Police Intelligence Practice in the UK

Written evidence submitted to the Home Affairs Committee's inquiry 'Policing for the Future' by Dr Adrian James, Senior Lecturer in Criminal Investigation, University of Portsmouth, Institute of Criminal Justice Studies
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Executive summary

- This submission is based on evidence derived from three empirical studies of police intelligence practice carried out over the last 10 years (see James, 2013, 2016 and 2017).
- Those studies suggest that even if the amelioration of some long-standing problems in that milieu can be discerned, structural and cultural barriers to the effectiveness of the work remain.
- Too often in mainstream policing, intelligence practice is seen as ancillary to the business of 'real' policing; co-existing in parallel with the operational world but not routinely influencing it in sufficiently meaningful ways.
- In the last three years, meaningful efforts have been made to professionalise the intelligence function but the extent to which those efforts have yet borne fruit is debateable.
- Beyond the higher policing units (whose *raison d'être* is the conversion of intelligence into action against serious and organised crime), there seems to be limited understanding of the value of intelligence and a propensity to underestimate the merits of the work.
- Within the institution, advocates of intelligence, and motivated intelligence practitioners, have found it difficult to shift the dialectic to one in which intelligence is seen as central to the success of the policing mission.
- These factors undermine the institution's ability to respond effectively both to evolving demands and changing patterns of crime.

Introduction

i. The author has been researching police intelligence practice in the UK, at doctoral and post-doctoral level, for almost 15 years. He advised the police institution in its review of the UK's National Intelligence Model (2012-13) and assisted in the redrafting of the relevant UK College of Policing's guidance to practitioners (2015). He has published extensively on the subject and continues to act as adviser, on intelligence and related subjects, to the National Police Chiefs Council's (NPCC) Intelligence Innovation Group and to the Chair of the NPCC's Crime Operations Coordination Committee.

ii. This evidence is derived from the author's doctoral study into the UK National

Intelligence Model (NIM) (2005-12; N=147); a post-doctoral study into investigative practice in England and Wales (2012-14; N=213); and a College of Policing-sponsored study into 'what works?' in criminal intelligence in the UK (2013-16; N=113).

iii. Much of the detail of those studies necessarily is omitted from this submission but the results have been published elsewhere; either as scholarly works or as peer-reviewed papers and are readily available (see James, 2012, 2013, 2013a, 2016 and 2017).

Evidence

1. This submission argues that policing's organisational and cultural divides sustain a covert anti-intellectualism that, allied to practitioners' seemingly unshakeable faith in pragmatic - rather than reflective or consilient – thinking, dominates the policing milieu. That produces a bounded rationality that undermines police intelligence practice and limits policing's ability to respond effectively both to evolving demands and changing patterns of crime.

2. Though perhaps counter to common understanding, it was only at the very end of the twentieth century that intelligence routinely was used to inform investigative strategy in the mainstream (Grieve, 2004). Invariably a significant factor in the discovery of evidence, before that time, criminal intelligence was not considered a discipline in its own right so that even though an intelligence architecture supporting the higher policing function was well established,[1] mainstream policing lacked its equivalent.

3. Briefly, intelligence work, in a formal sense, was never considered relevant to the mainstream, where the response dynamic and community concerns dominated popular discourse. Craft knowledge of intelligence practice was passed down from generation to generation within specialist units as a form of oral history that was

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[1] This had grown and developed since 1883 when the Special Irish Branch was established in London to challenge the threat from 'Fenians'.

kept from the wider service. In the higher policing environment, craft rules meant that 'need to know' invariably outweighed 'dare to share' (Brodeur, 2010).

4. Together, these have constrained wider organizational understanding of intelligence's worth and limited its influence on decision-makers in the policing mainstream where managers and supervisors often lacked a real appreciation both of intelligence staff and of the value of intelligence products.

5. Whether policing is craft or science; trade or profession has exercised scholars' minds for many years. Most craft occupations are exclusive; closed shops that protect their rites, rituals and secrets from public view. That description fits traditional police intelligence practice well.

6. In the modern era, with professionalization very much at the top of the police's own agenda (CoP, 2015), and with the onus on public authorities to publish or at least to facilitate public access to the data they collect and generate, there is an obvious need to professionalise the police's information management processes.

7. Arguably, intelligence has little value if it cannot be put to use. It is accepted almost universally that there should be clear water between the intelligence officer and the policy or decision-maker (see for example Betts, 1978 and Dahl, 2013).

8. Resolving the kinds of conflicts that arise routinely at that nexus point are far easier said than done. Decision-makers sometimes disregard their analysts on the grounds that they are better placed to judge the situation themselves (Omand, 2010) and analysts must always be alert to the possibility of allowing the process to be skewed in ways that deliver something that merely validates policy (see Butler, 2004 and Rollington, 2013).

