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Public Administration Committee

Oral evidence: [Crime Statistics](#), HC 760

Tuesday 19 November 2013

Ordered by the House of Commons to be published on 19 November 2013.

Written evidence from witnesses:

[James Patrick](#)

[Peter Barron](#)

[Dr Rodger Patrick](#)

[Watch the meeting](#)

Members present: Mr Bernard Jenkin (Chair), Paul Flynn, Sheila Gilmore, Robert Halfon, Kelvin Hopkins, Greg Mulholland, Mr Andrew Turner

Questions 1-135

Witnesses: **James Patrick**, Police Constable, Metropolitan Police, **Paul Ford**, Secretary National Detectives' Forum, Police Federation, **Dr Rodger Patrick**, former Chief Inspector, West Midlands Police and **Peter Barron**, former Detective Chief Superintendent, Metropolitan Police, gave evidence.

Q1 Chair: Welcome to this first evidence session on crime and statistics. I would like to welcome each of our witnesses and invite each of you to identify yourselves for the record, please.

James Patrick: James Patrick, police officer.

Paul Ford: I am Paul Ford from the Police Federation of England and Wales.

Dr Rodger Patrick: Rodger Patrick retired police officer.

Peter Barron: Peter Barron, retired police officer.

Chair: I just have one or two parish notices. First of all, I should declare the fact that James Patrick is a serving police constable with the Metropolitan Police, but he lives in my constituency. This evidence session arises out of the accident that Mr Patrick is my constituent, and he came to see me about his disciplinary case and the situation he has found himself in. I make no comment about that in this forum, nor should his disciplinary hearing be referred to in this evidence session, as we are going to treat that as what we call sub judice. That is not for discussion. I just feel I ought to say that Mr Patrick is my constituent, which is how he came to be here.

Secondly, it is only fair to say that Dr Rodger Patrick and Constable James Patrick are not related. There is no connection between them, even by marriage.

Thirdly, I want to put on record how grateful I am for the written evidence we have received and how, personally, I am truly shocked by what I have read, for two reasons: shocked that apparently such manipulation of police statistics could possibly happen on such a wide scale and become so institutionally prevalent, and shocked that we have known about it for such a long time and so little has changed as a result of that public knowledge of this problem.

Finally, I just wish to make another point about privilege. Whatever you say in this session is privileged. That is, so long as you believe it to be true and sincerely believe it to be true, you can say whatever you like without fear or favour, because no court, disciplinary hearing or other tribunal can use in evidence against you anything you say in this Committee. That is obviously a privilege not to be abused. That means we also cannot, as I said, refer to the disciplinary hearing in question, or indeed to the case of the five officers in a certain constabulary who are subject to proceedings regarding their alleged manipulation of data. You may be aware of the case in question.

I have one other formality, which is to welcome Sheila Gilmore to this Committee, newly elected. I am very much enjoying you being here and having joined the Committee. Thank you very much for your interest. I have to ask whether you have any interests to declare.

Sheila Gilmore: Only the ones that are on the Register of Members' Financial Interests.

Chair: That is fine. So there are no other particular interests relevant to this Committee that you feel you are required to declare.

Sheila Gilmore: No.

Q2 Chair: We will now proceed. May I ask each of you to give a view? Perhaps I could start with Dr Patrick. Can you just describe what techniques, which you have described in your written evidence, tend to be used by police officers to alter the outcome of the statistical measures that we use for recording crime?

Dr Rodger Patrick: Certainly, sir. There are a number of techniques that come under what police officers would call the generic term of "cuffing", which is making crime figures disappear up the sleeve, in reference to the magician's art. The actual method would be, when someone reports a crime, to disbelieve them and not record it at all—say they are making it up and that it is a false report. Secondly, they may well record it as lost property. Another technique would

be to record a sequence of crimes in the same street—say, five or six cars that have been broken into with different owners—as just one crime, so a continuous offence rule. You could also massage the figures by de-recording crimes, de-categorising them. So a senior officer would look at a crime report and decide that no crime had occurred, and inappropriately take it off the books. Then you have other methods whereby you downgrade burglaries to theft from property, and attend burglaries as criminal damage.

Chair: That is all under the term “cuffing”.

Dr Rodger Patrick: Yes.

Q3 Chair: What about nodding?

Dr Rodger Patrick: Nodding is another matter altogether. That is about collusion between offenders and police officers to improve the detection rate, where a deal is reached with the offender for them to admit a number of offences, thus making the performance of the force look good in term of detections, in return for inducements. That is either through charging less serious offences and TIC-ing more serious ones, so that the sentence is reduced, or through an agreement to produce the offender from prison after they have been sentenced and take them on a nodding exercise, where they drive around and nod at properties that they supposedly have broken into. That improves the detection rate. Sometimes inducements in the form of sex, alcohol, access to meals etc. are offered on those occasions when they are brought out of prison. That is nodding.

Q4 Chair: What is skewing?

Dr Rodger Patrick: Skewing is putting your resources into the areas that you are being measured in. If your performance measures are to reduce burglary, you put your resources into investigating burglaries at the cost of investigating something like rape or child protection. You move your resources accordingly. Sometimes you will see forces systematically move resources out of inner-city areas to more affluent areas where crime is easier to detect. Generally that is not done deliberately, but the way that the formulas are used can result in that occurring. It is quite a quite complex issue that movement of resources.

Q5 Chair: Finally, stitching?

Dr Rodger Patrick: That is the old phrase for fitting somebody up, putting evidence into their mouths, which may be through attributing false confessions to them. Those tended to be practices that were prevalent in the past, but are less so now. It tends to be abuse of non-judicial disposals that lends itself to stitching, where somebody is offered a caution when really there is no evidence that would result in their conviction, or informal warnings. Sometimes the suspect is not even aware that they have occurred, so they are recorded as responsible for a crime without actually being confronted about it.

Q6 Chair: Constable Patrick, could you first of all describe to us what your various roles have been in the Metropolitan Police to do with the recording and measurement of crime?

James Patrick: Absolutely. I transferred to the Metropolitan Police in October 2009. On my transfer, I had a background in intelligence analysis, which I had been doing at my previous

force, so I had a good concept of the measurement of crime, how to analyse it correctly, the different types of brackets of crime, and some of the tricks that Rodger has described.

I came initially to a response team. My experience on that response team essentially was to do with robberies first of all, in that robbery offences—and I do mean clear robbery offences—would be downgraded. In the Met, they used to do so through an offence called theft-snatch, which does not actually exist; it is not recognised by the Home Office. It is a convenient way of effectively getting a robbery off the books, but not putting it into the theft-from-person bracket. It was a non-existent type of crime, and this would happen even in clear cases where there was CCTV showing a robbery taking place.

The extent of this on the borough that I was initially on was large. They were showing on some reports, which were very swiftly removed, a 400% increase in street robberies. If you were to look at the same reports a couple of days later, robberies would be static, but theft-snatch would have increased by a large amount. I challenged this on my borough. I eventually contacted the Assistant Commissioner proposing an alternative way of doing this and was given a specialist role at territorial policing headquarters, where I went on to look at some new types of measures that would help us step away from this categorical measurement or targeting of these types of crime like robbery.

From there, I was involved in a project that was working with the Home Office to review the way that burglaries are investigated in the Met. Again, burglary is an area where crimes are downgraded or moved into other brackets, such as criminal damage for attempted burglary, or other types of theft. I found, doing the pre-analysis on one borough for this, that there was a disparity of several per cent., and that depended on which of the two force systems you used to retrieve the data from.

Q7 Chair: You were looking at two systems of recording data, and they were basically recording the same data.

James Patrick: Absolutely. They were recording the same data, but both systems would show variation in the level of the same offences, so it was completely inexplicable. I discussed this with some of the analysts at the Met, and they highlighted to me that they had been aware of this problem for some time. They had actually performed some audit reports and found that as many as 300 burglaries would disappear within a couple-of-week period. Things were clearly being reported as burglaries; you would then re-run the same report. There had been a human intervention, i.e. a management intervention, and those burglaries had effectively disappeared in a puff of smoke.

I then was put into another specialist role, this time with Specialist Crime and Operations, working on the crime fighters team, which effectively once a month gathers together the headline performance data for Specialist Crime and Operations at a very senior level, so you are talking about Assistant Commissioner, Chief Superintendents and Commanders sat in the room to discuss what has happened in that month. As part and parcel of that in July, I did some analysis around serious sexual offences and rape. In the course of doing that, I found that no-crimes, which is a way effectively of establishing that a report is no longer a crime to be investigated, were incorrect in about 80% of cases.

Chair: 80%?

James Patrick: Yes. That is my professional opinion based on what I looked at. It was 80% of cases. I went on to look at crime-related incidents, which is another very Met-centric type of thing. It is where effectively you say, “Yes, crime has occurred, but it is a third-party report”.

That would be the general rule for when you would use a crime-related incident instead of a crime, so the victim has not confirmed it to you face-to-face; it is a referral from another agency. In reviewing those, I found that in 70% of cases they should not have been crime-related incidents; they were clear crimes. I went on to do some analysis of 12 months' worth of data, and established a statistical norm for the use of no-crime and CRI, and then reversing the trend—

Chair: “CRI” you will just have to clarify.

James Patrick: Sorry; crime-related incidents. Reversing that trend, what you could clearly see is that, if you were to backwards-apply the 70% inaccuracy in no-crime and the inaccuracy in the crime-related-incident rate, the Met had effectively been under-recording rape and serious sexual offences by between 22% and 25%.

Q8 Chair: There was a controversy about the handling of sexual offences in the Metropolitan Police quite a short time ago. One would hope that that incident would have led to the resolution of concerns like this. Do you feel they have been resolved?

James Patrick: No. If I may just briefly refer to my statement, I can give you the view of the Metropolitan Police as of July this year, which is after that was concluded.

Chair: Just remind us of the name of that investigation.

James Patrick: It was the IPCC investigation into the Southwark Sapphire Unit, in which they concluded that victims had been mistreated, crimes had been inappropriately closed as no-crime, and I believe there was a police officer dealt with at court for that.

Following my analysis of the data, I spoke to the Specialist Crime and Operations Crime Management Unit. The Crime Management Unit is effectively a special oversight unit; when crime reports are logged, it is their job to review the individual reports to make sure that they have been done ethically, done properly, are not misrecorded as no-crimes and are not misrecorded as crime-related incidents. The summary of that conversation was that, across all OCUs, which are Operational Command Units, officers were chancing it asking for no-crimes, but that this was most prevalent in respect of sexual offences. CMU, which is the Crime Management Unit, were doing their best, but with too limited a resource to ensure that it was kept only to a minimum. Effectively, they have not got enough staff to keep a lid on it.

They went on to say that, normally, the crime-related incident is recorded because the initial report is third-party, which is actually within the rules, but after four weeks or so, which could be 20 to 50 pages of investigative details, they were actually finding that they were looking at crimes instead of CRIs. They should have been reclassified at a much earlier stage. The important thing to note is that the local supervisory regime would be that a Detective Sergeant or Detective Inspector would do periodic reviews on these reports in any case, so this should not be going on for weeks and weeks; this should be identified much sooner.

Q9 Chair: Otherwise it is not justified to downgrade the crime.

James Patrick: Absolutely. It is also known that officers are keeping crime-related incident cases until they achieve a disposal, which they describe as being effectively to keep them off the figures until it is a positive result.

Q10 Chair: That means that, until they have a detection, they are not going to record it as a crime. They only record it as a crime if they get a detection, so it goes straight into the tick-box well-done box, instead of a problem-unsolved box.

James Patrick: Yes. These are the words from the horse's mouth; this is something that I recorded in a conversation with the Crime Management Unit themselves. These are not my words. They went on to say, "In part the problem is ignorance of the counting rules". Also, in the Metropolitan Police—this is a side note that came up later—tendentiously they are working to the charging standards, which is well beyond the remit of what we are there to do. We do not do deciding guilt. That is court, that is the justice system. We gather evidence and put it before the justice system. Effectively, we are usurping that in some way by pre-empting it with our own decisions, based on those standards, which is inappropriate.

