Utilising the U.K. Freedom of Information Act 2000 for crime record data: Indications of the strength of records management in day to day police business.

<table>
<thead>
<tr>
<th>Journal:</th>
<th>Records Management Journal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manuscript ID</td>
<td>RMJ-05-2015-0020.R1</td>
</tr>
<tr>
<td>Manuscript Type:</td>
<td>Research Article</td>
</tr>
<tr>
<td>Keywords:</td>
<td>Databases, Data retrieval, Freedom of information, United Kingdom</td>
</tr>
</tbody>
</table>
Purpose

This research paper considers the use of the U.K. Freedom of Information Act 2000 (FOIA) as a resource providing access to otherwise unavailable data from U.K. Police forces. Not seeking to be a critical examination of Police practice it offers insight to many aspects of records management appertaining to the police service provision of recorded crime. Authors consider whether record management is sufficiently integrated in to police practice, given the transparency called for by the FOIA, contemporary societal needs and the growing requirement to provide high value evidence led assessments of activity both within and external to the service.

Design/methodology/approach

FOIA was utilised to collect data from all police forces in England & Wales through multiple requests. Carried out over a 15 month period three requests were collated and responses compared, allowing for examination of compliance with the legislation and reflections on the manner in which records were sought and ultimately disseminated.

Findings

Generally responding to FOIA requests was well managed by English Police Forces. Methods of data management and collection practice were exposed which the authors suggest pose questions on the strength of records management consideration that may be worthy of further work. Configuration management of records is highlighted as an essential function given disparity of data releases experienced.

Research limitations/implications

This research highlights the FOIA as a valuable methodological tool for academic researchers but is limited in respect of seeking firm contextual explanation of the Police internal procedures to answer requests. By making common requests over a long time period to the same Police forces it provides a clear study of FOIA processes and raises potentially significant questions for records management consideration.

Originality/value
This paper allows for reflection on the importance of high value records management in the
day to day business of the police service and questions whether such knowledge areas are
suitably considered. Covering an area of little previous academic enquiry the research
informs criminal justice practitioners of areas for potential further discussion and academic
researchers on the validity of using the FOIA as a valuable information source.
Introduction

Within the United Kingdom (U.K.) constructive recording of incidents of crime, their investigation and outcomes is a default responsibility firmly placed upon Police Forces, being integral to the day-to-day business activity of policing. Historically management of those crime records has facilitated policing activity ranging from general police patrolling to investigation, high level management information and ultimately the reporting of statistics to central government. Following the first tranche of British Crime Survey (BCS) data in 1982 (the nation’s first national social survey of crime victimisation), access to crime records began a slow, very limited/restricted movement toward sharing with external researchers and undergoing in depth analysis.

Crime Prevention appears firmly on the political agenda in 1987, slowly evolving from sole Police responsibility to a shared multi-agency responsibility (Moss & Pease, 1998; Liddle & Gelsthorpe, 1994) requiring dissemination of Police records to non-police agencies by 1998. This new focus on multi-agency crime prevention coupled with other changes in policing methods developed the use of Police held crime information from predominantly administrative to significantly operational. Internal analytical requirements became necessary to support investigatory, preventative, management and day to day policing activity.

In 1996 the Criminal Procedure and Investigations Act effectively placed a statutory label on the investigatory record. This statutory ‘label’ becomes applied to material within an investigation that must be disclosed to the defence in any subsequent judicial proceedings, so requiring recording and archiving to allow access should a prosecution case be developed, failure to suitably do so creating potential legal difficulties.
By 2000 changes in Policing methodologies were under way on a national basis with the introduction of the National Intelligence Model (NIM) which by 2004 had to be in place and operational within all Police forces in England, Wales and Northern Ireland (Ratcliffe, 2012). The NIM is essentially a business model with focus on prioritisation of tasks and a cyclical process to manage policing. It rapidly enhanced the use of intelligence and information and created a multitude of analytical requirements. Systematic but fundamental analysis sought defined management products sourced primarily from internal records with the crime and investigation record as core to enhance and benchmark day-to-day policing tasks and manage the direction of investigative and general policing activities. Policing by Intelligence continues to this day, each U.K. Police force recruiting to and maintaining analytical structures. Sourcing the crime and investigatory record as a core data rich source for (ultimately) predictive crime analysis such as crime hotspot mapping has firmly switched its use to day to day internal Policing business. Therefore as a functional item the crime record has changed face rapidly and repeatedly since the turn of the century from being a generally administrative feature to a core item of source material for the management and direction of policing activity through the NIM.

