (Maguire, 2008).

A second flaw in my approach to the study relates to how the research was presented to participants during the early stages of the project. Of course, the presentation of the study to potential participants speaks to debates about the ethics of social research, particularly those surrounding informed consent. Ethically, it is important that research participants are provided with enough information about any given study in order that they can make an informed choice about whether or not to participate in it.<sup>148</sup> Whilst most access negotiations will involve some form of research proposal, how the description of the research problem is couched is generally a matter of discretion for researchers.

The current research was presented to gatekeepers as a study seeking to understand the implications of integrated offender management for police officers, offenders and criminal justice more broadly. This was absolutely correct and remained the general aim of the study throughout. Nonetheless, initially when research participants enquired about the nature of the research, I believe I was at times far too candid about what it was I sought to uncover. For example, explaining to police officers that one of the aims of the study was to explore the enduring nature of police culture in the face of changes to the role of frontline police officers was in

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<sup>148</sup>See the Economic and Social Research Council Framework for Research Ethics, available here: [http://www.esrc.ac.uk/\\_images/Framework-for-Research-Ethics\\_tcm8-4586.pdf](http://www.esrc.ac.uk/_images/Framework-for-Research-Ethics_tcm8-4586.pdf) (last accessed, 01/07/2013).



hindsight unhelpful and probably slowed the pace of 'becoming accepted' (Spano, 2005). On reflection, when discussing the research with police participants, it would perhaps have been better to focus on the aspects of the study which concerned offenders. Taking this alternative approach might, in the minds of officers, have distanced the focus of the study from police words and actions.

But how research is presented to participants is also an ethical question. As Hoyle (1998, p.38; 2001) explains, there could be ethical objections to misleading participants about the purpose of the research. The principle of informed consent requires that researchers provide the fullest information concerning the nature and purpose of the study (Bulmer, 2001, p.49). Indeed, in this context, one might argue that my initial presentation of the research aims to participants was ethically more appropriate, as I was transparent about the aims of the study. Equally, it could also be suggested that it is unethical to conduct research, which takes up time and public resources but has little chance of collecting valid data (because, for example, the officers involved are concerned about what might be documented by the researcher). Adherents to the latter position therefore might argue in favour of less than fully informed consent, contrary to a narrow view of ethics. Whatever the case, my observations of police officers and other IOM staff and the interviews I conducted went well and produced a rich and textual data.

## **Chapter 4**

### **Cultural integration within integrated offender management**

#### **Introduction**

The purpose of this chapter is to examine what type of policing is taking place within integrated offender management (IOM). If policing is a system of organised surveillance with the potential for imposition of sanction (Ericson and Haggerty, 1997), then all agencies within integrated offender management (IOM) are implicated in the policing of IOM offenders. The question then becomes whether the multi-agency aspect moderates in some way traditional forms of ‘cop policing’. In this chapter then, I explore the interplay of working relationships within the integrated offender management framework. The chapter brings together theory, policy and the experiences of those working within the IOM framework. In doing so, its broad objective is to understand the social processes involved in the IOM scheme and to lay the foundations for Chapter 6, which examines offender experiences of being ‘policed’ by IOM.

The chapter returns to Hawkins’ (2002) theory of criminal justice decision-making. Firstly, I situate IOM within the wider political surround of partnership working within criminal justice. Secondly, I examine the orthodox cultural values of the IOM partnership agencies and their implications for the pre-IOM relationships of the partnership organisations. Thirdly, I explore empirically how multi-agency working relationships play out ‘on the ground’ within the post-IOM organisational field. Particular attention is given to the integration of organisational priorities, cultures and ideologies. A further concern is whether being propelled into a closer working relationship has resulted in cultural and ideological changes to the world outlook of the various IOM partners and a concerted move away from inter-agency historical conflicts and differences.

### **(Re-) defining the organizational field: traditional relationships, multi-agency partnerships and integrated offender management**

As briefly touched upon in Chapter 1, since the 1980s,<sup>149</sup> localised criminal justice strategies have been driven by a belief that multiple agencies are better than one at tackling crime and disorder (Worrall and Gaines, 2006, p.579). The rationale for requiring agencies to work together is to ‘drive out inefficiencies and duplications’.<sup>150</sup> These ideas are crystallized within the Crime and Disorder Act 1998, which places a statutory duty on local authorities to formulate and implement a local strategy for combating the misuse of drugs and the reduction of crime and disorder (ss.5-7).

The legislation forms part of the broader political surround (Hawkins, 2002) and has altered the landscape of the organisational field in two ways. Firstly, at a formal level, the legislation provides the various agencies with a strategic mandate: work together to reduce crime. Secondly, at an informal level, through providing expectations as to how the mandate should be pursued and objectives attained, for example through the formation of ‘community safety partnerships’ and the sharing of information to identify and resolve local crime issues (Mawby and Worrall, 2011, p.88). In line with managerial trends, resources are pooled and ‘management’ objectives are coordinated through the implementation of strategies and services on the ground (Burnett and Appleton 2004, p.35; Nash, 1998; Padfield and Maruna, 2006). Shared surveillance technologies – information sharing and recordkeeping (Ericson and Haggerty, p.58) – mitigate against duplication of effort but also benefit the ends of crime control (Worrall and Gaines, 2007, p.579). Examples might include drug courts (Butts and Roman, 2005), police-probation partnerships (Murphy and Lutze, 2009), multi-agency public protection arrangements (Nash and Walker, 2009) and youth offending teams (Ellis and Boden, 2005; Burnett and Appleton, 2004). These collaborations facilitate intensive, joint-supervision of offenders and, it is hoped, reduce crime and therefore victims.

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<sup>149</sup> See for example, Home Office Circular 8/1984 issued to police forces, probation, education, and the chief executive officers of local authorities, promoting a coordinated approach amongst criminal justice agencies. See also the ‘Morgan Report’, 1991. For a more detailed history of multi-agency crime prevention in Britain, see Gilling, 1997.

<sup>150</sup> LJS.6 interview transcript.

For its part, IOM draws on the main criminal justice agencies involved in the management of offenders: the Prison and Probation services, the Police and Criminal Justice Intervention Teams. Where offenders were traditionally dealt with separately by these agencies, the IOM inter-agency partnership aims to avoid inconsistencies in approaches and variations in priorities (Hopkins and Wickson, 2013; Ellis and Boden, 2005). A further aspect of the rationale is that criminogenic factors driving recidivism amongst IOM offenders, for example health, housing, education and employment, by definition will need to be addressed by more than one agency. The intention, however, is not to create an amalgamation of the agencies into one; rather, it is to combine the knowledge and abilities of a range of organisations to focus on one issue – in this case combating recidivism. Throughout the fieldwork, ‘sound-bite’ reminders of the ‘common purpose’<sup>151</sup> and ‘coordinated’<sup>152</sup> ‘common sense’ provision of ‘joined up’ services, within the framework of IOM, emanated from both surround<sup>153</sup> and organisational field.<sup>154</sup>

However, as Burnett and Appleton (2004, p.34) observe, research has shown that there is ‘considerable room for disjunction between the policy statements and how they are realised on the ground’. Crawford and Jones (1995, p.20), for instance, found that alongside the ‘common sense’ appeal of multi-agency working, conflict and structural power struggles are also likely to exist, ‘As a consequence of different histories, cultures and traditions, organisations engaging in multi-agency community crime prevention work, pursue conflicting ideologies, strategies and practices’. Organisations, Crawford and Jones (ibid) continue, ‘bring to crime problems competing claims to specialist knowledge and expertise, as well as differential access to both human and material resources’.

Walters (1996, p.88), when investigating multi-agency crime prevention in Australia, documented ‘structural tensions and consistent and persistent struggles over limited resources, power, prestige and ownership’. Inter-organisational power

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<sup>151</sup>The role of the probation service: Uncorrected Transcript of Oral Evidence, taken before the Justice Committee, House of Commons, 8<sup>th</sup> of June 2011.

<sup>152</sup>SL.6 Interview Transcript.

<sup>153</sup>See Ministry of Justice, 2010.

<sup>154</sup>JLS.6 Interview transcript.

struggles have also been reported within situations where no specified framework of multi-agency coordination exists, for example, within police custody suites (Skinns, 2011).

The workings of IOM were also found to be riddled with contrasting world views and competing interests. Of course opinions were varied within each organisation and there was evidence of good working inter-agency relationships at a worker-to-worker level, but on the whole IOM presented a somewhat confused picture of a far less unified organisation than that presented by the mission-type statements found within glossy promotional pamphlets.

### **Past positions, values, and historical challenges to multi-agency working**

The ideological and cultural foundations of the police and other criminal justice agencies, but particularly the probation service, have traditionally resulted in starkly contrasting positions within the criminal justice system (Mott, 1992; Crawford and Jones, 1995). Vanstone (2004), for example, describes traditional probation values and ways of working as ‘humanitarian’.<sup>155</sup> In practice, this means probation workers are generally focused on more welfare-orientated intervention methods that involve rehabilitation and precipitating change amongst ‘clients’ (Mawby and Worrall, 2011a, p.7). This position fits with probation workers’ belief in people’s ability to change and their broader recognition of the human worth of offenders. Drug workers also retain a humanitarian and welfare-orientated world outlook. Again, offenders are viewed as ‘clients’ and the ‘management’ approach is one centred on rehabilitation, change and working ‘alongside the offender’ (Hunter et al, 2005; Nash, 2007; Barton, 1999; Beyer, Crofts, & Reid, 2002; Hough, 1996; Kothari et al., 2002; Lough, 1998).

Whereas both the probation service and drug agencies have their roots firmly located in the humanitarian camp, cop-culture gives short shrift to rehabilitative ideals. Instead, police-culture speaks to ideas about the containment and neutralisation of ‘lifetime’ offenders. For police officers, ‘managing’ these ‘types’

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<sup>155</sup> See also, Skinner, 2010.

typically involves a staple diet of crime fighting, detection, preventing crime and ultimately catching and convicting criminals.<sup>156</sup> Whilst the literature on prison officer culture is more limited than that of the police, research has identified similar cultural traits to those of police officers, including discretion, suspicion and cynicism, prejudice, authoritarianism, isolation and solidarity and a ‘them’ and ‘us’ attitude towards both offenders and senior management (Crawley, 2005; Kreiner, et al, 2006; Liebling et al, 2011a; Crew et al, 2011; Mawby and Worrall, 2011a). Traditionally, the culture of prison officers has been found to precipitate an aggressive and punitive attitude towards the management of prisoners (Crew et al, 2011, p.104).

Notwithstanding that a common purpose has brought the core constituents of IOM together, the distinctions between the roles of the various organisations has often led to distrusting relationships and sometimes conflicting missions (Murphy and Lutze, 2009, p.65). The overlap between police and prison service culture (and the day-to-day work carried out within each organisation) might be expected to propel police and prison officers into a good working relationship within a strategic partnership. This assumption, however, has proven unfounded. For example, Nash and Walker (2009, p. 172-3), who examined multi-agency collaboration within Multi Agency Public Protection Arrangements, found ‘blockages’ and ‘barriers’ to communication between the police and prison service, particularly concerning the sharing of risk-related information about offenders. This caused some police officers, interviewed by Nash and Walker, to view the prison service as ‘problematic’.

The historical relationship between the police and probation service is one best characterised as fraught with indifference, suspicion and hostility. ‘We let ‘em out and the police locked ‘em up, pretty much’, one probation worker reported to Mawby and Worrall (2011b, p.86), when asked to recall relations with the police during the 1970s. In the present study seasoned police officers recalled a historical climate of animosity, suspicion and conflicting interests between the two

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<sup>156</sup> See Chapters 4 and 5

organisations. One officer, D.5, provided the following example of how tensions between the organisations had played out in ‘territorial disputes’:

We never used to have a relationship with probation. It would be - you as a police officer would be jumped up and down to find an offender - find he's at probation - go to arrest him - they shout and scream and say what are [you] doing in the building - well we work for the same people you know.

Past relationships between the police and drug workers were similarly disjointed. Hunter et al (2005, p.348), who examined arrest referral schemes in London, found evidence of ‘frost’ and ‘scepticism’ within the outlook of police officers, particularly ‘old stalwarts’, directed towards both drug workers and the referral scheme itself. Drugs workers, like probation officers (Mawby and Worrall, 2011b), were viewed as ‘hippy-types’ and ‘tree-huggers’. One drug worker I encountered (with many years of service) recalled how distrust and suspicion were overtly expressed within the police custody areas he had worked in, in the past:

I'll never forget this police officer – he was from 1970s, 1980s – because I've got a good sense of humour it's how I break down and get in with people and stuff. This sergeant, he printed out a bit of paper and put it on our wall and there was a circle and one outside the circle and he said, “Look at that, you see that circle?”, he said. “That's us and that's you” and I said to him, “You what? Thank fuck for that, if that's how you feel [...]”. But it was only him to be honest and he was a bit of a beast. I had loads of scenarios with him.

Culturally the relationship between the prison and probation service has also been ‘uneasy’ (Mawby and Worrall, 2011b, p.81) due to previously opposed missions and strategies. For instance, whilst both the probation and prison service share the mission of keeping communities safe, the strategies employed are very different. For the probation service, responsibility for keeping communities safe arrived in the form of managing offender re-settlement (Padfield, 2012; Padfield and Maruna, 2006). Prisons, on the other hand, retain primary responsibility for keeping offenders safely locked *away* from the community. The missions of the two organisations overlap when it comes to reintegrating offenders back into the

community and for several decades probation officers have been working and located inside prisons (Mawby et al, 2005, p.128).

On the ‘inside’, however, the cultural conflict has been played out variously. Mawby and Warrall (2011b, p.81-2) observe that probation workers have been subject to sexism, racism and violence by prison officers. Mawby and Worrall found two cultural issues precipitating uneasiness within the relationship. Firstly, probation workers feared ‘cultural acclimatisation’ and ‘institutionalisation’ resulting from working within an environment that was ‘anathema to everything they stood for’. Secondly, there was anxiety amongst prison officers they would ‘be deprived of those aspects of their job that gave them the most satisfaction and stopped their role from being exclusively that of ‘turnkey’ or ‘jailor’ (ibid).

Where such differences might also be anticipated are in relationships between prison officers and drug workers who form part of the IOM partnership. There is evidence of negative attitudes amongst prison officers towards drugs users and treatment. McIntosh and Saville (2006, p.238) for instance, during their study of the provision of drug treatment in prison, observed that many mainstream prison officers retained negative and unsympathetic orientations towards prisoners who experienced problem drug use. These offenders were generally considered ‘scum’ who deserved to be ‘put against the wall and shot’.<sup>157</sup> Of course, negative attitudes have the potential to hinder working relations between prison officers and other more liberal minded professionals within the IOM structure.

What seems clear then is that inherent differences are apparent within the historical world outlooks of the various partnership agencies. Police and prison officers shared a culturally informed view of the need to deal with offenders coercively and authoritatively, whereas probation officers and drug workers presented a more humanitarian view of managing offenders and their criminogenic needs. Nonetheless, shared objectives, philosophical changes (Murphy and Lutze, 2009, p.65), an increasing culture of managerialism and a growing public protection agenda have precipitated the forging of closer links between criminal justice

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<sup>157</sup> Note here the cultural overlap between the attitudes of these prison officers and those exhibited by frontline police officers during the present study – see particularly, Chapter 4.



organisations (Nash, 1998; 2007). This represents a concerted move away from penal welfarism to a more punitive, crime control orientated, risk-management agenda (Garland, 2001; Pratt, 2000; Pycroft and Gough, 2010). We live in a 'risk society', scholars such as Beck (1992) and Holloway and Jefferson (1997) argue, a society driven by actuarial concerns and media-inspired 'moral panics' (Thompson, 1998). The police, the prison, probation service and drug workers are now key 'joined' players in the risk-management of the 'dangerous'.

### **Mission orientation: partner agencies as intelligence gatherers**

Multi-agency criminal justice working aims to promote a 'risk-complex', to make shared decisions and ensure the aims of public protection and security are met (Gough 2010, p.23-4). Part of this process is to share relevant information within the IOM framework. Formal protocols to govern the generation and practical sharing of information between the partners are not issued. Much intelligence becomes available during routine appointments with IOM offenders. As Ericson and Haggerty (1997, p.21) observe, the police are first and foremost knowledge workers. To achieve this, officers readily enlist the assistance of the partnership agencies. Some of the partners, however, were more open to providing such assistance than others. Prison workers, for example, seemed content to involve themselves actively in police exercises:

I accompanied G.7 [ a prison officer] and D.5 [a field intelligence officer] to visit – or 'pretend to visit', as D.5 put it –<sup>158</sup> an IOM offender who was in the hospital after swallowing drugs he had intended to smuggle into the prison. Smuggling the drugs was to 'keep him [supplied] during his sentence', the man claimed, an explanation, not believed by D.5 and G.7.

D.5 asked the man repeatedly whether he owed anyone any money for the drugs, whether anyone was 'after him', both on the street and in prison. The man said he didn't owe anyone for the drugs but that he would talk more later or if the other prison officers (who he clearly viewed as different from the

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<sup>158</sup> D.5 later explained that the 'real' purpose (which became obvious throughout the visit) was to gain intelligence and to encourage the man to inform on other prisoners or offenders.

prison officer accompanying D.5) left the room. The other officers agreed to leave if G.7 handcuffed the man to his own arm to prevent escape.

Once the officers were out of the room, the offender began to talk, providing names of dealers and people he considered ‘after him’. The stream of information was, at times, interrupted by tearful cries for help. Both D.5 and G.7 responded by saying, “Look the more information you give us, the more we can help”. The man carried on providing intelligence whilst D.5 and G.7 made notes but no reference was made to how the man might or could be supported by the scheme.

On the way back to the office the G.7 explained the importance of having the prison officer on the street gathering this sort of intelligence. “See Fred, I can now go back and put a security intelligence report in about [this offender] on the basis of what we’ve heard today. I mean he was going to bring £3,000 worth of drugs into the prison, that’s a lot. He would have used it to pay his debts, to buy his freedom. We now know he was attempting to traffic drugs into the prison. I need to find out though whether he tried to get himself arrested.” “That was well worth it”, D.5 concluded, presumably referring to the intelligence generated during the visit.<sup>159</sup>

For G.7, assisting the police with intelligence gathering is, it seems, just as important to prison security as it is to IOM more broadly. What is also notable is that the above episode reconfirms the primacy of the intelligence-gathering frame amongst police officers. Here the frame (or working rule) overrode any desire D.5 might have harboured to provide the man with support; all his requests were ignored, diverted, or renegotiated by D.5 in favour of more intelligence. More than that, however, D.5 made no attempt to build a rapport with the man or even ‘dangle’ the ‘carrot’ of support. Rather, what I observed was simply police and prison officers using their ‘authority’ to extract valuable information and encourage the man to inform on other prisoners.

Working closely with the probation service has also meant that police officers are able to gain access to the homes of those on IOM, without the use of legal powers.

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<sup>159</sup> Field note – Central.

This supports Ericson's (1994) general suggestion that the police have the most to gain from multi-agency collaborations. Where field intelligence officers are unable to attend probation appointments, probation workers were asked to gather knowledge on behalf of the police. In practice, this extension of traditional police surveillance methods (Ericson and Haggerty, 1997) meant that probation (and drug workers, for that matter) were asked to covertly record information on the auxiliary traits of offenders. The following field note, recorded at the Eastside office, captures this type of request:

Two probation workers, A.3 and G.3, were discussing a request they had received from IOM uniformed police officers. The police had requested that A.3 take down details of an offender's clothing and trainers during an appointment scheduled for later that day. A.3 was going to be unable to make the appointment and therefore passed the request onto G.3 who would be conducting the appointment instead. A.3 noted that the police believe the offender was responsible for several burglaries in the local area. G.3 said that she would do it, observing that, "[R.5] mentioned this the other day, he said the priority crime team want to know this stuff as well".

When questioned about assisting with police intelligence gathering, probation workers gave varied responses. Six out of the seven interviewed reported being involved in police investigations at some point, albeit in some cases in a minor role. But these same workers said that they believed that assisting the police in this way was not part of their role at IOM. Furthermore, mirroring the findings of Murphy and Lutze (2009, p.70), some longer serving probation workers felt vulnerable to mission distortion<sup>160</sup> and, when questioned, complained that being asked to report on offenders in this way made them feel 'very uncomfortable' and that 'strength of character' was needed to 'resist that kind of pressure'.<sup>161</sup> These probation workers in particular argued that if the police required this information then, firstly, a

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<sup>160</sup> See also, Corbett, 1998. Mission distortion might occur when a drug worker, as a consequence of close working with the police, moves towards law enforcement objectives (e.g., gathering intelligence) at the expense of other objectives such as providing support to IOM drug users. Alternatively, mission distortion may come about when, for instance, police officers working closely with probation gravitate towards social support orientated aims to the detriment of other law enforcement objectives. Within the context of IOM, therefore, mission distortion refers to situations where the cultures and operational practices of the IOM partners become blurred and confused.

<sup>161</sup> JW.3 interview transcript.

(strong?) justification for taking such an approach was needed and, secondly, officers should ‘come into the meeting and ask those questions of the offender’<sup>162</sup> or perhaps, ‘lean over the banister and have a look’<sup>163</sup> themselves. The following interview exchange captures these sentiments:

*Fred:* What about if the police said to you, we think this guy is involved in burglaries, what trainers does he wear to his last appointment – do you ever get involved?

*J.3:* Probably not – I probably say, well you’ll have to come and have a look.

*Fred:* Have you ever been asked those kinds of questions?

*J.3:* Yeah I’ve been asked before – before somebody has said to me “I’m going to task you to ask them”. I said, “Well you won’t because I’m not a police officer. I’ll conduct my appointment and you can...”

*Fred:* So you wouldn’t come out of an appointment and say, “Yeah his trainers were blue and made by Nike”?

*J.3:* If I had significant concerns about somebody, say if I’d read a piece of intelligence that said we have reason to believe that last night a house was burgled at X street and I had someone come in and say, “I was at my friend’s house at X street last night”, I might then say he was at X street.

*Fred:* But you’d take that on your own recognisance?

*J.3:* Yeah because it’s intelligence. The police aren’t going to arrest someone on the basis of anything I say, I wouldn’t have imagined so anyway. They would ask, “What is your impression of that person. Do you think they’re doing XYZ at the moment?” Like I’ve got somebody who had no benefits, nowhere to live and he’s flat out using, testing positive every week; that’s obviously costing money. He’s obviously eating somewhere, so probably chances are he’s offending, but innocent till proven guilty and unless they’ve got something

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<sup>162</sup> MP.3 interview transcript.

<sup>163</sup> J.3 interview transcript.

they can't charge him. I mean anybody can see it. They don't generally ask questions like that, I don't think, really, because what would it achieve. Because if you – oh a burglary was committed last night and the person was wearing this and the person comes in wearing it then what does that prove? It's neither here nor there is it? So there would be no real benefit?

Despite some complaints, on the whole, probation workers seemed to be fairly witting 'accomplices' in the police intelligence gathering process. Indeed, the shift towards public protection means that probation workers are now active participants in the production of knowledge upon which decisions can be made about risk assessment and management. At their disposal are surveillance technologies, like saliva testing, electronic tagging and doorstep monitoring (Padfield and Maruna, 2006, p.338). When communicated to police officers, the information provides a steady source of contemporaneous intelligence, as one probation worker readily acknowledged:

Probably some of the intelligence [the police] get from us is probably some of the best intelligence they get. We are seeing people regularly. We are seeing changes in behaviour. We are monitoring drug use. We are - we've got that information.<sup>164</sup>

However, the police, particularly IOM's uniformed branch, seemed dissatisfied with the flow of information from IOM, but more specifically the probation service. As one uniformed officer informally noted during a routine patrol, 'I don't think the information sharing is very good; it would be better if they could tell us more about these offenders; probation don't seem to want to tell us anything'.<sup>165</sup> The police viewed drug workers as equally uncooperative as their probation colleagues when it came to willingly sharing information. As one field intelligence officer noted, 'Sharing information was against their ethos of client centred approaches'.

*Assisting with police investigations – how much is too much?*

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<sup>164</sup> D.3 interview transcript.

<sup>165</sup> Field note – Eastside.

What was not clear, however, was how much the partnership agencies should assist police with their enquiries. Of course, from one point of view, what is 'proportionate' and therefore 'legitimate' will be dependent on whether the sharing of the information in question amounts to more than the minimum required to manage the risk posed by the offender, particularly where other less restrictive means are available to achieve the legitimate aim pursued by the interference. Asking probation workers to record and subsequently report the auxiliary traits of IOM offenders following appointments is perhaps a less restrictive means of achieving the legitimate aim of crime prevention, particularly where the alternative might be to follow the offender covertly round the local town. Some probation workers seemed comfortable providing assistance to the police:

*Fred:* Do you ever feel like you're involved in police investigations?

*R.3:* I have been involved with police investigations, yeah. There was an incident where we had an attempted murder. It was murder; it then came down to robbery. I was very heavily involved in that investigation.

*Fred:* In your role as an IOM probation officer?

*R.3:* Yeah as a probation officer, helping the process of investigation, supplying the information to the major crime investigation unit, helping them in achieving their objective which was to apprehend the perpetrator and absolutely, yeah, I felt I was quite key to the whole process, because the offender was released on bail and he was coming in for my appointments and the unit dealing with the incident were quite interested in what was he wearing, what shoes was he wearing, what was his demeanour like, what did he say? What are his drug tests like, where is he staying, doing frequent home visits during this period and this whole information was fed back to them trying to find out who the individual was and also about trying to identify who the perpetrator was. And I came back on a Monday morning having been away and I saw this caption on the police CCTV and so the CCTV that was in the building that was robbed and I recognised the gait of this individual which was unique to the guy that I was supervising – because the TV caption they're going – the particular way this man came in – I got to know that's him. So I fed that information back to the team and yeah.

Like most probation workers, a majority of criminal justice intervention workers, 2 out of 3 interviewed, were concerned they might become a conduit for police intelligence gathering. One worker noted that in the early stages of the scheme he was ‘fearful’ that he might be ‘[used] to gather information about what the police want to know’.<sup>166</sup> Another drugs worker expressed similar anxieties. “I felt ... my therapeutic sessions were going to be used to provide intelligence to the [police], so part of my function was going to be to get intelligence to hand over...”<sup>167</sup> Yet, similar to probation workers, drugs workers regularly provided field intelligence officers with information on ‘how offenders are doing’ or what their current dose of methadone is.<sup>168</sup> This led one drug worker to argue that ideas about the potentially sinister motives of the policing side of IOM were ‘misconceptions’:

It’s probably another misconception I had with the sharing. Actually that’s not the case; it’s discussing cases for the purpose of planning their care, which is not the same thing at all, so. There’s a group of IMPACT offenders living in the same B&B accommodation and the field intelligence officers know that and I know that – know who’s in the house and we all know that and I suppose that’s intelligence for the police. But that wouldn’t be what we were talking about – should we go and see this person and see what’s happening – get them to new accommodation whatever. I haven’t ever felt like I’m being asked to betray someone’s confidence for the sake of informing the police.<sup>169</sup>

Other drug workers suggested that they would simply refuse to provide information to the police, if they felt that to do so would be inappropriate:

Lot of times they come to us and ask us for information that’s not appropriate – and I’m confident and I’ll say, that’s not really appropriate to give you that information. It’s not fair to the client, it’s not going to benefit anyone. All it’s going to do is help you kick their doors down and nick them for what? You know what I mean?<sup>170</sup>

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<sup>166</sup> I.3 interview transcript.

<sup>167</sup> V.2 interview transcript.

<sup>168</sup> Field note – Central.

<sup>169</sup> V.2 interview transcript.

<sup>170</sup> I.2 interview transcript.

Largely, probation and drug workers were in agreement; it is the role of field intelligence officers to gather relevant, contemporaneous intelligence, not that of the partner agencies. Consequently, despite shifts in the organisational field, which have precipitated the partnership agencies to be more public protection and law enforcement orientated (Nash, 1999; 2007), there appear to be areas where workers are unwilling to extend their ways of working outside of accustomed boundaries. Nonetheless, what we have seen is that some workers have been co-opted into the activities of the police. The question that remains, however, is whether the collusion of non-police agencies in such practices is a result of inter-agency relationships and changing attitudes within IOM.

### **Occupational attitudes and relationships within IOM**

Research participants suggested that relationships between workers from the partnership agencies were reasonable and cooperative. My own observations confirmed that interactions between partners were generally cordial. On several occasions, I witnessed good-humoured ‘banter’ between workers from different organisations. What fuelled and shaped this banter appears to be a set of underlying tensions between the different occupational attitudes to offenders. In particular, police scepticism about the possibility of offender desistance manifested itself in some of the ‘office joshing’ as, for example, where one field intelligence officer –

K.5 noted how she didn’t like a particular offender because “he beats up his girlfriend, he’s skinny and horrible and won’t ever change”. This comment provoked laughter amongst the other Southside officers and a comment from B.5, who sarcastically suggested that K.5’s comment was ‘not very IOM. Next time you see him you better give him a hug’. More laughter.

Fieldnote - Southside

Scepticism towards the worthiness of attempting to precipitate change amongst IOM offenders, of course, links to the underlying police working ‘assumption’ (fuelled by police pessimism and cynicism) that those with ‘previous’ (by definition



all prolific offenders) are ‘career criminals that are never going to change’. “If it was up to us”, one officer noted, “we’d lock them all up”.<sup>171</sup> The police (working) ‘rule’ is to arrest these people as soon as they ‘go at it’<sup>172</sup> with a view to ‘getting them off the streets’<sup>173</sup> as soon as possible. However, there was limited acceptance that a handful of offenders<sup>174</sup> might change and, at times, attempts might be made to direct those who are believed to be ‘at it’ towards the available pathway support mechanisms, rather than the more obvious police response, arrest. Although dependent on the facts of each case, attempting to re-engage offenders with available social support mechanisms might be the more proportionate and therefore legitimate response to the behaviour in question. Yet, and perhaps in reflection of police ideas about the likelihood of offender change, talk of attempting to support IOM offenders through the pathway mechanisms, which is part of the ‘official job’ of field intelligence officers<sup>175</sup>, was relatively non-existent amongst the majority of officers I encountered. For one IOM sergeant, it seemed to be a source of embarrassment. Consider the following field note extract:

This morning the IOM sergeant was discussing an impending trip to London with R.5, a field intelligence officer. The sergeant (KKK.6) was putting the finishing touches to a presentation he was scheduled to give to some metropolitan police officers about the IOM scheme and its approach to managing prolific offenders. KKK.6 complained that he was finding it difficult to ‘fit in’ the slide on IOM’s role in the ‘rehabilitation’ of prolific offenders. “Just take it out”, R.5 suggested, whilst laughing. “I’d like to” KKK.6 replied, “I don’t think anyone up there will be interested, in any case – yeah. I just think I’ll take it out”.

Murphy and Lutze (2009, p.69), who examined police-probation public safety partnership in North America, also found that activity beyond that of typical crime control focused policing was often viewed negatively by police officers. That some field intelligence officers appeared uncomfortable at being required to engage in the

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<sup>171</sup> Southside field note.

<sup>172</sup> Field note – Southside.

<sup>173</sup> Field note, Southside.

<sup>174</sup> Criminal justice intervention workers –some of whom had disclosed offending histories– were often held out by field intelligence officers as examples of people that ‘could change’ – see, for instance, C.5 interview transcript and I.2 interview transcript.

<sup>175</sup> See Police Operations Handbook 2010.

rehabilitation of offenders also reflects some of the central concerns of police culture. Scepticism around the likelihood of offender change can be situated within the police officer's inherently cynical disposition (Reiner, 2010). The desire to focus on crime control orientated catch and convict strategies speaks to the police sense of mission as crime fighters and 'thief-takers'.<sup>176</sup>

Those field intelligence officers who did on occasion attempt to put support measures in place for an IOM offender tended to be inherently sceptical that they would prove 'successful'. For example, one method of 'picking up' risky IOM offenders or, indeed, giving them 'more attention', as B.5 put it, was to meet offenders at the prison gates on release. The idea behind this was to mitigate the risk of offences being committed on immediate release from prison. Typically, however, as the following field note captures, such methods appeared to be viewed as a pointless exercise:

R.5 explained that he was going to pick up an offender from the prison. He had visited the offender back in December (because the offender was, known to be risky because he had a massive drug problem and a general 'pain') and who had requested some help from IOM back in December, specifically regarding housing and drugs. R.5 had made the relevant referral to the drug agency and today was to take him from prison to begin a drug rehabilitation programme. R.5, after liaising with the probation service had managed to organise some accommodation for the offender whilst he participated in the drug treatment program.

Having put what appeared to be a lot of effort into setting up pathway support for the offender following his release from prison, I asked what R.5 thought the offender's chances of change were: "I'm not sure; he's making all the right noises but [...] he could just 'stick two fingers up at us' today, but there you go... I think he'll stay there for a couple of weeks and then he'll have a slip. He's been offending like it's going out of fashion. I don't see any reason why he's suddenly going to change now".

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<sup>176</sup> See, 'The Thief Catchers' Channel 4 Dispatches documentary on IOM, available at: <http://www.channel4.com/programmes/dispatches/videos/all/the-thief-catchers> (accessed, 05/03/2014).

Whilst deep-rooted pessimism shapes police thinking about offender chances of change and rehabilitation, in marked contrast, probation and drugs workers held a universal belief that offenders can and do change. For example, one probation worker's comment reflected this theme:

...Obviously with probation work there is a rule of optimism that people can change and be rehabilitated. That rule of optimism isn't really shared by police; they tend to work from the other end of the viewpoint. My feeling is they tend to work from a rule of pessimism; people will offend given the opportunity.<sup>177</sup>

During the study workers gave micro-level personal accounts of prolific offenders that had 'turned their lives around',<sup>178</sup> were now 'doing very well' and were held up as examples of long-term desisters. One drugs worker expressed the following view when asked whether long-term change was possible for prolific offenders:

Yes of course [...] I mean it requires a jackpot of a lot of different things coming together at the same time and sometimes it doesn't require that at all. Just by everyone's efforts something comes along and just changes their lives. I mean it's no different to hard-core drug users that I've met that weren't particularly hard-core criminals but essentially were driven by similar impulses. You can never write people off, because all of sudden they turn up and they're on a service user panel and they turn up and they're doing voluntary work and you're doing interview panels with them and two years ago you were picking them up off the floor [...] . So you just never know.<sup>179</sup>

Police officers, probation and drugs workers hold different philosophies that reflect the micro goals of their organisations. Police 'assume' long-term offender change is unlikely; the crime control orientated 'frame' or 'working rule' adopted by officers, therefore, is that recidivists will inevitably offend again. As a result, these people must be speedily caught, convicted and returned to prison. Probation workers on the other hand maintain a steadfast belief that IOM offenders can, if supported, desist

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<sup>177</sup> W.3 interview transcript.

