

FINDING THE GREY IN THE BLUE: TRANSPARENCY AND DISCLOSURE IN POLICING

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ABSTRACT

Police services have traditionally valued the ability to work without ongoing public scrutiny of their investigations and operations. They can very reasonably cite the need to avoid alerting criminals to police activities that might result in their arrest and charging with offences, the need to protect police and witness safety, and the frequent need to act swiftly and decisively without obtaining special approval from relevant authorities or endorsement from public opinion. This necessary lack of disclosure concerning many police operations has often extended into a general lack of transparency regarding police activities and expenditures, to the extent that, in many countries, the police services are regarded as unaccountable and unconcerned with how public opinion perceives them. In such a climate, police corruption and arbitrary exercise of police power flourishes. This paper addresses the creation of a policing environment radically different from this through the introduction of transparency into policing in the UK and the consequent revelation of layers of grey documentation and data. The paper makes use of official documentation and case studies of selected British police forces to show how the culture of policing is being changed. The principles of open government, scrutiny, and disclosure with a view to establishing accountability, are in the process of becoming institutionalised in the UK right across government, local government, other 'public authorities' and the business and non-governmental organisation (NGO) sectors. The UK Human Rights Act 1998 sets the context, and a legal framework for this transparency is provided by the Freedom of Information Act 2000 and, to some extent, the Public Interest Disclosure Act 1998. The press and civil society are consistently using these mechanisms to call those with political and economic power to account. It has become apparent, even in sectors formerly as concerned with avoiding openness as the police service, that pro-active disclosure is the best way to meet public expectations. Police services now respond as a matter of course to freedom of information requests, organise a range of meetings to provide information and answer questions (from local officers' meetings with community groups through to major budget consultative meetings with citizens' panels), and participate in public and semi-public enquiries into aspects of the success or failure of police programmes and operations. The case studies in this paper will explore the opinions of key players in this process and draw attention to the grey information that is becoming available as a consequence.

INTRODUCTION

British policing is now very different from the period before 2000, and this is largely an information phenomenon. Despite the fictional image of days and nights on patrol,

fight and car chases, and cases solved by the brilliant insights of individuals, policing has always been essentially an information handling profession. The last few years have merely served to bring information aspects to the fore, through the strengthening systems and, most significantly, the introduction of high levels of transparency. The passing of the UK Freedom of Information Act in 2000 may, at first, seem to be the driving force behind this, but there are other influences and pressures that are arguably more significant. This paper concentrates on transparency and disclosure in policing to demonstrate the ways in which publications and semi-published, broadcast and electronic information arising from police work have been made available to the British public in ways which have genuinely revealed the grey resources that can inform people about activity in the blue-uniformed ranks of the police. All of this is comparatively new because in the past the need for not subjecting ongoing police investigations, and sometimes aspects of the judicial process, to public scrutiny has dominated the police information ethos.

In this paper we explore the shift from an ethos of concealment and confidentiality to one of transparency and disclosure mainly through the cases of two sample police forces. Their grey literature and web resources will be identified and described in the light of opinion and contextual information obtained through interviews with personnel from those forces. The paper is openly more descriptive than it is analytical. As a first step into this new and little investigated (at least as far as information science is concerned) information environment, it is worthwhile simply to describe and make some sort of initial assessment of the dimensions of the phenomenon. The content of this paper is largely drawn from observation and discussion of the activities of two police forces in the English Midlands: Derbyshire (1) and Leicestershire (2). The information materials and access obtained for these two case studies have been examined and placed in context through meetings with communications staff in both forces. The demography of the two counties makes them reasonably representative of the country (they are in the mid-lands in more senses than one) and the statistics relating to policing confirm them as worthwhile examples. Generalisations made from two cases are, of course, vulnerable to later more extensive and intensive research, but for the purposes of a preliminary essay we believe that these cases serve very well.

