

# Reducing Bureaucracy — in Policing

Full report  
November 2009



# Contents

<b>Introduction</b>	<b>1</b>
<b>Executive summary</b>	<b>3</b>
<b>1. History and context</b>	<b>5</b>
<b>2. Targeting sustainable business improvement</b>	<b>8</b>
The impact of Quest	8
The limitations of Quest and other models	9
Adopting a systems approach	10
Making this model work	11
<b>3. Building effective systems</b>	<b>13</b>
Creating a true criminal justice system	13
From service to system: examining organisational structures	16
Benefiting from integrated information technology	24
<b>4. Managing performance and reducing the data burden</b>	<b>29</b>
Managing performance	29
Reducing the data collection burden	33
<b>5. Reducing bureaucracy in key processes</b>	<b>37</b>
Call handling	38
Incident recording	38
Crime recording	38
Custody	44
Case building	51
Stop and search/stop and account	53
Domestic abuse	55
<b>6. Developing professional skills</b>	<b>56</b>
Focusing on continuous professional development	57
Understanding the skills gaps	58
Responding proportionately to risk	60
<b>7. Moving forward</b>	<b>64</b>
The role of the Reducing Bureaucracy Practitioners Group	65
Getting the message across	67
Next steps	67
<b>Appendices</b>	
1. Summary of recommendations	68
2. Review of progress against Sir Ronnie Flanagan's recommendations	72
3. Police Custody Processes Research (September 2009)	92
4. Consulting the Reducing Bureaucracy Practitioners Group	127
Glossary	130

## REDUCING BUREAUCRACY IN POLICING

JAN BERRY QPM FRSA BA

*INDEPENDENT REDUCING BUREAUCRACY ADVOCATE*



### Introduction

It is 12 months since I accepted the challenge to become the Reducing Bureaucracy in Policing Advocate, tasked to drive the recommendations set out in Sir Ronnie Flanagan's Review of Policing, to challenge the police service and government to remove unnecessary bureaucracy and to assist in tackling pervasive risk aversion.

Individually, and as a society, we could not function without some bureaucracy. But where the rules, processes, systems and structures become more important than what they are seeking to achieve, the balance is wrong.

I believe people join the police service to do the right thing and make a positive difference, but somehow the system manages to put obstacles and hurdles in their way. I know of no policy maker, politician, manager or supervisor who goes out of their way to cause unnecessary bureaucracy. But somehow many of the changes they implement – albeit in good faith – end up causing just that.

### ADDRESSING THE ROOT CAUSES

Clearly, we need to address the root causes of this rather than the symptoms. Too much paperwork is the result of unnecessary bureaucracy, not the cause.

In a world where trust is in short supply, bureaucratic demands are increasing, greater accountability is demanded and few are willing to take the risk of not conforming to rigid rules, **the fear and implications of getting it wrong are greater than the acceptable tolerances for getting it right.**

To reduce bureaucracy, therefore, there is a need to **rebuild trust**, make **rules more flexible**, and encourage a **proportionate, common sense approach** – one based on **integrity, ethical standards and professional judgement**. Some forces are already adopting such an approach; the challenge is for others to follow.

### A LONG-TERM CHANGE

This report seeks to set out a process of long-term, sustainable cultural change aimed at helping forces to do just this. At its core are the principles of continuous professional development. Being long term, the benefits will take some time to be realised and there is a need to maintain enthusiasm and motivation through shorter-term and more visible process and system changes – which is why I have also looked to identify specific processes where changes can be made more quickly. Indeed, some are already taking place: I have been heartened to hear front-line

officers remark that they are being encouraged to adopt a more proportionate response to resolving minor crime and disorder. Clearly, the message is beginning to get through.

Views from the front line are vital in this process. In all 17 forces I have visited, front-line officers know precisely what the causes of unnecessary bureaucracy are – and often know the solutions. They need buy-in and support from their senior officers to make the necessary changes (see Chapter 2). I am confident this can be achieved: in the same forces, I met Chief Officers and senior managers. All, together with the stakeholders I have met outside the police, share a desire to remove unnecessary bureaucracy.

### DEMONSTRATING THE BENEFITS

The challenge is to identify the benefits. I am wary about making claims of hours saved, forms removed, extra patrols, etc: such claims tend to mean little to the public and risk creating further unnecessary bureaucracy simply to demonstrate them. I believe forces instead need to tell a clear narrative about what has changed – what they are able to do now that they were unable to do before.

Alongside this, I recognise that a mechanism to calculate the impact of change in terms of cost, time, quality and morale would be useful, and am keen to work with the Association of Chief Police Officers and the Better Regulation Executive to establish such a mechanism.

The need to remove and reduce bureaucracy is an ongoing process: while much can be done to tackle existing bureaucracy, one of the long-term goals must be to ensure that future policy and process changes do not add to the burden. I cannot overstate the value of involving front-line staff early in policy development, where their experience is invaluable. At a national level, the Reducing Bureaucracy Practitioners Group (RBPG) provides a means for doing this: I would encourage all policy developers to utilise the experience of the group, and have therefore attached, at Appendix 4, a protocol for referral to the RBPG.

In preparing this report I am grateful to the RBPG, as well as my Staff Officer Joanne Wright, colleagues at the National Policing Improvement Agency and Home Office, and to Chris McEvoy and David Giles, whose wisdom, patience and support has been invaluable. I will publish a further short update report in February 2010 prior to a final report in the late summer of 2010.

I commend the report to you.



Jan Berry QPM FRSA BA

---

## Executive summary

This reducing bureaucracy report identifies and assesses key areas in policing that should be reviewed to enhance performance, streamline processes, and minimise waste across the 43 police forces of England and Wales. This goes beyond material inefficiencies and duplicated processes to less obvious problems with current systems and approaches, which together have progressively diluted individual police powers.

The report is divided into seven chapters which highlight the structural, procedural and cultural causes of unnecessary bureaucracy and recommend and promote possible steps to resolve them.

**CHAPTER 1** looks at the history of reducing bureaucracy in policing. I touch on several previous reports and reviews on the subject, paying particular attention to Sir Ronnie Flanagan's Review of Policing, and the progress of the recommendations he made.<sup>1</sup>

**CHAPTER 2** explores different business improvement models (BIMs), which have been developed to improve systems and processes in all organisations – including police-specific BIMs, such as Quest. It explains the need for a BIM that goes beyond simply 'mapping' systems and processes to deliver sustainable business improvement. I recommend the adoption of a systems approach and principles to channel knowledge from front-line officers and staff into individual and organisational improvement. This must be backed by proactive leadership that encourages a culture of continuous learning.

**CHAPTER 3** examines our current systems, in particular the criminal justice system (CJS), with a view to making them more effective. It recognises that, at present, we do not have a clear and obvious 'system', but rather a criminal justice process which the various criminal justice agencies and partners feed into. The chapter explores how partners across the CJS might find solutions, savings and system improvements through co-operation and agreement on progress towards their common goal. Operationally, it recommends that the component parts of the CJS agree on a complementary BIM and compatible, joined-up information technology.

In this chapter, I also look at the organisational structure within the police service, which is highly complex – particularly in respect of governance and accountability. I believe it is imperative that we have a service-led public debate to identify the optimum structure for policing, while an independent review clarifies the roles and responsibilities of each policing stakeholder. Without this, organisational overlap will continue, leading to duplication, inefficiency and waste.

---

<sup>1</sup> Appendix 2 provides a brief summary of the progress on each of his recommendations to date.

**CHAPTER 4** focuses on managing performance, and the need to refocus performance measurement on quality rather than quantity. It also highlights the scale of the data burden police forces now face. While performance measurement is important to understand policing demand and priorities, we have currently developed a target culture characterised by a 'what gets counted gets done' approach and unhelpful competition between forces rather than co-operation. Skills and resources are diverted to meet the quantitative requirements of arrest quotas, while the real problems of communities can be overlooked. The chapter identifies the 'Four Force Pilot', where officers are using professional judgement without worrying about performance indicators – and that have led to a marked rise in public confidence and satisfaction – as a positive way forward.

**CHAPTER 5** tackles the issue of process improvement. It looks at a number of specific policing processes, identified by officers, where bureaucracy has become excessive. These include the amount of data that must be recorded for crimes and incidents, as well as the increasingly convoluted custody process. As elsewhere in the report, the chapter argues for a more proportionate approach and a restored emphasis on core police skills such as case building.

This theme is picked up further in **CHAPTER 6**, which focuses on the skills gaps across the service, which are compromising the resilience of the service and leading to an unbalanced workforce mix. The chapter argues that, while modern policing requires a combination of generalists and specialists, the ratio has shifted erroneously towards an excess of single-function officers.

The target culture has added to the skills gaps, and has discouraged officers from proportionate responses and the use of professional judgement. The only way to properly address these problems is to judge officers by the quality of their decision making, and equip them with the core skills to make quality decisions. The chapter therefore sets out the need for a new emphasis on continuous professional development and performance review.

Finally, **CHAPTER 7** looks ahead to the next stages. In particular, it discusses the work of the Reducing Bureaucracy Practitioners Group, outlining its goals and the importance of effective communication, particularly at times when the service is not seeking to defend the indefensible.

# 1. History and context

This chapter summarises some of the previous work to reduce bureaucracy in policing. It demonstrates how those initiatives have informed the work in this report and also where progress to date has stalled.

1.1 The problem of unnecessary bureaucracy in policing has long been recognised, and over the last decade several major initiatives have focused almost exclusively on reducing it.

- In 2001, the Home Office commissioned PA Consulting to establish what is involved in a 'typical' shift of a police officer, with the goal of identifying where time could be freed up to be spent on reassurance policing. *The Diary of a Police Officer*<sup>2</sup> identified that officers typically spent 43.1% of their time in the police station and just 17% of time on reassurance policing, although this increased to nearly 60% at night. In particular, it identified 'the two main culprits' as 'the time taken to process prisoners and prepare prosecutions' and 'paperwork which the police must produce'.
- In 2002, a policing bureaucracy taskforce was established under the chairmanship of Sir David O'Dowd, former HM Chief Inspector of Constabulary, to reduce the bureaucratic burden and streamline processes. The taskforce made 52 recommendations for change and between 2002 and 2007, senior officers were seconded to the Home Office as Bureaucracy Champions to support forces implementing the recommendations.
- In 2007, Sir Ronnie Flanagan, then HM Chief Inspector of Constabulary, was appointed to undertake a targeted review of policing, which included the reduction of bureaucracy. Across an interim and final report, Sir Ronnie made a total of 59 recommendations, the vast majority of which relate to bureaucracy.



1.2 The similarities between the findings of both Sir David O'Dowd and Sir Ronnie Flanagan led some to conclude that little had been achieved. This may not be altogether fair, for several reasons:

- Some progress had been made, in issues such as procurement, call handling, remote access to information, ethical crime recording, alternatives to arrest, workforce mix, collaboration and partnerships.
- Not all bureaucracy is unnecessary. The police service is an accountable public body, so it has to record and, in certain circumstances, retain information.
- Reducing bureaucracy is a continuing and ongoing process. It is never finished, a little like painting the Forth Road Bridge.

<sup>2</sup> *Diary of a Police Officer*, Police Research Series, Paper 149, PA Consulting Group (Home Office, 2001).

- 1.3 These issues notwithstanding, progress has remained slow and more needs to be done. It is disappointing, for example, that only four of the recommendations made by Sir Ronnie Flanagan have – to date – been fully implemented:
- the Annual Data Requirement (ADR) (Recommendation 7 Interim Report) along with the National Indicator Set (Recommendation 18 Interim Report) have been reviewed and rationalised;
  - the requirement to provide activity-based costing (ABC) has been removed (Recommendation 8 Interim Report); and
  - Police Community Support Officer (PCSO) funding for 2008/09 has been ring-fenced (Recommendation 23 Interim Report).
- 1.4 Of the remaining recommendations: 8 are showing good progress, 36 are showing some progress, 7 are agreed in principle but are not being progressed at this stage, 1 is showing little progress, no action has been taken for 2, and for 1, no action is required. Appendix 2 provides an update on the progress of each recommendation.
- 1.5 When published, Sir Ronnie’s final report was warmly received by all parts of the police service, although it was recognised that implementing his recommendations would be a considerable challenge. The Parliamentary response was also positive, with all-party support for reforming working practices. The then Home Secretary promised:
- “new thinking on performance management from top to bottom of the police service; new attitudes to risk; new ways of working across the criminal justice system; and new technology to support the work of policing.”<sup>3</sup>**
- 1.6 While progress has been made, change of the nature proposed by Sir Ronnie is both long and short term. Tasks such as advancing the professional development of police officers and the roll-out of integrated IT systems and mobile data devices will take diligence, consideration and above all, time. However, 18 months on, greater urgency is required in some areas – particularly in terms of the development of a framework for decision making at a national, regional and local level, a cross-party debate on crime statistics and the review of the Integrated Competency Framework (ICF). All of these themes are picked up later in the report.
- 1.7 In my interim report,<sup>4</sup> I acknowledged the level of activity across government and policing to reduce bureaucracy, but also highlighted the need to ensure that improvements are properly collated, evaluated and implemented across the service. With that in mind, this report sets out proposals to amend key processes identified by front-line officers as being overly bureaucratic. These include crime recording, custody, case building and call handling.

<sup>3</sup> The Secretary of State for the Home Department (Rt Hon Jacqui Smith), Hansard, Column 1140, 7 February 2008.

<sup>4</sup> *Reducing Bureaucracy in Policing: Interim report*, Jan Berry QPM (Home Office, February 2009).

- 1.8 But, as the slow progress on many of the broader recommendations illustrates, these specific process changes alone will not resolve the issue of unnecessary bureaucracy. Instead, there needs to be a bigger process of transformational change, which is described in the next chapter.
  - 1.9 This will be more of a marathon than a sprint. A cultural change needs to be embedded into the 'DNA' of the service, so that the level of bureaucracy becomes proportionate to the task. This is not a one-size-fits-all approach, but is instead about giving officers a decision-making framework and the personal skills to respond to the context in which they find themselves.
-

## 2. Targeting sustainable business improvement

This chapter focuses on the need for actions to reduce bureaucracy to be placed within the context of a broader approach to sustainable business improvement and cultural change. It argues for the adoption of a common business improvement model across policing: a systems approach that understands and reflects customer and stakeholder demand, encourages proactive leadership, incorporates front-line experience and removes over-working and duplication.

- 2.1 The need for police forces to do more with less and continuously improve how they work has never been greater. As well as meeting specific economic and performance targets – of which more later – there is a clear need to rebuild trust and confidence in policing, to refocus policing on the problems that communities face and give those communities the assurance that a proportionate response is being taken. This was highlighted by the then Home Secretary in her foreword to the Policing Green Paper in July 2008:<sup>5</sup>

**“We will step away from centralised performance management, and set only one top down national target for police forces – to deliver improved levels of public confidence.”**

- 2.2 This is a similar challenge to that faced by many private and public sector organisations over recent years, where it has led to the increased use of established business improvement models such as Total Quality Management (TQM), the European Foundation for Quality Management (EFQM), Best Value,<sup>6</sup> Toyota Production System (TPS),<sup>7</sup> Process Re-engineering<sup>8</sup> and Six Sigma.<sup>9</sup> Some of these seek to drive down costs, and others to be customer led, improve performance, build capacity or increase efficiency. Some focus on transactional (process) change, while others encourage a more transformational (cultural) shift.
- 2.3 A number of these improvement programmes have been adopted in policing, with various levels of success. One of the best known is Quest, a Home Office sponsored process improvement programme adapted for use in the police service. Fourteen forces have, to date, participated in the Quest programme, which has been run jointly with the consultancy firm KPMG.

### THE IMPACT OF QUEST

- 2.4 Quest aims to manage cost, provide value for money and deliver economies of scale by systematically bringing together front-line practitioners, senior officers and specialist consultants to work as a team. The team uses its combined experience to identify inefficiencies in key systems and processes, and to acquire skills and techniques to prioritise and develop improved ways

<sup>5</sup> *From the Neighbourhood to the National: Policing our communities together*, Policing Green Paper (TSO, July 2008), p3.

<sup>6</sup> Best Value arrangements are designed to secure continuous improvements, balancing quality and cost.

<sup>7</sup> Designing waste out.

<sup>8</sup> An approach to efficient and effective business process improvement.

<sup>9</sup> A business improvement process.

of working, removing wasteful practices. Good practice is shared with other forces through a Quest Academy.

- 2.5 Many of the techniques used in Quest are developments of the principles associated with 'lean',<sup>10</sup> and evidence shows it has helped forces improve operational processes such as call handling, incident management, crime recording and defendant management. In particular, it has helped to:
- reduce unnecessary deployment;
  - increase the detection of offences;
  - improve response times; and
  - deliver a more proportionate response to incidents.
- 2.6 Responsibility for the development of Quest is in the process of moving from the Home Office to the National Policing Improvement Agency (NPIA).

### THE LIMITATIONS OF QUEST AND OTHER MODELS

- 2.7 Business improvement needs to be sustainable; it is an ongoing journey, with the model and processes continuously being adjusted after learning what works and what doesn't.
- 2.8 The principles of Quest are sound but I have concerns about its sustainability in its current form for two reasons:
- Additional central funding is unlikely to be available: forces will therefore need to underwrite any associated costs themselves.
  - Quest has, to date, focused on processes that can deliver impressive statistical 'savings'; it has not concentrated on end-to-end system improvement.
- 2.9 In taking Quest forward, there is a danger that forces will seek to apply a few 'lean' tools and techniques to produce impressive short-term results, instead of seeking sustainable, continuous improvement and a true cultural shift.
- 2.10 Quest, like other models, typically involves mapping processes within a single department and seeking ways to improve them. But mapping individual processes does not necessarily lead to knowing a system or understanding what is driving demand or causing waste. Rather than the clinical measurement and review of single functions, there needs to be a commitment to considering how entire systems and processes flow.
- 2.11 Put in a policing context, this means understanding the interdependencies between different tasks. Receiving a telephone call, deploying officers, making an arrest, completing a crime report, taking a statement, interviewing a witness or suspect and building a case file are all individual processes, but

<sup>10</sup> Lean is an approach designed to eliminate waste from production activities. *Beyond Toyota: How to root out waste and pursue perfection*, J.P. Womack and D.T. Jones (Harvard Business Review, 1996).

they are inextricably linked. While there is value in seeking to reduce the bureaucracy involved in each, there is greater value in seeking to understand how they create and increase bureaucracy together: where is effort duplicated? How many times is information handled? Does cutting time in one area simply mean more time taken in another?

- 2.12 Unless the system and processes are reviewed continuously as one, Quest – like any other business improvement model – risks becoming a red herring: systems and processes may become a little leaner in the short term, but bad habits will quickly re-emerge.

### ADOPTING A SYSTEMS APPROACH

- 2.13 It is in response to this, therefore, that I believe police forces – and the police service as a whole – need to adopt a systems approach. That means looking at systems as a whole rather than one part at a time, to identify interdependencies across and within the system, understand why systems do not flow and plan to remove blockages. This would provide a more sustainable model for long-term business improvement.

- 2.14 The systems approach should be built around the following principles:

<b>Demand</b>	Knowing and fully understanding what is required and expected from customers and stakeholders.
<b>Design</b>	Designing against demand only, and designing quality in, rather than 'inspecting' it in.
<b>Leadership</b>	Clearly communicating purpose, with consistent messages and principles that enable staff to do the right things to fulfil that purpose, and creating new frameworks that allow staff to design new principles (using their discretion).
<b>Empower staff</b>	Adopting a true team approach to support continuous development.
<b>Flow</b>	Developing smooth end to end systems without waste.
<b>Measurement</b>	Measuring against purpose (for example, improved service, increased capacity, reduced cost, or improved morale).
<b>Continuous improvement</b>	Never stopping learning or reviewing.

---

### Recommendation

1. All forces should implement a 'systems thinking' sustainable business improvement model which understands customer and stakeholder demand, designs against demand, encourages proactive leadership, incorporates front-line experience, develops smooth end-to-end processes, removes over-working and duplication, constructively challenges the status quo and adopts a culture of continuous learning and change.

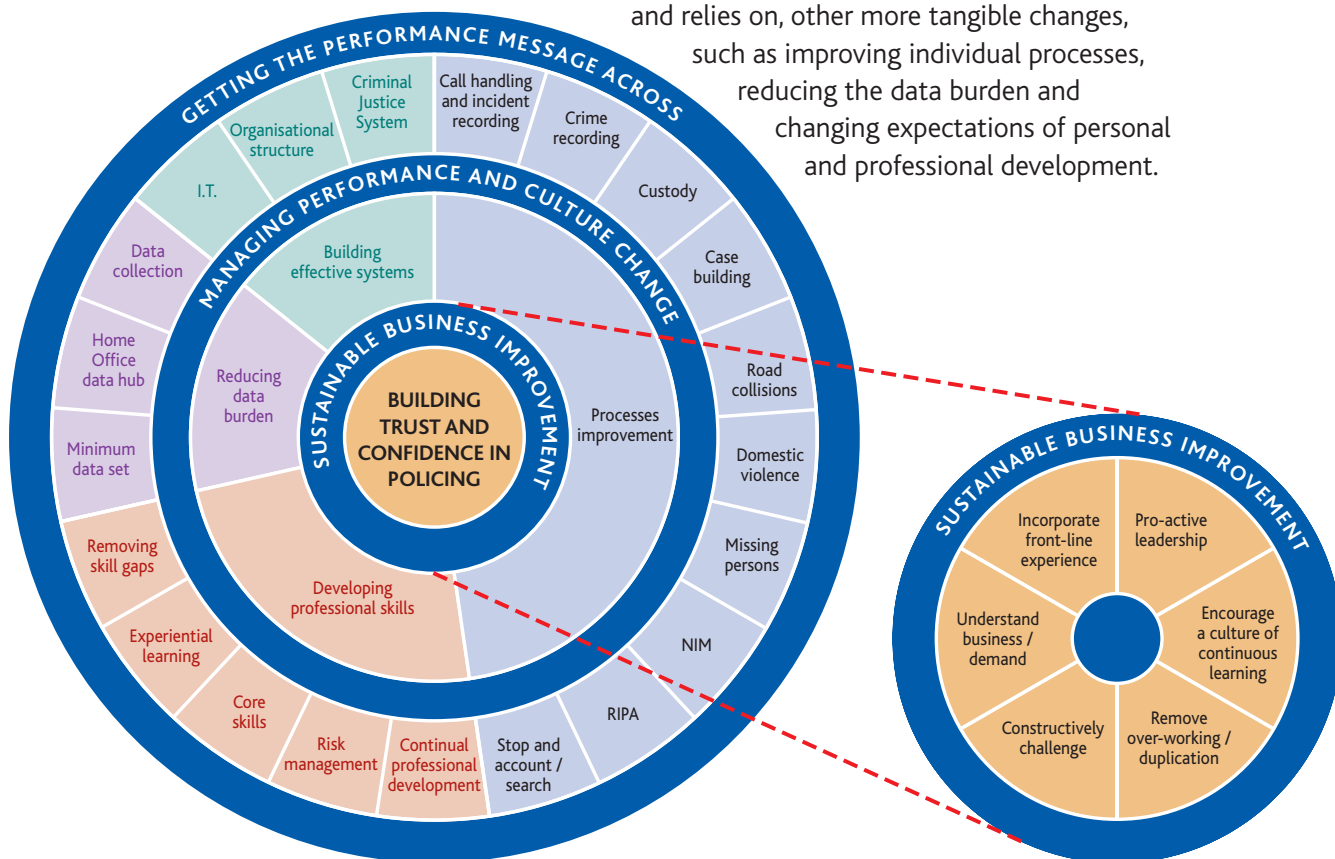
## MAKING THIS MODEL WORK

2.15 Several forces are already adopting a systems approach; I am conducting a small research project to chart the progress of improvement programmes, which I will report on in my next report. This underlines a key point: that while all forces need to evolve and change, they are at different stages and have differing needs and capabilities. A critical advantage of a systems approach is that it will work in all these situations, supporting short-term process improvements alongside long-term cultural and structural change.

### *Roles and responsibilities*

- 2.16 To make this model work, there needs to be clear commitment across the police service and other stakeholders.
- Police authorities are in a strong strategic position to support the adoption and development of a systems approach to sustainable business improvement. Reference should be included to plans and progress in annual business plans.
  - As the NPIA takes on responsibility for the promotion and development of Quest, it will need to support forces to develop their capability to incorporate a systems approach to business change. This may include producing national standards and creating new training and development programmes.
  - Her Majesty's Inspector of Constabulary (HMIC) should inspect the progress made by forces adopting sustainable business improvements principles.
- 2.17 Finally and crucially, the role of leadership here cannot be overstated. The best leadership teams constantly but constructively challenge purpose, processes, products and systems, and recognise that improvement is a continuous process.
- 2.18 What is clear is that Quest, like other business improvement models, depends on the combination of front-line and senior officers working effectively together. If senior officers do not fully buy in to the process, and/or fail to utilise front-line experience, no model will be sustainable.

2.19 The diagram below shows how the systems approach places sustainable business improvement through building trust and confidence at the very core of policing. It illustrates the way this approach relates to, and relies on, other more tangible changes, such as improving individual processes, reducing the data burden and changing expectations of personal and professional development.



Recommendations
2. Police authorities should support the development of a systems approach within their jurisdiction. They should be required to provide details of progress in their annual business plans.
3. The National Policing Improvement Agency should incorporate a systems approach to sustainable business improvement in its suite of national standards, with an agreed, challenging but achievable timescale.
4. Her Majesty’s Inspectorate of Constabulary should include the progress made by forces in adopting sustainable business improvement principles as part of its inspection criteria.

### 3. Building effective systems

This chapter takes the systems thinking outlined in Chapter 2 and begins to apply it to some of the key challenges that affect all police forces and the police service as a whole. It looks at:

- the need to make the criminal justice system (CJS) operate more as a system;
- the organisational structure of the police service today, and particularly its lines of governance and accountability; and
- the ongoing issue of IT and interoperability.

In each case, it highlights how the existing systems and structures do not flow effectively, resulting in more duplication, overlapping responsibility, and more handling and handing on of information – in short, unnecessary bureaucracy.

#### CREATING A TRUE CRIMINAL JUSTICE SYSTEM

“The word ‘system’ in the expression ‘criminal justice system’ is misleading. There is no ‘system’ worthy of the name, only a criminal justice process to which a number of different government departments and agencies and others make separate and sometimes conflicting contributions.”

Lord Chief Justice Auld<sup>11</sup>

- 3.1 These words, written by Lord Auld in his 2001 *A Review of the Criminal Courts of England and Wales*, ring just as true today. The term ‘system’ suggests something highly rational, carefully planned, co-ordinated, and regulated. The CJS, comprising the police, the Crown Prosecution Service (CPS), Her Majesty’s Courts Service (HMCS) and the National Offender Management Service (NOMS), is far from that.
- 3.2 Although a certain amount of rationality does exist, and ‘can do’ people endeavour to work in a more collaborative manner, a strategy should be developed to transform the criminal justice process into an effective criminal justice system. Focusing on identifying and removing unnecessary bureaucracy in the way the system operates will not only increase capacity and capability in all parts of the CJS, but will also help put victims and justice first.

#### Recommendation

5. A strategy should be developed to transform the criminal justice process into an effective criminal justice system.

<sup>11</sup> *A Review of the Criminal Courts of England and Wales*, p315 (Ministry of Justice, September 2001).

- 3.3 To achieve this requires:
- a common purpose;
  - a shared business improvement model; and
  - compatible IT.

**Common purpose**

3.4 While I respect the independence of the component parts of the CJS, I believe that for the system to function effectively, individual agency interests must be set aside to ensure that the justice system works as such from the perspective of those it is intended to serve.

3.5 The purpose of the CJS is:

**“to deliver justice for all, by convicting and punishing the guilty and helping them to stop offending, while protecting the innocent. It is responsible for detecting crime and bringing it to justice; and carrying out the orders of court, such as collecting fines, and supervising community and custodial punishment.”<sup>12</sup>**

3.6 This could be presented more succinctly: at root, the purpose is to ‘reduce crime, prevent reoffending and reduce the prison population’. By putting it in these terms, it is easier for all parts of the system to work towards and actively promote the common purpose, which could then be reinforced by compatible and complementary performance frameworks across the whole CJS – something that is not currently the case in practice.

3.7 In developing such performance frameworks, care must be taken to ensure that the guiding principles are justice and the needs of victims – not simple, easy-to-count measures. For example, while numbers of crimes, arrests or convictions are informative, there is a danger that, by looking at these alone, the measure becomes the target. This is discussed further in Chapter 4.

Recommendations
6. All component parts of the criminal justice system should adopt and actively promote the common purpose: ‘reduce crime, prevent reoffending and reduce the prison population’.
7. Compatible and complementary performance frameworks should be developed and published by all local criminal justice partners.

<sup>12</sup> Aims and objectives of the criminal justice system, [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk).

### *A shared business improvement model*

- 3.8 Criminal justice partners are already working together to improve individual systems and processes, making the CJS more effective and efficient. Current initiatives include:
- Streamlined Process;
  - Postal Requisition;
  - Integrated Prosecution Teams;
  - Virtual Courts;
  - Electronic File Build; and
  - Updating the Manual of Guidance.
- 3.9 At the interface between the police and the CPS, the Association of Chief Police Officers (ACPO) and Director of Public Prosecutions (DPP) are developing joint performance standards and delivery measures for the statutory charging process. Such standards are welcome and should add value to the decision-making process. However, it is crucial that they do not apply a 'one size fits all' approach. Instead, they should:
- recognise levels of complexity;
  - specify areas and levels of responsibility; and
  - agree timelines for advice.
- 3.10 Despite these activities, however, no jurisdiction has examined and reformed the whole of the system collectively. In 2001, Lord Auld identified the need for a more unified response, pointing out that the way information flowed through the justice system was largely dictated by the structure of each department and agency rather than by the purpose of the system as a whole. This largely remains the case and given the central role justice plays, the level of scrutiny it is placed under, and its potential for unnecessary bureaucracy, should be addressed.