In 2005 the Freedom of Information Act 2000 (FOIA) (Great Britain. Freedom of Information Act 2000, 2005) changed that face yet again as until then records maintained minimal non Policing functionality. They were Police created, Police held and Police owned other than through a central government or legal requirement neither of which openly led to public dissemination of the detailed record or parts thereof. The FOIA was introduced through a recognisable desire to promote transparency and trust in Government and related public service activity. It was considered to be progress in reducing the barriers to data access (Lee, 2005; Cooke & Sturges, 2009; Fowler et al, 2013, Shepherd, Stevenson & Flinn, 2010) and suddenly made the crime record accessible to all for a host of external
activities (in part only given that many variables may contain information subject to restricted access via other legislation such as Data Protection).

Reported research in this paper derives from an ongoing project considering the criminal activities of inter-E.U. migrants and spatial diversity, requiring a baseline position to be established concerning the volume of such crime committed in England with spatial reference. In the U.K. information relating to the nationality of offenders is not stored centrally and existing data within the criminal court system fails to provide suitable geo-references. Project requirement dictated the need for data from Police Forces in England and Wales (n=43) on the nationality of all people charged with a criminal offence during 2011, 2012 and 2013 together with type of criminal offence committed and gender, utilising the police force areas as a core geo-reference.

Policing presents a unique case to consider with regard to the FOIA. During the preparation period between 2000 and the final enactment in January 2005 the Association of Chief Police Officers of England, Wales & Northern Ireland\(^1\) (ACPO) undertook the role of developing preparedness for Police forces (Great Britain, Constitutional Affairs Committee, 2004). Following the 2005 enactment they coordinated the creation of required publication schemes, developing and continuing to maintain a central reference unit and guidance to all forces. Understandably there is highly significant commonality between all forces in the information they produce through common aims and requirements, an advantage ACPO held onto in their role of developing policies on behalf of the Police Service as a whole. They now produce for all forces a 154 page comprehensive manual of guidance on the operation of the FOIA (Association of Chief Police Officers, 2011).

\(^1\)ACPO was replaced in April 2015 with the National Police Chief’s Council (NCPC). Throughout this paper reference is made to the original form of ACPO existent at the time of research and results.
We consider the use of the FOIA and offer an insight into the intricacies of Police held crime data, the need to consider data corroboration and the use of the FOIA as a research tool for academic enquiry. Given expected levels of commonality in recording requirements between forces (although systems and processes were expected to differ) and national guidelines high levels of consistent approaches to FOIA requests and data supply were anticipated. Results indicated potentially significant data uncertainty apparent within data releases and we discuss the implications of this for development of academic research methodologies. Internal Police data use and analysis is also reflected upon, identifying configuration management as a factor to be considered and possibly enhanced in the development of internal analytical strategic products. Configuration management here is the management of changes i.e. version control. It would be helpful if analysts not only knew which version they were working on but also what version a database reaches in a specified period; for example working on Version 2 when the database in question tends to reach Version 30 every 12 months. This information would indicate the degree of potential uncertainty in the data and therefore the credibility of their results. It would also pose management questions.

Proceeding with two short sub sections discussing data need and the FOIA our methodology employed in this research for the extraction of data using the FOIA is then given. Results are described and summarised providing an understanding of data discrepancies experienced and the responses of Police Forces upon seeking explanation. Discussion follows on the impact of the study’s findings and the paper concludes with reflection and development of a guide to FOIA use for academic researchers.

