WELCOME

In this edition

Now in its third edition the Thames Valley Journal is going from strength to strength thanks to the enthusiasm and commitment of the contributors, peer reviewers, supporters and of course the dedication of Detective Inspector Lee Barnham without whose work the journal simply would not exist.

There has been considerable interest in what we are doing from forces across the country, including Sussex, Staffordshire and the Police Service of Northern Ireland, and the journal was even given a much appreciated mention by Sara Thornton the former Chair of the National Police Chief’s Council at the Society of Evidence Based Policing winter conference.

Yet again we have a range of articles, some grounded in the detailed work people have done for their master’s degree dissertations, some arising out of operationally focussed research and some drawing directly on the day to day evidenced based thinking which can directly inform and develop our operational work.

That operational connection is critical. There is considerable value in the broad debate and deeper understanding that comes from engagement with evidence based practice, and not every piece of research could (or should) translate to immediate change. However what this volume of the journal shows is how evidence based thinking can inform important areas such as the investigation of non-recent child sexual exploitation and the identification of children or vulnerable adults at further risk of harm through predictive analysis.

The piece on predictive harm analytics draws out a particularly important area of evidence based thinking: that the application of modelling and analysis requires careful thought. It makes very clear recommendations about the potential that could come from the greater use of social network analysis, whilst highlighting the significant further work that would be needed if predictive risk model or risk terrain modelling were to be used in practice.

In a world of competing pressures this independent assessment of both where an evidence based approach can add value, as well as where it is not yet well enough developed to do so, can ensure resources are targeted where they will have the most benefit for the public.

Chief Superintendent Robert France
Head of Governance and Service Improvement
Joint Editor of the Thames Valley Police Journal
EDITOR

Chief Superintendent Robert France

Rob joined Thames Valley’s Oxford Local Police Area having completed his undergraduate and doctoral degrees in Chemistry at St John’s College, Oxford and fell in love with policing as a whole new aspect of a city he thought he knew opened up in front of him. He has performed a wide variety of roles across the force area in response, neighbourhood and investigative policing, particularly enjoying his time as a detective inspector. Most recently he was the Local Police Area Commander for Wokingham (and latterly Bracknell and Wokingham) for over four years, overseeing the merger of those two areas. He has always been interested in organisational development, and was part of the small team which delivered the force’s Local Policing Model in 2011. He currently leads the Governance and Service Improvement department, which is committed to using and developing the best available thinking to guide and develop the organisation and maintains his operational exposure as an active Public Order Silver Commander.

In 2011 Rob completed a master’s degree in police leadership and management at the University of Leicester, with the emerging culture of Police Community Support Officer’s the focus of his dissertation. He has a particular interest in the challenge of translating research into practical operational change, and how the practical wisdom that has been developed over many decades can not only inform but also drive that work. He sees the journal as a fantastic opportunity not only to share the huge range of fantastic research that is being conducted across the organisation but also to explore that core question: how can we use the growing body of research to make practical day to day policing better?

Superintendent Katy Barrow-Grint

Katy joined Thames Valley Police in 2000 having studied Sociology at the London School of Economics and developed an interest in crime and policing from her dissertation work on girl gangs. She has worked in a variety of roles and ranks including uniform patrol, CID, neighbourhood policing, child abuse investigation, surveillance and strategic development.

As a Detective Chief Inspector, Katy oversaw the Oxfordshire Protecting Vulnerable People Unit, and introduced the multi-agency safeguarding hub (MASH) into Oxfordshire. Katy’s domestic abuse team were the subject of the BBC1 documentary ‘Behind Closed Doors’ and she has a keen academic interest in domestic abuse, having recently published an academic journal article on domestic abuse attrition rates.

More recently Katy worked on the project team to introduce the Operating Model to front line Local Police Areas, and in 2017 was promoted to Superintendent and is now Head of Criminal Justice for Thames Valley Police. In this role she has encouraged the academic review of a pilot scheme to fast-track domestic abuse cases in the crown court by implementing a research project with Huddersfield University, the PCC’s office, the CPS and Aylesbury Crown Court. She is keen to join academic research with operational policing and the criminal justice system and sees the value of both academics and police officers and staff working together.

Katy’s academic interest amplified when she completed her Masters in Police Leadership and Management at Warwick Business School in 2015.

She was keen to develop the Force’s understanding of the academic work being completed by officers and staff, and as a result, the TVP Journal has emerged. She is really pleased that TVP will now have a fantastic gateway to recognise the academic work of its officers and staff, and there is significant national interest in the journal which will encourage other forces to progress similarly.

You can contact Katy by email: katy.barrow-grint@thamesvalley.pnn.police.uk or follow her on Twitter: @ktbg1
**THIS JOURNAL**

**Articles appearing in the Thames Valley Police Journal**

The purpose of the Thames Valley Police Journal is to ensure the diverse range of academic work undertaken within the organisation is captured and shared to inform the evidence based development of policy and practice. It is also intended that the Thames Valley Police Journal will support the development of discussion about a variety of policing issues which are not necessarily related to formal pieces of academic work.

There are three levels of submission to the Thames Valley Police Journal:

1. Full article emanating from academically rigorous work undertaken as part of a formal qualification.
2. Research/practice note which is not completed as part of a formal qualification, but is of high quality and evidence based. This could include papers from those seeking to undertake future academic work, but who have not yet gained a qualification.
3. Comment/discussion piece relating to evidence-based policing but that does not increase the evidence base per se. This could include sharing experiences of trying to implement a practice locally and what was learnt from the experience.

**Criteria for the inclusion of articles in the Thames Valley Police Journal**

It is important that whilst the articles in this journal support evidence based policing the content cannot compromise operational activity or undermine the public trust and confidence in Thames Valley Police.

In order to determine this, the following criteria will be considered and articles will not be included where they:

- Contain information capable of identifying victims in any circumstances. This goes further than data protection legislation as it also covers individuals who are deceased.
- Disclose information about an ongoing investigation, covert tactics or affect proceedings undertaken by any other public body.
- Deter victims or witnesses having the confidence to speak to the police.

In addition any information published must:

- Comply with legal requirements, court restrictions and media law.
- Be subject to Parliamentary Privilege.

Further consideration must be given to the impact that may be caused by those affected by reading previously unknown detail about the case.

**Process for reviewing articles**

Each article is reviewed by one internal peer reviewer and the editorial team prior to publication. In order to ensure the criteria for inclusion are met, the editorial team will also seek specialist advice from other departments where necessary. Where recommendations are made articles are sent to the Head(s) of Department for the business area for consideration against the wider evidence base and any limitations of the research.
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When should the police investigate cases of non-recent child sexual abuse?

Author(s):
Hannah Maslen
e-mail: hannah.maslen@philosophy.ox.ac.uk
Colin Paine
e-mail: Colin.Paine@thamesvalley.pnn.police.uk

Affiliations:
Deputy Director, Oxford Uehiro Centre for Practical Ethics, University of Oxford
Chief Superintendent, Thames Valley Police

Abstract

Non-recent child sexual abuse (CSA) and child sexual exploitation (CSE) has received recent attention. Victims often do not report their ordeal at the time the incident occurred. It is increasingly common for agencies to refer concerns to the police years, or decades, after the event. The combination of the non-recent nature of the offence, the lack of engagement by the (potentially vulnerable) victim, and the huge resource burden of investigation make the decision whether the police should investigate complex and ethically challenging. Although there will always be a presumption in favour of investigation, for some cases the reasons against investigating will outweigh this presumption. We examine the considerations at stake in making a decision whether to investigate a particular non-recent CSA case. We identify considerations relating to 1) the victim, 2) criminal justice and crime prevention, 3) limited resources and 4) legitimacy. We argue that, all other things being equal, non-recent and current investigations are equally worthy of investigation. We assess the implications of suspects being persons of public prominence. We outline a principled decision-making framework to aid investigators. The Oxford CSA Framework has the potential to reduce unnecessary demand on police resources.

Key words: Child Sexual Abuse (CSA), Child Sexual Exploitation (CSE), non-recent offences, ethics, framework.
Introduction

Non-recent child sexual abuse (CSA) has received increased attention in recent years in the United Kingdom and elsewhere. Complaints against various public figures have attracted significant media attention through Operations Yewtree, Midland, and Conifer, among others. Operation Yewtree in particular focused attention on non-recent CSA investigations. Child Sexual Exploitation (CSE) cases in places such as Telford, Rotherham, Rochdale, and Oxford have further increased public awareness of the problem. CSA involves forcing or enticing a child or young person to take part in sexual activities. CSE is a subcategory of CSA and occurs where a child is persuaded, coerced or forced into sexual activity in exchange for, amongst other things, money, drugs/alcohol, gifts, affection or status.

The police service continues to see an upward trend in the number of reports of non-recent CSA, where non-recent is defined by Operation Hydrant as meaning that the abuse ended at least one year prior to reporting it to the Police. The Office for National Statistics (ONS) Crime Survey for England and Wales estimated 567,000 women and 102,000 men were victims of rape or sexual assault as a child; 7% of all those surveyed had suffered sexual abuse as a child. The ONS found that three quarters of adults who reported having experienced CSA had not told anyone. Non-recent offending represents a significant proportion of all CSA reported to the police; 38% of all recorded sexual offences against children are reported to the police one year or more after the offence took place.

The harm caused to childhood victims of CSA is significant and often enduring. Being a victim of CSA is associated with an increased risk of adverse outcomes in all areas of life. This includes harms to mental health, physical health, intimate relationships, educational attainment and vulnerability to further revictimisation. Victims are not a homogenous group and the extent and manifestation of these harms varies significantly. However, sexually abused children often find it difficult to report their ordeal at the time the incident occurred. It is common for other agencies to refer concerns to the police years, or even decades, after the event. The non-recent nature of the offence combined with third-party reporting presents investigators with a challenging ethical dilemma when making the decision whether or not to investigate a particular case. Since the victim has not come forward, it is unknown whether they want an investigation to be initiated. Further, particularly vulnerable victims may be at risk of psychological harm were the police even to approach them regarding their past ordeal. In addition, such investigations can be hugely resource intensive. However, the gravity of the offence and the potential ongoing threat posed by the suspected offender are substantial considerations weighing in favour of investigation.

Existing police decision-making resources, such as the National Decision-making Model and the Code of Ethics, are well suited to day-to-day decision-making but are not intended to address the intricacies of specific strategic decisions. Further, existing guidance on investigating CSE cases, including the College of Policing’s ‘Authorised Professional Practice on Responding to Child Sexual Exploitation’ and ‘Operation Hydrant SIO Advice’ details how investigations should be conducted, but does not advise how to determine whether they should be conducted. Although we would expect good decisions not to be in conflict with established

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1 See https://www.theguardian.com/politics/2015/aug/04/police-child-abuse-inquiries-operation-yewtree-to-operation-midland
2 See https://www.bbc.co.uk/news/uk-20686219
3 See https://www.bbc.co.uk/news/uk-45927312
4 See https://www.bbc.co.uk/news/uk-politics-45824503
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7 See https://www.bbc.co.uk/news/uk-england-north-west-25450512
8 See https://www.bbc.co.uk/news/uk-england-oxfordshire-31643791
9 See Office for National Statistics, “Abuse During Childhood”
10 Data derived from Home Office Data Hub (HODH) 23/11/2018
11 See Independent Inquiry into Child Sexual Abuse, “The Impacts of Child Sexual Abuse”
12 See HM Government, “Working Together to Safeguard Children”
guiding principles, these principles alone do not resolve what to do when there are multiple ethical considerations. Although deciding whether to investigate a non-recent CSA case raises some issues also present when deciding whether to investigate domestic abuse cases involving an unwilling victim, CSA decisions are in other ways unique: the combination of the age of the victim at the time of the offence, the substantial resource requirement, and the particular risk to victims’ psychological stability generates a need to rethink the ethical and strategic justification for investigational decisions.

The need for guidance for non-recent child abuse investigation decision-making

Before outlining why guidance for decision-making is needed, we must clarify the circumstances in which investigators will be faced with making a decision. Not all cases will require the investigator to consider whether or not to investigate. For instance, cases normally will be investigated if any of the following apply:

- The victim reports the offence and asks the police to investigate.
- The victim, or other victims, appear to still be at immediate risk of harm from the offender.
- The police know or have reason to believe the suspected offender is a current threat.

In contrast, there are some common features to cases that require a decision whether to investigate. They typically involve offences that occurred some time ago, and the suspected victims have not reported the offence to the Police; the victims are typically now adults, who often seem to have ‘moved on’ with their lives. The potential offences have come to the attention of the police via third parties, such as other agencies. They also typically involve suspected offenders who appear to have not continued to offend, or who are unable to offend because they are in prison or deceased. In such circumstances, the principal question investigators face is whether or not to make the first approach to the suspected victim.

Whilst we shall suggest that there will nearly always be reasons to investigate (generating a defeasible presumption to investigate) this does not eliminate any reasons present that weigh against investigating. These competing reasons generate a complex ethical dilemma for investigators, which requires a principled decision-making approach to resolve. This is exacerbated by the unavoidable uncertainty surrounding outcomes. As we elaborate below, existing resources do not provide sufficient guidance.

Existing guidance

Existing professional frameworks developed for policing are insufficiently nuanced or ill-suited for the dilemmas posed. In this section, we briefly outline existing normative theories of policing and professional guidelines, emphasising their strengths but explaining why they do not provide all the tools needed to make decisions about these cases.

The National Decision Model, the Code of Ethics, and other sources of guidance

The police service of England and Wales has adopted a National Decision Model (NDM)13. The model, which has six key elements, is considered to be suitable for all decisions. Decision-makers can use the NDM to structure a decision-making rationale. Arguably, investigators could simply use the NDM in making decisions about the investigation of non-recent CSA.

13 See College of Policing, “National Decision Model”
However, the model does not easily facilitate decision makers to trade off threats against one another or to weigh two or more different types of threat.

The NDM has the Code of Ethics at its centre and aims to put ethics at the heart of decision making\textsuperscript{14}. This encourages all decisions to be consistent with the nine principles and 10 standards set out in the Code. However, the standards simply set out the behaviours expected of officers, such as honesty and integrity. They perhaps most useful identify as something like virtues for officers to cultivate, without being action-guiding in specific contexts. The nine principles in the Code of Ethics are derived from the Nolan Principles, including principles such as accountability, objectivity, and selflessness. It is difficult to see how such principles, on their own, could help an investigator to make the very best ethical decision as to whether to visit a potential victim of non-recent CSA. This is not a criticism of the Code, rather a recognition that it should not be made to do work it was not designed to do.

Other existing authorised professional policing guidance on the investigation of non-recent CSA recognises the range of factors that impact on the potential for harm through investigation, but do not go on to identify the relative weight of each of the considerations, nor how they might be considered or traded off against each other to form an ethically nuanced view on the merits of investment, leaving investigators to undertake a form of artistry in forming their policy decisions\textsuperscript{15}. This may lead to investigators reaching differing conclusions when confronted with ethically identical cases.

\section*{Relevant ethical considerations and the presumption in favour of investigation}

There is plausibly a \textit{prima facie} presumption towards investigating suspected cases of non-recent CSA, a presumption that is principally grounded by the value of justice and the general deterrent effects anticipated by successful investigation that ultimately protect moral rights. These considerations generate a presumption since they will apply to all cases and will be mostly consistent in normative weight. This presumption must be outweighed by countervailing reasons if an investigation into non-recent CSA is not to proceed. However, we shall suggest that there are cases where this presumption can be defeated. Moreover, the presumption, as we shall argue, will be tempered or moderated by certain factors that are present, albeit to different degrees, in all cases.

These considerations set the foundation of the ethical framework we propose in the remainder of the paper; in applying the framework to a particular case, one must consider how these factors vary and may exert different relative strength from case to case. In arguing for the CSA framework, we demonstrate not only that there are multiple moral considerations relevant to the issue, but that there are types of consideration that are particularly relevant in this context, but which may not be so relevant for other types of case. Whilst our approach could be used as a model for how to think through what is at stake in any given decision, the types and weights of the relevant considerations depends on the details. As such, our framework is not intended to be a one-size-fits-all set of principles that can be straightforwardly applied outside the CSA context.

\section*{Considerations relating to the victim}

\textbf{Respect for victims’ wishes and their privacy}

There is a range of explanations for victims for not reporting their ordeals. Shame, guilt and embarrassment, together with concerns about confidentiality and fear of not being believed are prominent\textsuperscript{16}. Indeed, many victims are not even sure that the incidents are real crimes due to

\textsuperscript{14} See College of Policing, “The Code of Ethics”
\textsuperscript{15} See College of Policing, “Operation Hydrant SIO Advice” and “Responding to Child Sexual Exploitation.”
\textsuperscript{16} Sable et al., “Barriers to Reporting Sexual Assault”
cultural messages that trivialise certain crimes\textsuperscript{17}. In some cases adaptive indifference, an adaptive response to conflicting norms and allegiances may discourage victims from reporting misconduct. Whilst it will be difficult to know why a particular victim has not reported the offence to the police, respect for the victim’s wishes and their privacy generate moral reasons that in some cases point away from investigation\textsuperscript{18}. Understandably, many victims have no wish to relive the offence. Initiating an unsolicited investigation might then significantly frustrate the victim’s wishes. Indeed, we might think that the nature of these particular offences – involving significant coercion or compulsion – makes consideration of victims’ wishes particularly important. This generates a reason not to investigate.

There is some evidence to suggest that when victims do not come forward, it is more likely that they do not want an investigation\textsuperscript{19}. Arguably, victims have plenty of opportunity to approach the police and request an investigation without the need for police to pro-actively approach them; moreover, numerous recent high profile cases of non-recent CSA have prompted other victims to come forward, such as Operation Yewtree. Indeed, some evidence suggests that when police pro-actively approach potential victims of non-recent offences they are unlikely to engage in the investigation. Indeed, in a recent investigation, over 200 potential victims were approached but only 10% chose to engage\textsuperscript{20}. Given that investigators cannot know for sure about what a particular individual would want, there are reasons to assume that initiating investigation could involve unwanted intrusion.

Frustrating a victim’s interest in privacy is not the only interest of the victim at stake, as we indicated above. A victim might plausibly experience substantial psychological harm from the police initiating an unwanted investigation. These interests may interact and overlap. However, it is important to separate them, as some victims may be much more vulnerable to psychological and social harms of investigation than others.

\textit{Victim Wellbeing}

An investigation can bring about “secondary victimization”, which is defined as being treatment that exacerbates the trauma of the initial assault\textsuperscript{21}. Contact with the criminal justice system can be revictimising; for example, victims may be asked about their sexual histories, what they were wearing and how they behaved at the time. Victims report that such interactions can be highly distressing and leave them feeling guilty, depressed, anxious, distrustful and reluctant to seek further help after interacting with the criminal justice system\textsuperscript{22}. If there is information that suggests that the victim is vulnerable, they could experience significant psychological distress, social stigma, or significant upheaval to their life, this generates a strong reason not to investigate. Recent investigations of complex CSE are replete with examples of adult victims’ relationships failing or victims self-harming after an unsolicited visit from the police seeking to conduct an investigation many years or decades after the event. Indeed one phrase frequently directed at investigators is “my life was okay again until you lot came along”\textsuperscript{23}. Mounting evidence of this sort has prompted a rethinking of the ethics of proceeding with investigations where psychological harm is likely to be high.