BACKGROUND: POLICING AS AN INFORMATION PROFESSION

The effective management and use of information has always been critical to crime prevention, reduction and investigation strategies. The 'paper burden' borne by police officers is heavy, even in these times of electronic communication (Luen and Al-Hawamdeh, 2001; Ericson and Haggarty, 1997). A recent study within a UK policing unit indicated that personnel regarded information overload as a significant barrier to effective internal communication within the unit (Syson, 2007). As a result of this avalanche of paperwork it is generally acknowledged that the police spend a relatively small proportion of their time dealing directly with crime (Ericson and Haggarty, 1997). Indeed, it has been suggested that direct involvement in crime work takes up as little as three per cent of the working time of patrol officers (Comrie and Kings, 1975; Ericson, 1982, cited in Ericson and Haggarty, 1997, p.20). Even where criminal investigation work is considered, Ericson found that detectives spent about half their time in the office, much of it on recording investigation activities rather than on conducting actual investigation work (Ericson, 1993). An example of this can be seen in the requirement in England and Wales for all interviews with suspects to be audio

taped and then summarized on a standard form. The time devoted to this one specific requirement has been estimated to be equivalent to the full-time efforts of 1,400 police officers (Royal Commission on Criminal Justice, cited in Ericson, 1997, p.20).

At the local level, it must be recognised that the operational and regulatory environment in which police officers work is also dynamic and fast-changing, complex, sensitive and highly stressful. Such work frequently requires the assimilation, management and generation of vast quantities of information in a timely and effective manner. Thus, despite the contention of Brodeur and Dupont (2006) that informational work ('shuffling paper') is perceived as being of little value and carries no prestige within policing organisations, it is clear that policing is indeed an information-intensive operation.

However, whereas in the past much of this informational activity, and the records arising from it, were not open to public scrutiny, police forces in the UK are now operating in a climate where public bodies and members of the public demand a high level of transparency and information disclosure. High profile incidences of failure to pass on information between police forces and other agencies have increased the need to scrutinise the external communication patterns of policing organisations. Thus, for example, the terms of reference of the Bichard enquiry, investigating the circumstances relating to child murders in the village of Soham in Cambridgeshire, included an assessment of police information sharing with other agencies. This concluded that the lack of clear, understandable, national standards and guidance on the subject of information sharing and of record creation, retention, review and deletion, had contributed to the tragedy (Bichard, 2004). This recognition led to the drafting of a Code of Practice on the Management of Police Information (MOPI) (National Centre for Policing Excellence, 2005), together with guidelines for implementation of the Code (National Centre for Policing Excellence, 2006), which challenged the UK police service to move forward from a culture of information storage to one of information management and sharing. In addition to ensuring consistency between Forces in the way that information is managed, the Code of Practice aimed 'to ensure effective use of available information within and between individual forces and other agencies, and to provide fair treatment to members of the public' (MOPI, 1.1.4). The subsequent implementation guidelines give recognition to the value of information as a 'corporate resource' for the police service, and the principle that effective policing is dependent on the efficient management of information.

ORIGINS OF CHANGE

The emergence of police forces which are both more effective as handlers of information and more open to the scrutiny of outsiders than before is still a work in progress. However, from many (if not all) British police forces there is now a confident projection of themselves and their activities as a matter for sharing with a multiplicity of stakeholders. When asked the question as to the sources of this change, the response is sufficiently diverse and, indeed, imprecise as to suggest that the new

openness arises from a broad cultural change across the sector, rather than a single driving force. In the past there was formal communication with the public driven by the legal requirements to report on quantitative and financial aspects of the work of each police force. Anything else seemed to be regarded as potentially confidential, or at least not meeting some unspecific test of a public 'need to know'. As we have already indicated, government priorities have shifted the emphasis towards disclosure and consultation. There is, for instance, a requirement to hold public consultative meetings. Senior appointments now tend to be made from officers who buy into an ethos of openness, and this has quite quickly influenced practice. Most specifically it has led to the creation of communication teams dedicated to involving and informing the public.

Legislation not specifically directed at police forces has also contributed to this fast-moving change: first of all the relevant clauses of the Human Rights Act, 1998, the contribution to this ethos of the Public Interest Disclosure Act, 1998, and most significantly the Freedom of Information Act 2000. Relevant policy initiatives include the *Modernising Government* agenda of the Blair government, which focussed on a commitment to public sector reform, including making public sector bodies more accountable to their users (Parliament, 1999). This in turn led to a programme of police reform outlined in a White Paper *Building Communities, Beating Crime: A Better Police Service for the 21st Century*, which aimed to build 'a more responsive police service with neighbourhood policing at its heart' and to improve the way the police are held to account (Home Office, 2004). Specifically, with regard to information provision, the White Paper commented that