**Data Need.**

Secondary data is often a core requirement for social research but can be problematic to obtain, however the value of the Freedom of Information Act as a useful and effective tool
when seeking secondary source material is recognised (Murray, 2013; Lee, 2005). Openly available data sources exist which can be interrogated for analysis (Brown, 2009) and generally holds data collected by others for various purposes (Thomas, 1996). This open source data makes the use of secondary, Government collected data valuable with its benefits of high quality and scale otherwise problematic (Smith, 2008). Equally such released information may reveal the existence of material inaccessible at such an open access level and the FOIA adds value to research on the work of any public agency (Walby and Larsen, 2012; Lee, 2005; Savage & Hyde, 2012).

Brown (2009) acknowledges FOIA use as being of particular interest to those studying criminal justice or criminology, providing perspectives and interest beyond studies of the public agencies themselves and firmly linking with (but not limited to) social sciences and human geography. Fowler et al (2013) undertake a systematic review of FOIA use in healthcare research. They note the limited number of publications detailing FOIA use in that field but acknowledge the potentially valuable resource that it has become. Lee presented work in 2005 considering the FOIA and possible uses for the social sciences. Prepared in 2004 this pre-emptive discussion of potential research use in the UK suggested the act had potential to extend the range of information resources available and be viable and positive.

Research suggests that the most common users are journalists and individuals (Shepherd, Stevenson and Flinn, 2009; Frontier Economics, 2006) and it is not being fully exploited for academic research, although the actual extent of its use by academics is unclear (Brown, 2009; Murray, 2013, Fowler et al, 2013). Potential as a tool to obtain information is high, however in practice utilisation is not necessarily straightforward. The Constitution Unit of University College London publish a guide intended to advise academic researchers
(Bourke, Worthy and Hazell, 2012) and this we would recommend to all, noting also our final concluding comments of this paper.

In general terms data concerning offenders and nationality to the level required for the core project is not openly available or published but was known to exist within English police force data collection methodologies. Gaining access to the number of persons charged with a criminal offence, their nationality and the type of offence committed was therefore undertaken through formal FOIA requests to all forces.

From the internal policing perspective data is unsurprisingly core to the policing function. Since the introduction of the NIM data and information analysis has leapt to the fore compared with just a few years prior. All forces now employ analysts and researchers and have developed bespoke analytical units to service the operationalisation of the NIM.

Significant commonality across forces exists within such structures but generally they can be considered bespoke in terms of individual Police Force structures and policing requirements.

Data and in this case access and understanding of the crime investigatory record, has become fundamental to internal crime analysis activity serving NIM products and informing policing strategies. In somewhat simplified terms analytical functions within analysis units are dichotomous, captured under the two umbrellas of tactical and strategic activity to produce aptly named ‘intelligence products’ to inform decision making. An emphasis is maintained throughout that such analytical products should seek to step beyond reporting and in to interpretation through inference development. At the tactical level dealing with day-to-day, week-to-week business analysts are likely to have clear understanding of data complexity and volume, in the main dealing with relatively localised contemporary issues and witnessing changes on a daily basis. Strategically data need is almost diametrically opposed seeking instead data at the higher management and geographic level to inform target setting and resource prioritisation through informed analysis and interpretation of data
from much longer time periods, typically annual or bi-annual aggregated data sets such as
that sought for the research reported. Internally, therefore, the need for accuracy and
integrity of data is paramount. Analytical output informs policing decisions at all levels
within Police forces themselves but also across the shared policing responsibilities of formal
partnership activity. Poor management of records, archiving and configuration management
has the potential to impact significantly on an ever widening range of activity through
reduction in analytical accuracy.