#### Recommendation

8. There should be a holistic review of the criminal justice system (CJS) as part of the strategy to turn the criminal justice process into an effective system. Additionally, consideration should be given to implementing a common business improvement model across the CJS based on the systems approach.

*Reaping the benefits of compatible IT*

- 3.11 To help the system work as such, and to ensure that the CJS reaps the benefits of new technologies, an integrated and compatible IT system is required. There is no technical reason why such a capability could not or should not be developed. It would take a number of years, and the commitment of all parties, but, in the meantime, and to further increase the efficiency and effectiveness of the CJS as a whole, arrangements should be put in place to enable **as a minimum** the electronic transfer of files across the whole of the CJS. This is already being piloted between the police and the CPS in a few areas.

**Recommendation**

9. A system for the electronic transfer of files, already being piloted between the police and the Crown Prosecution Service, should be rolled out across the whole of the criminal justice system.

- 3.12 Other initiatives that could be expanded – depending upon further research and evaluation – are Integrated Prosecution Teams and Virtual Courts.

*Leading the way: the Office for Criminal Justice Reform*

- 3.13 The Office for Criminal Justice Reform (OCJR) is the cross-departmental group that supports criminal justice agencies to work in partnership. For the OCJR to be successful, it requires the co-operation of all parts of the CJS. While business plans and policy statements appear to set a joined-up agenda, this does not always happen in practice. The OCJR, supported at a national level by the National Criminal Justice Board (NCJB) and at a local level by Local Criminal Justice Boards (LCJBs), must take a leading role in bringing together the disparate parts of the system to develop a more collaborative approach.

**FROM SERVICE TO SYSTEM: EXAMINING ORGANISATIONAL STRUCTURES**

- 3.14 As set out in Chapter 2, a systems approach that looks at the whole picture is essential to identifying and reducing unnecessary bureaucracy. Over recent years, the organisational structure of the police service has been largely unchanged: there remain 43 autonomous forces, each with its own Chief Officer and police authority. However, these forces have been increasingly required to support each other when demand dictates.
- 3.15 At the same time, there has been a proliferation of national bodies with responsibilities for operational delivery, governance, accountability and support (see box opposite).

## POLICING STAKEHOLDERS – A PARTIAL LIST

Association of Chief Police Officers	Local Criminal Justice Boards
Association of Police Authorities	Ministry of Justice
Attorney General	National Audit Office
Audit Commission	National Crime Reduction Board
Basic Command Unit	National Criminal Justice Board
Commanders	National Policing Board
Chief Officers	National Policing Improvement Agency
Communities and Local Government	Office for Criminal Justice Reform
Crime and Disorder Reduction Partnerships	Police Authorities
Criminal Justice Partners	Public
Health and Safety Executive	Regional Government
HM Treasury	Serious Organised Crime Agency
Home Office	Surveillance Commissioners
Independent Police Complaints Commission	Welsh Assembly and Audit Office

3.16 As a result, the overall structure of policing has become increasingly complex, particularly as new demands and initiatives often subtly alter it.

3.17 I believe the following:

- The structure of policing needs to be determined by its purpose, recognising that this will continually evolve to respond to changing needs.
- To enable information and intelligence to flow, the tiers of policing (local, cross-border and national) need to be fully integrated, with systems and processes that encourage mutual support and co-operation rather than unhealthy competition.
- Accountability across the police service is essential, but it must be transparent and proportionate to the risk.

The next few pages look at these issues in turn.

### ***Collaboration and beyond: the structure of policing***

3.18 Following the 2005 HMIC report *Closing the Gap*,<sup>13</sup> the Home Office proposed a reduction in the number of police forces and the development of strategic forces. The proposals were deferred for further consideration in July 2006 and there currently appears no political appetite to discuss the optimum structure for policing in England and Wales.

<sup>13</sup> *Closing the Gap: A review of 'fitness for purpose' of the current structure of policing in England & Wales*, Denis O'Connor CBE QPM (HMIC, September 2005).

- 3.19 With mergers off the agenda, forces instead have been encouraged to collaborate more, for both financial and operational reasons. Today, there are hundreds of collaborations in place and successful examples are emerging in areas such as back office, training, protective services, IT and cross-border operations. Counter-terrorism units have also been established in key areas.
- 3.20 While collaboration can bring benefits, it is important that such projects do not create additional bureaucracy, particularly in terms of collecting, collating and passing information to partners.
- 3.21 In setting up collaborations, there is a need to ensure that responsibility and accountability are clear and that the status of the collaboration as a legal entity is in place. Collaborations should not be seen as an alternative to force mergers: when you cannot distinguish the separate entities, more consideration should be given to the appropriate structure.
- 3.22 Crime and Disorder Reduction Partnerships (CDRPs) were introduced by the Crime and Disorder Act 1998 to work collaboratively on the needs of communities and neighbourhoods. They require the police to work with the local authority and other partners in each area to resolve local problems.
- 3.23 In some areas, these partnerships have proved extremely effective in resolving local problems, particularly where 'can do' people rise above structural obstacles. In others, however, parochialism takes hold. Care must be taken when identifying the needs of the communities, and in not overly relying on pre-arranged meetings, which are rarely attended by hard-to-reach groups.
- 3.24 The integration of neighbourhood policing with local neighbourhood management has the potential to deliver improved partnership working and to reduce bureaucracy. Total place pilots have been implemented but have yet to be evaluated.<sup>14</sup>
- 3.25 Within the policing context, neighbourhood policing does not stand alone. It needs to be fully integrated with protective services and with cross-border and national responses to provide efficient and effective policing. The question is how to do this: simply closing off debate about force mergers is not sufficient.

---

<sup>14</sup> Total place is a cross-government initiative examining how services at a local level can work more effectively together, identifying and removing duplication of effort alongside understanding and sharing costs.

### Recommendations

10. A public debate should be held to consider the optimum structure for efficient and effective policing in England and Wales, building on the neighbourhood policing model and specifically identifying those areas requiring a national and/or cross-border response.
11. The legal obligations and responsibilities of collaborative arrangements and collaborative partnerships should be reviewed and made explicit.

### *Leadership and governance*

- 3.26 Unlike health, there is no 'National Police Service' and no overall 'Commander-in-Chief', other than the 'rule of law'. This situation has not happened by accident. The political independence of policing and the operational independence of Chief Officers have been fought over for many years, making the structure and governance arrangements more complex.
- 3.27 While I would defend the operational independence of Chief Officers, there is a need to review what is meant by 'operational independence' in a modern policing environment and to ensure that this independence does not add unnecessary bureaucracy and defeat the purpose of delivering safety and security.

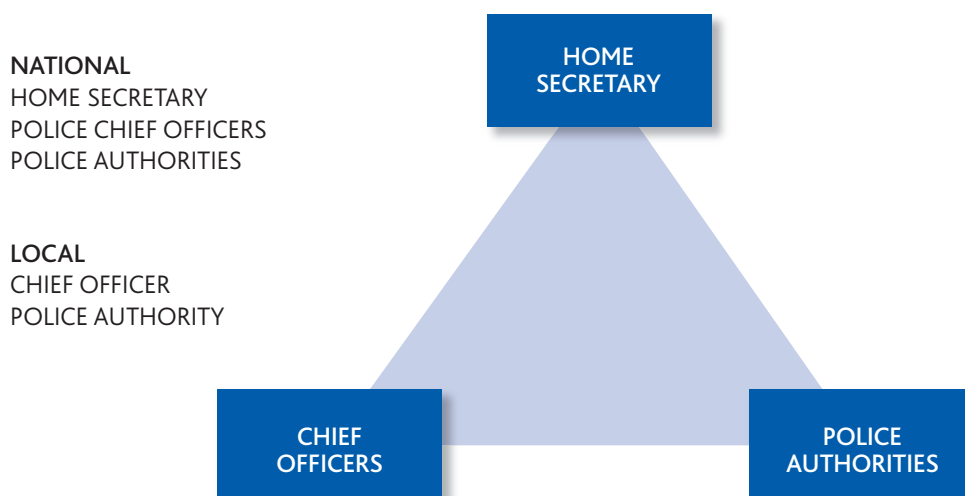
### Recommendation

12. There is a need to review what is meant by the 'operational independence of police' in a modern policing environment.

- 3.28 The governance of policing is shared in a **tripartite arrangement** (see overleaf), establishing, at least on paper, a 'separation of power' to protect against any 'abuse of authority'. In practice, control has gradually been drawn to the centre through a number of legislative changes<sup>15</sup> (setting of policing objectives, performance targets, codes of practice, minimum national standards and policing plans), but accountability and responsibility for delivery remain largely at a local level.

<sup>15</sup> Police Act 1964, Police and Magistrates' Courts Act 1994, Police Act 1996, Police Reform Act 2002, Serious Organised Crime and Police Act 2005, and Police and Justice Act 2006.

3.29 While the tripartite governance arrangement predominantly operates at a national level, it is partially replicated at a local level.



3.30 The governance roles and responsibilities of the tripartite partners (Home Secretary, ACPO and the Association of Police Authorities (APA)) are set in statute. However, alongside this there are several other bodies – such as the NPIA, HMIC and some of the other stakeholders identified on page 17 – with different statutory responsibilities and priorities. This has served to muddy the waters. Further, in 2006, the Home Secretary established the National Policing Board (NPB) as a non-statutory body to strengthen the governance of policing in England and Wales.<sup>16</sup>

3.31 Sir Ronnie Flanagan's review<sup>17</sup> recognised that '... much has been done by the individual bodies... to clarify their roles and to avoid duplication of effort'. But his words from 2008 are still true today: 'I remain unconvinced that the police service is clear on the various distinctions of role.'

3.32 He recommended that the Home Office, HMIC, ACPO, APA and NPIA should clarify and redesign roles and responsibilities to remove duplication and sharpen incentives and accountability for performance and productivity.

3.33 The Policing Green Paper published in July 2008<sup>18</sup> provided the Government's response. It acknowledged that 'the current arrangements are less than ideal' and proposed 'a new model for decision making, based on clear principles, [which] will clarify when it is right for decisions to be made at the national, regional and local level'. Within this, it saw 'a stronger role for the National Policing Board'.

<sup>16</sup> The NPB is made up of senior officials from the Home Office, ACPO, APA, HMIC, the Serious Organised Crime Agency and NPIA. It is chaired by the Home Secretary.

<sup>17</sup> *The Review of Policing: Final report*, Sir Ronnie Flanagan (HMIC, February 2008), p17.

<sup>18</sup> *From the Neighbourhood to the National: Policing our communities together*, Policing Green Paper, (TSO, July 2008).

- 3.34 However, the debate on this new model, and agreement on the appropriate level for making each decision, does not appear to have taken place. This has resulted in a level of inertia. The required debate should be held as a matter of urgency. We need to clarify where decisions are taken, policy is made and responsibility sits.
- 3.35 While this is a subject for further discussion with all partners, I would advocate the following principles:
- policy development should be co-ordinated more effectively to better align resources and prevent unnecessary bureaucracy;
  - the Home Office must ensure that its organisational structure does not retain a 'hands on' approach; and
  - decisions should be taken as close as possible to where the impact of the decision will be felt. It would be unhelpful if decision making at a national level took the form of micro-managing the police service from Whitehall.
- 3.36 Given the complexity of the debate, it is important to establish the appropriate forum for it. The Policing Green Paper suggests that the NPB has developed into the main national forum for tripartite discussions on policing. While the NPB may be a suitable debating chamber, there are times when strategic **decisions** need to be taken at a national level. The NPB has no statutory authority, and although it is attended by both ACPO and the APA, neither would be truly in a position to commit the organisations they represent. As a result, the NPB could be left in limbo.
- 3.37 Statute already enables the Home Secretary, '... in the interests of promoting the efficiency and effectiveness of policing',<sup>19</sup> to set standards and require forces to follow them.
- 3.38 However, statute makes no provision for sanctions to be applied if a force chooses not to adopt the standard(s). As a result, no matter how much consultation takes place, the resulting frameworks and standards could still be ignored or only partly adopted. While the Government is reluctant to mandate, preferring voluntary adoption, there comes a time when, in the interests of efficiency and effectiveness, such requirement must be mandated and forces told the implications of non-compliance.

---

<sup>19</sup> The Police Authorities (Particular Functions and Transitional Provisions) Order 2008.

*Accountability and bureaucracy*

"At present, we have the worst of all worlds: muddled if non-existent accountability in regard to the criminal justice system across the board; new forms of partnership working, without clarity as to who carries the can for what..."

"... there is a need to urgently sort out who is accountable and responsible for what..."

Former Home Secretary, David Blunkett<sup>20</sup>

- 3.39 I believe there is a very real danger that accountability in policing demands more than it delivers. This is not to infer that accountability is not necessary: it clearly is, with public money being expended and public safety and security at risk. But with five key stakeholders making up the NPB, plus a number of other national and local organisations all playing a central role in the accountability of policing, the question needs to be asked: how is such a multiplicity of accountability managed and at what point does it become counterproductive?
- 3.40 Accountability must be transparent and proportionate to the risk. Individually, each of the organisations referred to on page 17 may be able to justify the purpose for which it was established and the reason the police should be accountable to it. But collectively, this level of overview and scrutiny of policing has become counterproductive.
- 3.41 The duplication and overlap identified feed directly into the performance landscape (see Chapter 4). Chief Officers refer to numerous inspections and audits, with one force reporting more than 20 separate inspections. Each inspectorate operates with its own bureaucracy: each places a burden on forces to provide data and information and not infrequently requires the data in slightly different formats.
- 3.42 HMIC holds a statutory duty to act as a robust gatekeeper for all inspectorates, auditors and commissioners, to reduce the burden on forces. While these inspections and audits need to be robustly and proactively managed and co-ordinated to prevent unnecessary bureaucracy, there is also a need to stand back and review the impact of the whole accountability landscape.

#### Recommendation

13. An independent review should be commissioned to identify organisational overlaps that result in the duplication of effort across and between the functions, accountabilities and responsibilities of partners at a national level.

<sup>20</sup> *A People's Police Force: Police accountability in the modern era*, Rt Hon David Blunkett MP (July 2009).

### *Reforming force-level structures*

- 3.43 Just as the wider service needs to be structured appropriately to meet the needs of policing today, so do individual forces. It is a matter for individual Chief Officers how each force is structured and organised, but it is clear that as policing demands change and expectations increase, internal structures should be realigned.
- 3.44 In recent years, policing has become more specialist. Teams and squads have been established to respond to different government initiatives. But while they have helped meet specific targets, the increasing numbers of specialist departments (burglary squads, robbery squads, neighbourhood teams, prolific offender teams, anti-social behaviour squads, proactive and reactive teams, drugs squads, fraud squads, vehicle squads, etc) also have the potential to add bureaucracy at each interface and create departmental insularity, where departments need to demonstrate success to survive.
- 3.45 There is a clear need for specialist skills in a number of sensitive and complex areas of policing. But today, the deployment of police resources has moved from a ratio of approximately 80:20 in favour of core policing to a ratio of 20:80 in favour of specialist skills/departments. As well as the creation of additional bureaucracy, this has a number of consequences:
- responsibility for the policing mission becomes disjointed;
  - sophisticated communication and effective interpersonal skills are required just to share information and intelligence; and
  - resilience is reduced: with an increasing proportion of officers in specialist single-function roles, the ability to redeploy to core policing tasks when needed for emergencies or major events is removed.
- 3.46 These problems have been recognised by Avail Consulting in an interim report for the national Workforce Modernisation (WFM) programme, *Resilience within a modernised workforce*.<sup>21</sup> The WFM programme is built on the premise that ‘... a more efficient and effective workforce can be created and... officers... freed up to use their powers, skills and training where most needed’.<sup>22</sup> However, as indicated in Chapter 6, officers need to gain experience in practical situations incrementally to become proficient and confident.
- 3.47 WFM assumes that police officer roles should be restricted to those where police powers are a necessary functional requirement. It will be important for this assumption to be thoroughly reviewed and tested in the full evaluation of the pilot and demonstration WFM sites.

<sup>21</sup> NPIA National Workforce Modernisation Programme: *Resilience within a modernised workforce – an interim report*, Avail Consulting (March 2009).

<sup>22</sup> <http://police.homeoffice.gov.uk/human-resources/efficiency-and-productivity/workforce-modernisation-programm>

***Bureaucracy in action: meeting structures***

3.48 As a simple demonstration of the way bureaucracy has grown with different teams and roles, below is a list of meetings within many police forces today:

- chief officer team;
- gold group;
- planning;
- people group;
- citizen focus;
- neighbourhood policing;
- performance management;
- heads of department;
- project boards;
- programme boards; and
- National Intelligence Model (NIM) – Tasking and Co-ordination.

The sheer volume, time, cost and duplication involved is difficult to justify.


**Recommendation**

14. Forces and police authorities must review and rationalise meeting structures to remove duplication and optimise time.

**BENEFITING FROM INTEGRATED INFORMATION TECHNOLOGY**

3.49 Integrated and compatible IT has been identified as a policing necessity – and a cross-CJS necessity – for many years. The underlying aim is deceptively simple: an IT system that better links the entire CJS, from arrest to disposal through court, to prison and on to probation.

3.50 While essential to an effective CJS, integrated IT cannot be achieved overnight. One obvious reason is that, historically, there has been a fragmented approach to IT: at present, the police service has the Information Systems Improvement Strategy (ISIS), the CPS has Compass, courts have Libra, and prisons will have C-Nomis. But the landscape is more complex still: within police IT alone, different forces use different systems. Despite assurances and an apparent desire to deliver joined-up and compatible IT, few national programmes have been successful in terms of delivering a product that is ‘fit for purpose’, on time and within budget.

- 3.51 With an increasing requirement for (and reliance on) partnerships and collaborations, the need for compatible and integrated IT systems has become an imperative. At root, the requirement has four components:
- reliable information when and where needed;
  - single sign-on;
  - the ability to search across systems; and
  - a requirement to enter information once only.
- 3.52 It is important to underline that, while IT can help rationalise current processes and improve efficiency, it should not be classed as the glue that holds systems and processes together. Common purpose and values are the central principles that provide this cohesion.

### *Making ISIS work*

- 3.53 ISIS, which is being managed by the NPIA, has the potential to achieve many of the desired goals. ISIS aims to improve the efficiency of police IT systems, provide joined-up modern technology and enable information to be shared within communities, specifically through GIS crime mapping.
- 3.54 Rather than try to deliver one system across 43 police forces and associated agencies, ISIS is developing a set of national standards that IT systems should meet. The standards rightly include single-entry data input and single sign-on, requirements around compatibility and flexibility, and the ability to expand. All of these will be welcomed by front-line officers, who frequently battle to have use of a computer, get frustrated by having to input the same information on numerous databases and need to remember numerous passwords, which, for security reasons, need to be changed on a regular basis.
- 3.55 ISIS will promote a champion/challenger system where, when forces replace or purchase new IT systems, two or three champion products that are fit for purpose and ISIS compliant will be recommended. Forces should work with the ISIS programme and use champion products unless there are sound reasons not to, or a considerably improved product becomes available to challenge the recommendation.
- 3.56 ISIS plans to move towards a high degree of convergence and a national IT infrastructure by 2015. This is a challenging but achievable timetable, and promises a number of benefits. As well as improved interoperability, it should significantly reduce costs. Across policing, £1.2 billion is spent every year on IT: estimates suggest that ISIS could cut as much as 15% to 20% off this.
- 3.57 There have been a number of false starts for national IT programmes in policing, so the police service will understandably need to be reassured that ISIS can deliver what is promised. But to realise and maximise the benefits,
-

the police service as a whole (including Chief Officers in particular) will need to embrace ISIS and its governance arrangements and make compatible local investment decisions.

- 3.58 It is important to understand why previous attempts to achieve IT compatibility have not succeeded, and why forces have decided not to follow national guidelines. Quality of product, timeliness of delivery and cost are all factors, as is the fact that forces are at different stages of IT development: for some, the national requirement may be considered a retrograde step.
- 3.59 But, equally, vested interests, the operational independence of Chief Officers and, on occasion, the 'not invented here' mentality can all result in forces going their own way. This cannot be allowed to happen with ISIS. I do not believe I am overstating the position: if one force is out of step with the others, the whole system falls.
- 3.60 In my interim report, I recommended that the Home Secretary mandate forces to implement ISIS standards. I welcome the changes proposed in the Policing and Crime Bill that enhance the powers of the Secretary of State. However, I would encourage the Home Secretary to give further thought to what sanctions might be imposed if forces decide not to comply with any mandate.

#### Recommendation

15. The consequences of failing to adopt national IT standards should be made explicit.

- 3.61 ISIS will also need to 'future proof' the service. New technologies are continually being developed: 43 forces acting independently, modifying or enhancing IT with shifting priorities, new laws, demands, policies and practice is not cost effective and cannot be justified. Priorities must be agreed, which will again require buy-in from forces.

#### *Realising the potential of mobile data*

- 3.62 Mobile technology has the potential to provide officers with immediate access to a range of tools and data without having to return to the station. For anyone looking to reduce the burdens of bureaucracy, clearly this is of enormous interest.
- 3.63 Over the last two years, the Home Office has invested £80 million providing approximately 27,000 mobile data units to front-line officers. While the underlying technology is now available, at present not all forces are able to make full use of this, which will restrict benefits. As a result, it is important not to overstate what the devices will achieve: claims such as promising that officers will save '30 minutes per shift' are as yet hard to prove, particularly as at this stage, most front-line officers do not have units that allow them to access the full range of databases and operational systems.

- 3.64 At this early stage, forces will benefit from reviewing and getting processes right before applying them to the mobile data platform. Otherwise, they run the risk of adding to, rather than removing, unnecessary bureaucracy. The perspective of the front-line officer on how mobile data can assist them to undertake their role is invaluable.
- 3.65 Beyond local processes, there are some broader issues that will need to be considered to maximise and realise the full potential of mobile data applications. These include:
- the extent and admissibility of digital evidence;
  - the legal requirement for 'wet signatures';
  - the admissibility of video evidence as evidence of complaint; and
  - the requirement for print-outs where electronic transfer can be used.
- 3.66 I will be considering this further with key stakeholders, and will include the findings in my next report.
- 3.67 While the Home Office has provided the up-front funding for many of the mobile units in use today, concerns have been raised about ongoing and maintenance costs. These will be recurring costs, and forces will need to make adequate provision. In the meantime, the NPIA should continue to keep its options open regarding the range of devices it supports: both hand-held devices and laptops can provide operational benefits.

#### ***Progressing towards the Police National Database***

- 3.68 The Police National Database (PND) has been in development for a number of years. Its aim is to enable officers to access the information held by other forces – the benefits of which are well documented. Like other aspects of police IT, the success of the PND depends on forces' willingness to share information effectively. It is crucial that all forces adhere to the standards and requirements.

#### ***Joining up IT across the criminal justice system***

- 3.69 As indicated earlier in this chapter, work to improve police IT is only part of the challenge: the CJS as a whole would also benefit from joined-up, integrated and compatible IT.
- 3.70 Whether it is a police officer on the beat, a victim or witness, a Crown prosecutor, the defence solicitor, the magistrates' clerk or the High Court judge, end users require fundamentally the same thing: the right information, at the right time and the right place, to make the right decision. These same people are now very used to being able to access and act upon information remotely in other fields, such as banking. Unsurprisingly, they are increasingly underwhelmed by the inability of the CJS to provide this.

- 3.71 There are many initiatives within policing and the CJS that are successfully streamlining, rationalising and improving working practices. Initiatives such as electronic file builds, digital interview recordings, voice recognition technology, use of collaborative space and Virtual Courts show great promise. Where evaluation shows they add value in the widest sense of the term, they should be supported and promoted as good practice across policing and the wider CJS.
- 3.72 In Lord Auld’s 2001 report, he recommended an integrated IT system for the whole CJS, and outlined an implementation programme. The business case and arguments remain as relevant today: if his proposals had been acted upon, the CJS could now be benefiting from such a system.
- 3.73 While large government IT programmes do not enjoy a good press, there have been a number of successes. Though rarely publicised, these should provide the framework and confidence for future projects.

#### Recommendation

16. Recommendations 137, 138 and 139 of Lord Auld’s report should be reviewed with a view to agreeing in principle to work towards integrated and compatible IT capability across the whole of the criminal justice system.<sup>23</sup>

<sup>23</sup> *A Review of the Criminal Courts of England and Wales*, Lord Justice Auld (Ministry of Justice, September 2001).

## 4. Managing performance and reducing the data burden

This chapter examines the current police performance landscape. It looks at the different performance targets police forces have set themselves and been set, and how these have too often led to unnecessary bureaucracy and data collection. Above all, it argues for a new performance culture focused on outcomes rather than outputs.

### MANAGING PERFORMANCE

- 4.1 A police officer responsible for a problem estate spent six months addressing the root causes of crime and anti-social behaviour. The officer identified problem families, gangs, juveniles and individuals, and, working with the local authority and other partners to understand the community, took appropriate and proportionate action to solve problems. He used Anti-Social Behaviour Orders (ASBOs), Anti-Social Behaviour Contracts (ABCs) and parental orders, as well as other creative approaches. The result was a 90% reduction in crime and disorder on the estate. After six months of this intense, community-focused, problem-solving policing, the officer was rewarded with criticism for not meeting personal arrest targets!
- 4.2 This story reflects the unwanted consequences of the current police performance landscape. Forces have to meet a wide range of targets and goals from organisations as diverse as HM Treasury, the Home Office, ACPO, NPIA, HMIC, the Audit Commission and the Prime Minister's Delivery Unit. These organisational targets and goals are then turned into targets and goals for individuals.
- 4.3 Clearly, performance measurement plays an important role in being accountable. It helps us to understand policing demand, set priorities, and identify what works. But to a large extent, this has resulted in a culture of 'what gets counted gets done'. Where new measures are created, the goal is that they are easy to count and easily quantifiable. As is highlighted in various parts of this report, this sometimes leads to counterproductive behaviours (see Chapter 5, paragraphs 5.33, 5.38, 5.41, 5.42, 5.62 and 5.103) – and worse still, the systems and processes which are established to support the performance framework themselves create additional levels of bureaucracy.
- 4.4 The landscape is further complicated by the fact that data is collected at three different levels: national, force and partnership level. Performance measures created in partnerships with different agencies are particularly complex, where different agencies' priorities are at variance. This links to the question of how partnerships are held to account and who is accountable.

- 4.5 The Home Office has sought to simplify the performance landscape, replacing a suite of targets with one 'top down' target to signpost a move towards building trust and confidence. Each force has been set a target of increasing confidence in its service by 15% by 2012.
- 4.6 However, underneath this one measure, there are still a number of indicators and targets included in Public Service Agreements, Local Area Agreements, Local Policing Plans, the Policing Pledge,<sup>24</sup> Analysis of Policing and Community Safety (APACS), LCJB Delivery Plans and different government initiatives. Despite assurances, it is disappointing to note that reference is still being made to a requirement to maintain Offences Brought to Justice (OBTJ) figures in official documents. OCJR itself has recognised the need to refocus away from this one-dimensional performance target. This is welcomed, and should be demonstrated in the next OCJR Business Plan.
- 4.7 Following this simplification, the publication of *The New Performance Landscape for Crime and Policing*<sup>25</sup> is helpful, particularly in the description of roles and responsibilities. However, it would benefit from a diagram that:
- demonstrates the full performance landscape;
  - identifies the relationships and interdependencies between all components and stakeholders; and so
  - enables the identification and removal of counterproductive elements and duplication.



### Recommendation

17. A diagram should be produced that demonstrates the full performance landscape, identifying the relationships and interdependencies between all components and stakeholders and enabling the identification and removal of counterproductive elements.

- 4.8 Despite some progress at the political level, feedback from officers at focus groups and the Reducing Bureaucracy Practitioners Group (RBPG) has highlighted little knowledge of the new 'trust and confidence' agenda. Instead, in many places target-driven, easy-to-count, quantitative measures remain in place.
- 4.9 To take one example, forces have recently been inspected by HMIC to assess their compliance with the Policing Pledge. The Pledge was introduced in 2008 to provide local residents with assurances about the level of service they can expect from their police service. One of the measures HMIC adopted referred to the visibility of neighbourhood policing teams – something hard to demonstrate. So a number of forces sought to measure this by counting the number of community contacts, meetings attended, leaflets handed out,

<sup>24</sup> Under the Policing Pledge, introduced in 2008, all forces are expected to publish the standards of service communities can expect from their local police.

<sup>25</sup> *The New Performance Landscape for Crime and Policing* (Home Office, July 2009).

etc. Not only does the creation of this data cause unnecessary bureaucracy, taking time to complete (approximately one hour at the end of a shift) which could be spent on patrol, but it also makes no assessment of the outcome of the transaction.

- 4.10 The result? Something intended as a 'quality of service' initiative becomes another quantitative one!
- 4.11 While there are always exceptions, there is a reluctance among many supervisors and senior managers to move away from the security of a quantitative performance culture: the newly introduced 'trust and confidence' is seen as too vague to tackle.

#### Recommendation

18. Performance frameworks need to be realigned to recognise outcomes as opposed to outputs, removing an over-reliance on quantitative rather than qualitative indicators.

- 4.12 The performance culture referred to here and elsewhere in this report can also result in Chief Officers viewing success as being in the upper quartile of a league table, and driving behaviours to deliver this. Sadly the laws of vested interests and survival of the fittest lend themselves to competition rather than co-operation, sharing, supporting and complementing each other. Somebody always has to come 43rd.
- 4.13 If initiative, discretion and professional judgement go unrecognised it will remain an uphill struggle to change mindsets to achieve a more risk-tolerant, proportionate response. Officers dealing with local crime should use professional judgement to resolve minor issues and not be dragged into decision making based on a number-crunching performance culture.