A thorough partnership risk assessment of the victim’s mental and physical health, and his or her safety, is already established practice, and informs the assessment of how much harm

\footnotetext{17}{Weiss, “You Just Don’t Report”}

\footnotetext{18}{Of course, we should not assume that the ‘victim’ has made any decision at all – a lack of complaint might be due to there having been no offence. Investigation is always needed to confirm initial hypotheses. However, the cases that we are discussing will involve significant amounts of evidence; they will not be opportunistic leads. Contacting potential victims on the basis of little or no intelligence presents risks to the investigation. Trawling is the term given to the process whereby the police contact potential victims even though they have not been named in the course of the investigation. Current advice is that investigators should avoid contacting potential victims in the absence of firm intelligence owing to the risk that it could give rise to false complaints, a practice that has been heavily criticised in court (College of Policing, “Operation Hydrant SIO Advice”). Nevertheless, the advice does not preclude proactively contacting potential victims on a firm intelligence led basis.}

\footnotetext{19}{A recent case in Thames Valley Police involved an approach to 39 potential victims; 37 did not wish to engage with the police investigation.}

\footnotetext{20}{Data from Thames Valley Police}

\footnotetext{21}{Campbell and Raja, “Secondary Victimization Rape Victims”}

\footnotetext{22}{Campbell and Raja, “Secondary Victimization Female Veterans”; Ibid.}

\footnotetext{23}{Data from Thames Valley Police}
investigation might do. When a decision is made to visit a victim, victim support and counselling are often at the heart of the investigative strategy. Victims will be supported through the criminal justice process and may be entitled to enhanced support and special measures\(^{24}\). However, even with a clear strategy to minimise or mitigate any harm to the victim, such trauma cannot be precluded\(^{25}\). Further, wellbeing considerations will often extend beyond the immediate victim: there are risks posed to close family and friends of the victim; marriages can break down and children can be affected by the trauma of a parent.

The strength of the moral reason generated by consideration of the victim’s wellbeing will vary, depending on how significantly and how likely it is that they will be harmed. We argue below in section 6 that these reasons, although not decisive (on grounds similar to those presented above in relation to victim privacy), are weighty enough to tip the balance towards not investigating in some cases.

### Considerations relating to the purposes of policing: crime prevention and criminal justice

We now outline the most significant reasons supporting investigation, generated by the goods that policing facilitates or achieves – goods that justify and legitimize the practice of policing, in keeping with our broad rights approach\(^{26}\).

#### Crime prevention: incapacitation and deterrence

A central purpose of policing is to protect citizens, including through crime prevention. Investigation prevents harm when it leads to conviction and criminal punishment of offenders who would have reoffended, and deters would-be offenders.

The most direct method of harm prevention is the *incapacitation of offenders* who are likely to reoffend. Sentences for CSA are severe\(^{27}\). Where investigation leads to incarceration of an offender who would have reoffended, it directly serves a harm prevention purpose by preventing the offender from causing harm for the duration of his or her sentence, and with enhanced safeguards after their release (such as being subject to multi-agency public protection arrangements). We should be careful not to assume that all offenders are likely to reoffend, however. Contrary to the widely held perception that the risk posed by sexual offending is “high, stable and linear”\(^{28}\)\(^{28}\), the reality is that recidivism rates for these types of crimes are relatively low in comparison to other types of offending\(^{29}\). Meta-analysis suggests a recidivism rate of 13.7% after 5 years; however, these observed rates are likely to be an underestimate due to the under reporting of sexual offences. Nevertheless, the recidivism rate for sexual offenders is lower than for the offending population in general. It is worth noting, though, that a small subset of offenders has a much *higher* rate of re-offending – these offenders pose the threat with which we are concerned, and intelligence can assist with determining whether an offender is likely to fall into this subset by identifying risk factors\(^{30}\).

The strength of the reason that the prospect of incapacitating the offender generates will depend on the level of threat that offender poses: how likely that particular offender is to reoffend and how serious those offences are likely to be. In making the judgement in relation to harm prevention, officers must consider the potential for the offender to harm others, perhaps not yet identified, as well as the known victim. In making this judgement there is, of course, a considerable degree of uncertainty. It is perhaps for this reason that the APP Risk Principle 1

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\(^{24}\) See Youth Justice and Criminal Evidence Act (1999), Section 22A

\(^{25}\) College of Policing, “Operation Hydrant SIO Advice”, section 2.4.

\(^{26}\) See Sunshine and Tyler, “Procedural Justice and Legitimacy”; “Moral solidarity”


\(^{28}\) Lussier and Healey, “Developmental Origins of Sexual Violence”

\(^{29}\) Hanson and Morton-Bourgon, “Predictors of Sexual Recidivism”

\(^{30}\) Mann et al., “Assessing Risk for Sexual Recidivism”
states that “The willingness to make decisions in conditions of uncertainty (i.e., risk taking) is a core professional requirement of all members of the police service”\(^{31}\). Information or intelligence relating to the level of threat the suspected offender poses, including assessment of probability, is therefore critically relevant to the strength of the reason that offender threat generates.

Conviction and punishment can also prevent harm by deterring the offender and/or potential offenders. These two effects are often referred to as specific and general deterrence, respectively\(^{32}\). Deterrence occurs when an individual chooses to comply with the law through fear of the consequences of not doing so. Research indicates that the criminal justice system exerts a powerful deterrent effect on would-be offenders. The extent of this is dependent upon the certainty and speed of apprehension, and severity of any subsequent sanction, however the certainty of apprehension has a greater deterrent effect than the severity of any subsequent punishment\(^{33}\). The investigation of a CSA offence (and conviction) will have deterrent effects.

The strength of the reason to investigate generated by the prospect of specific deterrence will again be related to the threat the offender poses, and how likely it is that deterrence will operate to reduce this threat. Although this will vary between cases, we suggest that any theoretical relevance of specific deterrence is in practice eclipsed by the far more certain and substantial harm prevention effects of incapacitation through incarceration. The reason for this is that incapacitation is a certain way to prevent harm, and the estimation of any prospects for specific deterrence relate to a time far in the future, given the duration of the custodial sentences imposed for CSA offences. Specific deterrence will, in practice, not bear on the decision.

In contrast, the effects of general deterrence on harm prevention, although hard to calculate, are more weighty given that many would-be offenders are not incarcerated. Indeed, we argue that the reasons generated by general deterrence, partly ground the initial presumption to investigate. Since the prospect of punishment serves a general deterrent purpose, it provides a pro tanto reason to investigate in all cases. Investigators do not, therefore have to further consider the general deterrent effects expected for a particular case, since these already ground the presumption, which must be outweighed if investigation is not to go ahead. In contrast, the variable threat posed by the offender, which could be eliminated via incarceration, is not incorporated into the presumption, and must be considered separately.

**Justice: desert and expression of censure**

Police investigation indirectly serves criminal justice and is therefore an extended aspect of policing purpose. Through conviction, the state communicates censure to the offender and publicly denounces their conduct. This is independent from any harm prevention resulting from incapacitation or deterrence.

The view that retribution and expression of censure provide a sufficient justification for punishment (independently of any consequences for crime prevention) is contested\(^{34}\). The question of how much weight to place on any reasons generated by retributive justice will be similarly contested. However, it is not controversial to claim that punishment serves an important expressive purpose, even if this is understood in less strictly retributive terms, along the lines of reinforcing the norms of society and communicating appropriate disapprobation\(^{35}\). Independently from any deterrent effects, the state uses conviction and punishment to express justified condemnation of the proscribed conduct to both the offender and citizens.

We suggest that, along with general deterrence, the reasons generated by considerations of justice partly ground the presumption to investigate: it is always of value that serious wrongdoing is acknowledged and condemned, and the police play an important role in bringing this about through investigation. If, as we have suggested, this consideration is broadly uniform across offences of a similar type, it would follow that investigators would not need to further

\(^{31}\) See College of Policing, "Authorised Professional Practice on Risk"
\(^{32}\) See Ashworth, *Sentencing and Criminal Justice*.
\(^{33}\) See Nagin, *Criminal Deterrence Research*
\(^{34}\) See, for example, Dolinko, "Mistakes of Retributivism"; Ryberg, "Desert-adjusted Utilitarianism".
\(^{35}\) See, for example, Feinberg, "Expressive Function of Punishment".
consider it in their decision-making, since it is already accounted for in the weight of the presumption.

One might argue that a strain of retributive thought might speak against investigating some instances of non-recent CSA. If one maintains that the culpability of offenders diminishes over time, then considerations of justice will speak less strongly in favour of investigating historic crimes. We reject this possible line of argument. Culpability — or blameworthiness — is a function of one’s moral responsibility for the offence: how much one controlled and intended what happened, fine-tuned by any mitigating or aggravating factors. It is not possible for the offender to retroactively change what happened at that past time, nor their contribution to it. Culpability for the past event itself therefore cannot diminish over time.

Rather than the non-recent nature of the offence diminishing the offender’s culpability, we suggest that the intuition that culpability is reduced can be debunked. The intuition is more plausibly understood to be an unwarranted inference from more defensible claims relating to 1) the diminished solvability of non-recent cases, and 2) an assumption that offender dangerousness tracks the recency of their crimes which, if not mistaken, would be relevant not to justice but to crime prevention.

In relation to solvability: the investigation of crime becomes more difficult as time passes because of the attrition of evidence; documents are lost, CCTV is wiped and memories fade. The investigation of non-recent offences is thus typically more challenging and more resource intensive for the police. These practical difficulties may be mistakenly conflated with the justice value of conducting an investigation into a non-recent offence. The practical challenges are morally relevant in their own right, and as we argued, will temper the presumption to investigate to some extent, but this is only contingent on non-recency.

In relation to dangerousness: it might be also assumed that the threat posed by non-recent offenders is low, such that they are unlikely to pose a risk of future harm. However, recent cases have shown that some offenders have long offending careers spanning decades before being caught and therefore the intuition that all non-recent cases pose reduced risk is incorrect. Accordingly, reasons to investigate generated by considerations of justice are equally as strong for non-recent cases as they are for present cases with the same features.

**Considerations relating to limited resources**

The investigation of complex CSE cases is particularly resource intense. Analysis within Thames Valley, UK suggests that the average complex CSE case has 7 victims, 88 witnesses, 21 suspects and ultimately 10 defendants. On average a complex CSE investigation takes 9 investigators 2 years to complete and would cost £885,140 to resource from start to finish. These cases arise with a remarkable degree of regularity; arising on average every 6 months in Thames Valley alone.

The resourcing challenge is particularly acute in the current climate of austerity. Police officer numbers have reduced by over 20,000 since 2007/8 a 16% drop and police numbers are now

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36 See Ashworth, *Sentencing and Criminal Justice.*
37 See *National Centre for Policing Excellence, Murder Investigation Manual*
38 See [https://www.bbc.co.uk/news/uk-england-nottinghamshire-36055744](https://www.bbc.co.uk/news/uk-england-nottinghamshire-36055744)
39 Paine and Majchrzak, "Managing Complexity"
40 A complex CSE investigation was defined as being one that cannot be investigated by a single investigator working alone and that will usually require the skills of a Senior Investigating Officer (SIO).
at the lowest levels since 1981\(^{43}\) prompting many Chief Constables to speak out about the necessity to “ration” investigations\(^{44}\). This challenge is further accentuated by the difficulty many forces are facing in the recruitment of adequate numbers of detectives; leading HMICFRS\(^{45}\) to estimate a national shortfall of 5000 detectives.

This context of limited resources raises ethical questions about prioritisation: some things inevitably will be done less well, or not at all. Reasons not to investigate non-recent CSA are generated by these considerations when significantly more of the relevant goods of policing can be achieved were the resources directed elsewhere, to prevention or investigation of other serious offences, for example. Limited resources matter ethically here because they force a determination of how to best or most fulfil policing purpose when it is not possible to fulfil policing purpose maximally. This is not equivalent to maximising utility: distributive justice bears on the fair distribution of resources and rights protections, particularly when investigation of other serious offences would be deleteriously affected.

Decision-makers must consider the resources that an investigation is likely to require, and how much directing resources to that investigation would compromise other policing priorities, such that the achievement of harm prevention and justice would be net reduced. These opportunity costs are morally relevant. Where there would be significant widespread impact on other activities, a reason is generated not to direct resources to the CSA investigation. Recent analysis of serious sexual assault investigations in Thames Valley showed that the average investigation takes 77.3 hours which means each officer could complete just 14.9 investigations in a year\(^{46}\). Therefore, on average a decision to investigate a complex non-recent CSE case would be the equivalent of undertaking 268 serious sexual assault investigations. This is not to suggest that it would be a choice between investigating the complex case or to investigate the 268 assaults (resource would be moved from lower priority crime types to carry out these investigations), but nevertheless it gives a sense of the scale of the commitment.

**Police legitimacy: Confidence in the police and promises made**

Trust in the police is critical to their effectiveness and their legitimacy\(^{47}\). If decisions in CSA cases are perceived to be unfair, or to be contrary to community values, then this could pose a significant risk to public co-operation with the police and law abiding attitudes\(^{48}\). Therefore, the perceived fairness of such decisions needs to be carefully considered.

On occasions police forces may make statements of commitment to the priority of CSA investigations\(^{49}\). Such public statements may weigh in favour of conducting an investigation; particularly when an explicit promise has been made to the community that all such offences will be investigated. Failing to adhere to a public commitment could undermine the legitimacy of the police.

**Persons of public prominence and institutions**

In recent years there have been investigations into high profile public figures and institutions. Some of these investigations have resulted in convictions and others have resulted in reputational damage for the forces investigating. On occasions this has led to concerns that the police should not have undertaken the investigation or should not give credibility to those making complaints against people in the public sphere\(^{50}\).

Whilst the starting position should be that everyone is equal before the law, such cases do present unique challenges to investigators. One consideration raised by these cases is the potential for significant reputational damage and consequent psychological harm for those


\(^{44}\) See [https://www.bbc.co.uk/news/av/uk-politics-46066106/core-policing-is-under-tremendous-pressure-police-chief](https://www.bbc.co.uk/news/av/uk-politics-46066106/core-policing-is-under-tremendous-pressure-police-chief)

\(^{45}\) HMICFRS, “State of Policing”

\(^{46}\) Paine and Majchrzak, “Managing Complexity”

\(^{47}\) See Hough, “Modernisation and Public Opinion”; Jackson and Sunshine, “Public confidence in Policing”.

\(^{48}\) See Sunshine and Tyler., “Procedural Justice and Legitimacy”; “Moral solidarity”.

\(^{49}\) See [https://www.bbc.co.uk/news/uk-england-shropshire-43371805](https://www.bbc.co.uk/news/uk-england-shropshire-43371805)

\(^{50}\) See [https://www.bbc.co.uk/news/uk-35490105](https://www.bbc.co.uk/news/uk-35490105)
accused in the public eye\textsuperscript{51}. Recent high profile cases have shown the harm that can be caused in such cases, which is larger in scale than that caused to an ordinary member of the public owing to the greater media interest in such cases\textsuperscript{52}. Those in positions of public prominence may be at risk of becoming victims of false complaints, purely as a result of their celebrity, in a way that other members of the public are not. Recent examples of this have seen complainants convicted of having made false complaints\textsuperscript{53}. The fact that a complaint of serious crime has been made will usually warrant an investigation, but the act of investigating can cause considerable harm to those under investigation if complaints turn out to be spurious.

This said, deciding not to pursue an investigation into a high profile figure may provoke claims of a cover up\textsuperscript{54}. Further, investigations into complaints of CSA that have occurred in institutional settings may generate additional reasons to investigate, owing to the potential for the institution to have either been complicit in the abuse, or to have been negligent in failing to prevent the abuse. Exceptionally, then, such cases may generate an unusually strong reason to investigate for reasons of public interest, not only to prevent further such harm in the institutions, but also to enable broader societal learning regarding what went wrong.

Therefore, whilst it is true that everyone is equal before the law, the public prominence of an individual and the involvement of an institution creates distinctive considerations for investigators.

**Procedural considerations and police accountability**

Policing, and police officers, are rightly held to high standards of accountability. Such accountability can come years, sometimes decades, after the event, when memories of the decisions made and their rationale may have faded. The Independent Office of Police Complaints (IOPC)\textsuperscript{55} is charged with the investigation of alleged police misconduct, and can refer officers to gross misconduct hearings with the potential for officers to be dismissed. In some cases poor decision making by officers might be considered to meet the criminal threshold of manslaughter by gross negligence or malfeasance in a public office\textsuperscript{56}.

Such considerations can skew decision-making, leading to officers not aiming to arrive at the right decision all things considered, but at the decision that leads to the lowest risk of personal liability. Ideally, any decision-making process should enable officers to arrive at a decision in the right way, and thereby provide ample subsequent justification for their decision making.

This said, it is possible that despite the most careful consideration and weighing of all the relevant considerations, some serious harm could subsequently result. The fact that a good decision sometimes has a poor outcome does not mean that the decision itself was poor\textsuperscript{57}. However decision makers must not be dissuaded from making such judgements through fear of subsequent criticism.

**Implications for decision-making frameworks**

The above considerations provide some reasons to investigate non-recent CSA and some reasons not to. In order to determine whether an investigation should be conducted, principled

\textsuperscript{51} See https://www.bbc.co.uk/news/uk-35364651
\textsuperscript{52} See https://www.bbc.co.uk/news/uk-44871799
\textsuperscript{53} See https://www.bbc.co.uk/news/uk-45927312
\textsuperscript{55} See https://www.policeconduct.gov.uk/
\textsuperscript{56} See https://www.bbc.co.uk/news/uk-england-merseyside-40419819
\textsuperscript{57} College of Policing, “Authorised Professional Practice on Risk”
guidance is needed on the relative importance of these considerations and how to weigh their significance in any particular case. In this section we argue for an overlapping hierarchy of considerations and explain how features of the case will affect the strength of the reasons that the considerations generate, with implications for the most justified course of action. Having argued for this hierarchy, we outline a useable framework to guide decision making, showing how it will support the decision maker to reach different conclusions depending on the features of the case58.

To determine the correct hierarchy of considerations, we must focus on two things: i) the inherent moral significance of the considerations and ii) how much weight we should accord the reasons these considerations generate, given uncertainty regarding outcomes. The strength of a reason will roughly track the relative moral significance of the consideration, discounted for likelihood. However, a particular consideration can be so significant that it generates a strong reason, even if the likelihood of the relevant outcome is fairly low. Given that decisions are always made in the context of limited information and uncertainty, the decision-making process should prioritise limiting the potential for the most serious rights violations.

Although ‘rights-like’ interests of potential victims could be significantly frustrated through unsolicited police approaches, we argue that the worst kind of error would be to fail to prevent further CSA. This is because i) the sexual assault and exploitation of children is the most egregious of the rights violations at stake in the decision, ii) in addition to these rights violations involved in CSA, victims are often likely to suffer additional psychological harms of the sort that undermine their ‘rights-like’ interests in mental and social stability, and iii) there are opportunities to provide past victims who are harmed by being subject to investigational intrusion with compensatory harm mitigation and support. In contrast, prevention of further CSA perpetrated by the offender cannot be similarly controlled without investigation. So, in assigning weighting to the reasons generated by the considerations, we aim to reduce the likelihood of the worst kind(s) of error, even if this means increasing the likelihood of errors of less severe moral significance. The weight of reasons to take a course of action that could lead to the worst type of error would need to be weightier than just tipping the balance.