Freedom of Information Act 2000

Access to information is a human right (United Nations, 1948), with importance of that
access right highlighted by the United Nations (UN) since its inception in 1946 (Mendel,
2000). More recently, the UN Secretary General has emphasised the need for a right to
information, and for governments to be transparent in calls for the historic culture of
government secrecy to be addressed (United Nations, 2010).

Legislation providing access to information and data held by governments and public
agencies is not an English phenomenon. It is recorded by Banisar in 2006 as being apparent
in 70 countries worldwide whilst in progression with 50 others. Hazell and Worthy (2010)
extend this to ninety countries with freedom of information structures apparent in 2010. The
U.K. was one of the last countries of the developed world to adopt such access legislation
(McClean, 2010) beginning with a 1997 Government white paper acknowledging an
‘entrenched culture of secrecy’ (Great Britain, Parliament, House of Commons, 1997,
paragraph 7.2) and emphasising a desire to shift from the secrecy culture (Stead, 2008)
towards one of openness. The resulting Freedom of Information Act 2000 (entering in to
force in 2005) is shown as part of a government agenda to ‘increase openness, transparency,
trust and accountability in the public sector’ (Shepherd, Stevenson and Flinn, 2010). It
provides a formalised process through which access to information can be requested. There
exists a clear government drive for the release of such information in order to improve
public trust in national justice agencies (Smith, 2006; Great Britain, Home Office, 2010;
Chainey & Thompson, 2012). With almost routine journalistic reference to the FOIA its
existence and ability to supply information from public bodies has become well known.

The FOIA 2000 seeks to freely provide public access to information that is held by all public
authorities in England, Wales and Northern Ireland by obliging those authorities to publish
certain information concerning their activities and providing members of the public with the
right to request any information. Positions created under the Act strongly favour disclosure
of information unless justification for refusal can be provided to the requester under one (or
more) of the exemption conditions within the legislation. All public authorities are bound by
a publication scheme laying down a minimum set of information they must publish. It has
become general practice to openly publish FOIA requests received via authority web pages,
together with the information disclosed or the decision not to disclose.

The request must ‘describe the information’ that is desired (FOIA Section 8 (1c)), which
whilst important in order to respond properly, requires the applicant to know how to ask for
the information they want (Brooke, 2006), potentially putting the applicant at disadvantage
if unfamiliar with the manner in which information is stored (Wadham and Harris, 2011).

If the information requested is held by the authority and deemed disclosable dissemination is
required unless the estimated cost of complying would exceed the appropriate limit (FOIA,
Section 12(1)). Free disclosure can be refused if collation of the requested information
exceeds the (current) limit of £450 in terms of resource use (staff time) (£600 for requests to
central government, Parliament or armed forces). Requesters will be notified that the
information is held but it is often acceptable for the information to be disclosed if extra costs
are covered by the requester.
Since its enactment work has been published providing greater detail of the formalities, exemptions and procedures of the FOIA than reported here. The ICO and ACPO produce valuable breakdowns of detail (Information Commissioners Office, 2013; Association of Chief Police Officers, 2011; Lee 2005; Fowler et al, 2013; Bourke, Worthy and Hazell, 2012; Shepherd, Stevenson and Flinn, 2009; Birkenshaw, 2010, Hayes, 2009 and others).

Methodology

FOIA requests reported here were made to each of the 43 Police Forces of England and Wales.

Over a 16 month period three requests were made as indicated in table 1 seeking additional information with each request as the project methodology unavoidably developed over time.

............... Insert table 1 here ......................

These three requests were primarily made as data provision for spatial diversity analysis within the project (Johnson, 2014; Ludwig, 2015, Johnson, 2015) but also facilitated comparative analysis of Police records explained within table 2. Comparison of Police Force FOIA abilities was not a core remit of the research and remains so but following receipt of disclosures over time an assessment of data uncertainty increased in importance.