<sup>178</sup> B.3 interview transcript.

<sup>179</sup> B.3 interview transcript.

from offending. This viewpoint can be tied to values associated with the probation service more broadly: the recognition of the human worth of offenders and a fundamental belief in the rehabilitation of even the most prolific offenders (Burke and Davies, 2006; Robinson, 2013; Mawby and Worrall, 2011b).

### *Cultural change?*

What was notable, however, was the contention amongst IOM workers that there had been a cultural transformation amongst those working within the scheme. A good working example of this was the insistence by a majority of ‘ground level’ probation workers that police attitudes had changed towards probation workers and offenders. Probation workers reported that police officers had at first been sceptical about whether precipitating change amongst IOM offenders was possible. As B.3, a probation worker, commented during interview:

I think initially [the police] were just there waiting for everybody to [unfinished sentence] ...I think they were sceptical. “Everybody’s going to slip up sometime; we’ll be there when they do”, sort of thing.

Yet despite the deep-rooted police scepticism documented above, when questioned about whether police thinking had changed since the formation of the partnership, probation workers largely agreed that it had. For example, B.3 observed that:

[....] Now they seem they’re asking about how they’re doing and seeming like they want to see them do well, where I think at the start they thought that they didn’t want to see them do well, that they’re just going to mess up; now I think they genuinely do want to see people do well, sort of move forward and get on with it.

Other probation workers went further, arguing that police practices were moving ‘more towards probation culture than the other way round’.<sup>180</sup> M.3, for example, made the following interview comments:

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<sup>180</sup>JW.2 interview transcript.

I'm aware now that the police are more inclined to do things like diversionary work or rehabilitative work than I thought that they would be interested in doing. The people that work in IOM from the police, they continue to, it seems to me, engage with the work that they've got to do. I don't hear people moaning, 'Well we should just be locking these people up', and I see evidence of the field intelligence officers doing things like making referrals, going out of their way to get people into housing and there's not a probation person's involved with that case at that time. You know, taking them to housing at that time, assessment meetings, being more like you know what may be a picture of a probation officers or a probation member of staff might be, whatever our stereotype.

Observations also suggested that some police officers had adopted a way of working and thinking more closely associated with core probation service values. On several occasions I witnessed field intelligence officers offering offenders housing, education and drugs-related support. Offenders were given lifts to appointments, collected from the prison gates and referred to various agencies. Moreover, on more than one occasion, one field intelligence officer attempted to connect with IOM offenders on a more personal level:

This morning I accompanied A.5 to the local prison for what A.5 described as his 'weekly surgeries'. The surgeries, A.5 maintained, gave him the chance to meet with IOM offenders currently in custody and offer them some support both during their time in prison but also on release. When we arrived at the prison F.7 (a prison officer who worked with the IOM team in the prison) informed A.5 that E.1, an offender with whom A.5 had been working, had been 'self-harming' since his return to prison. We went to visit him on the prison landing in the 'listeners' suite'.

A.5 and F.7 listened carefully and patiently to what E.1 had to say. The offender again reiterated the problems he was currently facing: losing children, getting hurt in relationships, problems re medication when he was released – some kind of anti-depression medication. A.4 responded by trying to connect with him on a personal level. "Come on [...] I've known you for years, since my days on the burglary squad. I've seen what happened to your mum. You don't want that do you mate? We need to try and get you motivated

mate, get you into some kind of rehab. You need to speak to someone when you're feeling low and we need to make sure you're getting the right medication".

Later when we passed E.1's cell, A.5 noticed that E.1 was crying. A.5 immediately stepped in and put his arm round E.1 in an obvious attempt to comfort him. "I'm really going to push for rehab for you fella, we need to get you some help".

Later, during formal interview, A.5 spoke about his role as a police officer within the IOM scheme:

My role as a police officer on the [IOM] scheme is centered around offering pathway support to individuals that I manage - offering support around housing, health care, drug rehabilitation, help with their families, help with education and training and just finding the right agency to help individuals at any given point during their time on the scheme and during their recovery. We work closely with the probation service, also with the prison service and people from the criminal justice intervention team and there's also an expectancy for us to know the other agencies that are on the periphery, to engage with them on a regular basis, talking about various drug support agencies. All these are agencies that are on the periphery that help us, give us support at any given time in relation to our individuals, any individuals at all on the scheme.

A.5's conceptualisation of the field intelligence officer role then seems far removed from the dominant catch and convict 'frame', historically pervasive throughout the ranks of frontline police officers. Rather it appears closer to the more humanitarian rehabilitation orientated approach of the probation services and that of drug workers. A.5, therefore, appears to have drifted away from the orientation of the police organisation towards that of the probation service or perhaps even of drugs workers.

Some field intelligence officers noted during interviews that the methods of A.5 were far from normative from a policing point of view. As R.5 observed, "[A.5] has

very much gone down the route of probation. Very much gone down that kind of care route compared to people like C.5 who is very much a traditional [type of]” “No I’m a field intelligence officer, I won’t be doing those forms; that’s not my job” [police officer]. Moreover, some field intelligence officers ridiculed such liberal offender management approaches. On one occasion in the Southside office, following a conversation about some problems an IOM offender was having around retrieving clothes from an address following his eviction, I asked K.5, a field intelligence officer, whether she would help the man move his clothes:

“We don’t move people ...well some of us don’t anyway, those of us that are still police officers”.<sup>181</sup> Other field intelligence officers situated nearby laughed at this comment. The sergeant then turned to me noting, “I’m afraid that’s a bit of a standing joke here. Have you seen the documentary?”<sup>182</sup> Some officers seemed to take the support side a little too far in some of our opinions”.

Whilst this episode further demonstrates that ‘office banter’ is rooted in occupational tensions about the practices used to support IOM offenders, it also reinforces the point that for the vast majority of field intelligence officers, the focus was simply on gathering as much intelligence as possible.

### *The intelligence gathering ‘frame’*

When questioned about their general role within IOM, field intelligence officers reflected on their mission by emphasising the importance of intelligence gathering during encounters with IOM offenders. Seven out of eight officers interviewed viewed this as the main role of police officers within the IOM framework. C.5 explained this further during interview:

My primary role is to glean intelligence - you know - see what their [modus operandi] are in relation to when they offend - what drug issues they’ve got,

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<sup>181</sup> Fieldnote Southside.

<sup>182</sup> See, ‘The Thief Catchers’ Channel 4 Dispatches documentary on IOM, available at: <http://www.channel4.com/programmes/dispatches/videos/all/the-thief-catchers> (accessed, 05/03/2014).

what clothing they've got on - new clothes, new trainers anything like that really. It's a broad spectrum.<sup>183</sup>

I will endeavour to try and get to all their appointments with their probation officers to obviously see whether they're testing positive/negative, what they're wearing, who they're hanging around with, just their general, generally where they're at and how positive and how willing they are to engage with us. That's obviously from a police point of view, so I can feed that intelligence back into the system, seeing whether they're toeing the line or not.<sup>184</sup>

What C.5 is describing here is an intelligence gathering 'frame' (Hawkins, 2002; Goffman, 1972). The frame is used to make sense of the field intelligence officer role. However, it also speaks to the organisational 'field' (Hawkins, 2002) mandate, the expectation that police officers will focus on policing-related issues, mainly intelligence gathering for enforcement purposes.<sup>185</sup> As Nash (2007, p.303) explains, multi-agency working is meant to combine the knowledge and abilities of a range of relevant agencies brought together on one issue. In this sense, the whole is stronger than its constituent parts but its strength arises from its constituent parts.<sup>186</sup> The 'constituent part', for police officers, is gathering intelligence. It is a primary frame and working rule (McConville, et al, 1991), one which takes primacy over offering offenders social support, as the following field note illustrates:

D.5 and I went to the local courts to catch up with a man D.5 had been trying to locate for some time. The man had been arrested on a warrant, for some undisclosed reason. D.5 remarked that the man was going to be in some kind of 'state', apparently caused by his drug and alcohol use. However, this was a 'green' offender who recently had not been committing any offences. In fact D.5 felt that the man 'did not really need to be on the scheme anymore',<sup>187</sup> - he

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<sup>183</sup> C.5, interview transcript.

<sup>184</sup> C.5 interview transcript.

<sup>185</sup> See House of Commons, Oral Evidence taken before the Justice Committee: The role of the probation service, Wednesday June 8, 2011.

<sup>186</sup> This way of working must be distinguished from inter-agency working which involves 'some degree of fusion and melding of relations between agencies' – see Appleton and Burnett, 2004, p.37. However, as Crawford (1998, p.119-20) also explains, both involve an amount of blurring of organizational boundaries and loss of autonomy.

<sup>187</sup> D.5 questioned whether the offender 'should be on the scheme in first place' given that most of his offending was anti-social, generally stemmed from alcohol use and was just 'a load of rubbish'.



was 'scripted', 'stable' and waiting for an operation. "Sometimes it takes something like this for people stop offending", D.5 noted.

On our arrival at the court cells, we found the man had recovered from the previous night's inebriation but was now quite non-responsive to D.5's questions. He provided only yes or no answers. D.5 was polite and patient but determined in his questioning of the offender, largely about whether he was committing offences and also the progress of his methadone programme. "Not out robbing anymore are you?" "No". "How much methadone are you on?" "50ml". "Are you reducing [the dose]?" "Not at the moment". "Are you stable?" "Yes". With this we left the court building, D.5 seemingly satisfied with what he had found. On leaving the court I asked what D.5 what he had hoped to get from the cell visit. D.5 suggested that he wanted to confirm his own idea that there was no need for the offender to be on the scheme and also whether the offender was on enough methadone to prevent him from committing crime to 'top up'.

Despite what appeared to be a 'set-back' for this offender (arrest, intoxication, and subsequent night in the police cells), D.5 did not offer the man any support options such as referring him to drug and alcohol agencies for help. D.5 later conceded that he had been struggling with the social support side of the role:

As a police officer trying to offer as best I can, the pathway support that probation do, to reduce offending, not by putting people away but by rehabilitating them [is] the more difficult part [of the job] for me because that's not my normal day job ... That's something is slowly sort of building up in layers with a bit of knowledge.

However, adopting a welfare approach to managing IOM offenders and intelligence-gathering are not always mutually exclusive activities. Offering support to offenders can provide a different means to achieve the same end. Note the informal conversation recorded during my time at the Eastside office:

I arrived at the Eastside office to find A.5 already at his desk – one or two probation officers, were also busy in front of their computers. I asked A.5 what his priority was on arrival at the office after the weekend. “Seeing if any of my offenders are in the cells or got arrested over the weekend; if anyone’s in the cells we might go and see them”. When asked by me why this was important, XXXX explained: “It’s about building relationships and offering support to these people. Some field intelligence officers seem to think that it’s not their job to provide support to offenders, rather that their sole responsibility is to get intelligence. What they don’t realise is you get far more intelligence from people if you build up a rapport with them and try to support them.”

Police officers that appear support-orientated in their outlook, may be as focused on intelligence gathering as their more overtly conservative colleagues. If the ‘problem’ of supporting offenders is understood, placed and accorded relevance (Hawkins, 2002, p.52) within an intelligence gathering ‘frame’, perhaps the idea of building a rapport with offenders becomes more acceptable to police officers. The result is that any ‘conflict’ between providing close social support to IOM offenders and the core values of cop-culture may be more easily overcome:

G.5 was explaining how she had recently taken over responsibility for an offender from A.5. G.5 had worked with the offender before and explained how she had managed to get him some bedding when he last moved into supported accommodation.

Superficially, G.5’s gesture might reflect a social support-orientation, and perhaps to an extent it is. However, the following comment seems to reveal more of G.5’s motives:

He was really grateful and said, “I never thought I’d see the day when I’m going to hug a copper” – just for the help I gave him. It’s all about rapport building; I do something for you, you do something for me.<sup>188</sup>

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<sup>188</sup> Field note – Central.

The formation of social support-type relationships can be viewed as merely an extension of what some uniformed officers do day-to-day on the streets: seek to cultivate 'good' relations with petty persistent criminals, prostitutes, and the homeless as a way of building an informal network of informants. Moreover, such practices also speak to Choongh's (1998, p.227) ideas about social discipline, given that regular contact between police and IOM offenders will serve to communicate control and remind them that they are under constant surveillance. Yet the actions and attitudes of a small minority of IOM police officers went further than this conventional police tactic. Police officers like G.5, who advocated that 'if people want to help themselves you should do your utmost to help them to get off a life of crime and get their life together' and CB.5, who recognised that a 'large' part of the [field intelligence officer] role is to engage with [IOM offenders] and try and offer them as much pathways support as we can', appeared to have moved beyond a pure catch and convict policing mentality, instead adopting a more welfare-orientated approach to the management of prolific offenders.

Whilst the police and probation service approach the management of offenders from the opposite ends of the cultural spectrum, this has not prevented a certain amount of overlap between the roles of police officers and probation workers within the framework of IOM. The experiences of IOM police officers along with comments made by probation workers, suggest that a small minority of police officers have adopted attitudes and operational practices more traditionally associated with probation's rehabilitative approach to offender management. Consider the following comments later made by A.5 during interview:

For me it's never been about locking individuals up. It doesn't work for me. I find it a lot harder. Although I go into the prison every week my job is made a lot harder by having to deal with individuals within the prison system. I'd much rather be dealing with people in the community where I've got the support there at hand and I'm able to help them. I constantly say this to people whenever they go into prison. They're putting their lives back between 6 to 12 months because they had that chance when they were in the community to make those changes, to take the support.

### *Rapport Building – to what end?*

To an extent these methods and practices, framed by some officers as ‘rapport building’, have furthered the organisational field mandate of intelligence gathering. These officers have ‘found their own way’<sup>189</sup> of achieving policing objectives. In the main, police officers seemed unyielding in their professional orientation, with the excesses of cop culture still evident within their approach to the management of IOM offenders. Rather than ‘being alongside the offender and committed to his welfare’ (Nash, 2007, p.304), the vast majority of police officers I encountered were pessimistic about the likelihood of prolific offender change.

Scepticism also further embeds the police’s crime control-orientated approach to offender management. As a result field intelligence officers largely adopt the approach of attempting to survey, catch, re-convict and ‘bang up’ these individuals (preferably at the earliest opportunity). Of course, these methods can be further linked to the policeman’s exaggerated desire for action and excitement. Similarly the work of Maguire et al (2001, p.37) found that despite close working with probation, police officers remained typically focused on ‘containment or incapacitation’ of offenders rather than on rehabilitative issues. Despite close working between the police and probation organisations within IOM, values associated with the probation service have failed to temper the core centralities of police culture. What requires closer examination, however, is whether the culture of the police is dominating the practical operation of IOM or, on the contrary, whether working closely with the police has precipitated cultural shifts within the other partnership agencies.

### **Police-Probation relations**

Multi-agency working arises from a public protection agenda that promotes the increased control and risk-management of certain dangerous offenders. Whilst public protection is not beyond the remit of the probation service, the notion of

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<sup>189</sup> R.5 interview transcript.

public protection through surveillance and other preventative measures is familiar territory for police. Yet the now shared agenda of public protection is also precipitating a shared language. As Nash (1999, p.367) observes, ‘the probation service is now much more ready to discuss surveillance, control and risk-management and reduction than previously’.<sup>190</sup> Consider, for example, the following interview exchange:

*Fred:*       Going back to – you were saying about the challenging cultural stuff – do you feel like traditional probation attitudes have been challenged by this way of working?

*D.3:*       Yeah. I think that possibly more historic probation attitudes. ...The probation service itself has gone through such a shift in 20 years from quite a sort of social, sort of support kind of agency, befriend, assist and advise, befriend type service, to a public protection agency that we are now and that’s all we are. Again people like myself who have been in the service for 7 to 10 years, that’s all we’ve kind of known, that culture, whilst there’s a culture of motivate and change and all these kind of things, we are still primarily; it’s about managing risk.

As D.3 suggests then the culture of the probation service had already, prior to IOM, shifted towards a risk-management orientation. Indeed, Gelsthorpe and Mellis (2003, p.227) have argued that core probation principles have been transformed from ‘advise, assist and befriend’ to ‘enforcement, rehabilitation and public protection values’. IOM joins risk-management to these redefined objectives. Consequently, probation is now bent on public protection through enforcement and risk-management. This precipitates natural ideological continuities between the police and probation service, as both are now responsible for the pre-conviction risk-management of offenders (Mawby et al, 2007).

However, probation workers did point to differences in culture and practice between the organisations within the partnership. For example, many of these workers, particularly those working within police buildings, struggled with the

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<sup>190</sup> See also, Kemshall and Maguire, 2001.

negative attitudes held by the police towards offenders. For the majority of probation workers, offenders were ‘clients’ and ‘service users’ that needed encouragement and support in order to effect change in their lives. Some workers, therefore, on transition to a more police-orientated environment, were ‘shocked’<sup>191</sup> by the negative language used by some police officers to describe IOM offenders.

*Some cultural transference between the police and probation service*

Burnett and Appleton (2004, p.38) also reported a disjuncture between the language used by police and that used by social work colleagues within a youth offending team. However, although not as frequently as their police colleagues, within IOM probation workers were observed describing offenders in equally negative terms. Indeed, some of the workers who initially claimed to be ‘shocked’ at the disparaging language used by the police were later found to be using similar terms to describe IOM offenders. The following field note, recorded at Southside, provides due illustration:

G.3, a probation worker, told me that she had moved over to IOM from ‘ordinary probation’ just over 4 months ago. I asked her how she had experienced the transition. ‘It’s been fine actually; I don’t mind it at all. I was a bit, well, I wondered what working closely to the police would be like, but it’s been ok, so far. Although I initially felt quite shocked about the negative way they talk about offenders, it’s everybody, the way everybody talks about offenders’.

Later in the morning I overheard R.5 and A.3 discussing an appointment that A.3 had had with an offender earlier in the day. “Offenders, just tell you want you want to know”, A.3 remarked to R.5, who laughed about this, noting, “He’s a smarmy git, that one”. At this point G.3 laughed and said, “Tell me about it. I know his family; they’re all little shits”.

It is possible then, that structural change within the organisational field, enabling closer working between the police and probation service, has resulted in some

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<sup>191</sup> Field note – Southside.

cultural transference between police officers and probation workers, as evidenced by the shared use of language. On the other hand, what I witnessed may amount to no more than ‘pockets of cultural distortion within the general ideological standoff’ (Mawby and Worrall, 2011b, p.90).

Nonetheless, throughout the study a minority of probation workers referred to IOM offenders as ‘liars’<sup>192</sup> and ‘wasters’, who were incapable of change. On one occasion, two probation workers described an IOM offender as currently ‘presenting well’, whilst immediately following up with observation that he was actually a ‘nasty little fucker’.<sup>193</sup> Consider also the following field note recorded during my time at the Southside office:

This morning A.3 [a probation worker] was complaining about the magistrates’ decision to release an offender back into the community for supervision by the probation service (ultimately IOM). The complaint was centred on two aspects of the decision. Firstly, that the court had allowed the offender’s disreputable mother to make representations to the court, advocating for his release back into the community on the ground that she was prepared to ‘take him back’. Secondly, that the mother had ‘the cheek’ to telephone A.3 and ask, “what are we doing for him?” “He’s a liar and a complete waste of space, that one”, A.3 stated. “He’s never going to change or be rehabilitated – no chance whatsoever.”

Probation worker descriptions of offenders appear to fit more closely with the police world outlook, suggesting a level of cultural transference between the two organisations. Nevertheless, the ‘shift’ also appeared to manifest at a more practical level:

When we arrived back in the office one of the criminal justice intervention workers, IN.2, said he needed to ‘have a word’. He then proceeded to tell me about how some probation officers had become ‘wannabe cops’, providing the following example. IN.2 continued, Yesterday I saw one of the probation officers at [...] police station and she was a bit pumped up about something

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<sup>192</sup> Field note – Central.

<sup>193</sup> Field note – Central.

and said to me, “We’ve just nicked [...]”. I was like, so what? She was trying to high-five me. I thought, that’s not something to high-five me about; you can high-five me when we get someone into treatment for 6 months, then I’ve got something to celebrate, not because you’ve just nicked someone ... I think she got the hump about it afterwards, that I didn’t share the same view as her about it. She’s gone quiet but I’m not bothered.

Fieldnote – Central

The formation of a legally mandated, strategic partnership has also led to the reworking of some traditional organisational values amongst some probation workers. More than that, however, a deeper understanding between the police and probation service has arisen:

*R.3:* I think traditionally probation has been perceived as being quite sort of soft, but this scheme has allayed that. I think this scheme has put that perception to rest and you would have a lot of police officers now that would agree that community sentences are actually far harder to comply with. It takes a lot of effort for someone to come in and actually stick in the community, provide negative drug tests, stick to the rules and that perception has been challenged and I think that’s been something quite positive that we’ve worked out and the system has helped in achieving that objective.

*Fred:* Is it the perceptions that have been challenged and not so much the attitudes of probation officers?

*R.3:* No these are the perceptions that I have from other people and probation has worked very hard at challenging those perceptions and I’ve done it myself in conversations with people. No I don’t agree with you there; this is my opinion; and it’s taken discussion and debates over that opinion and people get to appreciate that probation is an organisation that ought to be trusted. They’re doing their court orders accountably and it has taken time to challenge that but I think we’re getting there.<sup>194</sup>

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<sup>194</sup> R.3 interview transcript.



Here then the formation of strategic partnerships has led to subconscious questioning and reformation of established relationships within the partnership. In this instance, attitudes outside of probation, directed *towards* and *about* probation, have been confronted. Other probation workers suggested that close working has promoted a growth of a two-way understanding amongst the police and probation officers. A senior probation worker (RS.3) made the following remarks:

I think that the police have become much more aware of, as I said earlier, the limitations of taking enforcement action [...] especially around drug use. I think the field intelligence officers on the team have become much more aware that if somebody has been using crack or heroin for ten years they're not going to stop the moment they're arrested and given a community order and enter into treatment. That it's a process that's going to take time and also, I think, our awareness [as an organisation] maybe for some staff of getting more police intelligence, finding out what is actually going on, has maybe knocked a bit of naivety off some staff, definitely not all of them, but an appreciation of what the police have to face, day-to-day, practice being out there working in the community, that kind of thing. So, yeah, I think you can't work closely with another organisation without learning something; well you shouldn't be able to.<sup>195</sup>

Police cultural traits are now better understood and accorded relevance by probation workers in the light of new realisations about 'what police have to face day-to-day' on the streets. Equally, from the point of view of both R.3 and RS.3, police attitudes seemed to have changed towards probation workers and the service in general. As one field intelligence officer remarked during interview:

Police want to lock people up, probation want to rehabilitate them - you know - and it's oil and water. If you're put in a situation where you have to work together, then misconceptions tend to fall and I think that's the same with anything..<sup>196</sup>

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<sup>195</sup> RS.3 interview transcript.

<sup>196</sup> CO.5 interview transcript.

### *New operational understandings*

While workers from the police and probation service have pointed to previous differences in culture and practice between the two organisations, new operational understandings appear to have developed within the IOM partnership. Some field intelligence officers reported that a new appreciation of what probation do had developed out of closer working between the two agencies. One officer, for instance reported a new ‘appreciation’ of how arresting offenders immediately after or during probation appointments could amount to a conflict of interest between the two organisations:

*Fred:* Do you view probation differently now from what you once did?

*D.5:* [...] I totally understand now. If people are going to be totally fearful of police everywhere every time they come near probation [...], it's an appreciation again that they're not going to be able to do their work which means you're shooting yourself in the foot if you just keep trying to be a bit belligerent and trying to go about it in the same old way. And my old view of probation, was a bit young in service. I was told to go get them; you go get them. If somebody's in your way if you've got powers; you go straight through them. But that's it. At the end of the day if that person gets in the way you get a grilling; you just let an offender get away.

It's a bit different now. I don't need to chase offenders around. I imagine, I kind of have to explain that now to other officers when they phone up. “Can we come and get him?” “Well no - but what we can do is... - I'll arrange. He'll be on a street nearby at this time”. So it's just little things like that. It is just stupid but they accept being picked up a few streets away. Why, well because we were told you'd be in the area. You know, they don't seem to. Being picked up from the front door seems to be a bit too much for them. So yeah, I mean, my 90% of my working time with probation has been here so I've not got any gripes with it It's almost 8 years ago type thing where it was a total conflict of interest.

Yet, despite D.5's protestations, the newfound appreciation for the work of the probation service amongst field intelligence officers had not yet filtered through to the thinking of IOM's uniformed enforcement branch. The following field note was recorded during my time at Westside:

Having been through the MacDonald's drive-through, M.4 parked the police car up so we could drink our cups of coffee before continuing on the routine patrol. I took this opportunity to ask M.4 about his views on the probation service. M.4 responded by noting that he felt annoyed ... that probation don't really want us arresting people from outside probation. They tell us they've got someone who's in breach or whatever, but then [probation] say, "You can't pick him up from the probation office, you have to get him round the corner". I'd like to just be able to pick them up as soon as they fall off, never mind the relationship they've built up with probation. They're lucky enough to be in the community anyway. When they fuck up, they need to go straight back'.

Nonetheless, certain probation workers were regarded by police officers as particularly trust- worthy. This was due to their police-orientated outlook:

A.3 [a probation worker] and R.5 [a field intelligence officer] had been discussing an offender's up and coming court appearance and the likely outcome. A.3 was suggesting that the man was likely to be released back into the community with some kind of supervision requirement. "Come on R.5 you know what magistrates are like?" A.3 said, "He'll get out, I expect and I'll have to manage him again." With that A.3 left the office to go to another appointment. R.5 then looked over at me and said that A.3 was "more like a police officer. She's more like one of us, Fred". Here the IOM sergeant joined the conversation, enthusiastically agreeing with R.5. "A.3 is a good probation officer primarily because of her attitude. She sees everything in black and white. It's no nonsense. It's not always like this with some of the other PO officers. It's been said before, she'd make a good police officer".

Fieldnote - Southside

Nash (1998, p.366) describes the phenomenon of probation workers moving towards a more police orientated way of working as the 'entry of the polibation

officer – an amalgam of police and probation officers’. In other words, multi-agency workers experience a loss of individual identity coupled with a degree of fusion in their role (Mawby et al, 2007, p.129). In some instances, such a coupling appeared to be more of an outright take-over by the dominant police culture than a mere melding of roles. Consider, for instance, the following informal conversation recorded at Southside:

As we were driving towards the appointment, A.3 [a probation worker] turned to R.5 [an FIO] and stated that [probation workers] were no longer able to recommend custody where the offender could not be said to pose a high risk of harm to society. “What’s it all coming to?”, R.5 questioned [looks at the sky], “What’s good about Britain now?” However, A.3 had a ‘solution’ to the problem, “I should be able to word the report in a way that gets round this if [despite other evaluations] we think the offender is risky.”

Something of a cultural transformation appears to have taken place. A.3’s comments suggest she has, to an extent, adopted aspects of the prevailing police world outlook, one that also seems resistant to changes in the organisational field. This is in line with Mawby and Worrall’s (2011b, p.90) findings that the actions and attitudes of some probation workers were now couched in the language of crime control, rather than social work (Nash, 1999). For example, one probation worker, D.3, suggested that the role had morphed and was now about ‘being investigators, going about investigations and being a crime fighter’.<sup>197</sup>

Burnett and Appleton (2004, p.37) suggest that the confusion of values and roles must be expected within multi-agency working. But perhaps at an operational level there is no confusion because the ‘modern’ probation organisation is, according to D.3, already public protection orientated. Whatever the case, within IOM a minority of probation workers are working and thinking in a way that is more akin to police officers.

### **Prison Officers’ Attitudes**

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<sup>197</sup> D.3 interview transcript.

Beyond the police and probation service, changes in outlook appeared to have taken place amongst some prison officers. It might be expected that the prison officers would welcome the political shift towards a more crime control-orientated way of managing offenders because it resonates with their traditional cultural values and the way in which they have previously viewed and interacted with offenders (Liebling and Hulley, 2011). Prisons are traditionally places of surveillance, authority, discipline and punishment (Jackson et al, 2010, p.5; Liebling and Hulley, 2011, p.109). In line with these ideas, the prison service's involvement in IOM at an organisational level seemed to be associated with enforcement and discipline. Prison officers were working in the community to 'remind offenders what was waiting for them should they mess up'.<sup>198</sup> Consider the following fieldnote:

It's not such a big deal for them to see probation and the police working together; that sort of thing has been happening for years, but when they see a prison officer turn up at their door, they are like, "Wow how'd you do that then?" Prison officers in an offender's own environment have a big impact. We're there to tell Jonny to pull his socks up or we'll have him back inside.<sup>199</sup>

Yet despite the apparent emphasis placed on enforcement, at a practical level three out of the four prison officers I encountered during the study seemed to have readily adopted a welfare-orientated approach to dealing with IOM offenders. These officers were working in both the prison and the community with the aim of promoting desistance through encouraging offender engagement with support mechanisms, rather than through threat of force:

When we got to the court cells we found an IOM offender who had been arrested just two days after his release from prison. The man was offered support with housing. N.7 [a prison officer] suggested, "We put in a housing referral, for you straight away mate; let's get you somewhere to live first". A.5 [a field intelligence officer] asked the man if he was now ready for some help with his drug problem. "Look fella you've just been on another bender last night and look where it's got you. We can get you some help, maybe some treatment". A.5 and N.7 also promised to try and find the man's solicitor and

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<sup>198</sup> Fieldnote – Southside.

<sup>199</sup> Fieldnote – Southside.

tell him that the offender had indicated that he was prepared to work with IOM, so as to help the man in court that morning.<sup>200</sup>

McIntosh and Saville (2006, p.238) observe that prison officers, like police officers, have historically displayed negative attitudes towards the likelihood of offender change. Liebling and Hulley, 2011, p.108), for example, who examined prison staff culture, found that amongst prison officers any expectation that offenders might turn away from a life of crime was minimal and that it was thought to be a 'waste of time' to believe otherwise. In the present study, one or two IOM workers did suggest that they had previously viewed prison officers as 'hard-line' and 'security-orientated' workers.<sup>201</sup> Nonetheless, the actions of N.7 indicate that the thinking of IOM prison workers has become more welfare orientated. Note, for example, the comments made by another prison officer, P.7, during interview:

[IOM] It's about the community ... People's lives do change and we don't always get things right. Our offenders, they're people; they need help and support and it's almost right that they can ask for it.

Pre-existing partnership working with the probation service, within the prison walls, may partly explain the apparent development of humanitarian values amongst some prison officers. Prison regimes have been increasingly exposed to rehabilitative ideals in the form of prison drug treatment, behavioural programmes and provision of resettlement planning (Mawby and Worrall, 2011b, p.83; Padfield and Maruna, 2006, p.339). Indeed, McIntosh and Saville (2006, p.238) found that the attitudes of prison officers had changed as a result of moving into a treatment role within the prison walls. Officers had become more sympathetic towards drug users and offenders more broadly. This, they discovered, could be attributed to officers' increased familiarity with the individual plight of offenders, making them more human.

A combination of factors, working closely with humanitarian organisations within IOM and engaging more with issues faced by offenders within the community, may

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<sup>200</sup> Fieldnote – Central.

<sup>201</sup> J.3 interview transcript – see also Fieldnote – Southside.

be responsible for changes amongst the attitudes of some prison workers. One probation worker, for instance, observed how joint working with prison staff, both prison officers and drugs workers<sup>202</sup> operating within the prison, had made attitudes ‘hugely better’ and a ‘100% closer’.<sup>203</sup> Whatever the case, when it came to the provision of offender support, a majority of prison officers appeared to have made a cultural shift away from the authoritarian and disciplinary approach generally associated with mainstream prison officers, towards a more humanitarian approach to the management of offenders.<sup>204</sup>

### **Drug Workers’ Attitudes**

By contrast, the outlook of drugs workers appeared to remain largely in line with the welfare-orientated values of the organisation. Mirroring findings by Skinns (2011, p.168), the relationships between drug workers and other agencies within the partnership could be described as ‘reasonably cooperative’. Yet unlike the close proximity of the police, probation and prison service, the criminal intervention team appeared to be on the fringes of the IOM scheme. Unlike field intelligence officers, probation workers and some prison staff, during the early days of the study drug workers were located in police stations rather than with the rest of the IOM team. This contributed towards what can be described as a ‘climate of separation’ between drug workers and the other IOM organisations.

Drug workers were conspicuously absent from multi-agency meetings, as well as other strategic or tactical discussions about the management of IOM offenders. One probation worker, RS.3, said that the criminal justice intervention team were ‘pretty separate’ and that probation ‘didn’t have a huge amount of contact with them’. Equally, one police officer conceded that she was ‘not sure’ what drug workers did or whether they were ‘more woolly than probation’ in their outlook. Drug workers also appeared to distance their role from that of the other partnership agencies:

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<sup>202</sup> Prison drug workers were referred to as the ‘Carat team’ (Counselling Assessment Referral Advice and Throughcare)

<sup>203</sup> M.3 interview transcript.

<sup>204</sup> It must be stressed, of course, that we are dealing with small numbers here, and that these findings cannot easily be generalised beyond the specific setting within which this study was located.

We're not here to be probation officers, or police, or to get people locked up. Our job is to look after the needs of our service users. It doesn't stop me working with them, but I have to stay true to who I am and what I believe in.<sup>205</sup>

Skinns (2011, p.172) similarly found that drug workers generally did not want to 'pally up to the police', as over familiarity might undermine the working relationship enjoyed with clients. However, putting distance between themselves and the other agencies may have prevented the 'reciprocal learning', evident within relationships between the other partnership agencies, from taking place within IOM.<sup>206</sup> Police officers, for instance, argued that criminal justice intervention workers maintained a 'sluggish' approach to informing the police when IOM offenders missed appointments with drug workers.<sup>207</sup> This type of attitude, one police officer, KK.5, argued missed 'the whole point, which was to get [offenders] back before the courts to teach them the error of their ways'. Equally, some drug workers also noted the negative capture and punish attitudes of some police officers and the 'cultures of the police',<sup>208</sup> more broadly. As IV.2 put it:

We get a lot of comments that are negative about service users but also about what we do and the function of it and its worth. [...] Someone called someone a smack head and then asked what should I call [these] people? I said I would say 'people who use drugs'. The whole room burst out laughing. Everyone thought it was hilarious, which is fine. I got on with those people. I can take that, but that would be just a day-to-day normal thing to happen. We're all in the room; we all know that we have completely different ideas about how to deal with those people.<sup>209</sup>

Whilst the attitudes underlying the language used at times by the police appeared to be accepted by IV.2 as part of day-to-day normality within the police custody

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<sup>205</sup> Field note – Central.