'Local people need to be clear who is responsible for what in terms of community safety. They need to understand how they as individuals, families and members of the community, can play a role in keeping their communities safe and reducing crime; how they can have a say in setting local priorities, and how well their local police are performing. This information needs to be available to every household and people should know what they can do...if local problems are not being tackled effectively.' (Ibid., p.10)

The increased capacity to communicate demanded by such measures has, in turn contributed to an increased ability to address priorities through the means of communication. Intense public interest in policing, and vociferous criticism of perceived failures and inadequacies, reflected in and sometimes fuelled by the media, have demanded a response. In some parts of the world this has undoubtedly led police forces to retreat into a laager of more tightly managed communication and reduced accountability. In Britain the opposite direction has been chosen: by being more open the police discover the value of an increased ability to enlist the public more closely into their decision-making and day to day activity. For instance in Derbyshire the response to a proposed merger with neighbouring police forces took the form of intense communication with the public through seminars, surveys, online and postal, and relevant website content. The resulting abandonment of the merger plans could be seen as being equally owned by the police force and the public. Also in Derbyshire, the response on the part of the police to a slightly higher than average fear of crime and perception that crime rates were high, has been to communicate better with the public to reassure them that, in fact, Derbyshire is measurably safer than otherwise comparable counties. The situation seems to be that police forces having perhaps

somewhat unwittingly moved into an arena of greater openness for a complex of extrinsic reasons, now find themselves functioning highly effectively in the fresh environment and offering greater disclosure as a matter of operational choice.

Both Derbyshire and Leicestershire have comparatively recently created communications units dedicated to what is sometimes described as ‘reputation management’, but which is much more than this. These teams, of about a dozen in each case, include members with backgrounds in journalism, website management, public relations and marketing. In Derbyshire their work is seen as directed at three audiences: the general public; partner agencies such as the Criminal Justice system, ambulance and fire services, and local authorities; and interested parties, particularly the victims of crime. Their role includes creating a flow of positive stories for local press and media, to the extent that colleagues say that the Leicestershire communications staff ‘keep the *Leicester Mercury* in business’. They also play a major part in facilitating communication face to face with the public, and drive aspects of more formal communication through the creation of publications and the incorporation of information technology applications.

FACE TO FACE COMMUNICATION

The whole pattern of police communication in both case study police forces is built on intense grassroots activity, which needs to be discussed before identifying the more formal face to face activities. Members of the communications teams stress the primacy of face to face communication between officers and the public in both disseminating messages and in obtaining insights and intelligence. This pattern of communication involves the use of meetings and publications, supported by the use of telecommunications media. In Leicestershire this is characterised as including police surgeries, visits to schools and youth groups, partner/agency work with bodies such as parish councils and Neighbourhood Watch groups, road shows as part of recruitment drives and many other informal and semi-formal means of contact. ‘Street briefings’ by officers on patrol are also a means by which exchanges take place with the public on matters such as priorities for surveillance and intervention. The Leicestershire force takes a stall in Loughborough market on a regular basis, so that the public can be informed about matters including crime prevention and personal safety. Identification and action on ‘signal crimes’ such as graffiti and littering, which contribute to public fear of crime, can be intensified through this type of contact.

Central to this approach is a policy of neighbourhood policing. Derbyshire, for instance, is divided into 103 neighbourhoods, each with its Safer Neighbourhood Team. These are the chief channel of communication to the public, and source of intelligence from the public. The Teams are made up of locally based police officers, Police Community Support Officers (PCSOs), special constables, park wardens and others. These teams, particularly their PCSO members, are seen as providing one of the few constant local presences (given the closure of village and neighbourhood shops and post offices and even the loss of many unprofitable local public houses). In Derbyshire the communications unit has four Community Officers supporting the work of the teams with materials such as posters, and publicity in the media.