Comparison of data sets provided one perspective on the potential for error to be apparent and its impact on analytical results whilst corroborative data was also sought from other sources not reported upon here. Anonymity of Police Forces is considered necessary within this paper, emphasising the general records management as opposed to public body study theme of this paper.
Post comparison letters were sent to each Police Force detailing discrepancies identified between provided data sets, inviting explanation regarding discrepancies or identification of potentially erroneous data sets. Letters provided an opportunity for forces to explain the various data discrepancies and were not submitted as formal FOIA requests.

Dutton (1991) succinctly states ‘No branch of science can bear fruit unless its findings can be qualified by the various uncertainties to which the measurement and analysis of its data are subject’. Whilst primarily considering uncertainty within spatial data and analysis, Dutton’s comment remains pertinent. Comparing FOIA requests provided an ability to examine data and analysis integrity whilst exploring wider questions highly pertinent to the overall project.

Within the project an early decision was made that responses to FOIA requests would not be formally challenged unless obviously incorrect data was supplied, the response was exceptionally slow or similar administrative type issues arose. With no project remit to undertake in depth research or enquiry in the field of FOI the decision not to challenge through formal channels (Police or Information Commissioners Office) was considered unethical within the project parameters and beyond project resource abilities.

Results

The results provided here do so through the lens of information collation activity without reflection on crime and nationality which has been published elsewhere (Johnson, 2014).

Of all outcomes from this work perhaps the most impactful was on researchers time. Following Request 1 the majority responded within regulatory time limits of 20 working days and ultimately all forces responded to all requests made. Responses were inconsistent.
in format and interpretation of the request made, with some providing results by financial year or aggregating 2011 and 2012 data. Seven forces provided crime types with counts of all foreign nationals combined and no delineation by nationality, requiring further submissions to be made. One Force failed to respond for 5 months.

After the second request responses were received in a far more timely and acceptable manner and this experience was maintained following the final request in June 2014. Only one force failed to meet regulatory time limits (response received after 41 working days). It became very noticeable that across all forces significant improvement had been made in response procedures since the first request in early 2013.

The 2013 request succeeded in directly gaining at least some of the requested information from thirty-nine of the forty-three forces in England and Wales.

Three refused disclosure on the grounds of exceeding the cost limit but others were able to extract the requested information within the permitted ‘free’ time provision, suggesting potential over complexity with the recording systems of these three forces.

Questionably one northern force applied section 40 of the FOIA stipulating information is exempt if constituting personal data as defined by the Data Protection Act 1998 (Great Britain, Data Protection Act 1998): ‘data which relates to a living individual who can be identifiable from those data’. The force disclosed total numbers of offenders of each nationality but declined to provide information on nationality and crime types as to do so would allegedly result in a high level of potential identifiability. The requested information did not seek names, biographic data or data at any geographic scale below that of the entire force area and it remains unclear how revealing the crime types that different nationalities were charged with at such a geographic scale could lead to identification of individuals.
Differing or poor interpretation of the request also emerged as a significant issue. One southern force rejected disclosure, referring to its previous release and publication via a third party requester. Examination confirmed that this previous disclosure related to significantly different material leading to a further submission for the correct information which was ultimately disclosed.

Thirty-six forces contacted in 2014 disclosed some results. As previously, one applied section 40 and disclosed only figures for nationality, not broken down by crime type, due to their judgement that it would constitute personal information.

One force applied section 30 stating information is exempt if it has been held for the purpose of criminal investigations either currently or in the past. No other force applied this exemption, and this was not applied in relation to the previous request to that same force for that same information but for a different time period, although chronologically similar. Two forces, having refused the previous request due to exceeding the time limit provided the information in full in 2014. One refused the request claiming not to record nationality, although they had disclosed requested nationality information in 2013.

Of those forces disclosing full results including a breakdown of crime types for each nationality, fifteen aggregated offences into broad crime type groupings, whilst others provided specific offences. Generally aggregated results aligned with Home Office crime type categories which are publicly available, thus the itemised results could be grouped and compared. Three forces used broader bespoke categories, from which it was not fully clear which offences were included or not included.