<sup>206</sup> There was, however, some evidence that reciprocal learning was taking place within police stations where criminal justice intervention workers and police officers had been sharing space, since the 1990s.

<sup>207</sup> Field note - Southside.

<sup>208</sup> B.2 interview transcript. However, it must be noted that this drugs worker observed during interview that, at times, the expression of police cultural attitudes could be explained by reference to the concept of 'canteen culture'.

<sup>209</sup> IV.2 interview transcript.



setting, there was little evidence that drugs workers had adopted any of the traditional cultural traits of the police. Furthermore, drugs workers seemed to identify a difference between the attitudes of uniformed police and field intelligence officers, the latter viewed as possessing ‘more of an understanding of all the issues involved’ than their uniformed colleagues.<sup>210</sup> This meant that one or two drug workers were able to maintain working relationships with some of the more welfare orientated field intelligence officers. At times throughout the study field intelligence officers accompanied drugs workers visiting offenders in the community. Such arrangements were viewed by drugs workers as valuable because police officers were able to reinforce the ‘authority’ of the scheme, where drugs workers, due to their lack of legal powers, could not. Of course for police officers, generally preoccupied with the production of knowledge (Ericson and Haggerty, 1997), close working with drugs workers provides officers with greater access to IOM offenders.

### **Recalling offenders to prison: a disparity between police officer and probation worker thinking**

The majority of IOM offenders who receive close attention from the police and probation service have been released from prison, subject to various licence conditions.<sup>211</sup> IOM offenders I came across during the present study were typically required to adhere to some or all of the following (standard and additional) licence conditions: to stay in touch with their offender manager, receive home visits, live at a specified residency (and notify any change of address), provide notification of or change of employment, travel restrictions and to be of ‘good behaviour’. Some

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<sup>210</sup> IV.2 interview transcript.

<sup>211</sup> The law on prison recalls is complex and beyond the scope of this study to discuss in depth. What is of most relevance is s.303 of the Criminal Justice Act 2003. This legislation largely came into force on 4 April 2005, when Part 12, Chapter 6 of the Act (Release and recall of fixed term prisoners (prison sentences over 12 months)) came into force. Sections 237– 68 concern arrangements for prisoners’ early release on licence, recall to prison following breach of an imposed licence conditions and further re-release following recall. Under s.238, courts may recommend licence conditions for those serving sentences of more than 12 months. S.244-253 allow for the release of offenders serving sentences of 12 months or more. These offenders will be released automatically on licence half way through their sentence. Some (the vast majority of fixed-term prisoners (see s. 246)) on release, may be subject to home detention curfew. For a detailed and comprehensive examination (and a review of some rather alarming statistics) of recalls in practice, see: Padfield and Maruna, 2006.

offenders had additional licence conditions imposed<sup>212</sup> which, for example, included ‘association restrictions’ which meant that they must avoid contact with specified people or particular areas. Others had requirements to address substance misuse problems and drug testing.

*The focus on ‘real police work’*

As has been noted above, a catch, convict and return to prison philosophy was found to be pervasive amongst the majority of IOM field intelligence officers. In practice this meant that while most officers were prepared to offer limited support to IOM offenders, generally their focus was on ‘real police work’, like the enforcement of licence conditions.

Whilst ‘intelligence gathering’ has been identified as a primary ‘frame’ (Hawkins, 2003) shaping field intelligence officer thinking, the focus on enforcing licence conditions does not supersede this frame. Intelligence gathering and the enforcement of licence conditions are not mutually exclusive activities. If officers are able to seek out and subsequently pass relevant information to probation workers, for instance that an offender is not complying with licence conditions, the offender may be recalled to prison. The police part in the prison recall process also allows officers to draw on their stock of cultural knowledge (Quinton, 2010). We have seen above how institutional cynicism about the potential rehabilitation of the criminal classes (Padfield and Maruna, 2006, p.339) gives rise to a crime control-orientated mode of offender management. The recall process presents an opportunity for exciting, action-orientated, missions wherein field intelligence officers get involved in ‘banging up’ offenders. In the following interview extract a field intelligence officer describes the ‘excitement’ of the ‘game’:

*B.5:* I get excited by it. I get excited by a recall.

*Fred:* What's generating that excitement?

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<sup>212</sup> Additional conditions may be imposed at the discretion of the Secretary of State (or her representative)

B.5: It's a game isn't it. They do their thing and we want to make sure that they're not doing it anymore and if we've done all that we can to help them and it's failed, then I think to get into a stage where they go back and serve their sentence is the correct thing. I like to sort of think of things. How would the normal member of the public want something dealt with? If someone gets four years for burglary, they want them to serve four years, so that the fact that they're out on license is a benefit to that person and the fact that they're out on license, they should respond to any conditions put on them and if they're breaching those then they should go back and serve the rest of their sentence. So if I can send them back to prison then I will.<sup>213</sup>

Where field intelligence officers viewed offenders as having 'breached' their licence conditions, they tended to favour immediate recall to prison or at the very least a tightening of licence conditions. As one field intelligence officer put it, 'For me it comes down to severity ... Licences should be water tight. I mean, you're serving your sentence in the community, therefore, if you put yourself in a position of arrest (i.e. that you could be arrested) then this goes against the spirit of a Home Office licence'.<sup>214</sup> What the officer is referring to here is the standard licence condition that an offender must:

'Be of good behaviour, not commit any offence and not take any action which would jeopardise the objectives of your supervision, namely to protect the public, prevent you from reoffending and secure your successful reintegration into the community.'

The condition is broad and for both field intelligence and uniformed officers provides a 'catch all' stipulation that if 'breached' should mean an offender is immediately returned to prison. On several occasions throughout the study police officers complained that offenders were not 'being of good behaviour' and therefore should be recalled, whether or not the 'offence' might appear fairly minor:

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<sup>213</sup> B.5 interview transcript.

<sup>214</sup> Field note – Southside.

L.3 (a probation worker) was meeting an offender for an appointment at a drug agency. The man was required to attend the appointment as part of his licence conditions. B.5 and I waited outside the appointment so as to provide the probation worker with a lift back to the office. L.3 returned to the car following the appointment. “How did that go?” B.5 asked. “Yeah, ok actually, he admitted he’s been using methadone but at least he attended the appointment”, L.3 replied. B.5 asked what the offender had been taking? “Methadone”, L.3 replied. This admission prompted B.5 to push for a prison recall. If he’s taking drugs he’s not ‘being of good behaviour’, B.5 argued. However, L.3 did not seem to view non-prescribed methadone as a ‘drug’ and had therefore not thought to initiate recall proceedings. B.5, however, argued that offenders on licence, who admitted taking methadone without prescription, were firstly committing a criminal offence and secondly not being of good behaviour.

By contrast, most probation workers largely found the police desire to recall offenders back to prison, though accepted as inevitable at times, difficult to reconcile with their general ‘rule of optimism’ around the likelihood of offender change. This optimism, which also speaks to the traditional ‘welfare and humanitarian approach’ (Nash, 2009, p.302) of the probation service, meant that probation workers were less ready to recall IOM offenders to prison. For example, one probation worker noted what was important when working with offenders was ‘building trust and a working relationship and trying to do what I can to get this guy through his licence and to get him to engage with pathway support’.<sup>215</sup> In some cases, therefore, workers felt pressurised by police officers to recall IOM offenders back to prison:

It is the way [police] call up and say: “I’ve arrested X for X, recall them”. My response is always the same: “Well have they been charged?” “No”. “OK, that’s not your place to ask me [to recall them]. Your job is to provide me information.”<sup>216</sup>

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<sup>215</sup> Field note – Southside.

<sup>216</sup> J.3 interview transcript.

However, a majority of probation workers, four out of five interviewed, suggested that working more closely with field intelligence officers has promoted a growth of understanding amongst the police about the prison recall process. In other words, police officers had come round to probation's understanding of the process. This increased knowledge had apparently reduced conflict between the two organisations:

*Fred:* Do you think IOM challenges traditional agency attitudes?

*M.3:* Yeah I think it does and you can see we've done quite a lot of work even since I've been here and there has been some fall back about what different agencies think of each other and what they can do and what they can't do, examples specifically around breaches and recalls and things like that and what probation can and can't do and what. The police in the team are understanding a bit more about differences of licences and what can be done and what can't be done. You know again, going back previously the police would say we think this person's dealing drugs; can't you recall them? And we say no, not necessarily because if it's based on you thinking it. If you think they're dealing drugs, why don't you go and charge them? Nowadays you hear some of the police officers within IOM making that sort of point to their colleagues because they are understanding it much better, because they've been rubbing up against probation.

Tensions over the recall process that may once have existed between the police and the probation service have, according to M.3, been 'educated out' of the system. Yet this account contradicts the many conflicts over prison recalls that I witnessed throughout the study. Consider, for example, the following field note:

K.5 [a field intelligence officer] mentioned that an IOM offender hadn't turned up for a probation appointment. The man should have attended Northside on the Friday; but had forgotten the appointment. The man had been issued a warning and the appointment was rearranged for Monday. However, today was Monday and once again the man had not attended Northside. Moreover, the man, according to K.5, had also been caught out lying about a

missed appointment with a drugs agency. He'd also given a positive drug test. It was now time to start recall proceedings, K.5 argued.

K.5 put in a call to probation to discuss the matter with the probation worker responsible for the management of the offender, R.3. K.5 relayed the probation worker's apparent response, "It's only a couple of missed appointments and one positive test; we're not going to recall him at this stage". This response was received by K.5 with indignation and frustration, "Turning up to probation appointments is a fundamental part of the prison licence conditions, but there you go".

Equally, uniformed police argued that probation workers at times, inadvertently derailed the recall process by giving offenders prior warning of an impending recall:

I asked J.4 how he viewed the police relationship with the rest of the IOM team. "Well there's not much to say. I don't know any of them". "What about the probation service how do you find them?" "Some of them are bit 'scroaty-looking' [laughter] but I haven't had lots of contact with them personally. They tell people when they're going to be recalled. I just don't understand that. Why tell an offender he's going to be arrested just so he can go on the run for a few months? That's a problem for us. They say it's because they want to keep a good relationship with the offenders. These guys are just serving their sentence in the community; if they go off the rails they need locking up".

Many police officers were frustrated both about what they viewed as probation's reluctance to recall offenders and their tendency to inform offenders of their impending arrest. On the other hand, whilst some probation workers seemed to acknowledge that a conflict exists between the two organisations, others believed that a cultural shift had taken place within the thinking of police officers. Thus the picture painted by the probation service and the police, concerning the degree of cooperation between the two organisations during the recall process, was somewhat confused and disjointed.

## **Concluding thoughts**

My aim in this chapter has been to examine the policing taking place within IOM. What I found was a system of organised surveillance participated in, to varying extents, by all the partnership agencies. Nash and Walker (2009, p.175) argue that the cultures, values, and identities of criminal justice organisations may be much closer than they once were. Whilst the various agencies have different ideological and cultural backgrounds, as a result of closer working new operational understandings have developed within the IOM framework. Police officers have a better understanding of what probation workers do and, according to drugs workers, a greater knowledge of the personal problems and ‘issues’ faced by IOM offenders. Probation workers reported a new appreciation of police work but, to an extent had also shifted their own management style to incorporate the emphasis on public protection emanating from the political surround. Likewise, prison workers appeared to have softened their historically disciplinary approach to offender management, seemingly working well with the police and probation service.

Nonetheless, elements of the cultural divides of the past remain. For example, a disparity in opinions as to whether offenders were believed to be capable of real and lasting change was evident within the partnership. The probation service and drugs team were largely found to have retained their core humanitarian and welfarist traditions. These workers, therefore, were continually optimistic about the possibility of offender change. Likewise, in a move away from their historically authoritarian and sceptical background, prison officers expressed similarly hopeful sentiments. However, police officers largely considered offenders as incapable of real and lasting change; reoffending amongst this group was inevitable. This viewpoint is rooted in the core centralities of police culture, suspicion and pessimism. But it also meant that the world outlook of IOM police officers remained immersed in the dominant culture and broadly isolated from that of the other IOM partners.

The pervasiveness of the dominant culture amongst IOM police officers has implications for the scheme at an operational level. Institutional cynicism has precipitated a ‘frame’ (Hawkins, 2002) of containment and risk-management

amongst field intelligence officers. Consequently, the majority of field intelligence officers were reluctant, even embarrassed, to adopt a more welfare-orientated approach to managing offenders, unless it suited their interest to do so. These findings contradicted reports by probation workers that police officers had adopted a more probation-orientated world outlook and style of offender management. This was explained by the fact that a minority of field intelligence officers appeared to attempt to build a rapport with offenders by offering them support. At an operational level, therefore, some officers may have appeared more welfare-orientated but, on closer examination, have merely reworked the intelligence-gathering frame so that it encompassed rapport building and the provision of support.<sup>217</sup> On a deeper level what was important to police officers was spying on IOM offenders with a view to returning them to prison as quickly as possible.

Aspects of cop-culture were also located within the outlook of a minority of non-police workers who had adopted language and values traditionally associated with frontline cops. This type of ‘cultural transference’ between organisations was most notable amongst probation workers. To a limited extent this impacted on operational practice, as some probation workers adopted more of a hard-line stance towards offenders. Of course, any drift away from the intended orientation of the probation service towards that of the police may have broader implications for offender perceptions of the legitimacy of the scheme. But it may also be a reflection of broader changes in the political surround and the shift away from the traditional befriend, advice and assist probation ideology towards that of public protection and risk-management. However, the majority of IOM workers remained resistant to any cultural transference that might have resulted from working closely with the police. The apparent conscious separation between the police and the other partners resulted in cultural and ideological battlegrounds, in two linked areas.

Firstly, police officers sought to recruit partnership workers, as covert intelligence gatherers. Whilst most such workers suggested that intelligence gathering was not within their mandate and that such police requests left them feeling

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<sup>217</sup> This type of ‘re-framing’ speaks to observations made in Chapter 5 wherein field intelligence officers were found to redefine the more slow-paced and mundane aspects of their role, as ‘action’. See Chapter 4, at p.7-8.



‘uncomfortable’, the majority admitted to being involved in these ‘investigations’, although largely in a minor role. Despite these reports, nonetheless, there was a steady, perhaps inadvertent, flow of information from the partnership agencies to the police. Yet a constant complaint by both field intelligence and uniformed officers was that the sharing of information by the partnership agencies, particularly probation workers, was limited.

Secondly, the police were frustrated about the operational practices of the probation service when it came to recalling IOM offenders to prison. Generally officers viewed any conduct that was not, as they saw it, ‘of good behaviour’, as sufficient to justify recalling offenders to prison. Probation workers, however, seemed reluctant to return offenders to prison via this overly broad mechanism, instead often challenging the police to provide more information or charge the offender in question with a criminal offence.

In sum then, field intelligence officers attached huge importance to intelligence gathering. By closely monitoring IOM offenders, the police are able to drive forward the crime control goals of the organisation. Some police officers have been able to further this aim stealthily by incorporating everyday intelligence gathering into the provision of support. But the mission remains the same: survey, catch, convict and return IOM offenders to prison. Where other partnership workers obstructed the furtherance of this objective, conflict arose between the agencies. However, a minority of workers, largely from the prison and probation services, seemed comfortable working closely with the police and thus drifting between crime control and rehabilitative approaches and ideals. In this way, there was a blurring of organisational roles or, as Murphy and Lutze (2009, p.67) put it, ‘mission distortion’.

Multi-agency working has not, it seems, moderated cop-culture or more traditional forms of policing. Furthermore – and mirroring the findings of other studies of multi-agency criminal justice working<sup>218</sup> – the police drive how IOM operates much more than any other agency. The attitudes of the police therefore are of

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<sup>218</sup> See for example, Nash, 1998, 2007 and Murphy and Lutze, 2009.

significant interest in understanding IOM policing and shall be the focus of the next chapter.

## **Chapter 5**

### **Field intelligence officer world outlook**

#### **Introduction**

In Chapter 2, I united different theoretical approaches<sup>219</sup> with the purpose of examining the decision-making practices of field intelligence officers. By taking this approach I was able to establish a link between Hawkins's (2002) ideas about decision-making within a criminal justice setting, police organisational sub-culture and broader theories about the legitimacy of police authority. This was necessary to understand better the interactions between IOM police officers, offenders and other IOM practitioners during the fieldwork.

In order to sharpen the focus, this chapter assesses the empirical links between the normative values exhibited by field intelligence officers and the organisational cultural traits broadly associated with uniformed cops. To this end I draw upon field intelligence officers' own accounts of their actions and decisions, collected during observations and interviews. These reports provide the basis for a thematic discussion, which explores the concept of police culture within the context of IOM. All of this assists in answering one of my key research questions: What kind of policing is taking place within IOM?

#### **Organising ideas**

Several key ideas are advanced from Chapter 2 and must be briefly revisited, as they form the basis of the present discussion. Firstly, police working practices, particularly how rank-and-file officers exercise their wide discretionary powers, can be explained by reference to the concept of 'police-culture'. Organisational culture

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<sup>219</sup> Namely, Hawkins (2002) ideas about criminal justice decision-making, orthodox accounts of police culture, and Tyler's (2006) theories of procedural fairness and legitimacy.

is the values shared by individuals within an organisation that manifest themselves in the working practices of colleagues within that environment (Warrall and Mawby, 2013, p.104; Johnson et al, 2009). Culture in this context may therefore, according to Morgan (2006, p.126-138), include operating norms, symbols and rituals of daily routine, language, stories and myths, working atmosphere, the physical environment and the shared systems of meaning that are accepted and acted upon.

Within the context of criminal justice, various studies have unearthed the existence of unique working cultures. Crew et al (2011) for instance conducted extensive research into the impact of prison staff culture on prisoners' quality of life. Warrall and Mawby (2013) explored the occupational cultures of probation staff. Other criminologists have documented the variety of cultures within the criminal justice arena, including those of police auxiliaries (Dolman, 2008) and private security workers (Hucklesby, 2011).

It is the culture of the police, however, which over sustained time has been subject to substantial in-depth study.<sup>220</sup> The concept of police, or indeed, 'cop' culture, was introduced during the 1960s, firstly by Banton (1964) who suggested that police attitudes and decisions may be influenced by police cultural attributes. Soon afterwards Skolnick (1966) developed an account of the 'distinctive cognitive tendencies' displayed by the police as an 'occupational grouping'. Skolnick (1966, p.41-2) described these tendencies as the police 'working personality'. Skolnick, drawing on his own observations, maintained that it becomes possible to predict what some, but not all, police officers will do in certain situations. Significantly, within the working personality of the police officer, Skolnick identified themes of suspiciousness, solidarity, isolation and conservatism, which derived from key aspects of the police officer's role: danger, authority, efficiency. In the context of police culture debates, these themes are now considered academic orthodoxy.

Since Skolnick and Banton's earlier works, many other ethnographic studies of police work have uncovered an assortment of recurring informal cultural norms,

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<sup>220</sup> Classic texts include Banton, 1964; Skolnick, 1966, and Cain, 1973, whilst Choongh, 1998; Hoyle 1998; Skolnick, 2008; Loftus, 2010; Reiner, 2010, offer more recent examples.

values, beliefs and craft rules which appear to inform police conduct: an exaggerated sense of mission, a desire for action and excitement, the glorification of violence, an Us/Them divide of the social world, a sense of internal solidarity but also social isolation, prejudice, authoritarian conservatism, suspicion and cynicism (Reiner, 2010, p.119-32). More recent research has confirmed these traditional themes but has also identified racism, sexism, and homophobia (Loftus, 2010).

Research on police culture<sup>221</sup> has elucidated the translation of law in books into the practicalities of everyday policing. As an example, it seems that legal rules do little to constrain the actions of police officers; rather police powers are systematically manipulated by officers to serve objectives that often have little to do with enforcing the law. Numerous studies of policing<sup>222</sup> provide evidence that these objectives and the decisions that underpin them are linked to various normative orders that frame police actions and thinking (Marks, 2010).

Police cultural traits are conveyed and reinforced throughout the lower echelons of the police institution through a process of socialisation that draws its authority and legitimacy from the fact that officers view police culture as the ‘embodiment of the collective wisdom of generations of police officers’ (Shearing, 1981, p.30; Reiner, 1992, p.109; Skinns, 2011). Field intelligence officers are still police officers and therefore, whilst the role of field intelligence officer is substantively different to that of the typical rank-and-file officer, it is predictable (but not inevitable) that these officers will display many of the core characteristics of police culture.

Secondly, police culture has been variously criticised. Broadly, criticism levelled at the concept focuses on its conceptualisation as insulated from the broader socio-economic and political arena within which the police operate (Chan, 1997; Dixon 1997).<sup>223</sup> I argue that Hawkins’s (2002) theory of decision-making answers this

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<sup>221</sup> There is a huge amount of literature associated with the concept of ‘cop culture’. However, the classic accounts I allude to here include: Clark, 1965; Westley, 1970; Cain 1973; Van Maanen, 1978; Reiner, 1978; Holdaway, 1983; Hobbs, 1988; Graef, 1989; Skolnick and Fyfe 1993; Crank, 1998; Waddington 1998.

<sup>222</sup> See for example Banton, 1964; Cain, 1973; Reiner, 1978; Holdaway 1983; Punch, 1983; Foster, 1989; Young, 1991; Chan, 1997; Crank, 1998, and more recently Loftus, 2010 and Skinns, 2011.

<sup>223</sup> Other more micro criticisms, aimed at the concept of police culture, are examined in detail in section 2 of chapter 2.

claim by suggesting that rather than being insulated from social and economic factors, the broader socio-political surround, the police organisational field and the way in which police officers frame 'events' can all play a part in the way officers make decisions. Police culture then, is not static; rather, it is susceptible to various external and internal factors.

Thirdly, police working 'assumptions' (Hoyle, 1998, p.21) and 'rules' (McConville et al, (1991, p.22) also inform police interpretation and decision-making. Further, as demonstrated in Chapter 2, there is fluid interaction between police cultural values and the practical application of these assumptions and rules. Finally, we can extend ideas about police working rules and assumptions to a further conclusion; working rules and assumptions are interchangeable with Hawkins' (2002, p.52) concept of 'decision frames'. Frames are influenced by occupational culture and operate as a dynamic interpretative device yet, like working rules, they instruct the decision-maker how to understand a case, a problem or a person (Hawkins, 2002). Changes in the organisational field also inform police officer framing, shifting the way officers ascribe meaning to events.

### **Understanding what is driving the thinking of IOM police officers**

Police culture is crucial to any analysis that seeks to understand how police officers exercise their broad discretionary powers. Reiner, (2000, p.85) describes it as 'an understanding of how police officers see the social world and their role within it'. Much empirical work<sup>224</sup> has uncovered police behaviour that bears a remarkable resemblance to the core elements of police culture. But variants of police culture can be discerned within the broader culture. Reiner (2000, p.86) describes these 'variants' as 'sub-cultures', arguing that they are 'generated by distinct experiences associated with specific structural positions, or by special orientations officers bring with them from their past biographies'. More than this however, police culture is also subject to a further distillation process, one that filters its normative orders through the very nature of the specific job undertaken by the police officers themselves.

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<sup>224</sup> See for example, Loftus, 2010; Smith and Grey, 1983; Skinns, 2011; Young, 1991.

IOM demands that field intelligence officers not only adopt individual styles of policing but also adapt to a new, innovative form of policing. The scheme itself is a partnership of criminal justice agencies. Together, police officers, probation staff, drug workers and prison officers work to target approximately 800 people believed by the police, to be causing harm to the local area. Those subject to IOM are deemed to prolific acquisitive criminals and IOM dictates that the partnership agencies must be unified in their approach to managing these offenders.<sup>225</sup>

However, each agency brings a unique set of skills to the team. For example, the prison services maintain responsibility for preparing the offender for release back into the community, but also for providing the other IOM partners with updates to intelligence prior to the offender's actual release. On release, the offender is allocated an IOM probation officer who is responsible for focusing on the support the offender might need throughout the prison release licence period. Drugs services also may be enlisted to tackle any substance misuse problems displayed by the offender. The role of the police, on the other hand, is to gather real-time intelligence on whether the offender poses a risk of committing further acquisitive offences. This intelligence forms the basis of decisions made by police officers and others within IOM about whether (and when) support or enforcement interventions are required during the period the offender is part of the IOM scheme.

The field intelligence role is specialist in nature and requires close working with agencies, which traditionally retain markedly different cultural orientations to those found amongst police officers. One result might be that field intelligence officers do not subscribe to core police culture due to the specialised nature of their role. Alternatively, of course, there may, amongst field intelligence officers and other uniformed officers I encountered, be a stubborn continuation of the core constituents of police culture, within the world outlook of IOM police officers. Whatever the case, it is cop-culture filtered through the operation of working assumptions, rules and frames that will help us make sense of what kind of policing is taking place within IOM.

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<sup>225</sup> Uncorrected Transcript of Oral Evidence' at the HC 8<sup>th</sup> of June 2011.

## **A desire for action and an exaggerated sense of mission**

‘The main substance to which the police are addicted is adrenaline’ (Reiner, 2000, p.89)

A sense of mission is a central feature of cop culture. It generates a view among officers of policing as one of excitement, action and skill (Reiner, 2000). Frontline police officers pursue action and thrills, whilst attempting to steer clear of the mundane ‘bullshit’ and ‘rubbish’ (Reiner, 2000; Loftus, 2010). Domestic violence, for example, is a much cited example of work which is often treated dismissively by the police (McConville et al, 1991; Hoyle, 1998, Waddington, 1993).<sup>226</sup>

More broadly however, a sense of mission manifests on the street, in dichotomous form. Police officers are the ‘good guys’, the proverbial ‘thin blue line’ protecting the weak from would be predators. As Cockcroft (2013, p.52) points out, ‘Policing represents a set of values that are viewed, at least by officers, as inherently righteous’. It is this sense of ‘noble cause’ (Reiner, 2000, p.89) that provides frontline police officers with a ‘licence’ for action-centred policing. Indeed, during observations of police officers in London, commentators Smith and Grey (1983) found that patrol car drivers would speed to calls that did not in fact require an urgent response.<sup>227</sup> The point is that on a day-to-day basis rank-and-file officers attempt to put aside the typically boring, messy, petty and trivial realities of everyday policing, instead redefining their role as that of ‘crime-fighter’.

Within IOM itself there appeared to be something of a divide between officers on the type of police work viewed as ‘rubbish’ or ‘quality’. Some field intelligence officers, for instance, were more intent on enforcing the requirements of offenders’ prison licence conditions (a crime control orientation), whereas others were more

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<sup>226</sup> Whilst Loftus’s (2010) recent work suggests that *some* police behaviours towards incidents of domestic violence have changed, largely in the wake of force policy reforms, there is evidence that more traditional ways of police thinking about these incidents have persisted. See also: Home Office Policy Paper, ‘Call to end violence against girls and women: taking action’, March 2012.

<sup>227</sup> See also Holdaway, 1983.



interested in offering forms of social support to offenders (a welfarist orientation).<sup>228</sup> This suggests an underlying absence of a clear set of aims or unified sense of mission related to IOM.

Significantly, however, action orientated crime fighting is *not* a core constituent of day-to-day policing. As Waddington (1998, p.98) maintains, ‘The police are not society’s crime fighters and officers who believe otherwise are deluding themselves’. On the contrary, the police role is incredibly diverse. It is a role that includes a wide range of ‘social-type’ services, which are nothing to do with maintaining order and catching criminals (Punch, 1979; Bayley, 1969). The reality is that police work is largely uneventful and tedious (Van Maaanen, 1978; Manning, 1997; Waddington, 1993; Loftus, 2010). For example, in the present research, during time spent with uniformed police<sup>229</sup>, I found that officers rushing to the scene of a crime and frantically apprehending criminals was a rare occurrence. On the occasion where officers did speedily respond to an ‘event’, most often they would arrive at the scene to discover that there was nothing for them to do.<sup>230</sup>

### *Redefining ‘action’*

The traditional action orientated representation of the police role can also be undermined within the context of IOM, once the true nature of the field intelligence officer role is considered. Unpredictable and dangerous physical interactions with citizens, occurring within the traditional world of frontline<sup>231</sup> policing, do not form part of the day-to-day work of field intelligence officers. Observations revealed that the vast majority of field intelligence officers’ time is spent in front of computer screens, entering intelligence reports into the local police database. This is not to

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<sup>228</sup> Chapter 6 documents the orientations of field intelligence officers, when it comes to ‘managing’ IOM offenders.

<sup>229</sup> I spent approximately 50 hours ‘riding along’ with uniformed officers, during the latter part of the study – more detail about this aspect of the methodology is provided in Chapter 3.

<sup>230</sup> See also Waddington, 1993.

<sup>231</sup> ‘Frontline’ policing has been recently defined by Her Majesty’s Inspectorate of Constabulary (2011, p.18) as ‘those who are in everyday contact with the public and who directly intervene to keep people safe and enforce the law’.

say that officers did not harbour a desire for the thrill of the 'search, chase and arrest' (Waddington, 1998, p.99). In fact, officers appeared resistant to the idea that their role was one which encompassed a less action orientated dimension. Within the context of IOM, therefore, 'action' is redefined so as to 'fit' with the field intelligence officer role:

*Fred:* Do you get much action do you think?

*C.5:* It's not the action I'm used to.

*Fred:* Is it a different type of action?

*C.5:* It really depends what you mean by action. Joe Bloggs' view of your average copper is in uniform racing around and doing what they do. Well, we don't do any of that now. From my point of view action now is meeting these people and getting some nice information from them, building up a bit of a rapport with them; not being fluffy but building up a rapport with them so that they trust you, so that then they can tell you stuff without even realizing they're telling you and you put a nice intelligence report in. It's a bit dry; it's a bit dry, but it's a different way of looking at things. As much as I'd like to roll around on the floor with some of them sometimes, clearly we're not doing that, but yeah.

*Fred:* It's a really good point that you made; it depends what you mean by action. What about generally 'exciting'?

*C.5:* For me I get a buzz. I like meeting people anyway and I get a buzz from going to someone's house and talking to them and being able to have a look around without being there having just kicked the door in.<sup>232</sup>

The response here was typical amongst IOM field intelligence officers, but the 'buzz' as C.5 describes it, comes from using inter-personal skills to out-smart offenders, gaining their trust but at the same time acting against their interests. Police officers take a similar approach during interrogations (Ofshe and Leo, 1997,

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<sup>232</sup> C.5 interview transcript.

p.2). Rather than being viewed as mundane or routine this sort of ‘police work’ is something more akin to the ‘intelligence work’ done by specialist police agencies, ‘CID’ for example. Whilst this sort of work is not as action-orientated as ‘rolling around with offenders’, the police desire for action is sated by the ‘exciting’ combination ‘out-smarting’ and spying on IOM offenders. In other words, as Young<sup>233</sup> puts it, police officers ‘valorise action in the form of the skilful detection’.

Other field intelligence officers, however, did concede that the job was generally conducted at a slower pace than that of ‘ordinary’ police work:

*Fred:* What about action?

*R.5:* Well it’s – depends what you describe as action– in terms of jumping in a police car and chasing after someone in a stolen thing. No it’s not that kind of adrenaline rush obviously but it’s a different kind of action you’re dealing with. Yeah you don’t have the adrenaline rush of the frontline you generally come in and have a cup of coffee when you come in. You come in on the response teams. You could be at a road traffic collision in minutes and it’s a different kind of way of dealing with it. It’s a slower pace; it’s a slower paced job, action packed maybe not.

Some officers seemed less inclined to accept the ostensible redefinition of their role as less action packed. Instead these field intelligence officers continued to seek out more thrilling police work. The following fieldnote was recorded during my time at Southside:

Once every two weeks the field intelligence officers, based at the Southside office, would go for breakfast at a local supermarket. On this case I got in the car with B.5 and K.5. These officers were discussing events that had taken place during the previous day. K.5 mentioned that both B.5 and K.5 had seen one of “their offenders” sitting in the driving seat of a car when it is known to the police (and B.5 and K.5) that he is currently disqualified from driving.

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<sup>233</sup> ‘The Rise and Fall of Stop and Account: Lessons for Police Legitimacy’ in S. Lister and M. Rowe (eds), *Police Accountability* (Routledge, forthcoming).

This sighting had taken place during ‘down-time’ (in this case whilst driving to and from appointments).

K.5 and B.5 described, with some enthusiasm, how they had parked up around the corner but within viewing distance and had waited for the person to drive off, with a view to tailing the car and catching the offender in the act of driving whilst disqualified. This would enable the field intelligence officers to put pressure on the probation officer responsible for the offender’s management to recall the offender to prison for the rest of his prison sentence. B.5 and K.5 were quite insistent that current intelligence suggested that the offender was not currently ‘being of good behaviour’. This appeared to be viewed by B.5 and K.5 as something of a catch all release licence condition to be invoked when field intelligence officers determined, presumably on the basis of recent intelligence, that the offender was ‘up to no good’.

Unfortunately, according to B.5 and K.5 – and this sentiment was expressed with considerable regret – they were unable on this occasion to ‘catch the offender in the act’ (of driving) or indeed catch him ‘at it’, as B.5 put it. B.5 and K.5 went on to explain how they had continued to pursue the car but had lost sight of it, then spotted the car again but this time unoccupied. A short time later B.5 and K.5 apparently caught up with the offender but he was out of the car and walking.

According to their account, B.5 and K.5 confronted and challenged the offender about driving the motor vehicle (and also who owned it and how much was paid for it and by whom etc...). He apparently mocked the field intelligence officers saying, “I’m not that stupid to let you catch me driving like that”, which B.5 and K.5 took to mean that the offender had indeed been driving the car. This ‘mocking’ was also viewed by B.5 and K.5 as ‘bad behaviour’ (and most likely a challenge to their ‘authority’) and alongside the alleged driving offence was considered by the field intelligence officers as enough for the offender to be recalled to prison.

