



Final Report

Jan Berry
Reducing Bureaucracy in Policing Advocate
October 2010

Contents

Executive Summary	1
Risk (Good Decision Making)	7
Governance Accountability & Performance	10
Continuous Improvement	15
Criminal Justice System	17
Key Processes	24
Technology	29
Reducing Bureaucracy Practitioners Group	31

Executive Summary

Introduction

Sir Ronnie Flanagan likened bureaucracy to cholesterol; there is both good and bad. The police service is accountable and records need to be kept. Some bureaucracy, enough to run an efficient and effective police service is necessary, but extra layers of bureaucracy have been created to meet the demands of scrutiny and quality assurance, in times when budgets are being cut, the question needs to be asked, what is affordable?

Where the requirement to record becomes more important than the quality of the investigation, the balance is wrong. And when quality assurance is more about complying with a set of rigid rules than achieving a successful outcome the balance is also wrong. The checks should not outweigh the balances.

Recognition of the negative impact excessive bureaucracy creates has long been understood. Previous Chief Inspectors of Constabulary, Sir David O'Dowd and Sir Ronnie Flanagan both made a series of recommendations aimed at reducing unnecessary bureaucracy and prepared costed business plans for change. The reports received considerable support across policing and government, a great deal of enthusiasm and energy was expended and some progress made, (procurement, call handling, remote access to information, ethical crime recording, alternatives to arrest, workforce mix, collaboration, partnerships). But improvements have not been fully implemented or embedded across all forces, they are not delivering the anticipated or potential benefits and front line officers remain frustrated at the lack of trust and amount of duplicated effort and waste they experience on a daily basis.

This is my fourth and Final Report; an Interim Report published in February 2009 highlighted the need to focus on the causes of bureaucracy rather than symptoms, my Full Report published in December 2009 proposed long term cultural change and the adoption of continuous improvement principles alongside shorter term process change to remove duplication and waste. A further report focussing on bureaucracy in Criminal Justice Units was published in March 2010.

Over the last two years I have visited most police forces throughout England & Wales and met with chief officers, senior managers and front line officers. I have sought to identify progress made and to understand why, when so much is being done in the name of reducing bureaucracy, has so little of it got the necessary traction to deliver the anticipated benefits and necessary change. In particular I have sought to identify what would unlock the apparent gridlock and deliver the much needed benefits.

Unnecessary bureaucracy builds up and is often the accumulation of well meaning, isolated and poorly coordinated projects and initiatives. Listening to hundreds of front line officers, you can count on one hand those who report an overall reduction in bureaucratic demand, with old bureaucracy quickly replaced by new demands for data and information. On the positive side and despite the number of false starts, the enthusiasm to get to grips with bureaucracy and remove the over-engineering, duplication and waste remains.

Numerous improvements have been made, but these are quickly absorbed into 'normal business' and the benefits may not be fully appreciated. That said, government and policing need to better understand what has prevented the anticipated benefits being realised.

Barriers: (combination of)

- Complex accountability and confused governance arrangements, particularly at a national level which create shared but diluted responsibility, where decision-making can be passed on and no-one held ultimately responsible.
- Over-reliance on quantifiable performance and productivity measures - what gets counted (inspected) gets done at the expense of long term qualitative improvements.
- Disproportionate and overlapping inspection and audit regimes - requiring demonstration of compliance with inflexible clinical 'production line' process
- Incompatible external and competitive internal performance measures which fail to value or incentivise partnership and collaborative working
- Inconsistent leadership, lack of trust, poor risk management and an 'institutionalised' blame culture
- Basic skills shortages, lack of experience in decision making and excessive use of gate keepers
- Insularity, parochialism ("not invented here" syndrome) and the pursuance of personal interest rather than the common good
- No formal recognition of appropriate and proportionate 'out of court' or alternative disposals
- Fragmented and dysfunctional systems and processes, where greater attention is given to recording than investigation, numbers managed more than people and analysts used as statisticians
- Incompatible IT
- Poor commissioning, co-ordination and sharing of learning from projects resulting in duplication of effort and waste
- Poor benchmarking, hasty implementation, disparate monitoring and evaluation arrangements with tendency to implement solutions before fully understanding problem
- Over-reliance on short-term, stand-alone 'statistically significant' solutions promoting transactional rather than transformational change
- Political timetables and adoption of solutions that demonstrate the greatest statistical benefit

Whilst there is a danger of feeling overwhelmed by the enormity of the challenge, particularly when whole industries have been built around the capturing of information "just in case", there is an opportunity to turn each of these barriers into a lever for positive change. On the positive side there remains a huge appetite and enthusiasm to cut out waste and duplication which must be tapped into.

Coalition Government

The coalition government has a clear mandate to reduce bureaucracy and the police service cannot 'afford' to miss the opportunity this presents.

With unnecessary bureaucracy being added at every tier of policing; from the local to the national, it is almost impossible to calculate the cumulative effect, but I would estimate one third of effort is

either over-engineered, duplicated or adds no additional value. This is unaffordable in the current climate and consideration will need to be given to how savings in time and energy can be realised in hard cash terms.

Whilst the financial imperative may turn out to be the most effective key to free up bureaucracy, there is a need to do something different and turn the barriers into the enablers. Two obstacles in particular will need addressing if any significant progress is going to be made:

- Firstly, bring clarity to the question at a national level who is responsible for what? Who is responsible for policing? Who is in charge of the Criminal Justice system?
- Secondly, what does success in policing look like?

Proposals for the introduction of locally elected Police & Crime Commissioners and the introduction of a new National Crime Agency may go some way to answering these questions, but what happens in the interim over the next 18 months to fill the vacuum?

ACPO, supported by other key stakeholders (Government, Inspectorates, Police Authorities, IPCC) must take responsibility for delivering the necessary change and provide the climate and culture where these barriers can be systematically removed.

Solutions

- Simplify language and effectively communicate 'risk principles' to gain consensus internally and externally and equip officers to better manage risk through the adoption of an ethical, balanced problem solving approach based on assessment of threat and harm.
- Engage, enthuse and trust front line officers to take responsibility, promote good decision making. Develop basic street and investigative skills and enable experience to be gained in problem solving.
- Rationalise doctrine, policy and guidance to remove duplicated and over-engineered requirements, reduce reliance on demonstrating compliance.
- Rationalise and streamline compliance checking, empower and support Sergeants and Inspectors to support and intrusively supervise officers.
- Develop clear lines of accountability for bringing clarity to who is responsible for what and hold them to account.
- Adopt a problem solving approach, looking at the whole system, measure and value what matters, not what is easy to count, understand what works by identifying successful outcomes and sharing good practice.
- Clearly define policing purpose to better reflect 'real local demand'; do what is right for the victim, right for the community, is in the public interest and fair. Place a value on local problem solving.
- Adopt a common purpose and develop complimentary and compatible performance measures across policing, community and criminal justice partners.
- Value and incentivise partnership and collaborative working, include in PNAC selection criteria.

- Apply a risk-based proportionate approach to force audits and inspections. Scale audits according to known risk and simplify compliance requirements. Recognise continuous improvement.
- Recognise inspired leaders who set clear, simple ethical standards which are consistently reinforced by action.
- Question the value of force comparisons, develop compatible performance measures which encourage and recognise 'doing the right thing', rather than 'doing the thing right'. Incentivise the right behaviours.
- Develop a new type of knowledge base which records solutions to 'real community problems', identifies what works and "good practice" to balance disproportionate attention given to crime statistics.
- Reconfigure force structures to realise and maximise opportunity costs gained by removing, rationalising and streamlining systems and processes.
- Replace a blame culture with a learning culture in support of continuous improvement to drive out unnecessary bureaucracy, create efficiencies and enable transformational change.
- Improve commissioning and co-ordination of projects, share learning and good practice to eliminate duplication of effort and waste.
- Apply continuous improvement principles to the PDR system, make it purposeful and more proportionate to need, role and requirement.
- Develop POLKA into the search engine of choice for police professionals.
- Removing unnecessary bureaucracy should be mainstreamed and part of normal business, adopting a proportionate response based on risk and harm, with an explicit requirement to reduce costs, add value and get it right first time.
- Develop and adopt complimentary performance framework for whole of CJS with common purpose of 'reduce crime, prevent reoffending and reduce the prison population'.
- Formally recognise the use of professional judgement, discretion and alternatives to arrest, consolidate different options (community resolutions, restorative solutions) in a coherent way which is victim led, proportionate and appropriate.
- Consider evaluation of Modernising Charging Pilots with a view to rolling out improved arrangements where charging decisions are taken by the appropriate person according to the complexity and seriousness of offence.
- Robustly manage and fully embed streamlined process across all criminal justice partners to fully realise the benefits.
- Assess progress of integrated prosecution teams across policing and criminal justice with a view to sharing experience, identify what works and how the costs and benefits of integrated working can best be exploited.
- Remove requirement to complete disclosure schedules prior to first hearing in Magistrates Court and consider shifting trigger point for more serious offences at Crown Court to the point when a not guilty plea is entered.