Comparative analysis resulted in significant dissimilarity between data sets provided and also Police Force responses. Comparison was possible across the 2011 and 2012 data sets requested to varying degrees, identifying apparent disparity between disclosed data sets.
For Peer Review

(Table 3). Twenty one Police Forces offered explanations; two accepted that incorrect data sets had been disclosed and forwarded replacements.

....................... Insert table 3 here ......................

Of the explanations provided content analysis readily identified five distinct themes of Database fluidity, Interpretation of requests, Method of data extraction, System change and Incorrect data supply as explanations of disparity through recurrent terminology and common content. Table 4 provides examples of textual responses for each theme and theme frequency.

....................... Insert table 4 here ......................
All requests made had related to persons charged with an offence. As opposed to arrested, charging an individual with an offence falls between the two, being the lawful process formally notifying an arrestee of the intention to prosecute. At conclusion of an investigation case evidence for all but some minor offences is referred to a prosecution lawyer and the records assessed to confirm or deny that a formal charge is appropriate and what that criminal offence is. It is a process fundamentally different to that of arrest (Johnson, 2014) and can only arise if the evidence to support an offence being committed in the first place is apparent.

In response to the explanation seeking letters two Police Forces provided responses indicating questionable interpretation of records held. Neither force provided further data to correct original responses.

Force ‘a’:

“4662/13 requested information in relation to foreign nationals charged for an offence. The response to this request included all arrests for all offences.”

“FOI 5826/14 ............ In order to retrieve this biometric detail crime reports were analysed. Not all arrests made will lead to a crime report being submitted as after investigation no criminal offence may have taken place and therefore no requirement for a ‘crime’ to be recorded."

Force ‘b’:

“The information for each of these requests has been checked and it has been found that the data for each request was compiled differently as the person completing the request interpreted it slightly differently, that is: one listed all arrests regardless of disposal rather than only those where an offender was charged, hence the numbers are greater.”
For Peer Review

Force ‘a’ make the point that should the result of an investigation be that no criminal offence has been committed no crime record will be apparent so that arrest/investigation may not be traced within the search method conducted. It is equally apparent that if no criminal offence is established then no prosecution charge will be forthcoming. Force ‘b’ use interpretation by the operator as a reason but in fact this led to incorrect data being supplied as no request was made for the number of persons arrested.

One force response appeared overly defensive in nature, almost alluding to comparison of data being unlawful in itself. Summarised below the response began by repeating a standardised caveat provided with the initial disclosure that the databases used are a ‘live’ system and subject to change as incidents are finalised. A final sentence stated “It should be noted that for these reasons this force’s response to your questions should not be used for comparison purposes with any other response you may receive." Which was then repeated as “.....however information held can change as data is amended therefore for this exact reason separate (sic) response should not be compared.”

There followed “Whilst giving maximum support to individuals genuinely seeking to exercise the right to know, the Commissioner’s general approach will be sympathetic towards authorities where requests can be characterised as being part of a campaign. Therefore with regard to this request and other requests on this topic we are including a warning under Section 14(1)(Vexatious Request) of the Freedom of Information Act that any future similar requests may attract this exemption.”
The apparent decision to characterise requests (and the final letter seeking explanation) as being part of a campaign is difficult to explain given that the final letter began by introducing the reason for requests as part of a European Commission (EC) funded study on the cross national provision of bio-informatic data.

Comparison was one stage in triangulation of data to affirm integrity for spatial analysis but only conducted on data provided for eight nationalities Czechoslovakian (CZ), Irish (IE), Latvian (LV), Lithuanian (LT), Polish (PL), Romanian (RO) and Slovakian (SK). Within this paper total quantitative results are too expansive to display. Table 5 provides the example for 2011 data supplied in requests 1 and 3, comparisons between other data sets and calendar years bore similar results.