**Relative significance of considerations and strength of reasons generated**

As argued above, the goods - in terms of general deterrence and justice - that successful investigation of CSA offences will uniformly achieve, generates a presumption to investigate. Before considering whether this presumption can be outweighed, we note that the presumption itself can initially be weakened. The harms of privacy violation generate a reason to temper this presumption when ‘solvability’ is low.

Victims’ interests in privacy are not alone sufficient to temper the presumption. The moral significance of the rights violations the offender might go on to commit if not investigated may justifiably override the victim’s interest in privacy. Whilst this latter interest is substantial, the prevention of future sexual assaults carries greater weight, where this is a sufficiently probable outcome of investigation leading to prosecution. This is not to suggest that victims have a moral obligation to maximally and proactively engage with the police to initiate investigation – this would be too demanding. However, one can deny that this demanding obligation obtains whilst maintaining that the police would be justified in pursuing an investigation against the victim’s wishes, if considerations of harm prevention weigh in favour of investigation59.

Reasons generated by the victim’s wishes and their interest in privacy intersect with considerations of solvability, reducing the presumption to investigate where solvability is low.

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58 Decisions in these cases should normally be made on a victim-by-victim level rather than at the level of the overall investigation because to do so will enable calibration of the weighting for each reason to the finest level of morally relevant detail. However, this position will often be complicated by the fact that victims will not always be independent, there may be some degree of interdependence of events and evidence. This could result in dilemmas if some victims are more vulnerable than others. In such cases the avoidance of the worst error principle should lead investigators to choose the approach based on avoiding harm to the most vulnerable of the victims being considered.

59 For further discussion of this position in the context of domestic violence, see Hanna, “No Right to Choose”.

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Whilst the victim’s strong interest in privacy can be trumped in cases where investigation is necessary and proportionate to prevent significant harm from further sexual offending, the justification for doing this disappears if investigation is not sufficiently likely to achieve the goal of significant harm prevention. This is because an investigation can only be justified if it is both a necessary and proportionate means to prevent a greater harm. If solvability is low, the intrusion into the victim’s life is disproportionate because no good is expected to be achieved by the intrusion.

Thus the presumption to investigate, the starting point before considering the remaining morally relevant considerations, is moderated more by solvability in CSA cases than for other offences in which the victim’s interest in privacy is weaker, or the intrusion routinely significantly smaller. Having taken into account the goods that ground the presumption in favour of investigation, and the manner in which this presumption may be tempered by interacting considerations of privacy and solvability, we now turn to the considerations that may weigh against the presumption and those that provide some further reason to investigate.

The most significant consideration when deciding where to investigate a non-recent CSA offence relates to harm prevention. This is because the most important function of the police is to protect legally enshrined moral rights, including the right to bodily integrity, which is egregiously violated in instances of CSA. Further, the numbers potentially affected by taking steps to prevent future harm add to the significance of this consideration; multiple individuals may be protected through one conviction. More fine-grained assessment of the weight of the reason generated by harm prevention will turn on the estimation of the harm likely to be prevented, including consideration of numbers affected, and the likelihood of achieving this harm prevention. We claim that high threat generates a decisive reason to investigate; that is, where threat is high, investigation will proceed regardless of other considerations, given the salience of the moral rights at stake. Since failing to prevent future sexual offences is the worst kind of error, low or moderate threat still generates a strong (albeit not decisive reason) to investigate.

The second most significant consideration is the victim’s wellbeing, specifically the ‘rights-like’ interests they have in mental and social stability. We claim that this consideration is secondary to the consideration of harm prevention (specifically, preventing further CSA) because of the nature and degree of this harm, and the possibility for providing compensatory support to the victim to mitigate harm caused to them by the investigation. Although the victim’s interests are significant, and very high levels of victim vulnerability might trump very low likelihood of preventing future sexual assaults through investigation and prosecution, this consideration is nonetheless secondary, for the reasons identified above.

The third most significant consideration is the context of limited resources, and the tradeoffs that pursuing investigation would involve. This consideration generates somewhat weaker reasons than those generated by victim harm because the negative effects resulting from opportunity costs are less certain and more diffuse than the harm likely to befall a victim, where such harm may be reasonably expected. Limited resources are a derivative consideration pertinent to the goods of fulfilling policing purpose – i.e. harm prevention and doing justice. Limited resources matter because they force us to answer how best to fulfil policing purpose when it is not possible to maximally fulfil. High opportunity cost generates a moderate reason not to pursue an investigation. Crucially, this is not just a function of the simple cost of the investigation. Rather, it is a function of the good (in terms of crime prevention and justice) that would be foregone if the costs of the CSA investigation were borne, so requires consideration of competing priorities and the resources required to achieve fair outcomes.

Societal considerations may generate marginal reasons either way, which might tip the balance once the above considerations have been accommodated. These are ranked fourth because any compromise to public support is less tangible than the harms at stake in the other considerations. Any such compromise is also more uncertain than investigational harms to the victim and the threat to potential further victims. Further, as outlined above, the will of the community does not need to be fulfilled on every possible occasion in order for the police to be legitimate, and legitimacy does not stand or fall on single decisions (within the plausible range under consideration here).
The relative strength of the reasons for and against investigation generated by the presumption and considerations are represented in Figure 1.

**Figure 1: Relative strength of moral reasons generated by presumption and considerations**

Finally, procedural considerations and accountability do not bear on whether to investigate but on how decisions are made and justified. These considerations include the need to guard against a bias towards making decisions that are less likely to be contested.

**Oxford CSA Framework**

In Thames Valley we have developed a framework for policing practice. It sets out practical steps for decision making, incorporating all theoretical conclusions reached in the section above. It uses a numerical approach to structure the weighing up of reasons of differing strength, with room for discretion and required justification. The final decision will involve a process of weighing up the relevant considerations and recognising that some of the considerations will need to be traded off against one another. This supports a move away from decision making being a form of artistry within policing, towards a more ethically nuanced and robust decision making process. However, the final decision will not be arrived at in an unduly scientific way and indeed two reasonable decision makers might arrive at two different conclusions. This does not, however, undermine the credibility of the approach as providing a useful and principled guide, with room permitted for reasoned rebuttal of the decision indicated by the framework.

**When considerations point away from investigation**

Given the avoidance of the worst error principle some might worry that there would be no cases that one could justify not investigating. However, as our framework indicates, the remaining considerations do carry significant weight and could tip in favour of not conducting an investigation. Table 1 outlines examples of circumstances that might (dependent on the detail) justify not conducting an investigation.
<table>
<thead>
<tr>
<th>Features of case</th>
<th>Reasoning and decision indicated</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case One</strong></td>
<td>Police are made aware of a potential offence against a victim of historical CSA by the local authority. The suspected offender is already in prison for unrelated matters and likely to remain there for many years to come. The potential victim has not approached the police to report the offence and the information is that they are mentally vulnerable and at risk of self harm. In such circumstances a case could be made out to not approach the potential victim owing to the low threat posed by the offender and the high risk of harm to the potential victim.</td>
</tr>
<tr>
<td><strong>Case Two</strong></td>
<td>Police are made aware of a potential historical CSE case by the local authority; 20 years ago children regularly went missing from a care home, had numerous older ‘boyfriends’ and unexplained gifts and money. The case involves potentially many victims and dozens of offenders; some of whom are deceased, others in prison on unrelated matters and others appear to no longer be offending. None of the potential victims have complained to the police. Conducting an investigation on this scale is likely to be highly resource intensive and would have significant opportunity costs; an assessment of the resources required estimates that it would take a team of 12 officers working for maybe 18 months to complete. Given that the threat posed by the potential offenders is low (owing to being deceased, in prison or no longer offending) and that the victims have not sought an investigation a case could be made out not to conduct the investigation.</td>
</tr>
<tr>
<td><strong>Case Three</strong></td>
<td>A report from a third party that a potential victim had been subject to abuse 20 years ago as a child. There is no information to suggest vulnerability on the part of the victim, but they have not reported the abuse themself. The suspect is now confirmed as deceased and there is no suggestion of the involvement of other offenders. In such circumstances, a case may be made out not to conduct an unsolicited visit to the potential victim primarily as the threat posed by the perpetrator is now removed and the potential to harm the victim remains. However, if the suspect were a person of public prominence such that there would be a significant impact on public confidence if the police did not conduct an investigation then a case could be made out to investigate.</td>
</tr>
<tr>
<td><strong>Case Four</strong></td>
<td>Information comes into the possession of the police via intelligence that there was historical CSA against a victim who has not reported it to the police. The potential victim has previously engaged in self harm and is receiving support from the local authority. The potential offender continues to have access to children through working at a youth group and In such circumstances arguably despite the risk of harm to the victim from an unsolicited police approach to the potential victim, the threat posed by the potential offender is such that it outweighs this. However, compensatory support must be provided to mitigate harm to the victim.</td>
</tr>
</tbody>
</table>
Conclusion

We have developed a principled framework for making decisions about whether to investigate non-recent CSA complaints. We have identified the most significant considerations, and argued for their relative weight. The framework that we have presented allows multiple considerations to bear on the decision; these considerations generating reasons for or against the decision, exerting weight regardless of their position in the sequence of considerations. We have argued that this provides the most justified estimate of the decision that should be made. We emphasise, however, that room for rebutting the decision indicated by the framework should be retained, where the decision maker identifies relevant features of the particular case that are not captured by the high-level considerations. Lastly, we suggest that our approach to generating a framework could be used as a model for decision-making within policing beyond the investigation of non-recent CSA.
References


Proof of Concept Evaluation of the Predictive Harm Analytics Project

Author(s):  
Sarah Brown  
Carlo Tramontano  
Martin Weigel  

Affiliations:  
Coventry University  
Coventry University  
Coventry University  

Foreword by Detective Superintendent Nick John

In 2016, Thames Valley Police secured two years of funding from the Home Office Innovation Fund to develop and test a proof of concept around Predictive Harm Analytics (PHA). Through maximising the use of combined partnership data in Multi Agency Safeguarding Hubs (MASH) the objective was to proactively identify hidden harm.

The aim of the project was to develop an analytical model that identifies current and future hidden harm. Once the concept was tested the plan was to operationalise the model, to reduce harm, improve outcomes to vulnerable people and reduce demand to the public purse.

The project sought to develop three separate but interlinked analytical models:

1. A Predictive Risk Model (PRM) / algorithm within the MASH with a scientific evidence base, to identify those children at risk of future harm.


3. Risk Terrain modelling (RTM) to identify locations where there is a greater likelihood for child harm to occur in the future.

The Predictive Risk Model and Social Network Analysis were models that were implemented in an operational setting in a number of locations across Thames Valley. As identified within the main evaluation report that follows, these models provided mixed results but TVP continues to review the possible implementation of SNA throughout the organisation.

Due to a number of technical issues Risk Terrain Modelling was never progressed in-line with the original objectives and as such did not form part of the overall evaluation.

As discussed in the following evaluation report by Coventry University, there were mixed results from this proof of concept. The idea of being able to predict hidden harm is one that continues to be attractive in order to safeguard the most vulnerable in society. There are some challenges around the approach taken but it is hoped that by sharing the learning, this will help others progress this vital area of work and the evidence based approach will provide a baseline for others commencing work around predictive harm.

Detective Superintendent Nick John  
Head of Protecting Vulnerable People  
Thames Valley Police
Introduction

The Predictive Harm Analytics Project (PHAP) was originally developed by Fiona Bohan and Simon Holmes (Safeguarding Analytics) with the aim of utilising multi-agency collaboration and data, via Multi-Agency Safeguarding Hubs (MASHs), to identify children (and families) at risk of harm from a range of forms of abuse, exploitation and neglect. The objective was to improve safeguarding via the early identification of risk and harm. Thames Valley Police (TVP) requested that Safeguarding Analytics worked collaboratively with them and safeguarding multi-agency partners in the Thames Valley region, which led to the securing of funding from the Home Office Innovation fund and the Thames Valley Police and Crime Commissioner (from April 2016 to March 2018) to establish the proof of concept of the PHAP. In April 2017, Coventry University was commissioned to independently conduct a proof of concept evaluation of the PHAP, which is outlined in this report.

The PHAP included three strands:

1. Predictive Risk Model (PRM): the development of an algorithmic model using risk factor data from a MASH to identify children who are at risk of returning to the MASH so that partner agencies can intervene and reduce MASH re-enquiry rates.

2. Social Network Analysis (SNA): the use of SNA techniques to visually map the networks of exploited and vulnerable children to identify key members (those that are most influential, key gatekeepers, or highly active) so that children at risk of harm can be detected at an early stage, and exploitation and crime networks can be disrupted.

3. Risk Terrain Modelling (RTM): to identify and map locations where there is a greater likelihood for child harm to occur.

The intention in respect of RTM was to trial the method in Oxfordshire prior to testing it in a second Thames Valley area, however, information technology (IT) issues associated with the software accessing information from external sources (e.g. to obtain relevant terrain/mapping information) meant that it was not possible to use the software in the TVP IT system. Despite many efforts to resolve the IT issues, this element of the PHAP was halted in April 2018 and hence will not be discussed further in this report. The proof of concept evaluation was therefore conducted on the PRM and SNA elements of the PHAP.

Aims

The specific aims of the proof of concept evaluation were to independently establish proof of concept by:

- Independently verifying the logic/development of the PRM and SNA
- Assess the strength and validity of the PRM and SNA and identify if there are ways in which each can be improved and/or made more feasible to use/implement
- Consider professionals’ views (e.g., the project development team, operational and MASH staff) on the early trials of the SNA and potential of the PRM and SNA.

Method

Ethical approval for the proof of concept evaluation was gained from Coventry University’s ethics committee and staff in the Coventry team were security vetted. A data sharing agreement was approved by Thames Valley Police and Coventry University. Two University laptops were
adapted specifically for the project to ensure data security (i.e., enhanced password protection and access to all external sources removed/restricted).

The team reviewed the following PRM and SNA data securely provided to them by Fiona Bohan.

**Predictive Risk Model**

Data:
- Mash Risk Factors-Part 1 & Part2
- Data 90, 180, 360

Results:
- Score 90/180/360 days
- Threshold tables

Reports:
- Mash Enquiry Risk Factors List
- PRM Preliminary Draft Report
- Predictive Risk Model Setting a Threshold

In the early development of the PHAP in Devon, Safeguarding Analytics began work to identify a core set of risk factors that would allow MASH teams to detect and identify children and families at higher risk. After considering a larger list of potential risk factors, the most relevant four were:
- Domestic abuse/violence
- Mental health issues
- Parental substance use
- Parents having been victims of sexual abuse

In the development of the PHAP in the Thames Valley region, this list was reviewed, and other child and family risk factors were considered in order to improve the model and prediction quality. To this end, a three-fold strategy was adopted:
- Identifying factors that have been demonstrated to be related to abuse, exploitation and neglect in the research literature
- Considering factors based on social workers’ professional knowledge
- Prioritising factors based on practicability and the accessibility

This resulted in a set of 303 variables to which “Current Number of enquiries” was added giving a total of 304. Thirty risk factors (e.g., drug misuse) are recorded for Child historical, child current, parent historical, parent current, adult historical, and adult present, resulting in 180 separate variables. Other risk factors are recorded just for adults (e.g., sexual risk to child), or children (e.g., reported risk of CSE), or for the household (e.g., chaotic). Although there was a core of around 70 risk factors, the coding of each of these in different ways (e.g., current/historical and for different members of the family) resulted in 304 variables in total. Social workers were required to indicate the presence of each of these variables for each case referred to the MASH in the Oxfordshire (and later to the MASH in Milton Keynes but it is the Oxfordshire data that was used to develop the PRM initially and hence is evaluated here).

Data for 30,000 cases were collected and recorded during the first referral to MASH. For each case it was noted whether the child/family were returned to the MASH after 3, 6, or 12 months.
Data was then analysed using Logistic Regression with the aim of identifying the subset of risk factors allowing the best prediction of the probability that a case would return to the MASH within each timeframe.

Social Network Analysis

Three data sets of persons (mostly children) with records of related interactions were extracted from police and social care records. These included evidence of interactions between individuals that included reports of the relationships between the individuals, observations of them in the same location and other forms of communications. These were used to define links between the nodes represented by the individuals. The resulting graph or network of individuals was analysed using methods of complex network analysis with the goal of identifying persons that might be particularly at risk and/or for whom targeted interventions appeared to be particularly urgent in terms of reducing the risk and crime levels in the network as a whole. The network metrics considered were restricted to a number of centrality measures for individual nodes, in particular, the degree centrality\textsuperscript{60}, the betweenness centrality\textsuperscript{61}, the closeness centrality\textsuperscript{62}, and the eigenvector centrality\textsuperscript{63}. The links considered were weighted according to a classification, for which there was no objective justification, of the relations on a range from close friends to loose acquaintances, with the intent to more closely model the actual strength of interactions and bonds. After each SNA the classification was reviewed and a new classification system defined.

The data sets considered were from:

- “Operation Buffer”, a police initiative dealing with Oxford’s child drug exploitation network consisting of 458 individuals and 1,118 links
- “Operation Magnum”, which focused on rural Oxfordshire’s child exploitation network including 663 individuals and 2,500 links
- Intermediate data from a pilot study at Milton Keynes relating to children in, or at risk of being in gangs, including 451 individuals and 1,806 links.

All three networks are hence sparse. The Magnum and Milton Keynes networks were constructed after the Buffer SNA initiative and so featured somewhat improved data inputting and analyses.

The raw network data of individuals and their links was augmented by varying degrees of additional information for each individual, including his/her specific involvement in crime, the prevalence of important medical conditions, specific forms of relations to other individuals and various other pieces of information. These were not included in the social network analysis as such but were considered for the purpose of enriching the background information about certain individuals. In the context of the present report, we therefore also did not consider these aspects specifically. It is noted, however, that inclusion of such data in the actual SNA bears substantial additional potential for improving the analytic and predictive power of the method. The CU team could advise on such improvements if specifically commissioned to do so.

A number of additional reports including presentations used by Safeguarding Analytics to present the results of these pilot studies to professionals were also provided. These were not the main focus of the present assessment but helped the team to understand the context of the initiative and the intentions of the main individuals.

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\textsuperscript{60} based on an individual's direct links to others, high scores indicate well-connectedness
\textsuperscript{61} the degree of which individuals stand between others, i.e., identifies gatekeepers who may control flows (information) between different parts of the network
\textsuperscript{62} based on the shortest paths from an entity to all others, identifies those with best access/visibility to other parts of network
\textsuperscript{63} individuals who have a strong influence on the network due to direct links with other highly active/well-connected players
Interviews

The authors of the report interviewed the Safeguarding Analytics two co-founders to discuss the development of the project in detail, the methods used to produce the PRM and the SNA, and the piloting of the project to date, with a follow-up interview with just one of these individuals at a later date. In addition, the first author interviewed 10 police officers (up to the rank of Superintendent) and 10 staff from Children’s Social Care (including the Multi-Agency Safeguarding Hub) who were involved in the pilot use of the PRM and SNA.

All interviewees were fully informed about the purpose of the study, how their data would be used and their rights to withdraw from the study and asked to sign consent forms. Interviews were conducted at police or MASH offices, or via the telephone. Five people were interviewed alone, four people in pairs and the remainder in a group of three and another group of eight. Interviews ranged from 10 minutes to one hour (mean length 31 minutes) with the group interview of 8 people taking 55 minutes. All interviews were digitally recorded and transcribed verbatim (except for names and other sensitive information) by a Research Assistant at the Centre for Advances in Behavioural Science, Coventry University.