#### *Learning from the 'Four Force Pilots'*

- 4.14 In the 'Four Force Pilots',<sup>26</sup> an initiative that emerged from recommendation 21 of Sir Ronnie Flanagan's final report, officers have been encouraged to use their professional judgement to differentiate between serious and local crime, without worrying about performance indicators or arrest quotas. The focus is on responding to public need, and the pilot encouraged the use of appropriate alternative community resolutions.
- 4.15 For example, following vandalism at a church, the youths responsible were required to write and personally deliver letters of apology to the vicar and assist with 'odd jobs' at the church. There are a number of other examples where minor damage to property has been repaired by the culprits. This approach has led to a rise in public confidence in each of the areas.

<sup>26</sup> *Review of Policing: Final Report*, Sir Ronnie Flanagan (HMIC, February 2008), and see Appendix 2.

- 4.16 But to build on this approach, there needs to be more detailed recognition of how calls to police are concluded. For example, the use of 'out of court disposals' for recorded crimes must itself be recorded, as there will be no incentive to use professional judgement and problem-solving techniques if recognition continues to be given only to those areas more easy to count.

#### Recommendation

19. Consideration should be given to how credible, alternative resolutions can be recognised within local and national performance frameworks.

#### *Measuring trust and confidence*

- 4.17 On the face of it, improving trust and confidence in the police appears to be the right approach. However, the challenge is how to assess it, as it is inevitably subjective.
- 4.18 In measuring public trust and confidence, therefore, three issues need to be taken into account:
- the number of surveys collecting trust and confidence data;
  - the large variation in results from what purports to be the same question; and
  - who is responsible for the outcome, particularly where the survey incorporates more than one partner.
- 4.19 There is a danger that the public will get increasingly frustrated at the number of surveys they are being asked to participate in. There are two key steps here: first, the number of surveys and opinion polls across the CJS and individual CDRPs should be rationalised, and secondly, care must to be taken to ensure the surveys are not overly bureaucratic.

#### Recommendation

20. The number of surveys and opinion polls across the criminal justice system and Crime and Disorder Reduction Partnerships should be rationalised.

- 4.20 The issue of variation in results is often an indicator of survey techniques, saying more about methodology than performance. Aware that forces were conducting their own confidence and satisfaction surveys, the Home Office has set a minimum technical requirement (MTR) which will enable a level of consistency and comparability at a local level.

### *The benefit of measuring performance through staff surveys*

- 4.21 One of the most important ways for police officers to measure performance is through staff surveys. The personal experience of officers speaks volumes on all kinds of issues, for example to assess what progress has been made to reduce bureaucracy in areas such as performance reporting.
- 4.22 Not only will this enable forces to establish a benchmark against which to measure progress, it will also help identify priorities for further action.
- 4.23 For example, the following sample questions could be adopted:

In the last 12 months, has the level of unnecessary bureaucracy:

- increased significantly;
- increased slightly;
- decreased slightly; or
- remained largely the same?

In the last 12 months, which of the following has made the biggest impact on reducing unnecessary bureaucracy?

- increased opportunity to use professional judgement;
- Streamlined Process;
- removal of requirement to record full details for stop and account;
- completion of activity analysis forms (activity-based costing); or
- provision of mobile devices.

#### Recommendation

21. Forces should ask questions about bureaucracy in staff surveys to establish a benchmark against which they can judge progress and identify priorities for further action.

## REDUCING THE DATA COLLECTION BURDEN

- 4.24 The reduction of data collection is a cross-government requirement. In February 2009, Sir David Normington, Permanent Secretary at the Home Office, published his report *Reducing the Data Burden on Police Forces in England & Wales*. In it, he set a target of reducing the data burden by 50%: following his proposals, he believed that a third would be removed straightaway, reaching 50% over the long term.

## WHY DATA IS COLLECTED BY POLICE FORCES

- national statistics and public information
- analysis of demand
- accountability
- policy making
- performance management

4.25 I commend Sir David's encouragement to forces and police authorities to carry out similar reviews. This should be formalised into a positive duty placed on police authorities.

### Recommendation

22. A positive duty should be placed on police authorities to ensure that data collected by forces is necessary, not duplicated, adds value and is collected in the least bureaucratic way.

4.26 I particularly welcome Sir David's comments regarding the need to scrutinise more robustly new and ad hoc requests for data collection and setting a two-year moratorium on new requests. I was pleased to join his Gateway Group to critically assess any urgent new data requests.

### *Taking a proportionate approach*

4.27 The new Home Office Data Hub, which is currently being tested, has the potential to significantly reduce the burden on forces sending data to the centre. The data hub will collect crime and HR records from force IT systems on a regular basis, replacing the need for Annual Data Requirement (ADR) returns from forces and providing more detailed information for analysis at the centre. But ease of collection should not be the guiding principle for collection: we should also ask whether all this data is actually needed.

4.28 It is sometimes difficult to judge this, and in a risk-averse service there is a tendency to collect everything 'just in case'. While this is frequently blamed on government departments, forces are equally culpable, adding their own requirements at nearly every level. One Chief Officer estimated that at least 30% of the information collected was locally driven and added no value because it was collected elsewhere.

4.29 Throughout this report, I am arguing for a greater sense of proportionality, and this applies equally to data collection. Every request for data has a consequence: this needs to be taken into account **before** making the request. Forces need to be far more radical in their determination to rid themselves of unnecessary data collection.

#### Recommendation

23. Forces should undertake a robust data review to eliminate all unnecessary data requirements.

#### *Reducing the burden on the front line*

4.30 The demand for data inevitably hits front-line officers hardest. While there is an overriding need to understand demand at a local level, and accurate data is essential to this, too much of the data being collected is to demonstrate performance rather than explain demand. I have been shocked by the number of ad hoc performance-related forms which officers are expected to complete that have been introduced by forces for 'internal use only'.

4.31 Where information is required, either at a national or local level, officers need to appreciate its purpose and understand how the information is being used.

4.32 There has been progress. The removal of the requirement to complete activity-based costing, together with changes to stop and account and stop and search forms, have the potential to reduce unnecessary bureaucracy for front-line officers. However, not all forces have informed front-line staff of the change in requirements and continue to collect the data. I appreciate that some forces required time to make the necessary technological changes, while others wished to consult with local communities first. But the delay in making changes which would allow officers to make informed professional judgements about what information to collect appears overly risk-averse.

#### *Agreeing a minimum data set*

4.33 There is an ongoing need to share information across forces and with partner agencies. But currently, this is not done proportionately. In particular, different forces use different forms for the same process, meaning that duplicate data is often collected just to make sure the necessary paperwork is complete.

4.34 The benefit of standardising common forms and processes has been recognised in a number of official reports,<sup>27</sup> and work has been undertaken previously to standardise key forms, including those for case building (Manual of Guidance (MG) forms), domestic abuse, missing persons and Regulation of Investigatory Powers Act 2000 (RIPA) forms. Despite agreement in principle, however, this has not led to the anticipated reduction in bureaucracy, as

<sup>27</sup> See particularly Recommendation 5 of Sir Ronnie Flanagan's interim report and Recommendation 10 of his final report (Appendix 2).

standard forms have not been passed into common use. As Sir Ronnie Flanagan pointed out, this should be rectified before the introduction of standard IT systems and mobile devices across all forces.

4.35 The RBPG identified ten key police processes (with associated forms) where there is no operational benefit to be gained from local variation, and which would not conflict with the need to develop a more proportionate and bespoke response. The next step is to construct a minimum data set for these processes, which will ensure that the same core data is collected in each instance, while controlling bureaucracy and tackling risk aversion. Members of the RBPG are now in the process of constructing a minimum data set for the following standard forms:

- missing persons;
- domestic abuse;
- crime recording; and
- general MG forms.

4.36 Once the minimum data sets have been established, they should be used alongside the ISIS programme to build compatible IT systems.

---

## 5. Reducing bureaucracy in key processes

While other chapters focus on long-term cultural change, this chapter looks at shorter term process change to reduce bureaucracy. It considers ten processes that front-line officers and staff have identified as being over-bureaucratic and recommends specific steps to reduce bureaucracy.

- 5.1 Throughout this report, I have argued that, to reduce bureaucracy and fulfil the goal of increasing trust and confidence in the police service, there is a need for long-term cultural change. We need a police force that is empowered to take a more proportionate approach to the issues it faces and that strives for continuous improvement and efficiency.
- 5.2 Such a change will take time. There is a need, therefore, to maintain buy-in, enthusiasm and motivation through shorter term and more visible process and system change. I have worked with front-line officers and staff to identify ten key processes which they believe are unnecessarily bureaucratic. These are:
- call handling;
  - incident recording;
  - crime recording;
  - custody;
  - case building;
  - stop and search/stop and account;
  - domestic abuse;
  - missing persons;
  - road collisions; and
  - the National Intelligence Model.
- 5.3 With the support of the RBPG, I have looked at each of these processes and identified priorities for immediate analysis. In some areas – including the last three on the list above – initiatives are underway to reduce bureaucracy, which will be reported on in greater detail in future reports.
- 5.4 Over the next few pages, this report looks at the major causes of unnecessary bureaucracy within the top seven processes, and suggests ways to make them more effective by identifying and removing unnecessary bureaucracy.
-

### CALL HANDLING

- 5.5 A number of forces have now reviewed call handling, with initiatives such as Quest enabling forces to improve call grading, encourage telephone resolutions where appropriate and schedule appointments. This not only increases customer satisfaction, but also reduces bureaucracy.
- 5.6 However, it remains clear that the first contact is, more often than not, the most important. Get it wrong, and things become ever more difficult to put right.
- 5.7 Call handling therefore must be kept under ongoing review to remove overly bureaucratic practices. The most effective way of improving it has been encouraging and empowering front-line staff to develop solutions to problems.

### INCIDENT RECORDING

- 5.8 Front-line officers have expressed concern that the introduction of the National Standard for Incident Recording (NSIR) creates unnecessary bureaucracy.
- 5.9 The principle of NSIR, that there is a need to fully understand local problems, is sound. But I have concerns that the incident recording standard is too complex. A review of NSIR is taking place, and the Home Office has agreed to reduce the requirement to submit incident data on a monthly basis, replacing it with a single annual return. I support these developments and would also add that in the review of NSIR, consideration should be given to removing Section 5 from the list of notifiable offences. This is discussed in more detail in paragraphs 5.38 and 5.39.

### CRIME RECORDING

- 5.10 The crime recording system in England and Wales is reportedly the most sophisticated in the world. What is unclear is whether this is a strength or a weakness. For the year 2009/10, Home Office Counting Rules set 1,391 'notifiable' offences. Forces are required to produce returns of crimes recorded to the Home Office based on 151 groupings of these offences – many of which are rarely recorded and not all of which are reported to or recorded by the police.
- 5.11 Accurate and trusted crime records and statistics are necessary not only to underpin the legitimacy of policing but also to enable effective resource allocation. However, unnecessary bureaucracy is caused when the systems for recording crime become inefficient. Recording crime should not receive more attention than the subsequent investigation.

***Building trust and confidence in crime statistics***

- 5.12 Trusted and accurate crime statistics are a key component of building confidence in policing and the CJS. But to achieve these goals, the statistics themselves must be understood, as the Statistics Commission pointed out:

**"The Home Office should provide additional support ... to help the public better understand the improvements to recorded crime statistics brought about by the introduction of the NCRS, but at the same time, make clear the fundamental limitations and volatility of all recorded crime statistics, based as they are on legal definitions and counting rules that change over time."**<sup>28</sup>

- 5.13 While the Home Office has tried to build this understanding, a more proactive and informative approach is needed on an ongoing basis, rather than to support the publication of official statistics. In particular, the Home Office and forces need to explain differences between official statistics and local crime information.
- 5.14 Local crime mapping is improving but has a long way to go. In September 2009, the NPIA launched an online national crime mapping system, incorporating basic local crime mapping information from each force. The recommendations made by Louise Casey to make information about local crime more accessible and available to communities<sup>29</sup> should be acted upon in creative informative ways.
- 5.15 While crime is recorded by individual forces, official statistics are collated and published nationally by the Home Office. The Statistics Commission and others considered whether this responsibility should be passed to an independent third party, something I too have reflected on. However, a separation already exists – at least in theory – between Home Office statisticians and policy makers. Moreover, there are new arrangements for publishing official statistics through the National Statistics Publication Hub,<sup>30</sup> which acts as a guarantee that the statistics have been produced in accordance with the Code of Practice for Official Statistics.
- 5.16 Despite this, the question remains whether this technical separation provides the necessary public trust and confidence. I am aware that the UK Statistics Authority is currently undertaking a review of the barriers to trust in UK crime statistics, and plans to meet with officials to share views.
- 5.17 For now, I believe it is too early to make a judgement on the effect of the new arrangements for statistics, and instead believe this should be kept under review.



<sup>28</sup> *Crime Statistics: User Perspectives*, Report No 30 (Statistics Commission, September 2006), p31.

<sup>29</sup> *Engaging Communities in Fighting Crime: A review by Louise Casey* (Cabinet Office, June 2008).

<sup>30</sup> The National Statistics Publication Hub is the central website for signposting all first releases of national statistics and a small number of other statistics. Any statistics published there have achieved the quality mark which demonstrates that the statistics have been produced in accordance with the Code of Practice for Official Statistics and are free from political influence.

*Taking a fresh look at the National Crime Recording Standard*

- 5.18 The National Crime Recording Standard (NCRS) and Force Crime Registrars were introduced in 2002 with the aim of recording crime in a more victim-focused way, and providing greater consistency between forces. However, many believe the NCRS has caused unnecessary bureaucracy. It is therefore important to take a step back to consider whether the NCRS meets its purpose.<sup>31</sup>
- 5.19 Where a crime is reported, it should be recorded accurately so that an appropriate and proportionate investigation can be undertaken. At a strategic level, there is also a need to identify future policy or law requirements. Clearly, then, there is a need to record crimes consistently and accurately: a burglary should be categorised in the same way wherever it is committed. The NCRS is designed to ensure this.
- 5.20 As statistics have become more important, counting rules have become increasingly bureaucratic to prevent 'creative accounting'. Inspections focus on compliance with the standard – which is easy to assess – instead of looking at the outcome, or quality of investigation.
- 5.21 A further problem is highlighted in the way that crime statistics, made up from records of crime, are subsequently used. There is a need to separate, or at least recognise the difference between, a record of a crime having being committed and a performance indicator. For example, the recently announced investigation into how allegations of rape are recorded and investigated by police will need to consider whether any tendency not to record is related to the level of evidence believed necessary to prosecute offences in court.
- 5.22 There is also an issue of timing. The NCRS requires crimes to be recorded 'at the earliest opportunity', but allows up to 72 hours for this. In some forces, crime is recorded on the first call; others use all or part of the '72-hour rule'. Such a difference calls into question the value and reliability of comparing levels of crime between forces.
- 5.23 Timing is typically related to the availability of technology and internal force processes. A few forces allow officers to input information directly via personal digital assistant (PDA) or laptop. However, most require officers to 'phone in' information to another member of staff who enters it on the crime system. Previous reducing bureaucracy reports<sup>32</sup> promoted this process, as it reduced the need for officers to return to the station to record crime. With the growing availability of mobile technology, however, this practice should be reviewed. Excessive handling of information causes additional bureaucracy and takes time and resources (approximately 15 minutes per phoned-in crime).

<sup>31</sup> There is a difference between the NCRS and Counting Rules, which have built up over 30 years to enable consistent classification of offences. The Home Office Counting Rules provide a national standard for recording and counting notifiable offences recorded by police forces in England and Wales (known as 'recorded crime'). The Rules were revised to take account of the NCRS.

<sup>32</sup> Policing Bureaucracy Taskforce (2003).

5.24 Recognising the need for reliable information and data, I have committed to further research into different recording practices to review the bureaucratic impact. Where appropriate, additional recommendations will be made in my next report.

#### ***Proportionate crime recording and investigation***

5.25 There are two bureaucracy-related problems specifically associated with crime recording. The first relates to recording the same level of detail, irrespective of the seriousness of the crime. The second relates to how the information is subsequently used and the effect this can have on recording practices, particularly where judgements are called for in determining how to classify the type of crime.

5.26 The solution to the former is to encourage more proportionate recording of crime as discussed below. However, the solution to the latter is more difficult and is inextricably linked to the performance culture discussed in the previous chapter.

5.27 The Four Force Pilot<sup>33</sup> provides important evidence here. A key part of the initiative is that officers are encouraged to use professional judgement within a risk-based framework, differentiating between serious and local crime. An aide-memoire has been provided to officers in order to assist decision making (see below).

<b>Applying Professional Judgement</b>
<p><b>Applying force policy to:</b></p> <ul style="list-style-type: none"> <li>– Serious violence</li> <li>– Serious crime</li> <li>– Child protection offences</li> <li>– Vulnerable adult offences</li> <li>– PPO, PYO, ASBO, VISOR</li> <li>– Domestic abuse</li> <li>– Repeat victim/offender relationship.</li> </ul>
<p><b>Careful consideration and justification is required before professional judgement can be applied:</b></p> <ul style="list-style-type: none"> <li>– Neighbourhood priority</li> <li>– Repeat victim</li> <li>– Risk of escalation</li> <li>– High community impact</li> <li>– History of offender</li> <li>– Hate crime and racial offences.</li> </ul>
<p><b>Discretion can be applied if officer chooses:</b></p> <ul style="list-style-type: none"> <li>– The officer is confident in taking responsibility for applying their professional judgement</li> <li>– An effective resolution has been identified and is achievable</li> <li>– Risk, vulnerability and public interest have all been considered and consequences assessed</li> <li>– Use of a resolution option is the proportionate and appropriate option</li> <li>– Application of a resolution option enables a common sense solution and will be effective in resolving the problem, minimising the risk of reoccurrence.</li> </ul>

<sup>33</sup> Proportionate Crime Recording and Investigation Pilot undertaken in Leicestershire, Staffordshire, Surrey and West Midlands police forces from 2007 onwards.

- 5.28 For example, two 15-year-old boys get involved in a fight on the way home from school. Both receive cuts and bruises, the police are called and both boys make allegations against the other. However, there are no witnesses and neither boy has been in trouble before.
- 5.29 The NCRS requires a crime record to be completed for each 'victim'. But with no witnesses, it is unlikely that any prosecution will take place and the police will be left with two undetected crimes – even though they know who has committed each one.
- 5.30 Under the Four Force Pilot, however, officers are able to use their own judgement to deal with the situation in a proportionate way. The amount of information they have to record is minimised. This not only reduces bureaucracy, but also increases public satisfaction, in line with other evidence that appropriate and proportionate informal resolutions for minor local crime and disorder can be productive in the longer term.
- 5.31 With local crime making up approximately 70% of all recorded crime, the potential to create increased capacity is significant. In the pilot, unproductive enquiries have been reduced, the amount of detail on local crime reports rationalised – and officer enthusiasm has soared.
- 5.32 Interestingly, some forces appear reluctant to adopt this initiative due to the impact on performance indicators and particularly in the number of 'detected offences'. This is further evidence of the issues outlined in Chapter 4 about how a performance culture can lead to perverse incentives. Proportionate crime recording in line with the Four Force Pilot has the potential to increase public confidence and satisfaction and restore officer discretion and professional judgement. It should therefore be formally recognised as good practice, promoted and introduced across all forces.

#### Recommendation

24. Proportionate crime recording, in line with the Four Force Pilot, should be formally recognised as good practice, promoted and introduced across all forces.

#### *Reducing confusion about violent crime*

- 5.33 One of the biggest areas of complexity in crime recording and statistics is in the area of violent crime. Currently the level of violent crime is categorised, calculated and published in at least four different ways, with the type of violence involved ranging from murder to threatening behaviour. Forces can thus achieve reductions in violent crime on paper simply by selecting different charging practices, without any visible difference in behaviour on the streets.

- 5.34 The result of this is confusion about the real level of violent crime – which adds indirectly to the fear of crime and so affects trust and confidence.
- 5.35 This is not a new issue. In 2006, the Statistics Commission recommended that the Home Office should ensure 'a clear distinction between crimes that involve violence in the commonly accepted use of the term and other incidents that are currently grouped as violence'.<sup>34</sup> Sir Ronnie Flanagan also commented on this issue, saying: 'The Home Office should re-define violent crime to include only those crimes which actually cause physical injury or where the threat to inflict such injury is likely to frighten a reasonable person.'<sup>35</sup>
- 5.36 He went on to recommend 'a non-party political but truly cross-party debate to inform a revision of recorded crime statistics, particularly in the areas currently designated as violent crime'.<sup>36</sup> Brief discussions with members of the main political parties suggest there is an opportunity to make progress on this.

#### Recommendation

25. An all-party debate on recorded crime statistics should be conducted, particularly in the area of violent crime, with a view to agreeing a single definition of violent crime.

- 5.37 Among the many issues here, there are two specific problems I would like to see considered:
- the impact of making offences under Section 5 Public Order Act notifiable; and
  - the inconsistency between recording and charging standards, specifically in the area of assaults.
- 5.38 In 1998, offences under Section 5 of the Public Order Act 1986 (using threatening words or behaviour) were added to the list of notifiable offences.<sup>37</sup> This means that a crime report must be completed which, depending on the definition, may add to the level of violent crime. However, 'drunk and disorderly' – which often has very similar characteristics to a Section 5 offence – is not a notifiable offence and so is never classed as violent crime. By charging offenders with drunk and disorderly offences, as opposed to Section 5 offences, violent crime can be statistically reduced.
- 5.39 Notifiable offences were intended to be the most serious offences: while Section 5 offences are clearly evidence of anti-social behaviour and need to be firmly policed, they should not be classed as violent crime.

<sup>34</sup> *Crime Statistics: User Perspectives*, Report No 30 (Statistics Commission, September 2006), p31.

<sup>35</sup> *Review of Policing: Interim report*, Sir Ronnie Flanagan (HMIC, September 2007), Recommendation 3.

<sup>36</sup> *Ibid*, Recommendation 4.

<sup>37</sup> Notifiable offences cover a wide range of offences from murder to minor theft and are published nationally as police recorded crime statistics.

### Recommendation

26. Consideration should be given to the removal of Section 5 Public Order Act 1986 offences from the list of notifiable offences.

- 5.40 Associated with the need for a single definition of violent crime (see above) is the need to review the related legislation. Assaults and similar acts of violence are currently dealt with under the Offences Against the Person Act 1861. Written for a different era, this legislation would benefit from a fundamental review – not least because in practice there is often a significant difference between the strict interpretation of statute law for recording purposes (under the NCRS), the offence for which an accused may be charged and the subsequent court outcome.
- 5.41 To take a simple example: an 18-year-old youth is assaulted and suffers a broken nose.
- According to the NCRS and the letter of the law, this could be recorded as grievous bodily harm (GBH) with or without intent.
  - In practice, it is more likely to result in an offender being charged with actual bodily harm (ABH) or but more probably common assault.
  - In court, the offender may be bound over to keep the peace.
- 5.42 Dependent on their role in the process, those involved can be left confused, victimised or with a successful prosecution. Aside from the question of how effectively the victim is placed at the centre of the justice system, a gap is formed between the letter of the law and its suitability for modern policing and justice. It also highlights the need to better align the NCRS and charging standard with court outcomes.

### Recommendations

27. A review of the Offences Against the Person Act 1861 should be undertaken to assess whether it remains fit for purpose.

28. A clear and precise relationship needs to be developed between recording and charging standards, specifically in the area of assaults.

## CUSTODY

- 5.43 As mentioned in my interim report, front-line officers have identified the custody process as particularly bureaucratic. To understand why, and explore how the process could be improved and possibly standardised, a small, discrete piece of research was commissioned to establish how the process operated in practice and whether the Director of Public Prosecutions'

*Guidance on Charging*<sup>38</sup> were being interpreted accurately and consistently. The research was undertaken by Inspector Joanne Wright, Norfolk Constabulary (Staff Officer to Jan Berry), Lindsay Wilson, Consulted Ltd. (seconded to the Home Office to support Reducing Bureaucracy work) and David Evans from the Crown Prosecution Service (CPS), all of whom brought different perspectives and experience.

- 5.44 When reviewing the custody process for unnecessary bureaucracy, account must be taken of the environment in which the process takes place, alongside legal, safer detention, case building and accountability requirements. It is also important to acknowledge that different forces adopt different working practices in custody suites.

#### *Understanding the custody process and key roles*

- 5.45 In addition to the arresting officer and/or investigating officer, there are a number of roles involved in the custody process. Some are required by law, while others have been introduced over time to enable the process to operate efficiently and effectively. Whether this delivers efficiency and effectiveness in the long term is an interesting question.
- 5.46 Within the custody process, there are several key functions. These include:
- authorising detention;
  - booking in;
  - ongoing risk assessment,
  - care of the prisoner;
  - managing the investigation; and
  - charging.
- 5.47 For the process to be effective, there needs to be clarity over who is responsible for each of these functions.
- 5.48 Legally, the **Custody Officer**<sup>39</sup> is personally responsible for authorising detention, safer custody and, in certain circumstances, determining the charge. By law, this responsibility cannot be devolved. Custody Officers must satisfy themselves that they are in a position to make the right decisions on detention and related safety issues, and ensure there are legal grounds for the arrest and that the arrest was necessary.
- 5.49 While these responsibilities are specified in law, Custody Officer training focuses almost entirely on safer custody. This is clearly important, but so are ensuring that legal responsibilities are met and that systems and processes are not overly bureaucratic. With that in mind, training for Custody Officers should better balance safe detention with other key skills, such as the legal and procedural requirements and guidance on how to liaise effectively with the CPS.

<sup>38</sup> *The Director's Guidance on Charging* (Crown Prosecution Service, February 2007).

<sup>39</sup> Section 36 (3) of the Police and Criminal Evidence Act 1984 (PACE) defines a Custody Officer as a police officer, not below the rank of Sergeant.

## Recommendation

29. A national training programme should be developed for Custody Officers which better balances the safer detention of prisoner requirements with legal and procedural requirements and enables the Custody Officers to liaise effectively with the Crown Prosecution Service.

- 5.50 Over the last seven years, two new roles have been introduced to reduce the administrative burden on the Custody Officer and ensure that investigations and case files are of the right standard.
- **Dedicated Detention Officers**<sup>40</sup> (DDOs) provide essential support and assistance in custody suites, including fingerprinting, photographing, recording details of the detainee for the Custody Officer to 'sign-off', and looking at the welfare needs of prisoners.
  - **Evidence Review Officers** (EROs) were introduced to act as 'gatekeepers' between custody and the CPS at a time when the quality of case files being submitted by the police to the CPS repeatedly fell short of the required standard.
- 5.51 Research shows that there is a need to clarify the responsibilities of both roles and that of the Custody Officer. Where responsibility is confused, unnecessary bureaucracy is caused.
- 5.52 In relation to DDOs, it is essential that Custody Officers remain in a position to make informed decisions for which they are legally responsible on detention and safe custody.
- 5.53 The issue of the EROs' role is more complex as the tasks undertaken differ slightly across forces. In most places, good relations and effective processes have been built and EROs have become invaluable, significantly improving the quality of case files and the decisions made in respect of charging. However, one unwanted impact of this is that some police officers are not encouraged to hand over case files of a good standard to EROs, nor are they required to improve their skills in this vital aspect of their role.
- 5.54 The system should be developing core skills and encouraging officers to be recognised for such skills through earned autonomy. The role of the ERO risks inhibiting this, particularly as it means that first line supervisors (Sergeants) cannot really assess their staff's capability in this area, or their wider capability to develop core skills.
- 5.55 It has been suggested that first line supervisors do not have the time and, in some cases, the practical experience to supervise investigations and case files. For straightforward, low level, volume crime this should be a core function for first line supervisors and any skills gap will need to be addressed.

<sup>40</sup> Schedule 4 of the Police Reform Act 2002 designates DDOs with powers; PACE Codes of Practice outline DDOs' responsibilities.

- 5.56 Some forces have developed another way to reduce bureaucracy: by allowing officers who have demonstrated the ability to submit good quality case files the right to submit case files with minimum oversight by supervisors. This encourages officers to develop their skills and enables supervisors to focus on those officers who need more support.
- 5.57 Finally, it has been suggested EROs were introduced because Custody Officers did not have time to undertake all aspects of their role. If the issue is one of capacity, additional Custody Officers should be appointed rather than adding new roles and confusing responsibilities.
- 5.58 The role of EROs and the management and investigation of cases pre-charge is handled differently across forces and will be further considered during the Criminal Justice Unit (CJU) research.

#### Recommendation

30. Custody roles (Custody Officer, Evidence Review Officer, Dedicated Detention Officer) should be reviewed and responsibilities realigned to remove confusion, duplication, de-skilling and disparity with codes of practice.

#### ***Building core skills around prisoner handling***

- 5.59 Forces have rightly been encouraged to maximise visible front-line policing. Prisoner Handling Units have been introduced to reduce the time spent by officers in custody, encouraging at times an aptly named 'dump-and-run' culture. While this can work well, particularly for volume crime, it is not appropriate on all occasions.
- 5.60 Separating out roles and functions needs to be applied intelligently and proportionally. If not, it can end up adding to, rather than reducing, the bureaucratic burden, with officers having to complete and read 'handover' packages (which also have the potential for miscommunication).
- 5.61 But more importantly, such a division of roles can contribute to the de-skilling of officers. Where officers are not responsible for the progress and successful completion of cases, they do not gain the experience to make informed professional judgements. They do not acquire investigative and case building skills or a practical understanding of 'points to prove'. These are core skills for police officers: knowing and understanding how to prove offences and system requirements are inextricably linked to making good decisions on the street.