Within SCD 5, which is now renamed as SOECA—it is the unit that deals with child sexual offences predominantly—"The bulk of the issue relating to No Crime," they say, was "officers not understanding the counting rules", but "it appears to be the perception that serious sexual offences being undetected is a dirty word, so the preference has developed to try and justify no crime on the basis of MH"—mental health—or similar issues of vulnerability, or by saying that the victim has refused to go on to disclose to them.

Q11 Chair: This would finish up with trying to persuade a victim they were not raped, for example.

James Patrick: Effectively, yes.

Chair: Dr Patrick, you are nodding at this.

Dr Rodger Patrick: Yes, but not in the "nodding" sense that we have spoken of earlier. This is my experience as well. You can see that in the investigations that have been carried out; victims are being pressurised.

James Patrick: Further to that, there is actually published external research now, which was done by the London universities. If you were to use Google to look up UCL and King's College's work on sexual offence victims, you would find the recently released study, which I refer to. It is now published and it does conclude that, where a victim is vulnerable or has any of the vulnerable characteristics, including the use of drugs or alcohol, or mental health, or even their age—these are protected characteristics of vulnerable victims—those are the people who would be targeted to try to make them back out of the allegation.

Within SCD 2, which again has been renamed and reformed as SOECA—this is the arm of Specialist Crime and Operations that would deal with adult sexual offences, so rape and sexual assaults—there is a quote that really concerns me. The direct quote was, "They are pursuing a strategic investigation to justify the no-crime". Effectively that is what they would appear to be doing—and I read this in the notes, and you can see it; you can read it.

Q12 Chair: They are putting resources into trying to downgrade the crime instead of solve the crime.

James Patrick: Yes. You can physically see this in the notes. Obviously I cannot go into the individual reports, because that would be inappropriate, but you can physically read that they

are actually attacking the allegation of the victim, rather than looking at anything else first. Now, I do appreciate that there are cases where people make it up, and you can see those in the paper; people rightly get sent to prison for it. But you cannot take this as the standard approach to dealing with victims of rape.

Chair: I am going to need to curtail you a little bit, because we do not have unlimited time and I want to move on. Just very briefly.

James Patrick: One very last thing: I note that, alarmingly, the conversation concluded as follows: what happened in Southwark is still happening. The IPCC investigation related to behaviour in 2009. The investigation concluded this year, very early this year, and it is still happening now.

Q13 Chair: I just want to bring to the surface one or two other things from your own evidence. You believe that the skewing of resources was reflected in a new shift system in the Metropolitan Police. Can you just explain that?

James Patrick: Yes. In 2010, the then Assistant Commissioner decided that he wanted to install a new shift pattern predominantly focusing on response teams. In order to do so, they prepared demand profiles, which were based on a number of data factors. Within that, some of the data was based on activity analysis. Activity analysis was a two-week dip sample, which police officers used to fill in themselves. It was well known to be a nonsense. We used to get told which codes to tick so that it would not affect the budgets and stuff like that. To see that used as the basis for any kind of shift pattern, everybody in policing knows it is a fallacy. Everybody.

Q14 Chair: We finished up with a new shift pattern—a shift away from the old 12-hour shifts to a different shift pattern—which you believed resulted in a shortage of resources at the crucial point of the summer riots last year.

James Patrick: The 2011 riots and the Met's initial inability to respond to that was a direct result of the manipulation.

Q15 Chair: In a couple of sentences, can you just explain what the consequence of the new shift system was that resulted in this shortage of resources on the nights of those riots?

James Patrick: Absolutely. You broke existing teams, which had been working in groups of four across 18 of the boroughs, into 15, with varying start times, so there was complete overlap. People could not get access to hard resources, radio batteries and cars. People were walking long distances from police stations. They could not get on to computer systems because of the crossovers of the shifts. Effectively what it meant was that, out of 32,000 police officers, on a Saturday night that the demand profile had identified as a peak time, there were only 3,200 or so police officers on duty. That is not in any way normal.

Q16 Chair: I find it difficult to get my brain around this, and we may need you to give us a bit more written evidence to surface that, so that we can understand it, but you are basically saying that the new shift system, which was based on phoney data, resulted in a shortage of officers on the night, which meant that the Metropolitan Police was not in a position to control the riots as they developed on the night.

James Patrick: Absolutely correct.

Q17 Chair: Would any of the other witnesses like to comment on that? Does that seem realistic or reasonable? It is a shocking allegation.

Dr Rodger Patrick: I unfortunately have the painful experience of being in a position, as an inspector in a force control room, of having to mobilise the force to deal with a rapidly developing riot. What my colleague is saying is clear to me, because I had to mobilise a force at 9.30 at night, which was in the old eight-hour shift system. I was fortunate that I was able to mobilise the 2 to 10 shift coming off and create that as a resource to be deployed to deal with the riot. That ability and that speed of response were critical. If you were having to chase round trying to find little pockets of officers all over the place, bringing them together to one place to then deploy, it would make the situation extremely difficult. I was fortunate in that the timing was that the 2 to 10 shift came off, so I mobilised the whole force to attend shifts. Trying to do it with the system that has just been described would be extremely difficult.

Q18 Chair: Do either of our other two witnesses wish to say anything about this? Peter Barron, you are a retired Detective Chief Superintendent of the Metropolitan Police.

Peter Barron: I cannot argue with what James has said. What I would say is that, in terms of a more strategic view, boroughs are allocated a certain workforce and that workforce is determined by a number of criteria, some of which are the number of incidents and the number of crimes that are dealt with on those particular boroughs. Exercises have been run where the historical formula to determine those levels of workforce has been shown to be grossly out of kilter with the real demand, as opposed to the recorded demand. There is a massive disconnect between the reality of what is happening on the ground and the formula that is used to determine an appropriate workforce for a borough.

Paul Ford: I would like to echo that. It is particularly apparent with night-time economy policing, where there are very few and limited resources that are available.

I would like to touch on an issue following on from Dr Patrick earlier. One of the things that police officers use or are encouraged to use to avoid recording is to actually arrest for offences that do not appear in the National Crime Recording Standard. One particular offence that causes a great deal of difficulty is drunk and disorderly offences, which do not appear in the crime stats. There are significant numbers of people who are arrested for those offences. It is a particular cause of concern for lots of communities at the moment, but there is a skewing of the figures, because ordinarily some people would be arrested in those drunk and disorderly figures for offences under the Public Order Act. They are not actually appearing, so that harm is not being managed; it is not being recognised. There is some real vulnerability for society there.

Q19 Robert Halfon: With all the things that you have set out as alleged manipulation of the stats, who makes the decisions as to when you get told to do these things? Is it done at borough level? Is it done at Chief Constable level? Is it done just at local control room level? Is there a specific memo that comes down from on high? How is this done?

Peter Barron: If I can explain, in my experience, the vast majority of practitioners—men and women who provide a 24/7 service, and the vast majority of detectives who do the follow-on investigations—turn up to work every day ready to do a good job and a hard job for the public.

They want to serve victims properly. Performance culture then takes its toll, inasmuch as some boroughs have their performance capped. They can only afford to have X number of burglaries per day, X number of robberies per week. In the daily meeting, they will discuss individual crimes with a view to seeing what opportunities there are to count them as something other than a priority crime.

Within the system, within each force, there is an individual known as the Force Incident Registrar and the Force Crime Registrar. In some small forces, they are a combined role. In theory, that individual is the final arbiter as to what is and is not a crime and, if it is a crime, what kind of crime it needs to be classified as. I use the expression “in theory” because the vast majority are either overruled by ACPO officers or have their activities nullified by having their teams effectively gated and given something else to do, rather than looking at areas of performance that would qualify or criticise what some would see as good performance. They are moved away to look at something that is not important and, when they find something that is damaging to good performance, they are either ignored or marginalised.

Q20 Robert Halfon: When someone says to you, “Right, we have to change this,” or “We are going to do this this way”, where does that order come from and who makes it? How is it decided and how long does it take to be decided?

James Patrick: Fundamentally, this has become an ingrained part of the policing culture. In London, the targets would start at MOPAC—the Mayor’s Office for Policing and Crime—so it would be a 20% reduction over the next four years. In that case, that actually arose in error. It was supposed to be a 20% reduction across the eight-year term, but the speechwriter got it wrong, so I am led to believe. Genuinely, that is the anecdote as to how that target arose.

That would then roll down to the chief officers, so the Commissioner, the Deputy Commissioners, Deputy Assistants and Assistant Commissioners, and they would then apply to their business group, “How are we going to achieve this 20% reduction?” That would then roll down to the Commanders; that would then roll down to the Superintendents; that would then roll down to the Chief Inspectors. By the time you get down to the level of Inspector or Sergeant or PC, that has actually probably become some sort of tightly linked appraisal or part and parcel of the promotion process and assessment. I think David Gilbertson’s written evidence points to this as well—because this has been going on for such a long time now, from the 1990s right up until today, the entire generation of police leadership, including the junior managers, do not know any other way. So what you are actually talking about is a cultural issue.

Q21 Robert Halfon: Surely there is stuff written down, these orders that you are given to do the things you are doing. There must be an order written down somewhere that shows that, “Actually, we are going to put our resources in this area”, or whatever.

James Patrick: It is a little bit more insidious than that.

Peter Barron: It also has something to do with the fact, sir, that when targets were set by offices such as the Mayor’s Office for Policing and Crime, and they are asking for a 20% reduction in crime, what they think they are asking for is 20% fewer victims. That translates to “Record 20% fewer crimes” as far as ACPO and senior officers are concerned. The number of victims remains exactly the same; they just do not get recorded. If they are not recorded as victims, they do not receive any of the victim care that they would if they were any type of victim, but for certain crimes, they receive a prescribed victim care response. If you are a victim of residential burglary or robbery—mugging, as it is usually referred to—there is a prescribed

response to that. You get a certain type of victim care package. If your windows have suffered chisel marks four storeys up, and it is quite obviously an attempt at burglary, but it is claimed as criminal damage, you do not receive anything at all. The difference between the levels of victim care is enormous.

Q22 Chair: Just to clarify one thing before I come to Mr Flynn, the Home Secretary says she has abolished national police targets, but what does this mean at the Metropolitan Police, for example?

James Patrick: It means absolutely nothing. If you were to look at the corporate scorecard, which is a three-tier scorecard—tier 1, tier 2 and tier 3, with tier 1 being the Mayor’s target and tier 2 being the Specialist Crime and Operations and territorial policing target—they are physical documents that have a running total for the year to date and a target.

Q23 Chair: Who sets these targets?

James Patrick: They are set by the Mayor’s office, translated at the Metropolitan Police management board and then put into force.

Q24 Chair: In fact, the target culture is alive and well, despite what the Home Secretary has done.

Paul Ford: Very much so, sir, and it is not just isolated to the Metropolitan Police. We have Police and Crime Commissioners demanding reductions in crime, and again that explanation is placing pressure on people. I think it is really important to understand. I do not think, on Mr Halfon’s question, that there are memos and diktats from on high, in my experience, in the organisation I represent. But there is a culture within policing of success and “We have to do this to be successful”. It pervades every level, unfortunately.

I would also like to make a point about the offences that people are actually charged with. There is anecdotal information that people are being charged with lesser offences in order to get them home early and quickly, and to move on to the next job. That is particularly around assault cases.

Q25 Paul Flynn: Can I say that I think we all owe a debt of gratitude to Mr James Patrick for what he has done on this? Your evidence, I believe, is truly shocking to those of us who thought we understood a little about this. Could you repeat the anecdote—I appreciate that it is an anecdote and might not be true—about someone, a speechwriter, getting his statistics in a twist and the possible consequences?