- Remove duplication and over working from key processes, assess which processes deliver the greatest efficiencies, reduce number of gatekeepers.
- Apply a more risk based and proportionate approach to Missing Person enquiries and record keeping. Re-use information where possible.
- Apply a more risk based and proportionate approach to domestic violence enquiries and record keeping, remove siblings from definition and ensure systems can identify repeat victims and offenders.
- Review local interpretation of RIPA and enable a more proportionate risk - based response to recording authority.
- Adopt a scaled and proportionate approach to the National Intelligence Model (NIM)
- Encourage email discipline.
- Re-focus Crime & Incident Recording:
 - Retain National Crime and Incident Recording Standards
 - Provide accurate, proportionate records of all incidents as investigative and audit aids
 - Proportionately record and investigate incidents based on assessment of threat, risk and harm
 - Broaden crime categories to rationalise and reduce notifiable offences list (NOL)
 - Refocus competitive element of crime statistics with improvement regime
 - Adopt a single definition for violent crime
 - Cross refer related data bases to prevent duplication
 - Record result (outcome) of less serious incidents and crimes on command & control system, ensure repeat victims, offenders and locations can be identified
 - Simplify rules for amending crime records
 - Align charging and recording standard
- Review purpose and benefit of attending meetings (internal and external) determine priority, rationalise overlapping agenda's and stop attending those that deliver no benefits.
- Exploit technology through incremental adoption & convergence of
 - national infrastructure
 - business led common processes
 - paperless case file
 - mobile data
 - digital recording of interviews
- Establish a group of frontline officers and staff as a local reference group to identify and remove unnecessary bureaucratic burdens.

Conclusion

There is pressure on policing to increase outputs from politicians and Ministers, pressure to reduce costs from the Treasury and pressure to improve service from communities, the real challenge is to increase successful outcomes at less cost.

Unless the barriers to progress are addressed the fight against bureaucracy will not be won, the waste and duplication will continue and the budget cuts will have a greater cost than is necessary.

Bureaucracy will continue to increase if trust is not rebuilt - trust between local police and communities, trust between front line staff and senior officers, trust between police and partners and trust between the police service and government. Bureaucracy will continue to increase if policing and society fails to adopt a more proportionate, common sense response to risk, based on core values, ethical standards and professional judgement.

I continue to believe long-term continuous improvement based on lean thinking and responding to known demand is the best way to deliver the necessary transformational change. Reliance on short term quick fixes has been shown not to work in the long term but the ultimate test of success will be what difference it makes in communities and whether police officers on the front line feel trusted and confident to make good decisions.

When my earlier reports arrived on the desk of civil servants, politicians and chief officers everyone looked at each other and wondered who was responsible for implementing it; thereby lies the problem.

Strong leaders will be key and I welcome the leadership being shown by Ministers, ACPO and HMIC, all of whom are actively seeking to identify opportunities to rationalise the inspection requirement and remove the unnecessary bureaucracy.

During my two year appointment many people have assisted me; I sincerely thank them all. Every force visited welcomed me and demonstrated a real desire to contribute and improve. I am grateful to colleagues from the Home Office, Ministry of Justice, Attorney General's Office, HMIC, ACPO, APA and the NPIA for their support and wise counsel. Particular thanks go to the members of the Reducing Bureaucracy Practitioners Group who have enthusiastically and constructively challenged policing and freely given their experience for the betterment of all. I am indebted to my assistant Inspector Joanne Wright from Norfolk Constabulary who has provided unrivalled support; collating and co-ordinating sometimes disparate bureaucracy projects. I commend her work ethic and total commitment.

A handwritten signature in black ink that reads "Jan Berry". The signature is written in a cursive, flowing style with a large loop at the end of the name.

Jan Berry QPM FRSA BA
Reducing Bureaucracy in Policing Advocate

RISK

(Good Decision-Making)

Recommendations:

1. **Simplify language, effectively communicate 'risk principles' to gain consensus internally and externally and equip officers to better manage risk through the adoption of an ethical, balanced problem solving approach based on assessment of threat and harm.**
2. **Engage, enthuse and trust front line officers to take responsibility, promote good decision-making and a culture of learning which supports continuous improvement.**
3. **Review and rationalise doctrine, policy and guidance to remove duplicated and over-engineered requirements and reduce reliance on demonstrating compliance.**

How the police service manages risk is at the centre of reducing bureaucracy. It needs to become the new 'norm' - the way business is conducted rather than viewed separately.

Simplify language used, build trust and provide officers with a framework to make common sense decisions based on threat and risk. Rationalise doctrine and guidance to remove duplication and an overzealous requirement to demonstrate compliance.

If you could **mandate the use of common sense and simplicity** you would be a good way to resolving the problems caused by not applying them! Front line officers point out that continuous reference to 'risk aversion' can become a self-fulfilling prophecy. They suggest a more positive approach referring to good decision-making would be more constructive.

In my Full Report¹ I welcomed the appointment of Chief Constable Brian Moore to co-ordinate ACPO's response to 'risk' across their different business areas. The subsequent development of a set of 'risk principles' and a 'decision-making model' provides a helpful framework that will assist officers to respond to incidents in an ethical, proportionate and measured way. ACPO will want to ensure this is actively promoted by chief officers and senior leaders in a supportive and consistent way, with barriers to its adoption removed (See also Accountability)

This is not altogether new, good decisions are made every day and many officers have extensive experience using the established 'conflict resolution model'. More recently the 'four force pilot'² and similar initiatives have encouraged officers to apply a more proportionate, bespoke, common sense approach to local problem solving. These are not mutually exclusive decision making models, rather variations of the same principles - ethical, value-based, proportionate decision-making. There is a danger of over-specifying and complicating what is essentially common sense and simple to understand. The ACPO Statement of Common Purpose and Values continues to provide the basis for a more sensible balanced approach.

¹ Reducing Bureaucracy in Policing : Full report, Jan Berry QPM (Home Office, November 2009)

² Proportionate Crime Recording and Investigation Pilot undertaken in Leicestershire, Staffordshire, Surrey and West Midlands police forces from 2007 onwards.

The system becomes gridlocked if every call is assessed as the same level of risk. Risk aversion is not peculiar to police and is frequently passed on to the police by other agencies. Front line officers and managers express concern that this is increasingly the case when dealing with mental health issues, where police officers are expected to remain in attendance whilst medical assessments are made by health professional irrespective of the level of risk. Several forces have made local arrangements for a more proportionate approach which removes the requirement for officers to remain in attendance 'just in case'.

Most junior and senior officers tell me they do not feel trusted and feel compelled to demonstrate compliance with prescribed 'one size fits all' rules and processes. Excessive use of gatekeepers (decision-makers) in quality assurance roles is an example of disproportionate risk aversion. Officers are recruited on the basis of their ability to use their initiative and common sense to solve problems. Sadly, over-engineered doctrine, guidance and policy have removed their ability to gain experience in using their skills and must be addressed.

Sir Ronnie Flanagan³ recognised the benefits of a defined process for less experienced staff to provide confidence and act as a tool for learning, but he also highlighted a culture which encourages officers and regulators to impose new systems "to neutralise all potential hazards".

I made reference to the impact of inspections and audit in my Full Report..... "Inspections focus on compliance with the standard, instead of looking at the outcome, or quality of investigation". Prescribing a set of rules for every eventuality is extremely expensive, counter-productive and cannot be justified. The process becomes more important than what it is seeking to achieve and greater attention is given to 'rule following' and 'demonstrating compliance' than solving local anti-social problems, reducing reoffending and caring for victims.

ACPO's revised commissioning arrangements will go some way to ensure future projects are better co-ordinated to guard against unnecessary duplication and parochialism. (See also Accountability)

The need to demonstrate compliance also prevents Sergeants and Inspectors from more supportive, proactive and intrusive supervision; guiding and supporting officers in value-based, ethical problem solving. In my Full Report, I observed that some supervisors lacked experience in decision-making and problem solving and required additional support to enable the necessary leadership and guidance. A number of forces have recognised this and are beginning to deliver core leadership programmes. I welcome this, but forces will want to ensure the training creates the necessary cultural shift and the right behaviours are encouraged and incentivised.

The police are not alone in seeking to move from a culture that focuses more on blame to one that values learning and professional judgement. The journey is not without difficulty and requires strong, balanced leadership from chief officers, politicians and opinion formers. Chief officers in particular must publicly support officers who make good decisions given the information and situation at the time, regardless of outcome.