B.5 and K.5 seem to go beyond the typical field intelligence officer remit. Instead, and in line with the police cultural orientation of a preoccupation with crime and action, these officers enthusiastically took the opportunity to participate in police

work offering the promise of excitement. Both officers clearly viewed this ‘event’, attempting to get a ‘misbehaving’ IOM offender locked up, as ‘real’ or ‘proper’ police work (see also Loftus, 2010, p.91), as the following extract seems to confirm:

As we walked into the café, I asked B.5 and K.5 whether they felt that field intelligence officers should be doing more of this kind of ‘work’. B.5, answered, confirming my suspicions that the (occasional) promise of this type of police work was what was really driving these officers: “Well, yes, we’re police officers, it’s what we’re supposed to be doing really”. K.5 nodded as if concurring with her colleague. “If they’re not behaving themselves then they don’t deserve to be out in the community and it’s our job to make sure they get locked up again quickly”.

This type of thinking, of course, resonates deeply with the exaggerated sense of mission, long identified as central to the police ‘worldview’ (Reiner, 2000, p.89; Loftus, 2010, p.90). Pursuing this offender was an unnecessary course of action for these officers given that the information could have just as easily been handed over to IOM’s uniformed enforcement branch. However, two things appeared to preclude this approach. Firstly, pursuit of the offender is more broadly consistent with police officers’ moral (and cultural) commitment to the separation of social order from chaos. Moreover, attempting to get this criminal ‘locked up’ provided these officers with an opportunity to engage in a challenging and exciting game of wits and skill (Reiner, 2000).

### *Resisting change*

This apparent and pervasive craving for action amongst police officers, nonetheless, might be viewed as undermining change initiatives emanating from the organisational field. A good example of this is an unofficial IOM policy which sought to discourage field intelligence officers from involving themselves in the arrest of IOM offenders. Such practice was thought to have the potential of harming future relationships between officers and offenders.

It might be expected that police officers obsessed with excitement and the thrill of confrontation (Loftus, 2010) would be disinclined to step back from arrest situations. Yet when questioned about whether they ‘get involved in arrests’ most officers seemed aware of the localised policy discouraging this. Most officers reported that they were prepared to conform to this interruption of the main manifestation of a police officer’s power. What was more important, for these particular officers, was that any relationship built over time with an IOM offender was not jeopardised by the field intelligence officer having to arrest the offender. As one officer explained during interview:

... Well, I'm a police officer, so if the chance or the need arose I would have to do it. I feel that it's important for me to maintain my role as a police officer but also maintain my role as, for want of a better phrase, a support worker for these individuals as well. So I appeal to them, “Look, if you're ever wanted, hand yourself in. If you know that you've committed a crime tell me. I can get it arranged by appointment that you can go in and speak to the officers involved.” But if it's serious enough, I would actually get them arrested, maybe asking the [uniformed enforcement branch] to come in and arrest people that are wanted and they've been wanted for some time’.<sup>234</sup>

For some officers, however, the arrest of IOM offenders, if necessary, did not present a conflict of interest within the job. Rather, as police officers with ‘warranted powers’, they could and should be able to enforce the law, at their discretion:

There isn't any conflict there - no not at all - we set out when we first meet these offenders. It's important for them to know yes I am a [field intelligence officer] and yes I'm here to help you but I'm still what I am and if you commit offences and if I need to point uniform officers in the right direction I will do that or I will come myself. So if , as long as you make that plain to them they can either say, “Well I don't want nothing to do with you then” or they can be, “Alright thanks for being honest; I know where I stand.”<sup>235</sup>

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<sup>234</sup> A.5 interview transcript.

<sup>235</sup> C.5 interview transcript.

Despite C.5's apparent conviction that field intelligence officers should use their arrest powers if the need arises, there remains a level of uncertainty amongst officers as to when the appropriate time for the use of powers might be within the context of IOM. Nonetheless, part of the police-culture socialisation process involves engaging in conversations with colleagues which help define what types of behaviour fall within 'acceptable limits' of how to act during police-suspect interactions. Such talk also serves to reinforce solidarity and a common sense of purpose (Hoyle, 1998) amongst officers. It does so, in this case, by reconstructing what, to R.5 and C.5's minds at least, field intelligence officers face on a daily basis but also how officers should respond. Receiving reassurance from other field intelligence officers promotes confidence that any working 'rules', 'assumptions' and 'frames' adopted whilst dealing with IOM offenders are shared by other officers and will not be challenged. It also means that police officers will not be undermined by colleagues in front of members of the public. Preventing such occurrences is another powerful working rule (Hoyle, 1998). Many times during observations I was privy to 'canteen talk' the subtle purpose of which was to establish and transmit values, attitudes and behaviours throughout the police side of the IOM unit:

I accompanied C.5 to the local hospital where we would meet a known offender who was coming into the hospital for some form of mental health treatment. The idea here was to check on the welfare of the offender and continue to offer the support of IOM. We waited in the hospital for some time, and it soon became clear that the offender was not going to arrive. Three security guards appeared at the lobby, apparently normal procedure, for patients whose potential mental state requires a special room to be hired. The guards asked C.5 if he was going to search the offender. C.5 suggested that he could, if he saw reason to.

Shortly after the conversation we were picked up from the hospital by R.5, a colleague of C.5's from the Southside office. C.5 gave R.5 an account of the conversation he had had with the security guards. R.5 concurred with the response C.5 had given the security guards, stating that it was "perfectly within the remit of [field intelligence officers] to search IOM offenders". C.5

asked R.5, if he had searched IOM offenders before. R.5 said he hadn't but that he saw nothing wrong with this: "We're still police officers".

#### Fieldnote – Southside

This conversation is reflective of the cop-culture socialisation process highlighted above. Neither officer, it seems, was fully comfortable with the idea of searching an IOM offender, despite both expressing the contrary during formal interview. Clearly C.5 needed reassurance from R.5 that he would have been within his rights as a warranted police officer to search the IOM offender. During the ensuing pause I asked whether searching an offender in the circumstances discussed would go against what IOM field intelligence officers were ostensibly meant to represent, a different non-confrontational style of localised policing. Unsurprisingly, neither R.5, nor C.5, viewed searching an offender in the hypothesised circumstances as confrontational. On the contrary, as the following fieldnote illustrates, both officers then proceeded to highlight the 'dangerous' nature of the field intelligence officer role and the 'need' to have all available resources at their disposal:

Once it had been established by R.5 and C.5 that searching an IOM offender would have been appropriate at the hospital, R.5 and C.5 began to talk about how at times field intelligence officers had to deal with very difficult and potentially dangerous offenders. C.5 said: "This is why we should have our 'gear' on us ... We go and see offenders in their homes on our own ... Anything could happen". R.5 picked up the slack suggesting that: "Probation officers are vulnerable as well. It only takes an offender to stab a probation officer. ... Apparently it's 'kicked off' at the probation office before, according to A.5". However, neither officer felt that there would be any changes "until something happens".

This episode suggests that the *potential* for action, excitement and conflict still remains very much a part of the field intelligence officer's consciousness. Of course, it might be argued that this overt display of bravado is, as Loftus (2010, p, 98) puts it, 'a backstage aspect of the role mobilised to protect their occupational



esteem in the absence of action and excitement'.<sup>236</sup> Yet we have already seen that the role of field intelligence officer is neither dangerous nor action-packed. In more than 400 hours of observation, I came across only one instance where an IOM offender appeared to directly challenge the 'authority' of a field intelligence officer. As the following fieldnote captures, in this instance, the situation was skilfully defused without recourse to 'action':

On release from prison some IOM offenders are housed in probation accommodation. Some 'high risk' offenders were met at the prison gates by a member of the IOM team. In this instance the offender, deemed to be 'high risk' (both the police and probation service suggested that the offender 'would be offending within hours and would definitely not last the weekend'), had been required to come straight to the probation office but had not turned up. Eventually, several phone calls later, the offender was tracked to the probation hostel at which he was going to be required to reside. B.5, K.5 and R.2 (an IOM probation officer) and I, went to the hostel to meet the offender. Both the field intelligence officers and the probation officer wanted to make sure the offender was fully aware of his prison licence conditions.

On arriving at the hostel, K.5 decided to wait outside the probation hostel in the car. 'We've not got the greatest history', K.5 noted, referring to the offender. Explaining further, K.5 mentioned a pre-release prison visit had taken place earlier in the month and 'it had not gone well'. B.5, R.2 and I then went into the hostel, where the offender confronted us. It was immediately clear by the offender's rigid body language that he was not going to be particularly cooperative with B.5 and R.2. They were obviously viewed as authority figures who were not to be trusted.

B.5 sat passively as R.2 attempted to clarify the offender's prison release licence conditions, a daily 7pm – 7am curfew, and that he reside at and abide by the rules of the probation hostel. The offender repeatedly shouted down R.2, stating that for various reasons, he would not and could not accept the licence conditions. He urgently needed to see his mum and could not get there and back before the day's curfew time was up. However, politeness and decency on the part of R2 was maintained at all times. The offender was

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<sup>236</sup> See also, Waddington, 1999.

shouting and swearing in what seemed to be a direct challenge to the authority of the members of the IOM team.

As McConville *et al*, (1991, p.25) remind us, disorderliness and abusive behaviour is assumed by police officers to be a personal attack on their authority. This ‘working assumption’ in turn precipitates a ‘working rule’, identified by this and other studies,<sup>237</sup> that abusive or confrontational suspects are usually arrested. This ‘rule’ is appropriate as it allows officers to maintain their authority and enforce respect. Indeed as Loftus (2010, p.114; see also Waddington, 1999) found, such a response is much more likely where, as in this instance, the officer has an audience.

So powerful is the arrest in the face of belligerence or hostility ‘rule’, that it has been suggested that an arrest, in such situations, is almost routine. Yet here the field intelligence officer was not intent on involving himself in the ‘action’ confrontation; neither did he feel the need to reinforce ‘authority’. Rather the situation was left to the probation officer to handle, in this instance.

One explanation may be that the ‘frame’ in these circumstances ran counter to the ‘working assumption’, which prevented the adoption of the ‘arrest rule’ by B.5. What had been an ‘event’ requiring an arrest response (so as to maintain dominance) appears to have been framed as a ‘non-arrest’ situation. Obviously an arrest has the potential to disrupt the field intelligence officer-offender relationship, making further intelligence-gathering opportunities (particularly important with a ‘high risk’ offender) more problematic.<sup>238</sup> The alternative might be that the officer remained passive in order to begin to build trust with the offender. The frame, so keyed, is therefore closely aligned to the localised organisational policy concerning the arrest of IOM offenders. More importantly, if B.5 harboured a desire for action and excitement, the organisational field mandate, distilled through the frame, also overrode this. As the following fieldnote demonstrates, at times, the desire for action and excitement trumped the non-arrest frame:

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<sup>237</sup> See for example, Choongh, 1997; Hoyle, 1998; Loftus, 2010; Reiner, 2000 and Waddington, 1998.

<sup>238</sup> It must be noted that, in this instance, a lack of trust already seemed evident between the offender and the IOM practitioners in attendance.

*Fred:* What about arrests generally? One thing you said about when you found out about the role is that it's a question of stepping back and not ... I know that there are instances where people do get involved.

*G.5:* I had to get involved yesterday ... Sometimes, at the end of the day we're still police officers and as much as they don't want us to arrest people and become involved in investigations, I personally don't think it's possible, because you never know what's round the corner. So what's the alternative? Close your eyes and pretend it's not happening? You can't do that either. Yesterday, for instance, I had some information received that this guy that had a prison injunction in place between him and his ex-on-and-off girlfriend, that he was at the address. There's been loads of domestic violence between the two of them ... So, what's the option? Close my eyes? I can't do that. The chap that we're talking about is not the kid's dad. The mother, she's known to the police herself. I just don't understand the grip that this man has over her because, anyway, what happened next? Because I couldn't just say, 'Oh never mind', because I also knew that he was wanted on - in conjunction with - some breach of bail conditions from the Crown Court.

...

So what I did, I spoke to his probation officer. He informed me that he's stopped engaging and they had a job to get him in. For that last 3 months he was also in breach, something to do with the probation side of things. So I grabbed the probation officer and I said: 'Come on, let's go out. We need to go and knock on the door and see what happens'. Meanwhile I had to phone up neighborhood policing because I've got no body armor or anything like that. I've got no personal protection equipment. This man is known because he's got a warning for violence and stuff, so we went to [Eastside police station] and, surprise, there is no units. So we've got to take some precautions, because if he kicks off and I get injured, then I'll be the one to blame for not assessing the risk. So we went to [Eastside police station] and in the end the sergeant there was quite nice. He left everything and he came with me.

It is important to pause here and note that at this stage it would have been perfectly possible for G.5 to pass on this 'intelligence' to someone else. G.5 had already

indicated that the offender was wanted by police; that the Sergeant was willing to accompany G.5 provides evidence of this. Nonetheless, the desire for action won out, rationalised on the basis that to become involved was something of a 'necessary evil' in the circumstances:

We got there and no one came to the door and, to get to the point, I kind of knew that he was inside there because of the sheer nature of how she was with us ... I went in the lounge and he was there. So, Catch 22, what do I do? Do I just say, "Oh never mind, you know you carry on being on the run for another 3 months?" Meanwhile, there is a child at risk. There is risk of domestic violence because she got beaten up in front of the child and stuff like that. Or do I just nip it in the bud basically? So I decided to just step in and I agree maybe he might hate me now. He's been remanded in custody. He got charged with the breach of injunction, which is an offence in itself, remanded in custody. He's going to the Crown Court today, not the Crown Court, the magistrates'. So, the reason I'm saying this, I know it's kind of strange because we still have to work with these people afterwards, but sometimes it's a necessary evil and you don't get the choice actually. I was quite apprehensive because I didn't know how my boss would take it.

Any existing police-offender relationship has potentially been jeopardized by the field intelligence officer's decision to confront the offender personally, rather than passing on the information to IOM's uniformed officers to handle the situation. The latter course of action would have posed much less of a risk to the relationship and of course would have been in line with organizational policy. G.5 acknowledges the role conflict but does little to prevent it becoming operative.

Both observations and interviews suggest that field intelligence officers are resisting IOM efforts to redefine their police role within the field. The job one traditionally associated with confrontation, action and excitement has morphed into something far more explicitly mundane and routine. It quickly became evident that, to combat this, some field intelligence officers involved themselves in situations that required an action orientated response, which at least offered the promise of excitement. One field intelligence officer I was shadowing, having first driven a probation officer to an appointment, paused to participate in a surveillance

operation (which he overheard on the radio) before heading back to the IOM office. On another occasion, when passing an armed response unit engaged in what appeared to be a fairly routine traffic stop, the officer I was accompanying flashed a warrant card and badge at the patrol officers, asking if any ‘help’ was needed. The point is that efforts to redefine the role of IOM police officers as one that requires a less confrontational dimension are potentially being undermined by field intelligence officers who retain an inherent need to seek out a healthy dose of action and excitement.

### **Intolerance and prejudice**

The apparent obsession with thrill seeking can be situated within what many policing scholars<sup>239</sup> have characterised as a ‘cult of masculinity’. This, according to Young, (1991, p.191) creates an environment where ‘metaphors of hunting and warfare predominate’ and where status is allocated to ‘tough, manful acts of crime fighting and thief-taking’. Unsurprisingly then, policing has traditionally been an overwhelmingly white, heterosexual, male occupation (Loftus, 2010; Foster, 2003), a fact which is hugely significant for those both inside and external to the organisation.

Research<sup>240</sup>, particularly ethnographic studies,<sup>241</sup> also suggests that officers are suspicious of and hostile towards members of racial and ethnic minorities (Lambert, 1970; Punch, 1979; Holdaway, 1983). Smith and Gray (1983), for example, found that police officers often appeared reluctant to investigate fully offences involving ethnic minority victims. The same authors, citing many examples throughout their work, also found that racial profiling influenced stop and search decisions. More than 10 years later, Gibbons (1995) confirmed that black people<sup>242</sup> are more likely to be stopped and searched. McConville and Shepherd (1992) also argue that

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<sup>239</sup> See for example, Young, 1991, p.192; Waddington, 1999, p.99; Smith and Grey, 1983; Holdaway, 1983; and Fielding, 1994.

<sup>240</sup> Some of which, it is conceded, may be outdated in this specific instance.

<sup>241</sup> Statistically based quantitative studies, for example, of stop and searches, also appear to support these assertions.

<sup>242</sup> The focus here on black people is not to suggest that other ethnic groups, such those of Irish descent, have not been on the receiving end of police bias or negative assumptions. Rather the majority of research has focused on the experiences of this group.

prejudicial attitudes, reinforced it seems by occupational culture, inform the way police deal with ethnic minorities. Waddington (1999, p.49) however, suggests that it is 'not at all clear' that racial prejudice infects the way police officers exercise discretion. In support of this claim, Waddington (1999, p.50) points to various studies which he argues 'simply fail to find that the police discriminate' and to other factors such as the 'predominantly lower class status' of these individuals and their 'exposure to conditions long associated with criminality'. More recent research<sup>243</sup> however, has continued to highlight race as an important factor shaping police actions.

In my own research, I found that the uniformed officers I accompanied, rather than justifying stop and search decisions on racial traits, claimed that they did so on the basis of legitimate assumptions. Simply being 'known' to the police, by virtue of 'previous', provides one, non-racially orientated reason for officers to target 'suspects'. McConville et al (1991, p.23) quote one arresting officer as confirming that: "I think that's our stock in trade ... recognising people who were arrested in the past has got to be what we do for a living". More subjective assumptions were also mentioned. D.4, for example, casually noted, "There's nothing random about what we do, or who we stop. It's just anyone who looks 'shit' or like a 'crack-head'".<sup>244</sup>

Of course, such subjective assumptions may themselves be shaped by unspoken racialised assumptions and prejudices. However, other commentators have suggested that racism displayed by officers may be no more than a reflection of societal racist tendencies. In other words, the police *are* prejudiced, but only slightly more than society as whole (Reiner, 2000, p.98). This argument is strengthened by both Foster (1989) and Smith and Gray's (1985) ethnographic policing studies, in which they found that the police tend to deal with ethnic minority groups in a respectful and appropriate way, notwithstanding, any privately held prejudices they may harbour.<sup>245</sup> This last point feeds into a further argument

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<sup>243</sup> See for example, Loftus, 2010; Foster et al, 2005; Shiner 2006; Equality and Human Rights Commission 2008; Chakraborti, 2009.

<sup>244</sup> DFT field note.

<sup>245</sup> There is, however, an obvious methodological problem with these findings. It is unlikely the police to be openly racist when a white, liberal researcher is watching them. Some black suspects,

that any racist and sexist banter one might come across in the police canteen is empty of meaning and wholly unconnected to anything else the police do (Waddington, 1998). Rather, such talk is an expression of solidarity and common purpose, both apparently necessary for coping with the unique pressures of police work (Hoyle, 1998, p.81). Simply put, talk is hugely important in defining what is acceptable behaviour amongst officers during interactions with offenders (Shearing and Ericson 1991).

### *An absence of prejudice within IOM?*

In chapter 2, I suggested, following a review of ethnographic policing research, that there *is* a relationship between police talk and the actions and behaviour of officers. Racist or sexist attitudes, therefore, are likely to be transferred into what officers do on the street and in the patrol car but also within their own workplace setting during interactions with other colleagues.

In the wake of enquiries such as the Macpherson Report (1999), racism appears to have been driven underground within the police institution. Macpherson's report followed a public inquiry into the botched way the Metropolitan Police Service investigated the now infamous racist murder of black teenager Stephen Lawrence. The details of the enquiry and the way in which the police handled the investigations have been variously debated and require no further discussion here.<sup>246</sup> Instead, it suffices to state that the failures of the police investigation were attributed in no small part to 'institutional racism', defined by Macpherson (1999, at.6.34) as:

‘...the collective failure of an organisation to provide an appropriate professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amounts

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for example, have taped interactions where the police are openly racist (when they don't think anyone is watching/recording).

<sup>246</sup> See for example, Foster, Newburn, Souhami, 2005; McLaughlin, and Murji, 1999.

to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping, which disadvantage minority ethnic people’.

The Macpherson recommendations for the reform of policy and practice placed immense pressure on the police. Macpherson (1999) argued *inter alia* that the police must reconsider how officers were trained in matters of diversity and how to deal with ethnic minorities.

Research<sup>247</sup> seems to confirm that changes in the demographic make-up of police forces (due to increased recruitment of ethnic minority officers) coupled with post-Macpherson training initiatives, have generally reduced open expressions of prejudice. However, as Loftus (2010, p.73) contends, such strategies have been undermined by ‘the persistence of a white heterosexist male culture that remains resistant towards the revised ethos’. Many safe areas –patrol cars, pubs after work, the canteen, and vehicles – create space for covert discrimination (Holdaway and Barron 1997; Macpherson, 1999; Cashmore 2001, 2002). It is within these ‘backstage’ arenas that racist ‘banter’ is most likely to be encountered (Holdaway and O’Neil, 2007, p.405).

Throughout the fieldwork I encountered nothing more than ‘low visibility’ mocking of ethnic minority accents but such mockery does not necessarily point to inherent racism within the ranks of field intelligence officers, as mockery of this nature could also apply to a pronounced English accent. As a young black male (perhaps assumed to be a left-leaning researcher and management spy) it would have been surprising if I had regularly encountered overt racist language or references directed either at offenders or ethnic minorities working within the IOM team. All I can say is that there was little evidence of racism exhibited by the police officers I encountered during the study.

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<sup>247</sup> See for example, Bull and Horncastle, 1989; Pearson et al, 1989; Loftus, 2010.



We have noted already the pervasiveness of stereotypical male attitudes, values and behaviours within the police organisation. Within this masculine environment, it is perhaps no surprise that police officers are expected to be physically and emotionally tough. As Young (1991, p.251) explains:

‘In effect, there is no real place for a women in this world, and whenever possible it seeks to exclude this structural intruder by claiming she is a sensual, illogical creature, needing protection from her own aberrant nature and from the violence and malevolence of others’

For women, then, these representations of policing, whether authentic or not, create a difficult working environment, because of their perceived stereotypical ‘weaknesses’ in these areas (Waddington, 1998; Smith and Grey, 1983; Fielding, 1994; Brown et al, 1995; Loftus, 2010). Many forms of harassment have also dogged women throughout their police career. Loftus (2010, p.53) for example, found that officers were informally required to ‘prove themselves’, particularly within traditionally masculine defined roles such as armed response. In these types of environments, female police officers generally find it tough to gain acceptance from their male colleagues, a fact apparently reinforced by discrimination in recruitment and promotion (Reiner, 2000, p.97). This is even though further research has repeatedly found little to separate the effectiveness of male and female officers (Bloch and Anderson, 1974; Sherman 1975; Noaks and Christopher 1990).

Whilst I witnessed no overt forms of sexist behaviour from field intelligence officers within IOM, it was clear from my time spent in the field that the Southside office was a male dominated environment<sup>248</sup> and one which exhibited many of the police cultural traits associated with intolerance and prejudice. The following observation note captures one field intelligence officer’s thoughts about a female member of the probation team he was working with.

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<sup>248</sup>Field intelligence officers were largely white, male and between 30 and 40 years of age. Two of the 9 field intelligence officers specifically working within the IOM unit were female.

It was typically quiet in the Southside office this afternoon ... I was on the opposite side of the line of desks completing some of my own notes. I overheard R.5 mention that he was going on a prison visit with a member of the probation team G.3. I then said, in the hope that I might be able to accompany them, “Is that tomorrow?” R.5 replied, “Yes but we’re all booked in and the prison needs 24 hours’ notice”. “Tell you what though Fred, G.3’s coming back tomorrow and you’ll be pleased to see her; she’s well worth a look at” (Laughter).

Another instance was where one female field intelligence officer, who was complaining of having a cold of some sort, was informed by her male colleagues that she “could not possibly be unwell, as only men get flu ... That’s why it’s called ‘man flu’”. At various stages throughout the research I witnessed field intelligence officers making stereotypical and discriminatory comments about female drivers. One officer even went so far as to suggest that, “Women simply can’t drive; I mean they can’t, they’re always having fender-benders and backing into stuff, they shouldn’t be on the roads (laughter)”.<sup>249</sup>

This issue of being a woman in an overwhelmingly male team was addressed during interviews with the two female IOM field intelligence officers. The first officer declined to comment, which perhaps in itself suggests some underlying tensions or perhaps reflects a desire not to be branded as a ‘troublemaker’ (Loftus, 2010). The second field intelligence officer, claimed not to have given the issue much thought, explaining further that although she was ‘in the minority’ (within the IOM) she merely ‘got the same [abuse] as everyone else gets’. Clearly, within the highly charged, male dominated, heterosexual environment of the police institution, those who fall outside of this ‘mould’ face considerable challenges. IOM appears to be something of a microcosm of this broader arena.

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<sup>249</sup> Informal comment made by R.5 during observations.

## Suspicion and cynicism

‘What you’ve got to realise is, you’re dealing with a suspicious group of people; police officers are inherently suspicious people’.<sup>250</sup>

Suspicion is part of the normalcy of frontline policing and a core aspect of cop culture. It is a further response to the dangerous nature of policing and an outcome of the sense of mission (Reiner, 2000, p.91; Young, 1991). Officers routinely face dangerous and unpredictable situations, leaving them on constant alert to anything suspicious. Suspicions, as one uniformed officer pointed out during the present research, can be raised by ‘absolutely anything and absolutely nothing’.<sup>251</sup>

Suspicion is the product of being on constant lookout for something out of the ordinary, a sign of trouble, danger or a potential offence being committed. Police officers are typically most suspicious of low-status, marginal and excluded groups (Loftus, 2008; Reiner, 2000; McConville et al, 1991). Constant contact with these groups also encourages officers to develop a cynical and pessimistic view of the social world. As Manning (1977, p.26) explains, ‘...people in general are viewed as stupid, fallible, greedy, lustful, immoral and hypocritical’. This perpetual hyper-scepticism manifests itself on a daily basis during interactions with the public.

Central to ‘suspiciousness’, however, is a person’s incongruity with their surroundings, people in the wrong place at the wrong time. When individuals look ‘out of place’ or are displaying ‘odd’ behaviour; this activity tends to ‘offend a police officer’s conception of order’ (Cockcroft, 2013, p.56; Manning, 1977).<sup>252</sup> During observations I noted how certain characteristics or ‘situational attributes’, as McConville *et al*, (1991, p.26) describe them, became the basis for police-citizen interactions. This much is evident from the following ‘stop and account’ incident, recorded during a routine ‘late shift’ with IOM’s uniformed branch:

The man appeared to be quite indignant about being stopped [in the red light part of town].

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<sup>250</sup> Fieldnote – Southside: informal comment made by R.5 – a field intelligence officer.

<sup>251</sup> R.4 interview transcript.

<sup>252</sup> See also, Manning, 1977; Sacks 1978; Mooney and Young, 2000; and Skolnick, 1994.

*D.4:* Where have you been sir?

*Man:* I've just dropped my daughter off.

*D.4:* Where?

*Man:* I don't know'.

*D.4:* I think you've been looking for a girl mate?' Are you married?'

*Man:* No, I was just dropping my daughter off.

*D.4:* How many daughters have you got?

*Man:* One.

*D.4:* Have you been drinking?

*R.4:* Shall we get a breathalyser?

*D.4:* Yeah.

*Man:* I don't drink, smell in the car.

*D.4:* Ok, that's not really the best way to tell, is it sir?

D.4 moved away to do a check on the car, at which point I asked D.4 what he thought the man had been doing. D.4 explained, "He's come to get a girl. Single middle-aged man on his own in a car, doesn't know where he's dropped his daughter off at 11 at night, come on?" The man passed the breathalyser and was sent on his way after a brief lecture about the dangers of driving through the red light part of town late and night and the likelihood of being stopped by the police if he chose to do so.

Later I asked R.4 why the man had not been arrested, when the police appeared to believe it was fairly obvious what he'd been doing. R.4,

explained, “You have to actually catch them right at it, usually in the car with the girl after he’s picked her up. You know what they’re going to say; she’ll say they’re old friends from school; he’ll say he’s just giving her a lift ...it’s the same old story”.

This ‘event’ is consistent with Waddington’s (1998, p.101) assessment that police officers have a distinctively jaundiced view of the world. Known suspects as certainly distrusted but so, to a lesser extent, are members of the public and victims. Loftus (2010, p.110) for example, found that police officers were ‘immediately doubtful’ of those who were intent on obtaining a crime number, suspecting that such requests meant the possibility of an ‘inside job’. ‘Regulars’ as well, were particularly likely to encounter cynicism, and an unsympathetic and detached disposition from frontline officers:

The first hour or so of the shift was spent looking for a wanted offender. R.4 explained that this was a ‘DV’ (domestic violence) case. Apparently the victim had reported the offence, but was now back with the offender who was reportedly living at her address. Both D.4 and R.4 shook their heads at this ‘ridiculous’ outcome. But according to D.4, this was quite a regular occurrence, especially when alcohol was involved. D.4 mocked this situation, mimicking a drunk female: “Lock him up, lock him up” ...and then when they’re sober ... “I loves him, I loves him”.

Here the dismissive and unsympathetic attitude of R.4 and D.4 is reflective of a broader theme found within policing research. ‘DV’ cases are generally viewed by frontline police officers as ‘trivial’ (Hoyle, 1988, p.68) ‘crops of shit’ (Loftus, 2010, p.129) that cannot be considered ‘real police work’ (Young, 1991, p.315). What is of interest, however, is whether the suspicious and cynical disposition typically associated with uniformed officers can be found within the world outlook of IOM field intelligence officers. In what follows, I draw on observations carried out on both field intelligence officers (non-uniformed police responsible for the ‘management’ of IOM offenders) and IOM response officers (uniformed police officers responsible for the enforcement side of IOM). The aim here is to examine the similarities and differences in the levels of suspicion and cynicism exhibited by both sets of police officers encountered during the study.

The question of whether field intelligence officers possess an inherently suspicious or sceptical disposition was not directly approached during interviews. Observations of these officers, however, highlighted a pervading sense of suspicion and pessimism throughout their ranks. If, as Reiner (2000, p.91) insists, this innate police attitude of constant suspicion ‘cannot be readily switched off’, then it is perhaps unsurprising that field intelligence officers appear to have readily transferred this core aspect of police culture into the environment of IOM. Suspicion as we shall see constitutes a ‘working rule’ or ‘frame’, which appears to shape police-offender interactions within the IOM field.

An important example of the way in which relentless suspicion appears to have transposed its way into the IOM setting relates to the stereotyping of individuals. Both uniformed IOM officers and non-uniformed field intelligence officers appear to stereotype IOM offenders. The ‘them’ and ‘us’ characteristic of police culture embraces such classification, shaping the distinction between types of ‘them’ and types of ‘us’. The patrol officers I observed, for example, regularly stopped individuals on the basis that they looked like ‘shit’, an auxiliary trait that apparently indicated ‘suspiciousness’. Moreover, time spent with the same officers, uncovered an obvious (and overt) distaste for IOM offenders (or for that matter any other potential suspects they came across). Terms frequently employed by the response officers to describe these people included: ‘dirty scroats’, ‘shits’, ‘horrible cunts’, ‘shit-bags’ and ‘crack-heads’. These references refer to individuals identified within orthodox policing literatures as ‘police property’ (Lee, 1981, p.53). These are people of low-status, powerless groups, whom the dominant majority view as distasteful. The job of the police, in this respect, is to protect ‘ordinary decent people’ (‘Us’) from the ‘scum’ (‘Them’), whilst the majority turn a blind eye to the way in which it is done (Reiner, 2000, pp.93-4).

*Suspicion, cynicism and pessimism ubiquitous within the outlook of field intelligence officers*

Observations revealed little difference existed between the stereotypical views of offenders and suspects held by field intelligence officers and those held by

uniformed officers. IOM offenders were routinely described as ‘vile’, ‘smack-heads’, ‘walking abortion cases’, ‘dirty scroats’ and a ‘waste of space’. One field intelligence officer went so far as to suggest that, “Putting them all down ... would save us all a lot of money and do society a favour”. This type of thinking was echoed by a uniformed patrol officer from IOM’s enforcement branch, who suggested that, ‘We [should] give some [offenders] the death penalty as a deterrent to others’.<sup>253</sup> Like uniformed IOM officers, field intelligence officers appeared highly sceptical of information received from ‘civvies’, particularly IOM offenders. Consider, for example, the following informal conversation, recorded during my time at Southside:

R.5: I saw [XXXX] recently, he seemed very modest, very positive about his rehabilitation, seemed serious - admitted his part. Anyway, he, three days later, he’s caught throwing drugs over a prison wall; now in the cells awaiting interview. It reinforces the fact that these offenders lie. I mean I want to get into the mind-psyche of these offenders. I mean what happens from Friday till now. On Friday he was an open book, honest about his drug use, how much money he’d made from selling drugs etc..., more honest than I’ve seen in a long time and then look here we are. I mean, what can you say to that? Leads me to be very sceptical in the future.

A commonality exists between field intelligence officer talk and that of uniformed officers, at least in relation to how IOM offenders are viewed. Like their uniformed counterparts, field intelligence officers were also found to retain a deeply cynical view of the social world around them. Some officers even suggested that social morality was being silently eroded around them.

Core policing literature describes this outlook as ‘police pessimism’. As Reiner (2000, p.90) explains, ‘Officers often develop a hard skin of bitterness seeing all social trends in apocalyptic terms, with the police as a beleaguered minority about to be overrun by the forces of barbarism’. Police pessimism (and cynicism for that matter) can easily be located within officers’ negative feelings towards the criminal justice system and the law, more broadly. The police officer, Banton (1964, p.144),

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<sup>253</sup> DFT field notes.

explains, 'is frequently a critic of society; through what he sees in the courts, as well as on the beat. He is in an unparalleled position to observe the machinery of society in action'. However, the police officers I observed tended to view the societal 'machine', particularly the criminal justice system, as 'broken' or at least much in need of an overhaul:

R.4 [a uniformed response officer] explained in a frustrated manner that he needed to sort out an interpreter for one of the offenders arrested earlier. "She speaks English fine, but when she gets to court, it's like, "Oh I need an interpreter" (raises eyes). You know who has to pay for it? We do." Whilst R.4 made some telephone calls, to source an interpreter, D.4 and another uniformed IOM officer came down to the front office and R.4 filled them in about the job. D.4 responded, saying "I feel like punching someone in the face; I don't know why, and this lot are shit bags" (the two female offenders). He then turned to me and starting talking about how the criminal justice system was 'fucked up'. D.4 explained that a suspect had been caught 'red-handed' with a large amount of cash during a routine police operation to apprehend a wanted prostitute. The offender could not explain the origin of the cash and therefore was charged with some form of money laundering offence. Despite being caught 'bang to rights', when the case came to court, the suspect had apparently changed his plea to not guilty, thus requiring D.4 to give evidence. This had meant D.4 had had to change four shifts in order to attend court to give evidence in a case where the suspect was clearly guilty. D.4's solution to this type of affront was fairly straightforward: '...Just pick 12 'scroats' and kill them - that would make them [the others presumably] think twice'.