Insert table 5 here

Values shown in table 5 record the numerical difference between data sets. When taken as absolute values these represent the number of records changed over a 15 month period. For each matrix of request differences the numerical distribution of record changes is significantly skewed indicating mean values to be significantly impacted by outliers such as values recorded within Metropolitan Police data due to high numbers. Evaluating significant volumes of record changes was therefore undertaken through identification of values with Median Absolute Deviation greater than or equal to two. This method negates significant outlier influence commonly seen when using mean values and standard deviations. A matrix displayed in table 6 identifies Police Force data sets indicating significantly high volumes of record
changes between FOIA requests made compared with the overall number of computational comparisons available within each. Nine forces are seen to display significantly high values of which three only feature in single comparison subsets. Of the eight forces who did not respond to the final letter seeking explanation six feature in this matrix.

........ Insert table 6 here ..............

Discussion

Using the FOIA as a research tool brings challenges; use of the legislation and types of data obtained may not readily fit recognised categories of research design and data classification (Savage and Hyde, 2012). It does however provide a useful and valuable mechanism for information retrieval, providing access to otherwise inaccessible information/data.

Disclosed data quality is clearly dependent on the quality of information gathered, stored and the information management systems in use (Great Britain, Parliament, House of Commons, 1997; Holsen, 2007). Responding to an FOI request requires knowledge of information held and its location and retrieval methods which may be significantly complex (Taylor and Burt, 2009). Within large organisations undertaking complex and diverse functions FOIA staff may be disconnected from operations and therefore reliant on management information systems providing legitimacy and adequacy.
The time-consuming demand for information through FOIA applications is unpredictable by nature (Ross and Whittaker, 2009) and that unpredictability can hamper efforts to resource a workload that is constantly changing (Shepherd and Ennion, 2007). A study of U.K. local government implementation reported on a local authority where FOIA requests had greatly increased which the respondent claimed was ‘hard to manage and we’re finding it very hard to meet the 20 day target’ (Richter and Wilson, 2013).

A few forces claimed to be unable to provide data on the nationality of persons charged as apparently this is only recorded at arrest and not when a person is charged. The claim that nationality is recorded at the beginning of an offender’s criminal justice process but remains non-transferable may be questionable in light of EU rulings of 2008 and 2009 requiring nation states to provide each other with conviction histories of individuals and record nationalities (European Commission, 2008; European Commission, 2009).

An interesting example to emerge in terms of data collection, quality and process is exampled by one large northern force. Initial disclosure was aggregated for the two year period 2011 and 2012 with no specification of which year crimes occurred. These results indicated that in the two year period there were 964 charges made against one national group. The results received in relation to a further request for clarification by providing data only for 2011 showed no charges against that national group and confirmation that the data was considered to be correct. Given the subsequent national analysis of the inclusive data sets received it was difficult to imagine that no offenders of this nationality were charged with offences in this force area in 2011 yet 964 were charged in 2012. Questioned at the time of disclosure and subsequently the FOIA unit stance remained that the disclosure was
fully correct until the final explanation seeking letters were sent. In response it was acknowledged that the data was wholly incorrect and an apology issued. An unrelated request to police forces concerning expenditure on interpreters again highlighted the issue of data quality and whether the information disclosed can be considered accurate. The request asked for total annual spend on interpreters and for annual spend on each of eight specified languages. One force provided total figures lower than the expenditure for three of the individual languages quoted and subsequently accepted erroneous disclosure.

Uncertainty therefore exists throughout the process of producing, recording and ultimately disclosing administrative data. As the requesting researcher is unlikely to be fully aware of the information collection, recording and management practices of the organisation the integrity of data disclosed in response to FOIA requests cannot be assumed and must be carefully considered. As this research progressed it became ever more apparent of the need to consider each disclosure and assess integrity on a one-by-one basis. Assessment opportunities are enhanced when making identical requests to multiple agencies but would be problematic for a singular, limited number of requests or requests to one agency.

Inconsistencies raise analytical barriers and were even evident where two forces share a ‘joint information management unit’, one providing fully detailed information specifying numbers for each individual offence, whilst the other aggregated offences into broad categories. Thus effective analysis and comparisons by the receiving researcher were hampered, indicating poor internal communication within the joint unit.