The requirement to feed 24 hour media adds to the challenge but can also be part of the solution. An **informed public debate** is needed, not only to consider how risk is handled but also what is 'reasonable' in the circumstances. Such a debate is impossible without public access to reliable information that enables informed, reasoned and balanced opinions to be formed. Government encouragement for greater transparency is helpful in this regard, although care must be taken to respect appropriate levels of confidentiality where personal safety and security is an issue. The more proportionate national response to recent high profile firearms incidents are to be welcomed.

³ Review of Policing: Final report, Sir Ronnie Flanagan (HMIC February 2008)

Over compensating for mistakes, particularly those with tragic outcomes can be counter-productive and create additional bureaucracy. The reaction to recent tragic high profile anti social behaviour cases has gone from one end of the pendulum to the other, from treating anti social behaviour as low priority to treating every case as high priority, with requirement to comply with procedures and complete detailed documentation irrespective of risk. This is not sustainable and fails to encourage a measured approach to learning and improvement

Officers also express concern that the use of professional judgment in decision making is not supported by the law. Such a perception is unhelpful as case law tends to provide an alternative perspective.

I am grateful to colleagues at the NPIA who have identified positive court decisions – indicating;

- Police work would be seriously impeded if the police were required to treat every report from a member of the public that he or she is being threatened with violence as giving rise to a duty of care to take reasonable steps to prevent the alleged threat from being executed;
- It is unjust to expect police officers confronted with rapidly unfolding, extreme situations to achieve the same standards as they might otherwise manage in a planned operation;
- The court will take into account the level of professional standards that existed at the time of the incident rather than at the time the case reaches trial;
- The claimant needs to show that the police officer did not act consistently with contemporary professional practice;

Although each case is determined on its own facts, case law demonstrates an understanding of the demands of policing and the need for a proportionate, measured approach.

GOVERNANCE, ACCOUNTABILITY & PERFORMANCE

Responsible to who, for what?

Recommendations

4. Clearly define where responsibility lies and how success will be judged - remove overlaps in governance and accountability.
5. Adopt a problem solving approach, looking at the whole system, measuring and valuing what matters, not what is easy to count, understanding what works by identifying successful outcomes and sharing good practice.
6. Develop new performance measures which understand local demand and place a value on local problem solving.
7. Ensure complimentary and compatible performance measures are adopted across community and criminal justice partners and hold partners to account.
8. Amend assessment criteria for PNAC to demonstrate examples of working in partnerships, supporting collaboration and sharing good practice.

Governance

In my Full Report I highlighted the proliferation of national bodies with responsibility for policing in terms of operational delivery, governance, accountability and support. Not surprisingly such a complex landscape creates bureaucratic duplication of effort and over-working.

With unnecessary bureaucracy being added at every tier of policing; from the local to the national, it is almost impossible to calculate the cumulative effect, I estimate **one third of effort is either over-engineered, duplicated or adds no additional value**. This is unaffordable in the current climate and consideration will need to be given to how savings in time and energy can be realised in hard cash terms. I appreciate there is no appetite for restructuring the number of police forces at this time, despite the cost of 43 separate Headquarters and related costs. Significant internal restructuring of forces will need to take place as systems and processes are further rationalised and streamlined and further consideration given to force structures, many of which have evolved to feed and support performance frameworks rather than the most efficient and cost-effective.

At a local level the chief officer is vicariously liable for actions and police authorities charged with the responsibility of running an efficient and effective police service. But at a national level, who is ultimately responsible for policing? Who is responsible for the totality of the Criminal Justice System and how are local community partners jointly held to account?

Confused governance arrangements, particularly at a national level have created shared but diluted responsibility, where decision-making can be passed on and no-one held ultimately responsible.

The coalition government has a clear mandate to reduce bureaucracy and I welcome the change of direction from one of bureaucratic accountability to one of democratic accountability. Proposals

for the introduction of locally elected Police & Crime Commissioners and the introduction of a new National Crime Agency will, I am sure go some way towards bringing clarity to governance arrangements. In doing so it will be important to ensure democratic accountability does not increase parochialism and incompatible and dysfunctional systems and processes. In addition what happens in the interim over the next 18 months to fill the vacuum?

ACPO, supported by other key stakeholders (government, Inspectorates, Police Authorities, IPCC) must take responsibility for delivering the necessary change and provide the climate and culture where barriers to change are removed. The culture of each force is largely determined by the chief officer through their approach to trust and risk and stance on the policing mission. The importance of inspired leadership where clear, simple ethical standards are consistently reinforced cannot be overstated.

I welcome the appointment of Chief Constable Chris Sims to lead a strategic programme board, established to oversee and drive all work-streams relating to bureaucracy. In doing so it will be important to identify where responsibility sits for ensuring delivery of the various work-streams holding them to account and assessing the practical impact of change on the frontline. The Reducing Bureaucracy Practitioners Group (RBPG) is best placed to provide this overview and bridge the gap between the strategic and the operational and I commend the board to use their experience.

Accountability

“If you have 10,000 regulations, you destroy all respect for the Law” - Winston Churchill

I have highlighted the impact of disproportionate and overlapping inspection and audit regimes. HMIC, IPCC and other regulators have a responsibility to adopt a more proportionate and measured approach, scaling audits and related recommendations according to known and anticipated risks and to simplify compliance requirements.

Inspections have created an overwhelming demand for evidence, creating additional work for individuals, departments and forces. HMIC or any inspectorate should not demand or require any additional information to that which forces already collect and should seek to use it in the format it is produced in. The responsibility should be with HMIC to research and test, not for forces to produce reams of evidence.

The increased use of desk inspections by HMIC and others has exacerbated “tick in the box” compliance regimes and created a bureaucracy of back-office administration. By way of a recent example, understandable concerns have been voiced about the disproportionate amount of evidence required to demonstrate compliance with the Protective Services Standard, incorporating 162 separate standards and 1,099 questions! To be fair these have been reduced from 208/1350. Such is the impact; personnel are employed at each level of policing to demonstrate compliance and collect additional local data to counteract any criticism which may be made. I welcome the initiative taken by Her Majesty’s Chief Inspector of Constabulary, together with ACPO and the NPIA, not only to rationalise the amount of doctrine, guidance and policy, but also to apply a more sensible and proportionate approach to the demonstration of compliance.

HMIC need to assist the police service in transforming the way it works, bench mark forces on their knowledge and response to local problems and judge them on continuous improvement and quality of decision making rather than comparing proxy measures across forces. HMIC will also need to be explicit about future inspection requirements to enable forces to reconfigure and release staff from unnecessary data collection roles. Just because data might be easy to collect, does not mean it should be collected, it still creates a burden.

Policing is increasingly undertaken in **partnership**; partnerships across forces(collaborations), community partnerships and Criminal Justice partnerships. Clear lines of joint accountability must be developed - bringing clarity to who is responsible for what and how partners will be held collectively and/or separately to account.

There are some excellent partnerships, but these tend to rely more on the personalities involved than the system. In practice the police normally take the lead in local partnership work, despite this being a contradiction in terms. Incompatible external and competitive internal performance measures fail to value or incentivise partnership and collaborative working,. Consideration should therefore be given to requiring working examples of successful partnership and collaboration experience in the PNAC selection criteria.

The **Criminal Justice System** is a series of partnerships and collaborations between police, prosecutors, courts, prisons and probation. The lack of overall leadership for the system as a whole creates the environment where a bureaucracy of duplicated effort and over working can flourish. As each criminal justice partner faces up to the challenge of reducing budgets, the need to rationalise ways of working will increase. There are many opportunities; the criminal justice system is probably the most fertile area for reducing bureaucracy and inspired leadership will be needed to overcome departmental insularity, particularly where shared costs will not always produce equal benefits. Incompatible performance frameworks across the criminal justice system continue to act as a barrier to progress and must be addressed. I welcome the appointment of a joint Police and Justice Minister spanning the Home Office and Ministry of Justice. (See also Criminal Justice System).

What does success look like?

Over the last two years I have posed this question to many front line officers, chief officers, policy leads and politicians and without exception they struggle to answer it. The obvious answers are offered quickly - less crime, making streets safer, locking up criminals. But everyone struggles to complete the answer.

In practice, what gets counted and what gets inspected is what gets done, provided these are the only true measures of success – win, win. But what about policing which is not so easy to calculate or put a price on?

An officer spends 4 hours sitting in an upturned car holding the hand of a person having their leg amputated to release them from the car. How does the performance framework capture this and other civil emergencies?