#### Fieldnotes - Southside

Field intelligence officers expressed similarly pessimistic view of the criminal justice system and of society as a whole. In line with earlier police research, defence solicitors were viewed with antipathy and regarded as obstacles to the pursuit of 'justice' (McConville *et al*, 1991, p.47). The courts were also routinely criticised for undermining the efforts of officers and continuously 'letting offenders off'. Magistrates, one field intelligence officer suggested, could do with some



proper training: “Let them see what we do for the day and they might have a different attitude”.<sup>254</sup> Society, it appears, was seen by some field intelligence officers to be in the grip of a moral crisis.

Being suspicious is a core aspect of police culture but also policing more broadly. Police officers’ overstated sense of mission and desire for action leads them to seek out signs of trouble and danger. Within this world, ‘suspiciousness and stereotyping’ are, according to Reiner (2000, p.91), ‘inescapable’. It is true, of course, that what police officers say and what police officers do *can* be distinguished (Waddington 1998). Nevertheless, overwhelming empirical evidence points to a tangible link between the rhetoric of police culture and the behaviours of uniformed police officers on the street.<sup>255</sup> Suspicion, cynicism and pessimism, therefore, play a key part in the occupational lives of rank-and-file officers and are supported by ‘canteen’ socialisation processes. These values, attitudes and the behaviours they generate also can be located in the field intelligence officer world outlook.

### **Isolation and mutual solidarity**

Policing research suggests that a ‘them’ and ‘us’ view of the social world leaves many uniformed officers socially isolated from the rest of society.<sup>256</sup> A variety of reasons have been reported by officers for the difficulties they face in mixing with civil society. Reiner (2000, p.91) provides the following examples: ‘shift-work, erratic hours, difficulties in switching off from the tension engendered by the job, aspects of the discipline code and the hostility or fear that citizens may exhibit to the police’. Generally these aspects of the job mean officers naturally become an extremely insular group. Of course, this sense of isolation is reinforced by the police cultural notion of ‘them’ and ‘us’, but borne out of this is also a deep feeling of solidarity amongst frontline police officers:

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<sup>254</sup> Fieldnote, Southside.

<sup>255</sup> See Chapter 2.

<sup>256</sup> See for example, Waddington 1999; Loftus, 2010; Reiner, 1978; Young, 1991

As we drove through the centre of town in a two [police] car convoy, R.4 (a uniformed response officer) and me in one car and D.4 and B.4 (both uniformed response officers) in another. D.4 radioed through to R.4, stating that a ‘well-known offender’ is driving the car in front. D.4 then suggested that R.4 ‘get up beside the car in front’. R.4 did this. 4 young men were in the car looking at R.4, smirking and grinning. D.4 radioed through again, “Let’s have a word” (with the offenders).

On go the car lights and sirens and the car driven by the men is shepherded into a side road by D.4 and B.4’s car. The men are then asked to get out of the car. As we pull up behind the other police car R.4 notes, “This guy – the one on the left – is a fucking nasty bastard: a real shitbag”. We get out of the car and D.4 is in conversation with the driver:

*Driver:* Why you pull me over boss?<sup>257</sup>

*D.4:* We know you’re involved in crime.

*Driver:* We’ve only just been pulled [stopped] boss.

*R.4:* I’ll check it out.

R.4 then got on the radio to check the authenticity of the man’s claim. It turned out then men had been stopped that day but some confusion remained over whether they had been searched.

*R.4:* Were you searched?

*Driver:* We wasn’t searched boss.

*D.4:* Better search them.

At this point the demeanour of the men changed dramatically; they became aggressive. One of the men, but not the driver already questioned, ‘squared up’ to D.4.

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<sup>257</sup> B.4 later explained this tactic of suspects asking the question, so they can take a mental note of the response and thus avoid doing things that might get them stopped in the future.

*Second man:* Why you want to search me boss? What grounds have you got?

*D.4:* I don't need any grounds, just reasonable suspicion. I saw hand-movement when we pulled you over and that's enough.

*Third man:* No fucking way, you've got nothing on us. You can't search us for doing nothing.

*D.4:* If you keep using language like that you'll be arrested.

*Driver:* You can't nick him over that.

*B.4:* We can actually mate. S.5 of the Public Order Act 1984 says we can, so I'd suggest you shut up.

This incident provides an example of solidarity within the uniformed branch of IOM. These officers were prepared to 'back each other up', without question, in the face of public hostility. Indeed, core policing literatures suggest that solidarity is augmented by the fact that officers routinely face danger together and come to rely on each other in tight spots, at times shielding each other's violations of procedure (Newburn, 1999; Loftus, 2010; Skolnick and Fyfe, 1993; Westley, 1970). There appeared to be no overt violations of procedure, in this instance;<sup>258</sup> nonetheless, s.5 of the Public Order Act 1986 proved a useful tool in maintaining the officer's collective dominance and authority over two hostile suspects.

However, whilst a clear sense of solidarity seems to exist amongst rank-and-file shift colleagues, to suggest that this sentiment is pervasive throughout the police organisation would be misleading. Waddington (1998, p.100) for example, points to 'a complex pattern of vertical and horizontal divisions within the police organisation' (1998, p.100). Other research confirms that internal conflicts exist

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<sup>258</sup> Whilst the law in this area is amorphous, it should be noted that in *DPP v Orum* [1989] 1 WLR 88 it was held that for s.5 it is insufficient for police officer victims of the offence to say that it was likely they would suffer 'alarm harassment or distress', they actually have to experience one of these emotions (in order to establish the likelihood). The courts take the view that the police must be 'wearily familiar' with abuse, so are unlikely to be alarmed by it. For more recent guidance from the courts see particularly *Harvey v Director of Public Prosecutions* [2011] All ER (D) 143 (Nov).

between ‘management cops’ and ‘street cops’<sup>259</sup>, but also that specialism can create something of a gulf between frontline officers. In other words officers can feel a sense of internal isolation within the organisation. Within the present context the question becomes whether within the specialist environment of IOM any isolation felt by police officers precipitated a sense of solidarity within the unit.

*Isolated perhaps, but not a mutually cohesive group*

The question of whether field intelligence officers felt isolated from society was not directly addressed during interviews with field intelligence officers. However, it seems likely that these would at least partially share the same sense of isolation as their uniformed counterparts. Like other rank-and-file officers, observations found that field intelligence officers faced hostility from offenders, and were distrustful of outsiders. These are two core precipitating factors of police officer isolation. Yet the field intelligence officers I encountered did not report a strong sense of solidarity between police officers within the IOM unit.

Observations did, however, reveal signs of cohesion amongst field intelligence officers. For instance, every two weeks, on a Friday, field intelligence officers located at the Southside office, including the team sergeant (and on occasion a member of the prison staff along with an IOM admin officer) would enjoy breakfast together at a local café. Talk on these occasions was informal, often non-policing related and certainly did not revolve around current IOM intelligence issues. Interestingly, however, some officers, once regular attendees at the breakfast, had begun to question its relevance to the job at hand:

Friday morning, on the second week in the bi-weekly cycle R.5, C.5 and the team sergeant went for breakfast at a local supermarket café. On this occasion however two field intelligence officers, B.5 and K.5, decided not to go for the breakfast, instead deciding to get straight out on offender visits. I decided to join them, inquiring later why they had decided not to attend the bi-weekly. The reply from K.5 was illuminating: ‘The more conscientious of us decided

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<sup>259</sup> Much policing literature confirms this finding. See, for example, Holdaway, 1983; Punch, 1983;, and Reuss-Ianni 1983.

not to go. It feels like it's happening too often, like it's no longer a treat'. B.5 chipped in at this point stating that: 'We've always got too much work to do anyway on a Friday'.<sup>260</sup>

Fieldnote – Southside

Scepticism about the usefulness of the Friday breakfast appeared to manifest a deeper divide between IOM officers concerning workload. It became clear throughout the research that some field intelligence officers deliberately pursued an easier pathway through the general workload of an IOM field intelligence officer. At one stage during the observations I asked B.5 and K.5 if they felt like they were the more proactive [Southside] field intelligence officers within the IOM unit. The officers' answers confirmed my own suspicions generated during earlier observations. Smiling, K.5 said: "We do things differently". That's a fairly diplomatic answer I suggested. K.5 just laughed. B.5, on the other hand, went on to say, "I think we are".

### *Police 'easing' within IOM*

Cain's (1973) comparative research on rural and urban policing identified the concept of police 'easing behaviours'. She found that, in order to relieve mundane day-to-day work and due to the generally loose supervision of frontline police, officers spent time grazing in cafes, dropping into neighbouring police stations or running personal errands. Much like Cain, during my own observations I witnessed uniformed police officers regularly engaging in these practices. Examples included: 'office football',<sup>261</sup> officers attending the gym during working hours and 'nipping out for fresh air'.

Within the context of IOM the breakfast 'meeting' (certainly not something officially factored into the working of rank-and-file officers) perhaps can be best

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<sup>260</sup> The slightly ironic twist to this episode was that the comments were recorded during an extended lunch break, which in this instance B.5 and K.5 decided to take at the local MacDonald's restaurant.

<sup>261</sup> A game which involved field intelligence officers kicking a paper 'football', around the office, whilst seated, a past-time which was routinely ignored by both the sergeant and other more senior officers.

described as ‘easing behavior’. Moreover, I witnessed many other types of easing behaviour whilst observing field intelligence officers. On one occasion, for instance, the field intelligence officer I was accompanying stopped at the training ground of the local football team to observe the team’s training preparations. During another shift, the field intelligence officer I was with went home to speak to a relative about a pressing personal issue. On both occasions, in an effort to conceal these instances of deviance from supervisors, I was asked to keep what had taken place ‘under my hat’ and in the second instance, an officer suggested what explanation should be given in the event we were questioned about our absence. Small-scale deception towards supervisors is, it seems, a ‘culturally supported norm’ (Loftus 2010, p.121).<sup>262</sup>

Two points should be made here. Firstly, episodes of ‘easing’ demonstrate that not all the field intelligence officers I encountered harboured a desire for continuous action and excitement. On the contrary several officers appeared content with an ‘easy shift’ (see similarly McConville et al, 1991, p.31). Secondly, following earlier works (Manning 1978; Fielding, 1989), such behaviour suggests that a measure of defensive solidarity exists within the ranks of IOM field intelligence officers. Despite this observation, however, officers claimed during interviews that the ‘team’ lacked solidarity because they were grouped in pairs with staff from the other IOM partnership agencies. These ‘groups’ (referred to in IOM jargon as ‘clusters’) typically consisted of two field intelligence officers, two probation staff members, a prison officer and a criminal justice team intervention worker. This situational determinant apparently prevented officers from forming the shift-like relationships found within studies of uniformed officers (Loftus, 2010; Waddington, 1998; Hoyle, 1998, Skinns, 2011). This was further compounded by the fact that field intelligence officers were split between two separate offices. The importance of these causal dynamics was articulated by one field intelligence officer in the following terms:

*Fred:* Do you feel a sense of solidarity within IOM [...] so firstly with the field intelligence officers - in the same way perhaps that you might have done when you were [on a] ‘response’ [team]?

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<sup>262</sup> See also Manning 1978.

B.5: It's difficult because obviously we're split in half. So, obviously, more solidarity to field intelligence officers here than I would to field intelligence officers at Eastside because I don't work with them. So, but yeah, I mean I think for a team to work there should be some solidarity, I think, but yeah.

B.5: In the last team there was a lot of solidarity and we would socialize together sort of thing whereas now, I think because we tend to work in pairs. I think me and K.5, probably we're closer than any of the others at all. I mean I don't think the others go out together as such, they tend to go out on their own. I think people just tend to just do what they want, whereas we tend to go out together. Then at least once we're done with the appointment we can maximise our downtime looking at other people.

Despite signs of cohesion amongst IOM field intelligence officers demonstrated during various easing activities, there appears to be a lack of solidarity amongst IOM field intelligence officers. A comment made by K.5 during interview perhaps offers a good summation of this point when she observed that, “We’re not like a team of field intelligence officers”.<sup>263</sup> Working arrangements of officers also contribute towards the lack of field intelligence officer cohesion within the IOM unit. The discretionary ability to work alone or with staff from the other partnership agencies means that officers are frequently able to determine who they do or do not work closely with.

Whilst there were no overt signs of disharmony within the ranks of IOM field intelligence officers, fractures were nevertheless discernible. Many officers spoke of an atmosphere of competitiveness precipitated by an organisational emphasis on performance. As one field intelligence officer remarked:

G.5: I'll be really honest here - I've noticed the general competitiveness tends to rise to around the time - the week that the [Tactical Tasking and Co-ordination Group] meeting is on as well the field intelligence officer meetings. It's almost like a competition to know what's going on and be on the ball. I'm not saying it's wrong but I'm not saying it's right either.

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<sup>263</sup> K.5 interview transcript.

*Fred:* Do you mean between officers?

*G.5:* Including anyone really, including officers from other [police teams]

Competitive, often target-orientated, police environments are reflective of the broader rise of managerialism (Garland 2001, p.188) within the criminal justice ‘surround’ (Hawkins 2003).<sup>264</sup> Within the organisational ‘field’ local police authorities are required by law to formulate localised priorities and implement strategic objectives. As we have already seen<sup>265</sup>, such mandates are facilitated by legislation in the form of the Crime and Disorder Act 1998 (ss.5 and 6).<sup>266</sup> How successful police forces are in achieving these objectives is in turn directly linked to the levels of funding received. Performance targets and measurements, therefore, are a way of the police demonstrating that these objectives are being achieved.

#### *IOM – a pressurised environment?*

It might be expected then that a ‘managerialist agenda’ (Skinns, 2011, p.13) creates a pressurised environment for field intelligence officers. G.5’s comments above strengthen this argument. But the pressure also would likely impinge upon the way field intelligence officers ‘frame’ (Hawkins, 2003) events or ‘assume’ ‘working rules’. Indeed, the field intelligence officer role requires disciplined analysis of information, with a key focus on managing any risk posed by the IOM offenders on their caseload, but also responding to the enquires of partner agencies and other police units. These methods are, of course, a reflection of broader trends emanating from the wider political and legal surround. Once understood and identified as relevant, contemporary intelligence can shape interventions aimed at preventing and reducing crime. As Cope (2008, p.404) explains, the dissemination of real-time information by police officers is central to supporting the delivery of policing

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<sup>264</sup> For some it was the Home Office Circular 114/83 (Manpower, Effectiveness and Efficiency in the Police Service) which heralded the arrival of managerialism within UK criminal justice (although the document did not constitute policy).

<sup>265</sup> See Chapters 1 and 1, respectively.

<sup>266</sup> See Chapter 1 for more detailed discussion of the implementation of Crime Reduction Partnerships – as facilitated by the Act.



services, inter-agency cooperation and risk-mitigation. However, its importance, as part of this process also places pressure on the analyst, in this case the field intelligence officer.

Yet, while officers were aware of the existence of official performance indicators, a mainstay of the rise of managerialist agendas within police organisations, all those spoken to argued that they were under no internal pressure to meet such ‘targets’. A premium is placed upon officers maintaining detailed up-to-date intelligence on the offenders they are managing. However, rather than in response to an intense performance orientated regime focused on ‘detections’ (Sanders, Young and Burton, 2010), the pressure is driven by intelligence requests from other police teams within the force area. These units regularly require information on the current status of IOM offenders. For example, an increase in the number of reported burglaries in a particular area may well prompt the local district policing team to seek information on any IOM offender thought to be responsible for the break-ins.

Field intelligence officers, therefore, must be able to provide current, risk orientated intelligence, on the offender in question. This does not mean, however, that FIOs felt a sense of solidarity with colleagues across the force. Consider the following fieldnote, recorded during my time at the Southside office:

It was a Monday morning and the office was quiet. Most field intelligence officers and the few probation staff who were in were busy in front of their computers. I asked R.5, the nearest police officers to where I was stationed, what it was he was doing. “Just updating [the IOM intelligence database]. It’s the first thing I usually do on a Monday morning, check the emails that have come in from the uniformed side of things and check to see if anyone has been arrested or are still in the cells and then update the system. After all, we wouldn’t want the district team picking up on offences committed by ‘our’ guys before we did”.

Observation suggested that this was a commonly-shared view. In other words, what most officers seemed concerned about was not so much that force-wide intelligence on IOM offenders remained contemporaneous; rather, officers appeared anxious

that other police teams might acquire information on the risk status of these offenders before the IOM unit did. The spirit was one of competition rather than cooperation.

### **Conservatism**

Whilst field intelligence officers lacked a sense of togetherness within the IOM work place, observations seem to point to one area of unity, a generally conservative persuasion. In fact, numerous studies suggest that conservatism is a major facet of police culture.<sup>267</sup> Recent research has found that police officers continue to routinely express ‘simplistic decontextualized’ authoritarian ideologies (Loftus, 2010, p.108). The nature of the job, the historical position of the police as a bulwark against the ‘organised’ left, and the disciplined and hierarchical nature of the police as an organisation means, according to Reiner (2000, p.96), that ‘the police officer with a conservative outlook is more likely to fit in’. Simply put, it is a cultural response to the job at hand (Skolnick, 1966).

Some commentators, Maguire and Norris (1994, p.20) for example, have suggested that the views of police officers engaged in work that involves a higher level of autonomy and discretion. Plainclothes CID officers, for example, may subscribe less to conservative values. Other writers argue that successive governments, taking a market-orientated approach to policing and public services more broadly, have precipitated left-leaning sympathies amongst police officers (Reiner, 2000; Rose, 1996). Where then do field intelligence officers ‘fit in’? The officers I encountered were largely drawn directly from the uniformed ranks; yet the role of field intelligence officer naturally involves a substantial amount of autonomy and discretion. Moreover, if conservative values represent a cultural response to frontline police work, then it might be expected that field intelligence officers, largely office-based and in a more welfarist role, might retain or gravitate towards a more liberal world outlook. Observations, nonetheless, suggest otherwise.

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<sup>267</sup> See, for example, Farrell, 1993; Skolnick, 1994; Reiner, 2000.

*Justice is futile: conservatism within the ranks of IOM field intelligence officers*

Officers routinely expressed consternation at the state of the country and a general frustration with the inaction of its criminal justice system. Nonetheless, it was the court system, particularly defence lawyers and inept magistrates, that field intelligence officers seemed most dismayed at:

“The courts are constantly undermining the actions of the police and IOM. ... There are certain offenders who are causing so many problems that it is impossible to manage them. These guys need to do some time and the courts just keep letting them out, time and time again.”<sup>268</sup>

Field note, Southside

Other officers displayed conservative orientated concerns over various social welfare issues, particularly the current ‘benefits culture’, as one officer put it. The following observation note illustrates this point:

After a routine appointment with an IOM offender, K5, B5 and me were waiting for a probation officer, R.2, to finish a telephone call when the conversation turned to the state welfare system. K.5 appeared to have some particularly strong conservative-type views on the matter. “I wish the Conservatives would hurry up and do away with the benefits system. I think they should get vouchers, no cash, just food vouchers, perhaps just five pounds in their hand”. I replied, “What about things like travel, bus fares etc..?” K.5, “A luxury, think of all the money they spend on fags” (cigarettes). Another probation officer who entered the office added to the conversation asking, “What about baby clothes?” No response from K.5. In any case, R.2 had finished the phone call and we all left to visit the next offender.

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<sup>268</sup> Field notes, 8am Southside office.

While the field intelligence officer world outlook largely appears socially and morally conservative, one or two officers<sup>269</sup> were more relaxed in their approach both to social issues and the way in which offenders should be treated. At first glance this suggested that a conservative outlook was not universal within the police ranks of IOM.

A.5 was explaining how a different approach to dealing with offenders was necessary. “Things are tough for these people. I mean, I grew up in the East End of London. I know what it is like. I joined this team as a support officer, not as a field intelligence officer. My job is to try and support offenders, through pathways support. I’m the carrot and the stick, not just the stick. Some IOM field intelligence officers would probably disagree, but my job is to support offenders and the police – offenders via pathways support - the police via intelligence updates. We need to support the community of Bristol, which includes these individuals. The ultimate goal is to support these people to get free of their addictions and get back to society. In this way the community as a whole is supported.”

Fieldnote - Eastside

It is tempting to suggest that A.5’s liberal orientated views reflect the general decrease in police conservatism witnessed over recent years (Morgan and Newburn, 1997; Loader and Mulcahy, 2003). However, A.5’s ideas were very much in the minority amongst IOM police officers. Whilst most were prepared to recognise that a new ‘common sense’ approach to dealing with persistent offenders was certainly needed, many officers, unlike A.5, did not view themselves as ‘support’ officers. In fact, interview responses from officers confirm that the overwhelming majority felt that prioritising social support over intelligence gathering would be incongruous with the role of field intelligence officer. For the majority of field intelligence officers, the role was simply one of intelligence-led, risk-management policing:

“As I see it, my primary role as a police officer and [field intelligence officer] is to glean intelligence, you know, see what their MOs are in relation to when

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<sup>269</sup> In total, nine field intelligence officers interviewed

they offend, what drug issues they've got, what clothing they've got on - new clothes, new trainers anything like that really - it's a broad spectrum".<sup>270</sup>

This type of thinking amongst field intelligence officers is further confirmed during a second interview extract:

"For [IOM] we've identified them, we've managed their risk when they've come out and we've sent them back to prison quicker. I don't think it's because we've helped them as such, which is a bit controversial, but I think that that is probably why".<sup>271</sup>

Broadly speaking, the world outlook of the field intelligence officer was found to be morally and socially conservative. One or two officers, like A.5, did show signs of harbouring more 'radical' left-leaning opinions, particular in relation to the shape of police-offender interactions within the context of IOM. Yet an overwhelming dissatisfaction with the criminal justice system coupled with authoritarian styled, right-wing analyses of the social circumstances of offenders, confirms that rigid moral conservatism is widespread throughout the ranks of IOM field intelligence officers.

### **The endurance of cop-culture and the subtle link between talk and action**

My aim in this chapter has been to examine what kind of policing is taking place within IOM. From the conversations I had with IOM police and my observations of these officers at work 'on the streets', it appears that more of a furtive approach to dealing with offenders, centred not just on surveillance and intelligence-gathering but also forms of social support, has replaced traditional action-orientated frontline policing. Field intelligence officers are now more likely to be confronted by data dancing across their computer screens rather than by aggressive or disrespectful suspects. Most interactions I observed were calm and generally took place at the offender's home. These 'events' must therefore be 'framed' (Hawkins, 2002) by

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<sup>270</sup> C.5 interview transcript.

<sup>271</sup> B.5 interview transcript.

officers in different and novel terms. What may have once been considered mundane and trivial has now been reworked in the minds of these officers. The ‘buzz’, as one field intelligence officer<sup>272</sup> explained, now arises from routine intelligence gathering visits.

Nonetheless, it would be a mistake to divorce this much slower paced form of police work from the traditionally action orientated crime control police goals. IOM police officers continue to relentlessly pursue ‘known’ prolific offenders, through the ‘official’ channels open to them. For field intelligence officers, the mandate is simple. Create and grasp intelligence-gathering opportunities. Keep those on IOM under surveillance, rummage around their homes, dig into their private lives and exploit personal information shared by the partnership agencies. These goals, it seems, can be achieved whilst maintaining the guise of police ‘offering pathway support’. What I have just described appears to be the nature of IOM policing. But it is the core characteristics of police culture, present within the attitudes and behaviours displayed by field intelligence officers throughout the study, that are able to help us make sense of the crime control orientated policing taking place within IOM.

It might be expected that this dominant culture would be disrupted by attempts to redefine the role of police officer within the framework of IOM; that requiring officers to provide social support to offenders would reduce the impact of police cultural norms and values on the attitudes and behaviours of IOM field intelligence officers. However, the widely articulated core aspects of police culture encountered during the fieldwork suggest an alternative thesis. Cop culture remains embedded within the world outlook of the officers I encountered. With few exceptions, the attitudes of field intelligence officers bear a striking resemblance to those generally exhibited by frontline police officers. Suspicion, cynicism, pessimism, conservatism, intolerance and prejudice were found to persist within the context of IOM. However, the discourses and interactions documented throughout this chapter also point to subtle variations in the dominant culture. Despite being socially

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<sup>272</sup> C.5 interview transcript.

isolated from the rest of society, field intelligence officers displayed few of the typical traits of defensive solidarity typically exhibited by their uniformed counterparts. On the contrary, divisions appeared to exist amongst field intelligence officers within the team, particularly around workload.

Further, we have seen that police talk, stimulated by cultural values and beliefs, has often been found by police researchers to be at variance with what officers actually do on the streets. Waddington (1998a) argues that we must distinguish between what officers *say* in the canteen and what they *do* on the streets; the ‘oral tradition’ of policing, he insists, should be ‘appreciated’, rather than condemned. Waddington’s point is an important one. In the present study, routine encounters were conducted far more respectfully than one might have anticipated given the scornful epithets used to refer to offenders as part of canteen talk.

Yet whilst, in my experience, the rhetoric of the canteen did not appear to overtly translate into action, a subtle link between the two could be identified. Field intelligence officers cultivated ‘friendly’ relationships and built ‘rapports’ with those on IOM in the same way that an officer from the criminal investigation department (CID) does with a potential informant. This explains the friendly and respectful interactions I witnessed. Similarly, this type of ‘action’ also facilitated the goals espoused during canteen ‘talk’ – gathering useful intelligence so as to bang up ‘vile scroats’ and ‘smack-heads’.

The endurance of these cultural themes, persisting around a preference for action and excitement, suspicion, prejudice, cynicism and conservatism, precipitated a preference, amongst field intelligence officers, for enforcement and a dogged focus on the risk-management, surveillance and the speedy return of IOM offenders to prison. This type of policing speaks to broader questions about offender desistance, procedural justice, and the proportionality of interventions in offenders’ lives. In chapter 6 my aim is to examine whether the attitudes of IOM police officers, as documented above, may indicate a commitment to disproportionate policing of a social disciplinary kind, which might suggest that offenders are unlikely to see their actions as legitimate.





## Chapter 6

### Understanding legitimacy within the context of IOM

#### Introduction

This chapter undertakes two main tasks. First it explores offender experiences of the IOM scheme. Second, it locates these experiences within human rights discourses; namely the concepts of legitimacy, necessity, and proportionality. Participant experiences of the type of policing taking place under the canopy of IOM are analysed using the theoretical constructs of police culture, working rules, and decision-frames, introduced in Chapter 2. My intention is to examine the implications IOM for offender desistance, procedural justice, and the proportionality of interventions in offenders' lives. The discourse of human rights is also relevant here, as by its very nature, enhanced police attention interferes with rights and freedoms provided by the European Convention on Human Rights (ECHR) perhaps most notably, with an offender's 'right' to private and family life (Art.8). Forms of covert policing such as the bugging of premises and cars and the interception of telephone communications and email, in certain circumstances,<sup>273</sup> may violate art.8 privacy rights.<sup>274</sup> Any interference must accordingly pursue a legitimate aim and any action taken in its pursuit, must be necessary within a democratic society. Whether a particular practice is deemed 'necessary', according to Strasbourg jurisprudence, should be determined by reference to its contextual proportionality (*Soering v The United Kingdom*, 11 EHRR 439). These ECHR dictates are in line with qualifying principles provided by Art.8 of the HRA but also, in the context of covert surveillance, the Regulation of Investigatory Powers Act (RIPA) 2000.

Bullock and Johnson (2012, p.636-7) found that principles of legitimacy, necessity and proportionality are 'misunderstood, confused and mangled' by frontline police

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<sup>273</sup> Circumstances include: without the permission of the owners/occupiers or without lawful authorisation as provide for by s.1 of Regulation of Investigatory Powers Act 2000.

<sup>274</sup> *R v Khan (Sultan)* [1997] AC 558; *Khan v UK*, Eur. Ct. HR, Judgement of 12 May 2000.

officers. This alerts us to the possibility that, in practice, the actions of the police within IOM may not address HRA demands. Rather than causing police officers to reflect on the potential human rights implications of their actions, necessity and proportionality can instead provide a ‘template’ for justification’ (Bullock and Johnson (2012, p.643) of police practice. Bullock and Johnson’s findings are congruent with Ericson and Haggerty’s (1997, p.65) argument that ‘procedural rules enable the police to invade personal privacy and obtain knowledge for surveillance purposes, as they see fit’. This might cause us to doubt that police officers and others within IOM will demonstrate strict adherence to the art.8 or RIPA requirements of proportionality and necessity. In fact, and to anticipate what follows, I found that IOM officers proactively seized on intelligence gathering opportunities whilst paying little regard to offender privacy rights. Of course, such behaviour is significantly determined by the centralities of police culture and the enduring problem of controlling low visibility discretion. It is these characteristics, more than law, which shaped the behaviour and attitudes of the police officers I came across during the study.

There are four parts to the chapter. The first examines the various enforcement options available to the scheme such as covert surveillance, prison recall and increased police attention. The second examines offender experiences of the enforcement strategies employed by IOM. To do so I explore offender accounts of their interactions with both the IOM uniformed enforcement arm and with IOM field intelligence officers. The third critically assesses whether the experiences of IOM offenders can be viewed as proportional, both from the point of view of offenders themselves but also when juxtaposed against the working definition of proportionality, as outlined in Chapter 2. The final part broadens the discussion of the proportionality of IOM practices through an exploration of procedural justice and legitimacy.

### **Surveillance and the management of risk: some preliminary matters**

Before starting the main discussion, it is first important to revisit the political context within which the activities of IOM take place; the ‘social surround’, as

Hawkins (2002, p.49), puts it. The acquisition of knowledge and the sharing of this information is a key part of the policing mandate within the framework of IOM. It can also be located within the broader discourse of risk regulation and penal politics (Sparks, 2000, p.130). Generally this vocabulary refers to what Feeley and Simon (1992, p.452) have described as the ‘new penology’.<sup>275</sup> For Feeley and Simon, the new penology is concerned with the identification, classification and management of dangerous, deviant or threatening groups (Pratt, 2000; Garland, 2001). By definition the burglars, robbers and prolific thieves that IOM actively targets can certainly be found within these ‘risky’ groups. But actuarial justice is also a predictive and statistical conception of justice, a reflection of market disciplines and a preference to achieve value and drive forward efficiency (Sanders, Young and Burton, 2010; O’Malley, 2004). Managerial techniques within the context of IOM are evidenced in three primary ways. Firstly, the adoption of a strategic business model for standardising the intelligence gathering process and subsequent use of the information, the ‘National Intelligence Model’. Secondly, by the use of performance indicators to measure the extent IOM objectives are achieved. Thirdly, by legislation aimed at securing interagency cooperation from bodies outside of the criminal justice system, such as local health authorities and private organisations.<sup>276</sup>

These developments are, it appears, derived from a lack of faith in the traditional apparatuses of the criminal justice system, the courts and police, but also the traditional detect and sentence response to criminal behaviour.<sup>277</sup> What we have now is a growing emphasis on the use of technologies to produce knowledge of ‘risky’ populations that is in turn useful for their administration (Ericson and Haggerty, 1997, p.41). Through the medium of monitoring and surveillance it seems that we are witnessing what Sparks (2000, p.131) describes as a ‘significant extension of penal supervision and control’.

Some criminologists, Zedner (2009, p.41) and Harcourt (2006) for example, have questioned the appropriateness of transferring actuarial techniques from the civil to

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<sup>275</sup> Other have variously referred to such penal politics as ‘actuarial justice’ (Feeley and Simon, 1994), ‘the new regulatory state’ (Braithwaite, 2000) or the ‘risk society’ (Ericson and Haggerty, 1997).

<sup>276</sup> See for example, s.17 of the Crime and Disorder Act 1998.

<sup>277</sup> See for example, Martinson’s (1974) often cited “nothing works” article.

the criminal domain. Other writers argue that such an approach to criminal justice is reflective of an assault on the ideals of 'penal-welfarism' (Garland, 2001, p.53). Penal welfarism can perhaps best be described as the adoption of criminal justice strategies which are reflective of the welfare state. These ideas posit that the cause of crime can be discovered and dealt with by means of socially orientated techniques, rather than solely by coercion. Within this framework, 'reform, rehabilitation, treatment and training' (2001, p.47) are the objectives of social regulation and social defence. Allen (1959, p.226) describes this form of penal politics as the 'rehabilitative ideal'. Yet as O'Malley, (2004, p.207) explains:

'Risk appears, explicitly or implicitly, as a negative turn that undermines the modest advances made towards a reconstructive, inclusive and re-integrative criminal justice during the middle part of the 20<sup>th</sup> Century'. By centring insecurity and threat, the government grid of risk is seen to work through negation: certain persons are defined primarily in terms of their purely negative and dangerous status as threats to others (victims) and accordingly are merely neutralized and segregated in new gulags of incapacitation'

The supervision of offenders in the community has shifted in orientation. This is not unexpected perhaps, since, as Hawkins's (2002, p.50) argues, change in the surround can prompt changes in practice within the organisational field. The old mantras of 'advise, assist and befriend' associated with the probation service (Healy, 2012) have been re-shaped to fit more risk-averse, deterrent based, penal philosophies. Conforming instances include, the introduction of 'Terrorism Prevention and Investigation Measures', 'Sexual Offences Prevention Orders', hybrid civil-criminal processes, Anti-Social Behaviour Orders and the expansion of home detention curfews as a purely incapacitating measure (Ashworth and Zedner, 2008). It is this trend towards selective incapacitation which, according to Sparks (2000, p.131-2), seeks to confine sufficient number of high rate offenders (principally burglars, drug dealers and robbers) for a long enough portion of their criminal careers with the aim of producing appreciable decreases in the volume of crime. A common theme runs through the mechanisms of actuarial social control within the organisational field: surveillance.

## Surveillance technologies

Monitoring of citizens is ubiquitous within our society. In its most rudimentary sense surveillance can be taken to mean ‘listening’ to, ‘watching’, or ‘recording’ people. As Goold (2009, p.3) points out, ‘the last twenty years have seen a profound expansion in the apparatus of surveillance’.<sup>278</sup> At times we are the architects of our own surveillance.<sup>279</sup> Generally, however, the monitoring of people is conducted, both overtly and covertly, by the police and security services, but also private individuals and organisations.<sup>280</sup>

This intrusion into our private lives is fuelled by a pervasive sense of anxiety about crime and disorder, one perpetuated, throughout the social surround, by media driven ‘moral panics’ (Hope and Sparks, 2000; Hawkins, 2002, p.49). Arising from this political discourse appears to be a sense of *insecurity*, which is in turn transformed into the pursuit of *security* (Goold and Lazarus, 2007). Ericson and Haggerty (1997, p.55), broaden the definition of surveillance to include ‘the bureaucratic production of knowledge about, and risk-management of, suspect populations’. The activities of IOM, particularly police officers, I suggest can be located within Ericson and Haggerty’s conceptualisation of surveillance.