James Patrick: Absolutely. The reason that this came up in a conversation was that I was at an analyst seminar and the performance analyst from the Mayor’s office was there. I was genuinely asking how the Mayor’s 20% reduction target came about. The reason I asked that was because they were giggling among themselves. They said, “We all know that, by 2015, the only way to achieve these reductions will be by fudging the figures even more”. So I said, “How did this happen?” She said, “Genuinely, the agreement was that the Mayor saw an 11% reduction in his first term and believed that we could achieve a further reduction of 11% in the second term.” When it came to the announcement, instead of it being a 22% reduction across two terms, it was a 20% reduction this term. Effectively the joke was that it was the speechwriter’s error.

Paul Flynn: The police force is then saddled with an impossible target that is unattainable, except by fiddling the figures.

James Patrick: Absolutely. The word used even by the Mayor's office is "fudging". It is no secret.

Q26 Paul Flynn: This whole operation that we depend on so much to protect us is, at best, a fudge but possibly worse than that. One can understand the pressure on police officers to attain targets, because of what the newspapers say and what the public expect, but there is another imperative here, and that is the link between performance appraisal, pay and bonuses, if the police misrecord crime. Could you explain what the pressure is there? What advantages do police officers have, at all levels, up to Chief Constable, if they misrecord crime?

James Patrick: Effectively, there used to be—I believe it is "used to be", but someone will correct me if it has not changed—cash bonuses for borough commanders up to chief officers for achieving certain reductions. There then used to be people's personal targets within their appraisals. Obviously the police works on a pay scale, so you would have to achieve your annual targets in order to be approved for your next move up the pay scale. That has been embedded for quite a while. They started in the Met a few years ago running this system called TOWBAR, which is basically work-based assessment. It is nothing to do with dragging caravans along.

Q27 Chair: It is an acronym, is it? What is it an acronym for?

James Patrick: Temporary officer work-based assessment. Effectively, they temporarily promote you and then, over a period of time, they assess you on a number of fixed areas in order to sign you off for your full promotion. It was designed to replace part 2 of the examination process. I believe the College of Policing is looking at rolling this out as the national model.

The problem with this is that it puts people under an immense amount of pressure to say, "I must discipline X amount of officers. I must reduce something. I must improve something, because, if I do not, I will not achieve my promotion. I will not achieve the next point on the pay scale." That is the lower end of it, and that obviously extends all the way through up to the level of Inspector. From then on, it is down to competency-based interviews, so you must demonstrate a way that you have reduced crime, improved morale and all these things. It all comes back to how you do that. Fundamentally, you fudge, because that is the only way that you can do it.

At chief officer level, we obviously have PCCs so, instead of looking at the carrot, which is effectively cash bonus, promotion or advancement, you are now looking at the stick. The stick for chief officers is that if they do not perform, the PCC can hire or fire them. That is the deal; that is where we are. No chief police officer is going to want to be at the end of poor performance or miss their target, because it will leave them open to being sacked. Either way you look at it, carrot or stick, both of them are compostable materials. The only difference is that sticks rot slower, so that is something that needs to be monitored.

Q28 Paul Flynn: Providing false information to get yourself a financial advantage is in itself a crime, so the ethos of the police force is one that is encouraging police officers of all levels to commit crimes.

James Patrick: Yes.

Q29 Paul Flynn: If we take the situation that we have now with this change that you just mentioned, with the Police and Crime Commissioners taking over, one Police and Crime Commissioner sacked his Chief Constable. His main charge against her was that she was falsifying and giving a too optimistic picture of the crime figures. From your evidence, it sounds as though this is endemic among police forces.

James Patrick: Absolutely.

Q30 Paul Flynn: The dilemma faced by the new Commissioners is this: having complained about the previous under-reporting of crime and manipulation of the figures, if they come down now to alter the system, showing that the true picture is far worse, that will then rebound on them and people will say, "Police and Crime Commissioners have actually increased the level of crime." Is that inevitable?

James Patrick: No. The simple caveat to that is they are not increasing the level of crime; the level of crime has never changed.

Paul Flynn: That is the perception.

James Patrick: It is giving an honest view of the level of crime. It is not a position I would envy, but it is not something that is insurmountable. Fundamentally, PCCs are politicians, so they can probably deal with that in a much better way than I could. It is not fatal, providing that it is done under the flag of honesty and for the people they are serving, who they have been elected to serve.

Q31 Chair: Constable Patrick, the pressure that PCCs put Chief Constables and constabularies under is no different from the pressure that the Home Secretary used to put on them. It is the interface of political leadership that we need to address. The political leadership needs to be mindful that, if it is targeting and measuring, it is likely to be distorted.

James Patrick: Tim Hope's evidence actually points that out quite concisely as well.

Q32 Paul Flynn: Just a final point: a few years ago, there was a hysterical campaign, one of many hysterical campaigns conducted by the tabloid press, on crime. In this particular instance, it was about knife crime. There was great excitement and politicians were under pressure to do something about it. A member of the Metropolitan Police with the memorable name of Alfred Hitchcock came along and gave evidence, and said, "There has been no increase in knife crime whatsoever", on the basis of hospital reports and so on. If what you are saying is right and what Mr Alfred Hitchcock was saying was right, decisions were taken. Parliament moves on the basis of popular perception, prejudice and the pressure it is under. These decisions have been taken on false information. Is that true?

James Patrick: Yes. The worst thing and the saddest realisation for me—I spent the whole of last year defending the police service, to a degree, from the oncoming reforms and politicisation of the police, because I feel very passionately about public service and how it should be un-interfered with—was that, effectively, the police had done it to themselves by spoon-feeding Parliament with misleading figures for over a decade.

Q33 Paul Flynn: I have a constituent who is a retired member of the Met force, and he wrote a detailed report. He is a man whose evidence I trust implicitly. One of the points he made about the Met force compared with other forces he worked for was that there was a brotherhood at the heart of the force, which itself was corrupting. He put the blame for many of the faults of that force on the existence and the strength of the Freemasons in the Met. Is that a problem you have come across?

James Patrick: I have never had anything to do with masonry.

Paul Flynn: That is why you are sitting where you are now.

Q34 Chair: I think you have made your point, but I do not wish to pursue freemasonry. We need to stick to the question of statistics and their consequences. Is there anything else you want to ask at this point?

Paul Flynn: No, only to congratulate Mr Patrick again.

Chair: I am most grateful to you. What we have heard is basically how there is a system of incentives in the police that has become inherently corrupting. That is a very shocking thing to hear. Before I go on to Mr Halfon, Mr Turner, you had something you wanted to add.

Q35 Mr Turner: Looking at vulnerable people, and particularly young people, and at the crimes that have been committed by others, they are not protected against these dismissals, if you like, from their treatment. What are the rules about recording vulnerable people's protection?

James Patrick: It is a statutory requirement, I believe.

Paul Ford: In terms of the national crime recording standard, if someone makes a complaint on the balance of probability, the police service should record that complaint. If they make a complaint, they should record it.

Mr Turner: I think you said 25%.

James Patrick: Yes, potentially between 21% and 25%.

Mr Turner: You can tell that accurately.

James Patrick: Yes. The secondary reason that you can tell that that is going to be fairly accurate is that, when you look at the statistical norm and you look at the statistical deviation amongst those offence brackets, and then use the assessment of the failings in those individual types of crimes to address that, the crime levels return to the statistical norms. I appreciate that that is quite technical, and I will not ramble anymore.

Dr Rodger Patrick: A point was raised about the balance of probability standard—the national crime recording standard being interpreted as a balance of probability standard. That was not its initial intention. The overriding consideration from the National Crime Recording Standard was victim sovereignty, so when a victim reported a crime, it was to be taken at face value and recorded. When third parties—a witness—reported a crime, the balance of probability standard should have been applied. That was reinterpreted around about 2005, as a result of the national street crime initiative, and the balance of probability standard became applied to all victims, not just witnesses. In effect, we were going back to the old system where a victim had to prove that

actually a crime had occurred and they were a victim of it. Under an evidential crime recording standard or a balance of probability standard, the victim becomes a suspect.

Chair: That is a very important point.

Dr Rodger Patrick: It is a critical point.

Chair: I have some personal experience of trying to report a crime and having some difficulty to get the police force to record it as a crime, simply because I wanted a pin on the map to show that a crime had been committed.

Q36 Robert Halfon: What do you think can be done to solve this problem?

Paul Ford: There should be a more holistic presentation of issues and information that come into the presence of the police, and that is not just a sole focus on the national crime recording standard or the British crime survey. There is lots of information on calls for service, how many offenders are arrested and how many offenders are brought to justice. If we had a more holistic picture that was readily accessible to the public and to others so that they could scrutinise and hold their forces and their PCCs to account, that would be the way forward. The police.uk website is really important. There is a little bit of a time lag in offences being reported, but there is an excellent mechanism there for opening up police data and allowing police forces to be held to account for what they deliver.

Q37 Robert Halfon: Do you think there should be an independent statistician, based in the Chief Constable's office, perhaps from the ONS or another organisation, who would monitor the way statistics are being compiled and look at the police? Obviously you need someone with a police background, or should that come from the Chief Commissioner's officers?

Paul Ford: It would be helpful if that perhaps came from the Commissioner's office. We want anything that increases the trust and the confidence in those statistics, and means that those statistics are reliable, and police performance, resource allocation, etc. are not skewed on flawed data. It serves no one's purpose to continue this misleading position that we have with crime statistics.

Peter Barron: You could make a huge improvement very simply by asking the PCCs, first of all, whether they are aware of who their Force Crime Registrar is and when the last time was that they had a one-to-one with them. Thirdly, you could ask them why they do not actually move, under the stage 2 transfer system, the Force Crime Registrars and Incident Registrars under their wing? The Force Crime Registrars have all the necessary skills, experience and expertise to do exactly what you are asking for the Police and Crime Commissioner.

They had a window of opportunity when they first took office last November to decide whether they wanted to be, if you like, part of the problem or part of the solution. The further time moves on, the more they stand a chance of being part of the problem. They have access to all the knowledge and statistics that they need. If they move the FCR under their wing, they can achieve that very quickly. There also needs to be a removal of perverse performance incentives, and obviously of the performance-related pay of ACPO officers to achieve a reduction of crime or an increase in detections, both of which can easily be achieved by playing the figures.

Dr Rodger Patrick: I addressed this issue in my written submission. I perceive the problem as a governance issue. Performance management is a system that confers power and control at the top of the organisation. It is no good looking, as you say, at reports that give you an

evidential trail so that you can hold somebody to account at a legal level, which they always default to when things go wrong—this is called organisational hypocrisy—so that senior officers can escape responsibility. If it is a governance issue, the Chief Constable is accountable to the PCC.

At the moment, from what we have heard, both have little incentive to ensure reliable data, but the public relies on accurate data to hold them to account. The Public Affairs Committee said that manipulation of data was the contempt of Parliament, which it is. The PCCs need to be incentivised to ensure that their Chief Constables are getting accurate data. At the moment, there is no sanction for them if that is not achieved. There may be a case for Parliament going back to its older role of ensuring standards, whereby it empowers itself to intervene when a PCC is found to be allowing the manipulation of data and the contempt of Parliament and the public to occur.

Q38 Robert Halfon: How would the PCC find that out in the first place?

Dr Rodger Patrick: You would need a very robust independent HMIC or Office for National Statistics, or the pair working together, to actually check up that the standards are right and things have been done correctly.

Q39 Robert Halfon: Would that not all be about reviewing it? My question was about having someone there so that it does not happen and you do not have to investigate manipulation. It is about having someone there all the time, in the office of the Chief Constable, who has a police background but is charged with ensuring that there is no manipulation of statistics.

James Patrick: I think Peter makes probably the most sensible of all the suggestions, and that is to transfer the performance measurement function completely to the PCC, because the inherent danger of leaving it under the control of the Chief Constable is that this situation, which has been going on for 10 or 15 years, will continue.

Chair: What we call the professional standards departments of constabularies should not be in constabularies at all.

James Patrick: No, that is a wholly separate issue. This is the performance measurement department, the Force Crime Registrar and the Force Incident Registrar.

Q40 Chair: This is a really savage thing to say—that we cannot trust the leadership of our constabularies to measure their own performance. This is what we pay Chief Constables to do.