#### ***Ensuring powers of arrest are used appropriately***

- 5.62 Evidence suggests that one of the biggest factors in creating additional bureaucracy in the custody process is through unnecessary decisions to arrest.

For example, sometimes arrests are being made because it is 'administratively easier' to get DNA samples, fingerprints, photographs etc when suspects are in custody. This can mean that they are arrested too early in an investigation, necessitating bail for further enquiries, and increased bureaucracy. There is also evidence from focus groups that performance indicators encourage arrests for minor offences which may be unnecessary.

- 5.63 Conversely, other evidence indicates that officers sometimes decide against arrests when custody suites are full, or when they perceive that an arrest will take them 'off the street' for too long, leaving colleagues exposed.
- 5.64 Clearly, there are times when arrest is the only and most appropriate way of dealing effectively with the situation. But care must be taken to ensure that performance indicators and internal processes do not encourage inappropriate and unnecessary actions, effectively blocking custody suites and causing unacceptably long booking in times.

#### *Improving the interface with the Crown Prosecution Service*

- 5.65 The first interface in the CJS is between the police and the CPS, when decisions are made on the direction of investigations and charging. With the exception of cases where police are able to make charging decisions, there are three ways in which the police refer cases to the CPS for advice and decision:
- face-to-face interviews;
  - 'out of hours' CPS Direct;<sup>41</sup> and
  - CPS Daytime Direct.<sup>42</sup>
- 5.66 In many – but not all – areas, the CPS and the police have developed good working arrangements. However, this can be more about personalities than the system: in some areas, face-to-face interviews between the prosecutor and the officer are preferred, while elsewhere police officers prefer to wait for the out of hours service. This involves a call centre, sending copies of statements by fax or scanning in evidence and sending by e-mail. The problem with this is that frequently all the evidence is not available, so suspects are bailed pending further enquiries.
- 5.67 There is a requirement to develop a model that provides charging advice in a way that reflects seriousness, complexity and capability rather than personality and preference.
- 5.68 The CPS is piloting the provision of a daytime telephone response service similar to the out-of-hours service for advice and decisions. This facility is not yet available everywhere and, while the DPP appears keen to introduce this for all less serious and less complex cases, it will be important to evaluate the current pilots prior to further roll-out.

---

<sup>41</sup> CPS Direct provides out of hours charging advice.

<sup>42</sup> CPS Daytime Direct forms part of the Modernising Charging Initiative, where advice for charging on less serious and less complex offences is provided over the telephone.

- 5.69 There will continue to be cases which appear simple on the surface, but would benefit from a face-to-face discussion rather than a telephone conversation. Custody Officers should be able to request a face-to-face meeting where they consider it necessary, as well as feel confident to challenge CPS decisions constructively where appropriate.
- 5.70 Building trust, confidence and a professional working relationship between police and prosecutors at a local level is an ongoing process. Whatever the method of referral, there is evidence to suggest that police are referring cases to the CPS which do not need to be referred, and on occasions too early for a decision on charging to be made, causing additional and unnecessary bureaucracy. This should be addressed locally by managing the cases and officers who are referring inappropriately.
- 5.71 From the police side, concerns were raised during research about the availability of the CPS during the time leading up to and during the changeover between daytime and out of hours cover. Currently there appears to be no provision for any overlap, which can cause unnecessary delays.
- 5.72 While research did not identify excessive delays in custody, views expressed in focus groups and by front-line practitioners indicated that this can be a problem. These again should be managed proactively at a local level.

#### *Improving the statutory charging process*

- 5.73 To ensure that the right person is charged with the right offence at the right time, statutory charging arrangements were introduced incrementally across England and Wales between 2004 and 2006. *The Director's Guidance on Charging* lists the offences where Custody Officers are able to make a charge without reference to prosecutors. These new arrangements have reduced the number of 'cracked' trials and increased the percentage of successful prosecutions.
- 5.74 In recognising such improvements, care must also be taken to ensure due process and that victims' wishes are considered. Targets or indicators recognising the number of guilty pleas have the potential to skew charging decisions and, while there have always been cases where police and prosecutors differ on the level of evidence needed to prosecute, care must be taken not to raise the bar to ensure a conviction.
- 5.75 However, it is clear that additional capacity could be achieved by increasing the number of offences where police are able to charge without referral to prosecutors. I welcome the consideration currently being given to:
- extending the range of offences able to be charged by police without reference to prosecutors to include all 'summary only' offences irrespective of plea (except offences relating to hate crime and domestic abuse) and other offences deemed appropriate;

- expediting authority to issue a conditional caution; and
- removing the requirement to refer cases involving Persistent Young Offenders.

5.76 Whatever changes are made, it is essential that the capability is in place within policing to realise the potential. Implementation should be incremental and forces will need to ensure that supervisors have the relevant skills, knowledge and understanding to be confident in delivering the changes. Above all, Streamlined Process (see paragraphs 5.92–5.95) must be embedded before there is any further transfer of responsibility.

### *Making better use of technology*

5.77 IT has a key role to play in increasing the efficiency of referrals to the CPS. As discussed in Chapter 3, integrated IT across the CJS can further increase this efficiency and as a starting point, the police and the CPS should move to the electronic exchange of case files. An increasing number of forces are currently participating in pilots on electronic file transfer between the police and the CPS. This will be kept under review in future reports.

5.78 While full integration will take time, in the interim it should be recognised that it is no longer acceptable for paperwork to be transferred by fax, which is slow and unreliable.

### **Recommendation**

31. Use of fax machines in custody suites should be discontinued and appropriate scanning technology introduced instead.

5.79 As part of the move to electronic file transfer, there is also a need to move away from Police and Criminal Evidence Act (PACE) interview tapes to digital recording. This would not only facilitate sharing of information but also remove the problems of storing tapes and their future availability. A successful pilot in Lancashire using a digital solution is welcomed and is being incorporated into the ISIS programme.

### *Taking a proportionate approach to custody disposals*

5.80 There are a number of possible 'disposals' from custody, from remand to charge to a caution or warning – as well as no further action. It is crucial that decisions on disposal are made on the merit of the case, in an ethical manner and proportionate to the threat, risk and harm.

5.81 While police officers and prosecutors should not act as judge and jury, it is not necessary to arrest every offender. The overall outcome being sought is a reduction in crime and reoffending; in that context, some offenders will benefit more from words of advice, a caution or a penalty notice than a

court appearance. Such alternatives should not be viewed as a soft option: evaluations show that they can be more effective than the more traditional responses. The key is to choose an outcome that is proportionate and appropriate to the circumstances and takes account of the wishes and needs of the victim, and not the outcome that receives the most recognition in a performance culture.

#### ***Reducing delay in issuing conditional cautions***

- 5.82 Conditional cautions, introduced by the Criminal Justice Act 2003, have enabled reparation and rehabilitation to be applied where offenders do not go before the court. Some officers have called for Custody Officers to be able to issue conditional cautions without reference to the CPS. While such a provision would reduce delays in waiting for decisions, it would require a change in the law. This is something that should be considered in the longer term, but only when Streamlined Process is embedded and the skills base allows for it.

#### ***Reducing bureaucracy around bail***

- 5.83 The management of bail has become particularly complex, resulting in excessive bureaucracy with repetitious bail and/or delays in reaching charging decisions. I will conduct further research into this and make recommendations in my next report.

#### ***Custody: a final thought***

- 5.84 Custody is an essential and complex part of the police's work, and there is a need to value staff working in custody suites. Visiting the custody suite, for example, can be both effective and welcome. It is somewhat surprising to hear of senior managers who do not visit custody areas in case they are called on to investigate a complaint. The message this sends to staff is extremely negative.

### **CASE BUILDING**

- 5.85 In recent years, a number of new initiatives have been introduced to deliver fair, proportionate and speedier justice. Most of these initiatives, if implemented effectively, have the potential to significantly reduce unnecessary bureaucracy around case building. However, to realise this potential, pre-trial procedures need to be robustly managed by all CJS partners in line with the systems approach identified earlier.
- 5.86 Currently, forces use different processes to investigate offences and build prosecution files. Some officers will be responsible for building a case file; other forces use prisoner handling teams or CJUs as the link between the police and the CPS. However, across all forces the core requirements are the same: investigating, gathering evidence, taking statements and compiling a case file which meets the required standard for a successful prosecution.
-

- 5.87 Further research into different case building and file management arrangements is being undertaken to model the necessary elements of an efficient and effective CJU, and identify opportunities to remove unnecessary file build and duplication. Within this research, there will also be a review of disclosure rules, as recommended by Sir Ronnie Flanagan.<sup>43</sup>
- 5.88 Consideration is also being given to how technology can assist in addition to the use of digital evidence; some forces are piloting the taking of statements by telephone for minor offences where appropriate.

### *Implementing Streamlined Process*

- 5.89 Prosecutors and CJU Managers both report that the quality and timeliness of police case papers have improved since the introduction of the Criminal Justice Simple Speedy Summary Justice initiative (CJSSS)<sup>44</sup> and Statutory Charging.<sup>45</sup> The reduction in the number of cases discontinued by the CPS proves this. However, research indicates that too many case files are still not of a sufficient quality for decisions on charging to be made.
- 5.90 Streamlined Process<sup>46</sup> is a development of CJSSS and removes the need to submit a 'full' case file in certain cases – predominantly straightforward, guilty plea cases deemed suitable for sentencing in the magistrates' court. It can also apply to not guilty pleas, where active consideration is given to identifying contested areas of evidence to reduce unnecessary paperwork.
- 5.91 Preparing case files in a more proportionate way benefits all CJS partners: officers will be released more quickly for patrol, the amount of paperwork prepared for court will be reduced, and the court process will become more efficient.
- 5.92 However, while Streamlined Process is working well in some areas, in other areas it is not, with files still being overbuilt and information duplicated. Early research suggests that the police, CPS and courts are struggling to make the changes necessary to realise the potential.
- 5.93 For Streamlined Process to succeed, three things are needed:
- police officers must have skills in précising and identifying key witnesses;
  - there must be CPS support at all levels to ensure that witness statements are reduced to a minimum in guilty plea cases; and
  - courts must identify contested areas at the earliest opportunity.
- If any of these are not present, benefits will not be realised.
- 5.94 Whether the difficulties being experienced can all be put down to a skills shortage is debatable. While a staged implementation plan was adopted for Streamlined Process, it is not clear what, if any, arrangements were put

<sup>43</sup> *Review of Policing: Final report*, Sir Ronnie Flanagan (HMIC, February 2008), Recommendation 22.

<sup>44</sup> The CJSSS is a cross-agency programme that aims to improve the speed and effectiveness of magistrates' courts by progressing cases more quickly and ensuring that pleas are entered at first hearing.

<sup>45</sup> *The Director's Guidance on Charging* (Crown Prosecution Service, February 2007).

<sup>46</sup> Streamlined Process was developed by the CPS and the Association of Chief Police Officers (ACPO) to support CJSSS and reduce bureaucracy.

in place for lessons to be learnt from early implementers. In some cases, the difficulties appear to be connected with points of principle or poor communications.

- 5.95 The importance of Streamlined Process to the CJS and reducing unnecessary bureaucracy cannot be overstated. While LCJBs are in a strong position to identify problems and actively manage the solutions, further action is required at a national level to build skills and review progress. I therefore recommend HMIC, Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Court Administration should undertake a joint inspection of the implementation of Streamlined Process.

### Recommendations

32. The National Criminal Justice Board, Office for Criminal Justice Reform and Local Criminal Justice Boards must ensure that police officers have the requisite skills, prosecutors operate within the agreed guidelines and courts robustly manage Streamlined Process for it to maximise benefits and potential.
33. Her Majesty's Inspectorate of Constabulary, Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Court Administration should undertake joint inspection of the implementation of Streamlined Process.

### *Further steps to reduce bureaucracy in case building*

- 5.96 Officers have highlighted a number of aspects of case building – and particularly the guidance and legislation around it – where there are concerns about excessive bureaucracy. Given these comments and ongoing developments, in my next report I plan to look at:
- the Regulation of Investigatory Powers Act 2000 (RIPA);
  - the progress of the review of MG forms; and
  - the impact of Integrated Prosecution Teams and Virtual Courts.

### **STOP AND SEARCH/STOP AND ACCOUNT**

- 5.97 In terms of reducing bureaucracy, stop and account appears on the surface to be a success. The requirement to record full details was removed on 1 January 2009, and consideration is now being given to reducing the amount of information recorded if nothing is found during a search. However, I fear the forms have become a bureaucratic red herring: we are concentrating too much on the paperwork and not enough on the justification for and benefits of stops.

- 5.98 In my interim report, I highlighted the different ways in which forces had adopted these changes. A number of forces still require officers to complete full records when stopping people and asking them to account for their presence. It is unclear why: if this information is needed for intelligence purposes, stop and account is not the appropriate vehicle. Recording it as such confuses the issues.
- 5.99 While police and community members have different perspectives on stop forms, both are concerned about the need to record details. For the police, it is bureaucratic and time-consuming, but it is a measure of accountability for a decision an officer has made. The person being stopped faces the same bureaucracy and where nothing is found, they also have their details recorded – but for what purpose? A system which sets out to protect can be perceived as doing the opposite.
- 5.100 In too many places, police officers' knowledge and understanding of their powers in respect of stops is poor. Yet there is clear evidence that – where knowledge and understanding is coupled with local intelligence and strong supervision – the quality of stops increases and the level of crime recedes.
- 5.101 The importance of engaging with communities is now recognised, and such engagement needs to be widespread and ongoing, not restricted to the 'usual attendees' or taking place only when forces are trying to explain the latest stop statistics. Dialogue needs to report the positive side of stops, where local intelligence and proactive policing combine to make communities safer. It needs to explain, respecting the necessary confidentiality, what is happening and why.
- 5.102 Police authorities have used various means to inform communities of their rights. As indicated in my interim report, there is a need not only to explain rights but also explain the law, the difference between stop and search and stop and account, and how they can and are being used effectively and proactively. Consideration could be given to developing communication initiatives such as short DVDs which could be used on websites, community channels and meetings.
- 5.103 Finally, some forces continue to include the number of stops as personal performance indicators. Not only can this encourage unnecessary stops, but it also harms community relations.

#### Recommendation

34. Personal performance indicators measuring the number of stops should be removed immediately.

## DOMESTIC ABUSE

5.104 Domestic abuse is a particularly sensitive and difficult area of policing.

The police service struggled for many years to appreciate the significance of domestic abuse, going from considering it to be a 'civil matter' and not getting involved, to dealing with every case in the same way: with a positive arrest policy, irrespective of the circumstances or implications.

5.105 Today, domestic abuse is defined as 'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality'. (This is a shared ACPO, CPS and government definition.) The RBPG has questioned both this definition, particularly where it involves adult siblings, and the appropriateness of the ACPO positive arrest policy. This was echoed in our research into custody, where front-line officers requested greater discretion when investigating domestic abuse. Over-reliance on pre-prescribed risk assessments and rigid models discourages experiential learning and a proportionate response.

### Recommendations

35. Consideration should be given to removing siblings from definitions of domestic abuse.

36. Policy on domestic abuse should encourage a more proportionate response, with officers and staff being judged and supported on the quality of the decision-making process rather than on the outcome.

5.106 ACPO is already developing a more proportionate model based on the quality of decisions being made. The RBPG will work with ACPO to review the DASH<sup>47</sup> model.

5.107 One particular option that officers raised was the use of conditional cautions, as a disposal in appropriate circumstances. These would provide support and protection to victims, incorporating conditions such as anger management, drug and alcohol rehabilitation and parenting courses. This would require an amendment to the Director of Public Prosecutions' guidelines, which currently do not allow for use of conditional caution in cases including domestic abuse.

### Recommendation

37. Consideration should be given to issuing conditional cautions in appropriate domestic abuse cases.

5.108 The RBPG is currently considering the minimum data requirement for domestic abuse incidents, which will be available in Autumn 2009.

<sup>47</sup> A risk identification checklist for Domestic Abuse, Stalking and 'Honour'-based Violence.

## 6. Developing professional skills

Throughout this report, a number of areas have been highlighted where skills gaps – particularly around the use of professional judgement – create additional and unnecessary bureaucracy, and act as a barrier to development. In line with the systems approach advocated throughout, therefore, this chapter focuses on those skills gaps, recommending ways to overcome them and so help build a culture of sustainable improvement which can itself help reduce the need for bureaucracy.

- 6.1 All police officers require a foundation of core skills to undertake their role efficiently, ethically and effectively. In no particular order, these include:
    - understanding community needs;
    - effective communications;
    - report writing;
    - problem solving;
    - decision making;
    - use of professional judgement;
    - interviewing; and
    - knowledge of criminal law, police powers and procedures.
  - 6.2 Officers should first understand and appreciate the basics, learning by dealing with more simple tasks and gaining experience incrementally, before developing more specialist skills.
  - 6.3 This is not only about individual development: as indicated in Chapter 3, the resilience of the service as a whole depends on a combination of core and specialist skills. An over-reliance on specialist skills dilutes the core skill base by failing to provide opportunities for officers to do basic tasks.
  - 6.4 Recognition of skills and aptitudes is increasingly being provided through a system of qualifications and accreditation. Care must be taken to ensure that these do not become overly bureaucratic.
  - 6.5 The Initial Police Learning and Development Programme (IPLDP) sets minimum National Occupational Standards (NOS) for newly appointed police officers. Progress has been made in reducing the paperwork required to demonstrate meeting the standard.
-

- 6.6 In 2002, the police service introduced an Integrated Competency Framework (ICF), which sets out the necessary skills and competencies for every policing role, incorporating NOS, and a system of performance development reviews (PDRs).
- 6.7 Sir Ronnie Flanagan recognised the importance of the ICF, but described its requirements as being overly bureaucratic, and called on the NPIA to review it. This review is still ongoing and needs to be completed urgently so that the service can begin to benefit from a clear but balanced framework of core and specialist skills.

#### Recommendation

38. A challenging timescale for the completion of the Integrated Competency Framework review should be set by the tripartite partners (the Home Office, Association of Chief Police Officers and Association of Police Authorities).

- 6.8 The progress of this work and an assessment of bureaucratic impact will be included in the next report.

### FOCUSING ON CONTINUOUS PROFESSIONAL DEVELOPMENT

- 6.9 No officer sets out to get something wrong, or do something badly. That said, it is nonetheless very hard for people to identify their own weaknesses or admit to their failings and shortcomings in the policing culture. There is a need to convince officers that identifying weakness is the first step towards eliminating it. This will be no easy task, but it is an important step to ensure that minimum standards of knowledge, competence and capability are met service-wide – particularly as officers today must continually adapt if they are to properly discharge their duties.
- 6.10 The best way to ensure that officers are properly equipped to adjust to ever-changing situations and requirements is through continuous professional development (CPD).

#### *Rethinking the performance and development review*

- 6.11 The PDR that all officers are supposed to undertake annually has at its heart the principle of CPD. But, as HMIC found in *Leading from the frontline*, 'completing the documentation had become the object of the exercise, as opposed to any individual development'.<sup>48</sup>
- 6.12 In other words, PDR failed in its purpose: it became part of the bureaucracy. The consensus among all ranks was that it was 'not effective' and was 'a waste of time'. HMIC recommended a reappraisal of the PDR process, but without holding out much hope: the report acknowledges that '... the PDR process within the police service is in disrepute'.<sup>49</sup>

<sup>48</sup> *Leading from the frontline: Thematic inspection*, HMIC (Home Office, June 2008), paragraph 4.10.

<sup>49</sup> *Ibid*, paragraph 4.21.

- 6.13 It is nothing new for police appraisal and development programmes to be criticised, but progress now needs to be made. Officers acknowledge the need for an appraisal and development system, but such a system must be 'fit for purpose', realistic and proportionate.
- 6.14 As indicated earlier, the current PDR scheme is a component part of the ICF, which is still under review. What is clear is that any new PDR system will require total rebranding if it is to achieve any level of credibility among front-line staff. It must be an effective training and development tool, not just another piece of performance measurement.

#### Recommendations

39. All training and development programmes should incorporate principles to support and sustain continuous professional development.
40. The performance development review system should be replaced by a proportionate appraisal and development system that incorporates 'lean' principles and continuous professional development.

- 6.15 The RBPG will work with the ICF and PDR review teams to identify a 'fit for purpose' system.

### UNDERSTANDING THE SKILLS GAPS

- 6.16 Recognising a skills gap is important, but there is also a need to understand the causes and impact of such gaps.
- 6.17 There are four main reasons for the skills gaps identified in this report:
- workforce reform and the use of unsworn officers for minor and non-confrontational duties;
  - functional divisions in policing (the increase in single-function specialist departments) and the excessive use of gatekeepers;
  - the target and performance culture; and
  - application of national standards.

#### *The accidental impact of workforce reform*

- 6.18 Workforce reform has seen a number of initiatives to improve policing over recent years. When viewed separately, the business case for each may be strong. However, when viewed as a whole – from the systems perspective – the impact appears to increase bureaucracy and reduce resilience and flexibility.

- 6.19 Over the last ten years, the number of police officers and staff has increased significantly. By deploying staff operationally, the capacity and capability of the police service has increased – but at the same time, resilience has been reduced. Police officers frequently comment that they are required to ‘back-fill’ for staff who are unavailable.
- 6.20 An interim report for the national WFM programme suggested that broadening the roles and increasing the powers of police staff could provide greater flexibility and resilience for the service. Though this is superficially correct, it would also increase training requirements, produce a confused workforce model and potentially undermine the office of constable.
- 6.21 Sir Ronnie Flanagan recommended that a ten-year workforce plan<sup>50</sup> be developed, considering different workforce mixes. The plan is still in development and will rely on the evaluation of the current and future WFM pilots and demonstration sites. Forces and the NPIA will need to ensure that authoritative evaluations have been completed before any further pilot programmes take place, so that judgements on effective workforce mixes can be made. To date, this has not been the case.

#### *The rise of functional divisions and use of gatekeepers*

- 6.22 I have already suggested in relation to custody (Chapter 5) that, taken together, the increasing number of single-function specialist departments and the practice of handing work on, remove the opportunity for officers to learn and take responsibility for the progression and completion of cases. But there is also a bureaucratic impact, with the use of additional gatekeepers and levels of supervision.
- 6.23 Forces need to review departmental structures and processes to balance resilience and efficiency. Where personal responsibility becomes optional and can be passed to others, officers will lose the ability and opportunity to make sound professional judgements.

#### *Learning in a performance culture*

- 6.24 Over the last eight years, about 50,000 officers have gained their experiential learning in a ‘target-led, sanction detection’ style of policing, where what gets counted gets done and where numbers rather than outcomes drive performance. Some of these officers will now be supervisors (Sergeants), others will be managers (Inspectors and Chief Inspectors).
- 6.25 With the service now moving away from a target culture and refocusing on building a trust and confidence agenda, these officers will need to develop different skills. There is some evidence from the Four Force Pilot, albeit not authoritative, that indicates that new recruits and more experienced officers are better able to adapt to the more proportionate, professional judgement, decision-making style than those officers who joined during the ‘target-led’ era.

<sup>50</sup> *The Review of Policing: Final report*, Sir Ronnie Flanagan (HMIC, February 2008), Recommendation 13.

***The straightjacket of national standards***

- 6.26 Reliance on a 'command and control' and 'one size fits all' philosophy, where decisions are made by reference to strict rules and standards, has also stifled the ability of officers to use proportionate, common sense professional judgements.
- 6.27 Doctrine, standards and guidance can provide a safety net for some, but quickly become a noose if no thought is given to proportionality and individual circumstances. They add a level of checks and balances that have the potential to undermine the original purpose, and draw resources into a system of compliance which is disproportionate to the associated risk.
- 6.28 This provides little opportunity for officers to gain experience, learn in an incremental way or be innovative. Too many supervisory officers are sitting in offices populating national standards to demonstrate compliance, as opposed to robustly supervising and developing officers on the ground.
- 6.29 Sir Ronnie Flanagan recognised an over-reliance on doctrine and recommended the situation be reviewed and consolidated. I am aware that the NPIA, on behalf of the tripartite partners, is undertaking this work. A challenging timetable now needs to be agreed for the completion of this work and procedures put in place to ensure that new policy, doctrine and guidance do not repeat the problems highlighted in this report or by Sir Ronnie Flanagan.

**RESPONDING PROPORTIONATELY TO RISK**

- 6.30 Policing is an inherently 'risky' business. Some risks are associated with personal safety, while others relate more to organisational, reputational or political risks. It is self-evident that not all policing activities or incidents carry the same level of risk. Officers need to differentiate between high and low risk and respond in a bespoke and balanced way.
- 6.31 It would be unfair to suggest that police officers no longer take risks. Each year, hundreds of officers perform brave and noteworthy acts on a daily basis, going forward into danger when others would be going in the opposite direction. However, such risks must be taken in a thoughtful and measured way.

***Tackling risk aversion***

- 6.32 Sir Ronnie Flanagan's Review of Policing recognised the need for a more proportionate response to risk and called for a national debate on risk aversion in policing.<sup>51</sup>

---

<sup>51</sup> *The Review of Policing: Final report*, Sir Ronnie Flanagan (HMIC, February 2008), Recommendation 20.

- 6.33 The Risk and Regulation Advisory Council (RRAC) recently facilitated a service-led debate to 'assist in gaining a better understanding of, and promote a more proportionate response to, public risk in policing'. In particular, the RRAC identified an increasing reliance on heavily prescriptive processes, applied regardless of circumstances.<sup>52</sup>
- 6.34 In addition to holding internal debates about risks in policing, there is a need for similar debates to be held with communities, exploring what acceptable levels of risk are, and what would be proportionate levels of risk.
- 6.35 While the police are not alone in displaying a risk-averse culture, the impact not only results in unnecessary bureaucracy but becomes counterproductive. Officers refer to a 'blame culture' and an intolerance of honest mistakes. They fear that at some point in the future, when new information comes to light, their action will be heavily criticised. Some feel unsupported when 'measured risks' or reasoned judgements are made, and as a result choose to follow rules and procedures to the letter. Ironically, this further undermines the sense of safety and security in communities and results in less trust and confidence.
- 6.36 It is a sign of good leadership to openly support officers who make sound professional judgements on the available evidence at the time.

### ***Building confidence***

- 6.37 Key to reversing a risk-averse culture is building confidence and developing good decision-making skills. Police officers in the Four Force Pilot have been provided with a framework that enables them to differentiate between high and low risk. A seven-step approach then helps officers use professional judgement to resolve incidents in a way that is proportionate to the level of risk posed.



<sup>52</sup> *Response with Responsibility: Policy-making for the public risk in the 21st century*, RRAC (RRAC, May 2009).

6.38 To do this, officers need to understand the context in which a decision is required to be made. As officers gain experience using the frameworks to make informed professional judgements, care must be taken not to over-simplify by relying on drop-down boxes on computer screens to make effective risk assessments. Such boxes remove the ability of officers to fully understand the context in which they are taking decisions. Domestic abuse, missing persons, arrests, detention in custody and case building are all examples of where there is a need to understand underlying problems and differing perspectives. Trying to fit individual circumstances into a drop-down box impedes learning and reduces the ability to make proportionate professional judgements.

#### *Training to get things right*

6.39 During focus groups and the custody research, front-line officers expressed concern that training did not assist them to make good decisions. The example given earlier was of training for Custody Officers, which concentrates almost exclusively on preventing deaths in custody.

6.40 I am concerned that too many training and development programmes and responses to major enquiries are based on trying to ensure that mistakes are not repeated, as opposed to equipping officers to make the right decision at the first opportunity. There is a subtle difference between training to get things right and training not to get things wrong.

#### Recommendation

41. All standards, policy and training should emphasise the importance of taking a balanced view of risk, building trust and confidence to respond in a proportionate and professional manner and recognising the differing levels of risk associated with threat and harm.

#### *Taking responsibility*

6.41 With vague lines of accountability, it is unclear at times who is ultimately responsible for the risk. I believe there should be a clear principle regarding risk: namely, that decisions should be made at the lowest and most appropriate point in the chain – not allowing responsibility, a core capability for police officers, to be easily passed to others.

#### Recommendation

42. Decision making should be devolved to the lowest and most appropriate point, taking account of threat and harm posed, with officers and staff being judged and supported on the quality of the decision making.

***Taking a joined-up approach to risk management***

- 6.42 ACPO's appointment of Chief Constable Brian Moore to draw together and co-ordinate an agreed approach to risk across all business areas is welcomed.
- 6.43 The NPIA is developing policy on managing operational risk management and decision making. Building on the widely used conflict management model, these policies need to follow the proportionate response proposed above and must be introduced at the earliest opportunity. The NPIA is also developing guidance for protective services.<sup>53</sup>
- 6.44 All these different risk models – including the public protection risk guidance model being developed within the Criminality Information Unit in the Home Office – must complement each other.

---

<sup>53</sup> In response to the HMIC report *Get Smart: Planning to protect* (HMIC, February 2009).