Findings

Predictive Risk Model

The information derived from the PRM is probabilistic in nature and should be considered as an additional element guiding social workers and their multi-agency colleagues, who would use this information alongside their professional expertise and experience. The end goal is to develop an algorithmic model that can be used to give each child who comes to the attention of the MASH a ‘score’ or rating of the likelihood that he/she will return to the MASH with a specified period of time. Overall, the PRM is potentially effective and may have relevant practical implications if operationalised in this way within MASHs, with a notable strength being the pooling of multi-agency data to assess the presence of risk factors, which is used to underpin the PRM algorithm. The potential benefit over and above current information tools, is that while children (and families) who are at high risk of returning to the MASH can generally be identified, the PRM would help identify individuals who are currently less visible or lower risk who would return to the MASH, and for whom early intervention at the stage of PRM identification might prevent future harm.

Nevertheless, there were mixed responses from the professionals interviewed in relation to the usefulness of the PRM, which may have been influenced by some unrealistic expectations about the work and time that would be needed to develop the PRM, and what could be achieved/provided by the end of the proof of concept timeframe. Professionals in the Milton Keynes MASH were extremely positive about the potential benefits of the PRM and they wish to continue work to develop it, while staff in the Oxfordshire MASH were disappointed in what had been achieved and felt that it would be difficult to secure resources to develop it further, particularly since they felt that the benefits of using the PRM had not been demonstrated. While they were willing to be involved in future PRM work, e.g., to share data and intervene where appropriate, the police felt that, since the results of the PRM would most likely require preventative safeguarding responses that would be conducted by their partner agencies, that future development of the PRM should be led by the MASH, or other partner agencies.

In order to develop a reliable model, a number of steps/stages are required, e.g., 1) collect reliable data to identify the risk factors that are most predictive and develop the model; 2) test the model using a different data set and refine it if necessary and; 3) test and validate the refined model. Within the proof of concept timeframe only the first step of this process was undertaken, as planned, and yet, some professionals were disappointed that it was not possible to routinely use the model at the end of the proof of concept stage to assess the likelihood of each child returning to the MASH. Safeguarding Analytics provided a ‘Top 20’ list of children identified using the initial model in response to these concerns, however, it should be noted that significant further work is required to develop the PRM, and that developing a valid predictive model takes time and a number of stages, before it can be used reliably in practice.
The development of the PRM presents a number of procedural and methodological issues that need to be addressed, to ensure its full potential applicability and effectiveness. The main concerns are outlined in the following paragraphs.

1. **304 risk factors:** quantity vs quality and comprehensiveness vs redundancy. The number of risk factors does not fully comply with the practicality and accessibility strategy for selecting the indicators. Even assuming that all the risk factors are accessible and can be reliably measured, an accurate record of such a large number of variables seems unrealistic, or at least not practical, though it should be noted that staff in the Milton Keynes MASH were not concerned about the number of variables that they were required to assess. It should be noted that although there was a core of around 70 risk factors (which is still a large number for reliable and accurate coding), the coding of each variable relating to each of these (e.g., child current and child historical, adult current and adult historical etc.) must be equally accurate and reliable; hence social workers were being asked to reliably code 304 variables. In addition, while there is an extremely high level of specificity in relation to some factors, others refer to quite different dimensions and it is unclear why they were aggregated. For instance, “Physical Disability/Illness” and “Looked after child/ CPP/CIN involvement”. The risk factors were guided by the requests and expertise of MASH professionals, nevertheless, the variation and range of some variables limits the statistical reliability of the PRM.

2. **Consistency in coding factors:** There was no evidence of a ‘coding guide’ or frame. Although professionals did not have concerns about the consistency within which different individuals coded the different variables and the Milton Keynes MASH noted that some discussions had taken place between staff when they introduced the assessment of the risk factors so that they all understood what was required, and that a review by Simon Holmes (Safeguarding Analytics) confirmed the general accuracy of the coding of factors, the authors of this report remain concerned about the consistency of variables, particularly for concepts such as ‘lack of empathy’, given the issues discussed in point 1 above.

3. **What does 0 mean?** Risk factor not present vs information is not available. Given the large number of risk factors, it was surprising to see no clearly identified missing data. Fiona Bohan and Simon Holmes reported that social workers were only given the option of ticking a box to indicate the presence of each risk factor. Hence, it is not possible to be sure whether an un-ticked box indicates the absence of the corresponding risk factor, or to missing information (i.e., that specific variable was not discussed and/or recorded). Missing data have an impact on analytical procedures and assuming an equivalence of absence and missing is not a plausible way to address the issue and hence, the reliability and validity of the model developed using such data is significantly compromised.

4. **What do 0 and 1 mean for some indicators?** The dichotomous coding of the variables may simplify information recoding; however, its applicability to each of the risk factors is questionable. For instance, information on psychological variables, such as self-esteem, lack of empathy, or low intelligence, is required. The academic literature may support the relevance of these dimensions, but these variables are not usually recorded as being absent or present. As a result, the validity and reliability of the data related to these two variables is limited, which further undermines the model.

5. **Is ‘current’ and ‘historical’ always needed?** Most of the variables are recorded as historical or current and the relevance of duplicating the information is not always clear. For example, psychological research indicates that intelligence is generally stable over time, so recording historical and current low-intelligence is an unnecessary duplication. This also applies to the autistic spectrum factor. Furthermore, a set of variables related to ‘adult’ are recorded also for the child and their actual meaning seems quite unclear (e.g., Adult - Victim of sexual abuse as a child: Child current/child historical vs Adult - Victim of sexual abuse as a child: Parent/Other Adult current/historical). Fiona and Simon explained that they were aware that some of risk factors were not meaningful, but that these could not be excluded from data collection due to technical issues. MASH professionals did not express concerns about these issues and staff in the Milton
Keynes MASH felt that it was important to distinguish these aspects. However, these issues may result in redundancy and multicollinearity (i.e., very high or perfect association between predictors), which limits the reliability and validity of the model.

6. *What is the role of Gender, Ethnicity and Religion?* At least some of the risk factors are likely to have different prevalence and predictive value depending on the gender, ethnicity and religion of the child. The most relevant example is "risk for female genital mutilation" which is unlikely to be relevant for boys. During the interview, it was reported than while religion was not recorded, information about ethnicity (and other variable such as disability) was generally incomplete, which raises further questions about the quality of the data. Gender was more accurately recorded but was not used. Furthermore there is potentially a significant level of variability in the quality of the data used to code the risk factors, since reported information may be the views of the reporting professional(s), or information retrieved from existing files and documentation.

7. *Reducing the number of predictors?* Even assuming a reliable assessment of all the risk factors, it is unclear why clustering the risk factors was not considered, as this would reduce the number of predictors.

8. *Additional points:* The preliminary reports made available to the team provided information about the analytical procedure and results, but limited or no information about data collection, definition and operationalisation of the risk factors, and the rationale for the methodological choices made. A report including this information was promised to the team but not received.

It is perhaps for these reasons that the variables identified in the 90, 180 and 360 day models are inconsistent. In Table 1, only the ten most relevant risk factors for each return point are shown for illustrative purposes. As can be seen, there is a great deal of variation in the factors between each time point, when we would theoretically expect a greater level of similarity, since it is likely that there will be some core variables that are predictive of return to the MASH.
### Table 1: Ten most relevant risk factors at 90, 180 and 360 days

<table>
<thead>
<tr>
<th></th>
<th>90 days</th>
<th>180 days</th>
<th>360 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Adult – victim of physical abuse as an adult (child current)</td>
<td>Abuse of animals (child historical)</td>
<td>Adult physical risk to child (parent historical)</td>
</tr>
<tr>
<td>2</td>
<td>Adult out of work (other adult historical)</td>
<td>Adult victims of sexual abuse as a child (parent current)</td>
<td>Victim of bullying (other adult current)</td>
</tr>
<tr>
<td>3</td>
<td>Abuse of animals (other adult historical)</td>
<td>Abuse of animals (other adult current)</td>
<td>Lack of empathy (child historical)</td>
</tr>
<tr>
<td>4</td>
<td>Adult out of work (other adult current)</td>
<td>Child young carer (child historical)</td>
<td>Fire setting (other adult current)</td>
</tr>
<tr>
<td>5</td>
<td>Risk of female genital mutilation (child historical)</td>
<td>Linked to gangs (other adult current)</td>
<td>Adult victim of emotional abuse as adult (other adult current)</td>
</tr>
<tr>
<td>6</td>
<td>Risk of honour based abuse (parent historical)</td>
<td>Risk of female genital mutilation (parent current)</td>
<td>Child victim of familial sexual abuse (child historical)</td>
</tr>
<tr>
<td>7</td>
<td>Child lack of friends in same age group (child historical)</td>
<td>Adult physical risk to child (parent historical)</td>
<td>Adult victim of sexual abuse as a child (parent current)</td>
</tr>
<tr>
<td>8</td>
<td>Resistance to agency involvement (other adult current)</td>
<td>Adult victim of physical abuse as an adult (child current)</td>
<td>Resistance to agency involvement (parent historical)</td>
</tr>
<tr>
<td>9</td>
<td>Adult victim of sexual abuse as a child (parent current)</td>
<td>Risk of female genital mutilation (child historical)</td>
<td>Adult sexual risk to child (child historical)</td>
</tr>
<tr>
<td>10</td>
<td>Linked to gang (parent historical)</td>
<td>Adult victim of physical abuse as an adult (parent historical)</td>
<td>Current number of enquiries</td>
</tr>
</tbody>
</table>

### Social Network Analysis

The use of SNA was unequivocally seen as a useful and effective addition to the analytic arsenal by the professionals interviewed and hence, there was widespread support for the use of, and benefits of the SNA at strategic, tactical and operational levels with all professionals wishing to see the continued and more routine use of SNA in future. As clearly identified by professionals working on the project, the main benefit of the SNA was perceived in the advantage of the collation of multi-agency data relating to the individuals at risk. This collation of data, that was not routinely implemented in this way before, allowed the decision-makers to understand the behaviour of the affected individuals, their web of inter-relations and their roles within that network much more precisely than what was possible before from a less systematic way of considering the data, where most of the information was available only in certain contexts and hence also only seen by certain individuals. For example, it was highlighted that one of the findings of case enquiries is often that agencies had information but either did not act on it, or did not appreciate the significance of the information. In demonstrating the links between information, often collected/held by different agencies, SNA highlighted the significance of such information and why it was of concern. Furthermore, in some instances, it highlighted children who were at risk who were previously unknown.

In addition to leading to a number of actions to break up the networks and preventative interventions to safeguard children (e.g., positive outcomes were cited for some of the children who had been identified in the networks), the SNA also led to significant strategic actions/shifts in policy/practice. For example, all the children identified in Operation Buffer had experienced domestic violence in their families, which led to this becoming a priority of the Children’s
Safeguarding Board. Moreover, the SNAs raised the profile of issues such as truancy, which has led to two pilots of early intervention work in the Thames Valley Region. Interviewees also pointed out that the results had highlighted the relevance of some issues, concerns associated with some areas and that some issues were a bigger problem than they had previously thought, which had the potential to improve safeguarding. It was also noted that this information was helpful to professionals new to the area, as it provided a good overview of key concerns, areas and locations of concern. This is clearly a substantial improvement and the evaluation team strongly recommend the continued use of SNA and the implementation in other areas where it is not currently in use.

The quality of the data used and provided was generally high, care had been taken to identify different spellings of names etc. Nevertheless, it appears that using very different types of reports, for instance colloquial reports by the affected individuals on the one hand and clearly witnessed involvement of two persons in an interaction on the other hand, to add links of the same weight to the network might be problematic. Problems of consistency in data that was input manually but analysed via software will always occur for data sets of a significant size. Care needs to be taken to minimise the effect of such problems on the actual results of the analysis. It was not clear from the information made available which measures were implemented in this respect. It is recommended to make sure that spelling and capitalisation variants, individuals that are known under different names in different communities, and similar phenomena are properly considered and, ideally, detected and corrected by the software automatically.

The analysis of the network data was performed using a standard software package used by police forces, IBM's i2 Intelligence Analysis portfolio, for which the social network analysis is only one (not very central) element in the functionality offered, such that only a relatively small subset of the network characteristics usually considered in SNA is readily available from within the software. Additionally, as commented on below, at least as far as the publicly available documentation of the software is concerned, it has not been possible to find the exact definition of the network characteristics calculated and the algorithms used. This means that the results are not numerically reproducible with different software and they could also change without specific notice with a new version of the software.

The networks were constructed as undirected graphs with the focus being on relationships between individuals. Studies of directed links, in particular between perpetrator and victim, could be a useful extension. Multiple links between the same nodes were not allowed, and if they existed in the database, only the strongest link was retained. While this appears to be a sensible approach, generally, care needs to be taken to take the time dependence of links and their weight into account for the analysis of time slices of the whole data set that were used specifically to gauge the effects of some interventions and read off recent trends in the network development. Links that did not exist at a certain time in the past or other links that have weakened recently should be taken into account correspondingly to properly represent the dynamic, time-dependent nature of the network of interactions. The network weights were chosen ad hoc according to a range of different relationship roles with weights ranging from 1 for an acquaintance to 3 for a friend for Buffer, and a finer scale ranging from 1 to 5 for Magnum and the Milton Keynes data set. The weights in the Magnum network were constructed after Buffer. Notably, no negative weights were included to map the effect of hostile or harmful interactions, although the difference in roles between hostile and friendly links has been well studied in network science (see, e.g., Mac Carron & Kenna, 2012).

Regarding the actual analysis performed on the networks, as far as it is documented, it focused on four centrality measures: the degree, betweenness, closeness and eigenvector centralities. These are useful quantities that allow to gauge the specific importance of individual nodes in the network for its connectivity. Given that network analysis is a relatively young science, there is no complete consensus as to unique definitions of these indicators, i.e., different variants have been considered in the literature see, e.g., the overview provided in Newman (2010). In particular, this concerns the precise way of including link weights in the calculations of these centrality measures. For example, the closeness centrality of a node is defined in terms of the shortest paths from this node to all the other nodes in the network. In an unweighted network the shortest path is just the number of links one needs to hop to reach the destination, but if
link weights are present these are normally taken into account for the notion of distance, i.e., a link with a large weight is then considered to be closer than one with a small weight. The way the link weights were translated into distances in this context is not a priori clear and the precise choice used in IBM i2 is not known. Similar ambiguities exist for the other centrality measures. As experiments with the data provided reveal, using variants of the definitions of the centrality measures leads to somewhat different rank orderings of individuals with correspondingly different operational and strategic messages. This sensitivity of the data to the specifics of the analysis needs to be taken into account. In essence, it implies that the high accuracy in identifying relevant individuals from the SNA suggested by numerical values for centralities quoted with two or three significant digits is somewhat deceptive, and it would be more reasonable to only class the individuals in a few groups according to the centrality measures.

An important restriction in the database is due to the incompleteness of the recording of relationships between the relevant individuals. It just might not be known that individual A is also in a certain relationship with individual B. Or a certain, possibly quite central, individual is not mentioned in the reports as other individuals have been instructed not to mention him. This so-called subsampling effect can lead to strong biases in the analysis. In the present case, for example, those individuals that came in touch with the police or social care services more often will have a larger part of their social network mapped through these reports, and so they appear to be more heavily linked. This overemphasises their centrality. A range of approaches is available to mitigate this problem (see, e.g., Newman, 2010).

The analysis presented does not consider any properties of the networks themselves which could be highly relevant for comparing the child exploitation networks in different areas and contexts. These include the diameter and radius of the graphs to determine the most central and most remote nodes, the (degree) assortativity, i.e., tendency of nodes to associate with nodes of similar degree and more generally the degree distribution. Taking additional node properties into account for the analysis, for instance gender, age or ethnic background would allow to study assortativity properties of the network with respect to more profound node qualities. A clustering analysis could be used to decompose the networks into sub-groups according to different criteria (closer relations, related criminal activities etc.) that might be targeted separately. An analysis of the network resilience would allow users to identify individuals that are particularly relevant for the connectivity of the network as a whole, i.e., which individuals if removed from the network would possibly lead to its break-down and thereby potentially avert risk of exploitation from many individuals? Properties of the known part of the network can also be used to infer the likely extent and character of the actual underlying network, for example in form of the prediction of links that are present in the real network but missing in the documented part of it (Wang et al., 2015).

It was evident that the characterisation of individuals in the corresponding social networks via certain network specific metrics such as the centrality measures use was much less central to the improvements in the prediction of individuals at risk, than the aggregation and, to a certain degree, visualisation of the data. From the interviews the team understood that there was a certain element of what was dubbed SNA confirming the existing ideas of some professionals about a given network. In connection with the sensitivity of the rank order in the lists of individuals produced from the degree, betweenness, closeness and eigenvector centralities to the use of certain variations in the definitions of these individual measures there is a real possibility for analysts to fall victim to confirmation bias, where – in the specific case – a number of suitable network metrics are checked until the expected result emerges. In the further development of the method it would be helpful to ensure that such bias is reduced as much as possible and a fixed set of metrics is considered with a fixed set of application rules, irrespective of how well the results resonate with information gleaned from other sources.

It is understood that to the extent that the SNA might not move previously unsuspicious individuals into focus etc. but confirms opinions already held by those working directly with these children, it might still be useful as a decision-making tool since those opinions now are placed on a more solid and quantitative basis that can be used to support decision-making. As expressed in the interviews we conducted, the SNA provided practitioners with a general feeling of “being able to predict”, in contrast to just reacting to events, thus contributing to a more coordinated and targeted approach towards the work with networks of children at risk.
A concern for the more widespread adoption of analysis techniques of the type used in the pilot studies relates to the quality and currency of the data used for the SNA. In the SNA pilots, data was input manually and collated from MASH data and police records. It might prove to be difficult resource-wise to continuously engage in similar data collation for all relevant crime networks. The police forces and social service providers involved should consider more automatic forms of data collection and curation. The practitioners involved in the pilot studies evaluated felt a need of updating the data periodically such that the development of interactions and the effects of previous interventions can be judged. Investigations are necessary into how this can be achieved in a sustainable manner.

Additionally, it should be carefully considered which other data sources could potentially be used. Is it possible to use data from social networks to complement the picture gleaned from the data entered manually? Clearly, this raises important questions of privacy and data protection. As is a common difficulty in multi-agency working, there were some data sharing difficulties, many of which were overcome, there were some agencies that were not involved in the pilots that it was hoped, particularly in Milton Keynes would be involved in the future development of this work. While most people did not have any concerns about the impact of the GDPR on this work, it was felt that it would most likely raise some challenges that would need to be overcome via discussion and agreement between agencies. A small number of individuals raised concerns about the appropriateness of the use of some of the data that was present in the SNA, as it might unnecessarily impinge on an individual's privacy. Furthermore, concern was also raised by a small number of police interviewees about the recording, or more accurately, lack of recording of the sources of some information. Interviewees were concerned that actions could be taken on the basis of information that could place individuals at risk of harm, e.g., if information was shared with a professional by an individual who was the only person who was likely to know that information, acting on it, could reveal that the information had been shared, placing that individual at risk. Hence, care will be needed to ensure clear policy and boundaries as to the use of different types of personal data in the SNA in future to balance the privacy of individuals’ personal data and safeguarding and to protect those who share information and their concerns with professionals.