James Patrick: There is a “but” with this. In 2003, a chief appeared before this Committee and he called this exact behaviour “administrative corruption”. Since then, we have been through the Taylor reforms to discipline and we have had a 10-point code of standards of behaviour. We are on the verge of a new code of ethics, which again is going to be 10 points, yet this is happening now. It is just as Deborah Glass said in her report into Southwark—organisational learning is something that rings hollow. Unfortunately, it needs something slightly more drastic than to allow somebody to say, “Well, it didn’t happen on my watch.” It is happening now, so separate the functions out. As I have said in my written evidence, separate the functions of the standards departments away from the police.

Q41 Robert Halfon: Would you not need both, because you would need someone there in the office of the Chief Constable to change the culture in the first place? The PCC would be a monitoring thing, but there would need to be somebody there to liaise with the police commission, or whatever they are called now—the police authority. The whole thing is about changing the culture.

Peter Barron: People respond to incentives. As long as you have performance-related pay attached to reducing recorded crime or increasing detections, you are always going to find it is skewed because people take the path of least resistance. If you craft a range of performance indicators based on quality, so that they are qualitative as opposed to quantitative, you will find that the police force is the most can-do organisation imaginable. If you set them a task, they will respond to it positively. Change the performance indicators, and it will have an almost immediate response.

Q42 Robert Halfon: Who should change those indicators?

Peter Barron: That has to be set by the Home Office.

Q43 Chair: Are not the indicators that need to be changed about moves away from financial indicators, and more to simple principles and values about how you expect police officers to behave?

Peter Barron: They are, but there need to be measures that underpin those values.

Q44 Chair: Why do we need to measure it? You know when somebody is being dishonest.

Peter Barron: The issues we are describing here, sir, are common knowledge at every level in every force within England and Wales.

Q45 Chair: This is what one might call institutional corruption.

Peter Barron: You might.

Q46 Chair: What happens to people who challenge this culture?

Peter Barron: By and large, they are marginalised. If they apply for promotion, they are surprisingly not selected. They are judged to be not a team player. We now find ourselves in a situation where, potentially, forces will be amalgamating across England and Wales. Therefore, chief officers might think it is a good idea to shine bright at this time, because they want to be one of the few surviving Chief Constables. How do they do that? They want to appear good in the eyes of their PCC. How do they do that? They achieve their performance targets.

Q47 Chair: Mr Ford, on behalf of the Police Federation, are you dealing with a lot of stifled whistleblowers?

Paul Ford: We are, sir, yes. We have lots of anecdotal information but, unfortunately, people are fearful of coming forward and raising concerns. That comes down to the whistleblowing

aspect of the lack of protection for people, the peer pressure and the fear factor in terms of their future.

Q48 Chair: What do officers think of their leadership in this atmosphere? It cannot be very pleasant to work in this atmosphere.

Paul Ford: There is a serious question from federated members in terms of national leadership in policing. We are on the record for saying that about ACPO, as a group of people, but we have real concerns about the leadership culture and the micro-management that pervades the service with the performance culture.

Q49 Chair: Dr Patrick, have you done any research on attitudes, levels of engagement and morale in police forces as a result of this culture?

Dr Rodger Patrick: I have not looked at that directly, but the theory would suggest that those who engage in gaming practices will progress through the service right to the most senior positions and, in the past, from there on to the inspectorate.

Q50 Chair: Constable Patrick, do you want to add anything at this point, knowing that we do not want to trespass on to your personal circumstances,?

James Patrick: Being a whistleblower in the police is just unpleasant. To be honest, I have carried it around for three years with me now, and it is not a topic that I particularly want to reveal to the entire world, beyond what I have written in my submission, because it has impacted upon my whole family. If you just wanted an idea of the reaction to my written submission to this Committee, which would be indicative of the sort of general reaction to police whistleblowing, an Assistant Chief Constable openly, on the social media site Twitter, tweeted at me in quite an aggressive fashion, basically saying, "Are you calling me a liar, a fool or guilty of misconduct? What you have said is offensive and indefensible." That is a senior identifiable police officer responding to evidence to a parliamentary Committee, in public, to an individual. That is the kind of reaction. If you want the slightly more insidious type of reaction, there is—

Chair: I would have to say it would seem unprofessional to me for a senior officer to be tweeting about a disciplinary matter, whatever his view about it might be.

James Patrick: That, I hasten to add, was in direct response to my written evidence to your Committee.

Chair: It did not name that particular officer.

James Patrick: No, it was under his own name and it was directed at me.

Chair: Your evidence does not name any particular officers.

James Patrick: No, my evidence does not name any particular officers.

Chair: So pots and kettles, one imagines.

Q51 Robert Halfon: With your whistleblowing, why did you decide to make it so public? Did you think, “I’ll go and see my local MP, go and see the Home Office or go and see the Police Commissioner about it first”? Maybe you did all these things, but can you just set in train why you decided to do what you did?

James Patrick: Over the last three years, I have been through my line management, my borough management, up to the level of the Assistant Commissioners. You cannot go to the IPCC, because of section 29 of the Police Reform Act, even though under Section 37 of the Police Reform Act they are the prescribed regulator under the whistleblowing legislation. It is a double bind. You cannot do it.

Q52 Chair: That is one of the things you recommend that we change.

James Patrick: Absolutely. It is a really simplistic measure.

Chair: You submitted a complaint for your senior officers to give to the IPCC, and they refused to give it.

James Patrick: Yes, absolutely. I was given the opportunity by my legal counsel to give what would fundamentally have been this evidence to the Home Affairs Select Committee, in January this year. I was expressly declined permission by the chief officer of the Directorate of Professional Standards to speak to a parliamentary Committee.

Q53 Robert Halfon: What about your MP? Did you approach your MP first?

James Patrick: I was reluctant to for a long time, because frankly, my understanding of what benefit there could possibly be from doing that, apart from potentially a letter—

Q54 Robert Halfon: I am not criticising what you have done; I am just trying to understand it. Your MP could probably have taken up your case and then gone to see all the people who you may not have been able to see. Did you say you are not allowed to see the Chief Police Commissioner for the area, or you are?

James Patrick: If you could get an appointment.

Robert Halfon: Your MP could have done that for you. I am just trying to understand the process.

James Patrick: At the appropriate point, I wrote to my MP as a constituent and he responded. It was dealt with at the appropriate time.

Q55 Kelvin Hopkins: Quite frankly, what I have heard this morning is astonishing, and I am sure most members of the public would find that too. I am almost open-mouthed, unable to find words to say what I think. Clearly the public confidence in police statistics must be now, as a result of today, rocketing down or plummeting to zero. You are saying that this is going on in every police force, to try to manipulate and massage statistics to present an apparent reduction in crime. We can take that for granted about the confidence of the public, and one hopes that policymakers will now take note of what you have said this morning. Certainly I hope our report will press them

in that direction. What is the impact on victims of crime if their crimes are being misrecorded? That is a serious concern to me—the victims.

Peter Barron: The victims are missing out in a huge way. Many people are persuaded that their pocket has not been picked—“Is it possible that you have lost it?”. It goes to the extent that, from experience, the victims of street robbery where violence has been used to take their property from them have been rung back on many occasions to try to persuade them that, in fact, they were mistaken, no violence was used and it merely slipped from their bag. Victims were putting the phones down in disgust, purely harassed by another call from somebody else trying to persuade them that they were mistaken about the level of force used. We are talking about professional, perfectly sound-thinking individuals who have been the victims of crime. If you do become a victim of crime, becoming a victim of priority crime is even more difficult. Of course, forces will argue, and boroughs will argue at a lower level, “We can only afford to have six robberies a day to stay within our weekly target, and so many to stay within our monthly target. If we get that, great; I get promoted and everybody is happy. If we don’t, I’m going to give everybody a hard time.”

Dr Rodger Patrick: I highlighted this issue in relation to incidents involving domestic violence, child protection and child abuse, where the incidents were not recorded and investigated, and subsequently this led to homicide. That is the extreme end of the risks that people are taking. It is not just about fudging the figures just to keep everybody happy; there are really serious consequences of this behaviour.

Paul Ford: There is a re-victimisation of the original victim, because of their lack of trust and confidence in an organisation and a service that should be there to protect people. The ultimate consequence is that the offender goes on to commit further offences and has further victims, so people are being let down on a massive scale.

James Patrick: As police officers, we have a statutory obligation, under the code of practice for victims, for the way that we deal with victims of crime. We are clearly not meeting that. If you could imagine being a victim of rape, which is an absolutely abominable offence, and those who are charged with protecting you, providing you with support and investigating what has just happened to you are, in fact, pressurising you into retracting your allegation, it is absolutely disgusting. Beyond that individual human aspect of it, which is completely abhorrent, there are broader impacts still such as crime pattern analysis being ineffective, which means that suspects are left to carry on offending for months or for years. The entire thing is just revolting.

Peter Barron: There is legislation—the Corporate Manslaughter and Corporate Homicide Act 2007. In the old health and safety legislation, which basically looked at the person who should have perhaps shut the bow doors on the ferry or whatever, they were the only people who could potentially be culpable. The legislation was changed and this new legislation, the Corporate Manslaughter and Corporate Homicide Act 2007, was brought in to look at those responsible for setting out the policies and procedures for ensuring good governance within an organisation.

My suspicion is that that legislation will actually be brought to bear on those senior officers who have been aware of the situation for a long time and have done nothing about it. The files are full of audits by the Audit Commission, HMIC, NPIA and internal audits from the Force Crime Registrars, which by and large say everything the same. They rehearse the issues we have just been describing today. To say they were unaware is farcical. When officers are not in a position to use that information to conduct an accurate and effective risk assessment and, as a

result, somebody is killed or seriously injured, I think somebody should be held responsible for it.

Q56 Kelvin Hopkins: It strikes me that performance-related pay is wholly inappropriate inside a professional service like the police service—particularly in the police service. Over 20 years ago, private industry abandoned performance-related pay because it had a demoralising effect and productivity actually went down, not up. For it now be found 20 years later in a professional service still being used, and with devastating effects, is appalling. If we just took one police force and tried a different approach, going back to the idea of a professional service with no performance-related pay, with a strong code of ethics, a code of practice and making sure that every crime was reported and every crime was pursued, just to do a comparison between one force and another, would we see some amazing comparisons?

Peter Barron: Enormous.

Q57 Greg Mulholland: I certainly share my colleagues' view that we have been amazed and appalled by what we have heard today. Some of the things you have said have really blown the lid off what appears to be endemic manipulation of crime figures, which is a concern not only to this Committee but to everyone else. There seem to me to be two different elements to this, which we as a Committee are looking at.

One is—this was a word one of you used—the institutionalised corruption that is going on in terms of the manipulation of figures in the way that has been described. The other, of course—this is where there is a direct responsibility on Parliament and on Government—is where political pressure is inadvertently causing the sorts of behaviours that we are talking about. As people who have all had experience in different ways, very simply, what are we going to do? What needs to change, both in the political leadership and structures of policing, but also in stamping out the abuse of culture, so that this sort of thing stops happening, and people can actually have confidence in what we are told are the crime figures for this country?

Paul Ford: We need a broader approach in to what is reported to the public. As I have already said, we should not just focus on national crime recording figures. There is so much that policing manages in terms of risk and in terms of what we deliver for the public. The vast majority of police officers do a fantastic job, day in, day out, but that work is not recognised; it is not understood.

If we had that broader holistic perspective of what is measured and what we do, that would be the starting point, but leadership is key here. I know that HMIC is going to be undertaking some work in the new year around inspection regimes in forces. We have the code of ethics that has been announced by the Home Secretary, which is potentially a way forward. We also have the authorised professional practice from the College of Policing. Key things are leadership, culture and changes to systems and processes, with a focus on people, not stats. That is where we lose a lot of our way as a service. We see people as just abstract figures, rather than human beings who have been touched by criminality and had their lives changed by that.

Q58 Greg Mulholland: If I could just press you on the second point, we are all politicians; how does this have to change politically? How does the approach to this have to change politically to stop this happening?