## 7. Moving forward

- 7.1 As noted at the start, this report has set out to identify areas in policing that should be reviewed to enhance performance, streamline processes and minimise waste. While there is an ongoing need to refine and streamline practices and procedures to ensure that the system functions with greatest effectiveness and maximum efficiency, there is a broader picture – a more profound and fundamental change that is necessary to adapt to the changing expectations of the public we serve. This type of change involves a long-term cultural shift, which is far from easy, and will take patience and strong leadership to get it right. Improvements have been made in recent years, but for these to become sustainable, a system of CPD needs to be adopted.
  - 7.2 For politicians, policy makers and police leaders it boils down to two choices: carry on as now, changing processes and demonstrating (on paper at least) some changes, savings and improvements; or we can – as this report has done – look beyond material inefficiencies and duplicated processes to the wider issues of the progressive dilution of individual police powers and of core policing skills.
  - 7.3 Where standards and protocols have become more important than the outcome, the balance is wrong. Where supervisors are spending the majority of their time ensuring that the letter of the standard is being complied with, rather than ‘supervising’ and guiding officers on the ground, the balance is wrong. Where managers spend a significant amount of their time demonstrating that standards are being met, the balance is wrong.
  - 7.4 A change in mindsets and perception is necessary, both organisationally and individually, to enhance the performance and capabilities of officers, so that there is proportionality and balance in their response to situations, especially minor offences. In countless such cases, which are time-consuming and generate considerable paperwork, the community would be better served if offences were policed instead of prosecuted.
  - 7.5 Throughout, I have argued for this more proportionate approach not just to bureaucracy but to policing, for giving individual officers greater responsibility and opportunity to make professional judgements. Instead of uniformly adhering to codified responses and forgoing value judgements to eliminate risk, I believe there is a need for more discretionary powers. Instead of the prevailing target culture, which pushes officers into only doing things which are counted, we must plan for CPD for officers so they are confident in exercising their judgement.
-

- 7.6 The Government's new confidence agenda, with measurements for public satisfaction and assurance, cannot succeed without new thinking on roles and responsibilities for police officers. Public expectations cannot be met by current convention and approaches. We must therefore work on an overhaul of both organisational and individual thinking and practices from the top down.
- 7.7 There is no 'quick fix' or overnight solution. The task at hand will be painful and difficult, but we have all the necessary tools, resources and, most importantly, the commitment of a dedicated and professional workforce. It is now time to make the right choices: embrace systems thinking, initiate CPD, and streamline police systems and processes by clarifying roles, responsibilities and the new job requirement for the modern police officer.

### THE ROLE OF THE REDUCING BUREAUCRACY PRACTITIONERS GROUP

- 7.8 In my interim report, I outlined the establishment of the RBPG, a mix of front-line officers and staff who seek to 'remove unnecessary bureaucracy from systems and processes, empower officers to apply common sense principles and rebuild trust and confidence in policing'.
- 7.9 The group consists of officers from all roles and regions, and as a representative of the front line it is best placed to:
- highlight major causes of bureaucracy;
  - identify processes that could be standardised across the service; and
  - review proposed new systems and processes to assess their bureaucratic impact.
- 7.10 ACPO portfolio leads and heads of government departments have been encouraged to use the group to assess proposed new policies, procedures and technological changes. The earlier front-line experience is utilised, the more likely it is that changes will be implemented effectively. A protocol for use of the group is attached at Appendix 3.
- 7.11 Members of the group have already been involved in discussions regarding the PDR review, NCRS, NSIR, APACS and criminal justice. They are now divided into subgroups constructing minimum data sets for several standard processes. Above all, they are also becoming 'reducing bureaucracy' advocates within their own forces.
- 7.12 Many promises have been made to them in respect of tackling unnecessary bureaucracy. It is now essential that they start to see some changes becoming reality on the front line.

## THE REDUCING BUREAUCRACY PRACTITIONERS GROUP

Jan Berry, Reducing Bureaucracy Advocate

Ruth Atkins, Sergeant, Surrey Police

Darren Barrett, Detective Sergeant, Hampshire Constabulary

Darren Brooks, Sergeant, Norfolk Constabulary

Stuart Deveson, Sergeant, Metropolitan Police

Andy Doyle, Sergeant, Merseyside Police

Paul Dunn, Sergeant, Metropolitan Police

Roger Flint, Chief Superintendent, Police Superintendents' Association of England and Wales

Robert France, Detective Constable, Thames Valley Police

Emma Griffiths, Inspector, Staffordshire Police

Kevin Huish, Sergeants' Representative, Police Federation of England and Wales

Colin Jones, Superintendent, Gwent Police

Tony Martin, Police Community Support Officer, Cambridgeshire Constabulary

Glenn Mernagh, Sergeant, West Midlands Police

Stuart Newsham, Police Constable, Avon and Somerset Constabulary

Caryl Nobbs, Chair, UNISON Police Staff Service Group Executive

Samantha Parkerson, Detective Sergeant, Northamptonshire Police

Sean Pearce, Police Constable, Gloucestershire Constabulary

John Phillips, Detective Inspector, Kent Police

Simon Reed, Vice Chair, Police Federation of England and Wales

Andrew Short, Inspector, North Yorkshire Police

Andrew Smith, Sergeant, Lancashire Constabulary

Chris Walsh, Sergeant, West Mercia Constabulary

Joanne Wright, Staff Officer to Jan Berry, National Policing Improvement Agency

## GETTING THE MESSAGE ACROSS

- 7.13 As part of these goals of cultural change and ongoing process review, there is a need to develop a broader understanding of good and bad bureaucracy, raising the profile of successful bureaucracy reduction initiatives and building trust in published information, systems and processes. Therefore it is essential that there is an effective communications strategy, addressing not only the police themselves – through individual forces and organisations such as the APA, ACPO and unions – but also:
- the public (recognising diverse communities and ages);
  - government (local, regional, national and cross-departmental); and
  - the media.
- 7.14 In addition to formal reports on progress, information and messages should be shared on an ongoing basis rather than just to defend behaviour or statistics. Current news stories will provide opportunities to promote, inform and build trust, by publishing timely comments relating to reducing bureaucracy, holding informal press briefings, preparing feature articles on related issues and promoting the work being undertaken to reduce bureaucracy through speaking at conferences, workshops and road shows.
- 7.15 Maintaining a web profile is a key part of this, and content must be updated on a regular basis. The Home Office website includes information on reducing bureaucracy and the NPIA has developed a reducing bureaucracy intranet site on the Police National Network. An external website has also been developed where the work to reduce bureaucracy is more fully explored, explained and promoted ([www.reducingbureaucracyinpolicing.co.uk](http://www.reducingbureaucracyinpolicing.co.uk)).
- 7.16 Film can be a powerful tool to inform, educate and reinforce key messages. A DVD has been produced to promote the Four Force Pilot and share the experience and benefits across police forces and government and with the public. This can be viewed at [www.neighbourhoodpolicing.co.uk](http://www.neighbourhoodpolicing.co.uk) and on the reducing bureaucracy website.

## NEXT STEPS

- 7.17 Throughout this report, there have been a number of issues that I have identified as subject to further scrutiny in the coming months. These will be discussed in more detail in future reports.
- 7.18 I will publish a further short update report in February 2010 prior to a final report in the late summer of 2010.
-

## Appendix 1: Summary of recommendations

1. All forces should implement a 'systems thinking' sustainable business improvement model which understands customer and stakeholder demand, designs against demand, encourages proactive leadership, incorporates front-line experience, develops smooth end-to-end processes, removes over-working and duplication, constructively challenges the status quo and adopts a culture of continuous learning and change.
  2. Police authorities should support the development of a systems approach within their jurisdiction. They should be required to provide details of progress in their annual business plans.
  3. The National Policing Improvement Agency should incorporate a systems approach to sustainable business improvement in its suite of national standards, with an agreed, challenging but achievable timescale.
  4. Her Majesty's Inspectorate of Constabulary should include the progress made by forces in adopting sustainable business improvement principles as part of its inspection criteria.
  5. A strategy should be developed to transform the criminal justice process into an effective criminal justice system.
  6. All component parts of the criminal justice system should adopt and actively promote the common purpose: 'reduce crime, prevent reoffending and reduce the prison population'.
  7. Compatible and complementary performance frameworks should be developed and published by all local criminal justice partners.
  8. There should be a holistic review of the criminal justice system (CJS) as part of the strategy to turn the criminal justice process into an effective system. Additionally, consideration should be given to implementing a common business improvement model across the CJS based on the systems approach.
  9. A system for the electronic transfer of files, already being piloted between the police and the Crown Prosecution Service, should be rolled out across the whole of the criminal justice system.
-

10. A public debate should be held to consider the optimum structure for efficient and effective policing in England and Wales, building on the neighbourhood policing model and specifically identifying those areas requiring a national and/or cross-border response.
  11. The legal obligations and responsibilities of collaborative arrangements and collaborative partnerships should be reviewed and made explicit.
  12. There is a need to review what is meant by the 'operational independence of police' in a modern policing environment.
  13. An independent review should be commissioned to identify organisational overlaps that result in the duplication of effort across and between the functions, accountabilities and responsibilities of partners at a national level.
  14. Forces and police authorities must review and rationalise meeting structures to remove duplication and optimise time.
  15. The consequences of failing to adopt national IT standards should be made explicit.
  16. Recommendations 137, 138 and 139 of Lord Auld's report should be reviewed with a view to agreeing in principle to work towards integrated and compatible IT capability across the whole of the criminal justice system.
  17. A diagram should be produced that demonstrates the full performance landscape, identifying the relationships and interdependencies between all components and stakeholders and enabling the identification and removal of counterproductive elements.
  18. Performance frameworks need to be realigned to recognise outcomes as opposed to outputs, removing an over-reliance on quantitative rather than qualitative indicators.
  19. Consideration should be given to how credible, alternative resolutions can be recognised within local and national performance frameworks.
  20. The number of surveys and opinion polls across the criminal justice system and Crime and Disorder Reduction Partnerships should be rationalised.
  21. Forces should ask questions about bureaucracy in staff surveys to establish a benchmark against which they can judge progress and identify priorities for further action.
-

22. A positive duty should be placed on police authorities to ensure that data collected by forces is necessary, not duplicated, adds value and is collected in the least bureaucratic way.
  23. Forces should undertake a robust data review to eliminate all unnecessary data requirements.
  24. Proportionate crime recording, in line with the Four Force Pilot, should be formally recognised as good practice, promoted and introduced across all forces.
  25. An all-party debate on recorded crime statistics should be conducted, particularly in the area of violent crime, with a view to agreeing a single definition of violent crime.
  26. Consideration should be given to the removal of Section 5 Public Order Act 1986 offences from the list of notifiable offences.
  27. A review of the Offences Against the Person Act 1861 should be undertaken to assess whether it remains fit for purpose.
  28. A clear and precise relationship needs to be developed between recording and charging standards, specifically in the area of assaults.
  29. A national training programme should be developed for Custody Officers which better balances the safer detention of prisoner requirements with legal and procedural requirements and enables Custody Officers to liaise effectively with the Crown Prosecution Service.
  30. Custody roles (Custody Officer, Evidence Review Officer, Dedicated Detention Officer) should be reviewed and responsibilities realigned to remove confusion, duplication, de-skilling and disparity with codes of practice.
  31. Use of fax machines in custody suites should be discontinued and appropriate scanning technology introduced instead.
  32. The National Criminal Justice Board, the Office for Criminal Justice Reform and Local Criminal Justice Boards must ensure that police officers have the requisite skills, prosecutors operate within the agreed guidelines and courts robustly manage Streamlined Process for it to maximise benefits and potential.
  33. Her Majesty's Inspectorate of Constabulary, Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Court Administration should undertake joint inspection of the implementation of Streamlined Process.
-

34. Personal performance indicators measuring the number of stops should be removed immediately.
  35. Consideration should be given to removing siblings from definitions of domestic abuse.
  36. Policy on domestic abuse should encourage a more proportionate response, with officers and staff being judged and supported on the quality of the decision-making process rather than on the outcome.
  37. Consideration should be given to issuing conditional cautions in appropriate domestic abuse cases.
  38. A challenging timescale for the completion of the Integrated Competency Framework review should be set by the tripartite partners.
  39. All training and development programmes should incorporate principles to support and sustain continuous professional development.
  40. The performance development review system should be replaced by a proportionate appraisal and development system that incorporates 'lean' principles and continuous professional development.
  41. All standards, policy and training should emphasise the importance of taking a balanced view of risk, building trust and confidence to respond in a proportionate and professional manner and recognising the differing levels of risk associated with threat and harm.
  42. Decision making should be devolved to the lowest and most appropriate point, taking account of threat and harm posed, with officers and staff being judged and supported on the quality of the decision making.
-

## Appendix 2: Review of progress against Sir Ronnie Flanagan's recommendations

### FLANAGAN INTERIM RECOMMENDATIONS

<p>1. The Home Office, the Association of Chief Police Officers (ACPO) and the Association of Police Authorities (APA) must demonstrate clear national leadership on the issue of risk aversion and commit themselves to genuinely new ways of working to foster a culture in which officers and staff can rediscover their discretion to exercise professional judgement. This should find its first practical expression in a joint Compact between the tripartite relationship and the service to be delivered by the summer of 2008. (I see the NPIA as the primary body which should support the ongoing delivery of this vital goal.)</p>	<p><b>Some progress</b></p> <p>Recommendation developed in Full Report (R 20).</p>
<p>2. The Government should look again at the priority given to different offences in the new performance regime for the forthcoming Comprehensive Spending Review (CSR) and, in particular, the Public Service Agreement targets for offences brought to justice so that more proportionate weight is given to the different levels of seriousness applied to offences.</p>	<p><b>Some progress</b></p> <p>Focus on more serious offences in some areas of performance, alignment across all criminal justice partners not fully achieved. Requires overarching aim across all criminal justice partners.</p> <p>See Main Report para nos 3.6, 3.7, 4.3, 4.5, 4.11 and 5.32</p>
<p>3. The Home Office should re-define violent crime to include only those crimes which actually cause physical injury or where the threat to inflict such injury is likely to frighten a reasonable person.</p>	<p><b>Some progress</b></p> <p>Introduction of serious violent crime category has failed to remove confusion.</p>

## FLANAGAN INTERIM RECOMMENDATIONS

<p>4. There should be a non-party political but truly cross-party debate to inform a revision of recorded crime statistics, particularly in the areas currently designated as violent crime. In this context, a closer examination of why international police colleagues do not record anything like the level of activity as 'violent crime' will be critical.</p>	<p><b>Little progress</b></p> <p>Apparent willingness to hold cross-party debate to agree single definition of violent crime.</p> <p>See Main Report para nos 5.33–5.36</p>
<p>5. ACPO should work with the NPIA to produce mandatory standard forms based on the minimum appropriate reporting requirements. This work should be completed by summer 2008 and forces should adopt them unless there are compelling local reasons for variation.</p>	<p><b>Some progress</b></p> <p>Developed in Full Report (R 10).</p> <p>Forms appropriate for standardisation identified and now need to be developed in conjunction with provision of mobile technology.</p>
<p>6. I recommend that officials should consider whether it is possible to develop, as part of APACS, a set of business indicators for police activities which could show how effectively the police service works and act as benchmarks for good practice.</p>	<p><b>Good progress being made</b></p> <p>Developed in Full Report (R 2).</p>

## FLANAGAN INTERIM RECOMMENDATIONS

<p>7. The National Policing Board should carry out an urgent and fundamental review of the ADR [Annual Data Requirement] to report by the end of the year. This should be delivered in conjunction with the Home Office's wider programme of data stream reduction which it is undertaking as part of the Government's programme to reduce bureaucracy on front line public services.</p>	<p><b>Implemented</b></p> <p>Review of ADR completed.</p> <p>Sir David Normington's Review published February 2009.</p> <p>See Main Report para nos 4.24–4.26</p>
<p>8. The Home Office should initiate a revision of Activity Based Costing with stratified sampling by autumn 2008. The NPIA should carry out an investigation of the suitability of Airwave to gather information on officers' daily activities by summer 2008.</p>	<p><b>Implemented</b></p> <p>Requirement removed January 2009.</p> <p>Developed in Full Report (R 3).</p>
<p>9. The Review will give urgent consideration to how Stop and Account/ Search can be better administered and the bureaucracy surrounding it significantly reduced. In doing so, I will consult widely (and as part of my existing Equality Impact Assessment) both with key leaders and stakeholders from a diverse range of communities and from within the service.</p>	<p><b>Some progress</b></p> <p>Developed in Full Report (R 24).</p>
<p>10. The principles of DGQP [Director's Guidance Quick Process] seem to show great promise in dealing with proportionality in case file building. ACPO and the CPS should jointly look to find ways of implementing these principles nationally as soon as possible, building on the early work of the two pilots.</p>	<p><b>Some progress</b></p> <p>Now called 'Streamlined Process'.</p> <p>Developed in Full Report (R 22).</p>

## FLANAGAN INTERIM RECOMMENDATIONS

<p><b>11.</b> The Home Secretary, the Secretary of State for Justice and the Attorney General should urgently consider the creation of a shared target for the reduction of bureaucracy, shared by the CPS and the police. The target should have a clear expectation that the amount of time the police are dedicating to case preparation should be appropriately reduced through smarter ways of working and the identification and dissemination of best practice.</p>	<p><b>Agreement in principle to reduce bureaucracy</b></p> <p>Developed in Full Report (R 21 and 22).</p> <p>Cross-CJS Working Initiatives.</p> <p>See Main Report para nos 3.4–3.12</p>
<p><b>12.</b> Following completion of the pilot evaluation, urgent consideration should be given to rolling out Virtual Courts, both geographically and in terms of the categories of cases they can cover.</p>	<p><b>Some progress</b></p> <p>Developed in Full Report (R 22).</p>
<p><b>13.</b> As part of the next phase of the Review, the MIPB should urgently identify the costs and benefits of rolling out mobile data on a service-wide basis and recommend an appropriate way forward for doing so.</p>	<p><b>Some progress</b></p> <p>Interoperability with critical systems required to maximise benefits.</p> <p>Part of ISIS programme.</p> <p>See Main Report para nos 3.62–3.67</p>

## FLANAGAN INTERIM RECOMMENDATIONS

<p><b>14.</b> CLG and the Home Office should work with ACPO, NPIA, APA, the voluntary and community sector, LGA and IDeA to draw up an Action Plan to integrate Neighbourhood Policing with Neighbourhood Management to be published at the end of the year (2007). A cross-departmental/multi-agency team should be created to deliver the Plan. I will return to this issue in my final report.</p>	<p><b>Some progress</b></p> <p>Developed in Full Report (R 26).</p>
<p><b>15.</b> The Home Office and CLG should give urgent consideration to establishing a pilot that will take place in 2008–09 on the pooling of budgets between local community safety partners. This would examine the benefits that can be delivered and the challenges of rolling it out more widely. I envisage these pilots as being complementary to, and more local than, LAAs.</p>	<p><b>Some progress</b></p> <p>As Recommendation 14 above.</p>
<p><b>16.</b> The Home Office and CLG should urgently review the existing evidence on the partnership benefits which arise from embedding Neighbourhood Policing within a Neighbourhood Management approach in order to inform the forthcoming CSR. The review of evidence should work within the principles of the National Improvement and Efficiency Strategy and build on current improvement architecture to drive forward improvement.</p>	<p><b>Some progress</b></p> <p>As Recommendation 14 above.</p>

## FLANAGAN INTERIM RECOMMENDATIONS

<p>17. APACS should give proper weight to Neighbourhood Policing outcomes such as partnership working, problem solving, community confidence and satisfaction, and how effectively Neighbourhood Policing teams address community concerns in addition to any measurements around crime reduction. Furthermore, APACS should continue to align with the new local government performance framework.</p>	<p><b>Good progress being made</b></p> <p>Developed in Full Report (R 2).</p>
<p>18. The Home Office and NPIA should work with CLG to ensure that the Single National Indicator Set includes measures on confidence and satisfaction that are applicable to Neighbourhood Policing. These are due to be finalised soon and I would encourage that this work takes place as a matter of priority.</p>	<p><b>Implemented</b></p> <p>Measures of confidence and satisfaction included in National Indicator Set, although not included in many LAAs, possibly due to time constraints.</p> <p>See Main Report para nos 3.22–3.24, 4.6, 4.17–4.19</p>
<p>19. The National Policing Improvement Agency should review all of its training, learning and development to ensure that Neighbourhood Policing and associated skills are firmly integrated within its overall programme by the end of April 2008.</p>	<p><b>Some progress</b></p> <p>Training and development requires further review to ensure requirement is being met.</p>
<p>20. Chief constables should ensure that future recruitment campaigns place a proper emphasis on Neighbourhood Policing.</p>	<p><b>No action</b></p>
<p>21. Chief constables should strive to ensure that those appointed to head BCUs, and appointed to other posts within and integral to Neighbourhood Policing, should as far as possible remain in post for at least two years. This should be monitored both by HMIC and police authorities.</p>	<p><b>Agreed in principle</b></p> <p>Evidence of good practice occurring although difficult to enforce</p>

## FLANAGAN INTERIM RECOMMENDATIONS

<p>22. NPIA's Neighbourhood Policing Programme should investigate the feasibility of giving greater recognition to officers and staff who remain on Neighbourhood Policing teams for a lengthy period of time.</p>	<p><b>Some progress</b></p> <p>Developed in Full Report Recommendations 12,13,14 and 17.</p>
<p>23. The Home Office should continue to ring-fence PCSO funding for 2008/09 to enable the embedding of their role within Neighbourhood Policing teams.</p>	<p><b>Implemented</b></p>
<p>24. Chief constables should ensure that the training commitment for PCSOs who successfully apply to become police officers should take into account previous training they have already been given as well as the knowledge and skills they have acquired as a PCSO. Successful candidates could return more speedily to a Neighbourhood Policing role and this could be achieved more quickly with a reduced training commitment.</p>	<p><b>Some progress</b></p> <p>Consideration being given to accreditation of prior learning generally across the service.</p>
<p>25. The Home Office with the NPIA should consider opportunities for developing the role of the PCSO and should specifically consider broader opportunities and flexible working options available within the police service. This is an issue I will return to in my final report.</p>	<p><b>Some progress</b></p> <p>Review by NPIA being considered by Home Office.</p>
<p>26. The NPIA should research the feasibility of a volunteer PCSO scheme and report on its findings by summer 2008.</p>	<p><b>Not progressing at this time – no action</b></p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p>1. The Home Office, HMIC, ACPO, APA and the NPIA should clarify and re-design their roles and responsibilities to remove duplication and sharpen incentives and accountability for performance and productivity. They should set out their proposals to the National Policing Board in July 2008.</p>	<p><b>Some progress</b></p> <p>Green Paper set out new roles.</p> <p>Still requires clarity on where accountability and responsibility lie for strategic leadership and direction.</p> <p>See Main Report para nos 3.30–3.42</p>
<p>2. APACS should centre on the Government's high-level priorities, drawing its indicators directly from the PSAs, supported by a small number of high level indicators on areas not covered in the PSA suite such as productivity and some suitably defined performance indicators on serious crime and counter terrorism. HMIC should collaborate with the Home Office to develop high level productivity measures for use in the 2010 APACS assessments.</p> <p>In conjunction with these measures, by 2010 forces should develop data useful for them to understand their performance and productivity.</p>	<p><b>Good progress</b></p> <p>APACS refocused on high level indicators.</p> <p>Progress aligning APACS, NIS and PSA measurements – further work needed.</p> <p>Policy and practice not aligned in places.</p> <p>Care needed when developing matrix to assess high level productivity: there is a need to better recognise proportionate responses and solutions alongside qualitative and quantitative measures.</p> <p>See Main Report para nos 4.8–4.16</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p>3. The Home Office should urgently examine its requirement for each force to undertake Activity Based Costing with a view to this requirement being replaced with an alternative which costs less, is easier to use and has greater impact on productivity.</p> <p>It should also assess alternative ways of meeting its information requirements regarding the allocation of police funding.</p>	<p><b>Implemented with caveat (good progress)</b></p> <p>Requirement for Activity Based Costings removed in January 2009. Some forces have chosen to continue to require and collect data.</p> <p>Data for allocation of funding requires further consideration.</p>
<p>4. The Home Office should support HMIC, the Audit Commission, forces and police authorities in developing a statistical profile for each force, similar to those used successfully in local government and the health service, which would include comparable high level data on staff numbers, objective costs and key management ratios. Prototypes of these profiles should be prepared by autumn this year [2008], with final versions available by autumn 2009.</p>	<p><b>Good progress</b></p> <p>On target to deliver statistical profile of each force by the end of 2009.</p> <p>Relevance and benefit of profiles need to be fully evaluated.</p>
<p>5. The allocation of grant funding to police authorities should be based transparently on objective need in order to better match resources to threat and demand.</p> <p>To achieve this, the Home Office should move towards a fuller application of the funding formula in future Spending Reviews, phasing out the existing damping mechanism of floors and ceilings.</p> <p>To better address the demands of protective services, the protective services steering group should consider top-slicing funding. In the longer term, the Home Office should seek agreement with ACPO and APA on a revision to the funding formula that better deals with the shifting demands of protective services.</p>	<p><b>Agreed (in principle) to consider further</b></p> <p>Planned consultation in spring 2010</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p>6. Where police authorities determine that a sound business case exists for voluntary merger, every effort should be made by Government to facilitate this process.</p>	<p><b>No action required</b></p> <p>Statement of fact.</p>
<p>7. Forces should review their demand profiles, taking account of more detailed information now available, to ensure that resources are deployed to areas of greatest risk and priority. HMIC should use this information in inspections from 2009–10.</p>	<p><b>Some progress</b></p> <p>Relationship between threat, harm, risk and Policing Pledge needs clarifying and further development.</p>
<p>8. Forces should focus effort on 'high potential' areas for improved productivity, such as demand management (where QUEST has highlighted areas for improvement), procurement and flexible working. HMIC will be looking for evidence of using best practice in inspections from 2009–10.</p>	<p><b>Some progress</b></p> <p>Increasing number of forces focusing on business improvement. This is now to be included in HMIC Rounded Assessment.</p> <p>See Main Report para nos 2.4–2.14</p>
<p>9. Chief constables should ensure that they are taking an entrepreneurial approach to policing, not just in ethical income generation through private sector sponsorship and business enterprise, but also through encouraging finance directors to create and exploit 'business opportunities'.</p>	<p><b>Some progress</b></p> <p>Difficult to judge.</p> <p>Forces have differing capacity and capability to maximise opportunities.</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>10.</b> Building on recommendation 5 of the interim report, the NPIA should also begin building standard processes for use across forces. They should address the issue of double entry of information and be used as a precursor to the use of standard IT systems and mobile devices across all forces.</p> <p>This work should include the creation of minimum standards for forces in areas such as GIS mapping and AVLS corporate performance information. Forces should explore the benefits of software systems and using partners' data to identify priority areas.</p>	<p><b>Some progress</b></p> <p>Set of principles established for ISIS Programme. RBPG establishing minimum data set for key processes.</p> <p>Double entry beginning to be addressed. Some progress in crime mapping; greater detail will be required in places.</p> <p>See Main Report para nos 3.49–3.61 and 4.33–4.36</p>
<p><b>11.</b> The Home Office should include in its forthcoming Green Paper consultation on the establishment of service-wide consistency of the implementation of standard systems and processes. The Green Paper should also specifically consult on the issue of whether the Home Office should mandate regional collaboration on issues such as procuring IT systems, Air Support, Fleet, Uniform etc.</p>	<p><b>Some progress</b></p> <p>Principle consulted on in Green Paper.</p> <p>Policing and Crime Bill seeks to provide for collaboration. Further debate required on principle and requirement to mandate.</p> <p>See Main Report para nos 3.18–3.25</p>
<p><b>12.</b> The NPIA should produce an interim evaluation report from the workforce modernisation pilot sites by autumn 2008 so that the service is not denied valuable learning pending the final report.</p>	<p><b>Some progress</b></p> <p>Recommendations 12,13,14 and 17 linked.</p> <p>Workforce modernisation has moved on post-Flanagan.</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>13.</b> The Home Office should set out its strategy for workforce reform in the forthcoming Green Paper, and the NPIA should facilitate the development of a ten-year workforce plan for the service. Both of these pieces of work should emphasise the importance of matching skills and aptitudes to roles and tasks.</p>	<p><b>Some progress</b></p> <p>There are a number of related programmes impacting on workforce modernisation/people strategy which need to be considered further in terms of core and specialist skills, experiential learning and resilience.</p>
<p><b>14.</b> The NPIA should conduct a review of the Integrated Competency Framework [ICF] on behalf of the tripartite partners to ensure that it is a useful and accessible tool for police managers and staff.</p>	<p><b>Some progress</b></p> <p>ICF remains under review – needs to be expedited.</p> <p>See Main Report para nos 6.1–6.7</p>
<p><b>15.</b> The NPIA should provide guidance and assistance to police staff and officers to allow them to progress their careers within the police service through better management of their professional development.</p>	<p><b>Some progress</b></p> <p>Question delay in review of PDR. Work in progress through a number of related programmes.</p>
<p><b>16.</b> Chief constables should conduct a review of their forces' working practices within Neighbourhood Policing to ensure flexible working options exist. HMIC will, as part of its inspection process, consider what progress has been made in this area from 2009–10.</p>	<p><b>Agreed in principle</b></p> <p>NPIA WFM considering options.</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>17.</b> Detailed modelling of the impact of workforce reform on local, regional and national resilience should be incorporated into the ten-year workforce plan to be co-ordinated by the NPIA.</p>	<p><b>Some progress</b></p> <p>Linked with Recommendations 12,13 and 14.</p> <p>Review of resilience undertaken, will be included in ten-year workforce plan.</p>
<p><b>18.</b> The NPIA should work with forces on a post implementation review of the SOLAP workplace assessment and accreditation process, which the Greater Manchester Constabulary has offered to lead.</p>	<p><b>Some progress</b></p> <p>Overall benefit related to wider assessment and accreditation arrangements. Further review by RBA February 2010.</p>
<p><b>19.</b> All existing doctrine, which includes regulations, codes of practice, operational policing manuals and practical advice on best practice in the police service, should be reviewed and consolidated so the total impact can be assessed and overlaps in individual documents removed by the end of 2008.</p> <p>This process should be led by ACPO, with support from the NPIA, on behalf of the service. The NPIA should play an ongoing role in considering all proposals to enhance doctrine. Their focus should be on the combined impact of changes to the service and the development of a protocol of 'review and replace' rather than continually adding to existing doctrine.</p>	<p><b>Some progress</b></p> <p>Reviews taking place on an incremental basis: need to agree timeline for completion and ongoing revision. Approximately 80% of all doctrine appears generic.</p> <p>Reference to proportionality required to be included in doctrine.</p> <p>See Main Report para nos 6.26–6.29</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

20. The Government's recently established Risk and Regulation Advisory Council should examine the role of risk within the police service, and begin a national debate on risk aversion and culture change at a central government level. Ministers, senior police leaders and stakeholders from the wider judicial system all need to engage in and take forward this debate.