Or this email sent to the Chief Constable of West Mercia

.”.....Hindlip was visited by a large number of school children who were disabled with ...educational and emotional difficulties..... one particular young lad about 15 yrs climbed into one of the patrol cars from his wheel chair and started using the equipment - horns and sirens etc.. The young lad started asking the officer all sorts of questions about the car. You might not think anything remarkable about this but when the lad left the car (the officer) was approached by a teacher almost in tears. The teacher informed (the officer) that the lad hadn't spoken a word to a soul for the last four months - she found it quite astonishing. (The officer) got the lad back to have another go in the car - again more questions, more stimulation and very nearly more tears from the teacher. What a fantastic thing we have achieved with this young man.”

Added bureaucracy is created where **clear purpose is not defined**. Whilst it is important to measure performance, to know what works and continually improve, over-reliance on measures which are easy to count skew true performance and, as demonstrated in the initiative from Cheshire below, can be counter-productive. Such an approach can take the heart out of policing, particularly where philanthropic values are replaced by calculators, where activity becomes a unit of efficiency and where we know the price of everything and the value of nothing. Where process dictates the way we operate, where 'doing the thing right', according to the prescribed rules laid down, is more important than 'doing the right thing'. The rules become more important than the outcomes.

There is a need to develop a new type of knowledge base which records solutions to 'real community problems', identifies what works and "good practice" to balance disproportionate attention given to crime statistics.

In trying to define purpose Sir Robert Peel's policing principles⁴ are often referred to. Peel placed prevention of crime and disorder in first place, closely followed by policing by consent and being answerable to the law. The test of efficiency for Peel was the absence of crime and disorder, 'not the visible evidence of police action in dealing with them'. Peel is informative, but systems struggle to demonstrate prevention. The Home Secretary has recently sought to re-focus policing away from the multitude of targets to one of reducing crime. In doing so she will want to ensure the examples above do not go unrecognised and that police respond appropriately and proportionately to local problems.

Living in a competitive world, it is questionable how informative **comparative data** between forces is. As an indicator it has its place but care must be taken to ensure greater attention is not given to presenting statistics in the most positive light, than making communities safer.

Despite announcements to remove the vast majority of targets and other de facto measures, few front line officers have experienced a reduction in the number of personal or team performance indicators. Quantitative indicators such as the number of arrests, stops, intelligence reports etc are still routinely collected and collated at a local level, frequently without the apparent knowledge or approval of chief officers.

A significant number of officers gained their early years experience in policing meeting one-dimensional targets. They will need support and guidance to adopt a more problem-solving approach. Sergeants and Inspectors continue to report the requirement to demonstrate full compliance with set procedures and standards rather than the ability to apply a more proportionate, problem solving approach based on values and responding to community needs.

There is a strong feeling that activity which is easy to count gets recognised, with little recognition of quality or time taken to resolve incidents such as reassurance policing, dealing with traumatic incidents or preventative policing. In forces where the target culture is strong there is little ability to use discretion or professional judgement as this is not formally recognised nationally.

Cheshire police have sought to better **understand and respond to local community needs**. Research indicated police made assumptions about local demand and determined priorities to feed the performance framework. They analysed 22,000 calls for "service" (calls received, messages left for neighbourhood officers, face to face contact with members of the public etc.) to understand what was being requested. They found calls were quickly categorised according to policing priorities (how measured), but not necessarily in a way that responded to the problem. Further analysis identified up to 41% of calls received

⁴ New Westminster Police Service: "Sir Robert Peel Nine Principles" <http://www.nwpolice.org/peel.html>

related to non-police work or repeat calls where police had failed to resolve the issue first time.

The next stage of the work is encouraging officers to listen and resolve problems reported without concern for the rules which previously would have determined the response. Officers have four simple guiding principles - do what matters to the victim, do what matters to the community, consider the public interest and act firmly but fairly with the offender in order to reduce reoffending.

At best, failure to understand and respond to real local demand delivers poor service, at worst it delivers no service at all, leads to further demands for service (duplication) and in many cases escalating problems. Forces need to be judged by the effectiveness of interventions not by what is easy to count. You cannot gather local priorities from the public and measure them with a national stick. Current measures of success fail to recognise or appreciate the benefits of the 'four-force pilot and Cheshire type approach and as a consequence forces who adopt it run the risk of appearing on the HMIC radar for under-performing. This must be addressed (see Criminal Justice)

CONTINUOUS IMPROVEMENT

Becoming a Learning Organisation

- 9. Reconfigure force structures to realise and maximise opportunity costs gained by removing, rationalising and streamlining systems and processes.**
- 10. Encourage an organisational culture of constructive challenge and continuous improvement, to drive out unnecessary bureaucracy, create efficiencies and enable transformational change.**
- 11. Improve commissioning and co-ordination of projects, share learning and good practice to eliminate duplication of effort and waste.**
- 12. Apply continuous improvement principles to PDR system, make it purposeful and more proportionate to need, role and requirement.**
- 13. Develop POLKA into the search engine of choice for police professionals.**

Police forces have always needed to respond to changing environments, where the levels of risk and demand fluctuate. The challenge today, after a period of sustained investment is, how will this be achieved with considerably less?

The focus on value for money is important but needs to be considered alongside what is affordable in the current climate. Hard choices will have to be made and in doing so, forces will want to ensure systems and processes are operating in the most efficient and effective way. Continually looking to improve and ensuring the whole system remains synchronised. Simplify language, effectively communicate 'risk principles' to gain consensus internally and externally and equip officers to better manage risk through the adoption of an ethical, balanced problem solving approach based on assessment of threat and harm

Whilst considerable time savings can be made in removing bureaucracy from structures, systems and processes, approximately one-third is added in terms of duplication, over-working or over-engineered. These are not easily transferred into hard cash. Forces will need to reconfigure force structures to realise and maximise opportunity costs gained by removing, rationalising and streamlining systems and processes. Sadly posts will need to be lost, specifically in areas where no value is added to making communities safer and preventing reoffending.

My Full Report promoted a model of long term cultural change based on continuous and sustainable business improvement, where forces are better able to identify and respond to real demand rather than that which is easy to count.

I recognised forces were adopting different business improvement models⁵, many supported by commercial companies and was keen to encourage those programmes which enabled forces to build an internal capability to sustain improvement over the long term. I welcomed the initiative of ACPO and the NPIA to bring forces together to share experience, what worked (and what didn't) and identify the key building blocks to developing sustainable improvement:

⁵ A systematic approach to achieving effective and efficient business results through the optimisation of business process

- Inspired leadership
- Effective involvement and buy-in of front line officers and staff
- Understand and respond to 'real demand'
- Instil an ethos of learning
- Encourage constructive challenge
- Remove duplication & over working

The NPIA are now supporting regional networks for this work to continue.

Whilst a great deal of improvement and change has and is taking place, the expected and intended benefits have not always been realised, sometimes it is unclear how the service (force) would know if they had been realised. It is important to understand why this may be:

- Failure to adopt a systems approach, over-reliance on short-term, stand-alone 'statistically significant' initiatives – more transactional than transformational.
- Poor commissioning, unclear specifications of what is required, disparate co-ordination and sharing of learning from projects resulting in duplication of effort and waste.
- Poor benchmarking, hasty implementation, disparate monitoring and evaluation arrangements with a tendency to implement solutions before fully understanding the problem

The independence of academic research can also assist but care must be taken coordinating and commissioning work.

Understandably there has been a focus on monetary savings rather than delivering the necessary cultural change. There is a need to do both and adopt a problem solving approach, looking at the whole system, measuring and valuing what matters, not what is easy to count, understanding what works by identifying successful outcomes and sharing good practice effectively.

The NPIA and ACPO have developed success criteria for continuous improvement this needs to ensure long term outcomes, not merely outputs.

Communication

Whilst identifying good practice and what works could be improved, and whilst applying a more proportionate approach to written guidance and doctrine is necessary, the need to communicate effectively is of equal if not greater importance. What is produced frequently takes too long to publish and does not take account of need or proportionality.

The Police On-Line Knowledge Area (**POLKA**) provides a web based site for current activity, experience and good practice to be shared more widely. POLKA has great potential. Key stakeholders will need to positively support and develop it into the police search engine of choice.

Performance Development Reviews (PDR's)

The PDR system is generally viewed by officers as a time consuming burden with no useful purpose. So discredited has it become, many forces do not use it for promotion or selection, resulting in thousands of wasted hours. Work-based assessments and the High Potential Development Scheme (HPDS) are also considered to be overly bureaucratic requiring a forensic level of evidence for a management decision.

PDR's are a valuable tool, some forces have streamlined the process to make it purposeful and proportionate to need, role and requirement.