Paul Ford: It would help if politicians and others stopped using crime stats as the be-all and end-all, as showing a total success of policing and of public safety. It is very misleading, it is inaccurate and it helps no one with the continued focus on crimes being down. You will see people crowing about “crimes down this week”. They do not mention the previous two weeks where crime has gone up. We will have some bad weather, and the crime is down, but the next week, the weather is fine and it goes up again. There is just such a manipulation and misuse of crime stats that helps no one.

Kelvin Hopkins: Very simply, 10 years ago, my local divisional commander said, “Sorry, but we are going to see burglary go up”. I said, “Why is that?” and he said, “Because three of our burglars have been released from prison”, very simply. That is the truth, but no one wants to hear that sort of thing. That is realistic.

Q59 Chair: We have reached the end of this session. I am extremely grateful to you for being so frank, honest and courageous. Do we not want a police service that is actually driven by the highest values of integrity, truthfulness, decency and fairness, rather than one driven by targets? How can we bring that about? Can you think of an example of an English or Welsh constabulary that would fit those criteria?

Dr Rodger Patrick: During my research, I came across Greater Manchester, where the chair of the police authority and his clerk were very much on to trying to maintain standards. They were aware of what the national crime recording standard was and they went into police stations to look at the signs that were up saying, “Question people and prevent making false reports”, and took them down. The problem was that the crime recording standard changed its interpretation to a balance of probability, and their ability to audit that was severely limited. It is restricted because of it, because it is so loose. You need to look at that again and go back to victim sovereignty, so that, when somebody reports a crime, it is their right to have it recorded and investigated. If it is found to be false later on, then they can be charged with the offences. It will not affect the crime figures, because there will be another offence recorded; one will come off the books and one will go on. The burglary will come off and the fraud will go on.

Q60 Chair: Do we not want a police force, whatever the incentives are, where the police say, “I am sorry; I am not going to do that. That’s not right,” or “This is going on and I’m going to report it,” and the leadership says, “Thank you for reporting this; it is not right”?

Peter Barron: There needs to be a change of emphasis, inasmuch as, instead of seeing an increase in crime as being a negative thing, whereby people are going to be beaten up for it, metaphorically, it needs to be seen as enriching the intelligence picture. We are now having a better understanding of what is happening, where it is happening and when it is happening but, at the moment, that is missed completely. That is completely undervalued.

Q61 Chair: I personally am in no doubt that political leadership has played a big part in the decline of policing standards and the standards of behaviour in the police that you have described. Personally, I would like to apologise on behalf of politicians of all parties, who are responsible for creating this atmosphere in which targets must be achieved, creating the perverse incentives that have created this situation. This must be addressed by the political class as well as the police. I ask my question again: what kind of leadership should we be looking for in the police service, at the top of our constabularies, that will root out this practice, whatever the incentives set by politicians? We are not universally reliable, we politicians, let’s face it.

Dr Rodger Patrick: Good governance and independent regulation. Regulators with the power to inspect and bring this sort of evidence to the attention of the appropriate authorities so that they can act, and have courage to act when malpractice is uncovered. That has been lacking over the years. Certainly what we have disclosed to you here today has been disclosed and has been uncovered, but no one has acted on that.

Q62 Chair: The most shocking thing of all is that this is part of an ongoing discussion over many years and the fundamental problem has not been addressed.

Peter Barron: Can I add that there also needs to be a whistleblowing facility that is demonstrably independent of the organisation, in this case the police service? In a previous incarnation, I was Head of Operations for the Internal Investigations Command, and various allegations came through there that related to these very issues. This is nothing new.

Q63 Chair: The repeal of Section 29 of the Police Reform Act would address that. It would mean that whistleblowers like Mr Patrick would be able to go straight to the IPCC, which they cannot at the moment.

James Patrick: Again, as I write in my evidence, I would further say that the actual responsibility for the investigation of the police should be removed from the police completely. The IPCC has been fighting for more responsibility and more budget; give it to them. That would be the most sensible thing.

Q64 Chair: Do you think there is a case for an organisation like the Committee on Standards in Public Life to investigate values and policing in the United Kingdom?

James Patrick: There is certainly room for an inquiry as the bare bones of starting that, yes.

Chair: You are all nodding. Thank you very much indeed for your evidence today.

Examination of Witnesses

Witnesses: **Ann Barnes**, Police and Crime Commissioner for Kent, **Alan Pughsley**, Deputy Chief Constable, Kent Police, **Nick Alston**, Police and Crime Commissioner for Essex, and **Paddy Tipping**, Police and Crime Commissioner for Nottinghamshire, gave evidence.

Q65 Chair: Welcome to this second panel session for oral evidence on the question of crime and statistics. I wonder if each of you could identify yourselves for the record, please.

Nick Alston: I am Nick Alston. I am the Police and Crime Commissioner for Essex.

Paddy Tipping: I am Paddy Tipping. I am now the Police and Crime Commissioner for Nottinghamshire.

Chair: And a former Member of this House and a former Chair of a Select Committee.

Paddy Tipping: Absolutely.

Chair: Welcome back.

Ann Barnes: Morning, everyone. I am Ann Barnes. I am Kent's Police and Crime Commissioner.

Alan Pughsley: Good morning. I am Alan Pughsley. I am the Deputy Chief Constable in Kent.

Q66 Chair: Now, I would very much like to have asked each of you what your reaction was to the previous session but, unfortunately, only one of you was present. Mr Alston, may I declare my interest? You are my Police and Crime Commissioner in Essex. What was your reaction to what we have just heard?

Nick Alston: I would describe my first year as Police and Crime Commissioner as both exhilarating and challenging. You can see why I regard it as both of those things from the evidence you have heard. There is a tremendous job for us, as Police and Crime Commissioners, to do to bring the governance to policing that is really needed. I recognise much in what I have heard, and I have learned some things. It is a subject of great complexity, as I think you have realised this morning. I learned some things this morning, but much of it was familiar to me, not necessarily from what I have found in Essex now, but from historical anecdotes and indeed from other forces. There was much that I recognised, much to be concerned about and much that is challenging. I think, as Police and Crime Commissioners, we have the opportunity to take that challenge on.

Q67 Chair: Do you recognise any of the challenges that were so graphically and shockingly revealed about the Metropolitan Police to be present in the Essex Police?

Nick Alston: Echoes of them, I think I would say. There was a lot of focus on the bonus culture. It is worth recalling—I am not in any way trying, and I am not here today, to defend the police, far from it—with the introduction of Winsor, that performance culture has changed radically. Indeed, in some forces including Essex, not the current but the previous Chief Constable abandoned that bonus culture as he was appointed Chief Constable. Every force is in a different position on this, and it is absolutely right not to generalise. That would be my starting point on that.

Q68 Chair: Can I ask each of you what factors you feel have influenced and caused the misreporting or misrecording of crime?

Alan Pughsley: Probably some of it is innocent, honest mistakes by some officers who have not had appropriate training. The findings from Kent from HMIC showed very clearly that there were no issues of integrity and no misconduct. They were honest mistakes by officers at the scene, and indeed sometimes people taking the calls in the control room at the first occasion. Certainly our findings from the recent report—not the most current one, but the one that talked about us getting nine out of 10 decisions correct, and therefore having more to do—were that they were honest mistakes by some of our officers and staff.

Q69 Chair: I am bound to say that is very much at variance with the evidence we heard earlier that there is a culture and practice in the police to try to contain levels of crime within certain targets. That means, to use the terms, “cuffing”, “nodding” and “skewing”; do you recognise these terms?

Alan Pughsley: The word “skewing” was referred to in the report on the Kent Police, and I can explain that exactly. That certainly was not cuffing crime in any way, shape or form.

Q70 Chair: There is no cuffing in the Kent Police.

Alan Pughsley: There is no cuffing that I have seen in Kent Police whatsoever. Indeed, the report from HMIC showed there was no issue with integrity or misconduct. With regards to cuffing, to use that phrase—my interpretation of that would be wrongdoing—none of that was found in the report into Kent.

Q71 Chair: Who conducted the report into Kent?

Alan Pughsley: HMIC, at the request of the Commissioner.

Q72 Chair: HMIC is mainly police officers, is it not?

Alan Pughsley: I think it is a mixture, sir, to be honest.

Q73 Chair: If there is a cultural problem in the police across the whole of the police service, there is going to be a blindness, which is what we have heard in the previous session. There is an institutional blindness to the culture and practice of cuffing, which is basically downgrading some crimes, not recording other crimes, recording some crimes as no-crimes and recording many crimes as crime-related incidents instead of crimes. We heard one witness previously describe that the evidential test to establish whether a crime has been committed actually turns the victim of crime into a victim of a different sort: somebody who is being disbelieved by the system. Do you recognise that?

Alan Pughsley: There have certainly been some occasions where that has taken place throughout policing and wherever I have policed, but it is really important to say that that is not the culture that I recognise. There are honest mistakes by some officers and some staff. There is certainly not a culture of cuffing or suppressing crime where I work, in Kent, in any way, shape or form.

With this skewed activity you talked about, it is important that I deal with that from a Kent perspective. That was officers chasing targets, you are absolutely right. It was some officers, not all, chasing targets, which was still lawful, but they had lost the victim at the centre of that piece of business. The best way to describe that would be that if we had a target, for example to detect X amount of crimes, some of the ways of doing that more easily would be low-level drug operations. That was where the skewing of activity was in Kent. Again, HMIC’s view of that was it was not the best practice, but it was not, in any way, shape or form, illegal or wrong.

Q74 Chair: You will not mind me saying, therefore, that if any Kent officer wishes to submit evidence to this Committee, under privilege, they are very free to do so.

Alan Pughsley: Absolutely right, sir, yes.

Q75 Chair: You would invite them to blow the whistle on any bad practice in Kent.

Alan Pughsley: 100%. Before the Commissioner's review through HMIC, we did an internal review, warts and all. 400 officers were spoken to, so that we in Kent absolutely took the good or the bad news.

Chair: Mr Mulholland, I must apologise to you, because I rather nicked your question.

Greg Mulholland: No, not at all. We have gone straight into the unhappy episode in Kent and the investigation there.

Chair: Which is sub judice. We must be careful what we say.

Q76 Greg Mulholland: Indeed, but on the HMIC report, which is not, you have just used the phrase "not illegal or wrong", Deputy Chief Constable. HMIC certainly said "not illegal"; it did not say at all that what was going on was not wrong, so I must pick you up on that. I have to say that, in the context of the first evidence session, the comments that you have made so far have been rather glib. I put it to you that the HMIC report actually found that no-criming decisions were wrong in more than 25%—more than a quarter—of the small sample of cases that they examined. I quote from them: "The fact that this inaccuracy was evident in cases of rape, robbery and violence is of particular concern and is unacceptable. The force needs urgently to ensure that its no-criming decisions meet the required standard." The reality is that the force failed to meet the required standard. The conduct was unacceptable, and what happened is very clearly wrong, and failed people, including victims of rape, robbery and violence. Do you now want to rephrase your comments and perhaps address what the HMIC report actually exposed in Kent?

Alan Pughsley: Maybe I could add clarity to what I said. Integrity was the first bit we talked about. The wrongdoing was wrongdoing through a mistake, not in the way that you have just talked about. That was wrong; the officers got it wrong.

Greg Mulholland: I am quoting directly from the HMIC report.

Alan Pughsley: You are, and what HMIC said was that what we did and how we did it, within the rules and regulations, on occasion we got wrong. That was not in any way, shape or form through action by the officers that needed to be referred to professional standards or complaints, because they were not intentionally doing things wrong. There is a big difference between mistakes and getting it wrong, and therefore there were no referrals whatsoever to our professional standards department from that inspection.

Q77 Chair: Can I just clarify that we are talking about rape crimes, for example? It is the misclassification of very serious crimes.

Alan Pughsley: Yes, we are. There were occasions where, in Kent, on rape, those offences were no-crimes when they should have stayed as a crime. That is correct.

Q78 Chair: Why do you feel the officers concerned felt it was appropriate, justifiable or in their interests to misrecord these crimes?