ACPO and the other tripartite members should facilitate regional events on risk in the police service to engage staff and officers from all ranks in the debate on managing risk, and enhancing professional discretion and accountability. These events should include a practical discussion on existing processes in the police where little or no discretion exists.

The NPIA should take forward and 'mainstream' the outcome of these events as a 'golden thread' in the way it designs training, education and doctrine for the police service.

### Some progress

Final Report of RRAC published in May 2009.

ACPO dealing holistically with risk across all business areas.

Requirement to provide officers with ability to better identify and respond to high risks (training and development).

Also linked to development of a proportional response.

See Main Report para nos 6.32–6.40

## FLANAGAN FULL REPORT RECOMMENDATIONS

21. To achieve the dual goal of public trust and confidence in crime statistics by ensuring all incidents and crimes are recorded and proportionately responded to, I recommend that:

(a) a new streamlined recording process is trialled from the beginning of 2008, for a four month period. This new process will ensure that crimes are subject to proportionate recording, with a suitable minimum standard for all crimes and more comprehensive recording for serious crimes;

(b) a structured project is undertaken to address the lack of proportionate response in the service and to create a community focused performance regime for local crime;

(c) these proposals are implemented initially by Staffordshire, Leicestershire, West Midlands and Surrey forces who have volunteered in this regard; and

(d) the NPIA undertake a focused evaluation of these pilot sites.

Over this trial period, service wide data collected centrally may not be comparable. Any NCRS/NSIR audit and inspection regime must acknowledge the nature of the pilots and the potential wider benefits of more proportionate crime recording.

The Home Office should use its forthcoming Green Paper as an opportunity for public debate and consultation on proposals to amend the Notifiable Offences List, and complete a comprehensive review of it by the end of 2008.

### Some progress

Four Force Pilot has introduced greater professional judgement and proportionality when dealing with 'local' crimes and incidents.

Service needs to promote benefits of proportionate, community focused responses to local crimes.

Wider debate needed on crime and incident data requirement.

No amendment to Notifiable Offences List, reliance on proportionate recording as indicated above.

See Main Report para nos 5.25–5.42

## FLANAGAN FULL REPORT RECOMMENDATIONS

22. I support the roll out of the Simple Speedy Summary Justice Initiative, and recommend that the Streamlined Process, Virtual Courts and Integrated Prosecution Teams, be implemented nationally by 2012, taking into account lessons learned from each pilot and the local business case for implementation.

(a) The Crown Prosecution Service and ACPO should jointly work towards a single case file system within the framework of the Integrated Prosecution Teams.

(b) The Home Office, OCJR and Attorney General should work together to ensure that targets and performance indicators for the Police and Crown Prosecution Service are brought into alignment and set against the core objective of convicting the guilty. This should be achieved through the next spending review process.

(c) I welcome the news that the NPIA is putting better working between the police and the criminal justice system at the centre of its plans and that OCJR will continue with their comprehensive and radical review of the criminal justice processes. Further opportunities to achieve the Government's new PSA target to "increase the efficiency and effectiveness of the criminal justice system" should include consideration by these bodies of:

- (1) the proportionality of current disclosure rules;
- (2) simplifying current guidance on charging powers for the police; and
- (3) the extension of police charging powers to all cases heard at the magistrates' court, and to additional offences subject to trial, either at the magistrates' court or the Crown Court.

### Some progress

Roll out of Streamlined Process throughout service nearly completed providing increasing capacity of service. Not fully embedded. Benefit not yet realised.

Pilot of Integrated Prosecution Team (London Criminal Justice Board) awaiting evaluation.

Further work required to align performance indicators at a local level across criminal justice partners.

No progress on review of disclosure rules – RBA to conduct research into CJU which will incorporate disclosure.

Following research into charging arrangements, DPP guidelines being revised to remove ambiguities and serious consideration being given to increasing charging decisions by police.

See Main Report para nos 3.4–3.7, 5.73–5.76 and 5.87

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>23.</b> The Home Office should urgently initiate a review of the RIPA Codes of Practice. Once initiated I see no reason why with determination and commitment from the interested parties involved such a review could not be conducted over a three-month period.</p>	<p><b>Some progress</b></p> <p>Review undertaken. New guidance issued to increase understanding and reduce unnecessary applications. Policing and Crime Bill providing for cross-border applications.</p> <p>See Main Report para no. 5.96</p>
<p><b>24.</b> The current comprehensive form for Stop and Account should be removed and replaced with the following measures:</p> <p>(a) Any officer who asks an individual to account for themselves should provide that individual with a 'receipt' of the encounter in the form of a business card or similar, and use Airwave to record the encounter, including the ethnicity of the person subject to the encounter to enable disproportionality monitoring; and</p> <p>(b) Supervisory officers should 'dip sample' these recordings.</p> <p>These proposals should be piloted in the West Midlands and evaluated by the end of summer 2008.</p>	<p><b>Progress</b></p> <p>Legal requirement removed in January 2009. Delay introducing technological solution in some forces.</p> <p>Some forces delayed implementation to consult local communities.</p> <p>A number of forces appear to have decided not to implement change in legal requirement and continue to collect information.</p> <p>See Main Report para nos 5.97–5.103</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>25.</b> The Home Office and CLG should consider how best to support improved community safety partnership working in two-tier areas, in particular encouraging greater collaboration between local partnerships to enhance their capacity to deliver key community safety services.</p> <p>As the new Local Area Agreements are rolled out, the Home Office and CLG should also consider how best to support the delivery of tailored neighbourhood community safety outcomes.</p>	<p><b>Some progress</b></p> <p>Partnerships working well in places but not consistently throughout.</p>
<p><b>26.</b> The Home Office, CLG and WAG should put in place proper governance and programme support arrangements to deliver the Action Plan which will promote the closer integration of Neighbourhood Policing with a neighbourhood management approach. These arrangements should be in place by autumn 2008.</p>	<p><b>Some progress</b></p> <p>Total Place pilots in place in 13 areas to provide joint working, seamless public services. Governance and accountability will require further consideration.</p>
<p><b>27.</b> To promote improved partnership working and the closer integration of Neighbourhood Policing within a neighbourhood management approach, the relevant local government and policing agencies (NPIA, IDeA, LGA, Welsh LGA and Regional Improvement and Efficiency Partnerships (RIEPs)) should develop a national leadership and training resource through a joint excellence programme. These bodies should explore whether the RIEPs can provide funding for the programme.</p> <p>This national resource will build local partners' capacity to deliver shared community safety outcomes through joint training and development for both leaders and practitioners.</p>	<p><b>Some progress</b></p> <p>Developing training programme.</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>28.</b> Recognising that the Single Non-Emergency Number programme has acted as a catalyst for improved partnership working, the Home Office and CLG should ensure that learning from the programme is shared with all community safety partners and identify how to encourage and incentivise the mainstreaming of this approach into local operations. This process should be completed by August 2008.</p>	<p><b>Some progress</b></p> <p>Limited number of forces and local authorities adopting Single Non-Emergency Number.</p>
<p><b>29.</b> Chief constables and senior community safety partners should ensure that effective leadership, tasking and direction of neighbourhood resources are vested in the most appropriate individual, irrespective of the organisation for which the individual works.</p>	<p><b>Agreed in principle</b></p> <p>Working well in places, but personality-led. Willingness of all partners to work collaboratively is key to progress. Need to address differing governance and accountability arrangements.</p>
<p><b>30.</b> The NPIA should, by April 2008, have agreed a funded programme for the next three years to continue to support forces to embed Neighbourhood Policing.</p>	<p><b>Agreed in principle</b></p>
<p><b>31.</b> ACPO, the APA and the NPIA should develop a broad set of principles for minimising abstraction from Neighbourhood Policing teams by April 2008. These should be adopted by all forces no later than June 2008.</p>	<p><b>Agreed in principle</b></p> <p>Difficult to assess.</p>

## FLANAGAN FULL REPORT RECOMMENDATIONS

<p><b>32.</b> The APA, with the support of the NPIA, should develop guidance for police authorities on how they can promote and sustain Neighbourhood Policing. This guidance should be completed by July 2008.</p> <p>HMIC, the Audit Commission and the Wales Audit Office should assess, as part of police authority inspection, how well police authorities contribute to embedding and sustaining Neighbourhood Policing and its outcomes.</p>	<p><b>Good progress</b></p> <p>Assessment in spring 2010.</p>
<p><b>33.</b> CLG's Cohesion Delivery Framework (to be published in summer 2008) should provide support and guidance to local partners on the key role Neighbourhood Policing teams play in improving cohesion, and on how that role can be developed further locally.</p>	<p><b>Good progress</b></p> <p>Increasing recognition of value of partnership working at a local level.</p> <p>Need to promote good practice imaginatively.</p>

## Appendix 3:

### Police Custody Processes Research (September 2009)

---

## FOREWORD

The findings within this report are based on the research team's independent review of the current operations and processes in place across police custody suites. This report is not designed as a critique of the individual custody suites we visited, or of the practitioners who gave up their valuable time to share their views and opinions.

The report has been prepared on behalf of Jan Berry, the Independent Reducing Bureaucracy Advocate for Policing, and the Reducing Bureaucracy Practitioners Group and therefore assumes a degree of knowledge and understanding of the police service in general and custody processes in particular. The report is focused on the key findings from the visits across seven police custody suites.

The Crown Prosecution Service (CPS) supported the research through the involvement of David Evans, who provided expert knowledge of the Directors' Guidance on Charging, Streamlined Process and CPS systems. Alongside David, the research team consisted of Inspector Joanne Wright, staff officer to Jan Berry, who brought a detailed knowledge of policing processes and behaviour, and Lindsay Wilson, an independent management consultant who delivered the research methodology and challenged system and process conventions.

The research would not have been possible without the commitment and participation of the police officers, staff, managers and Crown Prosecutors and managers within the seven areas. All contributors made themselves available to the research team and contributed fully during the interview process. Thanks must also be extended to the police and the CPS for the provision of disposal and charging data.

If you have any questions relating to the report please contact:

Lindsay Wilson  
**CONSULTED Ltd.**  
lindsay.wilson@homeoffice.gsi.gov.uk

Joanne Wright  
**Staff Officer to Jan Berry**  
joanne.wright@npia.pnn.police.uk

David Evans  
**Crown Prosecution Service**  
david.evans@cps.gsi.gov.uk

**CONTENTS**

Introduction 95

Custody quantitative comparison 99

Key findings from the qualitative review 100

Research conclusions 119

The custody processes 120

Appendix A: Structured interview questions 126

## INTRODUCTION

1. In February 2008, Sir Ronnie Flanagan presented the Final Report of his Review of Policing, in which reducing bureaucracy was one of four target areas. Subsequently, in July 2008 the Home Secretary published the Policing Green Paper *From the neighbourhood to the national: policing our communities together*, setting out the Government's vision for the future of policing. As part of the work set out for 'professionalising and freeing up the police',<sup>1</sup> the Government made a commitment to appoint a reducing bureaucracy 'champion' at a senior level to ensure the delivery of the recommendations in Sir Ronnie Flanagan's independent Review of Policing and take forward the Green Paper proposals including:
  - the creation of a general front-line focus group to test proposals of the police service, Government and Criminal Justice System (CJS) for impact on the front line; and
  - to work with the Government, the Association of Chief Police Officers (ACPO), the National Policing Improvement Agency (NPIA) and other key partners to identify the 'top ten' most frequently pursued processes in policing.
2. In October 2008, Jan Berry, former Chairman of the Police Federation of England and Wales, took up her role as the Independent Reducing Bureaucracy in Policing Advocate.
3. The role of the Independent Reducing Bureaucracy Advocate is to drive the bureaucracy-reducing recommendations in Sir Ronnie Flanagan's Review of Policing, to challenge government and the police service to remove and/or reduce overly bureaucratic requirements, systems or processes and to work with government and the police service to tackle risk aversion.
4. In December 2008, the Reducing Bureaucracy Advocate established and chaired a meeting of front-line police officers and staff who are geographically and functionally representative of the police service, the Reducing Bureaucracy Practitioners Group<sup>2</sup> (RBPG). The group is best placed to undertake three tasks from the perspective of the front line:
  - highlight major causes of unnecessary bureaucracy;
  - identify key processes that have the potential for standardisation across the service; and
  - review proposed systems and processes to assess the bureaucratic impact on the front line.

<sup>1</sup> Policing Green Paper *From the neighbourhood to the national: policing our communities together*, Chapter 2: Reducing bureaucracy and developing technologies.

<sup>2</sup> For more detail about the Reducing Bureaucracy Practitioners Group, see Jan Berry's *Reducing Bureaucracy in Policing – Interim Report 2009*.

5. The RBPG identified ten processes that it considers unnecessarily bureaucratic and which would benefit from greater standardisation in systems, procedures and/or forms. The ten processes are:
  - accident reporting;
  - call handling;
  - case building and file management;
  - crime and incident recording;
  - custody processes;
  - domestic abuse;
  - missing persons;
  - National Intelligence Model (NIM);
  - Performance and Development Reviews (PDR) for front-line officers and staff; and
  - taser.
  
6. The group also identified eight cross-cutting issues to be taken into account when considering unnecessary bureaucracy in the ten processes and opportunities for standardisation:
  - interaction with the rest of the CJS;
  - partnerships;
  - people (HR);
  - performance culture and data collection;
  - assessment of risk;
  - training;
  - use of technology; and
  - use of force.

#### ***Police custody processes research***

7. Custody is a core area of police business and was considered by the group to be particularly complex, involving partner agencies from across the CJS. To enable informed decisions about the removal of unnecessary bureaucracy in custody, the Reducing Bureaucracy Advocate commissioned this tailored piece of research.
  
  8. The remit for the research was developed by the Reducing Bureaucracy Advocate and the RBPG in association with colleagues across the CJS, including the CPS, ACPO and the Police Federation of England and Wales National Custody Forum.
-

9. The detailed requirements of the research were to:
  - identify to what extent the DPP Guidelines on Charging are used or interpreted;
  - identify what the custody process should look like;
  - describe what the custody process looks like in practice;
  - explore how the process could be improved;
  - identify opportunities for further standardisation; and
  - consider use of officer discretion.

#### *How we undertook the review*

10. Reviewing processes demands a robust approach. This is particularly important as the police service is made up of forces spanning broad geographic and demographic areas and operates a number of different performance and information management policies. To this end we selected six forces for visits which spanned three key criteria:
  - urban and rural locations;
  - centralised or devolved custody suites; and
  - off-the-shelf or bespoke Information Technology (IT) systems.
11. The review did not seek to capture every aspect of every force's custody process; it was designed as a small, focused piece of research commissioned to establish how the process operates in practice. To ensure that the approach we developed was fit for purpose, we presented our methodology to the ACPO lead for custody, ACC Gary Cann, and custody managers and staff within the West Midlands Police Force. With their endorsement, the research methodology was signed off for implementation in February 2009. Our key methods included:

#### *Desk-based research and analysis*

12. To inform the methodology and progress of the research, we undertook a review of the available literature. This review included the following available documentation:
  - DPP's Charging Guidance;
  - the Prosecution Team Manual of Guidance;
  - the Code for Crown Prosecutors;
  - Criminal Justice Joint Inspection 'The joint thematic review of the new charging arrangements';
  - the Streamlined Process – Interim Report on Implementation and Final Report;

- Her Majesty’s Crown Prosecution Service Inspectorate (HMCPPI) – Inspection of CPS Direct;
- emerging findings from the modernising charging pilots; and
- custody process maps supplied by forces.

### *Custody work shadowing*

13. We spent time in the operational centre of each of the custody suites visited. The purpose of the work shadowing was to observe the custody processes and operational roles and responsibilities as they occur. This allowed us to test custody personnel perceptions against the practical operations on site.

### *Structured interviews*

14. At each custody suite visited, we undertook a series of structured interviews<sup>3</sup> with individuals and groups of operational police officers, police staff and Crown Prosecutors. The confidential interviews were designed to gather qualitative evidence regarding the operation and function of the custody suites and their core processes. The interviews were structured around a series of questions which sought to identify views and opinions on the strengths and weaknesses of the custody processes and identify potential areas for improvement.
15. We also tested differences between perceived and actual staff roles and responsibilities, and tested the effectiveness of training, work allocation and interactions with partner agencies.

### *Review of custody and charging data*

16. The custody suites visited were selected to provide variation in geography, municipality, technology and demography parameters. The research team anticipated that there would be a significant amount of variation in the volume of prisoners passing through the different custody suites and this was evident during the visits. To further understand the operational pressures facing police officers and staff working in custody and the CPS, we reviewed (where available) the police disposal and CPS charging data.

### *Focus groups*

17. To ‘sense check’ the key findings from the research, some members of the research team participated in a series of interactive focus groups and workshops facilitated by the Independent Reducing Bureaucracy Advocate. Specifically, we met with operational police officers in Kent, Merseyside, Wiltshire and Norfolk, with members of the National Custody Forum of the Police Federation of England and Wales, and with the RBPG.

<sup>3</sup> Please refer to Appendix A (p127) for details of typical questions asked during structured interviews.

## CUSTODY QUANTITATIVE COMPARISON

18. There were substantial variations in the volume of prisoners passing through the seven custody suites visited. The operational processes appeared to be different depending on prisoner volume. Across those custody suites the volume of police charge and disposal options varied from 698 to 1843 per month. Police charge was the most abundant disposal, ranging from 260 to 591 charges per month. This was very closely matched by the number of No Further Actions (NFAs), with numbers ranging from 195 to 591 NFAs per month.
19. Using the CPS performance data, we compared the numbers of individual cases charged by the police and CPS during January, February and March 2009. Of all the case files received and finalised, 66.7% of charging decisions were made by the police alone.
20. There was a considerable amount of performance management information available for custody on the part of both the police and CPS. However, the opportunity for drawing comparisons across the custody process as a whole was limited. Direct comparison between the police and CPS data is not possible. The CPS performance counting system records individuals charged for prosecution, including individuals charged by the police for prosecution by the CPS, whereas the police count number of charges/disposals. It was also not possible for the team to compare police charge/disposal data across all the custody suites visited due to significant variation in level of detail available.
21. The CPS shared a range of its performance management information which the research team used to monitor CPS charge performance for both the magistrates' court and Crown Court, including the three Key Performance Indicators (KPIs): discontinuance rate; guilty plea rate; and attrition rate. This data has been used to inform the methodology for a subsequent piece of research into case building and file management which will involve visits to both CPS and police Criminal Justice Units (CJUs).

## KEY FINDINGS FROM THE QUALITATIVE REVIEW

22. This section contains the significant findings from across the seven custody suites visited. Based on the evidence collected during this small piece of research, it is clear that there is some inconsistency across the custody processes including: the roles of personnel, collaboration with partners, and custody facilities down to operational systems and processes. We identified 22 key findings. For ease of reference we have grouped these under the following thematic areas:

- systems and processes;
- roles and responsibilities;
- skills and training;
- partner agencies;
- performance;
- governance;
- technology; and
- facilities.

23. We have also included two thematic areas of business that were specifically raised during our research:

- domestic abuse; and
- DPP Guidelines on Charging.

### *Systems and processes*

#### *Booking in*

24. Booking-in times were considered by police officers and staff to cause the longest delays in custody. The long waits were typically associated with Thursday, Friday and Saturday nights and the repeated occurrence of delays at these times was a significant cause of frustration for uniformed officers. The longest waiting time the research team was informed of was over four hours. The following issues were raised by officers concerning delays for booking in:

- officer and prisoner safety, when waiting in a communal holding area;
- police cars being off the road, when queuing in the car park; and
- lack of opportunity for officers to start their arrest reports, etc.

25. The repeated occurrence of complaints around booking-in times indicates that staffing levels and infrastructure are not suitable to cater for periods of high demand. Increasing the number of Custody Officers<sup>4</sup> or staff will only deliver benefit if there is a proportionate increase in the number of computer terminals available for booking in. Booking in is an area of business which is currently poorly managed and where efficiency benefits could be realised.

*The booking-in process caused the longest delays in custody.*

---

### *The Streamlined Process*

26. The essence of the Streamlined Process (SP) is proportionality. Cases expected to result in a guilty plea and suitable for sentence in the magistrates' court will require less paperwork for plea and sentence than an offence where there is a clear intention to contest the issues. Decisions in other cases should be made on the basis of the key evidence. Overall, the need for witness statement taking should be reduced. Streamlined Process relies on focused quality investigations to maximise the potential efficiencies available to all agencies.
27. Planning for the roll out of SP began in September 2008, and implementation was due to be completed by the end of June 2009. Planning for SP across forces has ranged between three and ten months and shadow sign-off periods have ranged between one and seven months. By the end of July 2009, at least 29 forces should have achieved final SP sign-off, and it is now projected that all forces will have signed off on SP by November 2009.
28. It is important to note that SP was still to be fully embedded when the custody research was undertaken. The programme appears to have the potential to deliver benefits across the CJS and improvements should be clear when the process is fully implemented. The research team is likely to see some of the benefits being realised during their next piece of research, a report commissioned by the Reducing Bureaucracy Advocate which will focus on the 'case building and file management'<sup>5</sup> processes at both police and CPS Criminal Justice Units.
29. The potential efficiencies that could be made through implementation of SP were not being realised at the time of our visits. Despite the principles behind SP being sound, at the sites we visited, the police and CPS feedback was that neither the Police Service, CPS nor Her Majesty's Courts Service were fully brought in to the process at a local level.
30. The research team was told about document submissions additional to those required by SP on behalf of the CPS (MG11, witness statements where evidence of the same events does not differ) and courts (MG6, disclosure forms). Where requests came from the CPS, these were rarely challenged by the police, as Police Sergeants and Evidence Review Officers<sup>6</sup> (EROs) were generally not confident in challenging those they associated with being experts in the law.
31. EROs and Crown Prosecutors believed that the benefits of SP were not understood or being realised by uniformed officers. This was attributed to a skill deficiency in summarising information for SP case file and the culture of taking statements at almost every opportunity.
32. The CPS revealed that case management by the courts in not guilty plea cases where areas of evidence were in dispute was not always good enough to allow SP to be implemented effectively. This problem mainly arose where the defence

<sup>4</sup> Section 36 (3) of the Police and Criminal Evidence Act 1984 defines a Custody Officer as a police officer not below the rank of Sergeant.

<sup>5</sup> Case building and file management is one the ten processes identified by the Reducing Bureaucracy Practitioners Group.

<sup>6</sup> Also known as Case Directors.

was not prepared to indicate at an early stage what evidence could be agreed and the court did not manage the case so that evidence to be contested was clearly identified. In such circumstances the CPS would be forced to ask the police to produce a file with all the evidence and warn all witnesses, including police officers. The CPS believes that robust case management by the courts could avoid such unnecessary file builds.

33. The roll out of Streamlined Process has increased the need for officers to know their key points of evidence to prove and how to summarise information. It was put to the research team that some police officers were lacking in these basic skills.

*The Streamlined Process is not delivering the efficiencies it could due to an inconsistent approach by the police, CPS and courts.*

#### **CPS face-to-face appointments**

34. Appointment scheduling for face-to-face Crown Prosecutor meetings was typically controlled by an ERO as part of their wider remit of work, discussed later in 'Roles and responsibilities'. There was no evidence of excessive waiting times to meet with a Crown Prosecutor. Appointments could generally be obtained on the same day or within 24 hours (custody cases depending). Throughout the research, we saw many pre-charge advice appointments taking place; we witnessed only one police officer queuing to see a Crown Prosecutor and he had not pre-booked an appointment.
35. The diary and appointment systems varied across the sites visited. Those diaries run at stations with high volume custody suites tended to be more efficient because they were managed proactively. Where problems arose at these sites, they were frequently attributable to custody cases (where an individual was being held in custody) taking precedence. However, a number of EROs managed this risk to limit the impact on the day's appointments. Where this risk was not managed, whole afternoons of appointments could be lost, causing frustration and delays for officers.
36. Problems with scheduling were also caused by officers arriving late to their appointments or not booking enough time with the prosecutor if the case was particularly complex. Appointment scheduling could also be significantly affected if the police identified a lawyer as being 'reluctant to charge'. In such cases, a whole day's appointments could remain empty. Where this had occurred, the diary managers stopped including the prosecutor's name in the diary. Other lawyers who had been identified as being 'good', i.e. charging at a level which the police had confidence in, were always in demand.
37. Good diary management practice included:
- a designated diary manager(s);
  - proactive management according to need;

- the use of an electronic diary;
  - Officer in Case contact details and 'bail back' dates recorded;
  - early risk assessment of the day's custody business on the day's appointments between the diary manager and Crown Prosecutor;
  - phone cancellation and re-scheduling of appointments as early as possible; and
  - re-bailing authorised at Chief Inspector level.
38. One police division provided three hours' extra CPS face-to-face appointments in the evenings from Monday to Friday, and Saturday morning, which was appreciated by officers.
39. There were some reported problems with arranging appointments for specialist prosecutors within the rota system. This was caused by the week-by-week scheduling of Crown Prosecutors to work in the police station. However, at some sites there were very good relationships between the CPS and EROs, and appointments could easily be scheduled outside of the normal programme.

*Access to the CPS was typically through an ERO: there were few reports of queues.*

#### **Bail system**

40. Management of the bail population for a custody suite varied across the sites visited. In some areas, bail was actively administered by either a Custody Officer or police staff member as a full-time role. However, in other areas arrangements were informal or absent. In one custody suite, the majority of all cases were bailed for review prior to disposal and/or charge.
41. Where active bail administration was conducted, forces/individuals had built their own bail systems, usually in commercial spreadsheet software. The spreadsheet system allowed officers to understand, quantify and most importantly manage their bail population. However, this system was not compatible with any existing custody IT packages and required significant time investment to update and maintain the spreadsheet and the case file (e.g. daily updates and failures to return).
42. Bail population size tended to be poorly understood. This was found to be the case particularly in areas where bail was not actively managed. On further investigation the reasons for bail were identified as including CCTV, forensics, medical reports, witness or officer availability, completing the investigation, further enquiries or a charging decision.

*The bail system requires active management to monitor and regulate the bail population.*

***Roles and responsibilities***

43. The research revealed a high degree of confusion in the roles and responsibilities of key personnel involved in the custody process. Due to the significant degree of overlap we identified, we have summarised our key findings at the end of the 'Roles and responsibilities' section.

***The Custody Officer***

44. The majority of Custody Officers interviewed were confident in their role in its present state. However, this role was inconsistent across the custody suites visited.
45. The Custody Officers always made the decision to authorise detention and had responsibility for applying the provisions of PACE<sup>7</sup> Code of Practice C. However, we identified a number of specific roles conducted by either a Custody Officer or a Custody Detention Officer (CDO):
- booking a prisoner in;
  - conducting a risk assessment;
  - property;
  - welfare checks; and
  - bail.
46. Custody Officers in general were very busy managing the custody suite, working to PACE and overseeing prisoner safety management. Custody Officers informed the team that they felt their role in making decisions had significantly changed. The reasons given related to the confusion and overlap in roles between the ERO, CDO and Prisoner Handling Unit<sup>8</sup> Sergeant.
47. By accepting the recommendations of their colleagues and not fully reviewing the case files themselves, Custody Officers believed they were in danger of becoming de-skilled. A number of Custody Officers articulated a reluctance to charge without the case being reviewed by a 'gatekeeper' or someone who has overseen the evidence and case build. This view was predominantly expressed by Custody Officers with no custody experience before the introduction of Statutory Charging.
48. It is the research team's understanding that the role of the Custody Officer has changed. The police officers we spoke with had mixed opinions on whether the change was a good thing.

***The Evidence Review Officer***

49. The ERO position came into place with the introduction of Statutory Charging. It was the understanding of the police and CPS interviewed that the role had come into being as guidance was not being provided by either the Custody Officers or the Patrol Sergeant, and that the levels of discontinuance were

---

<sup>7</sup> Police And Criminal Evidence Act 1984.

<sup>8</sup> Also known as Detained Persons Unit, CID Interview Team and Volume Crime Team.

far too high. There was a consensus among those interviewed that ERO supervision had led to an improvement in the quality of police files and a reduction in attrition, discontinuance and adjournments at court.

50. EROs were typically either police sergeants or police staff who were retired police sergeants with CID experience. The role of an ERO typically incorporated:
- case direction, including overseeing the initial investigation of persons arrested for volume crime offences, carrying out assessments and setting out initial and secondary investigation plans, the provision of immediate intervention at the point of detention in custody, overseeing the gathering of evidence and identifying lines of enquiry and key witnesses;
  - diary management for CPS face-to-face appointments;
  - administrative checks;
  - evidence review; and
  - recommendation for charge.
51. A significant role for the ERO was controlling access to the CPS and, across the sites visited, the role was often referred to as the 'gatekeeper'. An important function of the gatekeeper in controlling access was to ensure that stronger cases were progressed and weaker cases stopped. Case direction through an ERO was compulsory in some police stations and discretionary in others. At some sites only patrol officers used the EROs while at others all specialist teams (e.g. burglary squad, CID) were required to go through an ERO. Few of the patrol officers we spoke to consulted with their Patrol Sergeants for investigative direction.
52. The role of the ERO was generally well thought of by young-in-service PCs and DCs, Custody Officers in post after the introduction of Statutory Charging, and Crown Prosecutors. However, more experienced officers tended to dislike the gatekeeper role when they believed they had sufficient knowledge and experience to conduct a thorough investigation and prepare a rigorous case file. Lawyers, however, commented that the standard of files was more variable where they had not been through an ERO. Police officers admitted that at times they had waited to seek pre-charge advice through CPS Direct, avoiding the 'gatekeeper' who had gone off duty.
53. Subsequent to the research visits the team visited another force which was introducing an accreditation system which supports officer independence through earned autonomy. Officers able to manage their own file build to the standards required by the CPS were recognised within the force, and for certain specified offences, were only required to seek case direction at the conclusion of the investigation. The accreditation programme is linked to officers' Performance Development Reviews (PDRs). The programme had not been running for very long (approximately two months) and the research team would be interested to see how the programme develops.