9. It is naïve to expect that analysts always can resist those kinds of pressures. Analyses and decisions may represent two sides of the same coin but analysts rarely decide or direct action; power invariably rests with the decision-maker (Herman, 2001 p.15).

10. The introduction of the Human Rights Act, 1998 and the Regulation of Investigatory Powers Act, 2000 (RIPA) delivered greater transparency to those processes. The Acts obliged the police service to completely overhaul its intelligence apparatus to meet the levels of accountability the new legislation demanded. That has been universally welcomed.

11. One element in these new arrangements that has proved stubbornly resistant to change is the dysfunctionality found at the pivotal intelligence officer/decision-maker nexus point. Intelligence assessments just do not have sufficiently meaningful impacts on decision-makers in mainstream policing (see James, 2013 and 2016).

12. Competing organizational sub-cultures may be but one of the issues at the heart of this dynamic but it is a significant one. There is a power imbalance in policing that has created and that maintains a gulf between the intelligence and operational worlds (see James, 2016). That is defined by perceptions of their relative worth to the wider organization (see Innes *et al*, 2005, James, 2012 and 2013).

13.Though the police have employed intelligence analysts for more than 20 years, the role continues to be perceived as low status and ancillary to the policing mission (see for example Cope, 2004 and the author's own work in this area). There is a constant churn of staff so that experienced analysts constantly leave the organization to be replaced by trainees. Inevitably, novices' views carry less weight and they can more easily be discounted by decision-makers.

14. Scholars from a range of academic fields recognise that heuristics, experiential learning, and schemas can explain the realities of decision-making in complex situations. Tost *et al* (2011) highlighted that individuals' receptivity to advice is influenced by three factors: the character of the task to which the advice refers; the character of the advisor; and the psychological or emotional state of the decision maker. They argue that 'the more powerful, can 'be less open to using advice from others… [and] can lead individuals to discount advice even from individuals who have high levels of expertise' (2011 p.53-4).

15. This is not just a matter of culture or of organizational dynamics; it is also a matter of decision-making style. The two are inextricably linked. As many researchers have observed, it is cultural conditioning that encourages police decision-makers to see the world in binary terms (for example see Wong, 2015).

16. In fluid, dynamic, often dangerous situations those qualities can be the difference between success and failure. They are, and should be, prized but those kinds of situations do not represent the norm in public policing. Indeed, they represent only a tiny fraction of police business (see for example Reiner, 2010). When time allows, deliberation - in controlled environments, shown to benefit experts and the less skilled alike (Moseley *et al*, 2012) - should always be part of the decision-making process.

17. That reflection and consilience routinely are not factors in policing is a product of the pragmatism that dominates police decision-making. Decisions are based on tradition (what has always worked), experience, and in many cases (as Wong, 2015 has argued) blind faith. Common sense suggests that experienced people make the best decisions; that seems logical but there is a growing body of research that suggests that experience is a factor only in tasks that cannot easily be broken down into their component parts (see for example Dane *et al*, 2012).

18. Durkheim (one of the founding fathers of sociology), challenged that truism as deterministic. For him, judgement and experience were little more than personal constructs of charismatic leaders. He attacked pragmatism as anti-intellectual, observing that it relied heavily on personal experiences and subjective judgements that were not necessarily generalizable (Durkheim and Allcock, 1983).

19. The action-oriented culture, that dominates the policing milieu, prizes pragmatism as the vehicle by which red tape and other bureaucratic blockers are confronted and negotiated to resolve problems quickly with the minimum of fuss. Policing celebrates that behaviour because it is consistent with the dominant organisational 'can-do' culture (see James, 2013), but the reality is that even 'can do' organisations may sometimes find that they cannot 'always do'.

20. The studies on which this submission is based, found consistently that the police institution always has understood the pragmatic realities of intelligence work and its value in preventing and detecting crime, maintaining security and managing risk effectively enough to keep communities safe. The credibility of intelligence staffs and their endeavours are key factors in the operational reach of intelligence in the police organisation but that reach will be limited, and police intelligence practitioners will be constrained, as long as intelligence practice lacks the support of those with real influence in the wider organisation and that more organisational energy is committed to that endeavour.

Recommendations

In the context of criminal intelligence practice, the police should:

- cast aside the craft-like trappings of the past;

- reach out to partners and potential partners in much more inclusive ways;

- proactively seek out, identify, and adopt best-practice wherever it is found;

- and above all, recruit the best people (whether detectives or those from any other branch of the service – aptitude, ability, and integrity should be everything) into the intelligence world and demonstrate an unswerving commitment to their continuous professional development.

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