Alan Pughsley: When they recorded the crimes as no-crimes, they thought that was a right and honest thing to be doing.

Q79 Chair: Do you really believe that?

Alan Pughsley: I do believe that, yes.

Chair: I am sceptical.

Alan Pughsley: I can only tell you what the report said and what our findings are since.

Q80 Chair: With all the pressure of incentives, of targets, of promotion prospects, this is what we have heard: that people who do not meet their targets do not get promoted; they do not get incremental pay increases. All the pressure is on officers to err on one particular side of the line. Do you accept that there are perverse incentives in the system?

Alan Pughsley: If I talk about Kent at this moment in time, the objectives in all our performance-directed reviews do not have any numerical targets in any way, shape or form. That is not the culture we are operating by. I think people can interpret targets in a perverse way, yes.

Q81 Greg Mulholland: Deputy Chief Constable, I still find this extraordinary, while accepting, as we do, that there has been pressure on police forces and, therefore, all the way down to investigating officers, because of target-driven cultures. Again, that was admitted by HMIC. You cannot possibly suggest that officers were not consciously making wrong decisions to improperly judge a crime not to be a crime or to lessen the seriousness of a crime. Again, I will quote at you, and I think we need some acknowledgement of this, because of the seriousness of the evidence that we have heard today. Again, I will quote from the HMIC report. It says, “A target-driven culture had, until recently, led to some officers in Kent pursuing crimes on the basis of how easy they were to solve, rather than on their seriousness, or their impact on victims or communities”. It says that whilst it is not unlawful, as we have already said, and it “does not contravene the letter of the HOCR, it is against the spirit of the rules.” Those are deliberate decisions—deliberate decisions that have been made because of a target-driven culture but, nevertheless, deliberate decisions and part of an unacceptable culture. Would you accept that?

Alan Pughsley: Yes, I do.

Q82 Greg Mulholland: Do you not feel in that regard, therefore, that your original comments that the officers have done nothing and that there is no problem in the culture are simply not the reality, and bear no relation to the problem that this Committee is trying to deal with—the misreporting and misrecording of crime statistics?

Alan Pughsley: I accept everything you have said there. I was trying to make sure that the panel understood that there was no dishonesty or criminal intent by those officers.

Q83 Chair: That is the difference. You do not need to be breaking the law to be doing something reprehensible and wrong. That is the problem, is it not? There are people who think they are obeying the law and therefore doing the right thing, but actually, that is not the problem, is it?

Alan Pughsley: The problem that was exposed in Kent—

Q84 Chair: We are talking about a cultural problem in policing, which has got into policing across the whole country. Are you telling me that Kent is uniquely immune from this problem?

Alan Pughsley: No, that is absolutely not what I am saying.

Q85 Chair: Why is it so difficult for you to say, “Yes, we have had a target-driven culture. Yes, we are trying to change it, but we have a lot of behaviours and attitudes in the service as a result of years of a target-driven performance regime, which are making it very difficult for officers to understand that, actually, we want them to tell the truth and what they really believe to be the truth, rather than to satisfy their commanders and their commanders’ commanders on certain targets”? That is the problem, is it not?

Alan Pughsley: Chair, I accept everything you have just said and agree with everything you have just said. Maybe it was my misinterpretation of the word “wrong”. Everything you have just said I absolutely accept, which is why Kent are doing what they are doing now. What I was trying to explain was the difference between criminal and wrong.

Q86 Greg Mulholland: Really, that is the point. Is that a clear acknowledgement that what happened was wrong and that, actually, what individual officers involved did was clearly wrong? I would like you to make that acknowledgement. It was deliberate: deliberate decisions were taken to take some very serious crimes and not record them in the way that the common sense and conscience of individual officers would know to be the case. That is deliberate, in my opinion, and it is dishonest. It is very, very clearly wrong. Do you accept that?

Alan Pughsley: I accept it was wrong in the way that you have described it through the report, yes.

Q87 Greg Mulholland: That being the case, can I ask you both this, bringing in Ann Barnes as well? That report has been done, and at least we have had transparency. What has been learned from that? What has happened in Kent since then, and what is happening now to ensure that the Kent force, going forward, will be a force that very clearly prioritises the needs of the victim in communities, and stamps out this kind of culture of wrong and dishonest decision making about the recording of crime, so that we get a clearer picture and the needs of victims in communities are put at the heart of decision making all the way through?

Ann Barnes: I do think Kent is finding itself in the firing line here, because I took that conscious decision right at the beginning to ask HMIC to do an independent review. I wanted it independent of the force, because trust is everything in public life, and trust in crime recording figures and crime recording practices is absolutely fundamental to all the police service does. I would not think that Kent is in any way different from any other force in the land; it is just that I took the decision right at the beginning to sort this out. I am pleased I did. I am really pleased I did, because I wanted a line in the sand. I wanted to know exactly what was going on in Kent.

The difficulty over the culture has grown up over the years because every public service has been target-driven, until recently, and the leaders of the police service have learned their leadership skills under that target-driven culture. It is a real culture shift to move away from that to looking at absolute quality and putting victims at the centre of the criminal justice system. If you are not recording crime properly, the victims are not there. That is not where they are. It is really important that that happened.

This is the report that came from HMIC, from me. This was my report. I accept everything that is in it; the force accepts everything that is in it. I do draw your attention to the one that came before that, which was an HMIC report country-wide, which was published in January 2012. It said that in almost all cases—almost all cases—Kent records crime accurately. In six months, we went from one to the other, using a different methodology of calculation. Kent, with this last one, has got a different methodology for the calculation of crime. If this is the one that HMIC is going to use now to do the other forces and look at other forces' crime-recording practices, then I think you are going to find that exactly the same thing comes out, because I cannot see Kent being an outlier on this.

You are right, actually, Mr Mulholland; it has been put right in Kent. As soon as we got the report, the Chief Constable accepted it. I accepted it. We sat down and we did a 50-point recovery plan. We had it peer-reviewed by HMIC; we had it peer-reviewed by the College. All of those items in the recovery plan have now come about. We have had our own crime analyst looking, using the same methodology as HMIC did for that report, four times, and absolutely drilling down four times. That is by looking at when the crime comes in, listening when somebody reports a crime and tracking it all the way down to the disposal. That has never been done before. That was the first time HMIC had done that. He has done it four times. That has been done four times since, and it is coming out at between 95% and 98% compliance, which is a difference from the 90% that was the original HMIC.

Chair: I do not want to stop your flow, but you are giving a very full answer for us. We are very grateful for that.

Q88 Paul Flynn: Does this not mean that you have gone native and that there is a question about what HMIC has done in the past?

Ann Barnes: Have I gone native?

Paul Flynn: Yes.

Ann Barnes: No.

Paul Flynn: Have you read this book?

Chair: Mr Flynn, later. Mr Mulholland first.

Q89 Greg Mulholland: Thank you for that answer. I think it is a very important point. Very briefly, can I simply ask the Deputy Chief Constable whether there has been that policy change at officer level? Do you genuinely believe that there has been, and are you confident that is the case?

Alan Pughsley: I am absolutely confident that is the case from the top to the bottom. As I say, one of the biggest important factors is there are no performance targets or numerical targets right across the force. There is a better system within the control room, right at the front end, for supervision and provision, and there is better provision when our officers go to speak to victims of crime and then report the crime. There is a better and more robust system there.

Q90 Greg Mulholland: As well as replying to that, I would also ask you please, Ann Barnes, if you could say whether you actually think that all forces need the kind of investigation that Kent

has had. Do we need that sort of culture change and that sort of transparency to get rid of the problems that, as you said, will exist in other areas?

Ann Barnes: There should always be transparency. This is a fundamental thing. The people of Kent have to know that their crime recording is accurate, and the people of the country have to as well. I know HMIC is doing all kinds of reviews, but I think this is fundamental. Let us say, for instance, that crime is up in a force by 6%, but they have a 95% compliance rate with accurate recording, whereas it is down 5% in another force that has a 75% compliance rate. You are not looking at like for like. I actually think HMIC has to do a proper in-depth report using the Kent test. They call it the Kent test, the Kent methodology. They would be letting everybody down if they did not.

Robert Halfon: Just to move a little bit—

Chair: Can I just finish off before we move? Are you changing the subject?

Q91 Robert Halfon: It is a general question to ask to the Commissioner for Essex, if that is okay. You were here for the previous session, or for most of it, I think. Is this something new to you? Were you aware of this kind of manipulation of statistics?

Nick Alston: I think I recognised, not necessarily the current practice, but all of the points made, and I see very clearly the risks in the system of all the points that were raised by the previous witnesses, yes.

Q92 Robert Halfon: Given that you were aware of these things, have you taken measures in your office to try to ensure that this does not happen with Essex Police?

Nick Alston: Yes. I would start by saying that I agree strongly with Mrs Barnes that reducing numerical targets seemed to be absolutely key, so I took away the numerical targets from Essex policing. I have set a target—I would love there to be fewer victims of crime, which means less crime, so let us have that ambition—but the targets have gone. I should declare an interest: I am also on the advisory board of the Jill Dando Institute of Crime Science at UCL, so I am very aware of the susceptibility of crime statistics to be worked in all sorts of different ways. I took that away those targets.

Secondly, it was about taking a close interest in how the force assures itself. How does the Chief Constable assure himself about the reliability of data? It is about understanding the work of the Crime and Incident Registrar. Yes, I do meet with that person; I have had lengthy discussions with the head of Audit and Compliance understand the internal audit process, to understand what HMIC has said in the past, to read and learn from the Kent experience and to appoint, we have recently appointed my own head of scrutiny, who will not be taking over that function, because I have a slightly different view from previous witnesses: I believe that, if the police is going to change this culture—and I do believe it is a matter of changing culture—it is about getting a new approach to ethics and integrity, but they need to own that change. [\[1\]](#)

There needs to be leadership from the top of the police. I had the privilege of being able to appoint a new chief officer and, for me, that was about leadership and integrity. Those two things were absolutely key in that appointment. I believe the police do need to change themselves. It is not going to be easy to do it from outside, so I would rather that they continued to own that function, but that I scrutinise how well they do it. It is similar with professional standards.

Q93 Robert Halfon: Do you believe that those practices are not happening now in Essex Police?

Nick Alston: I think that some of these have a long tail. Essex Police has in the past—not the recent past but a few years back—suffered very strongly from a performance-led culture, and it left a tail. It left a legacy of officers thinking that this was what was expected of them—to drive crime down to the weekly targets that they were expected to meet, both for detection and for offences. You heard earlier about the impacts that that can have. I was not there; I do not know how it translated, but I think it has had a tail that the previous Chief Constable and the current Chief Constable—in particular the current Chief Constable is wholly opposed to that. He and I are well aware that there is a risk so we, week by week, go out telling people around the county, “You must report crime”, and say to every police officer, “You must get this crime reported”.

The importance of that, Mr Halfon, is that without that crime data being recorded, in this present day and age, we have no chance of having intelligence-led policing that delivers the results that we must have. We must have that data about where crime is happening, so I passionately believe in data. I passionately believe in understanding that data, not for setting targets, but for intelligence-led policing that will mean there are fewer victims.

Chair: Could we put the same question to Commissioner Tipping?

Paddy Tipping: I would agree with many of the points that Nick has already made. It is important that there is integrity in the police. We are fortunate in Nottinghamshire. We have a strong Chief Constable who believes that and takes that as a headline issue. It is important that the Committee recognises the amount of money and amount of work that go into validating crime statistics. The budget in Nottinghamshire for the police is about £200 million. The cost of crime management is £1.9 million, so there is quite an elaborate structure, with a registrar and people working with him who check the figures through. I have to say, Mr Halfon, I think, as budgets get more difficult, there will be scrutiny of the amount of money spent on checking the checkers. It is a big sum of money to spend. The Nottinghamshire Police has looked closely at the report that was commissioned in Kent.

Q94 Chair: Mr Tipping, it is all the more reason you should get rid of targets. Have you got rid of targets?