CRIMINAL JUSTICE SYSTEM

Recommendations:

- 14. Develop and adopt complimentary performance framework for the whole of the CJS with a common purpose of ‘reducing crime, preventing reoffending and reducing the prison population’.**
- 15. Amend the Home Office Counting rules (and HMIC Report Card) to formally recognise the use of professional judgement and discretion in a victim led, proportionate and appropriate way.**
- 16. Consider the evaluation of Modernising Charging Pilots with a view to rolling out improved arrangements where responsibility for charging decisions is taken by the appropriate person according to the complexity and seriousness of offence.**
- 17. Robustly manage and fully embed streamlined process across all criminal justice partners to realise benefits – criminal justice inspectorates to conduct joint inspection.**
- 18. Assess progress in a non-partisan way of integrated prosecution teams across criminal justice partners with a view to sharing experience, identify optimum arrangements, what works and how the costs and benefits of integrated working can best be exploited.**
- 19. Exploit technology to improve efficiency and effectiveness of systems and processes, in particular the development of the paperless file and digital interviews.**
- 20. Remove requirement to complete disclosure schedules prior to first hearing in Magistrates Court and consider shifting trigger point for more serious offences at Crown Court to the point when a not guilty plea is entered.**

Introduction

Two sixteen year olds commit a similar offence (low value criminal damage) in different parts of the country. Neither has come to the notice of police previously, both admit causing the damage, have sincerely apologised and repaired the damage. One of the 16 year olds is dealt with in a force where officers are able to use professional judgement, the officers believe the 16 year old has learnt a lesson and is unlikely to reoffend. The criminal damage is recorded according to the National Crime Recording Standard (NCRS), the victim is pleased with the way the offence has been handled and thanks the officers, the offender is warned about his future behaviour but has no “official” record against his name. Verbal warnings are not recognised by the system and the offence is recorded as “undetected”. The second 16 year old is dealt with by a force where officers are not encouraged to use professional judgement, where the performance culture requires all possible “detections” to be recorded, irrespective of the views of the victim or the likelihood of the offender reoffending. The offender is formally cautioned, a record of which is retained by police.

As both 16 year olds get older, neither reoffends, but consider the effect the different treatment has on their lives. How the one with a caution may be restricted from travelling to certain countries and how the caution will need to be disclosed for job applications with knock-on effects. Yet the one who received a verbal warning will face no such restrictions. Whilst different treatment in itself is not wrong, provided it can be justified on the basis of fairness and justice, the postcode should not be the determining factor.

Common Purpose

Responsibility for the criminal justice system, or service as it is beginning to be described, is shared across government departments and between the police, prosecution service, courts, prisons and probation. With no one, other than the rule of law being in overall control, parochialism and dysfunctional systems cause excessive duplication, overlapping responsibility, and more handling and handing on of information.

Numerous reports have highlighted this problem and whilst there is general support to rationalise, streamline processes and work closer together the potential benefits have yet to be fully realised. The need to adopt a system approach, to review how information flows, where decisions are taken, whether appropriate checks and balances are in place and importantly what the outcomes are. I welcome work being undertaken by HMIC to improve how the system operates as a whole.

Where responsibility is shared there is a need to work to a common purpose and build trust at all levels. In my Full Report I recommended the adoption and active promotion of 'reduce crime, prevent reoffending and reduce the prison population' as a common purpose and the implementation of complementary performance frameworks for each criminal justice partner. Due to the General Election no real progress has been made and I therefore repeat the same recommendations now.

Alternatives to Arrest

The power to remove someone's liberty cannot be taken lightly. Legally police officers must demonstrate an arrest was necessary and the objectives cannot be met by other, less intrusive means. In my Full Report I highlighted the impact that unnecessary arrests create for the criminal justice system in general and the custody process in particular⁶. Officers in some focus groups reported disproportionate encouragement to arrest to feed local performance indicators. This unnecessarily blocks custody suites, increases the number of offenders being bailed for further enquiries and increases the number of cases where no further action is taken. Some forces have reviewed arrest profiles to assess which were unnecessary and taken action to significantly reduce the number of arrests and cases where no further action is taken (up to 30%).

While police officers and prosecutors should not act as judge and jury, it is unnecessary to arrest every offender. To reduce crime and reoffending some offenders will benefit more from words of advice, a caution or a penalty notice than a court appearance. Alternatives should not be viewed as a soft option because evaluations show they can be more effective than the more traditional responses.

The key is to arrive at 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.

When dealing with suspects, officers have a number of options. The current focus on what gets counted gets done has placed a 'dividend' on arrest/detected leading to a formal disposal, but this might not be the most appropriate course of action, might not be what the victim wants or needs and may not be the most likely to prevent reoffending. Some options are not recognised (NR) by Home Office Counting Rules⁷, others are recognised (R):

⁶ Reducing Bureaucracy in Policing; Full report, Jan Berry QPM (Home Office November 2009).p47.

⁷ The Home Office Counting Rules provide a national standard for recording and counting notifiable offences recorded by police forces in England and Wales.

Options:

Do nothing (NR)

Verbal warning (NR)

Community Resolution (NR)

Restorative Resolution (NR)

Youth Restorative Justice, (R)

Cannabis Warning (R)

Penalty Notice Disorder (R)

Taken Into Consideration (R)

Conditional Caution (R)

Youth Reprimand/Warning (R)

Simple Caution (R)

Caution (R)

Summons (R)

Charge(R)

In assessing which forces have adopted a more proportionate, victim led response to less serious crime and incidents, general support is given to the concept but the failure to formally recognise such a response by APACS, IQUANTA or within the HMIC report card acted as the greatest barrier to its implementation.

Ministers pre and post general election have also expressed support for the greater use of professional judgement and discretion. Unfortunately this support has not led to amending the **Home Office Counting Rules** to recognise the approach. I recommend this omission is resolved.

Research identified the terminology used by forces to describe initiatives involving more proportionate responses to be confusing, with the terms “restorative justice, community resolutions and proportionate crime recording and investigation” being used interchangeably, making it difficult to assess who was doing what. Whilst it would be counter-productive to define terms so tightly that response becomes clinical and removes the use of initiative and discretion, there is a need to standardise some of the key terms.

In addition there are four separate ACPO projects being undertaken which directly or indirectly impact on this

- Risk principles and good decision making model
- Proportionate crime recording and investigation guidance
- An effective Cross government effective practice guide for public protection practitioners to reduce the risk of harm
- Standardise the approach to Restorative Justice

This work needs to be coordinated and consolidated; there is a danger of unnecessary duplication and confusion.

Custody Arrangements

The custody process was identified by officers as being particularly bureaucratic. In my Full Report I recognised the need to improve the training of Custody Officers to provide them with the skills and confidence to fulfill their legal obligations in authorising and determining custody decisions. The number of persons involved in the custody process, guiding enquiries, handling and handing on case files continues to be excessive in places. First line supervisors need to be “freed up” to provide basic guidance and support to officers and officers trusted and held to account for completing necessary enquiries.

Two significant changes (**modernising charging**) are in the process of being rolled out and implemented across forces. Firstly replacing face to face case conferences between the officer in the case and prosecutor for all but the most serious and complex cases, and secondly extending the offences which police decide charge on to include additional “less serious” offences.

The removal of face to face interviews has enabled CPS to reduce costs and rationalise service, but in doing so appears to have placed additional bureaucratic burdens on police. Officers are now required to contact a prosecutor by telephone and forward summaries of evidence electronically. In the absence of integrated technology, additional time is being taken to scan necessary evidence, frequently on unsuitable equipment and excessive waiting on telephones for calls to be answered and/or decisions taken. The quality of scanned images can at times be poor, making it difficult for the evidence to be properly reviewed, and where prosecutors are facing challenging performance standards there is potential for offenders to be unnecessarily bailed (double handling).

In my Full Report I welcomed the consideration being given to amending DPP's Guidance⁸ on the division of offences for which the police are authorised to charge without referral to prosecutors. From April 2010, six forces have piloted new arrangements where additional offences have been returned to police for decision on charge. I believe an opportunity has been missed to pilot even more offences to test the potential for building greater capacity and capability without experiencing a detrimental effect in the number of not guilty pleas or trials that do not go ahead.

It will be important to ensure the evaluation of modernising charging takes account of its impact on all criminal justice partners with improvements continually made to how information flows through the system, enabling trust to be built, encouraging good decisions to be taken in the right place, by the right person with the right information and holding partners to account.

I made reference in my Full Report to **conditional cautions** and suggested longer term consideration be given to allowing police to make decisions on conditional cautions without reference to prosecutors. Whilst prosecutors have been encouraged to provide faster telephone authorisation delays continue to be experienced where such advice is not taken. Allowing Custody Officers to issue conditional cautions without reference to the CPS would require a change in the law and should be considered in the longer term, but only when Streamlined Process is embedded and the skills base allows for it.