IOM brings together police, probation, prison, and drug services, to target around 800 people believed by the police to be responsible for a disproportionate amount of acquisitive crime in the force area. The partners of the IOM scheme should be unified in their approach to offender management, but each should bring a unique set of skills to the team. For example, the prison service maintains responsibility for preparing the IOM offender for release back into the community. It also updates the

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<sup>278</sup> See also, House of Commons Home Affairs Committee: *A Surveillance Society?*, Fifth Report of Session, 2007-08, Vol.1; BBC News, Thursday, 2 November 2006: ‘Britain is ‘Surveillance Society’, available at: <http://news.bbc.co.uk/1/hi/uk/6108496.stm> (last accessed, 27/11/13).

<sup>279</sup> For further discussion on this point, see: Zhou et al (2011).

<sup>280</sup> See for example, The Guardian Tuesday 5 November 2013: When does face scanning tip over into the full-time surveillance society?, available at:

<http://www.theguardian.com/technology/2013/nov/05/face-scanning-surveillance-society-tesco-quividi>

other IOM partners with current intelligence, about an offender's behaviour in custody, financial position on release, proposed release settlement area, prior to the offender's actual release. On release the probation service are expected to focus on any support the individual might need throughout the licence period. Drugs services, in the form of Criminal Justice Intervention Team workers, also may be enlisted to tackle any substance misuse problems displayed by the offender.

Field intelligence officers, on the other hand, must gather real-time intelligence<sup>281</sup> on whether an offender currently poses a risk of committing further acquisitive offences. The current risk status of an offender, in this context, is indicated by way of a colour-coded system, based on a 'guidance criteria' contained within the 'Police Operations Guide'.<sup>282</sup> It is an offender's risk status that ostensibly informs decisions made by police officers and others within IOM about whether (and when) support or enforcement tactical options are required. Yet as I have already argued<sup>283</sup>, more than formal legal rules or operational practices, it is working 'assumptions' (Hoyle, 1998), 'rules' (McConville et al, 1991) and 'frames' Hawkins (2002) that shape police decision-making. These theoretical constructs distil and transfer the values, norms, perspectives and craft rules (Reiner, 1992, p.109) associated with informal police culture into police action and behaviour on the streets.

The transference of police culture into the day-to-day management of offenders has significant implications for IOM enforcement practice. First, we saw in Chapter 2 that field intelligence officers exhibited to varying degrees core police cultural traits. Field intelligence officer assessments of an offender's current risk status, made during and after contact with offenders but also on receipt of new intelligence about the offender, therefore will likely be subject to police cultural influences. In practice, this means that decisions made by police officers as to the use of the tactical enforcement options, may be guided by 'working rules', 'assumptions' and 'frames', such as 'previous' (being known to the police), 'suspiciousness' (being

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<sup>281</sup> More broadly, this reinforces the role of the police as 'key providers' of risk related intelligence (see: Cope 2004).

<sup>282</sup> See Appendix A of the Police Operations Guide, 2010. Offenders are allocated a 'risk status of 'red', 'amber', or 'green'. The constructs of an offender's red, amber or green risk status are outlined in detail in Chapter 2.

<sup>283</sup> See Chapter 2.

incongruent with local surroundings, uncooperative, or in keeping with the wrong or prohibited company) and ‘workload’ (volume and ‘quality’ of ‘jobs’).<sup>284</sup>

## **Knowledge sharing and distribution**

“...They’re after information and that’s what policing is all about.”<sup>285</sup>

The efficient production and distribution of knowledge is paramount for risk-profiling current and potential IOM candidates. Various technologies are used by IOM to gather this information: computer databases, offender interviews, telephone monitoring, CCTV, covert surveillance, police ‘sting’ operations<sup>286</sup> and stops and searches. The surveillance of social media was a surprising addition to the numerous knowledge-generating methods adopted by the scheme. The following fieldnote was recorded during my time at Southside:

Some field intelligence officers, particularly B.5 and K.5, were continuously engaged in updating their knowledge base around IOM offenders. This meant that intelligence updates would take place at every opportunity. I noticed B.5 browsing ‘facebook’, a social media network device. When I asked what he hoped to gain from this, B.5 replied, “Just checking their (IOM offenders) ‘facebook’ updates and recording anything interesting – phone numbers, blackberry mobile telephone pins<sup>287</sup> etc... on our computer system. Or if there is anything relevant to any on-going operations, I’ll pass it on to the district focus team and/or the priority crime team (police teams associated with the enforcement side of IOM). You’d be surprised what offenders post on ‘facebook’. Sometimes I read updates about a ‘good score’ last night and so

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<sup>284</sup> See also, Mcara and Mcvie (2005, p.7), McConville et al, (1991) and Fitzgerald, (1999).

<sup>285</sup> R1., interview transcript.

<sup>286</sup> This is a jargonistic term used within IOM and refers to the placing of ‘capture cars’ or ‘capture bicycles’ in crime ‘hot spots’, with a view to arresting known offenders that target particular items – Satellite Navigation systems, laptops, mobile phones and expensive bicycles are often used. See, BBC News, 2005, ‘Capture cars’ targeting thieves ‘, available at: [http://news.bbc.co.uk/1/hi/england/west\\_yorkshire/4687885.stm](http://news.bbc.co.uk/1/hi/england/west_yorkshire/4687885.stm) (last accessed, 27/11/13)

<sup>287</sup> When manufactured, each BlackBerry device is assigned a unique personal identification number (PIN). This allows identification of each BlackBerry and ensures that mail destined for a particular individual is delivered correctly.

on... which is especially interesting to us, if we know a burglary was committed that fits the MO of that particular offender”.

Information is shared between the partnership agencies on an ad hoc, informal, basis. This is largely due to proximity. Each IOM office I visited had desk space allocated for staff from the various partnership agencies. IOM police officers therefore are often situated alongside probation staff, drug workers, and prison officers. Consequently, opportunities to update partners with recent intelligence are frequent.

The National Intelligence Model is a law enforcement ‘business model’ used by police forces across the UK. In this instance, it guides the structure of IOM practice by promoting ‘a cooperative approach to intelligence-led policing’. The model provides the police with a structure of information sharing designed to inform staff of threats which present significant problems within the community. These dangers, it is claimed, can be addressed through an appropriate use of intelligence, risk management, the allocation of resources (including finance and technology), engagement with partner agencies and the continuous review of tactics.<sup>288</sup> In short, use of the model should encourage managers to prioritise strategic policing activities and appropriately direct resources. It also directly informs the way field intelligence officers should gather intelligence and how that information should be fed back into the policing system.

Adherence to the model requires that police officers hold regular intelligence briefing meetings. From what I observed, within the framework of IOM, 5 meetings were held on a two weekly basis. Firstly, what was described as the ‘Field intelligence officer/Analyst Meeting’ and attended by field intelligence officers, civilian analysts, and representatives of the district focus team (IOM’s uniformed enforcement branch). Discussion in the meeting focused on current, local crime hotspots and any IOM suspects that the police believed were responsible. Secondly, part-way through the week, 2 field intelligence officers, 2 probation staff, 1 prison

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<sup>288</sup> See Guidance on the National Intelligence Model, 2005, p.12, available here: <http://whereismydata.files.wordpress.com/2009/01/national-intelligence-model-20051.pdf> (last accessed, 04/12/13).



officer, and 1 drugs worker from the criminal justice intervention team, usually met as a ‘cluster’, in a meeting of the same name. Here the discussions focused on intelligence updates for the IOM offenders within the area of responsibility, between these agencies. Whilst technically the ‘risk’ status of an offender can be ‘upgraded’ or ‘downgraded’, at any time, from my observations, it was during cluster meetings that such a change was most likely to occur.

Thirdly, the bi-weekly ‘migration’ meeting, as it was referred to within police jargon.<sup>289</sup> Migration meetings were attended by middle management staff, from the partnership agencies and involved a process of making decisions on whether a given IOM offender was either selected or deselected from the IOM scheme. Directly following the migration meeting, on the same day, was the ‘Tactical Tasking and Coordination Group’ meeting, usually attended by IOM field intelligence officers, priority crime team officers, police officers from the local burglary squad, a field intelligence officer responsible for exploring hybrid civil-criminal tactical options, and the district focus team inspector. Discussion here focused on the tactical options available to target the most problematic offenders, referred to as ‘red-red’ offenders.<sup>290</sup> The final meeting of the week was the ‘District Performance and Tasking Meeting’. Here senior management from the local district, including the inspector from the district focus team, met and discussed broader crime problems within the locality and subsequently allocated the available resources. A member of the IOM team, usually<sup>291</sup> the Chief Inspector, also attended this meeting to answer IOM related intelligence inquiries.

This meeting structure occupies a place within what Hawkins (2002) would term the ‘organisational field’ since it constitutes the background which guides IOM information sharing and, to an extent field intelligence officer framing behaviour. What is of most interest here, however, is that these meetings directly process information on offenders provided by field intelligence officers. This may include, for example, an offender’s level of engagement with the scheme or perhaps whether some new piece of intelligence has been received about potential offences they may

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<sup>289</sup> Migration meetings are not part of the National Intelligence Model but remain an integral part of the IOM process.

<sup>290</sup> Fieldnote Southside.

<sup>291</sup> On one occasion the sergeant attended the meeting in place of the Chief Inspector.

be committing. Whilst field intelligence officers can process information through the IOM system at any time, by the submission of intelligence reports or informally passing information to the relevant colleague, for example, the meetings provide a forum for true ‘integrated’ intelligence sharing between the various partnership agencies.

### **Having a word: putting knowledge to work within the context of IOM**

For the police, integrated sharing of information usually resulted in the ‘tasking’<sup>292</sup> of uniformed police officers to carry out, enforcement ‘jobs’<sup>293</sup> on people managed by IOM. These officers are key players in the daily ‘management’ of those on IOM and are regularly called upon to enforce licence conditions, curfew requirements, or simply to ‘monitor’ these people. In the following interview extract, M.5, the IOM field intelligence officer responsible for linking intelligence gathered by IOM to the actions of uniformed officers, explains:

*Fred:* When you say ‘tasking’ what do you [mean]?

*M.5:* I will normally know that somebody’s on that curfew anyway, because I attend the meetings anyway so I know what the situation is around individuals. So if you’ve got say a curfew that is not being adhered to or is not a tagged curfew then I can put a tasking out onto [the police computer system] that will then go out to uniform police teams, or neighbouring policing teams. Sometimes if it’s a specific task we can task it via the Guardian system which is an actual tasking on electronic system which goes to an individually neighbouring policing team to fulfil that task and that’s then a monitored task and we can then see the result and make sure it’s actually been done, because if we put say a tasking out on [the police computer system] you’re just taking it that people are going to read that and then actually go and do that. So, if you specifically want something done and you need that person’s door to be knocked, then it would go out as a specific tasking [...]. If it’s a general tasking like someone’s lost contact with one of our FIOs and they haven’t seen them, we can put a general tasking out on [the police computer system]

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<sup>292</sup> ‘Tasking’ was a jargonistic word used by field intelligence officers, to describe the allocation of IOM offender related operations to uniformed police teams – usually the district focus team.

<sup>293</sup> Police operations.

which just publicises to say if you see this guy have a word with him and see if you can encourage him to re-engage.

As Ericson and Haggerty (1997, p.58), observe, ‘computerised reporting formats for the presentation of police knowledge provide classifications that fundamentally influence how the police think and act’. Here, as M.5 suggests, knowledge on the ‘guardian’ computer system (which stems from the bi-weekly meetings) influences whether a person’s door gets ‘knocked’ or whether an individual gets stopped in the street and ‘encouraged’ to re-engage with IOM.

However, beyond the format of computerised ‘tasking’, police officers retain the power to stop people for a variety of reasons, ostensibly based on ‘reasonable suspicion, by virtue of the Police and Criminal Evidence Act 1984 (PACE), section 1.<sup>294</sup> The powers are further glossed by the PACE Codes of Practice<sup>295</sup> which provide, *inter alia*, practical guidance for police officers exercising stop and search powers.<sup>296</sup> ‘Having a word’ with an IOM offender, as M.5 puts it, typically means conducting a ‘low-level’ (Bland et al, 2000) stop, which may or may not lead to a search and/or arrest, of an offender. This type of police-offender interaction is conducted quite separately from any ‘visit’ which a field intelligence officer may pay to an offender on another occasion.<sup>297</sup> This reflects the organisational policy that field intelligence officers, as far as is possible, disassociate their role from that of uniformed police officers.

During my time with the district focus team there were many occasions where those subject to IOM were stopped in the street by uniformed officers and asked questions.<sup>298</sup> At times, these people were searched. However, in over 50 hours of

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<sup>294</sup> Police officers also retain the power to conduct stop and searches of people they suspect of carrying a controlled drug, under s.23 of the Misuse of Drugs Act 1971 and can also stop vehicles under s.163 of the Road Traffic Act 1988 (s.163 does not require reasonable suspicion).

<sup>295</sup> Most recently revised in 2012.

<sup>296</sup> It is beyond the scope of the present discussion to examine the operation of s.1 of PACE or for that matter the Code of Practice. For a more detailed look, see Sanders, Young and Burton, 2010, Chapter 2.

<sup>297</sup> Of course the two might be linked by way of the shared intelligence that underpins the decisions to take a closer look at the activities of the person in question.

<sup>298</sup> Whilst frontline officers were largely unaware, whether a person before them was subject to IOM or not (unless they were following a specific order to arrest an IOM offender), this was usually (and quickly) ascertained, by officers.

observations of uniformed patrol officers, I only witnessed one stop and search that in turn led to an arrest. For the most part, mirroring other policing studies<sup>299</sup>, these stops merely resulted in the person being just being asked questions. What I am referring to here is the practice of ‘stop and account’. Or put another way, police-suspect interactions that fall short of a search or arrest, but where the suspect is asked to account for themselves. Generally police officers will require people to ‘stop and account’, for one of three reasons.

First the purpose of the stop may be to obtain some specific intelligence from a member of the public. For the police any intelligence gained during the encounter may prove useful, either at the time, for example, by increasing bargaining power, or perhaps later, in the sense that such encounters enable officers to get a picture of what is happening in their area (Lister et al, 2008, p.20). In the following extract, a man was stopped by uniformed police officers, for what appears to be the aim of gathering intelligence:

R.4            recognised a known offender from a previous stop check regarding a bike and a potentially stolen card. R.4 immediately pulled the car over. R.4, “Hello mate, I know you don’t I? I stopped you the other week about that bike and I let you go didn’t I?” “Yeah, think so”, the man replied. R.4: “I did you a favour, maybe you can help me. We’re looking for [XXXX] do you know him?” R.4 showed the man a picture of the wanted IOM offender. R.4: “Have you seen him?” The man said that he had “seen him about but I don’t know him”. R.4 continued his questions: “Where do you reckon he might be?” “I don’t know”, the man repeated, “I’ve seen him around but I don’t know where he would be”. R.4: “What about this guy?” R.4 held up another picture from the folder of IOM ‘targets’. “Yeah, I’ve definitely seen him around”, the offender told R.4, for the fourth time, “but I don’t know where he would be”. R.4 then sent the man on his way.

Fieldnote - Westside

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<sup>299</sup> See for example, Allen et al, 2006; also Moon et al 2011).

A second and further aim of the police may be to ‘socially discipline’<sup>300</sup> those who are stopped. Here the officers are primarily concerned with maintaining absolute control over the criminal classes (Choongh, 1998, p.625-6). Stopping ‘known scroats’<sup>301</sup> and ‘bottom-enders’ (Shiner, 2010, p.945) in the streets and requiring them to account for, ‘what they are doing’, ‘where they are going’ and ‘why’, is not only a way for the police to monitor these people it also communicates an authoritative message: ‘we are watching you’:

We had spent quite a lot of time just driving about the streets with no particular aim, it seemed, when R.4 pulled over to speak to an offender he recognised. “Let’s go talk to this ‘fella’ eh?” R.4 stopped the car and asked the man if he was using drugs. The man said that he was not and that he had a methadone script. This was ignored by R.4, who instead asking the man where, if he “was going for a smoke, would he go?” “I’d go home”, the man responded. “So where’s the local crack-house then?”, R.4 asked. Again the man responded by saying he did not know. R.4 persevered, “You don’t know where any crack houses are? I know a few of them have been shut down, but they pop up again”. The man replied stating that he did not go to crack houses and would go home if he was going to smoke. Frustrated by the lack of forthcoming information, R.4 informed the man that he would do a police national computer check on him, so, R.4 claimed, ‘it doesn’t look like you’re just talking to me’. The man was not wanted, by the police, and was promptly sent on his way.

What I have described above illustrates that the purposes of police stops are not always clear. Whilst the actions of R.4 seem to suggest an intention to communicate to the offender that the police were watching him, the man was also viewed as a potential source of information. Accordingly, both the intelligence gathering and social discipline models were at play during the encounter. That the nature of an encounter might change throughout the interaction between police and suspect is unsurprising. As Lister et al, (2008, p.18) point out, the aims of the police in stopping an individual on the street are far from mutually exclusive; police-suspect encounters are ‘characterised by instability’ and thus are fluid.

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<sup>300</sup> See Chapter 2 for a more detailed exploration of the concept of ‘social discipline’.

<sup>301</sup> Fieldnote – Southside.

Finally, and perhaps most often, the police will require a suspect to stop and account for the purpose of detecting crime. Here the police will typically question the suspect with the intention of assessing whether or not they are committing, have just committed, or are about to commit a crime. This type of stop and account was typically triggered by some form of ‘suspicious’ behaviour on the part of the suspect; for example, if they had made eye contact with the police, taken evasive action on seeing officers or were seen in possession of something believed by the police to be stolen:

Most of the late shift was spent patrolling with D.4 and R.4. The apparent aim was to look for ‘working girls’.<sup>302</sup> The aim was to gather information on the whereabouts of a currently ‘wanted’<sup>303</sup> person subject to IOM. As we were driving through a part of the area, notorious for drugs and crime, D.4 noticed a man, probably in his early 30s riding a bicycle. The man seemed worthy of some police attention. “He looks like shit. Wonder where he’s got that bike from. Let’s see what he’s doing”, D.4 said. We pulled up next to the man and R.4 and D.4 got out of the car. D.4 took the lead, “Whoa there. Hold on a minute mate. Where are you going? And whose bike is that?” The man explained the bike belonged to him and that he was on the way to his girlfriend’s house. This explanation apparently did not dispel R.4 and D.4.’s suspicions. R.4 had a closer look at the bike and took down a number written on its underside. He then checked in by radio to find out if it had been reported missing. The bike was ‘clean’.

Other encounters involved the use of more formal police powers such as stop *and* search. Largely these were chance encounters, which began as informal ‘chats’ (effectively, stop and accounts) but where an officer’s suspicions were aroused for some reason, which led to a search of the suspect. What follows is a continuation of the episode described above; only, rather than just being required to account, this suspect was searched:

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<sup>302</sup> Prostitutes.

<sup>303</sup> This was a term used by police officers to describe offenders who, at that the time, had a live warrant out for their arrest.

The bike being clean did not negate any suspicions D.4 and R.4 seemed to harbour about the offender's intentions. "Let's have a quick look in your pockets, see if you've got anything", D.4 suggested. The suspect emptied his pockets without hesitation. Amongst the items turned out of the man's pockets, was a credit card but the name on the card belonged to a female. When asked about this, the man said the card belonged to his girlfriend. He then provided the telephone number of his girlfriend so this could be checked out by the officers. A telephone call was subsequently made and the man's girlfriend confirmed that the card belonged to her and that she had given it to her boyfriend, so he could purchase electric and gas for her flat. Finally the man was checked out on the police national computer, so as to see if he had any outstanding warrants. When the check came back clear the man was sent on his way.

A final point to make is that the aims behind stopping a person in the street, whether merely to ask them questions, search or arrest them, are intrinsically linked to core police cultural values and working rules. For example, stopping a person for crime detection purposes is closely linked to the exaggerated sense of mission, because it ties loosely into 'thief-taking and proactive law enforcement. We saw in the previous chapter that both are pervasive throughout rank-and-file police officers. The social discipline aim, on the other hand, can be associated with maintaining authority over those the police, and broadly speaking a large part of the rest of society, view as 'police property' (Lee, 1981, p.53; Reiner, 2000). The criminal intelligence form of stop and account supports both the 'sense of mission' and 'maintenance of order' traits of police culture, for knowing more about 'their offenders' and their 'patches' enables the police to maintain order and catch criminals. Of course, working assumptions and rules, alongside police officer framing behaviour, also underpin the practical operation of stop and account, for it is those that are 'known' to the police, have 'previous', who must be proactively kept in check and are mostly likely to provide good intelligence. General suspiciousness (a powerful working rule) certainly influenced the stop and search decisions made by the police officers, I observed.<sup>304</sup>

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<sup>304</sup> See also McConville et al (1991, p.26) and Stroshine et al, (2008).

## **Offender experiences of being ‘managed’ by IOM uniformed police**

The offenders I interviewed as part of this study spoke at some length about their experiences of encounters both with uniformed police and field intelligence officers. In addition some offenders volunteered accounts of police treatment of friends and family members. Largely, offender accounts of how they or others had been treated were uncorroborated. Nonetheless, the credibility of offender descriptions of police attitudes and behaviours is supported by my own observations of how the police treated offenders on the street. The extracts below represent only a small part of the considerable interview and observational data which were collected, but seek to paint a representative picture of the findings as a whole.

I have argued previously<sup>305</sup> that if offenders view the operational methods of IOM as grossly disproportionate, this may diminish the legitimacy of the scheme in their eyes (Skinns, 2011: 23; Tyler and Sunshine, 2003; Tyler, 1990). This may particularly be the case if there is no new or recent intelligence to suggest these people are continuing to offend. This claim will be examined further, but for present purposes, I suggest that if police-offender encounters are perceived by offenders to be unfair, authoritarian and intrusive, this will make these people less likely to comply with the dictates of the IOM scheme (Hough, et al, 2010). When it came to interaction with uniformed police officers, offenders didn’t seem to be able to differentiate between IOM police officers and ‘ordinary’ police officers.<sup>306</sup> Negative experiences of uniformed police officers were thus likely to influence offender perceptions of field intelligence officers and thus also impact on the likelihood of their compliance or engagement with IOM.

Reflecting on their encounters with IOM police officers, all of the offenders I interviewed reported unsolicited and disagreeable encounters with uniformed police officers on the street. Some also recalled positive experiences of the police and many expressed positive views about the police that were associated with society’s

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<sup>305</sup> See legitimacy and proportionality discussion in Chapter 2.

<sup>306</sup> Neither were many uniformed police officers able to differentiate between offenders who were on the scheme and those who were not.



need for social control more broadly. The following comments capture this type of sentiment:

*Fred:* As a society, do we need the police?

*C.I:* Yeah.

*Fred:* Why?

*C.I:* Because I've lived on the other side of the law and I think, if the police weren't part of society there would be murders, people would be running riot, there would be – it would just be terrible. I think the police kind of keep our streets safe.

*Fred:* Would you ask them for help?

*CI.* I have done and yes I would.

*Fred:* What have you asked them for help with?

*C.I:* Before I was arrested, I was involved with some serious people and a whole big thing went down. ...The police helped me. They got me out of a situation. They kept me in the police station until he was arrested. And when my ex-partner was beating me up, the police always... they've been wicked.<sup>307</sup>

Generally, positive interactions 'worked' because of the mutual benefits appreciated by each 'side'. For police officers, those on IOM can and did provide information to police officers from time to time and were therefore viewed as a potentially useful resource. Offenders, on the other hand, may have been willing to assist the police in the hope that the police would some day remember their cooperation and perhaps turn a blind eye to some minor infraction. For others it may be more a case of trying to defuse a situation they found themselves in, ensuring that the police didn't resort to more formal action. These informal

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<sup>307</sup> 'Wicked' here should be understood as 'fantastic' rather than 'evil', for example.

‘bargaining agreements’ (Lister et al, 2008, p.20) were particularly apparent between local prostitutes and police officers from IOM’s enforcement arm. In these instances care was taken to engage with these girls informally:

A large part of the shift was spent attempting to track down two people subject to IOM wanted for a burglary. This meant driving to various addresses and showing the offender’s picture to other ‘known’ offenders and ‘working girls’ (prostitutes). What surprised me during the encounters was the lack of any fear on the part of the girls that they might be arrested for an offence related to broader activities surrounding prostitution. Moreover, the atmosphere during each encounter was relaxed and calm, even humorous. In all, 3 girls were approached in this way but the following conversation ensued during the first encounter:

*D.4:* Ah [...] what are you doing out here again? Nice girl like you. Thought you’d got out of this?

*Girl:* [laughter] Leave us alone; I’m not doing anything, just waiting for my friend.

*D.4:* Yeah right, of course you are [laughter]. Well I tell you what, whilst you’re ‘waiting’ [sarcastic voice] have a look at these pictures and tell us where we can find them. Have you seen either of them about recently?

*Girl:* No I haven’t. I saw [...] but it was a few days ago, I haven’t seen him since.

*D.4:* OK, what about [...]?

*Girl:* No haven’t seen him either. Like I said I’ve not been out here.

*D.4:* OK, look we’re not going to ticket you or anything, this time but you might want to move on somewhere else.

With that we drove off. R.4 explained to me that D.4 had managed to build up a rapport with some of these girls and this now meant that many of them tell him stuff that they wouldn’t tell anyone else.

For the most part, however, the encounters described were characterised by intrusive police questioning and the use of formal police powers. It became obvious, during offender interviews, that the nature, regularity and fairness of police contact, was important to offenders. These factors are interrelated but also, as we shall see, connected to offender perceptions of justification and purpose for the interactions – their perceived legitimacy (Lister et al, 2008, p.40).

### **The usual suspects: regularity of contact between uniformed police and IOM offenders**

The overwhelming majority of offenders said that they had been targeted for police attention in the street. As one IOM offender put it, “It’s just like they don’t like me and every time they see me they just pull me over, they watch me, they follow me and everything....”<sup>308</sup> Indeed, most offenders were acutely aware that they were being monitored by the police:

I got stopped three times in a week by three different officers and the coppers. I’d never seen these [officers]. Take this example, I mean, you’re an officer, you’re in a motor, you pulled up and said, ‘I know you’. Now I’ve never seen you, I’ve never had contact with you, I’d never been in [Eastside] police station [but] obviously he knows me. He’s got me on a photograph ... so he knew me.<sup>309</sup>

When interviewed, IOM uniformed officers confirmed what is widely accepted within policing literatures, that as frontline officers they enjoy considerable discretion when it came to decisions about which offenders to target. The organisational mandate, the National Intelligence Model, and therefore risk, were all viewed as important factors. Nonetheless, it was conceded by officers that more

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<sup>308</sup> L.1 interview transcript.

<sup>309</sup> T.1 interview transcript.

tacit considerations were also in play. The following encapsulates this type of thinking:

*Fred:* How do you identify whom to target when you're out on patrol?

*D.5:* It's not so much identifying whom to target because they're all, their status puts a target on them. Do you see what I mean? So briefings - briefing packs.

*Fred:* Yeah.

*D.5:* We go through the briefings for the whole of Sunnyside. People that are highlighted - suspected of committing offences we will specifically target areas where we are likely to see those people. If we see other people that we know that are red [IOM] offenders, then they get our interest. It's literally as simple as that.

*Fred:* What about just generally when you're out?

*D.5:* Stop [and] search anybody that sets off your spying senses. You know, the policemen's nose.

The 'policeman's nose' can be interpreted as a subtle, but perhaps unknowing, reference to police cultural values, which, as I have argued,<sup>310</sup> underpin police decision-making. In other words, rather than going 'by the book' decisions made around whether or not to stop an IOM offender are based on 'instinct and experience' (Sanders Young and Burton, 2010, p.78). But this type of 'communicative surveillance', as Lister et al (2008, p.19) describe it, also appears to be directly linked to the interaction between police working 'assumptions' specifically, 'suspicion' and 'previous' (McConville et al, 1991, p.22-9; Hoyle, 1998) and working 'rules' or 'frames' (Hawkins, 2002). 'Previous' was found to be a powerful framing device amongst IOM uniformed police officers. Observations further confirmed the influence of frames, assumptions and working rules, on what amounted to the systematic and repeated targeting of particular IOM offenders. On several occasions, decisions to stop an offender in the street, whether to get an

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<sup>310</sup> See Chapter 2.

‘account’, to search, or arrest, were typically based on ‘cues’ relating to offending history (McConville, et al, 1991, p.26), which in turn led to the assumption of a working rule or frame:

We had been driving around the local streets and areas where known offenders,—particularly prostitutes, were said by R.4 to frequent. The intention was to find someone to ‘talk to’, as R.4, put it. As we continued the ‘laps’ around the various known areas, R.4 spotted J.1, ‘a well-known IOM offender’. Apparently J.1 was ‘known’ to get involved in priority crime, burglaries and thefts from motor vehicles, for example.

“Ah there’s [J.1]”, R.4 remarked. I asked R.4 if he was going to stop J.1: “Yeah, better see what he’s doing”. R.4 pulled up next to J.1 and asked, “Are you wanted or anything?” To which J.1 responded, “No, nothing I’m doing alright”. R.4: “Are you using?” J.1: “No I’m on [methadone] script at the moment”. Whilst the questioning of J.1 continued, the in-car [Automatic Number Plate Recognition] computer ‘lit up’ as a car passed by. The car was identified as ‘stolen’ and R.4’s priorities changed: “Scratch that, let’s go”. We sped off, car lights on, sirens blaring, in pursuit of the ‘stolen’ car.

What might ordinarily constitute a meaningless ‘event’ (a person walking down the street) in this case is ‘assumed’ by R.5 to be ‘suspicious’; primarily because of the nature of what is ‘known’ about the offender’s ‘previous’. Further information provided by the offender, which may have led to renegotiation and subsequent redefinition of the emerging frame or assumption, is subsequently ignored by R.5. In the meantime the original assumption is crystallised into a working rule, those assumed to be suspicious should be interrogated, and augmented by the police cultural characteristic of hyper-suspicion. This is perhaps unsurprising since as Quinton (2011, p.362) observes, ‘the strategy of seeking out additional signals to confirm suspicion and reject alternative explanations [is] widespread’ amongst frontline police officers. In this instance, the frame, ‘known offenders’ must be stopped and questioned, is ‘keyed’ by R.5 and swiftly acted upon. Only on the advent of ‘information received’, is the frame displaced, and in place the ‘workload’ rule adopted. The result is J.1 is no longer framed as quality ‘work’ and pursuit of the ‘stolen’ vehicle is prioritised by R.5.

Beyond the frame of being ‘known’, individuals were also stopped on the basis of a variety of over simplified stereotypical determinants. It is not consistently possible for police officers to determine why someone appears ‘suspicious’. Usually such knowledge will arise after a conversation or perhaps even a search. I found that the officers I observed had developed an ‘extensive dictionary’ of characteristics or cues, which seemed to generate suspicion ‘frames’ and thus form the basis for initiating contact with suspects. On several occasions during observations of uniformed officers, offenders were stopped on the basis that they were ‘framed’ by officers as ‘crusty wankers’ or ‘dirty shitbags’.

That individuals were targeted in this way can partly be explained by the biography of the majority of IOM offenders. Largely these offenders are unemployed, impoverished and socially outcast. As a result they are often compelled to occupy public space. The ‘mission’, therefore, as the police view it through their cultural lens, is to separate these ‘roughs’ from the ‘respectable’ but also to communicate that the police have absolute control over ‘those’ who challenge ‘our’ definition of order (Choongh, 1998, p.626; Lister, et al, 2008, p.44; Loftus, 2010, p.164).

### **Framing offender attitudes**

The offenders I interviewed maintained that contact with uniformed police was largely coercive and hostile. From their accounts, it seems that these offenders were failing what has been described as an informal police ‘frame’ or ‘rule’ called the ‘attitude test’ (see for example, Loftus, 2010, p.112). That a citizen’s attitude can have an impact on their treatment by uniformed police officers is a pervasive theme throughout policing literatures.<sup>311</sup> Simply put, if a member of the public displays an appropriate amount of deference, for example by apologising or quickly admitting fault, then the test is passed. If they do not, then formal coercive police action may follow. In the following interview extract below, D.5, a uniformed patrol officer, explains how the attitude test frame impacts on police decision-making:

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<sup>311</sup> See for example, Loftus 2010.

*Fred:* This attitude test it's quite common. Can you explain that to me a little bit?

*D.5:* The attitude test?

*Fred:* Yes

*D.5:* It's quite simple really; if somebody's compliant and polite they will have a positive contact with the police. If they're obstructive, violent or abusive, they're failing that attitude test, you know. It doesn't mean we have the power to arrest them; it just means we might look a little bit deeper, in order to find a reason.

D.5's explanation of the 'attitude test' is far from being 'quite simple really'; it is a rationalisation of arbitrary police conduct. A 'reason' to arrest or search someone who fails the 'attitude test' can, it seems, be found by checking for warrants and previous convictions on the police national computer. Such police conduct is centralised around the direct imposition of authority and control. Below is an example of how the 'attitude' frame was used by IOM officers to make sense of a confrontational situation but also how to proceed with the suspects:

Driving between one address and another, we were passed by an expensive car driven by two men. One of the men appeared to be of Caribbean descent and the other Somalian. As we passed them, D.4 mimicked a black American accent, saying something on the lines of 'iaiat, - wassup'. The man in the passenger side of the car did not respond; instead he wound his window up. Officers in another police car<sup>312</sup>, a RY.4 and J.4, radioed through that there was a 'flag' on the car.<sup>313</sup> D.4 immediately put the sirens on and pulled over the car containing the men.

Antagonising offenders in this way is a theme found in recent policing studies.<sup>314</sup> Loftus (2010, p.113), for example, found that police officers often sought to

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<sup>312</sup> During most of the shifts I accompanied officers on, two police cars kept in close proximity to each other. In this way IOM uniformed officers seemed to work in pairs. On the odd occasion, however, police cars would go in a 'caravan' together, to one target address, for example.