A pattern of events, campaigns and other activities can then be constructed on this basis of widely distributed communication. For instance, Derbyshire launched its

Operation Relentless in May and June 2007 as a high profile campaign to reduce the incidence of crime, improve detection rates and raise the visibility of policing activity. This involved a number of specific policing operations, for which an 8% reduction in crime, a 6% increase in detection and a 14% increase in arrests were claimed over a 61 day period. Associated with the campaign were 'Relentlessly Attacking Crime' seminars for the public, with demonstrations of police technology, dogs and the use of the police helicopter. In October 2007 the campaign was renewed with a focus on violent crime and anti-social behaviour; again with associated seminars in the north and south of the county. This combination of a targeted policing campaign linked to a publicity campaign seems to typify a major approach by police forces to integrating the role of communication in their activities. Other examples of localised communication are events such as Derbyshire's first Safer Neighbourhood Week, in which the public were invited to meet senior officers, visit police facilities and learn about the partnerships with other agencies. The police contributed to Liberation Day events, in which older citizens were encouraged to liberate themselves from the fear of crime.

More formal events share the same ethos of exchanging information and opinion rather than merely publicising the police position. For instance the budgetary consultation meetings held in Derbyshire in late 2006 involved the Chief Constable and financial officers making presentations about the budgetary options available in the spending of the next year's financial allocation. The cost of particular forms of operation was revealed and the ability to prioritise certain forms of policing in this financial context was set out. The large and attentive public audience was then able to ask questions make their points on expenditure priorities. In the same spirit, 25 'Have Your Say' events were held in 2006-7 at a range of venues including supermarkets, market places, university premises, hospitals, parks, libraries. Questionnaire responses on policing priorities and other matters were collected, and an adapted version of the budget consultation materials was used to extend the financial consultation process. At the same time,

'The events were designed to inform the public of Derbyshire about its police force. A wide range of literature relating to the Force and its performance was made available; annual reports, budget and Safer Neighbourhood team information was provided, as were small cards which were used to emphasise the force non-emergency number.' (Derbyshire Constabulary, 2007, p.9)

The integration of printed materials with the campaign of face to face events and meetings leads us, of course, to the specifically grey literature aspects of police communication.

GREY LITERATURE

The police both create and contribute material to grey literature. In the quite recent past the main print on paper item distributed by the Leicestershire force was the Annual Report. It was made publicly available in libraries, but today, of course, it is available through the force's website. Now there are glossy A4 publications led by *Your Police*. This is a 4 or 8 page newsletter, which carries a variety of short items illustrated with colour photographs dealing with changes and developments, policing

successes, campaigns, and stories about police and community personalities. The same format and similar content is given a more local slant in *Local Policing in Rutland* (or any of the other areas served by the Leicestershire police). Finally there are neighbourhood newsletters with content aimed at specific districts, small towns and groups of villages, and presented as messages from the named neighbourhood beat team.

The pattern and content in Derbyshire is similar. *Policing Derbyshire* is described as the annual report. The 2005-6 edition is in newspaper format on glossy paper with colour illustrations. It adopts the friendly approachable style now obviously the norm for this type of material, breaking the statistics and statements down into separate news stories and also providing news from the various areas of the county. A noticeable item, headed 'Open and Transparent' draws attention to a step by step guide to the complaints procedures now available via the website. The same item gives basic figures for the complaints received during the year. There is also a smaller item to the effect that 390 Freedom of Information requests had been received. Derbyshire's *Safer Neighbourhood News* newsletters link to the activities arising from the priorities identified by the Safer Neighbourhood teams and also provide contact details and information on how to make complaints. The police force also feeds material into *Safer Derbyshire*, issued by the County Council. This glossy A4 publication, distributed free to every household, deals with a range of community and individual safety issues that include and go beyond policing.

If there is a consistent impression to be drawn from an examination of the grey publications of Derbyshire and Leicestershire, it is that friendly officers and police partners are out there, working in the community and available to give and receive help and information. In all of these publications the text and pictures are very professionally done and support each other in projecting a warm and positive message of openness.