Streamlined Process

'Streamlined Process'⁹ is a development of CJSSS¹⁰ and Statutory Charging, it encourages the preparation of case files in a more proportionate way to the benefit of all criminal justice partners: officers are released more quickly for patrol, the amount of paperwork prepared for court is reduced, and the court process becomes more efficient.

An assumption was made that streamlined process would be extremely popular and implemented quickly and without difficulty. Where trust is sometimes in short supply, where risks do not need to be taken and where incompatible performance frameworks remain, it is not surprising the benefits have been slower to be realised than anticipated.

In my Full Report I highlighted skills shortages, overbuilding of case files and failure to robustly manage first case hearings as factors in not realising the potential of streamlined process. Whilst the position has improved slightly as people become more used to the new requirements, there remains a need to build capacity and capability and realise the potential of streamlined process; to ensure police officers have skills to precise and identify key witnesses; CPS ensure witness statements are reduced to a minimum in guilty plea cases; and courts robustly manage first case hearings to identify contested areas at the earliest opportunity.

⁸ The Director's Guidance on Charging (Crown Prosecution Service, February 2007)

⁹ Streamlined Process was developed by the CPS and the Association of Chief Police Officers (ACPO) to support CJSSS and reduce bureaucracy.

¹⁰ 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.

Note – streamlined process should not be seen as an opportunity to undermine justice, the prosecution needs to be in a position to prove an offence has been committed by the person(s) charged. There is potential to increase the number of not guilty pleas if defendants and their representatives are not satisfied that such proof exists.

I continue to believe a joint inspection of streamlined process be undertaken by criminal justice inspectorates to assess progress and ensure good practice and lessons can be effectively shared by criminal justice partners.

Streamlined Process is currently only used for cases going before Magistrates' Court, there is potential to extend it to Crown Courts, but this should only be undertaken when it is working effectively at the lower court.

Integrated Prosecution Teams

Previous reports have called on criminal justice partners to work more closely together. Sir Ian Glidewell proposed a move to a single administrative unit to reduce delays and remove duplication from the prosecution process¹¹. I do not under-estimate the effort or commitment required to bring all criminal justice partners to a point where true joint working can become a reality and am pleased to report a number of forces, regions and criminal justice agencies are seeking to address this. For example

- Northern Ireland Causeway Project (police, forensics, prosecution, courts, prison)
- Warwickshire Justice Centre's (police, prosecution, courts, probation, victim care)
- Northumbria (police, prosecution, court)
- Sussex (police, prosecution, court)
- London Integrated Prosecution Teams (police, prosecution)
- (Yorkshire & Humberside) Regional Police Justice Unit (police)

Whilst the principles of Glidewell are supported strategically, co-location does not deliver integrated systems and processes on its own; in practice a cultural divide remains, with many officers and officials lacking an understanding and appreciation of the role and needs of other criminal justice partners. Joint working requires cross-agency co-operation, a shared vision of an effective criminal justice system, respect for each partners independent remit, complimentary performance indicators and inspirational leadership. Joint training, integrated IT and where offices are being merged common working conditions and standards will all assist partnership work.

Insufficient attention has been given to commissioning and coordinating many criminal justice projects. I became aware of several projects seeking to introduce integrated working practices across criminal justice unaware of other similar projects. This is not cost effective or sensible, valuable lessons, experience and good practice needs to be shared. It is unclear whether this is due to parochialism or confused responsibility and accountability; I suspect it is a combination of both. It would benefit all criminal justice partners to meet together, network, exchange experiences in what works and what doesn't work and identify the critical success factors.

There is a need to share experience and assess the progress of integrated prosecution teams across criminal justice partners in a non-partisan way, with a view to identifying optimum arrangements, what works and how the costs and benefits of integrated working can best be exploited.

¹¹ The review of the Crown Prosecution Service, Rt Hon Sir Ian Glidewell (TSO June 1998)

Technology

Technology has the potential to rationalise and streamline administrative systems and processes for criminal justice partners without undermining their independence in decision-making. Business requirements must be better understood and specified to ensure technology does not dictate business need.

Adopting a **single case file** appears to be accepted in principle by all criminal justice partners. In reality this will only be achieved when the ability to seamlessly move or have access across the system to a **paperless file** is reached.

A number of trials and pilots are seeking to develop the necessary systems and processes but the potential exists for partners to develop systems that meet individual requirements (geographically and/or functionally) as opposed to the benefit of the system as a whole.

The development of collaborative space on the one hand and electronic file builds on the other enables information to be shared across partners. There are strengths and weaknesses in both systems but it is unclear how and where the benefits will be assessed, shared and developed in a non-partisan way. Considerable time and energy is invested in these initiatives and sometimes a level of parochialism and an understandable inability to constructively challenge acts as a barrier.

Whilst Chief Information Officers from across criminal justice are well placed to deliver the electronic transfer of case files, consideration should also be given to appointing a national lead with the mandate and authority to develop a national solution to implement a paperless file across the criminal justice system with a challenging but achievable timetable for delivery by 2015.

For the potential of technology to be realised, all parties will need to be assured of the efficacy of the system and appropriate levels of access/confidentiality set. Whilst information can flow technically through a system, assurances regarding authenticity "locking in" evidence are also required. Work to provide the necessary assurances needs to be expedited in order for benefits to be realised. What may save unnecessary copying for the prosecution can add to defence costs who also need appropriate access to the file.

In my Interim¹² Report I highlighted the benefit of **digital recording of PACE interviews** and reducing the bureaucracy associated with storing thousands of tapes. The evaluation demonstrated significant benefits both in terms of cash savings but also easier access to interviews and streamlining investigative and judicial processes. There is potential for further savings with secure joint storage arrangements being developed. A moratorium on central contracts is currently preventing 16 forces from benefitting from this technology.

The facility for offenders to appear by video link for first court appearances has potential to speed up justice and reduce delays (**Virtual Court**). Whilst speed and justice do not always go together, greater numbers are now being processed following the change in legislation to remove the right of defendants to opt out. The pilot sites in London and Kent are being evaluated and future development will depend on availability of money to invest, reliability of technology, transformation of working arrangements for all criminal justice partners (including the defence) and the ability to realise and share the benefits across the whole criminal justice system. It should be recognised that there is potential for a greater bureaucratic burden to fall on the police but for the whole system to benefit (see also modernising charging above).

¹² Reducing Bureaucracy in Policing : Interim report, Jan Berry QPM (Home Office February 2009)

Disclosure

Recommendation 22 of Sir Ronnie Flanagan's Review of Policing suggested consideration be given to applying greater proportionality to disclosure rules. Little progress has been made and whilst recognising disclosure rules are an important safeguard against the possibility of a miscarriage of justice, it is important to ensure the laws, codes and rules are interpreted as intended and applied rigorously to deliver greater efficiency.

Recognising the tendency for the CJS to be overly risk averse, consideration should be given to reviewing whether the current disclosure rules are appropriate and proportionate for less serious offences. Some forces unnecessarily continue to require the completion of disclosure schedules prior to first hearings. In 2009 over 375,000 cases were heard in Magistrates Courts where guilty pleas were entered at the first hearing. There would be a considerable saving for those forces who complete disclosure schedules too early in the file build process. For more serious offences in Crown Courts consideration should be given to shifting the trigger for primary disclosure to the point when a not guilty plea is first entered or can be reasonably anticipated. In 2009 there were more than 15,000 guilty pleas recorded at first hearing in Crown Court. If the trigger point for the disclosure was moved as above significant savings and opportunity costs could be gained.

There is a risk that any benefit this might deliver could be outweighed by an increase in the number of Not Guilty pleas. Robust handling of case management hearings and the strict application of credit for early guilty pleas at the first possible opportunity should mitigate this risk.

I recommend removal of the requirement to complete disclosure schedules prior to first hearing in Magistrates Court and consider shifting trigger point for more serious offences at Crown Court to the point when a not guilty plea is entered.