In summary, while the pooling of data and its visualisation were undoubtedly very useful, the actual quantitative analysis of the networks was hampered by a lack of documentation of the actual calculations used in the software, and consequently a not very justified belief in the predictive power of the rankings of individuals produced from these algorithms. A wide range of additional quantitative analyses of the networks are possible and would appear to be useful, thus indicating significant further potential in the presented approaches that could be tapped into with sufficient specialised expertise in SNA.

Recommendations

In respect of implementing the PRM and/or SNA throughout Thames Valley and/or to other regions, the professionals interviewed provided a number of recommendations and/or advice, which are summarised below.

- Where possible resourcing for PRM and SNA should be MASH led and resourced with support from partner agencies, i.e., that each MASH should have an analyst resource in keeping with the size and resource of the MASH to enable SNA to be carried out routinely by the MASH.

- Have clear and shared expectations: Be realistic about what can be achieved, by when, what is required, and the challenges and barriers that will be faced.

- Understand the resources that you need from the outset.
- Get the early support and engagement of all of the partners including information and communication technology managers to share their data and of all agencies to work together to intervene most appropriately based on the findings.

- Have a structure, plan, and processes for the work, for making decisions based on the results and for actions taken to intervene.

- Use the findings at strategic (e.g., to challenge and shape priorities), tactical (to identify children at risk and intervene to prevent harm) and operation (to shape the way an operation is delivered) levels.

- Ensure data sharing processes allow for information to be appropriately recorded, logged and sourced.

**Predictive Risk Model**

While it was not going to be possible to fully develop a reliable and valid PRM that could be used routinely to assess the risk that children who come to the attention of a MASH would return to it within a specified timeframe, it is the view of the evaluation team, that issues with the data used to date mean that a significant amount of work is required in order to develop a reliable and valid PRM. In addition, work is needed to determine if a single PRM is effective across a wide-range of areas, or if specific models are required for each MASH. While it has been consistently shown that a number of factors (e.g., mental health issues, and drug and alcohol use) are linked with a range of child harms, which might mean that a single PRM could be developed that would be effective nationally, there are a wide range of reasons for which children come to the attention of the MASH and many regional variations, which might mean that models will be required to be tailored to each area. In addition, the range of behaviours for which children come to the attention of a MASH are broad. While similar issues may be risk factors for a large number of these (e.g., physical abuse and neglect), work would be needed to establish whether the same predictors determine all the issues for which children come to the attention of a MASH. FGM for example, might have a different set of predictors than other issues. The current inclusion of all MASH cases may reduce the predictive power of the PRM.

These issues cannot be established until further work has been undertaken to develop the PRM in a number of areas. Although the data collected to date has allowed us to assess the proof of concept of the PRM and identify areas for development and improvement, due to the problems outlined, the evaluation team recommend that a new dataset is developed. As the data used in the development of the PRM is crucial to its effectiveness, it is important to spend time to identify the most appropriate and practical factors to use, and the best way in which these should be recorded in order to ensure a consistent and reliable database. The following recommendations are made in respect of developing this database and the PRM model:

- Provide a clear rationale, preferably evidence-based, for selecting and grouping risk factors. Determine the timeframe that is most appropriate for the model, i.e., is it most useful to know who is likely to return to the MASH in 3 months, 6 months or a year, or otherwise? Once this is agreed, the model should be developed on this basis. If it is relevant to keep this ‘over time’ perspective, alternative statistical approaches and methods should be considered to explore the longitudinal impact of the identified risk factors.

- Avoid duplication of variables that are likely to be assessing the same thing (e.g., historical and current low-intelligence, or a range of variables that demonstrate the same thing, (e.g., domestic abuse within the family) and variables that encompass a number of factors. Exclude factors that are clearly recognised as redundant or not informative.

- It is important that variables are not assessed on the basis of individual perceptions. While factors such as presence of abuse or neglect are more ‘factual’ and are recorded in MASH files/data and can be used reliably, other variables, such as self-esteem and
empathy are more difficult to assess. In these instances, standardised measures for psychological variables such as empathy, self-esteem should be used, or clear records of the assessment of these variables by appropriately qualified professionals in files. If these variables cannot be assessed in this way, it would be better to exclude them from the analyses and model.

- Ensure data is collected to clearly identify whether the indicator is ‘present’, ‘absent’ or ‘not recorded/unknown’.
- Develop a clear coding frame for risk factors and train individuals in this to ensure consistency in assessments.
- Regression analyses used to develop the PRM should statistically control for socio-demographic variables, such as gender and ethnicity.
- Given the initial large pool of risk factors, it would be relevant to conduct preliminary analyses aimed at reducing their number. For instance analytical strategies such as Factorial analysis or Latent Class analysis might be useful to identify a smaller set of broader and more comprehensive risk factors (e.g. domestic violence, sexual abuse).
- Using data as outlined above, it should then be possible to identify a smaller number of variables that are predictive of re-entry to the MASH. It would then be necessary to test these variables and the model with a new sample of children/families to identify if the children/families assessed as being most likely to return to the MASH within the specified period did indeed do so, and similarly that those predicted not to return did not. The outcome of these findings should then be used to further develop and refine the model. This process may need to be repeated a number of times. If different models are required for different geographical areas, these processes will need to be completed in each area. It will also be necessary to continue to monitor the predictive effectiveness of the model throughout its use.

Social Network Analysis

The professionals interviewed all believe that SNA should be used in future, but they did not feel that it should be used for all safeguarding issues, nor all types of crime. Due to the number of ways in which children are ‘monitored’, hence the number of sources of information, it was felt to be most appropriate for safeguarding issues, and potentially also of benefit for the protection of older adults. All felt that while it should be used more routinely, that this should not be for every child that comes to the attention of MASH teams/agencies, rather that there should be a clear defined process to determine when SNA should be used and for what issues that sit within police/MASH structure/processes. Furthermore, it should be clear what the aims are in respect of the SNA, who will do what in respect of the various actions that can be taken in response to the findings, with the resources in place to ensure that these actions can be taken. Since the number of individuals involved in a network are potentially very large, there also needs to be clear policies on how individuals, and the potential actions to intervene, are prioritised.

The following recommendations are made in respect of developing the SNA:

- Continue to collate all the relevant information about networks of children and other individuals at risk, use visualisations and potentially some form of SNA to support decisions on targeting certain individuals or parts of the network before others.
- Assess the quality of the data in terms of its reliability, e.g., whether it was intelligence and how it was obtained, for example, in line with police methods of rating intelligence. Consider weighting the data in the SNA on the basis of these ratings.
- The use of a proper relational database would increase the flexibility in creating different types of reports, looking at different cuts of the data and open up avenues into the use
of multiplex network analyses. This should be considered for future implementations of related predictive harm analytics projects.

- Implement techniques of automatic data cleaning, including the identification of spelling and capitalisation variants to minimise the influence of deficiencies in the data quality on the results of the analysis.

- Consider alternative open platform software packages, since the closed-source IBM i2 analytics platform does not reveal or document the details of certain calculations such as the exact definitions of the various centrality measures. For example, Python and the nx networks package might be more appropriate since they provide full transparency and allow the use of a wider range of analytical measures.

- With a number of features of the analysis, in particular the link weights as well as the specific definitions of centrality measures used (namely the unknown definitions used in the i2 package), it is important to check the sensitivity of predictions regarding these assumptions. Does the suggestion of individuals to target change significantly with changed link weights? If so, the results are probably not very robust.

- Make sure to control confirmation bias by eventually converging to a fixed set of rules for the SNA that are not adapted on a case by case basis to reduce the temptation of the analysts to focus on the aspects of the analysis that confirm their own beliefs or the views of those dealing directly with the affected individuals.

- Consider the inclusion of additional link and node properties in the network for a more meaningful analysis. This includes, in particular, the possibility of taking into account whether the relationship is a positive (e.g., friend) or negative (e.g., victim/perpetrator) and weighting the links in the model accordingly. In addition, network nodes can be qualified with some of the many indicators available in the databases (gender, age, ethnic background, role types, medical information, previous convictions etc.).

- In the pilot SNAs, four measures were used, however, there are a wide range of aspects of SNA that could be assessed that would be of benefit at strategic, operational and tactical levels. These include link prediction (to discover otherwise unknown connections), clique determination, clustering (to identify sub-groups), resilience (to identify key individuals and/or links to target to influence the network) and assortativity (allowing for further classification via additional node qualities). It is recommended that advice/training is obtained from individuals experienced in using SNA to maximise the benefits that can be gained from mapping the networks.

- Have clear guidelines and policies in respect of data recording and data sharing.
References


Tainted Lives: Exploring anonymity for suspects in rape cases

Author(s): Catherine Parfitt
Affiliations: Thames Valley Police

e-mail: Catherine.parfitt@thamesvalley.pnn.police.uk

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Abstract

A 2010 proposal to extend anonymity in rape cases to defendants underlines the continuation of a long running, highly politicised debate, centred on whether one or both parties in a rape case should receive anonymity. This research explores the question of rape case anonymity from media reporting, open justice and innocent until proven guilty perspectives, with an examination of the recurring arguments enabling a better understanding of where the balance should lie. The exploration uncovers further areas for research and enquiry which may enable legislative change without further recourse.

Key words: Rape; anonymity; open justice.

Introduction

Recent high-profile acquittals have ignited debate about the subject of anonymity for the suspects of sexual assaults, although many cases with less media attention are just as affected. Many articles have reported on the cases and the aftermath; The Guardian headline ‘Coronation Street actor Bill Roache cleared of rape and sexual assault’ (Pidd, 2014) is one of many. The experiences of those accused but not charged, or charged but subsequently acquitted of sexual offences, has exposed once more the intensity of media scrutiny for alleged sexual offences. The damage it causes to private lives, to reputation and to the right to be presumed innocent is underestimated. Complainants in sexual offence cases are assured of lifetime anonymity and rightly so, however, no protection is available to defendants. More victims are coming forward which is positive but, as a result, more suspects are exposed. The accusation affects lives whether guilt is subsequently proved or not. The aim of this research is to consider the premise of innocent until proven guilty – focusing on the balance between open justice and human rights within the wider context of investigation, social attitudes and
media. In an evolving digitally based world that makes every detail of those accused publicly accessible, is it time for the law be reviewed and amended?

The anonymity timeline

The principle of anonymity in cases of sexual offence was introduced by the Heilbron Report in 1975 which proposed lifetime anonymity for complainants. The report recognised that publicity for the offence may be ‘extremely distressing and even positively harmful’ (Heilbron, 1975), and that anonymity might incentivise complainants to seek legal redress. The former argument, however, did not apply to defendants. The following year, an amendment to the Sexual Offences Act introduced anonymity for both complainants and defendants in rape cases within England and Wales (Sexual Offences (Amendment) Act, 1976). The legislative intent in providing anonymity for defendants was to protect them from the damaging consequences of false allegations. However, in 1988 the entitlement of anonymity for defendants was repealed on the grounds that being accused of rape was no different from being accused of other serious crimes and did not warrant special treatment.

Aims and objectives

Rape is one of the most serious offences and is committed when:

*The perpetrator intentionally penetrates the vagina, anus, or mouth of another person with a penis, the victim does not consent to the penetration, and he (the perpetrator) does not reasonably believe that the victim consents. A person consents if they agree by choice, and have freedom and capacity to make that choice* (Sexual Offences Act, 2003).

This research aims to explore the need for anonymity for suspects in rape cases. The author will examine media reports, articles from legal practices and legislative changes. The rationale is as follows:

[1] Being wrongfully accused and/or charged with rape can result in severe psychological and social adjustment problems (Grounds, 2004). Interestingly, much of the research surrounds those who falsely accuse rather than the impact on those accused (Campbell & Denov, 2004). There is a concern that those falsely accused of rape or those fighting to clear their name could suffer trauma, worsened by negative publicity, which could continue to have significant adverse consequences long after such an accusation has been proven false (Campbell & Denov, 2004).

[2] The law has a foundation of innocent until proven guilty. With the progression of social media, can this assumption be assured for rape suspects? It is only right that those accused of rape have the right to a fair trial. Does this assumption then conflict with the concept of open justice? A principle Lord Diplock explains as: ‘If the way that courts behave cannot be hidden from the public ear and eye this provides a safeguard against judicial arbitrariness or idiosyncrasy and maintains the public confidence in the administration of justice’ (Att-Gen v Leveller Magazine Ltd, 1979). This is clearly an important consideration, however, it must be balanced against mere scandal and sensation, matters which are now more prevalent in a digital world.

The research will consider the challenges faced along the road to justice which impact on the accused, namely open justice and the right to be innocent until proven guilty, including the impact the digital world now has on cases.

Research question

The specific research question: ‘Is there a need for anonymity for those accused of rape?’

This question can be considered through analysis of past cases, media coverage and post-case disclosure of those accused through previously broadcasted interviews. A survey of different demographic groups and the subsequent findings will also be explored.

Whilst acknowledging that all crime is serious, no systemic evaluation of the impact of the legislative changes regarding rape cases has been conducted. It is acknowledged that rape is
a complex area of study and, as such, focusing on one aspect is necessary whilst being mindful of possible links to other areas. Under current legislation, lifetime anonymity remains in place for complainants regarding rape and other sexual offences due to the sensitivity and personal nature of the crime. The concept that extremely distressing and even positively harmful publicity, affects the victim also applies to the suspect.

The question of anonymity for defendants has far reaching and conflicting views, however, the two schools of thought on which this research will focus are open justice and the notion of innocent until proven guilty.

Evidence suggests that fewer rape cases are reported to police than other crime types. A possible reason for this could be one of victims’ concern over the adverse impact from public disclosure. Many victims and perpetrators are known to each other; only having the anonymity for one party could, by association, disclose their identity by the naming of the other. It will be investigated whether providing anonymity for those accused of rape might encourage victims and witnesses to come forward to report the crime because it would ensure both sides of the case remained free from publicity and further protect friends and family.

Furthermore, media reporting of active rape investigations and court cases may carry a risk of serious prejudice by unduly influencing jurors. It would be naïve to think objectivity could be preserved. It will be explored whether providing anonymity for rape suspects could help prevent this. For example, in research conducted in 2010 by the Ministry of Justice it was shown that in high profile rape cases, three quarters of the jury were aware of media coverage of their case.

Conversely, allowing those accused of rape to remain anonymous for all or part of the investigation could hinder police in gathering more information which could reveal multiple offending, a view supported by anecdotal evidence. Whilst there is no systematic evidence to suggest that releasing rape suspects’ identities results in further contributory evidence for cases, the positive outcome of withholding defendant anonymity is most notable in cases of serial rapists, such as John Worboys, the so-called ‘black cab rapist’ (Dodd, 2010). If he had been granted anonymity as a suspect, other victims may not have come forward to reveal the true extent of his crime and build the case against him.

The late Jill Saward, who was the victim of the high profile Ealing Vicarage rape in 1986, when suspected rapists had anonymity, hit back at calls by leading criminal barrister, Maura McGowan, chair of the Bar Council, for the law to again prohibit the naming of suspects. Miss Saward said anonymity for suspects had a terrible effect on victims. "I wasn't allowed to know anything about the men," she said. "It was horrible because there was a sense they weren't real people. It felt like I was dealing with ghosts" (Booth, 2013).

Jill Saward further stated "... the key reason the system should remain in place is that we know that rapists rarely have one victim... Many people feel their case is too weak on its own and if the name of the suspect is made public it brings out other victims. It also enables people to judge for themselves whether to trust someone or not and put themselves in danger" (Lothian, 2017).

Saward, a campaigner for rape victims, has supported men who have been wrongfully accused of rape, including one friend who was shunned as a result of a whispering campaign about an alleged rape and continued to suffer from mental illness from the strain 20 years later. She has seen the case for anonymity from both sides (Booth, 2013).

The following sections will explore and assess the question of anonymity, examining the opposing schools of thought.
Literature Review

Open justice

Open justice is of paramount importance in English Law and can be defined as:

‘A principle of the common law that proceedings ought to be open to the public, including the contents of court files and public viewing of trials’ (Belloc, 1967).

The history of open justice traces back to the period before the sealing of the Magna Carta in 1215. As such, the adoption of open justice is one that has been widely accepted and considered part of the norm in the modern-day court setting. The court proceedings that require privacy have to be duly justified. In this sense, judicial openness is a mandatory factor. It is only under specified circumstances that the courts are permitted to forego transparency subject to the nature of the case being heard. This is mainly done to prevent endangering the lives of the affected parties in the case. Additionally, privacy is also used to preserve the dignity of any children or other parties involved, subject to the nature of the case.

The main characteristic of the open justice system is its emphasis on transparency and openness. Ideally, open justice, when practiced, involves allowing the public to witness proceedings that take place in court rooms. This is considered as a fundamental guarantee of the assurance of liberty.

The meaning of ‘open justice’ was also recently given by Lord Neuberger when he said: ‘[W]e live in a country which is committed to the rule of law. Central to that commitment is that justice is done in public – that what goes on in court and what the court decides is open to scrutiny’ (Lord Neuberger, 2011).

The public may be allowed to sit in court during live hearings and jury members are selected from members of the public. Additionally, court proceedings may be published before, during and after hearing or trial, thus making it possible for the public and other officers of the judicial system to use them for future reference. In this regard, information is duly released to the public through the media, creating a transparent environment suitable for the public to understand court proceedings.

In the debates of the 1970s and the 1980s on the topic of defendant anonymity, Ivan Lawrence QC MP suggested that it ‘distorts the fabric of our criminal justice system to single out [the rape defendant]’ and that the ‘system of justice of which we are so proud’ relies on the ‘right of access to information’ (Hansard, HC Vol.911, cols 1922-1945 May 21st, 1976). Similarly, Ruth Hall, a campaigner at Women Against Rape, states that giving the accused anonymity in rape cases would imply that the government, and perhaps the criminal justice system as a whole, felt that such complainants were unreliable and so would have the consequence of deterring some complainants from reporting sex crimes (Whitehead, 2017).

In accordance with the principle of open justice, Richard Glover, Senior Lecturer in Law at Wolverhampton University, argues that an open and public trial is therefore the best option for clearing a person’s name publicly. He cites the case of Michael Le Vell who was acquitted following accusations of sexual crimes, and was found not guilty by a panel of his peers: ‘had his trial and acquittal remained secret, might information not have leaked out somehow and the suspicions of the truth of the allegations not been greater and persisted longer?’ (Wlv.ac.uk, 2017).

Encouraging victims to report

The Sexual Offences (Amendment) Act 1992 guarantees complainants in sexual offence cases a right to anonymity. This is necessary as it allows complainants to speak freely about their ordeal without fear that their story will be spread across newspapers and of judgments being made based on their previous sexual behaviour. Without this guarantee of anonymity, accusers may be fearful of coming forward and there could be a sharp drop in the number of rape and sexual assault allegations.
Besides the argument for the necessity of open justice, there is also the consideration that when people hear of an arrest, they are more inclined to come forward with witness statements and/or similar accounts to create the evidence that is needed to proceed with a charge. Lisa Longstaff from Women Against Rape cites the case of Jimmy Savile as representing the benefit of suspects being named. Particularly with sex crimes, in many cases victims do not come forward straight away. For a variety of reasons, they may feel ashamed or at fault, but hearing that their perpetrator has done the same thing elsewhere can give them the courage to come forward as well (Longstaff, 2013).