TRANSPARENCY USING ELECTRONIC COMMUNICATIONS MEDIA

In the last three or four years the websites of police forces have come to be the focal aspect of their communication. They have their own 'Police' domain; their quality is excellent; and they carry high volumes of important information. They both substitute for a role that was entirely played by grey literature in the past, and at the same time generate and distribute a high volume of grey literature. They carry routine material such as the text of reports and newsletters, minutes of meetings; but also messages from beat officers and direct appeals to the public (which sometimes bypass the media and have achieved a certain success in dealing with cases). They are extensively used for recruitment activity; they are central to FOI response; and they project a consistently positive message about the force and its relationship with the public. For instance, the most endearing aspect of the Derbyshire website (www.derbyshire.police.uk) is its 'Young Space' area. This uses plain but lively language and high quality graphics (a plump crocodile police officer features) to tell children about police work, advise them on personal safety and amuse them with 'Fun Stuff'. The section that allows you to create a comic photo fit online is to be recommended for adults too. However, Devon and Cornwall Constabulary have gone a step further. A news release tells of the sticker albums issued in Brixham that enable

children to approach officers and PCSOs to ask them for a sticker with their picture on it (Devon and Cornwall Constabulary, 2007).

One thing that all police websites do is to provide a starting point for FOI approaches by the public. The Derbyshire site, for instance has an FOI section that explains procedures and leads to the publication scheme through a 'List of Classes'. This is good but not one hundred percent obvious at first. Leicestershire (www.leics.police.uk) leads in through a section headed 'Library' which also effectively links into the publication scheme. This, in turn, offers one alternative that is 'A selection of booklets, leaflets and other material produced by Leicestershire Constabulary and its partner agencies, from crime prevention leaflets to guidance and advice'. To illustrate the value of this professionally produced, downloadable material, there is the powerful *Domestic Violence* publication (Leicestershire Constabulary, 2007). This deals in a very direct way with an issue too often neglected by society as a whole, let alone police forces. It provides police and other relevant local contact details, and is not only downloadable in pdf form, but large print, Braille and audio versions are also available.

There are naturally other implications of police electronic communication. For instance, police websites can provide links into various databases that are in the process of changing significant aspects of operational policing. Derbyshire maintains a database of people to whom they can target specific messages (Neighbourhood Watch groups, partner agencies, members of the police force, and particular targets of crime such as owners of Four Wheel Drive vehicles), through the 'Ringmaster' community messaging scheme. Some police forces provide a facility whereby victims of crime can key in a unique record number and check progress in the investigation of the case. Web access is widespread in Britain (although not at the levels of Scandinavia, North America and some other parts of the world) but there remains a need for easy public access. Derbyshire have experimented with kiosks for this purpose and have positioned one in the new Westfield Shopping Centre in Derby that opened on October 9th 2007. This will publicise Safer Neighbourhood activity and provide police contact details. It is just another example of the way that electronic information resources now sit at the heart of police communications activity.

THE ROLE OF FOI

Both Derbyshire and Leicestershire have Freedom of Information teams serving to manage records for retrieval and to handle responses to FOI enquiries. Under the FOI regime, it is required that a publication scheme is made available, revealing just what every 'public authority' already 'publishes' in some form or other. It is, in effect, the product of an organisation-wide audit of grey literature. Naturally the nation's police forces generate bodies of material that have a great deal in common. This made it possible for the Association of Chief Police Officers (ACPO) to coordinate the creation of publication schemes across the country. These provide a baseline document for responding to FOI requests, but they also contain lessons for the management of the organisation's total information resource. The question 'Can the record that provides the answer to question X be quickly identified and retrieved?' follows exactly the same line of approach that the question 'Can the published information that provides the answer to question Y be quickly identified and

retrieved?’ Whilst someone who has never worked with an organisation’s grey literature might expect that the second question would be quite easy to answer, someone else who is experienced with this type of material will not necessarily be so confident.

Whilst this generalisation about grey literature may hold good, a similarly pessimistic view of the internal records of organisations (thoroughly justified by the neglect that is so common across many types of organisation) should not, and would not, hold good in relation to police forces. Police forces could not pursue effective investigations and bring cases to court successfully without excellent record-keeping. High profile failures based on the loss or inadequacies of records are subject to such media and public attention that the record-keeping activity is constantly reviewed and strengthened. Arguably it is more the human failures of individual officers or units to follow established routines with regard to matters, including record keeping, that are responsible for most failures, not the systems themselves. Police forces as already information-intense organisations depend on good record keeping but FOI, by opening aspects of this to even more intense public scrutiny, has served to sharpen the quality of what they do. The number of FOI requests received by the two case study forces does not at present seem enormous (390 in Derbyshire during 2006), but other higher profile forces do report much greater levels. What is certainly the case is that both Derbyshire and Leicestershire note that FOI has resulted in increased workloads. Much of this will be for the preparatory work rather than the actual responses, but the total cost in salaries for a dedicated FOI team alone is substantial.