KEY PROCESSES

Recommendations:

- 21. Remove duplication and over-working from key processes, assess which processes deliver the greatest efficiencies and reduce the number of gatekeepers,**
- 22. Provide Focus to Crime & Incident Recording:**
 - **Retain National Crime and Incident Recording Standards**
 - **Provide accurate, proportionate records of all incidents as investigative and audit aids**
 - **Proportionately record and investigate incidents based on assessment of threat, risk and harm**
 - **Broaden crime categories to rationalise and reduce notifiable offences list (NOL)**
 - **Refocus competitive element of crime statistics with improvement regime**
 - **Adopt a single definition for violent crime**
 - **Cross refer related data bases to prevent duplication**
 - **Record result (outcome) of less serious incidents and crimes on command & control system, ensure repeat victims, offenders and locations can be identified**
 - **Simplify rules for amending crime records**
 - **Align charging and recording standard.**
- 23. Apply a more risk based and proportionate approach to Missing Person enquiries and record keeping and re-use information where possible.**
- 24. Apply a more risk based and proportionate approach to domestic violence enquiries and record keeping. Remove siblings from definition and ensure systems are able to identify repeat victims and offenders (location).**
- 25. Realise benefits from automating recording of road collisions (CRASH).**
- 26. Encourage email discipline.**
- 27. Review local interpretation of RIPA and enable a more proportionate risk - based response to recording authority.**
- 28. Adopt a scaled and proportionate approach to the National Intelligence Model (NIM) and re-focus Daily Management Meetings (DMM).**
- 29. Review purpose and benefit of attending all meetings (internal and external) determine priority, rationalise overlapping agenda's and stop attending those that deliver no benefits.**

Introduction

Front line officers and members of the Reducing Bureaucracy Practitioners Group (RBPG) **identified key processes** which created the greatest bureaucracy and would benefit from standardisation. The processes identified were:

Crime & Incident Recording, Custody, Case Building, Missing Persons, Domestic Abuse, National Intelligence Model (NIM), Performance Development reviews (PDR) & RIPA Authority's .

In previous reports I have highlighted the need for ACPO to apply a more proportionate and measured approach to streamline and rationalise all these key processes. I welcome the work recently undertaken by HMIC and ACPO to remove duplication and over-working.

Process mapping - Most systems and processes have been mapped in one form or another across forces, but the requisite rationalisation, cultural shift and challenge has not necessarily been undertaken. For example, Project Athena referred to in the technology section of this report have mapped 4 key processes, each is an amalgam of the 9 collaborating forces, and written at a level and in a language that all forces can identify with. I do not under-estimate the amount of time it has taken to achieve this level of consensus and it will be important, as this work develops to further streamline the processes in a way that delivers the greatest efficiencies rather than an acceptable compromise of processes across the forces concerned. To maximise the potential of re-engineering processes it is important to look at the system as a whole and remove all aspects that add no value to the overall purpose.

Where trust and responsibility is not appropriately devolved **excessive numbers of gatekeepers** (decision-makers) are added to systems and processes, extending the process and creating additional cost and unnecessary delay (bureaucracy). It also fails to place responsibility as near as possible to where the impact is felt. For example, where poor performance or mistakes have been made (incorrect or incomplete record keeping, wrong classification, missing evidence) additional gatekeepers have been added (call handling, case building) to put it right, rather than place responsibility on the officer or member of staff to get it right first time and holding them to account.

When systems and processes are streamlined and rationalised consideration needs to be given to where decisions are taken and what value each decision point adds to the process. For example a student officer investigating a simple burglary told me his work was reviewed and directed by nine different supervisors, each one needing to demonstrate their value by adding a further requirement on the student officer, who then had to demonstrate (in writing) he had completed all the 'actions'. Trust and hold to account, design in quality assurance and inspection at the point where the decisions should be taken not across the whole system.

Focus Crime & Incident Recording

In my Full Report I set out the arguments for accurate and trusted crime and incident recording. In its simplest form, all reported crimes and incidents need to be accurately and proportionately recorded to aid investigation/response and audit (accountability).

The **National Crime and Incident Recording Standards** (NCRS, NSIR) support this in a standardised and consistent way, for example a burglary categorised in the same way wherever committed. Neither standard prevents crimes or incidents from being recorded in a proportionate way.

There is an argument for rationalisation of the **notifiable offences list**¹³ (NOL) and broadening the categories of crimes required to be reported and recorded nationally. Some propose a split between serious and less serious, others the adoption of up to ten broad categories of crime. I believe the current list, with over 1,300 definitions of offences, collects greater detail than is necessary and on balance believe less but broader national categories could be developed. The

¹³ Notifiable offences covers a wide range of offences from murder to minor theft and are published nationally as police recorded crime statistics

overall number of offences should not change, but it could remove the incentive and industry that moves crimes into and out of finely defined fields to improve performance on paper.

Several forces do not trust officers to classify offences on crime reports and employ additional staff to check, classify and verify, it is difficult to understand why more than one level of quality assurance is required in these circumstances. If accuracy is an issue, this should be addressed by holding the officer to account, if knowledge is an issue, this should be addressed through training. As improved technology becomes available, the potential of mobile data will not be realised if officers are not incentivised to get it right first time. Attention needs to be focused on proportionate recording and investigation of crime and incidents based on assessment of threat, harm and risk.

Consideration should also be given to proportionately recording the **results of less serious crimes and incidents on command and control systems**, rather than needing to generate a disproportionate full crime report. Forces will need to ensure systems have the ability to identify repeat victims, offenders and locations to ensure an appropriate response is delivered.

In my Full Report I made reference to the definition of violent crime and highlighted recommendations from the Statistics Commission and Sir Ronnie Flanagan calling for the development a **single definition of violent crime**. No progress has been made, four different definitions remain which is confusing, encourages futile arguments and undermines the confidence in the statistics. I repeat my recommendation to agree a single definition of violent crime.

Where a target culture prevails, the focus on “**sanction detections**” greatly dictates response and places at a disadvantage those forces who are seeking to adopt a more balanced and proportionate response. It is natural for forces to want to present performance in the most favourable light, but the **relationship between crime recording and measuring performance** can encourage a mindset and set of actions which downgrade classifications and fail to give due regard to the needs of victims, the interests of justice or reducing reoffending. It is too simple to remove any reference to performance, but needs to be kept in balance and related to continuous improvement rather than focusing on force comparison league table positions.

To ensure standardisation and prevent ‘creative accounting’ **Home Office Counting rules** are regularly revised. Over time this has increased the complexity and required greater attention to be given to demonstrating compliance with the standard rather than the quality of investigation. Some areas have nearly employed tactical advisers on recording compliance to reassure ACPO of compliance for inspection!! (see also accountability)

Force systems and processes differ in when, following a report of crime, a ‘crime report’ is first generated. Some force systems automatically generate the report on first call, others make use of the **72 hour window** allowed by the NCRS. It is difficult to assess which process is most efficient with so many variables. The emphasis however should be on accurate recording with the least amount of handling and over time developing technology, in line with ISIS principles where data is entered only once.

The standard for a crime to be recorded refers to “balance of probability”, where it transpires no crime has been committed to re-classify as “no crime” “additional verifiable information” is required. Some forces expect ‘full files’ to be submitted to demonstrate a crime has not been committed. Such a requirement is disproportionate, particularly where estimates of up to 25% of crimes are technically not crimes. Crimes should be recorded and amended (including No Crime) according to the balance of probability standard.

Frequently, particularly in assault cases, there is a significant difference between what an offence is first recorded as, what offender is subsequently charged with and the outcome in court. Several proposals, to provide a more accurate reflection have been made. It is confusing, particularly to victims and produces inaccurate crime statistics. As an interim measure consideration should be

given to **aligning recording and charging standard**, automatically enabling crime records to be amended in line with the offence charged.

Missing Persons

Front line officers believe there is a need to apply a more proportionate and risk based approach to handling and recording missing person enquiries. An early assessment of why the report is being made and whether there is fear for the safety and/or welfare of the person will be important.

Dependent on the circumstance, it may not be proportionate or necessary to record full details of the missing person on the first call. Equally, circumstances might dictate it is necessary. The level of information/detail/investigation required and the most appropriate way of collating it needs to be continually reviewed. It is also important that where information has been taken previously it is reused rather than duplicated.

Having reviewed the ACPO definition of missing person, alongside those from other jurisdictions. I recommend that the ACPO definition is amended to include "fear for the safety and/or welfare of the person"

Domestic Abuse

This is a difficult and sensitive area and one where officers currently feel they have no discretion or ability to use professional judgement in any circumstances. In my Full Report I made a series of recommendations in respect of domestic abuse and would repeat these.

The ACPO definition currently includes adult siblings and is considered too wide. I understand concerns were raised about excluding siblings due to links with hate crime. This is capable of being handled in a sensitive proportionate way, outside of this policy.

Over-reliance on pre-prescribed risk assessments and rigid models discourages experiential learning and a proportionate response.

There is a need to apply a more risk based and proportionate approach to domestic violence enquiries and record keeping. Adult siblings should be removed from the definition and ensure systems are able to identify repeat victims and offenders (location)

Road Collisions

Considerable investment has been made into the development of an automated programme to capture road collision data. The roll out is somewhat delayed and will need to be expedited if the benefits are to be realised.