It is possible that providing anonymity for those accused of rape might encourage victims and witnesses to come forward to report the crime because it would ensure both sides of the case remained free from publicity. However, it is currently not known whether anonymity would have such an effect, to what extent or under what circumstances. It could have the opposite effect and lead to a decrease in reporting rates, but there is no reliable evidence for this either.

Concerns have been expressed, which are supported by anecdotal evidence, that allowing those accused of rape to remain anonymous for all, or part, of the investigation and justice process could make it more difficult for police to gather any information about multiple offending (Belam, 2014). However, there is no systematic evidence of the extent to which rape suspects’ identities are released by police, and therefore how often further evidence has resulted in such cases.

If those under investigation for rape were provided with anonymity, the police would not be able to name anyone they are investigating. This could potentially hinder the identification of a suspect who has committed rape previously. Such identification might suggest to any previous victims that they are not alone, and this might encourage them to overcome their previous reluctance to come forward, “...thereby transforming difficult-to-prosecute cases into potential multiple-victim cases” (Lisak & Miller, 2002, p.81). Additional evidence gathered in this way may enable the police to link a sexual assault to another such assault against another victim, thereby helping to strengthen the prosecution case (Feist et al., 2007).

Anecdotal evidence suggests the police have, in some cases, released information about a suspect to assist in locating them or if it is otherwise considered to be in the public interest (HC Deb 7 June 2010, vol. 511, cc149-158). However, it is unclear whether it is the name of the suspect or the release of other details (such as modus operandi) which encourages previous victims to come forward. It should be noted that historically guidance from the Association of Chief Police Officers (ACPO) advises that suspect identities should generally not be disclosed before charge64.

**Parity with other crime types**

Can we justify giving the accused anonymity in just one area of the law? Once we understand that accusers of rape are no more likely to falsely report allegations than in the case of any other crime, what other justification is there for granting anonymity to those accused? A report by the Political and Constitutional Reform Committee from 2010 states that ‘rape is such a serious and emotive crime that it attracts both a high degree of stigma for the defendant and a disproportionate degree of media interest. In addition, the possibility of pre-emptive vilification of those accused of rape is much greater’ (para 2, Keep Calm Talk Law, 2017). However, this argument is unconvincing. Those accused of paedophilia, murder and domestic violence attract just as much stigma as those accused of sex crimes. Thus, if we are to have anonymity for those accused of sex crimes, surely it would be equitable to do so for suspects in any other crime? (Keep Calm Talk Law, 2017).

The decision was arrived at after much debate around why victims of rape were the only ones granted lifelong anonymity as opposed to victims of other crimes. Agreement over the anonymity of rape victims was based on the premise that rape is a sensitive crime that alters the overall reputation and dignity of the victim. In essence, the sensitivity of the crime was one that rendered the decision to have the victims’ and the accused perpetrators’ identities hidden.

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64 Editors note: The Association of Chief Police Officers (ACPO) was replaced on 1st April 2015 by the National Police Chiefs Council following the Parker Review of the operations of ACPO.
 Nonetheless, there have been situations in which the anonymity was appealed and repealed. This was because justice was not being seen to be done. The anonymity of the cases thus set a barrier to the effectiveness of the open justice system.

**The impact of false allegations**

The main argument for anonymity for suspects is to protect innocent people from false allegations, however, this insinuates that there are a high number of false accusations for sex crimes. In her report, Baroness Stern (2010) could find no evidence that the incidence of false allegations was higher in rape cases than in other crimes, estimating that only about 8-10% of rape allegations are false (Stern, 2010). Moreover, the law appreciates that malicious complaints pervert the course of justice, and punishes those who make false accusations with substantial prison sentences, as they did on 21st October 2017, when Rebecca Palmer, from Swindon, Wiltshire, was found guilty at Winchester Crown Court of four counts of perverting the course of public justice having made false rape allegations against a 22-year-old soldier serving with the King's Royal Hussars, based in Tidworth (Metro.co.uk, 2017).

Acquittal offers little prospect of public vindication, as in the case of Nigel Evans MP: ‘The damage to his reputation stalked him throughout the general election’, wrote the Spectator in an interview with Evans, who himself remarks in the interview, ‘No one can ever recover from being wrongly accused of sexual assault’ (The Spectator, 2015). The effects which limit being able to fully recover are felt by defendants especially keenly in the pre-charge period when there is no formal case to answer and no legal process has been instigated.

Research has shown that there is the opinion that defendant anonymity ‘might give the impression that there exists a presumption of doubt about the credibility of the complainant.’ (Lipscombe, 2012; 6). There is, however, little evidence to support this argument (Lord Falconer, 2003).

There is a concern that defendants falsely accused of rape (or any other serious crime) could suffer trauma, worsened by negative publicity, which can continue to have significant adverse consequences long after such an accusation has been proven false. Evidence has been found to support that being wrongfully convicted of an offence can result in severe psychological and social adjustment problems (Grounds, 2004), although robust research focusing on the impact of being falsely accused, specifically of rape, is limited. The literature indicates that systematic evidence tends to focus on factors which contribute to false allegations and wrongful convictions rather than on the consequences for those falsely accused (Campbell & Denov, 2004).

It is vital that the victims’ right to anonymity remains. They should only be named if it is subsequently shown that they have deliberately lied to the police and are charged with perverting the course of justice. This approach would encourage genuine complainants and hopefully dissuade those making wrongful allegations.

**Innocent until proven guilty**

A total of 3864 rape defendants faced court proceedings in 2011-2012. Out of those, 2414 were convicted, leaving 1450 (37.53%) found not guilty, yet their names exposed. This is a broad assessment and the intricacies of each case are not known (Data.gov.uk, 2017).

Public scrutiny also threatens to undermine the right to be thought of as innocent until proven guilty. A cursory internet search of newspaper reporting, for example, yielded the case of a man who was accused, charged and acquitted for rape and sexual assault. Over the course of his trial, local headlines were uniformly designed to emphasise the accusation and to spin an incredulous edge to the indignant arguments of defendants. Further examples include: ‘University Challenge Contestant, 21, whose name led to him becoming an internet sensation is charged with rape and sexual assault’ (Duell, 2016). ‘Ched Evans: footballer found not guilty of rape in retrial’ (Morris and Topping, 2016). ‘Man, wrongly accused of rape, said it ruined his life and he is now living in a tent’ (Jennings, 2016).

Lord Falconer during the passing of the Sexual Offences Bill of 2003 concurred with the guidance issued by the Association of Chief Police Officers, which made it clear that anyone
under investigation but not charged “should not be named or have details provided, that might lead to their identification before they are charged.” Hence, it meant that it was only after individuals accused of rape were charged that their identities would be revealed. Furthermore, this was aimed at protecting the image and dignity of individuals who are falsely accused of rape.

In criminal law, a defendant is protected under Article 6 of the European Convention on Human Rights (the right to a fair trial) and presumed to be innocent until proven guilty. However, in practice, it could be questioned whether this is the case. Although no charges were brought against Ben Sullivan, President of the Oxford Union, during the period when he was under suspicion, speakers cancelled their arrangements to speak at the Union, photographs of Sullivan appeared in the national press, and there were multiple articles about his private life. Mr Sullivan was acquitted, however, the adverse material in the public domain can never be expunged, and the phrase “no smoke without fire” may lead people to have a lingering suspicion of guilt. Consequently, he has argued that anonymity should be given to those accused of rape, and his supporters have called for his accuser to be named, arguing that they should have to suffer the negative publicity that he has endured (Keep Calm Talk Law, 2014).

Jennifer Agate, author of ‘Anonymity and exoneration – balancing open justice with reputation’, stands firm on her view stating: ‘innocent until proven guilty…significantly undermined by sensationalised media reporting…extremely negative connotations that come with a charge of rape can be near impossible to shake off in some cases…negative connotations that the reputation of a possibly innocent defendant should be protected. …reputations forever tarnished by association’ (Agate, 2017). Rehman Chishti MP agrees it is a fundamental principle of our legal system stating: ‘the concept that “mud sticks” is alive and kicking [in relation to being accused of rape] …[defendants] deserve some measure of protection, as I believe we still have a system of justice in this country, of which we are justly proud, in which the accused is innocent until proven guilty’ (Taylor, 2014).

The media coverage that transpires from rape cases arguably may lead the public to assume guilt without knowing the full facts of a case.

**Media and its far reaching effects**

This is an important point regarding open justice as the principle does not suggest that parties’ names should be broadcast indiscriminately. This is far easier and quicker than ever before due to the advancing digital age which arguably stretches the principle of open justice too far and does so in a sensationalised and biased manner.

There is an extraordinary stigma attached to sexual crimes (Home Affairs Committee, 2003). The experiences of well-known figures, and those not in the public domain, attest to the devastation of private life caused by media scrutiny and public exposure. Among prominent cases are those of Sir Cliff Richard, singer, and performer, who was accused of committing a historic sexual offence and whose home was subsequently raided by police on live television (BBC, 2014) despite his never being charged or arrested. No further action was taken against Paul Gambaccini, radio presenter, after being kept on bail for a year in relation to allegations of sexual assault under relentless media speculation.

Television has also highlighted the issue through dramas such as Broadchurch, in which a rape case was the focus of the third series portraying the damage publicity can cause (Broadchurch, ITV, 2017). The drama The Verdict detailed the impact of the verdict in a rape case on those involved and associated (The Verdict, BBC, 2007).

The internet has made foreign news reports readily available to the British public. To the extent that these internet sites are effectively beyond the reach of our domestic media reporting restrictions, this questions the ability to ensure anonymity in the criminal justice process even when anonymity for defendants, victims or witnesses is legally granted.

With the advent of Facebook, Instagram and other social networking sites, court cases have been made public through the publication of live videos on social media having no thought for those concerned.
Even if an individual is acquitted of rape charges, his reputation may be damaged significantly due to press reports. Bohlander (2010) suggests that the press abuses the principle of open justice, using it to justify intrusive and commercially-driven reports and that reporting these cases is very rarely to ensure open justice but rather they are motivated by profits and readership figures. He also says: ‘it is a fallacy to conclude that just because a trial is open and identifies the defendant to those who attend it, it is all right to spread the name beyond the confines of the courtroom’ (Bohlander, 2010).

**Media and impact on jurors**

Availability of 24 hour news on demand presents new challenges to media coverage of criminal cases. When a jury is sworn in, the judge will tell jurors not to look for information about their case. Whilst they are deliberating, the judge will usually tell jurors at the end of each day not to make any enquiries into the case. Thomas (2010) suggests that the internet could affect the extent to which jurors can reasonably be expected to heed these directions. If it was shown that jurors are swayed by media coverage, then anonymity for rape defendants could help prevent risk of serious prejudice to the trial.

Research in other common law jurisdictions has concluded that jury verdicts are not likely to be influenced by media reporting (Chesterman et al., 2000). Thomas (2010) conducted the first study of this issue with juries in England and Wales, and found that jurors serving on high profile cases (serious offences with longer trials) were almost seven times more likely to recall media coverage (70%) than jurors serving on standard cases (11%) (less serious offences with trials lasting a few days).

Media reporting of active criminal cases must not create a risk of serious prejudice by unduly influencing jurors. Providing anonymity for rape defendants could help prevent this, but only if jurors’ opinions are affected by media coverage. Recent research showed that in high profile cases almost three quarters of jurors were aware of media coverage of their case. A small proportion found it difficult to ignore. It would be helpful to determine whether jurors in rape cases were more likely to recall media coverage of their cases than jurors in cases involving other serious offences, and whether jurors in rape cases were more likely to find media reports difficult to ignore.

Twenty six per cent of jurors in high profile cases also saw information about their case on the internet during the trial. Some internet sites may be beyond the reach of domestic media reporting restrictions, which raises important issues about the ability to ensure anonymity in the Criminal Justice System (CJS) process. Thomas (2010) found that all jurors who admitted looking for information about their case during the trial looked on the internet. This raises questions, to which there are currently no answers, about the potential impact of the internet on the outcome of rape cases, and the value of granting anonymity. For instance, it would be important to determine if jurors in rape cases are more likely to look for information about their cases than jurors in cases where a defendant is charged with other offences. This literature review finds little current research in this area.

**Parity between parties**

Ideally the situation would be parity between the accuser and the accused. As Michelle Heeley QC states: ‘the ideal situation would be to only name the defendant(s) once they have been charged’ (Keep Calm Talk Law, 2017). This would offer a person who is accused, but released without charge, the chance to move forward without negative publicity. Yet it is unclear whether giving anonymity to those accused of sexual offences would stop information about a defendant’s identity being published online. As the footballer Ryan Giggs found in 2012, it can be difficult to keep personal affairs confidential, particularly when media organisations are based abroad and do not fall under British legislation (Mail Online, 2015).

Middle ground is needed between accuser and the accused. This could involve naming at the point of charge, a factor which will be examined through data and findings in the subsequent chapters. This middle ground would give those investigated, but then exonerated, the best chance at moving on with their lives. This would also ensure charges are brought where there is a realistic prospect of conviction on the evidence of the individual case, rather than a series
of weakened reports culminating in what could appear, to the untrained eye, a strong weight of evidence. The case of Nigel Evans MP, referred to previously, is an example of this. Allegations of sexual assault, that even the accusers thought were weak or did not amount to sexual assault, were used so that the prosecution could support a subsequent allegation of rape (Members et al., 2017).

There is no perfect solution, the nature of our adversarial system is such that there are winners and losers. Society as a whole should do all it can to ensure that the judicial process pre verdict is as fair and dignified as possible. This Literature Review suggests there are strong cases for differing scenarios but none are without complexity and all are potentially problematic. The impact of 21st century technology has been evidenced by many critics to intensify the critical issues.

Research Methodology

Introduction

Methodology is the set of principles of research that guides the researcher to decide the type of research method which would be most appropriate considering the type of question the study is undertaken to answer, based on its core theoretical and philosophical hypothesis (Sim and Wright, 2000). It is vital for the researcher to have an in depth understanding of the research process and the philosophical aspects and assumptions which will shape the knowledge (Hart, 2008). A methodology can also be described as an organisation of rules and methods which assist the appropriate collection and synthesis of the relevant data (Hart, 2008). Methods are the tools which are applied within the structure of the methodology to produce the results (Hart, 2008).

The author outlines in more detail in the following sections: the research strategy, the research method, the research approach, the methods of data collection, the selection of the sample, the research process, type of data analysis, the ethical considerations, and the research limitations of the project (Carroll et al., 2017).

Research approach

The inductive approach was followed for the purposes of this research. According to this approach, researchers begin with specific observations, which are used to produce generalised theories and conclusions drawn from the research. Hypotheses are generated from the data that is collected whereas in a deductive approach a hypothesis is created and then tested by the data to either prove or disprove it (Bosque, Delany and Turner, 2017). The reason for utilising the inductive approach was that it considers the context where research effort is active, while it is also most appropriate for small samples that produce qualitative data (Langkos, 2017). However, the main weakness of the inductive approach is that it produces generalised theories and conclusions based only on a small number of observations, thereby the reliability of research results could come under question (Denzin & Lincoln, 2005).

To satisfy the objectives of the dissertation, qualitative research was undertaken. The main characteristic of qualitative research is that it is most appropriate for small samples, while its outcomes are not measurable and quantifiable. Its basic advantage, which also constitutes its basic difference to quantitative research, is that it offers a complete description and analysis of a research subject, without limiting the scope of the research and the nature of participants’ responses (Collis & Hussey, 2003).

The effectiveness of qualitative research is heavily based on the skills and abilities of researchers, while the outcomes may not be perceived as reliable, because they mostly come from researcher’s personal judgments and interpretations. Being more appropriate for small samples, it poses a risk that the results of qualitative research are perceived as reflecting the opinions of a wider population (Bell, 2005).
Quantitative research is defined by Bryman and Bell (2005, p. 154) as ‘entailing the collection of numerical data and exhibiting the view of relationship between theory and research as deductive, a predilection for natural science approach, and as having an objectivist conception of social reality’. A combination of approaches can be beneficial and, as such, mixed methodologies were used for this study including qualitative and quantitative methods, both being used simultaneously. This was due to time constraints and the availability of the interviewee. Survey questions have provided quantitative data through the use of forced choice and follow up response. Qualitative data has been gathered through interviews.

**Research methods**

The survey used in this research contained forced choice questions, which were then analysed to produce data.

SurveyMonkey was used to gather responses to a survey involving different demographic groups, thereby establishing any differences between these groups regarding their beliefs about the need for anonymity for suspects in rape cases. The data was analysed using descriptive statistics.

Ethical considerations in the design of this study include not focusing on any live investigation, limiting the nature of survey questions and not identifying any participants involved, to minimise the potential of disclosure or trauma.

Interviews were considered with both a QC and solicitor. This was deemed a suitable and ethical method, however, the professional and personal commitments of those approached made a face to face interview impossible. An interview was conducted with a qualified solicitor, who has acted for both the prosecution and defence, in order to garner a professional legal view on the research undertaken. This was conducted on an informal basis. An informal interview is a type of unstructured interview. It is a conversational interview, based on an unplanned set of questions that are generated instantaneously during the interview (Gray, 2009). This style encourages the ability to elicit detail and explore areas of importance as deeply as the participant, and indeed the interviewer, feels comfortable with. Questions were prepared to guide the process although not rigid.

A questionnaire was considered, the positive benefits being an ability to reach a wide audience, objectively, and reduce the time taken to analyse data. The questionnaire, referred to as a survey, was developed and disseminated through SurveyMonkey.

**Data collection method and tools**

For the purposes of this research the informal interview was also an in-depth interview. In-depth interviews are personal and unstructured interviews, whose aim is to identify participants’ emotions, feelings, and opinions regarding a specific research subject (Anon, 2017). The main advantage of personal interviews is that they involve personal and direct contact between interviewers and interviewees, as well as eliminate non-response rates, but interviewers need to have developed the necessary skills to successfully carry out an interview (Fischer, 2006, Wilson, 2003). What is more, semi-structured interviews offer flexibility in terms of the flow of the interview, thereby leaving room for the generation of conclusions that were not initially considered regarding a research subject. However, there is the risk that the interview may deviate from the pre-specified research aims and objectives (Gill & Johnson, 2002; Carroll et al., 2017).

The interviewee was chosen due to their vast experience as a lawyer working for both the prosecution and defence, thus giving a wider exposure to the impact on the accused. The lawyer was female and therefore, if time had allowed, a second interview with a male lawyer, with a similar professional background, may have proved useful to facilitate comparisons, or indeed differences, either observed during their years of practice or from the answers derived from the questions posed.

As far as data collection tools were concerned, the research involved the use of a semi-structured survey of five questions. The survey was open for a period of two months and on average took two minutes to complete. A short time frame was necessary to ensure responses
were not hindered by time constraints of participants and that it did not become a laborious exercise. SurveyMonkey was used to devise the survey in relation to layout and electronic dissemination. The survey was sent to 500 recipients within the police service. The recipients were from across all ranks and roles and were randomly selected from a Forcewide A-Z email list by the ICT administrator.

A group of schools were approached through their Executive Chairman, however, they did not respond to the request which may be attributed to the sensitive nature of the research topic, although this cannot be confirmed. Social Services were also approached in relation to dissemination of the survey. Their Senior Management Board reviewed the request but felt the subject matter too sensitive. The author was satisfied that the 500 surveys sent to members of the police service would allow sufficient scope for the purposes of this study.