<sup>313</sup> It was later explained by officers, that the 'flag' meant that these men were known drug dealers.

<sup>314</sup> See also: Foster (1989).

‘wind people up’ so as to create an explosive situation, potentially resulting in arrest; here provocation itself is legitimising the response of the police (Smith and Grey, 1985; Loftus, 2010). Lister et al, (2008, p.47) also reported that offenders were subjected to processes of ‘moral censure’, such as being called a ‘fucking divvy’ or ‘dirty scum’. In the above fieldnote D.4’s mimicking of a stereotyped ‘black American accent’ amounts to boarder-line racism but also appears to be an attempt to provoke ‘police property’. Framing offenders in a derogatory or racist way is also likely to augment any hostility they feel towards the police. To extend the preceding case-study:

The men’s hostility towards D.4, R.4, RY.4, and J.4, was thin veiled. But the hostility immediately resulted in the men being handcuffed ‘for the purpose of a search’, RY.4, explained, and a check done on the motor vehicle. One of the men had a plaster cast on his arm and loudly complained as he was handcuffed. The other man started shouting and swearing, calling the officers ‘fucking pigs’ and complaining that they had already been stopped ‘by your lot’ earlier in the day.

RY.5 was visibly wound up by this and responded by threatening to arrest the men under s.5 of the Public Order Act 1986. When one of the men asked RY.5 why they might be arrested RY.5 explained: I can arrest you because your behaviour is likely to cause ‘alarm harassment or distress’ to members of the public, in this case, us. This threat and explanation appeared to placate the man and he backed down.

Notable here is the use of s.5 of the Public Order Act 1986, as a way of enforcing social discipline on the men during what appeared to be a confrontational situation. Indeed, both Choongh (1997, p.75) and Loftus (2010, p.113) reported that police officers made use of the Public Order Act 1986. The legislation provides the police with arrest powers, which are amorphous and can be adapted to suit circumstances in which offenders are being ‘disorderly’. Simply put, using police powers in this way allows police officers to impose authority –both personal authority as well as the abstract authority of law and order (McConville, et al, 1991, p.25).



Various checks were then carried out on the car. 'It would give me great pleasure to be able to impound this car', RY.5 noted. However, the insurance and registration all checked out and the men were sent on their way. Later D.5 explained how the men had 'failed the 'attitude test'. If they had stopped and said 'hello officers how can we help', instead of shouting and stuff like that to annoy us, then they would have been checked and quickly sent on their way'.

Whilst D.4 argued that the men 'failed the attitude test', it is difficult to conceive of how the 'test' might have been passed in the circumstances. The men were not abusive nor were they non-compliant. Indeed, the officers do not seem to have pulled the car because of the suspect winding his window up but because of the information that they were known drug dealers. Moreover, D.4 and the other officers present went into the encounter with a mind-set of hostility that produced a bad reaction. The officers then treated the reaction as justifying an even more hostile response. This type of activity was then rationalised in interview as 'failing the attitude test', but the test was 'rigged' from the start.

Here the men claimed that they were victims of unfair treatment by these police officers. Yet this perception caused the men to react adversely to the police behaviour and therefore to 'fail' the 'attitude test'. Their reactions and in turn those of the police reinforced hostility within both camps, perpetuating an already volatile and tense situation. Indeed other IOM offenders I interviewed reported similar policing experiences. Note for example, the comments made by LP.1:

'So I was stopped and searched and you know, I was taken in for what they class as a full strip search that you have to be booked in at the station. The officer then strip-searched me, while I was outside my house fixing a bicycle with a screwdriver, but actually I was using a short blade. When he came up to me he thought I was bending down hiding from him as he was driving past which I didn't even witness him driving past at all. Then he went round and pulled and said what you hiding down there for? I thought, "What you on about mate? Stood up and – I was very upset about it and my missus, was saying what are you doing he's fixing a bike outside my house - and then he said, he got really cocky and so did I and I said "You're the law, you can do

what you like”. ‘Yes I can. I’ll take you to the station and give you a full strip search if you keep up that attitude.” Which I did keep up the attitude, then he took me to the police station gave me a strip search”<sup>315</sup>

Offender responses to interview questions and their reactions during the police-offender interactions suggest that they possessed a deep understanding of the disciplinary and authoritative approach taken towards them by uniformed police officers. Most identified that their own behaviour could trigger particular responses from police officers:

*Fred:* What is your experience of police in general?

*G.I:* Throughout my lifetime and you know, to be honest, I think a lot of my experience with police is all depending on how I’ve reacted to them. If I’ve been good mannered towards them, rather than obstructing the arrest or anything like that, they’ve always been good to me. If I give them shit, they’ve reacted with shit type of thing, so it’s kind of a mutual sort of relationship. But, over the time to be honest, if I’ve, what’s the word I’m looking for ...if I’ve complied with what they’ve wanted from me, then they’ve always been quite good.

Being polite to uniformed officers therefore may result in quite a different experience. In one episode I witnessed, an extremely polite and deferential IOM offender was neither handcuffed nor searched during an arrest for a breach of bail conditions. Moreover, the offender was actually driven straight to the courthouse to make it in time for the afternoon sitting. After the offender had been deposited at the courthouse, no more than one hour after the initial arrest, I enquired as to why the officers had taken this course of action. R.4 replied:

‘Firstly she was calm and didn’t seem likely to harm herself or attempt to escape. No reason to cuff her really. We have complete discretion over what force to use but you can always justify whatever you do but generally you can’t just blanket cuff everybody. There has to be a reason. Secondly, she was alright. She didn’t give me any attitude. If they’re like that then I can be

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<sup>315</sup> LP.1. Interview transcript.

alright as well. It makes things easy for them and us, if you know what I mean’.

Of course some of those frequently stopped will also enter these interactions with a hostile mind-set, but, it seems, they usually keep any feelings of hostility to themselves in order to avoid even worse impositions of power. Largely, however, it appeared that, for IOM offenders, public spaces represent a coercive and hostile environment, largely controlled by uniformed police officers. Formal legal regulation is limited and thus encounters between these officers and IOM offenders were tense undertakings. With little exception the uniformed police officers I encountered exercised their discretion in such a manner as to stamp their authority in the face of any disrespect or resistance exhibited by offenders. The working ‘assumptions’, ‘rules’ and ‘frames’ used to make sense of these situations were largely based on information and knowledge about an offender’s past or superficial, stereotypical indicators, whilst the behaviour of officers’ was mainly orientated towards communicative surveillance and social discipline.

### **Privacy and the ‘management’ of offenders**

As we have seen, IOM Police officers use their powers of stop and account and stop and search for a variety of reasons. These powers are an indispensable tool of frontline police work, as they enable the police to produce, distribute and subsequently use whatever knowledge is gained, from police-offender interactions, to conduct efficient surveillance of IOM offenders (Ericson and Haggerty, 1997, p.66). The ability of the police to fully utilise these powers is greatly enhanced, of course, by the low-visibility discretion they enjoy. However, for members of society, particularly known offenders, it seems that even informal encounters with the police often represent a coercive intrusion into their private life. In fact, it is hard to imagine a situation where such methods are not intrusive. Yet the interference will be amplified if no recent intelligence suggests that the person has returned to crime. This calls forth the question of whether the practices of IOM’S uniformed branch can be considered both a necessary and proportionate intrusion

on an offender's right to privacy, as is generally required by human rights jurisprudence.

### *The right to be 'let alone'?*

Behind the notion of privacy is the basic idea that individuals have a 'right' to be 'let alone' (Warren and Brandeis, 1890, p.195). However, if we move beyond this simplistic definition we find a concept closely linked to ideas of personal autonomy, identity and freedom (Goold, 2007; Feldman, 2002).

As we saw in Chapter 2, developing one's sense of self and constructing personal (non-offending) identities appears to be linked to ideas about the likelihood of offenders desisting from criminal activities. Intensive surveillance impinges on personal privacy and thus a person's sense of autonomy and freedom, both core building blocks in the reconstruction of the positive identity required by offenders as part of the desistance process (Weaver and McNeill, 2010). Because of this it is imperative that a framework of criminal justice intervention, IOM, which aims to stop individuals from reoffending, recognises the implications of surveillance on offender privacy and potentially desistance. Failure to do so may undermine the important part IOM aims to play in reintegrating offenders back into society. Privacy also has a role in ensuring that individuals are free to exercise other basic rights (Goold, 2009, p.5). My point here is that the protection of privacy and the promotion of long-term desistance are not mutually exclusive but, however tenuously, are linked.

### *Linking policing practices to offender privacy*

Under section 2 of, and Schedule 1 to, the Human Rights Act 1998, Art.8 of the ECHR is now part of UK national law and provides:

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary within a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

The institutionalisation of ECHR principles, at a domestic level, changes the legal contours of the organisational field. Law enforcement has in turn adapted and therefore as a public body, the police (who act as the enforcement and intelligence-gathering arm of IOM) must conform to the requirements of the second paragraph of art.8. Consequently, the police service has been required to demonstrate that covert operations conform to the requirements of the Human Rights Act 1998. If officers do not conform, affected parties can seek redress within the national courts. Yet prior to seeking any redress, the infringement must be perceived by the individual in question.

What is of interest here, therefore, is whether IOM offenders view the methods and practices of the scheme as an invasion of their privacy. As has been noted in previous chapters,<sup>316</sup> the concept of personal privacy is deeply rooted in notions of personal autonomy and freedom from interference. The surveillance of individuals, whether ‘communicative’ or ‘investigative’, will to some degree engage privacy rights under the Convention. Art.8 of the ECHR requires that when this happens there must be a justification that is located in some supervening public interest (Feldman, 2000, p.511).

#### *Offender experiences of IOM management practices*

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<sup>316</sup> See particularly Chapter 2.

Individuals described various interactions with both IOM police and probation staff as ‘breaches’ of their personal privacy.<sup>317</sup> Generally these ‘breaches’, as offenders viewed them, were centred on feelings of being ‘watched’. On fewer occasions, where information shared with IOM staff (whether police or probation officers) was used against offenders by uniformed police officers, their treatment by the police and sometimes probation staff would likely be viewed as infringements of privacy.

Below, I examine offenders’ experiences of the potentially invasive management practices of IOM but also their formal reactions to it. The aim here is to link two interrelated questions. Firstly, whether offenders felt that their privacy was being invaded; a question that will be addressed directly below. Secondly (and considered towards the latter part of this chapter), whether any infringement of privacy, as viewed by IOM offenders, can be linked to ideas about procedural fairness, legitimacy and long-term desistance from offending.

*‘Fucking hell, they’re watching me’<sup>318</sup>*

The greatest complaint offenders made about the scheme, within the context of privacy, was the sense that the police<sup>319</sup> were watching them. As we have seen, various surveillance technologies and mechanisms (Ericson and Haggerty, 1997) are used by the IOM unit for the identification, classification and risk-management of offenders. Unsurprisingly perhaps, offenders linked their experiences of being repeatedly stopped (and often searched) to ideas of privacy. Some offenders also spoke of unsolicited visits by police, both uniformed and field intelligence, officers. On one occasion K.5 (a field intelligence officer) R.3 and C.3 (both probation workers) were visiting an offender who had recently been placed on the scheme following a short prison sentence, at his home address. This was a statutory probation visit that probation service is required to carry out when a licenced offender is released from prison. The purpose of visits of this nature is to discuss the offender’s future plans, any licence conditions and their future probation

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<sup>317</sup> Many offender descriptions of police interactions could certainly be read as invasions of privacy, even if offenders did not view them as such.

<sup>318</sup> T.1 interview transcript.

<sup>319</sup> Offender accounts included being watched by private police – security guards and other civilians that monitor CCTV stations and the like.

appointment schedule. If identified as a ‘red’ offender, then home visits form a staple part of IOM’s tactical enforcement arrangements available to manage offenders of this classification.<sup>320</sup>

According to K.5, this particular offender was deemed to be ‘high risk’, with a history of violence against the police, and therefore ‘red’. For this reason K.5 said that she needed to visit the offender ‘to tell him about the scheme and offer him a chance to work with us’.

Fieldnote – Southside

Again it is notable that the offender’s ‘previous’ seems to be acting as the classificatory ‘frame’ (Hawkins, 2002) that instructs K.5 on how to understand the case. In this instance, it is likely that the frame is influenced by K.5’s occupational ideology. The offender’s history suggests he is violent towards police officers. Consequently, the ‘working assumption’ adopted by the officers is that he is unlikely to cooperate with the police. Accompanying the probation service on offender visits therefore serves to reinforce the authority of the police (McConville et al, 1991, p.25), particular in the face of this offender’s ‘previous’ for violence. Informal conversations<sup>321</sup> with IOM police officers revealed that the general opinion was that those with previous were more likely to be ‘at it’ and therefore needed to have an ‘eye’ kept on them (see also Choongh (1997, p.45). This approach also finds support within the political surround where successive governments have encouraged the police to proactively target those known to be prolific offenders (Home Office, 2004; Cohen, 1985, p.67). Combined, these factors give rise to the working assumption that the offender is ‘risky’; the rule adopted in this case therefore is that risky IOM offenders must be visited.

Nonetheless, it was clear that while the offender had been expecting a visit from the probation service, he was not expecting that the probation staff would be accompanied by a police officer. Nonetheless, when K.5 introduced herself, the

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<sup>320</sup> See Police Operations Guide, 2010, Appendix B.

<sup>321</sup> Fieldnote – Southside.

man's distrust and dislike of the police became clear and the following exchange ensued:

*K.5:* I am [...] ...a police officer from the [IOM unit].

*Man:* A police officer?

*K.5:* Yes, I've come to see... [interrupted]

*Man:* You didn't say you were police when you came to the door. I can't believe I've got police officers sitting in my lounge [looks towards me]. Are you a police officer, then?

*Fred:* No I'm a researcher.

*Man:* I can't work with the police in any way.

*K.5:* Why not?

*Man:* Past experiences. I can't believe you're sat in my lounge right now. I would never have let you in. Police are the devil ...[interrupted].

Fieldnote – Southside

Clearly the man viewed the unannounced presence of a police officer as invasive. But for field intelligence officers the visit also presents an opportunity to communicate to offenders that the police are watching, that they may appear on at your door, at any time, uninvited. As K.5 pointed out to the offender, "We'll ... be here in the background whether you work with us directly or not". Another offender maintained that for him, home visits often resulted in intrusive lines of questioning concerning private matters relating to home life:

*Fred:* What about your privacy? I mean, you spoke earlier about the line around the police asking questions.



*J.I.:* I don't like that sometimes I'm expected to volunteer information and give information to certain people when they ask. Yet if I approached the same person with the same question I'd just be told to go away. But I'm expected to give that [information]. So that does annoy me. And what annoys me sometimes is how it is set up [....] I'm always the kind of person on the scheme. They're always the person governing it. There's always a natural imbalance. It's never equal. I'm always taught that everybody's equal. Everybody's equal; we're all people. Yet, these schemes always set the scales differently. One's always down and one's always up. I don't like that. I'm supposed to see the person not as a police officer but as a person and yet he's always seeing me as [an offender]. Whenever you try to bring in the room that we're the same, he won't answer. If I say, "Ah how's your missus? What you doing tonight?" He won't answer that, but if he's says to me, "Ah J.I how you doing, what you up to tonight?" I've got to answer that question.<sup>322</sup>

Those subject to IOM did not appear to distinguish between uniformed police officers and field intelligence officers. Instead, police officers were viewed simply as police officers; to be treated with the same deference, whether in uniform or not. Thus when field intelligence officers enter an offender's private space, demanding answers to what some might deem irrelevant and personal questions the power imbalance between offender and police officer is reaffirmed. The imbalance is not dissimilar to that found in more formal circumstances, where questioning might take place, such as the police station. Choongh (1997, p.83), for example, during his study of the police function within the criminal justice system, was told by one suspect in police custody '...I've been treated good 'cos I've never been any hassle to them ...there's no point yea? I just stand there and say, "Yes sir, Yes sir, Yes sir". Similar views were encountered during the course of the present study. In the following interview extract what the offender describes took place within the comfort –and relative privacy– of his own home, but even in this private space, he appears to acknowledge his own powerlessness:

*Fred:* Generally just thinking about that for a minute, do you find that you feel like someone over at IOM has got a lot of authority in that regard?

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<sup>322</sup> J.I interview transcript.

*J.I.:* Yeah, to a degree.

*Fred:* Do they give off that aura?

*J.I.:* Yeah I think if he's in a room asking questions, then you're kind of expected to answer them. For me to say nothing it sets it out as a wrong from the off. They put that on the table from the off. It's like, if you've got nothing to hide then you've got nothing to worry about being in this room. So you're already like, fucking hell. So if he's in the room and asking questions then I'm expected to answer them and if I don't then I appear as if I'm being awkward. I don't want to appear that I'm being awkward, so either way I'm going to do it. If I was being awkward and difficult and said 'oh I ain't talking to you', I should imagine that would have consequences. I can't really do that. I could but I wouldn't really want to think what he's going to be thinking about that because he definitely governs whether I stay out of prison or not. And if I'm being difficult with him then [he's going to think], "Well he's obviously not trying to help himself".

*Fred:* Do you think that if you're difficult with them, do you think they'll be difficult with you?

*J.I.:* Yeah definitely. I do, most definitely...

### **'Who the fuck wants to talk to a copper?'**

Many IOM offenders viewed close engagement with field intelligence officers (and the presence of field intelligence officers in IOM appointments or appearing on their doorsteps) as a negative experience. Reservations about police officers working closely with the other partners but particularly the probation service, stemmed largely from offenders' adverse experiences of police contact. Several offenders complained about being frequently being stopped and questioned in the street and of incidents of police aggression. Other respondents mentioned incidents of physical assault and general police 'harassment'. Most IOM offenders reported having had decades of both personal (and vicarious experience) of authoritarian

frontline policing tactics. Unsurprisingly then, over half of the sample, 12 out of 20 interviewed, expressed doubt as to the usefulness of having police officers as part of the IOM scheme. Some offenders were unequivocal about it, as was the case with C1:

Who the fuck wants to chat to a police officer? Come on let's have it right; do you honestly think? ...You know what they said to me? "Anything you say to me is confidential" You're a fucking police officer. Do you honestly think, you're going to chat to me mate? Oh yeah, I done this I done that. Bob round the corner, he came round with a plasma to sell. Get fucking real, stop wasting your time; do something constructive that you know is going to work. Like perhaps take me to a college meeting or something, have a look at different courses, do stuff like that. Don't come round my house and sit there and ask if I've done any burglaries because you know what the answer's going to be, you silly cunt. Excuse my language.<sup>323</sup>

Bradford et al (2014, p.84) argue that numerous studies<sup>324</sup> suggest that it is encounters with police officers that shape people's trust in the police. IOM offenders, many with decades of negative experience of policing, were distrustful about police motives. "It's a feeling of like, it's 'old bill' in here. What have I done? Instantly my back is up and I'm suspicious..."<sup>325</sup> one offender, J.1, explained. Most offenders, however, were able to make a connection between police presence, either at their home or in probation appointments, and the field intelligence officer's inherent desire for information. As J.1 continued during interview:

I'm naturally suspicious of anyone police, just because he's out of uniform. In my experience they're never out of uniform. There never is a time when that uniform is off. They're always on some imaginary clock, watching your behaviour at some point. I've not met the person yet who hasn't treated me in that way. Therefore, that is my experience of it. They might be being friendly, friendly, but they're always heading in a direction that they may not be being

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<sup>323</sup> C1. Interview transcript.

<sup>324</sup> See for example, Tyler and Sunshine, 2003, Jackson et al, 2012, Mazerolle et al, 2013.

<sup>325</sup> J.1 interview transcript.

upfront around. They're always watching, looking, you know for things, signs, whatever. I don't like, I'm really uncomfortable with it to be honest; personally I'm uncomfortable.<sup>326</sup>

What was notable here was that J.1 appeared to make no distinction between officers in uniform and field intelligence officers; police were police officers and they were watching. Moreover, the understanding that the police were subtly on the hunt for information, exhibited above by J.1, caused a conflict within some offenders about how candid they could be with IOM workers during appointments. For example, one offender suggested that he sometimes told field intelligence officers only 'what you think that they want to hear'.<sup>327</sup> Another respondent insisted that he would 'rather make it difficult'<sup>328</sup> for officers. Whereas, a female offender, E.1, suggested that having a police presence in probation appointments could be used to her (and other offenders' advantage):

We could start feeding them bollocks because we know it's going to go back. We could have the police running around like chickens because we know it's going to go back. To get the heat off me, I say, so-and-so down the road, he's doing this and that and all the sudden the police are up and down his road.

These and other comments recorded during the fieldwork point to an inherent lack of trust amongst IOM offenders in the actions of police officers. This finding supports the contentions of Gua and Brunison (2009, p.259) that people who believe that the police engage in discriminatory, disrespectful or unfair practices express much less trust in the police.

### **'Good' cop – 'bad' cop**

Within IOM, a 'good' cop – 'bad' cop dichotomy is evident. A minority of field intelligence officers are taking a stealthier (or to some appearances 'softer') approach to policing those on IOM, whereas uniformed officers are busy subjecting

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<sup>326</sup> Ibid.

<sup>327</sup> Ibid.

<sup>328</sup> R.1, interview transcript.

the same group of people to a markedly different policing experience. The latter involves a far more hostile and disciplinary approach, centralised around an order-maintenance policing paradigm. More than this however, for field intelligence officers, the activities of their uniformed IOM colleagues may be precluding the generation of useful information during encounters with those subject to IOM.

Take, for example, C.1's comments, quoted extensively above. Like those of J.1, above, they draw no distinction between uniform and field intelligence police officers. Furthermore, C.1's scepticism is anchored in an inherent mistrust of the motives of the police. What C.1 is describing seems a likely attempt at rapport building on the part of the field intelligence officer. This is evidenced by the officer's comments about confidentiality. However, these activities are perceived by C.1 as duplicitous and a thinly veiled attempt at gathering criminal intelligence. Here the 'good' cop is seen, at best, as a 'tainted' cop with the result that C.1 remains silent.

A further implication is that the suspicion and cynicism directed towards police officers by offenders, appears to have spread to other IOM partners. For example, seven out of fourteen offenders contended that the probation service had changed for the worse as a result of their working more closely with the police. Many of these offenders complained they now felt unable to speak as freely or frankly, about their problems. The following sentiments highlight this type of offender thinking.

*J.1:*            Like I say I can't go in there and sometimes talk about the things I need to talk about. I can't go in there and say, "Well look I'm going off the rails a bit here" or "I'm using a little bit here" or "Whatever's fucking happening here". I can't go and say that in that room, so where do I go and unload that stuff? Who do I tell that to, to get the real help?

*Fred:*           Before the police were involved, would you have been able to talk to probation?

*J.I:* Yeah I've had probation where I've been able to go in and talk to probation about exactly what's going on. So I come out of there and at least I feel like I'm telling them exactly where I'm at, you know what I mean?

This change in relationship between offender and probation officer, from one that was perhaps relatively open and honest to one now more guarded and closed, may affect offender chances of long-term desistance.

*Fred:* Is that important to you?

*J.I:* For me, yeah, because you can't get the help without being, being genuine. I'm not going to get the genuine help, because I'm not giving the right information over, you know what I mean? It doesn't help because I feel the consequences of what might happen if I do.

*J.I:* I think before you'd have your probation officer, you know you could phone your probation officer, you could interact with your probation officer, he comes in your house sometimes or whatever but now it's just changing into – it's all Home Office governed. I'm not sure about it – who's in charge. It seems to me probation are just enforcers of something completely different. Even they don't have the power to do what they want anymore; they just do a certain thing; they fulfil a Home Office role. You have to go to so many appointments and have to do so many things, but missed appointment, then I'll be breached accordingly. Even if she knows that because I was late, or for whatever reason, it goes on as a miss, even little things and it's kind of out of her hands to have much of an opinion.

A minority of offenders suggested that probation's close working relationship, including sharing of information with the police, had benefited them. The following extract from interview is illustrative:

I was given a DDR [Drug Rehabilitation Requirement] and my probation officer in a few of my appointments said to me that she's been informed by the police that they are still watching me doing when I was doing. She gave me a warning, "You've been nicked; you've been given a DRR; the police are still watching you". And as far as they're concerned you're still actively doing what you was doing, so you know it's kind of like a

final warning from the probation, that you're gonna get nicked again, so I suppose in that respect it was kinda quite helpful. I knew then – shit I better stop, otherwise I'm gonna get arrested.<sup>329</sup>

### **Manipulating information received**

The probation service has changed and from the point of view of offenders, at least, not necessarily for the better.<sup>330</sup> Although not typical there were occasions, throughout the study, where offenders claimed that personal information obtained, by field intelligence officers and other IOM staff, had been misused by uniformed officers. One IOM offender (H.1) explained during interview, that whilst walking down the road officers had taunted him.

*Fred:* Do you feel like you get harassed?

*H.1:* ... The copper said, "You been found dead yet?", to me, 'You been found in a field?' And I said, "Fuck off" and he ran straight over and grabbed me and said, "Say sorry", bending my arm back, I said, "Get the fuck off" init. He said: "I'll nick you in a minute". So ended up saying sorry. But it made me look like a divvy in front of everyone down there. But rather than getting nicked.

*Fred:* Did you feel bullied by them then?

*H.1:* Yeah.

For H.1, it seems that circumstances and past experience promote the right amount of deference, so as to avoid getting 'nicked'. Notable, in this case, however, are H.1's thoughts on what was informing the police line of questioning. I began the following exchange by asking whether H.1 felt like his privacy had been invaded, as a result of the 'bullying' and 'harassment':

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<sup>329</sup>O.1, interview transcript.

<sup>330</sup>This is a good illustration of the conceptual discussion of the fluid relationship between surround and organisational field (Hawkins, 2002) to be found in Chapter 2.

*H.1:* Yeah.

*Fred:* How – can you explain that?

*H.1:* Well, just turning up at your house and when you're just telling a probation worker about your life because they wants to know the ins-and-outs about why you're going to the doctor's and that and they just sit there. That copper is bound to know that, what's going on and they see you in the streets and they dig at you with it like.

*Fred:* Do you mean like before when they came and twisted your arm up and...

*H.1:* Yeah and "Why aren't you found dead yet?" and things like that and "Have you tried killing yourself?" and things like this.

*Fred:* So do you feel they might use information that they get in to kind of...

*H.1:* Yeah, manipulate it basically.

Here then, power dynamics between offender and cop were reaffirmed on the street by reference to information gained by field intelligence officers and other IOM staff during interactions with H.1. Whilst, we are dealing with a claim or a belief, on the part of the offender, in his mind, personal knowledge, shared in 'confidence', was 'manipulated' by these officers.

Though not a common complaint, misuse of private information was certainly apparent within several offender accounts of police behaviour. For example, one offender described how during a police 'raid', his address book was seized, perhaps not a particularly unusual outcome of such a police operation. However, the seizure of the address book resulted in a number of his friends being contacted by the police.<sup>331</sup> Personal information, which might reasonably be considered confidential, was a ready source of knowledge for officers:

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<sup>331</sup> R.1 interview transcript.



When we got back to the station, R.5 proceeded to document and book-in the drugs found on the offender who had just been recalled. R.5 said because of the drug find he had also seized the offender's mobile telephone. This was now on the table in front of us. D.5 picked up the phone and proceeded to leaf through the offender's contacts, taking stock of various names. Whilst D.5 was doing this, the telephone received a text message, which D.5 immediately opened, read the contents out loud, and made more notes.

Fieldnote - Westside

In another instance an IOM offender complained that the local hospital had divulged personal information about his health to IOM. This, he argued, had resulted in greatly increased police attention:

*Fred:* What were the average times between stops?

*P.1:* Well, within hours of each other you know, when the next police car went past or one would go past and the next one would stop me or they would go round the block and stop me and then be coming out with some really outrageous things that they've been told like by a member of the public that I was walking about with a charity box. I wasn't, I was just walking down the shop with my girlfriend, went in to go buy a beer. They were just saying, 'People having been ringing in saying cars are being broken into'. It was like no, these are just your reasons to stop me. It didn't feel right you know? ...So I didn't like that side of and I felt that come from probation because it only happened for that week that I wouldn't tell them and when they was worried about me, admittedly.

*Fred:* Who was worried about you?

*P.1:* Probation. Probation was worried about me.

*Fred:* They said that did they?

*P.1:* Yeah, I went in there and I was like really depressed saying I want to end it; I'd gone up to the hospital as somebody had hit me over the head with a bit of wood and I was like, oh, I don't care if I die. I was really down and I'd left the

hospital. The hospital had contacted them, or they somehow knew that I'd been in hospital, anything you seem to do, prolific [IOM] seem to know about it and then for about a week the police were coming knocking on my door, to see if I'm alright. They were sending people round in uniform and I just thought I didn't want them coming round, you know?

Later in the interview P.1 reported that the heightened attention from the police, particular stop searches and accounts left him with a sense that his privacy was being invaded. Indeed, as Feldman (2002, p.530) explains, art.8 privacy rights are 'continuously engaged' when a public body, such as the police or probation service, 'seeks, collects, stores, processes, compares or disseminates personal information'.<sup>332</sup> However, if information is regarded as particularly intimate, details about an offender's mental health, for example, then it must be collected, stored, processed and so on in ways that respect private life.<sup>333</sup> Significantly, such information must not be used for an illegitimate purpose.<sup>334</sup> The question I wish to examine next, however, is whether IOM offenders view practices of this nature as disproportionate.

## **The proportionality of IOM methods**

### *Determining proportionality*

Before examining offender accounts of interactions with IOM police officers, it is first necessary to revisit the working definitions of proportionality and necessity, first sketched out in Chapter 2. In order to comply with human rights principles, particularly within the context of IOM, art.8 privacy, the statutory supervision of offenders must be both necessary and proportionate.<sup>335</sup> In practice, this means that

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<sup>332</sup> *Rotaru v Romania*, Eur. Ct. HR, App. No. 28341/95, Judgment of 4 May 2000.

<sup>333</sup> See for example, *Guerra v Italy*, Eur. Ct. HR (1998); *McGinley and Egan v United Kingdom*, Eur. Ct. HR (1999) 27 EHRR 1.

<sup>334</sup> *Leander v Sweden*, Series A. No. 116, Judgment of 26 March 1987.

<sup>335</sup> See, *Stephen Craven v Secretary of State for the Home Department and the Parole Board* [2001] EWHC 850 (Admin); *R v (on the application of Carman) v Secretary of State for the Home Department* [2004] EWHC 2400 (Admin); *The Queen on the Application of Rifat Mehmet v London Probation Board* [2007] EWHC 2223 (Admin); also, Ministry of Justice National Offender

licence conditions must have a legitimate purpose consistent with one of the clauses contained in the second paragraph of art.8 (reducing crime and public protection, for example). Once the aim is identified, any interference with an offender's right to private and family life will be justified, providing it is necessary and proportionate to the legitimate aim pursued. In Chapter 2 these ideas were discussed in more detail and formulated into a working definition of proportionality against which to assess the targeted enforcement strategies adopted by IOM in the field. Firstly, interventions employed by IOM are disproportionate when more than the minimum required to 'manage' the risk posed by the offender in question. Secondly, the same interventions are unnecessary where other less restrictive means are available to achieve the legitimate aim pursued by the interference.

### *Disproportionate infringements of privacy*

To gain an understanding of how offenders viewed the proportionality of the actions of IOM, they were asked whether they felt the police, or IOM more broadly, were 'using a sledgehammer to crack a nut'. Recall P.1, from our example above. In what follows he suggests the methods of IOM amounted to a disproportionate infringement of his privacy:

*Fred:* So did you feel like it was disproportionate?

*P.1:* Intensive.

*Fred:* It felt intensive?

*P.1:* Yeah at the time, I don't think I was ready for doing whatever it was that they were doing with me.

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Management Instructions (ref: PSI 37/2011) 'Transfer to the Parole Board of functions under the Criminal Justice Act 1991: Release of long-term prisoners', p.3, para.2.9, available at: <http://sitesearch.justice.gov.uk.openobjects.com/kb5/justice/justice/results.page?qt=PSI+37%2F2011> (accessed, 03/08/2011) and 'National Offender Management Service -approved licence conditions for adults'.

*Fred:* Did it feel like they were using a hammer to crack a nut?

*P.1:* It yeah I suppose; it felt like they were on my back constantly and they knew everything about me. They would tell me what I was doing in a week.

Disclosing health related personal information for the purpose of taunting or bullying a member of the public could never be reasonably argued as necessary for the prevention of disorder or crime. In the accounts given by P.1 and H.1 it appeared that there was no legitimate aim on the part of the police.

### *Disproportionate stop checks and searches*

A mere ‘risk of reoffending’ (even if considered ‘large’) is very unlikely to ever be sufficient grounds for formal police action of this nature. The ECHR typically requires reasonable suspicion that the person is currently committing crime (or about to, or has just done so).<sup>336</sup> S.1 of PACE (which largely governs police powers of stop and search in England and Wales) also requires this kind of individualised suspicion of offending.<sup>337</sup> Consequently, if those subject to IOM pose little risk of reoffending, then regular stop checks, requirements to account and searches will very likely be deemed unwarranted by Convention standards and therefore a disproportionate management of risk. A good example of this type of ‘disproportionality’ comes from an offender reported being stopped several times whilst walking down the same stretch of road:

I’ve got stopped four or five times on my road. I know it might be a long road but I’ve been pulled over by one set of police officers and then walked down the road a bit and like another set of police officers pulled me over and I’ve showed them ‘look I’ve just been pulled over’. They’re like ‘oh well’ and

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<sup>336</sup> See, *Fox, Campbell and Hartley v. The United Kingdom*, Eur. Ct. HR, Judgement of October 1990; *O’Hara v. The United Kingdom*, Eur. Ct. HR, Judgement of October 2001.

<sup>337</sup> See also PACE Code of Practice A, para.2.

started laughing at me and smiling at me like they think they're funny and that, obviously.<sup>338</sup>

If, for instance, there has been a spate of theft from vehicles parked on this particular stretch of road and the police believe that L.1 may be responsible, then requiring L.1 to stop and account for his presence on the road could be viewed as a proportionate response. Yet when I informally enquired about the risk-status of L.1, a field intelligence officer responded by stating that L.1 was 'a bit of a 'nob' who does a bit of criminal damage now and again but nothing major, not a red offender'.<sup>339</sup> Stopping L.1 repeatedly within a short time-span, however long the road, must therefore be viewed as disproportionate risk-management.