Paddy Tipping: I have set a target for a 10% reduction in crime. It is interesting that the only target that the Home Secretary is interested in is reduction in crime. We do not have targets other than that. We do not have performance-related pay in Nottinghamshire, and there are no individual targets set for individual command teams.

Q95 Robert Halfon: When you both got rid of these specific measures or targets, has that come into conflict with the Home Office in terms of their targets and performance measures or not?

Paddy Tipping: The Home Office faces a difficult decision. Crime has been coming down consistently for 30 years until this year. The latest Home Office statistics, June to June, show a 5% reduction across the country, 7% in Nottinghamshire. If you look at the figures from 1 April, of the 43 police forces, 22 show an increase in crime, including Nottinghamshire. Ann will not mind me saying that Kent is top of the list, but that is about crime recording. I think there will be more pressure from the Home Office when Ministers begin to recognise that crime has stopped falling and is beginning to rise.

Q96 Chair: Has crime really stopped falling or have we just started recording more crime?

Paddy Tipping: There has always been a problem of under-recording crime.

Q97 Chair: Crime is not necessarily rising. What does the crime survey show?

Paddy Tipping: The crime survey shows that crime is falling 7% against recorded crime of 5%. I guess one of the issues that the Committee might want to look at is the variation between the crime survey and recorded crime, because up until this year, recorded crime was falling quicker than the crime survey suggested. I know that is something that the accountancy body is looking at.

Nick Alston: You were asking a direct question about whether we thought that crime was falling. I think the crime survey for England and Wales is a reliable indicator, which has shown that it is still falling, but that the gap between that and recorded crime has been widening, which is a concern.

Q98 Chair: Just very briefly, in a sentence how much do you each accept that the impact of targets has had an adverse effect on police behaviour and indeed the values of the police service?

Ann Barnes: I have evidence of it from the HMIC report, which I accept.

Paddy Tipping: Nottinghamshire Police used to be probably the poorest performing police force in the country. They were set tough targets to improve. They have improved. I am aware of the kinds of allegations that the Committee has heard this morning but, like the other Commissioners here, we have been quite rigorous in trying to establish the facts and establish the truth.

Q99 Chair: It would be very understandable for you and your officers to be in denial about what is frankly the corrupting effect of targets and performance incentives. While you may have ended that practice, it may take some years to restore the culture of integrity, truthfulness and the ability of officers to tell bad news to their superiors.

Paddy Tipping: The police faces major challenges about integrity. Let me put it like this: in the past, they have been highly respected public servants, and there have been a series of events, over recent months and years, which have made the police themselves question what they are doing and look for a new start and a new beginning.

Nick Alston: Chairman, the Home Office having dropped targets, many Police and Crime Commissioners having dropped targets, there is a great opportunity. The point was made by your earlier witnesses: most officers day by day want to make a difference to victims' lives. They want there to be fewer victims. They want to do the right thing. Now that there is a mature debate going on free of targets, I am optimistic that that culture can change quite quickly, with the right sort of leadership, which I think many of us have in our forces.

Q100 Chair: Do you think the national crime recording standard is adequate and that the statutory framework for recording crime is adequate and fit for purpose?

Nick Alston: I would offer a thought about the Home Office counting rules, for those of you who have read them—there are 407 pages of them. That is how police officers have to learn to record their crimes. There are about to be major changes to recording the outcomes of crimes. There are currently 8 different ways that crimes can be resolved. There are a further 10 being introduced next year, so there are going to be 18 different outcome measures. We do not help always ourselves by having some very deep complexity. Some of the things I heard earlier about the Crime Recording Standard were new to me. There is a level of sophistication there that should be simplified. We could help ourselves with some simplification.

Paddy Tipping: Some of it is about subjective judgments. The incidence of assaults in Nottinghamshire has increased over the past 12 months. Nottinghamshire Police asked Merseyside Police to peer-review them, and it was quite clear that there were incidents that were being recorded as crimes in Nottinghamshire that would not have been recorded as crimes in Merseyside. Although there is a complex set of rules, actually determining the judgment is quite difficult at times.

Ann Barnes: Rules are rules, and you should stick to them. If they change, they change, but if they are there, we should stick to them. Just crudely measuring force performance year on year against other forces, without looking at the integrity of and trust in the crime recording figures, does not do anybody any favours at all.

Q101 Kelvin Hopkins: On this question of the integrity of crime data, it is understandable that you would be somewhat defensive of your own forces. You do not want to be criticising your own officers in public or whatever, but the reality is that I do not actually believe the crime statistics anymore, simply from what I have heard this morning. Until we get a rigorous nationally agreed system of recording crime, which is consistent across every force, I will not start to believe it. Is that not what we need?

Alan Pughsley: Yes.

Ann Barnes: Yes.

Kelvin Hopkins: That is good. Let us hope we can move on to that.

Chair: We like short answers.

Q102 Kelvin Hopkins: The other question I am concerned about is whistleblowing. In all societies, in all employments, whistleblowing is uncomfortable but, in crime, it is probably more important than almost anywhere else, because victims will suffer. If there are two constables on the beat and one says, “Let’s record this as a rape”, and the other one says, “No, let’s play it down because it will make our figures look better”—whatever. I am just guessing. Do we not have to have serious protection for whistleblowing, in fact raising whistleblowing as a normal practice, so that police officers feel it is their duty to whistleblow, not that it is something they would like to do but feel uncomfortable about?

Paddy Tipping: You will be pleased to know, Mr Hopkins, that in Nottinghamshire, where whistleblowing has taken place—officers complaining against other officers, not in relation to crime statistics but in relation to other matters—those whistleblowers have received support, and there has been firm action taken against officers who have allegedly misdeigned.

Q103 Chair: Would you support the abolition of section 29 of the Police Reform Act, which prevents officers in your force from complaining about their force?

Paddy Tipping: I think that the appropriate way forward is for police officers to have confidence in the managerial system.

Q104 Chair: Of course that is right, but it has been suggested to us that it is perverse that a police officer in the Metropolitan Police could complain about the Essex Police, but he cannot make a complaint about the force he works in. Surely that is barking mad.

Paddy Tipping: I am not sure I would use that phrase, but I would certainly support the view that, provided the officer had raised concerns within the force and then decided to take more radical whistleblowing action, they should be protected.

Chair: The IPCC has a responsibility for whistleblowers, but is prevented from hearing the whistle from within a particular constabulary.

Ann Barnes: I would just like to point out that I know we cannot discuss what happened around the Maidstone officers, but it was a whistleblower who actually did that—blew the whistle.

Q105 Chair: You would agree that we need to abolish section 29 of the PRA.

Ann Barnes: Yes.

Nick Alston: I think it is perverse that it is there. Whether there are other implications that I would not fully understand at this time, I am not sure, but I do agree that it seems perverse. It is a very important point that we made—that there is a system in each force, as Paddy said. In Essex, we similarly have one, where officers can make concerns anonymously known. That is a crucial first step.

Q106 Chair: Bearing in mind, Mr Pughsley, that we are asking you not necessarily as a Kent officer but as a senior police officer, why do you think it is so hard for police officers to blow the whistle on their superiors? Why do senior police officers seem to make it so hard for them?

Alan Pughsley: We certainly support and welcome whistleblowing in Kent Police. The Commissioner has talked about the way that that first case started. We have widened that as we speak today, so we have a new regime dealing with how our officers can deliver that.

Q107 Chair: How do we address the problem nationally?

Alan Pughsley: The problem nationally has to be addressed through the chief constables, the Chief Constables' Council and ACPO, from a policing perspective, so that there is a clear message. I think there should be pretty much a clear message right across UK policing: whistleblowing is absolutely part and parcel of what we understand to be the culture within policing.

Q108 Chair: Do you think ACPO, which pays lip service to that, really practises what they preach?

Alan Pughsley: Certainly in Kent we do.

Chair: I know. I am asking you about ACPO. Come on; blow the whistle on ACPO.

Alan Pughsley: The role of ACPO is to make sure that there is a national and corporate body, right across policing times 43 chief constables. Whistleblowing is commonplace, I hope, across all the police forces.

Q109 Chair: Is the panel happy with ACPO's attitude to whistleblowing?

Paddy Tipping: There is a set of questions to be asked around the role of ACPO. You would be interested, Chairman, to know that Commissioners are, at this moment, acting on that, and there is a view around that ACPO is a self-selecting, self-motivating club without sufficient public scrutiny.

Chair: That is a very interesting comment. Thank you for that. It is perhaps slightly outside our remit.

Q110 Paul Flynn: Can I ask the Deputy Chief Constable, have you ever done any whistleblowing?

Alan Pughsley: Have I had any against me?

Paul Flynn: No, have you done some yourself?

Alan Pughsley: I beg your pardon. Yes, I have, at different ranks throughout my career.

Q111 Paul Flynn: How many members of ACPO do you think have been whistleblowers?

Alan Pughsley: I could not answer that. I do not know, I am afraid. I would be guessing.

Q112 Paul Flynn: Could you describe the situation where you blew the whistle? How did it have an effect on your career prospects?

Ann Barnes: Obviously not.

Alan Pughsley: Fortunately mine was okay. I worked for five years on the anti-corruption unit in the Metropolitan Police, so I have a pretty clear steer and a clear view around what is right and what is wrong. The process for me was very clear—I wanted to give some information about practice that I thought was inappropriate. I gave that information; the practice was resolved. Two or three years later, I was on the anti-corruption unit dealing with corruption within the Metropolitan Police at the highest level. The process worked, and it certainly has not hindered my career, shall we say.

Q113 Paul Flynn: You seem to take the view that small errors of judgment and so on were involved in the situation we have had. What about the evidence we had from the previous witness? I do not know if you have read this book by Mr James Patrick, or if the others have read the book; it is a series of blogs. It presents a very different picture from just a few mistakes and so on. It suggests there is an endemic culture in the police, where they have other motivations rather than

strict accuracy, but they are under pressure from politicians, press and others—and promotion prospects—to fiddle the figures. Is that not true?

Alan Pughsley: As I said earlier, certainly from my experience in Kent Police, yes, there was a culture of trying to address and deal with the targets. That is what policing has had given to it for 20 or 30 years: “Here are the targets. This is what we measure you against.” There has certainly been a target-driven culture in policing, yes.

Q114 Paul Flynn: We have heard evidence of people saying, “We can only have six burglaries this week in order to make the figures look right”. We hear evidence of, say, 10 caravans being burgled recorded as one crime, or someone having a mobile telephone stolen recorded as lost property, in order to get things to look right so it becomes acceptable. Does that never happen?

Alan Pughsley: I cannot say it has never happened but, if that happens in Kent, it is dealt with by our complaints department, because that is completely and utterly inappropriate, and should not be dealt with and recorded in that way.

Q115 Chair: When you were at the Metropolitan Police on anti-corruption, would that have counted as corruption?

Alan Pughsley: That would have counted as wrongdoing and corruption, yes.

Q116 Chair: Was there no evidence when you were there that this was going on?

Alan Pughsley: I never dealt with any evidence at that level. My evidence and where I was operating, I am afraid, was serious criminals corrupting police officers.

Q117 Paul Flynn: You have suggested that the crime statistics are malleable, probably infinitely malleable. If there are not enough crimes, you have said in your evidence, it is easy for the police to, say, go and arrest kids using cannabis and get the figures up. That happens, does it not?

Alan Pughsley: That happened in Kent and was found in Kent, and that was an easier way of hitting a target, yes.

Q118 Paul Flynn: How does this match up with the fact that we want the public to have trust in those figures, and therefore trust in the police, knowing that the perception of crime, particularly for the elderly, is almost as serious in raising their anxiety as crime itself? We are being presented with figures that are probably inaccurate and sometimes very inaccurate, in order to fulfil the ambitions and promises of politicians or the hopes of police forces to seek promotion.

Alan Pughsley: The trust and confidence in policing from the public is wider, I hope, than just the crime statistics. It is about the quality of service that we give and the satisfaction levels that we take from that. There is a wider debate about the public perception of trust and confidence in the police. With regard to the crime data that you are talking about, as I say, going forward in Kent, we are operating and can now operate in a regime where we have no targets. Our officers do not have any targets anymore. They are just expected to deliver a quality service.