Ethics were considered and an ethical application was approved by the University. Participation sheets for information and consent were compiled and distributed through SurveyMonkey to ensure all participants were aware of the ethical considerations and the duty of care towards all of those involved.

The data from the surveys was limited due to a relatively small sample, with 222 returns from 500 surveys but as Pratt (2009, p.856) comments, ‘there is no “magic number” of interviews and observations that should be conducted in a research project’.

Two interviews were arranged, one with a QC and one with a lawyer. Due to illness, the interview with the QC had to be cancelled and it was not possible to rearrange. The other interview was conducted, during which the researcher kept notes. The interview was later transcribed and a thematic content analysis conducted.

During the interview, the respondent was free to express their views even on topics which were not included in the discussed areas, however, they were reminded of confidentiality in relation to disclosure of personal information of cases. Finally, it should be noted that the conversations flowed smoothly and pleasantly (Carroll et al., 2017).

**Data analysis**

Content analysis was considered to analyse the data which was gathered from the personal interview. According to Moore & McCabe (2005), this is the type of research whereby data gathered is categorised in themes and sub-themes, so as to be able to be comparable. It is for this reason that it was negated because of its being the only interview. Common themes could not be ascertained. A main advantage of content analysis is that it helps in data collected being reduced and simplified, while at the same time producing results that may then be measured using quantitative techniques. This is not possible with one interview as there are no comparisons. However, human error is highly involved in content analysis since there is the risk for researchers to misinterpret the data gathered, thereby generating false and unreliable conclusions (Krippendorff and Bock, 2009).

**Ethical considerations**

All participants reported their written acceptance regarding their participation in the research through a signed consent form. Participants were made aware through the information sheet that their participation in the research is voluntary and that they were free to withdraw from it at any point without having to give a reason. A withdrawal button was included in the survey.

The ethical considerations relating to this research topic have limited the ability to approach, question or canvass the thoughts, feelings and considerations of those involved in cases. This would, no doubt, have resulted in different and, perhaps, more emotional responses.

The research, interview and survey design have been undertaken by one author. Bias should therefore be considered, as no one independent of this research has taken a view or indeed
interpreted the data other than the author who has set the aims and objectives. Any analysis or comment on the results should therefore bear this in mind (Anon, 2017).

Thought was given to the exact methodology to be employed. Consideration was given to the use of interviews with both those who had previously been accused and those who remain under investigation. This was not deemed ethical and indeed too restrictive, limited by the boundaries of what questions could be asked and the inability to be able to delve deeper. The wellbeing and safeguarding of those who have been or are being subjected to an investigation remains paramount. This method was therefore rejected.

Participants were fully informed regarding the objectives of the study, whilst being reassured their answers would be treated as confidential and used only for academic purposes and only for the purposes of the particular research. The use of SurveyMonkey ensured the anonymity of all participants. Respondents were not harmed or abused, either physically or psychologically, during the research. The researcher attempted to create and maintain a climate of comfort.

Research limitations

An interview with a QC was arranged but not conducted due to health reasons. This would have given another perspective which may have brought further topic areas or indeed themes between interviews.

The size of the sample was relatively small. A bigger sample would probably enhance the reliability of the research. A broader demographic of participants, in relation to employment and age, for example, would have yielded more data for comparison.

The answers given in both the survey and interview may have been influenced by factors which were not mentioned in this project or of which the researcher was unaware.

Limitations included the need for structured forced choice questions, rather than open ended questions, allowing for exploration of a richer data set, but this may have limited the number of responses. Additional ethical dilemmas could also have resulted if an anonymised open-ended survey were to be distributed, risking potential disclosure. However, given the limited time available for this study, and the fact it is a preliminary investigation, the format should provide some interesting data upon which to build in the future. Using a limited number of structured interviews restricted the qualitative data obtained, however, given the sensitive nature of the study and time limitations, it was felt that this was realistic.

Presentation of Findings

Data analysis

The data was collected and then processed in response to the question posed in Chapter 1. Two fundamental goals drove the collection of the data and the subsequent data analysis. Specifically, these were to establish opinion on whether anonymity should be given to suspects in rape cases and to determine the reason why the participants held that opinion. These objectives were accomplished. As indicated previously, government policies have changed over the years in relation to anonymity of rape defendants. Anonymity has also been publicly supported on the basis that “it is of entirely different order” as stated by Crispin Blunt MP (Baird, 2010).

The findings presented here demonstrate that the debate is still very much alive and no suitable solution has yet been achieved.

Response Rate

Five hundred surveys were sent to officers and staff from different departments and counties within Thames Valley Police. Distribution targeted officers from across the ranks. The survey was also sent to other organisations to enable comparisons between occupations, however,
neither the school group approached nor the council were willing to participate. Consequently, the results are predominantly from police officers. The data produced has been sufficient for analysis and discussion.

**Analysing responses**

Two hundred and twenty-two surveys were returned, all of which were usable. Not all questions asked were answered by all participants, some were skipped with no reason provided. The response rate was 44.22%, a statistically representative sample. No issues were raised; no participants chose to withdraw their responses.

Of the 222 surveys, 136 returns were from police officers, 82 from police staff, one recorded as non-teaching staff, an anomaly, and 3 chose not to state (Fig.1). One hundred and eight surveys were completed by females and 106 were completed by males. In seven surveys the participant chose not to disclose their gender, one respondent left the question blank (Fig.2).

These results were also analysed to ascertain if there was a difference in response determined by gender, but this was not evident from the figures.

**Figure 1: Responses to survey according to role**

**Figure 2: Surveys completed by gender**

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Officer</td>
<td>62.10%</td>
</tr>
<tr>
<td>Police Staff</td>
<td>37.44%</td>
</tr>
<tr>
<td>Teaching Staff (school/college)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Non - Teaching Staff (school/college)</td>
<td>0.46%</td>
</tr>
<tr>
<td>Other</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
</tbody>
</table>
Following the data entry, the first step in this analysis involved collating total responses. The respondents were asked whether anonymity should be given and what factors influenced their answer together with their occupation group and gender. Respondents were able to give more than one answer to this question and therefore although 219 responses were received, a total of 392 reasons were given. Three respondents chose not to answer this question. Reference to the graph below (Fig.3), shows that 179 respondents said people who have been accused of rape or sexual assault, but have not yet been found guilty, should not be publicly identified. Twenty-three said they should be identified and twenty did not express a view. Clearly, the majority are in favour of suspects being given anonymity.

**Figure 3: Respondents view on public identification of suspects not convicted**
The reasons given for the above answers were varied, with the most common being a belief in the premise of innocent until proven guilty, followed closely by the belief that media coverage makes it more difficult to ensure a fair trial (Fig.4). The argument is that it is unfair that potentially innocent persons are not awarded the same protection as accusers, in this case anonymity, when there is no evidence that they are guilty. Crispin Blunt MP suggests that the debate on anonymity for defendants ‘does not concern the possibility of acquittal’ (Baird 2010). However, it is acknowledged that defendants could be proved innocent.

According to studies, approximately 3 per cent of rape complaints may not have any basis. This is not unique to rape cases alone since allegations of other offences may also be unfounded. Stern (2010) reports an estimated 8 per cent of complaints [rape cases] are false even though those in the legal system such as judges and police may feel this is a small minority, it still leaves 8% of suspects wrongly accused.

As evidenced by the results, 5.48 per cent of the respondents are of the view that victims do not come forward because a suspect has been named; a significantly small percentage. This is compared to those who believe that victims come forward because suspects have been named, which stands at 18.72 per cent. Clauses 7 and 11 of the Editor’s Code (ipso.co.uk, 2017) are relevant when publishing articles regarding people accused of sexual offences, indicating there is a need to take the utmost care to ensure that, when an accused is identified, this should not lead to the identification of the victim. In circumstances where it is likely to do so, allegations that occur prior to charges being brought should be anonymously reported.

**Figure 4: Reasons given by respondents for public identification of suspects not yet convicted**
Interestingly, 21% of the respondents feel that naming suspects is not in the interest of the public. This highlights the issue of when a suspect should be named, if at all. The main consensus was that this should occur after conviction, an opinion held by nearly 64% of respondents. One respondent stated suspects should never be named. No respondent felt an alleged perpetrator should be named at the point of accusation. These figures could be explained by the concern felt for individuals falsely accused of rape: that they are likely to suffer trauma, made worse by the negative publicity that they receive, which can have far reaching consequences long after possible acquittal. This is supported by studies which suggest that wrongful conviction can lead to serious social and psychological adjustment problems (Grounds, 2004).

The percentage of respondents who felt that media coverage makes it difficult for the defendant to get a fair trial was high at 69.86%. This is not far removed from the figure for believing in the notion of innocent until proven guilty; indicating that perhaps the two are intrinsically linked. Media coverage may have a bearing on the innocence of a suspect. Swati Deshpande, a Senior Assistant Editor (Law) at the Times of India, Mumbai, states: “Media reporting often gives the impression that the accused has committed the crime or the media through its independent investigation wing has found a particular fact. When in fact, it has relied entirely on the information given by the police and failed to question or verify the facts by an independent source. The result is that most crime reporting is one-sided, because the information received from the police is rarely questioned” (Lawctopus.com, 2017).

Right to fair trial of the accused must be safeguarded at any cost. One should consider that judges are human and not robots who are pre-programmed to do certain things in a specified way. Too much ‘hype’ could alter the thinking of judges, the judgement sometimes becoming biased and total justice is not awarded (Lawctopus.com, 2017).

Whether a rape allegation is true or false is subjective and mostly based on the credibility of the complainant, police judgement and motivation of all those involved from report to court (Feist et al., 2007; Lea et al., 2003; Rumney, 2006). Even though it is not within the scope of this study to assess the evidence regarding the role played by myths and stereotypes underlying rape, they are crucial in terms of understanding the perception of what constitutes rape, apart from influencing the estimates of false allegations.
Analysis of interview

An interview was conducted with a solicitor who has over 25 years’ experience in the criminal justice system from both the perspective of defence and prosecution counsel. Only one interview was conducted, therefore common themes and comparisons could not be established. The interview took place by telephone due to logistical issues and time constraints. Although the interview flowed and was without confrontation, body language and behaviours could not be observed. A set of questions was used as a guide for the interview although the interview remained conversational and topic areas merged.

The interviewee, who will be referred to as RN, stated that her opinion on the matter of anonymity has changed since she began in the criminal justice system 25 years ago. RN talked about the difficulties with the digital world in keeping any form of her clients’ lives private. Years ago, although there were newspapers, radio and T.V. many reports would be localised and could even be suppressed through appeals to the editor or broadcaster. More recently, this has become impossible and she cited a situation in which it took 12 seconds for the details of her client’s sexual assault case to be on Facebook after his arrest. Her view is that anonymity should be afforded to defendants as their chance of, and right to, a fair trial cannot otherwise be assured. RN stated the old habit of news becoming ‘chip paper’, and therefore unlikely to resurface, is no longer the case. Once on the world wide web, the news is embedded for eternity.

Another case dealt with by RN, involved a school teacher. In this case anonymity was respected by the press but not by the school pupils who, having heard of his arrest, flooded social media with comments and associated emojis.
In RN’s view, the issue appears to be with changing e-communication methods which do not complement older laws. RN spoke freely about a governor’s application submitted to her local school, at which RN is Chair of Governors. The standard Disclosure and Barring Service (DBS) checks were completed which disclosed the applicant had previously been investigated for sexual assault on a female, although no charges had been brought. Even so, RN could not approve him as a governor because of her safeguarding responsibility at the school. Employability and community functions are other strands of the argument which have not been explored in this research.

Having represented both defendants and victims, through prosecution on behalf of the Crown, RN would urge anonymity for all involved. She has represented victims whose identity has been mooted and questioned as a consequence of the suspect being named.

The interview ended with her stating that the trauma of such investigations and cases reaches far beyond the confines of the court room and embeds in the tapestry of a person’s past, present and future, undoubtedly tainting lives.

**Other studies**

Other studies have approximated that about 8 to 11 per cent of rape allegations in England and Wales are false (HM Inspectorate of Constabulary (HMIC), 2007; Feist et al., 2007; HM Crown Prosecution Service Inspectorate (HMCPSI); Lea et al., 2003; MPS, 2007; Rumney, 2006; Stern, 2010).

How this compares to the extent of false allegations in other offences is difficult to tell. In fact, Stern states that it is not known (Stern, 2010). The lack of consistency in what comprises a false rape allegation, together with disparities in police recording and practices in the Criminal Justice System (CJS), make accurate examination of the actual level of such allegations very difficult.

Much of the evidence is derived from the perceptions of professionals and research that involves relatively small samples. Over-approximations by prosecutors and police, poor communication with complainants and little understanding of appropriate law have all contributed to misunderstandings about false allegations (Kelly et al., 2005; Lea et al., 2003). In the absence of robust comparable figures for other serious crimes, it is difficult to draw solid conclusions regarding whether false rape allegations are specifically problematic. The implication is that perceptions of false allegations of rape are common and are made by vengeful or desperate women (Rumney, 2006) and cannot robustly be supported or denied.

The issue is also not clarified by the existing prosecution and conviction statistics. Those who are prosecuted for spiteful allegations of any offence are, if convicted, found guilty of offences which encompass the pervasion of the course of justice, wastage of police time and perjury. It is not possible to identify from this data those offences which have arisen solely from complainants making false accusations of rape. This would require a detailed case analysis of all convictions for these offences in general.

It could be that there is no justification for treating rape suspects preferentially; a view has been advanced that it would hinder complaints. According to a report by the police, this would hamper investigation and bar them from calling for other complainants to report cases. Few respondents appear to suggest that suspects should remain anonymous because victims do not come forward. In other words, complainants are anonymous and therefore, suspects should remain anonymous also. This view, that the complainants are anonymous therefore suspects should also be anonymous, seems to have been the common-sense approach to the issue. The initial purpose was to bestow confidence on the complainant to come to court, but this is not applicable to defendants.
Discussion

The research results are weighted towards keeping those accused from being publicly identified. It was anticipated that respondents from the police force would be in favour of naming and shaming suspects, with a view thereby to identifying further victims. The result of the survey has been compared to other polls which have been conducted. In 2010, a poll conducted by MailOnline showed that 67 per cent of readers want pre-conviction anonymity for rape defendants, as opposed to 33 per cent who do not. The scope of that survey is unknown.

In the wake of the Ched Evans case, a Premiership footballer accused of rape, YouGov have asked people several questions about their attitude towards sexual offences, and the findings were very much in line with both the survey conducted as part of this research project and that conducted by MailOnline. In the YouGov survey 77% of people think those “accused of rape should have their identities kept secret and not reported by the media.” This contrasts with ‘An innocent man or woman accused of sex crimes faces an insurmountable battle to totally clear their name, even if they are found to have done nothing wrong. However, police, the CPS and campaigners insist that it is often only when someone is accused in public of a sex crime that other victims realise they are not the only person affected, and come forward with additional details’ (Belam, 2014).

Accused.me.uk, a support site set up by people who have experienced wrongful accusations in relation to sexual crimes, also undertook a survey in October 2015, run by the London Telegraph (Accused.me.uk, 2017).

However, this was conducted in line with some of the members’ stories being published in the press, therefore many of the respondents may have been wrongfully accused also and therefore biased in their response. The target audience for the poll may have been blinkered and caution should be exercised with such data. The results showed that 97% of over 4500 people who responded were in favour of anonymity for the accused.

On reflection, the terms ‘rape’ and ‘sexual assault’ used in the survey conducted for this dissertation may have influenced responses. It may be the case that an attitude towards rape is different to that towards sexual assault. The data should be viewed bearing this in mind. A more specific survey, differentiating between rape and sexual assault may have borne different data. That said, sexual assault can be as severe as rape, and just as traumatic.

The aims and objectives of this research have been explored and analysed, however, the question remains as to whether a definitive conclusion can be drawn.

Conclusion

Balancing the scales of justice

The research undertaken has established there are clearly two schools of thought regarding the question of whether those accused of rape should be given anonymity. It is key to the principles of justice that no one should be treated with prejudice purely based on an accusation. There has also been no evidence uncovered that the victim would be adversely affected by giving anonymity to suspects pre-charge; rather, it supports a fair and impartial judicial process tempering the kangaroo court of media-fuelled public opinion.

The research examined the notion of innocent until proven guilty, however, this extends further to the right of anyone not to be punished before a fair and proper judicial process has taken place and unless there is sufficient evidence to prove beyond all reasonable doubt. To be labelled a rapist is more than detrimental to a person’s reputation. It is virtually irreparable, has a ripple effect through family, raises unshakable doubt and is unjustified before a conviction is
secured. This is the case even when charges are never brought, such as in the case of Ben Sullivan, (Mutch, 2017).

Conversely, if the due legal process finds one guilty of the crime of rape then the naming and shaming would appear most appropriate along with a significant prison sentence to protect others from harm. There is no evidence to suggest that this public exposure cannot wait until the weight of evidence to secure conviction has been established. Comparison has been made between the special treatment of rape suspects, if anonymity were to be granted, and other crime categories which may also be damaging to one’s future. However, it has already been acknowledged that sexual crimes are ‘special’ due to anonymity being granted for teachers in such circumstances (Mutch, 2017). The measure was intended to support teachers’ authority in the classroom and to acknowledge that teachers were especially vulnerable to false allegations. This does not mean they suffer any more than any other person accused, nor should protection of reputation come down to the question of a person’s occupation or profession.

The Home Secretary recently instructed police forces that “there should be anonymity at arrest although I know that there will be circumstances in which the public interest means that an arrested suspect should be named”, though stated that “except under exceptional circumstances anonymity should not be given at the point of charge” (Mutch, 2017).

Furthermore, The Association of Chief Police Officers’ (ACPO) official guidelines state, “Save in clearly identified circumstances… the names or identifying details of those who are arrested or suspected of a crime should not be released by police forces to the press or the public” (Mutch, 2017).

This would indicate that a change in the law would make standard practice and policy a legislative requirement, giving standard practice the force of law. A sensible approach would be needed in cases where a suspect absconds from their bail and anonymity would preclude or hinder capture. Public safety should always remain paramount. An exception would need to be included for such circumstances.

The question is then raised regarding releasing the name of the accused after charge. This would perhaps redress the balance somewhat between parties and allow transparency to the greatest extent possible whilst protecting reputations to some degree. The legal system encourages public scrutiny, and rightly so, to keep a check on legislative power. However, there is no reason why this cannot be delayed, becoming public at the opening of court proceedings, rather than during the initial investigative process. Up to this point it could be argued that there is insufficient evidence and therefore anonymity should be allowed for both parties. The balance at the point of charge would alter due the evidential test being met.

Worthy of review

The anonymity argument is reignited each time a notable figure becomes the talking point of a media storm based, at times, on a mere accusation. Nigel Evans MP is an example of a well-known figure who became a vocal advocate for anonymity after being cleared of any wrongdoing in relation to sexual allegations made against him. Ben Sullivan is another who has spoken out about his ordeal through the investigation and parallel media frenzy. As stated during an interview in The Daily Mail, Mr Sullivan supports “the right to anonymity as the inquiry is at a preliminary stage” (Mail Online, 2017).

Interestingly, when the accused of other serious crimes, such as murder or drug related offences, are cleared there are not the same discussions or debates. There is seemingly far less press coverage and perhaps being cleared or acquitted is far more final for such crimes and therefore has less of a protracted stigma attached. The victim in a murder cannot be affected further. The victim in drug related offences is the state (Regina) and not one person with emotions and feelings. Rape differs in both respects. This does make the investigation and crime type worthy of a review into special treatment and legislative clauses.