Of course, other factors such as the strength, credibility or contemporaneous nature of the intelligence relied upon by the police, may also be relevant in determining proportionately and necessity. But it seems that in this case, other less intrusive measures were both available and in play at the time. During the early part of the study I attended a probation appointment, between L.1 and his probation officer, DB.2. In the appointment, L.1 stated that he and his partner had recently had a new baby and that as a result of this 'change' L.1 had been staying out of trouble. Moreover, L.1 been accepted on a carpentry course at a local college. DB.2 had been pleased with this 'progress' and had promised to look into the possibility of part funding the college course. DB.2 did not, it seems, view L.1 as at risk of reoffending. Whilst it is possible that DB.2 reported L.1's 'progress' to the field intelligence officers' stationed at the Southside office, two issues remain unclear. Firstly, whether this information was shared with IOM's uniformed officers and secondly, whether, if it was, the information made any tangible difference to the decision-making process. Yet, perhaps more importantly for L.1, attention of this nature was viewed as 'too much'<sup>340</sup> or, to put it another way, disproportionate.

Intensive and, of course, unwanted police attention was increasingly viewed by some offenders to be the result of IOM probation staff acting as intelligence

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<sup>338</sup> L.1 interview transcript.

<sup>339</sup> Field-note Southside – informal conversation.

<sup>340</sup> L.1 interview transcript.

gatherers. Apart from being viewed as bad for offender-probation staff working relationships, this was also seen by offenders as over the top:

*Fred:* Have you ever experienced surveillance?

*C.I:* Yeah, that's what happens all the time mate; parked up round the corner from my house and all that mate. What happens is, she visited me at my house, she seen there was a car on my drive, so she went back and said to a PC Appleton, I seen a car on Mr Church's drive. Give him the number plate and all that, so what they've done, they've parked down the road and was waiting for that car to come off the drive. When the car came off the drive, bang, they're on it. He pulled me over in the car.

*Fred:* Do you think that kind of stuff is fair?

*C.I:* In a sense right, yeah; but then again, they are fucking sat there waiting to give a producer and I thinks right, why I'm not a bank robber?

*Fred:* Does that go back to using a hammer to crack a nut?

*C.I:* Yeah, it's just too much and I think to myself, all the time with this woman, don't get me wrong, she's making, and the worst thing is, I turned round and said to her, yeah, they took the [car] – that car because I wasn't insured to drive it look, tax and 'MOT'd' with my girlfriend, because it was winter time look. My girlfriend needed that car for the school run for the kids and that; my girlfriend was out committing crime, shoplifting and all that. It was my fault, I admit that, taking the car and that, but she thinks, "Ah yeah, I'm Columbo. I'll go back to the police and I'll tell them, listen he might be driving that car– it is taxed and 'MOT'd'. We done our checks but there's no insurance." So they went out their way to take the car. Now I can understand because I could have been driving down the road and I could have knocked someone over, but the amount of resources that went in. Oh and I thought, "For fuck sake, get a life, get a life."

Whether the practices described above can be reconciled with Convention principles will depend on whether they are both proportionate and necessary. Put

another way, intensive surveillance, stops, accounts, and searches and ‘misuse’ of personal information by police officers and other IOM staff, would need to address a pressing social demand, but not equate to using a sledgehammer to crack a nut. What is problematic in the accounts above is that the practices of the IOM police, particularly uniformed officers, appear to go well beyond the minimum required to protect the public from the potential risks posed by these offenders.

Both observations and offender reports of interactions with IOM police suggest that uniformed officers stamped their authority through intimidation and coercive use of force. Overt communicative surveillance techniques meant that offenders were regularly stopped and required to account for themselves, sometimes searched, but rarely arrested. For most IOM offenders, the actions of these officers represented a clear and present infringement of their personal privacy. Encounters, wherein officers made no secret of their personal prejudices and disdain for IOM offenders, were shaped by negative stereotypes, over-simplified classifications, and capricious behavioural ‘tests’. These encounters were exacerbated further by a collection of dominant cultural characteristics, pervasive throughout the ranks of IOM police officers. Moreover, as Tyler (2010, p130) puts it, ‘when people feel demeaned or subjected to negative stereotypes, they view themselves as diminished as people and disrespected beyond what is appropriate when dealing with the law’. To put it more simply, when people are subjected to such practices this leads them, like C.1 in the extract above, to feel unfairly treated.

### **Legitimising the actions of IOM; offender perspectives**

Most offenders perceived the methods and practices of IOM police as invasive and disproportionate. Some of the police actions I witnessed were of dubious legality or clearly unlawful; particularly in the case of decisions to stop, check and search offenders that were predicated on stereotypes and personal traits.<sup>341</sup> In further cases the law (particularly s.5 of the Public Order Act 1986) was used as a resource on which to draw in achieving disciplinary and authoritarian objectives. That offenders are, at times, on the receiving end of aggressive policing tactics is well documented

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<sup>341</sup> PACE Code of Practice A, para.2. For a good example, see Chapter 5.

throughout policing research.<sup>342</sup> However, what was of particular interest during the present study was how offenders linked disproportionate policing practices to their conceptions of the scheme's legitimacy.

Tyler (2010, p.127) has defined legitimacy as a 'belief that the police ... are authorities entitled to make decisions ... concerning matters of criminal justice'. As was argued in Chapter 2, questions of police legitimacy are closely linked to the fairness both with which police make these decisions, but also, more broadly, how they exercise authority. Sunshine and Tyler (2003, p.516) call this 'procedural justice'. In Chapter 2 'procedural fairness', within the context of police-citizen interactions, was said to include participation in the legal process, respectful and dignified treatment, trust in the authorities, recognition of rights and entitlements and having the opportunity to exercise such rights (Skinns, 2011; Tyler and Sunshine, 2002; Tyler, 2010). 'Procedurally fair' treatment can reinforce the belief that the police have a 'just, fair and valid basis of legal authority' (Papachristos et al, 2012, p.417). Such attitudes can lead to improved compliance with the law (Tyler, 2010) and potentially, therefore, desistance.

Below, particular attention is given to whether offenders viewed the operational practices of the scheme as 'legitimate' and if so, whether the legitimacy of IOM, in their opinion, was connected to offender ideas about procedural fairness. Whilst I have provided a broad, academically styled, definition of 'procedural fairness', the concept was articulated to offenders in much more simplistic terms. In this way, offenders were simply asked, during interviews, if they felt that they had been treated 'fairly' since being a part of the IOM scheme.

### *Offender thoughts on the fairness of IOM police practices*

Most IOM offenders have experienced coercive and disrespectful policing practices. Yet, surprisingly perhaps, when directly asked, most offenders viewed their treatment whilst on the IOM scheme as 'fair'. In describing police (and IOM)

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<sup>342</sup> For example, see Skolnick, 1966; Holdaway, 1983; Reiner, 1978, 2010; Young, 1991; Dixon 1997; Smith and Gray, 1983; Waddington, 1998.



‘fairness’, offenders typically individualised their accounts. Put another way, they tended to make assessment of fairness, according to how particular officers dealt with them, rather than grouping the police as a whole. There was, however, little inconsistency in offender reports. Offender thinking about the ‘fairness’ of IOM practices centred on police officers and other IOM staff being ‘respectful’ and ‘playing by the rules’. If these people did so, then offenders tended to view their own treatment as ‘fair’. Take, for example, the following interview exchange:

*Fred:* Do you think you’re treated fairly?

*E.1:* Yeah; like they [sic] mall police. They’re ever so friendly. They’re sweet. They’re good, because you get arrested up there and I got back home. We’d been up there. Nicked something up there, got home, sold it and the police have pulled up. “What you been doing today?” I’m like, “Ah shit”. But they’re like bail me on the street [and] said, “Look, come on up [to the police station], we’ll sort it out”. Yeah they’re all right.

Here two things appear to be important to E.1. First, that she was treated in a dignified and respectful manner by the police officers she encountered. This is important since the manner in which the police exercise their authority is at the core of Tyler’s (2006) procedural justice model. The quality of the treatment received is an important factor in determining whether the process was ‘fair’ (Hough, et al, 2010, p.4). Second, the decision to offer ‘street-bail’ by the police officers appears to be viewed as ‘fair’ by E.1, simply because it meant that the formal exercise of police powers (detention at the police station) was put off until a later date. For E.1, a heroin user the decision to grant her street bail also nullified the immediate threat of experiencing withdrawal symptoms whilst being detained in custody.<sup>343</sup> As E.1 continued to explain:

...when the copper pulled up I’d just scored and he knew I’d just scored and he said he wasn’t going to search me. He said “I knew you’d scored, but I wasn’t going to search you – I don’t condone it but I know you needed it.” I had it in my hand and I thought, “Oh shit, what am I going to do about it?”

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<sup>343</sup> Lister et al (2008) found that drug users apprehended by the police were overwhelmingly concerned about withdrawing whilst in police custody, rather than any official sanction.

And he seen my behaviour change and he knew. He just bailed me on the street. I had to go back at 3 o'clock.

Significantly, whilst Tyler (2006) has argued that fair treatment is more important to people than the actual outcome of interactions with the police, in this instance the outcome (not being detained) *was* of paramount importance to E.1 and thus determined her perception of procedural fairness.

The decision-making practices of the police, in this instance, also speak to a core aspect of police culture. It is the police officer's action-orientated sense of mission that largely shapes police-citizen interactions (Reiner, 2010). Central to this 'mission' is the efficient expedition of processes involving what officers generally view as low quality work, in this case shoplifters. This kind of police thinking can be linked to the working rule (or frame) of 'workload'. Put simply, officers may feel they do not have the time or inclination to focus on shoplifters when there are more 'dangerous' criminals out there, committing 'proper jobs', such as burglaries and robberies. But while playing by the *rules*, in this instance, achieved several objectives for both the police and the offender, it was the police, of course, who resolutely dictated what the rules of engagement are.

This connection between playing by the 'procedural' rules and fairness was a common theme within offender accounts. As one IOM offender put it when the subject of police fairness was raised during interview, "I've met some kind of fairish ones over the time. If they haven't got no evidence, they'll be straight up about it and say ... I can't charge you, but I'm after you". What J.1 is describing here is merely the police following a procedural (legal) rule of evidence. However, like E.1, it appears J.1's perception of fairness also stems from the way in which the authority was exercised. For J.1 it was the straightforward 'honest' approach of the police that was valued.

Two offenders (C.1, and SA.1) complained that the police circumvented procedures (put in place for their protection) such as by questioning suspects with the 'tapes off'. Claims about the use of informal interviewing tactics are variously confirmed by policing literatures. Dixon et al (1990) for example, found that police officers

often attempted to probe offender accounts prior to formal interviews. McConville et al (1991) and Choongh (1998) also reported similar police practices. Another offender (H.1) suggested that it was unfair that the police could appear at his residential address without warning and remove items of property for forensic examination. However, in the main, it was demeaning and disrespectful treatment that precipitated feelings of (procedural) unfairness amongst IOM offenders. Consider the following conversation:

*Fred:* So have you ever suffered any violence from the police?

*J.I:* Yeah definitely, over the years, yeah.

*Fred:* Ok tell me about it?

*J.I:* I've had them like, when I've been arrested sometimes, I've had them sat on top of me, slap me across the face put their fingers in my face, shout in my face. Been really, really aggressive towards me and at that specific moment in time, I haven't done anything wrong; I haven't been charged with anything, whether I have or haven't done anything wrong.

What appears to be of primary importance is not so much the violent conduct of the police but rather that it lacked any justification in terms of formal process. The actions of the police are not shaped by due process rules, rather as found elsewhere they are founded on culturally orientated objectives: discipline, authority and the pervasive sense of mission which underpins both. For J.I, it seems, the unfair treatment was predicated on two aspects of the same experience. Firstly, aggressive policing orientated around discipline, communicative surveillance and the maintenance of order; secondly the procedurally informal nature of the conduct. This is problematic as far as perceptions of police legitimacy are concerned. As Gau and Brunson (2009, p.256) point out, 'aggressive policing can leave citizens feeling humiliated, violated, or even victimized', but unsatisfactory contact with the police, like the episode documented above, can have very significant negative impacts on perceptions of fairness.

Arbitrary law enforcement that, by definition, fails to adhere to standards of procedural fairness will, following Tyler's ideas, undermine the legitimacy of those exercising the authority. Yet throughout this study, IOM offenders pointed towards a different term of reference within which to ground their perceptions of the scheme's legitimacy. What was it that gave IOM the 'right' to intervene in their lives, in such an intrusive manner? For most offenders, the answer was very simple: 'I'm a prolific offender'.<sup>344</sup>

### **Foundations of offender perceptions of IOM legitimacy**

*'What gives them the right? ... I'm a prolific offender'*<sup>345</sup>

IOM's operational practices, covert and overt surveillance, intensive stop and search tactics and subtle questioning, were considered by most offenders to be a violation of their natural privacy rights.<sup>346</sup> However, whilst the majority of offenders I spoke to reported incidents that they viewed as invasions of privacy, 2 out of 20 (M.1 and S.1) maintained that their privacy had not been infringed, either by the police or others within IOM. Of these 2 IOM offenders, M.1 simply answered 'no', when asked if he felt like his privacy was ever invaded. S.1 reported that he had received a 'warning' from IOM staff, that an 'eye' was being kept on him but, like M.1, did not view this surveillance as an infringement of his personal privacy.

However, whilst most offenders, including S.1 and M.1, showed an interest in being 'fairly' treated by the police, particularly, as we have seen, the manner in which the police exercised authority, the contextual reference point for their treatment seemed to focus on their own behaviour rather than that of the police. These offenders 'legitimised' intimidating and coercive police practices by referring to their own past behaviour. For S.1, for example, intensive police attention, whether proportionate or not, was viewed as 'fair' because it amounted to an inevitable part of the prolific offender 'game':

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<sup>344</sup> S.1 interview transcript.

<sup>345</sup> N.1.1 interview transcript.

<sup>346</sup> Obviously this should not be confused with more formal convention rights – I use the term 'natural' because many offenders don't consider such rights in such legal terms.

*S.1:* My privacy could get invaded at any time of the day. That's how I just accepted it's how things were ... certain places I was going to use they were known houses anyway. At anytime the police could turn up and we'd just scatter or just sit there and see what would happen – probably get searched in the house. That was just the way things were; that was exactly how it was.<sup>347</sup>

Other offenders more directly related their offending history to the amount and type of 'attention' they were likely to receive from the police or IOM as a whole. For offenders, it was this link between their offending record and the scheme's interventions that 'legitimised' the intrusive practices of IOM. As one offender, A.1, put it when asked what gave IOM the right to intervene in her life, "You give them the right by what you done". Another offender, T.1, reported being subject to numerous stop checks, accounts and searches and on several occasions violence at the hands of the police. Yet, as the following exchange illustrates, such treatment could be linked to offending behaviour:

*Fred:* A lot of stop checks, stuff like that ... what do you think, if anything, gives them the right to intervene in your life like that?

*T.1:* Gives them the right? My behaviour. The only way I can put it, like I said to you just then, reading them 12 steps. When I was doing the examples [of my behaviour] I was like a madman. I am a madman when I'm like that. I don't know myself. It was like two separate halves, two separate halves you know?! It certainly isn't the person sitting here. You know what I mean? I can understand it fully.<sup>348</sup>

Acceptance that police attention, whether from uniformed officers or field intelligence officers, was an inevitable part of the offender 'game', also became visible during observations:

After calling at a previous address, without success, we caught up with the offender R.4 was looking for. He was outside his house with 4 other men,

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<sup>347</sup> S.1 interview transcript.

<sup>348</sup> T.1 interview transcript.

working on a car. R.4 pulled the car up we got out and introduced ourselves. The man was not surprised about our arrival, which suggested that he had been told the police were looking for him. R.4 explained that he was there to see if the man wanted any help from IOM. The man's body language suggested that he thought the question incredulous, instead stating that he was doing fine on his own but that if he needed anything he would be in touch. Despite this, however, he projected an air of subservience throughout the encounter and answered all R.4's questions fully. The other men mirrored the offender's display of deference and generally looked at the floor, while R.4 and the offender spoke. All appeared intent on keeping a low profile, merely murmuring confirmation or approval of the offender's responses to R.4's questions.

Fieldnote - Southside

What is notable here is the nonchalant attitude displayed by offenders when a field intelligence officer arrives to informally question these offenders on their doorstep. This type of attitude was pervasive amongst the offenders I encountered throughout the study. IOM offenders are police property (Lee, 1981) and are treated as such by both field intelligence and uniformed police officers. The common understanding among IOM offenders, however, is that this social positioning is merely a by-product of the offender game.

### **Concluding thoughts**

The purpose of this chapter has been to explore offender experiences of the IOM scheme but also to locate these experiences within broader ideas about legitimacy and police decision-making. Particular attention has been paid to offender experiences of IOM 'management', particularly by police officers. IOM offenders reported that they are not 'let alone' (Warren and Brandeis, 1890, p.195). Instead, they are monitored and surveyed by uniformed and field intelligence police officers, sometimes, in the opinion of the offenders themselves, disproportionately. For IOM the overarching aim is simple: document and store away as much knowledge about these people, as possible. Once garnered, by whatever means it seems, the information can be sorted, analysed and distributed to interested parts of

the IOM organisation (and beyond, where deemed appropriate). This form of ‘surveillance system’ (Ericson and Haggerty, 1997, p.41) speaks to the mandate emanating from both the field and the surround: actuarial disruption and confrontation of ‘risky’ criminals. Yet at a more micro level, on the street, this political and organisational ‘direction’ is further ‘glossed’ by the centralities of cop-culture, which in turn are distilled through the operation of police ‘working rules’, ‘assumptions’ and ‘frames’. As Manning (1982, p.130) puts it, organisational culture ‘acts as a grid or screen by which events are defined and also makes relevant internal rules’. This means that a number of informal classificatory devices, shaped largely by the dominant characteristics of police-culture, drive the management of IOM offenders.

A further implication of offender accounts is that they experience and perceive the practices of the scheme as ‘procedurally unfair’, for example when treated with disdain and in an authoritarian manner by the police. Tyler and others have found that procedural fairness is a central factor in shaping people’s evaluations of police legitimacy. Simply put, if people feel they are not being treated in a procedurally fair manner, they are less likely to cooperate with police activities (Sunshine and Tyler, 2003, p.516). Yet whilst we might expect by reference to this research, that IOM offenders would perceive the practices of the police as illegitimate, IOM offenders themselves do not appear to subscribe to this viewpoint. On the contrary, it seems that the overwhelming majority<sup>349</sup> ‘legitimised’ their treatment by the police and IOM more broadly by reference to their own offending behaviour. As one offender, G.1, put it, when asked whether his treatment was ‘fair’, “Yeah, at the end of the day, I’m an offender, I’ve re-offended, re-offended, re-offended, re-offended, so there is something not working for me somewhere”. If, as Tyler might argue, legitimacy equals compliance (and by extension desistance) if an offender views the scheme’s practices as legitimate, then the enforcement and intelligence gathering practices of IOM police officers may not be undermining the overarching aims of the scheme. Yet at some level, even if not directly perceived by offenders themselves, a tension may exist between the ‘shared’ objectives of the IOM

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<sup>349</sup> This was not always the case. With one or two offenders, the link between previous offending history – and the amount and type of attention received from IOM was either non-existent or tenuous at best. Obviously, these examples might be useful for deviant case analysis.

partnership agencies and the activities of the police and other IOM practitioners on the ground. Coercive and authoritarian policing preoccupied with order maintenance may be undermining more socially orientated approaches to offender management by other IOM practitioners. With this in mind, I turn in the final chapter to the implications of the findings discussed in Chapters 4 to 6 for theories about policing, procedural justice, legitimacy and desistance.



## **Chapter 7**

### **On integrated offender management police decision-making and legitimacy**

This thesis sought to understand better what kind of policing is taking place under the umbrella of integrated offender management (IOM) and with what implications for offender desistance, procedural justice, and the proportionality of interventions in offenders' lives. It reports the findings of a qualitative, localised study of one police area wherein data were collected during 12 months of fieldwork. 400 hours were spent observing police officers and other IOM workers, as they went about the day-to-day management of those subject to IOM. 48 one-to-one semi-structured interviews with police officers probation staff, drugs workers and IOM offenders were also carried out during the same period.

What I present here is a rich case study rather than a representative picture of IOM activity throughout the country. Within it I have empirically examined the interplay between police officers and other IOM workers and how those subject to IOM have experienced the collaborative practices of these criminal justice agencies. The findings have been set out in detail in the preceding chapters and in most instances tend to suggest a 'business as usual' approach to the policing of prolific offenders, but through the use of a more limited range of crime control means now in the repertoire of the majority of IOM police officers. The aim of this chapter is to summarise and explore further the implications of my findings for police officers and those subject to IOM and for criminal justice more broadly. In what follows, I outline current IOM policy and practice and locate this within the theoretical constructs of police decision-making and legitimacy, which form the analytical framework for the study (the central tenets of which were outlined in Chapter 2).

#### **'Good' cop – 'bad' cop**

I want to begin the discussion by focusing on the link between the interactions of uniformed police officers and offenders and the broader issue of non-compliance on the part of IOM offenders. In Chapters 4, 5, and 6 it was demonstrated that amongst IOM police, both uniformed patrol and field intelligence officers, there was a marked confirmation of the continuance of the centralities of police culture: an exaggerated sense of mission, action-orientated behaviour, cynicism and suspicion, isolation and solidarity, prejudice and conservatism. Officers further distilled these ‘values, norms and craft rules’ into several powerful working ‘assumptions’ (Hoyle, 1998), ‘rules’ (McConville, et al, 1991) and ‘frames’ (Hawkins, 2002). We saw throughout the study the operation of powerful framing devices like ‘suspiciousness’, ‘previous’ and ‘information received’, for example. It was these ‘classificatory devices’ (Hawkins, 2002), rather than legal rules, that were adopted by IOM police officers to understand and ascribe meaning to interactions with offenders.

By subconsciously referring to frames, IOM police officers structured their discretion, which in turn shaped the way they managed those subject to IOM on the streets. However, there was also considerable interplay between officer framing and broader aims of the police. By their own account and my observations, IOM offenders were subjected to communicative surveillance (Lister et al, 2008) and social disciplinary (Choongh, 1998) practices. Moreover, when considered against the working definitions of proportionality and necessity, outlined in Chapters 2 and 6<sup>350</sup>, this type of treatment amounted to a disproportionate infringement of the personal privacy rights of certain IOM offenders. Communicative surveillance techniques, such as stops, requirements to account, searches but rarely arrests, coupled with aggressive imposition of police authority, were not only deemed by offenders to be ‘too much’, but also as (procedurally) unfair (Tyler and Sunshine 2003, Tyler, 2006).

These findings are important as they lay the foundations for the contention made in Chapter 2 that disproportionate and procedurally unfair treatment could

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<sup>350</sup>Interventions employed by IOM are disproportionate when more than the minimum required is used to ‘manage’ the risk posed by the offender in question. The same interventions are unnecessary where other less restrictive means are available to achieve the legitimate aim pursued by the interference.

undermine the legitimacy of the scheme in the eyes of offenders. Drawing on the work of Tyler and others, I argued that the legitimacy of IOM would prove to be a key component in securing offender compliance with the prescriptions of the scheme. However, observations and interviews suggested that disproportionate treatment, infringements of personal privacy and procedurally unfair treatment, particularly at the hands of the police, did not undermine the legitimacy of the IOM scheme in the eyes of IOM offenders. Rather, the common understanding amongst offenders was that being on the receiving end of coercive, ‘disproportionate’ and invasive police treatment is merely an inevitable part of the prolific offender game. Put simply, offenders justified the actions of the police and the scheme more broadly by drawing directly on their own criminal histories. As one offender, A.1, put it, “You give them the right by doing what you done”. This finding is significant because it appears at odds with current understandings of the relationship between legitimacy and the cooperation of people with the central institutions of criminal justice, particularly the police.

A growing body of work<sup>351</sup> has emerged which argues that compliance with the directives of the police is shaped by a person’s view about the institution’s legitimacy to exercise power. Judgements made about the legitimacy are reliant on an individual’s perception of the fairness of their procedural (decision-making) and the quality of interpersonal treatment by the authority in question (Bottoms and Tankebe, 2012, p.121). Certainly, the early work of Tyler (1990) points to the importance of legitimacy in promoting law-abiding behaviour and cooperation from individuals. Later studies, Tyler and Huo (2002), Tyler (2006), Sunshine and Tyler, (2010), Papachristos et al (2012), Paternoster et al, (1997), Gau and Brunson (2009) and Jackson et al (2013, 2014) for example, have confirmed these ideas. Together this corpus of work puts forward a central contention: if people view an authority as legitimate, they will bring their behaviour into line with its edicts or (bringing the theory within the context of policing) as Jackson et al, (2014) put it:

‘When citizens hold the police to be legitimate, they are more likely to

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<sup>351</sup> More extensively documented and reviewed in Chapters 2 and 6.

cooperate with officers, defer to them in moments of crisis, obey the laws they enforce, and accept the state's right to monopolize the use of force in society'.

Police legitimacy therefore promotes a positive sense of duty amongst members of the public to trust and obey the police as the enforcement arm of the state. Of course, those who do not hold such a perception will be far less likely to cooperate. Whilst I broadly agree with this claim, my work here calls into question whether these ideas can be used to explain and subsequently understand better what is happening on the ground within the distinct setting of IOM. Bradford et al (2014, p.81) tell us that police legitimacy is based on our beliefs that the police have a proper and moral purpose and follow their own rules, as well as the rules that govern everyone in society. IOM police officers follow 'rules', but rather than legally defined rules which govern everyone in society, the police officers I encountered followed 'rules' that were informal and culturally orientated. What I witnessed was uniformed police officers behaving in a coercive, arbitrary and at times disproportionate fashion. If we subscribe to the thinking of Bradford et al, (ibid) this should mean that the sense of the scheme's legitimacy amongst IOM offenders is at best fragile and, at worst, absent entirely. Yet offenders perceived the actions of the scheme as broadly 'legitimate'. This perception did not result in compliance. Instead, observations pointed to a scheme perpetually dealing with the same 'known' offenders.

Being 'known' to the police was found to be a powerful 'master frame', which hugely influenced how those subject to IOM were managed. We saw, for example, that people framed by the police as 'known' to have 'previous' were 'assumed' to be 'suspicious'. For uniformed officers the 'working rule' was to stop and question these people. For field intelligence officers the 'known frame' precipitated a different working assumption, that those with extensive previous were incapable of change. Here the working rule was to monitor, arrest and return those on IOM to custody as quickly as possible, rather than actively pursue available social support mechanisms.<sup>352</sup>

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<sup>352</sup> See Chapter 5 for more detailed discussion.

‘Known’ offenders were also ‘assumed’ to be a good source of intelligence and thus deserved a considerable amount of police attention. I found that underlying this thinking was another powerful framing device that guides much interaction between field intelligence officers and those on IOM, i.e. ‘intelligence gathering’. Fundamental to this frame is the ‘working assumption’ (Hoyle, 1998) that building a rapport with offenders will enable further access to useful intelligence. In this way, the rapport building ‘assumption’, the known ‘frame’ and the intelligence gathering ‘rule’ are involved in a ‘dynamic interactive process’ (ibid, p.21) driving police-offender interactions within the organisational field of IOM.

Beyond generating information, building a rapport with IOM offenders also increases the likelihood of their engagement with pathway support. A body of work has identified that relationship building is a ‘prerequisite to influencing change’ (Burnet and McNeill, 2004, p.222) amongst offenders.<sup>353</sup> Moreover, Bradford et al (2014, p.84), building on Sunshine and Tyler’s (2003) ideas about procedural justice and legitimacy, have identified a link between people’s trust in the police and their cooperation and compliance with police decisions and directives. Good relationships and the building of ‘trust’ between officers and those on IOM are important to both intelligence gathering and the promotion of desistance amongst recidivists (Farrall, 2004).

However, as was documented in Chapter 6, there is something more than merely ‘befriending’ those subject to IOM at work within the minds of those field intelligence officers who are focused on rapport-building. These officers are pursuing crime control goals through the crime control means institutionally open to them. Police officers value intelligence-gathering opportunities as a means of capturing ‘good-class villains’ (Reiner, 2000, p.93). McConville and Shepherd (1992, p.150), for example, found that officers enjoyed ‘getting out and getting amongst [criminals]’, surveying them in other words. Field intelligence officers have a ‘cushy number’.<sup>354</sup> These officers almost exclusively deal with ‘worthwhile’ criminals (Reiner, 2000, p.93) and are given an organisational field mandate to monitor them by poking around their houses and delving into their

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<sup>353</sup> See, for example: Burnett, 1996; McNeill, 2001; Rex, 1999.

<sup>354</sup> Fieldnote – Southside.

private lives through various forms of inter-agency working and information-sharing.

Whilst arresting those on IOM is problematic and the emphasis on ‘social support’ creates cultural tensions, field intelligence officers appear to relish out-witting offenders and seeing them sent back to prison. The ‘social support’ mandate, filtered through a ‘rapport-building’ lens, provides a convenient cover for what appears to be ‘business as usual’ for these police officers. Far from mundane and routine, the focus on intelligence gathering fits nicely with the police officers’ innate desire for crime control orientated action. In their consciousness, field intelligence officers firmly remain part of the ‘thin blue line’ protecting society from the ever-threatening forces of evil, chaos and disorder (Reiner, 2000; McConville and Shepherd 1992).

Understanding the field intelligence officer role in this way suggests a subtle link between canteen talk and action. The ‘talk’ is of desire to (short of summary execution) ‘bang up’ these ‘vile scroats’ and ‘walking abortion cases’<sup>355</sup> as quickly as possible and, whilst the same officers treated offenders with a respectful and friendly manner, the ‘action’ was spying on IOM offenders with a view to getting them back in prison quickly. It was still possible for these officers to carry out their IOM duties conscientiously, but their ‘canteen’ rhetoric was not, as Waddington (1999) might insist, completely distinct from their practices on the street.

For field intelligence officers, the mission is gathering intelligence on IOM offenders. But in Chapters 5 and 6 I documented the disproportionate and unfair practices of uniformed cops. The methods and practices of these officers centred on culturally orientated practices such as communicative surveillance, social discipline and the imposition of authority through arbitrary rules. By their conduct, these officers may be destabilising the very police-offender relationships that are crucial to rapport building. Therefore, IOM’s uniformed branch, rather than solely

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<sup>355</sup> Fieldnote – Southside.

disrupting the criminal enterprises of offenders, may be disrupting the IOM field mandate: intelligence gathering.

However, at times the police obsession with intelligence gathering appeared to reduce the likelihood of offenders accessing and engaging with the social support aspects of the scheme. In part, this is due to an indirect break down of trust between offenders and other IOM practitioners working closely with the police. We saw, for example in Chapter 6, that the intense police focus on intelligence gathering fuelled police engagement with non-police organisations. This activity, explicitly encouraged by the Crime and Disorder Act 1998, provides the police with a steady and informal flow of personal data about IOM offenders, with little or no processes of accountability (Maguire, 2010, pp.323-4). Moreover, I found that intelligence gathering was ‘outsourced’ by the police to non-police workers. This meant that sensitive information received by the police from the probation service was at times manipulated and used against those on IOM. When considered against the proportionality definition,<sup>356</sup> this type of integrated information sharing amounted to a clear breach of personal privacy. The negative effects of closer proximity between the two organisations (from the perspective of offenders, at least) were further compounded by a predominantly one-way cultural transference from the police to the probation service. Although not on a large scale, sometimes the cultural change amongst non-police workers has meant that those primarily responsible for supporting IOM offenders have moved from a traditionally welfarist approach towards a more authoritarian one. This ‘outcome’ was most evident amongst probation workers; drug workers, on the other hand, tended to resist cultural change.

### **Infiltrating communities: understanding what is driving the methods and practices of IOM**

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<sup>356</sup> Outlined in Chapter 2.

Whilst the current research is not a ‘performance evaluation’ of IOM, it is concerned with examining the workings of the scheme. At a micro level (framing) the pervasiveness of the ‘known’ frame and the police preoccupation with intelligence gathering perpetuates disproportionate police attention and subsequent mistreatment. But at a macro level (surround and organisational field), Sunnyvale IOM is failing to ‘break the cycle’ of the proverbial ‘revolving door’. When considered against the background of the recent studies by Dawson et al (2011) and Williams and Ariel (2012), both of which cast doubt on the utility of IOM, Sunnyvale IOM’s lack of ‘success’ may be unsurprising. Yet the ‘success’ of the IOM need not be ‘measured’ merely by the number of people that stop offending for the long-term.<sup>357</sup> ‘Success’ can also be located within the context of broader changes in the nature of social control. Maguire (2010, p.316) for example, points to

‘a strategic future-oriented and targeted approach to crime control, focusing on the identification, analysis and ‘management’ of persistent and developing ‘problems’ or ‘risks’ (which may be particular people, activities or areas), rather than on the reactive investigation and detection of individual crimes.’

Within this actuarial framework, various investigative tools and surveillance technologies are put into action, so as to monitor, generate and analyse useful information about ‘risky’ populations (Ericson and Haggerty, 1997, p.55; Cope, 2004, p.190). The police, of course, are at the forefront of this methodology. In the context of IOM, this ‘way of doing police business’, as Tilley (2008, p.383) puts it, naturally involves the development and maintenance of an intelligence gathering infrastructure and databases constructed about the stock-in-trade of prolific offenders. Yet it also means the surveillance and control of IOM offenders. Field intelligence officers are operating under the guise of offering social support and assistance (Gordon, 1987, p.141), but rather than support and rehabilitation, the less restrictive means available to the scheme, the driving force is containment and risk-management.

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<sup>357</sup> Field intelligence officers, for example, questioned the meaning of success within the context of long-term desistance from offending.



IOM then, forms part of a crime control philosophy that is borne out by a policing practice that aims to penetrate stealthily, survey and control a ‘dangerous community’ of known prolific offenders. At a theoretical level this development can be understood within the context of the ideas of Beck (1992) and Ericson and Haggerty, 1997) who raise the spectre of the advent of a ‘risk society’ as a concerted response to powerful feelings of fear and insecurity, pervasive within modern communities (Maguire, 2010, p.333; Hope and Sparks, 2000). For people targeted by Sunnyvale IOM, the implications of the methods and practices centre on intrusions into their personal privacy, which often seem to outweigh the risk posed by the person. Peculiarly, infringements of personal privacy and experiences of procedural unfairness have not undermined the legitimacy of the scheme in the eyes of those subject to Sunnyvale’s tactics. For criminal justice more broadly, IOM evidences a further creep forward within the continuum of risk-penology (Feeley and Simon, 1994).

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