FOI is used by the general public, but the chief type of use is by the press and other media (an estimate for Leicestershire would be that something like 40-45% of all requests come from the media). The media have become very astute in their use of the Act and in avoiding the exemptions for which the law provides. Some of the requests are effectively ‘fishing’ for something that might make a story, and what is revealed may not mean as much as it at first seems. Take, for instance a *Derby Evening Telegraph* story headlined ‘Dozens of young people given a licence to shoot’ (Oakes, 2007). This revealed that of 436 firearms licences issued in the previous year in Derbyshire, 33 were for people who were under 17. The headline and even more the subheading ‘We force police to reveal number of shotgun permits for under-17s’ give the impression that this might be an attempted police cover-up of a dangerous gun problem, the story itself shows that the permits were for gun use under supervision by farmers’ children and potential sporting shooters. FOI requests are answered literally from the records available and the answers may not actually address the question in the enquirer’s mind. For instance an enquiry about seizures of explosives might produce a high and rather frightening figure that when broken down consists chiefly of fireworks and gun cartridges – not the kind of explosives that might indicate potential terrorist activity. An enquiry as to how many times there was a police officer in a particular village might only include formal, logged visits and fail to reveal many other visits either recorded incidentally in other files, or not recorded at all.

However, FOI is a significant creator of transparency. Some forces already publish the responses they make to every FOI request, via their websites, thus moving the information into a grey status. This clearly sets a standard that might seem likely to become accepted practice nationally. Whilst FOI activity continues and increases, it is important to note that any police force deals with countless thousands of enquiries as

a matter of routine ('If you want to know the time ask a policeman' as the old music hall song says). It is probable that in the current climate of openness the number of significant enquiries that are now answered as routine (when they might have been avoided in the past) and never reach the status of FOI request is considerable. Leicestershire receives about 48,000 media calls per year, to which can be added the FOI requests, but which fails to give any measure of the volume of everyday queries to police personnel. Perhaps the only certainty is that public interest in police work will not diminish. The press will continue to contact the police for stories, and the experience of countries such as Canada with longer-established FOI regimes suggests that the numbers of FOI requests will continue on an upward trend.

CONCLUSION

Police communication is important: people need open, responsive and accountable police forces. In the UK a combination of factors, including Freedom of Information legislation, have in a remarkably short time created a new and well rooted ethos of openness. There is now an acceptance that high levels of disclosure are, and should be, the norm. This has brought increasing volumes of information that were previously unlikely to be disclosed into grey status. Not only is information prepared by professional communicators for publication and broadcasting, but police websites also communicate and act as resource banks for grey literature. At the same time the volume and quality of traditional grey publications has increased. Poor production quality and unenthusiastic distribution might have been common in the past, but today the effort and inspiration displayed suggests genuine intent to communicate. It might be possible to argue that this flow of slick, professional communication is another example of twenty first century media superficiality. Looked at in a context that includes FOI and the general enhancement of police information handling that is in process, this accusation would not hold much credibility.

The public can undoubtedly benefit from what they are able to learn about police activity, and the relations between people and their police forces can also only benefit. There are however costs. Professional communication costs money and an FOI regime costs money. Police budgets are not infinitely expandable and if openness were to reach costs levels that threatened operational policing it would not only be police officers who were worried. There is a ratio that balances the ethos of openness with the resource demands that it makes. At present all concerned seem to accept that the ratio is in an acceptable balance. The future of policing in the UK requires that this continues to be the case, even if the costs continue to rise. The will of governments and the support of voters are needed for openness in policing to be maintained and, when necessary, expanded.

NOTES

1. Derbyshire case study material acquired from interview with Jonathan Leach, Head of Corporate Communications (13th Sept 2007) and as participant observer at Budgetary Consultative meeting (1st Feb 2007) and 'Operation Relentless' Seminar (18th Oct 2007).
2. Leicestershire case study material acquired from group interview with Emma Rogers, Head of News; Anne Shaefer, Information Security Manager; and

Linda Dempsey, Information Assistant Data Protection & Freedom of Information (26th Sept 2007).

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