54. The role of the ERO has a significant overlap with Patrol Sergeants (case direction, review of the investigation and file supervision) and Custody Officers. Patrol Sergeants and Custody Officers were described throughout the research as being too busy to have the time to read and assess case files and supervise investigations effectively. It was the research team's understanding that the ERO had become the principal investigation manager over other operational officers.
55. There are competing perspectives as to the role of EROs. Some consider EROs to have delivered benefits to the custody and investigation processes through improvement of case files and freeing-up of Patrol Sergeant and Custody Officer time. However, there is a strongly competing view that the role of the ERO undermines that of the Patrol Sergeant and Custody Officer and is contributing towards some skill loss in these operational supervisory roles. This issue will be discussed further in the 'Skills and training' section below.
56. Concerns were also raised regarding succession planning for EROs. The concerns centred on where the investigation and case direction skills would come from to provide the EROs of the future if front-line supervisors did not gain that experience in their role.

#### *The Custody Detention Officer*

57. Civilian Custody Detention Officers<sup>9</sup> (CDOs) on the whole enjoyed the challenge of their jobs. While the purpose of their role was to be responsible for the safety, security and welfare of all prisoners while in custody, their duties and responsibilities varied across all the sites visited. Roles and responsibilities which were not standard across the sites included:
  - booking in;
  - risk assessment; and
  - prisoner processing (fingerprints, DNA, etc).
58. In those areas where CDOs do not have a role in prisoner processing, police officers felt that prisoner processing should be part of the CDO's role and not a responsibility of the arresting officer. Where CDOs do process the prisoners, this generally delivers efficiency benefits. This is in part due to police officers' limited knowledge of the current fingerprint and photograph processes etc, and their desire to use the opportunity to progress other tasks such as starting the Crime Report.
59. Some forces seconded patrol PCs to custody as part of their training. These secondments involved PCs working alongside CDOs as gaolers. This was viewed positively by the Custody Officers and staff as it embedded an understanding of the custody process as a whole.

---

<sup>9</sup> Also known as Custody Assistants and Dedicated Detention Officers.

*There was a significant amount of overlap and confusion about the roles and responsibilities of custody personnel.*

*The role of the Custody Officer is inconsistent and some officers have become de-skilled in decision making.*

*The role of the Evidence Review Officer was reasonably consistent and was generally delivering benefits to both the police and CPS. However, there is a perception that this role has contributed towards skill loss in operational Sergeants.*

*The role of Custody Detention Officer is not consistent but their role can deliver benefits to patrol officers.*

### **Skills and training**

#### **General police training**

60. It was not within the scope of this research to speak with a wide range of operational police officers. However, where conversations were held, we noted a common perception that more recent recruits were not as skilled or confident coming out of the devolved, modular training regime as they should be in core police business areas. It was also felt that there was a reduced level of experience out on the street as officers moved into specialist roles earlier in their careers.
61. Where Prisoner Handling Units (PHUs) took on prisoners, there was concern from more experienced officers that patrol officers were losing their prisoner handling skills. Patrol officers were believed to have greater expertise in prisoner handling, interview and investigative techniques where secondments to PHUs was part of the force training and where PHUs had limited capacity and officers remained the Officer in Case after arrest.

*The devolved, modulated training regimes are not as highly regarded as the previous national programme.*

#### **Sergeant skills and training**

62. There was a general belief among police officers that Patrol Sergeants did not have the time to support their officers in case investigation and file supervision due to their resource and IT management responsibilities. Custody Officers raised issues around the time required to read the papers and to listen to an officer's review of the case to make a charging decision. This was a cause for concern for longer-serving officers, who believed some core skills were being compromised and that the police service was losing its front-line supervision capacity.

63. The role of EROs was cited by some as contributing to the decline of case direction and decision-making skills of the Patrol Sergeants and Custody Officers. However, there was a conflicting school of thought which accepted that EROs had been brought in to fill a gap that was not being undertaken by front-line supervision.
64. The research team did not meet with Patrol Sergeants during the course of the custody research and cannot expand on this area of concern.
65. We did, however, meet with Custody Officers across all the sites visited. It was our understanding that the role of the Custody Officer had changed in the years since Statutory Charging was introduced. By concentrating on other aspects of their work, this has led in some cases to Custody Officers being less confident in making charging decisions. In the custody suites we visited, the team met with a number of Custody Officers who were reluctant to use their charging powers if cases had not been through an ERO. These were typically Custody Officers with no experience working in custody prior to Statutory Charging. However, in some custody suites, this approach was mandated by senior managers.
66. For officers with no custody experience prior to Statutory Charging there was little desire to increase their opportunity to make police charging decisions. These young-in-service officers did not feel they had the skills or time to assess the case file properly. There is no doubt that the safer detention and welfare responsibilities of the Custody Officer have changed over the years. However, their legal responsibilities do not appear to have changed, and it was our interpretation that the current training which was developed relatively recently does not reflect all the aspects of their responsibilities.
67. Training issues highlighted by Custody Officers included the basic nature of the course and the high priority given to death in custody. A number of the Custody Officers we met (with no pre-Statutory Charging experience) were anxious in their positions and didn't feel confident in their roles. Senior officers found it difficult to get them to enrol on the Safer Detention training programme due to the poor feedback from officers.
68. One significant cause for concern among Custody Officers was the perception that there would not be any support from senior officers in the event of a death or serious incident in custody. This sentiment appreciably affected the confidence of less experienced Custody Officers.

*The skills and training of officers are intrinsically linked to their roles and responsibilities and as highlighted in the previous section there is a significant overlap and a lack of clarification in this area for key personnel.*

### **Career progression**

69. The research team identified differences in officer career progression which could impact on the morale and service in the custody suite. In some areas visited, the force promotion programme for Sergeants included a six-month attachment to custody as acting Custody Officer. In forces which did not stipulate custody experience in the career progression programme for Sergeants, frustration was expressed by Custody Inspectors that senior managers could have responsibility for the custody business area without having any operational custody experience.

*In those forces where custody is part of the career progression there was thought to be less understanding of the complexity and pressures of the custody suite by senior managers.*

### **Specific skill issues**

70. The research team met very few officers who had the experience of giving evidence at court. There was a very real concern that the first court appearance for police officers may be for a major trial.
71. CCTV was unanimously identified as an issue for obtaining a charging decision. The CPS held a poor view of the police's ability to summarise CCTV footage, and often found the footage did not reflect the officers' statements. There was no standard agreement in place regarding CCTV evidence and this resulted in an inconsistent approach by the CPS across the areas, i.e. accepting police officer summaries in some areas and not in others.

*Court experience and CCTV were all identified as areas requiring further training or where support was inefficient.*

### **Partner agencies**

#### **General partner arrangements**

72. There were no significant observations with regard to partner agencies and delays in custody. Any delays experienced were typically understood to be a function of working with partners who did not provide 24/7 cover.
73. The most noteworthy delay was the limited availability of duty defence solicitors during busy periods in custody. The authority to request another solicitor lies with the on-duty solicitor. Custody Officers typically try and work with the solicitors. However, sometimes significant delays are caused when the duty defence lawyer does not call in extra solicitors to deal with the demand in custody. Where we identified an issue with this, a reconciliation meeting has been facilitated between the police and defence solicitors.
74. Delays caused by a requirement for an interpreter were not considered to be unmanageable. The interpreter and language line systems appeared to work well across the custody suites visited.

75. No significant delays were caused by social workers and/or appropriate adults. However, the police did raise one specific instance where they believe they could use their professional judgement to judge the age of illegal immigrants. In these cases, the police believed it was unnecessary for a social worker to be present.
76. On-site nurses were considered to be an excellent addition to the services provided in custody. At locations with no on-site medical personnel, the option to have a full-time nurse was highly desirable. Where medical cover was not on-site, delays were typically caused by geography; this was most evident in rural areas. In the Metropolitan Police Service, extended waiting periods were a recent development associated with a revision of Force Medical Examiner (FME) contracts.

*Partner agency arrangements do inevitably cause some delays in custody but these are generally manageable.*

#### **CPS arrangements**

77. There are currently three working models through which police officers seek pre-charge advice from Crown Prosecutors:
- Face-to-face meetings, typically available Monday to Friday, 0900 to 1700, in local police stations;
  - CPS Direct, an 'out-of-hours' charging advice service provided by the CPS to every police force in England and Wales since April 2006; and
  - CPS Daytime Direct, a new model which combines an 'on-request' service via the telephone, Monday to Friday, 0900 to 1700 for volume crime cases with face-to-face consultation for more complex cases.
78. During the research we interviewed police officers and staff about the differences and types of advice received by Crown Prosecutors working across the three models; we also interviewed Crown Prosecutors who provided face-to-face and CPS Daytime Direct consultations.

#### **CPS face-to-face**

79. The cross-agency working arrangements between the police and the CPS are, on the whole, working well. There were generally good working relationships locally and these were frequently based on personal relationships built up as part of the co-located working programme. We did, however, identify some inconsistency in service across the sites.
80. Specifically, there was a lack of standard practice for dealing with CCTV, and this was considered a problem across all the sites visited. The CCTV issues were minimised in areas where the CPS would accept a police statement of the CCTV evidence. In areas where the CPS refused to accept a police statement, there was a level of police disharmony and a feeling of professional distrust.

Subsequent to this research project, the CPS has developed guidance on the 'Use of summaries of visually recorded evidence in cases referred to the CPS for charging decision.' Pending development of a technical solution and where specified conditions are met, prosecutors can, where appropriate, make a charging decision when the visual evidence (e.g. CCTV) has not been viewed based on a police summary of the visual material.

81. In most areas, Crown Prosecutors released police officers from the charging meeting while the prosecutor reviewed the case file or typed up the MG3. This method of working was considered to be the best use of officer and Crown Prosecutor time and was well-liked.
82. A significant issue for the police was the perceived reluctance of Crown Prosecutors to take on case reviews that would see them working past 1700 hours, or would affect their time allocated for lunch. The issue of working after 1700 was substantiated during our interviews with a number of Crown Prosecutors across the sites visited. Better staff rostering arrangements, particularly for the cross over time between the local CPS Area and CPS Direct, were seen as necessary and this concept was enthusiastically acknowledged by a number of Crown Prosecutors across the areas.
83. There were few reports to the team of challenges to charging decisions made by Crown Prosecutors. However, police and Crown Prosecutors were aware that the police would target those Crown Prosecutors who were likely to give positive charging decisions without delay.
84. Crown Prosecutors admitted some stress associated with working in the dynamic, challenging and sometimes intimidating environment of the police station. A number of individuals expressed a desire to be based in their own offices. This option was seen by Crown Prosecutors to be particularly advantageous when dealing with complex cases. The time frame allowed for charging decisions was also a cause for concern in some areas. This was exacerbated if officers arrived late for appointments, or had not booked enough time to handle a complex case.

*Overall there were good working relationships between the CPS and the police; however, the service from the CPS was inconsistent in some areas. There is also a need for all parties involved in the decision-making process to understand how to challenge each other constructively.*

#### **CPS Direct**

85. There was no clear divide in preference for a CPS face-to-face or a CPS Direct (CPS-D) charging decision. However, it was the view of the police that CPS-D was more likely to deliver a positive charging decision on cases with borderline evidence. This inevitably led to some inappropriate use of CPS-D.

86. Logistical problems which were associated with CPS-D charging included:
- officers having to remain on the phone while Crown Prosecutors read the file and prepared the MG forms; and
  - poor quality technology, e.g. antiquated fax machines, and the discrepancy between the police and CPS IT systems.

*CPS Direct was viewed as delivering more charging decisions but involved greater logistical challenges.*

#### **CPS Daytime Direct**

87. CPS Daytime Direct (CPS-DD) is also known as the Modernising Charging pathfinder. Its aim is 'to build upon and safeguard the benefits Statutory Charging has already realised across the CJS through a more proportionate approach designed to deliver higher standards of service.' The objectives include better tailoring of face-to-face consultations, quicker decisions and advice and reducing delays and unnecessary paperwork. There are two strands to the modernising charging model:
- face-to-face consultation, focused specifically on those suitably complex crimes; and
  - for all other crime, CPS delivers an 'on-request' service via the telephone between 0900 and 1700 (CPS Daytime Direct). This service is contiguous with CPS Direct, using the same number and technology (e.g. Solidus).
88. CPS-DD was in the very first stages of implementation during the research, and at the site we visited it was in the first month of operation. At that time the police and the CPS were very positive about it. However, according to the EROs, up to the point of our visit, the capacity of the system had not truly been tested as the police case load had not been very large. Furthermore, at the time of our visit, the EROs were managing a diary for using CPS-DD to ensure that the system was not overburdened with calls. Such management of the process was not what the research team had expected from the literature on the project, and may have implications for the evaluation.
89. There was a very good working relationship between the EROs and CPS at the site where CPS-DD was in place. They had a protocol in place for receiving informal advice on complicated cases and this was considered by both parties to work well.
90. The CPS-DD was considered by the police to be an improvement over the CPS-D arrangement as the system allowed for officers to be called back. This new approach freed the police officers from sitting at the open phone line and allowed them to progress other areas of workload. Another significant improvement for the police was the force commitment to upgrade the technology required to facilitate the transfer of information through to the Crown Prosecutors. The force visited had invested in high quality scanners

(suitable for both text documents and high resolution images) which linked into the force computer system. The scan-to-email process was very quick, produced excellent quality electronic documents and was considered by officers to be very easy to use. The new technology was very popular with officers.

91. At the time of our visit, face-to-face appointments were available with Crown Prosecutors one day of the week. Specialist appointments could also be obtained on one nominated day per week. The face-to-face appointment schedule was fully booked, up to three weeks in advance; the research team believed that this time frame was too long and the system was in need of improved management.
92. The Crown Prosecutors admitted that their new role was more demanding, because between calls, the prosecutors were tasked with correspondence and file reviews. However, their presence in the CPS offices was very welcome, delivering benefits through collaboration with colleagues on complex cases.
93. Again the Crown Prosecutors admitted their reluctance to work on cases that might see them working past 1700 hours. This problem is exaggerated by the lack of overlap with CPS-D prosecutors and the prescribed duty times for Crown Prosecutors. This was managed to some extent by the ERO management of a diary for using CPS-DD. However, prosecutors were available to a wider group of custody and command units. There were also reported delays in waiting times around lunch time as CPS numbers were reduced.
94. The CPS has commissioned Avail Consulting to conduct an evaluation of the modernising charging pathfinder. They are scheduled to provide an interim three-month evaluation followed by an evaluation of success at nine months. Final evaluation is due to take place across England and Wales between October 2009 and May 2010.

*CPS Daytime Direct appears to be working well and received positive feedback from both the police and CPS.*

## **Performance**

### **Performance culture**

95. The majority of uniformed officers who engaged with the research team were working to individual arrest and sanctioned detection targets. This performance culture leaves little room for officers to apply professional judgement and seek community resolution. In some instances it encourages a 'dump-and-run' culture where uniformed officers seek to hand over their prisoners to a PHU (or equivalent) to make an earlier return to other duties.
96. Though Custody Officers are theoretically free from performance pressures, it was our understanding that time spent waiting in holding prior to booking in was monitored and that refusal of detention happened infrequently.

97. At a number of sites, it was clear that the Custody Inspectors worked hard to dissipate pressures around performance, keeping the custody team free from demands. However, the culture to arrest was still very strong across all the sites visited; force directives for positive action and positive arrest particularly around domestic abuse are believed to have had an impact on the volume of prisoners in custody. It was the understanding of the uniformed patrol officers we spoke with that the driver for arrest policies was the National Crime Recording Standards (NCRS). This perception was prevalent across the sites visited, and it was clear to the research team that the role of the NCRS was misunderstood by uniformed police officers.
98. The few officers the team met who were encouraged to use their professional judgement on the streets were not convinced that their actions would be supported by front-line supervisors and senior managers. The officers showed concern that supervisors would only be interested when an officer got it wrong, and this made them reluctant to move away from the culture to arrest.
99. There was little knowledge of the single confidence target below the rank of Inspector and Superintendent.

*The performance culture of the individual police forces discourages officers from using their professional judgement and affects custody prisoner volume.*

## **Governance**

### ***The criminal justice system***

100. There are numerous ongoing changes to custody process as a result of new CJS initiatives. These initiatives are developed under sometimes conflicting performance regimes and therefore limit the opportunity for delivering a joined-up system. Despite there being a number of local and national bodies which are in place to facilitate the CJS across England and Wales, there was not an identifiable single point of contact for managing new CJS initiatives. New pilots and pathfinders and incremental implementation appear to be common across each part of the CJS. There also appears to be a lack of co-ordination across the CJS for taking into account the implications new initiatives may have.
101. There was little evidence of a 'prosecution team' ethos evident on our visits. We believe this is due to the physical and technological separation between the agencies. The separate nature of file building across agencies and the technological problems affecting inter-agency interaction do not contribute towards shared opportunities and goals.
102. One initiative that showed great promise for delivering combined efficiency savings and fostering a prosecution team ethos was the Integrated Prosecution Team and co-location of police and Crown Prosecutors. Despite this pilot being in the early stages of implementation, we received very positive feedback from both the police and the CPS. This approach to case management will need to be monitored to understand the full benefits that may be delivered.

103. From an infrastructure perspective, many current custody suites are located in old buildings that were not designed for modern requirements and this has the potential to cause problems with capacity and function. There is a need for the design of new custody suites to take into account forthcoming initiatives, and for a central point of contact for tracking new initiatives.

*Effective working practices are constrained by the number of initiatives, pilots and pathfinders rolled out across the CJS. This prevents effective planning and new systems don't appear to have sufficient time to become established. This is a symptom of the distinct nature of the CJS.*

### **Technology**

104. Criticism was raised by the CPS and police of the IT systems used across the criminal justice system in England and Wales. Police reported problems with the custody and case systems linking to the CPS' and courts' system which did not support effective working practices. Particular comments were made regarding the inability of case files to be transferred if a file had blank entries or was not completed fully.
105. The team was shown the management systems in use across the custody suites visited; these included a number of licensed national platforms and in-force bespoke software programs. The national systems were considered by officers to be fairly slow but workable. The poor functionality at the user interface did prompt officers to question who the systems were built to service – the officers working in the custody suite or the managers looking at performance. The adaptability of the licensed systems was a significant cause for concern in some areas because it was not possible to deliver changes (some of which are required by law) within reasonable time scales and budgets.
106. The quality and number of hardware devices could also significantly influence police and CPS processes. The temperamental nature of old police fax machines and their poor quality output affected the time spent sending files and could affect the decision-making opportunity of the Crown Prosecutor. The research team saw one example of new scan-to-email technology being used and we were very impressed by the quality and speed of the system. CCTV viewing also posed a number of problems, with systems not working and the technology not being available to transfer CCTV evidence to Crown Prosecutors. None of the uniformed police officers interviewed had been issued with mobile data devices.
107. A number of technology issues were raised by Crown Prosecutors working the CPS Daytime Direct charging model; these included:
- difficulty reading across multiple documents on the computer screen, as a result of which they would often print out a number of the documents;
  - their ears becoming very hot under the ear pieces when they were being worn for extended periods; and

- lack of ability to move about the room while wearing the phone headset (to seek reference material or to collaborate with a colleague).

108. A novel use of technology presented to the research team that was due to be piloted in one custody suite involved the use of mobile data devices to update the custody management system. The pilot is intended to supply CDOs with mobile data devices, which should facilitate rapid upload of welfare checks etc to the custody file and avoid the need to occupy a computer terminal that may be required for other prisoner management purposes such as booking in.

109. The police are looking to the Information Systems Improvement Strategy (ISIS) to deliver the technology advances required to support efficient working practices across the police service and CJS.

*Interviewees considered technology standards in the police service and across the CJS to be limiting effective work practices.*

### **Facilities**

110. All police officers and staff worked hard to make their custody space work effectively. However, several resource issues were identified:

- holding areas or air locks were frequently small spaces, with no separate areas for holding detained persons. Arresting officers had concerns for their own and their prisoners' safety;
- a lack of rooms for interview and/or private consultation was frequently cited as a cause for delay in custody; and
- the number of CCTV cells.

111. The changing landscape of the CJS continues to present space and capacity issues in custody suites as new initiatives are rolled out, such as the virtual court programme.

112. The Safer Detention guidelines were considered difficult to implement in very small custody suites. The guidelines were thought to be sound in principle but better suited to larger, Bridewell-type custody suites.

*Custody suites face a number of resource issues.*

### **Domestic abuse**

113. Domestic abuse cases were acknowledged to be both complicated and extremely sensitive to handle. However, there was a consensus among those interviewed that policing of domestic abuse incidents was not proportionate and often not victim-focused. The police were also concerned that domestic abuse risk assessment had taken on a 'one size fits all' policy with questions having to be answered that were not always applicable to the case. Domestic abuse cases were considered by officers to be an issue for both custody and policing processes in general.

114. The Association of Chief Police Officers (ACPO) definition of domestic abuse is 'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality.' Family members are defined as: mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family. The ACPO definition of domestic abuse was considered to be too wide by officers and not in line with taking an appropriate and proportionate approach. A particular example that was given was violence between adult siblings.
115. In some custody suites domestic abuse cases were anecdotally reported as being one of the most prolific offences brought through custody, driven by positive arrest/action policies. Officers across the board expressed a wish to have more discretion and power in dealing with domestic abuse cases at the point of arrest, detention and charge, including the opportunity to implement restorative justice options (e.g. anger management options).
116. A typical issue raised involved complaints from two cohabiting partners. As a result of positive action policies, both partners would be arrested with a consequent likelihood of there not being sufficient evidence to progress the case.
117. We heard of a number of instances where, due to the risk-averse nature of some Custody Officers or EROs, evidentially weak cases would be sent to the CPS to be classed as NFAs. It was not possible to obtain a breakdown for NFA figures by crime type as part of this research.
118. Forms and risk assessments for domestic abuse were also considered too rigid and too long. The specific doctrine of the form was not considered to allow officers enough flexibility for delivering a victim-focused service. Examples of this included the order of questions on the forms and the necessity to fill out the form on the first visit when the victim may not be up to answering all the questions.

*Domestic abuse is a high volume and high profile crime which the police would like to have more discretion and a wider range of powers to deal with.*

### **The Director's Guidance on Charging**

119. *The Director's Guidance* on Charging was generally accepted as an easy-to-use document, supported by wall charts with column A for police charged cases and column B for cases requiring a CPS decision. Problems with interpretation of the guidance were mostly raised by officers working in low volume custody suites.

120. Custody Officers typically did not want to see all charging decisions returned to the police. Reasons for this included:
- the potential for personal feelings to interfere in decision-making – for example, the difficulties of assault on police officer cases;
  - the Custody Officers recognised the value of CPS input in complex cases; and
  - the time that would be required to make the charging decisions, bearing in mind the time spent on safer detention guidelines.
121. The individuals who were keen for greater charging powers to be returned to the police were Custody Officers with experience prior to the Statutory Charging scheme and EROs; however, some individuals were keener than others. The enthusiasm for greater charging powers was based on the levels of unnecessary bureaucracy which could be incurred in referring minor/straightforward crimes to the CPS. In such cases the police did not consider the CPS input to add value to the decision-making process.
122. Custody Officers and EROs across all the suites visited were asked to identify:
- which offences currently requiring a CPS decision, if any, they would like to see charged by the police; and
  - where clarification on the guidelines was required.
123. Comments which were raised consistently across the sites visited are listed below.
124. Offences the police would consider appropriate to charge:
- Persistent Young Offender (PYO);
  - Driving Whilst Disqualified, if the offence is witnessed by police who arrest the offender;
  - criminal damage;
  - handling stolen goods;
  - simple frauds;
  - Section 4 – Public Order Act;
  - assault;
  - Section 47 – Offences Against the Person Act 1861;
  - domestic abuse, where an offence has been admitted or there is appropriate evidence of an offence.
-

125. Disposals the police consider appropriate to authorise:

- conditional cautions: the conditional caution process was considered to be extremely unnecessarily bureaucratic by Custody Officers.

126. Offences the police would like clarification on:

- breach of orders; during the custody research, we have identified confusion in policing circles as to responsibility for charging breach of ASBO and breach of molestation orders.

127. *The police did not want to make all charging decisions; however, minor alterations to the Director's Guidance on Charging were sought.*

## RESEARCH CONCLUSIONS

128. The research team was impressed with the professionalism of all the police officers, police staff and Crown Prosecutors we met. All parties gave the impression of working hard to work together, in sometimes difficult and time-constrained situations.

129. It is our view that custody processes have developed in a somewhat disjointed manner and that changes to inform new ways of working have not been implemented as part of a systematic approach. Importantly, practitioners recognised across the areas that the process and delivery of services can be improved and there was evidence of continuous improvement activity across each of the sites.

130. Based on practitioner interviews, the research team have identified seven broad areas where improvements could be made, which should improve the custody processes:

- more efficient and effective rostering of staff (police officers, police staff and Crown Prosecutors);
- clarification of roles and responsibilities;
- improved training and support;
- introduction of standard service agreements and protocols;
- greater use of professional judgement at point of arrest;
- integrated approaches to change and management of pilots; and
- more effective and integrated IT systems.

## THE CUSTODY PROCESSES

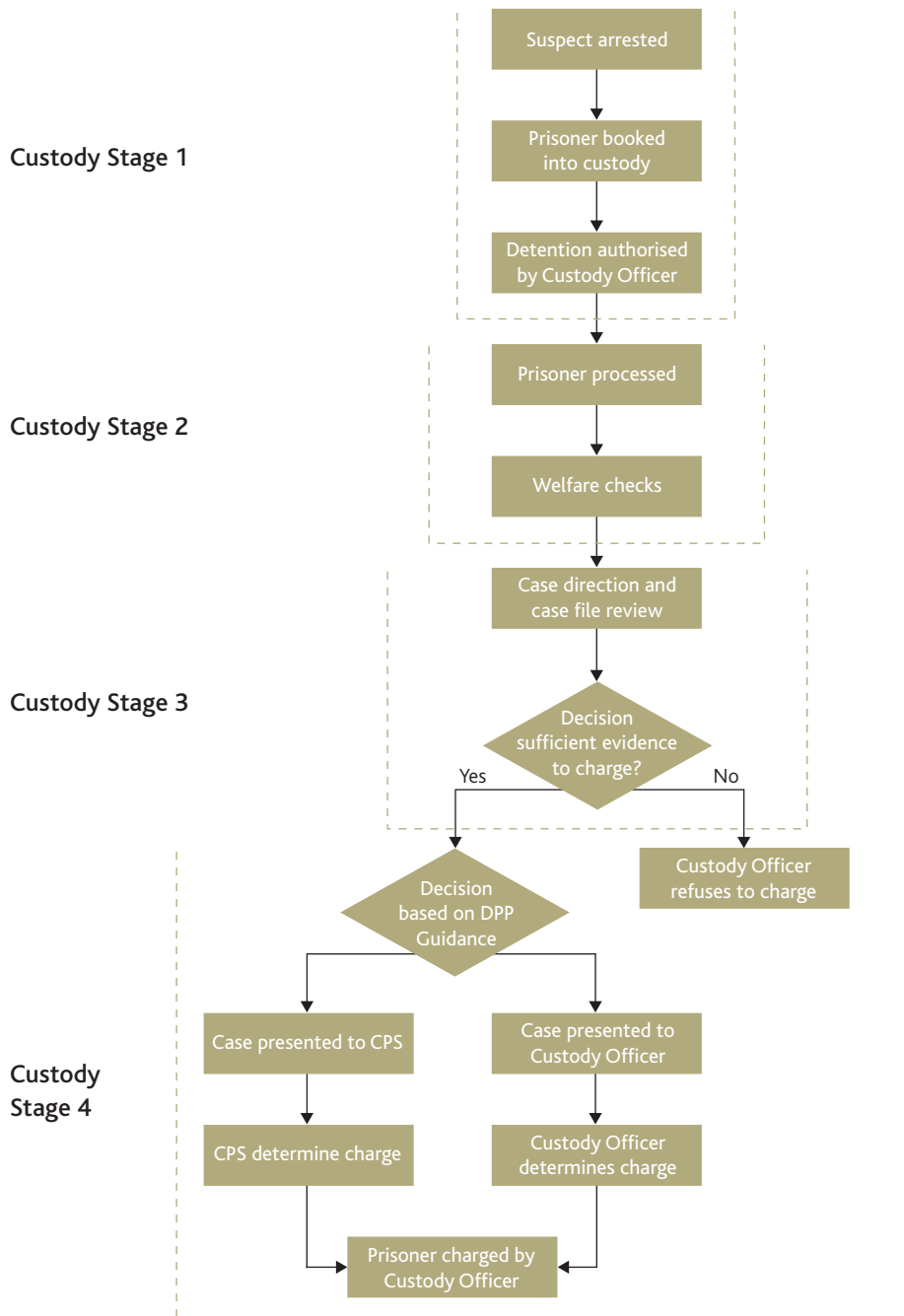
131. The chart (right) reflects a highly simplified custody process. It is included as a visual illustration of the major decision-making, authorisation and responsibility points when processing a person through custody. There are four key stages to this simplified custody process:

**Custody Stage 1:** A suspect who has been arrested and brought to a police custody suite will be added to the custody management system as part of the booking-in process. Detention must be authorised or declined by a Custody Officer.