It is interesting to note many calls for police assistance relate to road collisions and other road traffic matters, which do not feature very high in policing priorities

Emails

Officers in most forces have become overwhelmed by the amount of email communications they are required to deal with on a daily basis and on return from periods of absence. It is not unusual for force email systems to be handling 5 times the amount of traffic they were designed for. On average between 15 to 20 % of emails received are necessary or of any value creating significant waste in time. Up to 45 minutes per day could be saved if greater email discipline is encouraged. There is a general lack of email discipline and a culture of copying everyone into emails just in case! Several forces are beginning to address the problem and encouraging greater email discipline.

RIPA

Whatever the original intention of RIPA, something is fundamentally wrong when a Superintendent can authorise an officer to carry a firearm with one piece of paper and yet needs to complete at least 4 pieces of paper to authorise an officer to look through someone's window.

Recognising the need to balance rights and responsibilities this should not preclude a more proportionate approach. I am in no doubt "risk averse" interpretations of RIPA requirements results in unnecessary work, feedback from the Commissioner would be a helpful learning tool for the future.

National Intelligence Model (NIM)

There is an need to adopt a scaled and proportionate approach to the National Intelligence Model¹⁴ (NIM), re-focus Daily Management Meetings (DMM)

Adopting an intelligent, problem solving approach to tasking and co-ordinating the policing response is key to improving and creating greater efficiency. However, in this risk averse world an industry has been built around the preparation for the DMM's. DMM's can be both locally and force focused. On average Supervisors are spending two hours per shift preparing for the DMM; researching crime databases and command and control incidents from the previous 24 hours 'just in case' they are asked a question in relation to them. Considerable duplication and waste is being created by Supervisors, Managers and Analysts in what has developed into a knowledge test as opposed to a short, sharp daily briefing and periodic tasking exercise.

What is not seen so often is the cumulative effect; where every tier of policing establishes teams of personnel to ensure they are properly briefed.

Meetings Attendance

In my Full Report I recommended the need to review the meetings attended by officers and questioning the value of attendance. Several forces have undertaken reviews and rationalised meeting structures at all levels of the organisation.

External meetings also need to be reviewed; each one builds its own bureaucracy and needs to be kept under constant review to determine its value. I recommend again review the purpose and benefit of attending all meetings (internal and external) determine priority, rationalise overlapping agenda's and stop attending those that deliver no benefits.

¹⁴ 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 and make tactical resourcing decisions about operational policing and manage risk.

TECHNOLOGY

Recommendation:

30. Exploit technology through incremental adoption & convergence of

- national infrastructure
- business led common processes
- paperless case file
- mobile data
- digital recording of interviews.

From a policing perspective the importance of the Information Systems Improvement Strategy (ISIS) cannot be overstated. Joined up technology with access to reliable information is the lifeblood of modern policing, bi-directional integration is complicated but necessary if information is to be shared.

In reality ISIS has had a troubled life, not because the principle is wrong, but more because the complexity of the requirement, coupled with confused accountability makes it difficult to describe what it is and has the potential to be. The technical nature has also encouraged more decisions than operationally sensible to be made by IT Managers.

Whilst forces are at different stages of their IT development, there is an operational requirement for a compatible and complimentary operating platform. Such is the benefit the Home Secretary will I believe need to mandate forces in this area.

Several commercial companies are keen to provide the necessary operating platform albeit in slightly different formats. The service will need to agree its business need alongside what is affordable and agree a single way forward.

Front line officers and staff emphasise the need for technology to support service delivery, not the other way around,. They do not see the need for local difference and their needs are simple; reliable information when and where needed, single sign-on, the ability to search across systems; and a requirement to enter information once only. All of these are ISIS standards but most officers do not have equipment or systems where these basic requirements are a reality.

The discipline of mapping systems and processes for automation has enabled forces to better understand their systems and remove activity that adds no value. However, too many current police processes have been determined by the technology rather than policing need, this must be addressed in the interest of efficiency and cost. Business processes have grown exponentially over time with the point being reached today where many appear self serving and gridlocked, relying on each other and delivering dubious benefits.

Project Athena brings together 9 forces to collaborate on what started as an IT project but has transformed into a programme that seeks to align business processes and increase efficiency and effectiveness to reduce IT costs. Considerable effort has gone into establishing optimum business processes for crime, intelligence, custody and case building. It will be important to ensure these processes flow and work in practice and are the most efficient ways of working to remove work of no value, rather than a consensus between collaborating forces.

As systems become more integrated the potential for **e-commerce** opportunities is increased the service will want to ensure that e-commerce opportunities are approached in a coordinated fashion for the mutual benefit of all.

In my Interim and Full Report I have highlighted the potential of **Mobile technology** to reduce bureaucracy, increase efficiency and provide officers with immediate access to a range of tools and data without having to return to the station.

Over the last two years, the Home Office invested more than £80 million providing mobile data units to front-line officers. The evaluation of this programme, which I recently contributed to will soon be published, it will be important to learn the lessons outlined and ensure that responsibility for the future development of mobile technology is incorporated with business need and not viewed separately.

Most front-line officers do not have units that allow them access to the full range of databases and operational systems. Force policies determine what remote access officers will have. Some forces have surprisingly chosen to block officers use of PNC. Whilst it is not always operationally sensible to use mobile technology to undertake a PNC check, the facility should be made available. Likewise, most PDA's have camera's fitted and yet many forces are not using them. I have been made aware of numerous examples where early photographic evidence has been operationally vital.

REDUCING BUREAUCRACY PRACTITIONERS GROUP (RBPG)

Recommendations:

31. Retain and utilise the experience of front line practitioners through the RBPG to assess progress and identify future bureaucratic burdens.

32. Establish local RBPG's to assess local systems and practices for bureaucratic burden.

Front-line officers know precisely what the causes of unnecessary bureaucracy are, they know what the barriers to improvement are and they know the solutions. Senior officers and policy leads need to constructively engage with front line practitioners to understand the problems they face and the barriers to progress.

When appointed I brought together a group of frontline officers and staff, functionally and geographically representative of the police service, to

- highlight major causes of bureaucracy
- identify processes that could be standardised across the service and
- review proposed new systems and processes to assess bureaucratic impact

The identified bureaucratic systems and processes included; collision recording, call handling, case building/file management, crime and incident recording, custody, domestic violence risk assessment, missing persons, national intelligence model, performance and development reviews, CJS, partnerships, HR, performance culture, data collection, risk, training, technology and use of force.

ACPO portfolio leads and heads of government departments have been encouraged to use the group to assess proposed new policies, procedures and technological changes. As knowledge of the group has become more widely known and increasingly used the value of their contribution and constructive input has been greatly appreciated.

There is value in retaining and utilising the experience of frontline officers through the RBPG. I welcome the initiative taken to incorporate it within the auspices of the reducing bureaucracy project board.

Members of the RBPG have become 'reducing bureaucracy' advocates within their own forces and I would recommend forces consider establishing a group of officers and staff to undertake a similar role locally. Whether at a national or local level, front-line insight and buy-in is vital. The earlier you engage the more likely it is changes will be implemented effectively.

The true test of winning the war on bureaucracy and red tape will be when front line officers feel it and when common sense and trust have a value.

The Reducing Bureaucracy Practitioners Group Membership

Ruth Atkins	Sergeant	Surrey Police
Nicholas Bailey	Chief Inspector	Cheshire Police
Darren Barrett	Detective Sergeant	Hampshire Constabulary
Andy Doyle	Sergeant	Merseyside Police
Paul Dunn	Sergeant	Metropolitan Police
Theresa Eagleton	Inspector	Norfolk Police
Kevin Huish	Sergeant	Police Federation of England and Wales
Tony Martin	PCSO	Cambridgeshire Constabulary
Glen Mernagh	Sergeant	West Midlands Police
Stuart Newsham	Police Constable	Avon and Somerset Constabulary
Caryl Nobbs	Chair	UNISON
David Pattinson	Segeant	Cumbria Police
Samantha Parkerson	Detective Sergeant	Northamptonshire Police
Sean Pearce	Police Constable	Gloucestershire Constabulary
Simon Reed	Vice Chair	Police Federation of England and Wales
Richard Sainsbury	Sergeant	South Yorkshire Police
Andrew Short	Inspector	North Yorkshire Police
Roger Flint	Chief Superintendent	Police Supt Association of England and Wales
Robert France	Sergeant	Thames Valley Police
Emma Griffiths	Inspector	Staffordshire Police
Andrew Smith	Sergeant	Lancashire Constabulary
Chris Walsh	Sergeant	West Mercia Constabulary
Joanne Wright	Inspector	Norfolk Police (Staff officer to Jan Berry)