There is value in naming those accused of rape, not least to encourage other victims to come forward. This is something Ben Sullivan himself, although cleared and a supporter of anonymity, has acknowledged: “I understand why naming people is useful – naming Jimmy
Savile obviously had a huge impact in getting people to come forward” (Belam, 2014). This was the reason behind the amendment of the Sexual Offences Act in 1988, when it was recognised that police forces needed to reveal the identity of suspects to conduct investigations effectively and improve attrition and conviction rates.

There are instances of being falsely accused and instances of being found not guilty. Clearly being falsely accused would open a further debate on the punishment given to the accuser. That said, we must not lose sight of the fact that false claims are still in low numbers compared to total reports of rape. Ruth Hall from Women Against Rape states that legislative reform “should pay attention to the 94% of reported cases that do not end in conviction rather than the few that are false”. This brings into question whether there is a need for those accused and cleared to look beyond their personal experiences and consider the implications that anonymity would have in a culture in which 1 in 5 women (and thousands of men) will experience sexual violence (Mutch, 2017).

What is the answer?

This author concludes that reporting either the victim’s or the accused’s names should be prevented. This is not complete anonymity but at least curtails the media damage to innocent parties and redresses a balance in the infancy of an investigation. It could be that naming only at the point of charge would be an equitable solution.

There is a plethora of short studies and surveys as well as individual opinions about anonymity. Areas of further exploration have been highlighted within this research, so it is in everyone’s interests that such detailed exploration should be commissioned to bring evidence, clarity and a formative answer to this long-standing debate. Politicians and public figures personally affected, may encourage a change in the law.

Let justice be achieved for all involved in a balanced way and not allow the ad hoc penalties of public ruin taint any more lives.

Recommendations

- Due to time constraints, a systematic appraisal of all relevant information from all jurisdictions was not possible. A further study using a wider and more varied participation group would be beneficial and allow for a deeper analysis.

- The proportionality of exposing names to the media during an investigation should be an area for training within the police service. Insufficient media training and insight is given regarding the understanding of the impact of cases on innocent people’s lives. Further to this, poor investigation can cause cases to collapse which does not bring justice for anyone.

- The digital era is evolving by the day. The oldest laws which are the foundation of our judicial system were born in an era in which digital issues were not even conceptual. Is it now time for the law to be updated to reflect the modern world?

- Research and studies have been conducted in relation to trauma and the psychological effects of rape, however, these are focused on the victim. During this research, no academic or medical studies have been found which detail the impact, both physically and psychologically, on the accused. Neuroscience would surely benefit from the exploration of such a study?

- As detailed previously in this research, the effect of media coverage on jurors has been examined. However further work in this area would be beneficial to ensure a fair and unbiased court hearing for all involved.
Through commissioning further research the government can then make decisions on evidence-based policy rather than opinion or unsupported thought.
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Exploring the policing of cannabis in England and Wales in an ‘age of austerity’

Author(s): Scarlett Furlong
Affiliations: MSc candidate Criminal Justice Policy, London School of Economics and Political Science

Foreword

This article represents a summary of research carried out by Scarlett as part of a long essay written for her Master's degree in Criminal Justice Policy undertaken at the London School of Economics and Political Science submitted in late 2018. Scarlett's research was supported by the Thames Valley Police Research and Practice Board. Scarlett has since taken up a role as a Policy Adviser for Volteface (an independent, cross party organisation involved in informing public debate around drugs).

Key words: Drugs, Cannabis, austerity.

The context of the research and its importance

Since 2010, England and Wales have entered an ‘age of austerity’ - primarily in the form of extensive spending cuts, with police forces seeing cuts of nearly 25%. In the same period that austerity measures were introduced, stop-searches, recorded offences, arrests and convictions for cannabis possession have fallen significantly. This comes after a six-year period of substantial increases in cannabis possession offences from 2004 to 2010.

The primary aim of the research was to explore the policing of cannabis in England and Wales since 2010 and determine whether the reduced focus on cannabis possession by the police is a result of austerity measures. The study solely focused on low-level cannabis offences, notably possession for personal use offences. A qualitative approach was adopted and semi-structured interviews were conducted with eight police officers from two separate forces in England and Wales. This approach was preferred as it brings police perspectives and experiences to the forefront of the research. The research explored the following research questions:

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• What does the policing of cannabis look like in an ‘age of austerity’?
• Can a link be established between the policing of cannabis and austerity?
• What are the police’s attitudes and opinions towards the policing of low-level cannabis offences?

The research is important as there have been limited studies concerning the policing of cannabis possession in recent years. This is surprising given the reduction in focus on cannabis possession, by the police in England and Wales, in times of austerity. Moreover, there appears to be little attention given to police attitudes and perspectives towards the policing of cannabis in current available research. Overall, the study comes at an important time as changes are taking place globally in relation to cannabis legalisation and different police forces in England and Wales are adopting new approaches to the policing of cannabis. Additionally, in an age of austerity cuts and changes to police governance, police forces in England and Wales have tough choices to make when it comes to police priorities.

Methods

The research consisted of semi-structured interviews with eight police officers from two police forces in England and Wales. Gaining access to police officers was achieved through an existing contact in one police force and through contact with a police officer from another force via social media. As a non-probability sampling approach was adopted and the sample size was small, findings cannot be generalised to all police officers or police forces. However, as this research project is exploratory in nature, the findings of the study still hold validity.

The interviews were analysed using thematic analysis which included six phases: familiarisation, coding, searching for themes, reviewing themes, defining and naming themes and writing up. Ethical responsibilities were taken into account during the research such as; voluntary participation, informed consent, confidentiality and anonymity, and privacy.

Findings

In relation to the first research question, it can be concluded from the interviews with police officers that there is inconsistency towards the policing of low-level cannabis. Whilst some officers cited that they would process cannabis formally, others highlighted that they may treat it informally in certain circumstances. Moreover, there appeared to be variation in the application of guidance given by the Association of Chief Police Officers and confusion surrounding cannabis legislation amongst some officers. Interestingly, the majority of officers interviewed stated that possession offences would be used as a ‘way in’ to get offenders for other offences which raises concerns about police legitimacy.

Returning to the second research question, the findings from this study indicate a strong correlation between the policing of cannabis and austerity. Austerity has considerably impacted
police officer numbers and resources, which has led to a collapse in proactive policing as forces have become increasingly reactive, and therefore officers reported that they are pursuing low-level cannabis offences less. Instead, nearly all officers voiced that cannabis possession offences primarily came to light as by-product of unrelated policing activity. Moreover, officers reported that they had increased workloads due to the shortage of staff, meaning that officers simply don’t have the time to police cannabis. However, it must be acknowledged that there are other factors involved that complicate this relationship. Officers reported that there has been a change in priorities from volume crime to higher-harm offences and vulnerability which meant cannabis possession is no longer a priority. Moreover, several officers expressed that recent scrutiny of stop-search practices had made them reluctant to perform stop-searches involving cannabis. Furthermore, as no officers who were interviewed mentioned using cannabis offences to hit performance targets, it can be inferred that there is less focus on this now, which in turn may have contributed to the reduced focus on cannabis possession.

Finally, in respect to the third research question, this study found that there was considerable variation in attitudes towards the policing of cannabis. Whilst some officers have expressed that they were happy with available out-of-court disposals and current policy to control low-level cannabis offences, other officers voiced they would prefer a model of legalisation or decriminalisation to be implemented. Additionally, one officer was in favour of employing tougher penalties to individuals caught in possession of cannabis. Overall, it can be said that if cannabis reform were to take place in England and Wales, either in the form of decriminalisation or legalisation, it would generate a split opinion amongst police officers.

Overall, four themes emerged from the research:

1. The policing of cannabis is inconsistent
2. There are links between austerity and the reduction of cannabis policing
3. There are additional factors influencing cannabis policing
4. There is variation in attitudes towards cannabis policing

Recommendations

The findings of this study have a number of important implications for future policy and research in England and Wales. Firstly, it is recommended that updated national guidance and training concerning the policing of low-level cannabis be rolled out nationally. This is to ensure that police officers are aware of how these offences should be policed and that they shouldn’t be used as a ‘way in’ to other offences. Secondly, further research should be undertaken to corroborate and expand this study’s findings about the overall picture of cannabis policing in England and Wales. Thirdly, as a policy implication, the finding that there is considerable variation in attitudes towards the policing of cannabis indicates that if cannabis legislation was to be reformed in England and Wales, it would not be welcomed by all police officers. In sum, a small but valuable contribution has been made to the academia by furthering the understanding of cannabis policing in England and Wales since 2010 and informing future policy and research in this area.
References


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Overcoming Occupational Stress in the Police: A Retrospective Analysis of Experience

Author(s): Aimée Overington
E-mail: counselling@aimeeoverington.com

Affiliations: Counsellor and M.Sc. candidate in Counselling Research, University of Worcester
Thames Valley Partnership charity

Foreword

Aimée Overington MSc BACP (Reg.) is a trained counsellor with 8 years’ experience in voluntary and private settings, currently offering 1-1 counselling in Bicester from her private practice. Aimée also manages the Victims First Emotional Support Service across the Thames Valley, under the umbrella of the Thames Valley Partnership charity.

Background

Completed as part of a professional development Master’s, the research study was conducted by a counsellor with a special interest in traumatic stress and the work of the emergency services, embarking on a research study which would seek to understand the stress experience and recovery of police staff. In the development stages of the research question, the initial literature review highlighted that police were at greater risk of experiencing stress and mental health problems associated with their work (MIND, 2015). In particular, police are at risk due to experiencing high-levels of violence from criminals or attending ‘everyday’ duties such as road traffic accidents or situations involving firearms. In addition, the pressures of organisational culture and perceived media representation all contributed to the experience of stress. Previous research studies had also reported a sense of vulnerability and poor job satisfaction found in police employees, and in extreme cases, negative coping mechanisms including substance misuse and PTSD traits as symptoms of work stress. However, the literature review also highlighted that positive coping mechanisms were often successfully employed, such as the use of humour and a sense of comradery between colleagues. The research study would contribute to the field as the lack of research in this area alongside the reported high levels of stress and poor job satisfaction presented a significant gap in the literature and an opportunity to discover positive coping mechanisms to improve stress levels for police staff. The initial literature findings formed the basis of the research question - to understand the experience, factors and recovery from occupational stress in police staff in England.

Method

It was important to consider the best way to gather meaningful narratives and first-hand accounts of police experience, therefore semi-structured interviews were chosen as the format
for data collection for the study. Participants were asked to recall a stressful event that had occurred over 6 months ago which manifested a period of stress lasting no longer than a month. Participants were asked eight main questions:

(1) Please can you tell me about the stressful event; (2) How did the stress affect you?; (3) How is it affecting you now?; (4) When you felt most stressed, can you tell me about the kinds of thoughts and feelings you remember having?; (5) How did you cope with that stress?; (6) Can you tell me about the support you sought or was offered; (7) Did the relationship with your colleagues affect the stress you felt?; (8) Has the stressful period passed for you? The semi-structured nature of the interview approach meant that questions were followed with unstructured prompts, which were used when appropriate and based on participants’ responses.

In order to gain an in-depth understanding of the participants’ accounts and to focus on their personal experiences, the data was analysed using the qualitative approach Interpretative Phenomenological Analysis (IPA) as theorised by Smith, Flowers and Larkin (2009). The recorded interviews were transcribed verbatim and analysed through an intense process of analysing and interpreting the data.

**Results**

The themes were grouped into four superordinate themes and a number of subthemes as summarised in the table below. Through the process of analysing and interpreting the data, a number of main (Superordinate) and Subthemes were found as follows:

<table>
<thead>
<tr>
<th>Superordinate Themes</th>
<th>Subthemes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coping with Stress</td>
<td>Compartmentalisation and avoidance</td>
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<tr>
<td></td>
<td>Psychological resilience</td>
</tr>
<tr>
<td></td>
<td>Exercise</td>
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<tr>
<td></td>
<td>Use of humour</td>
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<tr>
<td>Culture of Policing</td>
<td>Professional reputation</td>
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<tr>
<td></td>
<td>Organisational culture</td>
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<td></td>
<td>External media representation</td>
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<td></td>
<td>Relationship between managers and staff</td>
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<tr>
<td>Experience of Stress</td>
<td>Policing duties</td>
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<tr>
<td></td>
<td>Physical and psychological representation</td>
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<tr>
<td></td>
<td>Sense of vulnerability</td>
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<tr>
<td>Forms of Support</td>
<td>Organisational support</td>
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<td></td>
<td>Support from colleagues</td>
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<td></td>
<td>Support from family</td>
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</tbody>
</table>

The most significant subthemes that negatively influenced the stress experience were professional reputation; organisational culture; external media representation, and policing duties. Professional reputation presented as a very significant theme, in which participants described a culture of sickness, absence or an appearance of not being able to cope as ensuring permanent loss of reputation. It was interesting to note that participants described this culture in a historical context although still made reference to professional reputation as an ongoing problem. Notably, two participants described the phenomenon of becoming overstressed and taking a period of leave as “going pop” or “wibble”. These colloquial phrases highlighted the trivialisation of occupational stress in the workplace, as highlighted in the quote below:

“...that professional reputation it means a lot in the organisation if you've got a good reputation then you're a good bobby if you went wibble or if you're a sick note or if absence makes your friends work harder then you've not got a very good reputation as an officer and reputation is the only thing people have in this job so that's where everyone panics”
Compartmentalisation and avoidance were generally described as useful tools in combatting stress and being able to carry out day-to-day work; conversely, the use of avoidance did allow stress to accumulate and become unmanageable in some cases. Positive coping mechanisms were identified in exercise and positive activities, the use of humour, positive relationships with managers, and valuable support from colleagues. The latter was particularly significant, in which most participants described the bond and comradery between colleagues (often linked with use of humour) as one of the best tools by which stress was managed.

**Discussion**

The study was borne out of the researcher’s experience of working with clients who had experienced stress and traumatic circumstances. Throughout the researcher’s career as a counsellor, they had maintained a special interest in traumatic stress disorder in which individuals have experienced unusually traumatic circumstances. As such, the interpretation of transcripts was influenced by the researcher’s training in identifying psychological disturbances, personal meaning within dialogue and non-verbal communication. In some interviews, the researcher reflexively responded to the participants’ answers in a counselling style, which may have inadvertently encouraged participants to elaborate on certain topics.

In summary, the study identified common support structures and forms of coping for police staff - predominantly in relationships between colleagues and pragmatic (although limited) forms of psychological compartmentalisation. Stress influencers were identified in a number of aspects of police culture, specifically a culture that was dictated by the importance attached to professional reputation, infallibility and competence. Notably, stress was also exacerbated by the dangerous and often unpleasant nature of policing duties, performance pressure and heavy workloads. Stress presentation manifested holistically in participants affecting personal, psychological and physical dimensions. Recommendations for the Police as an organisation included encouraging a cultural movement within the profession to reduce the stigma attached to professional reputation, by fostering holistic support structures and open dialogues that could improve attitudes towards mental health in policing.
References

Methodology corner with Professor Tom Kirchmaier……..

Averages: powerful, and so easily abused

Author(s):
Professor Tom Kirchmaier

E-mail:
t.kirchmaier@lse.ac.uk

Affiliations:
Visiting Senior Fellow: Community, Labour Markets, Centre for Economic Performance, London School of Economics and Political Science
Standing member of the Thames Valley Police Research and Practice Board

About the Professor……..

Tom is a Visiting Senior Fellow at the Centre focusing on understanding the various aspects of crime and policing, as well as on understanding organisations using data from the police. Other projects focus on exploiting large datasets from other organisations to help us understand its inner workings. Prior to the CEP, Tom was with the Financial Markets Group, and the Manchester Business School. Tom holds a PhD in Management from the LSE. Tom is a member of the Thames Valley Police Research and Practice Board.

About the methodology corner…..

Welcome to the new methodology corner of the TVP Journal. In this and subsequent editions I will try to talk about empirical methodologies, give tips on how to analyse data in particular, and evaluate programmes more generally. This ‘corner’ is for you, so if you would like me to discuss particular questions just let me know and I will do my best answering them in subsequent editions.

Averages: powerful, and so easily abused

In this first article I wanted to start by talking about averages, or (arithmetic) means as they are technically called. They are probably the most used empirical method, we learn it early on in school, and are very comfortable with it. It is also very easily abused. It is the sum of the numbers divided by how many numbers are being averaged. To give an example, the average of 3 and 7 is (3+7)/2=5. Formally, it is \[ \bar{x} = \frac{a_1 + a_2 + \cdots + a_n}{n}. \]

Averages are powerful as they are very intuitive and give us a good idea about general levels. We use averages all the time in policing and elsewhere to evaluate programmes, where we compare averages over time, across space (areas), or other dimensions. As such there is
nothing wrong with it, and I don't want to discourage using it, but would like to encourage you to also report median values.

A median value is the one where 50% of the values are below, and 50% above. If we look at a number of observations \([1, 2, 2, 3, 4, 7, 9]\), the median number is 3. Just for completeness, people often also talk about mode, which is the most common observations, which in our example would be 2.

In an ideal world assuming normal distribution the average/mean, median, and mode value would be very close together. But things in life and policing are hardly ever 'normal', so it is very common that effects are driven by extreme values at the upper or lower end of the distribution (or both, in which case the distribution is called bi-modal), and the distribution is called skewed (the dotted line below. Figure 1 below shows the case of a positively skewed distribution, with some very large values. In this case the mean is always higher than the median (and the mode).

Let me demonstrate why this matters (a lot) using an example that has nothing to do with policing; the real annual income growth in the US from 1980-2014. While the mean value for the US, and that time period, came in at a respectable 1.4%, 87% of the population was below that value. In fact, the median pre-tax value was a very meagre 0.5%.

I tell this story not because I am concerned here about the performance of the US economy, but to illustrate that under one measure the US economy delivered brilliant results for its citizens, and under another absolute dismal ones. It is quite possible, if not likely, that some of your studies will suffer a similar fate. Hence when you report results always report both mean and median, and only believe the lower (weaker) measure. For those running regressions don't forget that while an OLS (Ordinary Least Squares) is typically estimated at the mean, you can also estimate it at the median (or at any other point). In any case, always show a graph with the full distribution of results to be honest with your audience.

This also has implications where you may commission external service providers and specify a set of performance measures. While stipulating averages sounds perfectly reasonable, it is good practice to anchor any contract on the lower of mean or median. By doing so one can avoid the prospect of the service provider focusing on a few areas that show high levels of improvement in favour of delivering for the entire spectrum of users. I am not writing this without reason, as I have subjectively observed something similar with the introduction of a new technology at one UK police force. While it helped a few, the median user was pretty much left in the cold and widely underwhelmed.

Figure 1: Comparing Mean, Median, and Mode

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75 In case you have an equal number of observations like \([1, 2, 2, 3, 4, 7, 9, 10]\), you just average the two middle numbers: \(3+4/2 = 3.5\).

76 Source: Cmglee, CC BY-SA 3.0. Link.
Figure 2: Distribution of real average annual growth in the US, 1980 - 2014\textsuperscript{77}

\textsuperscript{77} Piketty, Thomas; Emmanuel Saez and Gabriel Zucman (2017), Distributional National Accounts: Methods and Estimates for the United States.