Q119 Paul Flynn: We have seen a drop in crime, probably due to the fact that those people who commit crime, most of them, have become addicted to their mobile telephones and their iPads, and they are not concentrating. That is a fall that is going on in other developed countries as well. You, Paddy, are in a position where you have set a target of a 10% drop in crime. If that is not achieved, is that not going to undermine your position as a PCC, and is the public not going to suggest that PCCs are not worth having?

Paddy Tipping: They already are, Mr Flynn. The position in Nottinghamshire, as we speak, is that the target was 10%. In the summer, crime year on year was up 4.5%. The force has been working hard at it, and today it is at 1.9%. There is a lot of pressure on me and on the Chief Constable to improve performance.

Q120 Paul Flynn: Are you not in a bind? We did invite another PCC here but he is on leave this week—he could not come—but he sacked the Chief Constable, mainly on the basis that she was falsifying the crime statistics. He is now in a position where, if he is going to tell the truth on the crime statistics—she recorded a very large drop in the previous year—crime figures are going to go through the roof, and that is going to reflect on the position of the PCC, is it not?

Paddy Tipping: I think PCCs have had a difficult year. There is no point in denying that. The election of PCCs coincides with a probable increase in crime, and I do think that the media in particular are focusing on PCCs and saying, “Look, what have you achieved? You have been elected at enormous cost, and crime is going up. We told you so.”

Q121 Paul Flynn: If somebody presents false information in order to gain a financial advantage for themselves, that is a crime. Has this not been happening in the police, and is this not endemic? They are giving figures that they know to be untrue, that are stitched, that are skewed, and that are cuffed in various ways. The result is that it affects their financial advantages in promotions.

Paddy Tipping: It certainly does not help them financially in Nottinghamshire. It may help promotion chances.

I have to say, Mr Flynn, that I have always been sceptical about crime figures. Like many other Commissioners, I have taken a real interest in this over the past 12 months. I am confident that, in the main, reporting in Nottinghamshire is good, but is 92% validation good enough? I am sure it is not. As I said to the Chairman earlier on—and I guess it is an issue for the Committee—Merseyside Police looked at some of the crime recording practices in Nottinghamshire and said, “They are not the same as ours”. Now that cannot be a good thing, and it takes us back to the discussion with Mr Hopkins about whether there should be better, stronger national standards.

Q122 Paul Flynn: Are you not filled with reforming zeal, the three of you Commissioners, by the fact that we have had a system that, according to a great deal of evidence, has presented false pictures? As a result of that, the priorities of the police have been skewed. Laws have been passed that are probably unnecessary. We mentioned knife crime in the previous session. There was a whole new false perception of an increase in knife crime that was not happening. Huge sums of money have been spent chasing shadows. Do you not feel—all three of you—that a fundamental reform is necessary that you as PCCs could carry out, if you are going to justify your existence?

Nick Alston: I do not think it is a fundamental reform. I think it is doing our jobs really imaginatively and conscientiously and with real integrity to address these issues. I have set up

an ethics and integrity committee to try to bring that broader perspective to bear on this topic. The opportunity is there, and we may be under-weighting the importance of having Police and Crime Commissioners who can really bring this debate alive locally and answer these points. In my police and crime plan, I talked about the likelihood in some areas that recorded crime will go up, because we want people to record crimes. We know that areas of crime are under-reported, so let us have a really honest, open debate—and a local debate, because there will be local variations. I would not want to be thought of as a zealot for reforming, but there is an opportunity for doing things differently and we should take that opportunity, as one of your previous witnesses said.

Ann Barnes: My view is quite simple about the crime-recording figures. If the people of this country are to trust the crime recording figures, then we have to be open and transparent about them, because that is the only way you get trust and integrity, and we have to compare like with like. It is a nonsense when you say that crime is going up in one force and down in another, when you do not have a proper baseline for actually saying what the compliance rate with crime recording is. Kent has got that now. I do understand that some forces internally have done the same work using the same methodology as in Kent, and I know that the HMIC has done some pilots as well. I have heard on the grapevine what the compliance rate is. It is not evidence, because it is hearsay, but it might be quite interesting to ask HMIC next week when they come.

Q123 Paul Flynn: Are you not concerned about the effect on victims, particularly with a crime of violence, if there is under-recording in their view, and it is made to look like a trivial crime, a minor matter?

Ann Barnes: Yes.

Q124 Paul Flynn: Is that not going to destroy the victims' respect for the force and certainly discourage them from reporting a crime in future?

Ann Barnes: Yes, it is. It is why the crime tsar and the data accuracy unit are so important. I actually do not care what it costs, Paddy, for that particular unit in Kent Police, because it is so important that you have trust and integrity around that. Our crime recording methods now in Kent are exemplary, seriously, because I cannot have it any other way. Having instigated this review myself right at the beginning, you do take short-term pain, which is what I did over it, but there is long-term gain now, because I am absolutely convinced that it is watertight in Kent.

Paddy Tipping: Just to pick up on one of your points, Mr Flynn, one of the reforming things about all Police and Crime Commissioners is the focus on victims rather than offenders. Without exception, Police and Crime Commissioners are trying to put victims first, giving them more focus. You are absolutely right to say that we have to ensure that people have confidence in the crime statistics. Have they at the moment? No, they have not.

Ann Barnes: The interesting thing, as well, is that we have introduced in Kent two appeals processes, which were never there before. If somebody reports a crime and it is decided not to record it as a crime, they have an appeal process for that. If a crime is taken off the books as a no-crime later on, there is another appeal process. That is put in place now in Kent. I do not know if any other forces have that, but that is in Kent.

Paul Flynn: A final question: have any of you read this book, or these blogs that have been produced? I recommend you should. There are no profits made from it; it goes to charity. That is

why I am shamelessly promoting Mr James Patrick's book, which I think everyone should read. It is a shocker.

Q125 Chair: Could I ask if you have each read the evidence that James Patrick has submitted to this Committee?

Paddy Tipping: Yes.

Ann Barnes: Yes.

Alan Pughsley: Yes.

Nick Alston: Yes.

Q126 Chair: Those of you who were not here for the session, would you just like to comment on it?

Ann Barnes: Depressing.

Q127 Chair: But recognisable?

Ann Barnes: In parts, in the past in Kent.

Q128 Chair: Do you think it is likely to be true?

Ann Barnes: I could not say. Some of the things that he talked about were reflected in the report I got from HMIC. Perhaps every other force and every other PCC should commission one.

Chair: Mr Pughsley, you said you read it too.

Alan Pughsley: Yes, Chair. It is similar to what the Commissioner said—what has come out in the report is reflected in some of the commentary in the book.

Q129 Chair: I understand that, but it is a shocking account of what is going on in the Metropolitan Police now. Do you recognise that from your time at the Metropolitan Police?

Alan Pughsley: Not all that is in the book, Chair, no.

Paddy Tipping: I have read the evidence. I think there may be some elements of truth in it, but it would be important, and I am sure the Committee will do this, to look at the different side of the story.

Chair: We would be delighted to take evidence from a Metropolitan Police senior officer in response, but whether they will feel able to do that at the moment, I am not sure. Commissioner Alston, anything to add?

Nick Alston: No. I would add that from talking, as we all do, to our own officers and our own forces, from their experience in the past, there are echoes of all of those stories. It goes back to the point I made earlier about the importance of getting it right. If somebody breaks a window in the middle of the night in your house, is that criminal damage or attempted burglary? It matters to crime recording, but it also matters to catching the burglar. That is what really matters. That is the ultimate test.

Chair: It matters to the victim whether they feel they have been listened to or not.

Nick Alston: That is the point but, if we are going to catch the burglar, we need that accurate data. That is why it is so important.

Q130 Chair: Finally, Commissioner Tipping is arguing that crime is in fact increasing now, and that is what his force is recording. Is that universal across the experience of the other members of the panel?

Paddy Tipping: Let me give you the up-to-date figures, Chairman. Of the 43 police authorities, from the year beginning 1 April, 22 of them—so more than half—have seen an increase in crime. Of the 43 police forces, all of them have seen an increase in shoplifting.

Q131 Chair: Do we think that this is because there is now beginning to be a more honest reporting culture, or do we think this is because there is an actual increase in crime?

Ann Barnes: Before April, the crime recording compliance in Kent according to HMIC was 90%. It is now working out at about 96% or 97%, and that is reflected in the increase in recorded crime in Kent. It has got to be.

Q132 Chair: Do we think that, over the years, looking at the chart, from 2003-04 to 2011-12, when there was a steady fall in recorded crime, that was actually an increasing incidence of unrecorded crime?

Ann Barnes: Obviously there has to be a steady fall. It is just at a higher level.

Q133 Chair: You think that the unrecorded element of crime, across the country on average, has been static—it has been a constant.

Paddy Tipping: The crime survey, which is people's experience of crime rather than reported crime, shows that crime has been falling. There can be a discussion about how much unreported crime there is. You asked directly, Chairman, whether crime was going up because reporting has been better since 1 April. I am not going to make political points but, when police forces are losing officers, and all of them have, and when austerity measures are beginning to rise, those are other factors too.

Nick Alston: Chairman, I have two or three points. Firstly, the crime survey for England and Wales, as we said earlier, will show broadly what has happened in terms of the real levels of crime. The fact that recorded crime has been falling more steeply does suggest to me there has been under-recording. You will see a wide variation across forces. Essex, for example, in the last two or three years, has been one of the most poorly performing forces if you look at the rate of crime reduction. Crime was falling in Essex, but at a recorded rate that was much lower

than elsewhere. I am pleased to say that, from April to date, it has continued to fall in Essex. That may be because, over the last two or three years, crime recording has got tighter and better. I am not sure. The factors driving apparent crime reduction now, or crime going up when it does, are very complex, so I do not think there is a simple answer.

Q134 Chair: You draw the all-important point, which is that recorded crime was, for quite a period, falling faster than the crime survey. As the ONS has said, declining standards of NCRS compliance may be a possible driver of this divergence. You would all agree with that.

Paddy Tipping: I think the important point is “may be”, because they have not come to a judgment on this.

Ann Barnes: There are many reasons why crime rises or falls. One of them in Kent is that we do have a big push on visible community policing. We are doing predictive policing, predicting where crimes might happen and placing officers there. We have a fleet of mobile police stations out and about in town centres, finding more crime. By being more visible, which is one of my manifesto pledges—I want our officers on our streets working with local people—they are actually finding more crime as well. I suppose in a way we are a victim of our own success, in many respects.

Q135 Chair: On that happy note, unless there are any other further questions or any further comments that you wish to add, may I thank you?

Nick Alston: Chairman, can I just say something very briefly? Do be careful about the question you ask. We are talking about crimes where there are victims. There are many victimless crimes—all the crimes against society, all the drug offences. You need to look not only at the victim crimes, but also where there are no victims, when you are looking at the data. Police forces can go out and arrest lots of people who may be carrying drugs, and they will then impact the crime data very significantly. It will put crime up; it might put the detection rates up as well. There is a level of sophistication and complexity here, which is quite challenging.

Paddy Tipping: Just to add briefly, Chairman, one of the things the Committee might look at is the notion of cybercrime, because crime is occurring, but no one really knows what the source of that crime is and how it should be recorded, in which authority and in which country.

Chair: Understood. A lot of criminal activity is migrating to the internet, moving from where it can be detected to where it is much more difficult to detect. I understand the point.

Ann Barnes: It is about fixing focus. It has to be a quality service, rather than chasing targets.

Chair: Thank you very much indeed. I am most grateful for your evidence today.

[1] Witness note: I have already reported to the committee that the person I have had sessions with the explore assurance is the Force 'Head of Audit and Compliance'. It was my understanding that the person was also the Crime and Incident Registrar. In fact that person reports to the Head of Audit and Compliance. It is probably not appropriate to amend the record but if you wished to we should record 'yes I do meet with that person's direct manager' who is the Head of Audit and Compliance.

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