**Custody Stage 2:** For persons whose detention has been authorised, the booking-in process continues, including the completion of a risk assessment and processing of the prisoner for means of identification, etc. The custody management system will continue to be updated to ensure that the provisions of PACE and Safer Detention Guidelines are adhered to, including activities such as welfare checks.

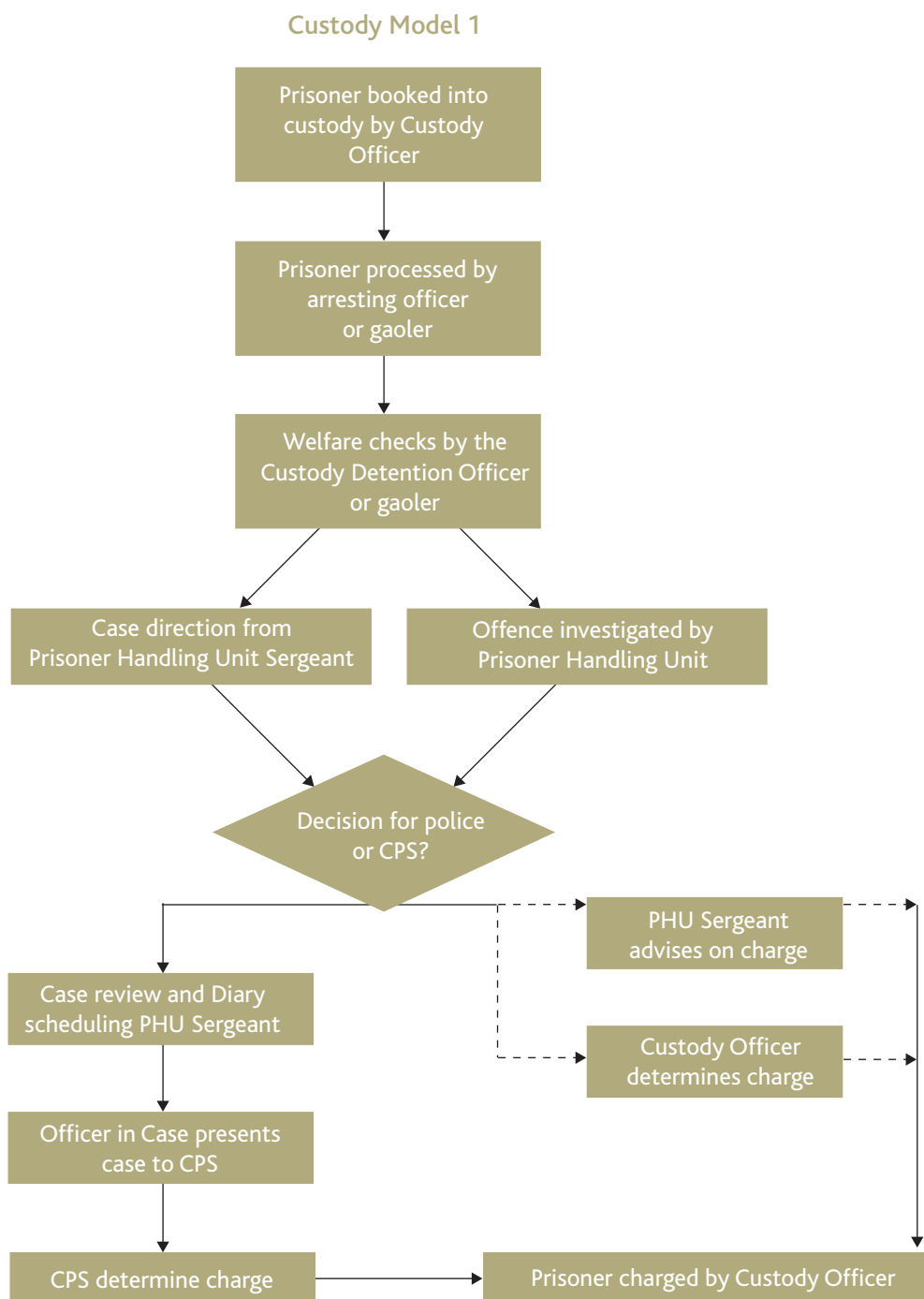
**Custody Stage 3:** Where further investigation is required, the investigating officer will seek case direction and investigation support. The case will be reviewed to ensure there is enough evidence to charge, at which point it will be directed to the Custody Officer or CPS if there is sufficient evidence to charge, or charge will be refused and the case classed as NFA.

**Custody Stage 4:** The case file will be presented to the person eligible by law to make a charging decision. All charges will be delivered to the detained person by the Custody Officer.

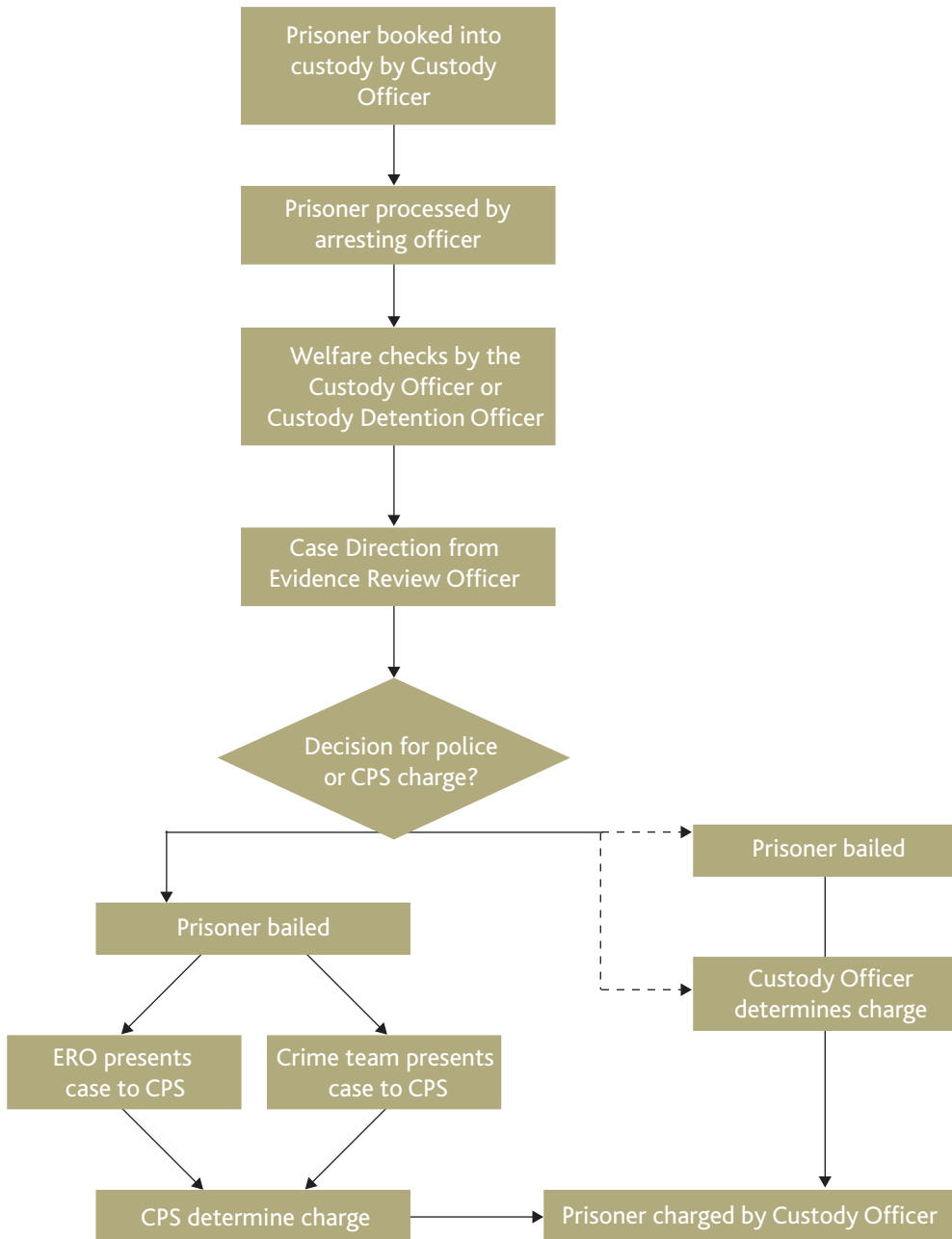


**Custody processes observed during the research**

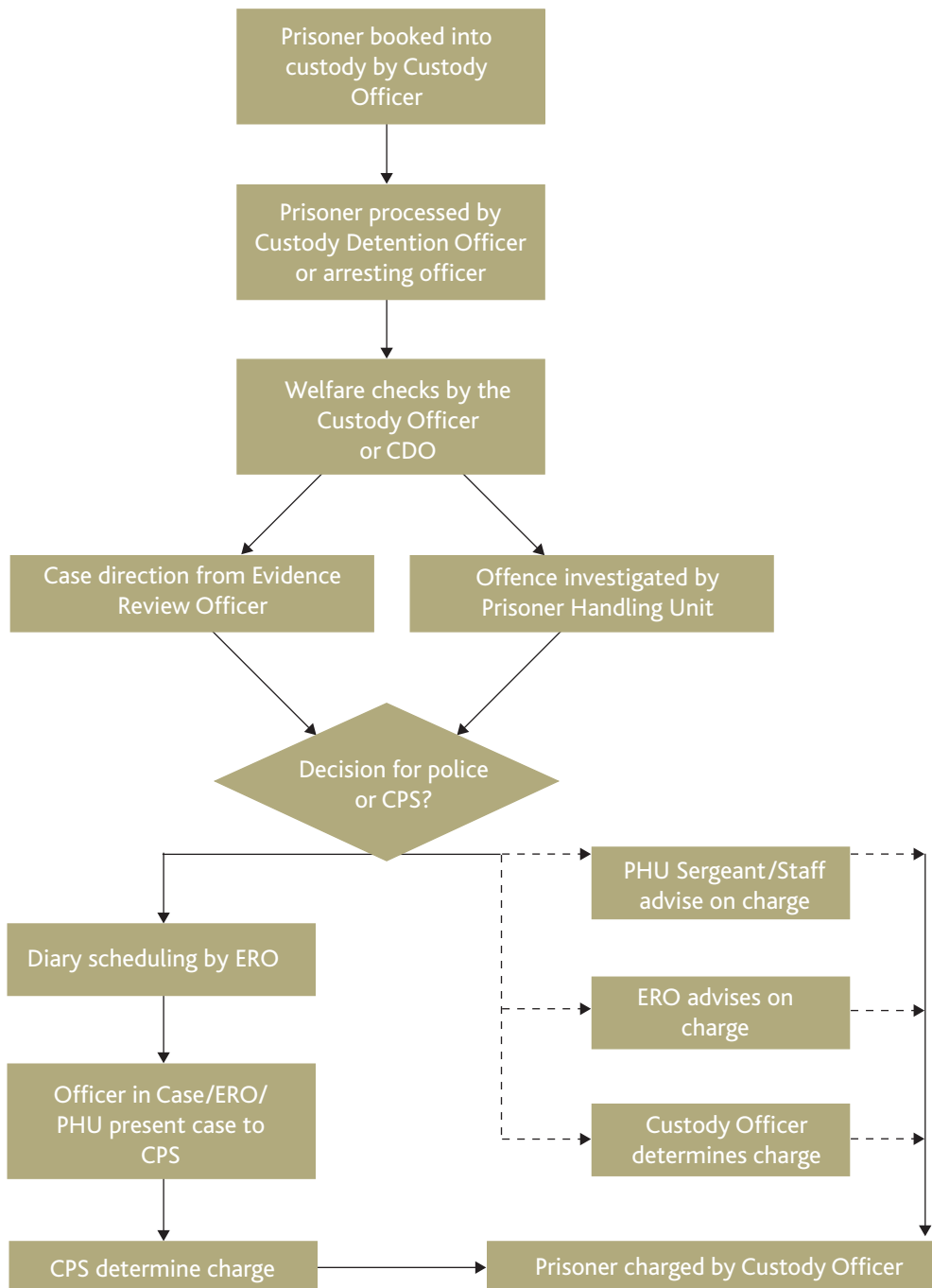
132. Across the seven custody suites visited, we identified four variations of the highly simplified custody processes model:

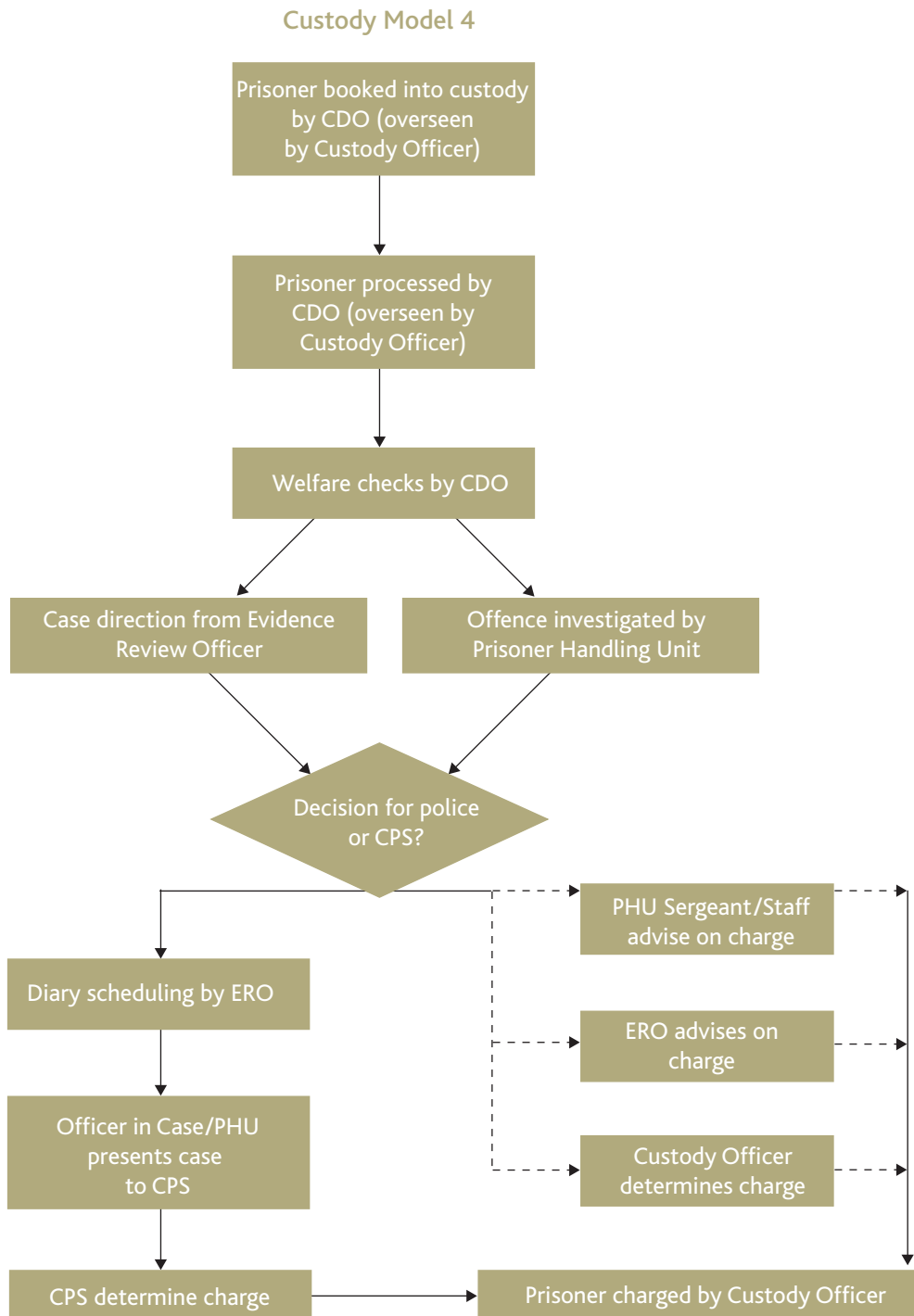


Custody Model 2



### Custody Model 3





## APPENDIX A: STRUCTURED INTERVIEW QUESTIONS

### *The custody process*

- Overall, what is good/bad about the custody process?
- Where would you like to see changes/improvements?
- Were you a police officer when Custody Officers made all charging decisions?
- How would you compare the old process to the new system?

### *Key stages of the process*

- What are the key stages of the custody process?
- At which of these stages do things work well?
- At which of these stages do things not work well?
- Is the process adaptive to individual case requirements?

### *Bureaucracy in custody*

- What is overly bureaucratic about the process?
- Are there ways you can think of to overcome this?
- Can you describe your worst custody experience?
- Can you describe your best custody experience?

### *Variation in custody processes*

- Have you worked in any other BCUs/custody centres?
- What is your view on how the custody process differs between the sites?
- Can you describe how things worked better/worse at sites?
- Is there any continual development of the custody process?

### *Officer discretion*

- Was the arrest really necessary?
- Are there options other than arrest available to officers?
- What barriers are there to other disposal options?
- What is in place to facilitate officer discretion?

### *Mobile data*

- Are mobile data devices available in force/division?
  - Which type of MDD is available?
  - What applications are available through the MDD?
  - What is good/bad about the MDD and applications?
-

## Appendix 4: Consulting the Reducing Bureaucracy Practitioners Group

### ASSESSMENT OF NEW PROCESSES, SYSTEMS OR TECHNOLOGY

#### *Aim of the Reducing Bureaucracy Practitioners Group*

'To remove unnecessary bureaucracy from systems and processes, empower officers to apply common sense principles and rebuild trust and confidence in policing.'

#### *Purpose of the document*

To maximise available police time, there is a need to continually review police processes and systems to remove all unnecessary bureaucracy. The involvement of front-line officers in the identification and removal of unnecessary bureaucracy is recognised as good practice.

Considering the impact of bureaucracy on front-line officers is equally important when decisions are being made to introduce new systems, equipment or processes.

In October 2008, the Home Secretary appointed an Independent Reducing Bureaucracy Advocate to:

- **drive** bureaucracy-reducing recommendations included in Sir Ronnie Flanagan's Review of Policing;
- **challenge** government and policing to reduce unnecessary bureaucracy; and
- **tackle** risk aversion.

Having been appointed Independent Advocate in October 2008, Jan Berry established a group of front-line officers and staff to review new systems, equipment and processes for their bureaucratic impact, in order that any such impact can be taken into account when the decision to implement change is taken and any such decision is informed by the impact it will have on the bureaucratic burden of front-line officers and staff.

This document sets out the protocol to follow to ensure that timely and constructive feedback from front-line officers is available to policy and systems developers.

While this protocol has been established to impact assess national systems and programmes, the benefits and principles are equally transferable should forces introduce a similar consultative process locally.

**Context**

While respecting the operational independence of policing, decisions to introduce or implement new equipment, processes or systems are taken by a wide variety of bodies at a national level:

- government departments (Home Office, Ministry of Justice, Communities and Local Government, Department for Children, Schools and Families, Department for Business, Innovation and Skills);
- the National Police Board;
- the National Criminal Justice Board;
- Association of Chief Police Officers business areas; and
- the National Policing Improvement Agency.

The requirement to assess new systems, processes and equipment for bureaucratic burden by involving those officers who will face the consequences of their introduction will reduce the opportunity for unnecessary bureaucracy and maximise available police time.

It is not appropriate for the Advocate or the Reducing Bureaucracy Practitioners Group (RBPG) to review in detail every proposal and new idea; however, please consider: **will your new proposal potentially impact on front-line officers?** If yes, please follow the protocol to engage with the Independent Reducing Bureaucracy Advocate and the RBPG. Such referral should be made no later than the consultation stage of the work programme.

The impact assessment function of the Independent Reducing Bureaucracy Advocate is complementary to that of the Gateway Group established as part of Sir David Normington's review to reduce the data burdens placed on police forces by the Home Office.

This protocol offers policy leads the opportunity to legitimately promote reducing bureaucracy initiatives through the Independent Reducing Bureaucracy Advocate and the RBPG.

### REDUCING BUREAUCRACY PRACTITIONERS GROUP: REFERRAL PROTOCOL

1. Contact should be made with the Reducing Bureaucracy Team no later than the consultation stage.
2. A summary of the proposal and its potential impact on front-line officers should be submitted, together with the key objectives and details of the operational and policy leads.

3. An initial assessment will be conducted by Jan Berry, the Independent Advocate, to determine what value she or the RBPG may add to the process.
4. Based on the initial assessment, a response will be provided within three working days, detailing:
  - a. whether the proposal is suitable for assessment;
  - b. who will assess the proposal: the Independent Advocate, the RBPG or an external specialist; and
  - c. requests for further information.

Depending on the level of additional information required, we aim to provide a full response within three weeks.

5. The primary contact for impact assessment correspondence is Inspector Joanne Wright (Staff Officer to Jan Berry) at [joanne.wright@npia.pnn.police.uk](mailto:joanne.wright@npia.pnn.police.uk).

## Glossary

Acronym/ term	Explanation	Further information/website
ABC	activity-based costing	<a href="http://police.homeoffice.gov.uk/finance-and-business-planning/index/">http://police.homeoffice.gov.uk/finance-and-business-planning/index/</a>
ABC	Anti-Social Behaviour Contract	
ACPO	Association of Chief Police Officers	<a href="http://www.acpo.police.uk/">www.acpo.police.uk/</a>
ADR	Annual Data Requirement	
APA	Association of Police Authorities	<a href="http://www.apa.police.uk/apa">www.apa.police.uk/apa</a>
APACS	Analysis of Policing and Community Safety	<a href="http://police.homeoffice.gov.uk/performance-and-measurement/assess-policing-community-safety/">http://police.homeoffice.gov.uk/performance-and-measurement/assess-policing-community-safety/</a>
ASBO	Anti-Social Behaviour Order	
BCU	Basic Command Unit	A territorial division of a police force (also known as an Operational Command Unit), which typically coincides with one or more local authority boundary. It is usually organised under the command of a Chief Superintendent.
BIM	business improvement model	A systematic approach to achieving effective and efficient business results through the optimisation of business processes.
BRE	Better Regulation Executive	<a href="http://bre.berr.gov.uk/regulation/">http://bre.berr.gov.uk/regulation/</a>
CDRP	Crime and Disorder Reduction Partnership	<a href="http://www.crimereduction.gov.uk/regions/regions00.htm#1">www.crimereduction.gov.uk/regions/regions00.htm#1</a>
CJS	criminal justice system	<a href="http://www.cjsonline.gov.uk/">www.cjsonline.gov.uk/</a>
CJSSS	Criminal Justice Simple Speedy Summary Justice initiative	<a href="http://www.cjsonline.gov.uk/the_cjs/whats_new/news-3512.html">www.cjsonline.gov.uk/the_cjs/whats_new/news-3512.html</a>

Acronym/ term	Explanation	Further information/website
CJU	Criminal Justice Unit	A division of a police force which is responsible for the administration, preparation and processing of prosecution files from initial submission by a police officer, through to finalisation and disposal at court. CJU is also responsible for the care of victims who become witnesses in the criminal justice process.
CLG	Communities and Local Government	<a href="http://www.communities.gov.uk">www.communities.gov.uk</a>
CPD	continuous professional development	
CPS	Crown Prosecution Service	<a href="http://www.cps.gov.uk/">www.cps.gov.uk/</a>
DASH	Domestic Abuse, Stalking and 'Honour'-based Violence Risk Identification Checklist	<a href="http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence069a.pdf">www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence069a.pdf</a>
DDO	Dedicated Detention Officer	
DPP	Director of Public Prosecutions	<a href="http://www.cps.gov.uk/about/dpp.html">www.cps.gov.uk/about/dpp.html</a>
EFQM	European Foundation for Quality Management	
ERO	Evidence Review Officer	
GIS	Geographic Information System	
HMCS	Her Majesty's Courts Service	<a href="http://www.hmcourts-service.gov.uk/">www.hmcourts-service.gov.uk/</a>
HMIC	Her Majesty's Inspectorate of Constabulary	<a href="http://inspectors.homeoffice.gov.uk/hmic/">http://inspectors.homeoffice.gov.uk/hmic/</a>
ICF	Integrated Competency Framework	<a href="http://www.skillsforjustice.com/websitefiles/ICF%20Fact%20Sheet%202.pdf">www.skillsforjustice.com/websitefiles/ICF%20Fact%20Sheet%202.pdf</a>
IPLDP	Initial Police Learning and Development Programme	<a href="http://www.npia.police.uk/">www.npia.police.uk/</a>
ISIS	Information Systems Improvement Strategy	<a href="http://www.npia.police.uk/en/12730.htm">www.npia.police.uk/en/12730.htm</a>

Acronym/ term	Explanation	Further information/website
IT	information technology	
LAA	Local Area Agreement	<a href="http://www.communities.gov.uk/localgovernment/about/partnerships-laas">www.communities.gov.uk/localgovernment/about/partnerships-laas</a> and <a href="http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/localareaagreements">www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/localareaagreements</a> and <a href="http://www.idea.gov.uk">www.idea.gov.uk</a>
LCJB	Local Criminal Justice Board	At a local level, the work of the criminal justice system is co-ordinated by 42 LCJBs. See <a href="http://lcjb.cjsonline.gov.uk/">http://lcjb.cjsonline.gov.uk/</a>
Lean thinking	An approach developed by Toyota car manufacturers to improve productivity, and other approaches to process improvement. It seeks to eliminate wasteful processes and blockages by looking at the system from the bottom up, identifying issues from the front line.	For example, see the Chartered Institute of Public Finance and Accountancy paper at <a href="http://www.cipfanetworks.net/fileupload/upload/Lean_briefing1912007311331.pdf">www.cipfanetworks.net/fileupload/upload/Lean_briefing1912007311331.pdf</a>
MG	Prosecution Team Manual of Guidance	<a href="http://police.homeoffice.gov.uk/publications/prosecution/prosecution-team-manual/">http://police.homeoffice.gov.uk/publications/prosecution/prosecution-team-manual/</a>
MTR	minimum technical requirement	
NCJB	The National Criminal Justice Board is responsible for supporting local boards to bring more offences to justice and to improve public confidence.	<a href="http://lcjb.cjsonline.gov.uk/ncjb/">http://lcjb.cjsonline.gov.uk/ncjb/</a>
NCRS	National Crime Recording Standard	<a href="http://www.homeoffice.gov.uk/rds/recordedcrime1.html">www.homeoffice.gov.uk/rds/recordedcrime1.html</a>

Acronym/ term	Explanation	Further information/website
NIM	National Intelligence Model. The NIM is 'a model for policing' that ensures that information is fully researched, developed and analysed to provide intelligence that senior managers can use to provide strategic direction, make tactical resourcing decisions about operational policing and manage risk.	<a href="http://police.homeoffice.gov.uk/publications/operational-policing/nim-introduction?view=Binary">http://police.homeoffice.gov.uk/publications/operational-policing/nim-introduction?view=Binary</a>
NOL	Notifiable Offence List	
NOMS	National Offender Management Service	<a href="http://www.noms.homeoffice.gov.uk/">www.noms.homeoffice.gov.uk/</a>
NOS	National Occupational Standards	<a href="http://www.skillsforjustice.com/template01.asp?pageid=37">www.skillsforjustice.com/template01.asp?pageid=37</a>
NPB	National Policing Board	<a href="http://police.homeoffice.gov.uk/police-reform/nat-policing-board/?version=7">http://police.homeoffice.gov.uk/police-reform/nat-policing-board/?version=7</a>
NPJA	National Policing Improvement Agency	<a href="http://www.npia.police.uk/">www.npia.police.uk/</a>
NSIR	National Standard for Incident Recording	
OBTJ	Offences Brought to Justice	
OCJR	Office for Criminal Justice Reform	<a href="http://www.cjsonline.gov.uk/the_cjs/departments_of_the_cjs/ocjr/index.html">www.cjsonline.gov.uk/the_cjs/departments_of_the_cjs/ocjr/index.html</a>
PACE	Police and Criminal Evidence Act 1984	<a href="http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/">http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/</a>
PCSO	Police Community Support Officer	<a href="http://police.homeoffice.gov.uk/community-policing/community-support-officers/">http://police.homeoffice.gov.uk/community-policing/community-support-officers/</a>
PDR	performance development review	
PND	Police National Database	<a href="http://www.npia.police.uk/en/8495.htm">www.npia.police.uk/en/8495.htm</a>

Acronym/ term	Explanation	Further information/website
PSA (including, for example, PSA 23)	Public Service Agreement	
RBPG	Reducing Bureaucracy Practitioners Group	
RIPA	Regulation of Investigatory Powers Act 2000	<a href="http://security.homeoffice.gov.uk/ripa/about-ripa/">http://security.homeoffice.gov.uk/ ripa/about-ripa/</a>
RRAC	Risk and Regulation Advisory Council	<a href="http://www.berr.gov.uk/deliverypartners/list/rrac/index.html">www.berr.gov.uk/deliverypartners/ list/rrac/index.html</a>
SOCA	Serious Organised Crime Agency	<a href="http://www.soca.gov.uk/">www.soca.gov.uk/</a>
Streamlined Process	The Director's Guidance to police officers and Crown prosecutors issued by the Director of Public Prosecutions under section 37A of the Police and Criminal Evidence Act 1984 concerning the streamlining of certain prosecution case files	<a href="http://www.cps.gov.uk/publications/directors_guidance/streamlined_process.html">www.cps.gov.uk/publications/ directors_guidance/streamlined_ process.html</a>
TPS	Toyota Production System	
TQM	Total Quality Management	
WFM	Workforce Modernisation	<a href="http://police.homeoffice.gov.uk/human-resources/efficiency-and-productivity/workforce-modernisation-programm/">http://police.homeoffice.gov. uk/human-resources/efficiency- and-productivity/workforce- modernisation-programm/</a>



Produced by COI on behalf of Jan Berry,  
the Independent Reducing Bureaucracy Advocate, November 2009.  
ISBN 978-1-84987-090-0