Also apparent were inconsistencies in the application of exemptions. Taylor and Burt (2010) reported through interviewing public body employees that there was
considered to be a lack of consistency in interpretation and understanding of exemptions. Such an issue was experienced in this research, with one force applying section 40, one applying section 30 and a further three refusing disclosure on the grounds of cost despite the other forces being able to freely retrieve and disclose the requested information. Of these it is difficult to explain why only two of the 43 forces contacted refused information access under sections 30 and 40 whilst cost issues may be due to complexity of in-force recording systems and is more intuitive.

Across the Police Service of England and Wales responses were generally good, timely and appropriate in an administrative context. Inconsistencies in approach and interpretation were evident and potential for disclosures to lack integrity requires consideration in the methodological model utilised. Our projects analytical model led to relatively easy identification of outliers. Triangulation and comparison methods may be appropriate within other research projects. Poor integrity of disclosed data risks additional burdens of FOIA requests being made and may reflect poorly on the FOIA management of the data providers.

In 2012 the House of Commons Justice Committee reviewed the FOIA with evidence received from numerous sources. ACPO written evidence included the growing volume of FOIA requests received. This showed an increase across 7 years of some 20,000 annual requests to Police Forces, and provided the statement that “Currently force FOI resources are reducing whilst the number of FOI requests continues to grow, against this backdrop the current situation in performance is not sustainable.”
Evidence also called for consideration of the imposition of fees to requesting under the act (Great Britain, House of Commons Justice Committee (a)(b)(c), 2012)

In this research many disclosures received suggested a limited approach being taken due to poor resourcing as opposed to a negative view of the act itself and requirements to disclose. Upon reflection project researchers perceived a ‘hurried’ or ‘take the easy route’ approach to disclosure percolating through, with the possibility of this approach being driven by poorly resourced high workloads and a drive to reduce costs.

From the perspective of internal data requirements now essential to the Intelligence-led Policing model Ratcliffe (2012) clearly describes its history, development, philosophy and methodological shift, identifying capture of data and information analysis as a fundamental requirement. All Police forces in England and Wales have existing crime analysis structures, hierarchies and specialised units calling upon analysis of internal and external data to offer tactical and strategic direction. Coupled with the need to justify activity and use of police powers the accurate analysis and interpretation of information held in police records becomes integral to day-to-day business activity. Force crime and intelligence analysts possess ability to access full internal data sets with an understanding of data collection methodologies in use. With tactical, short term localised analysis the recognition of data set updating and alteration becomes integral to the daily analytical functions. The results from this research provide some insight on the labyrinthine nature of Police records and their management, albeit from a focused external perspective. We particularly identify the need to acknowledge, understand and assess configuration management of records within the analytical world of policing. Pertinent predominantly to strategic products our results would suggest
that greater assessment of integrity risk may be worthy of development and integration within internal strategic assessment products, coupled with analytical skills and audience understanding of suitable indicators. With some forces reporting significantly high volumes of record changes between requests an assessment of integrity risk for internal analytical products increases in importance, particularly as many of those analytical products may be used to influence resource provision or policing activity.

A lack of widely-understood common definitions of probabilistic terms is a key challenge for the analyst wishing to avoid the risk of misinterpretation when communicating uncertainty, thereby unwittingly contributing to ill-informed policy decisions. Critical understanding and explanation of information uncertainty was a matter touched upon by Lord Butler during his 2004 report reviewing intelligence for weapons of mass destruction for the U.K. Government (Great Britain. Parliament. House of Commons, 2004). This risk based approach is all the more timely as central Government priorities increasingly focus on the reduction of threat and harm in broad thematic terms where information is at best incomplete but often ambiguous or lacking. Emphasis on threat and harm therefore requires the use of more sophisticated forms of analysis such as Structured Analytic Techniques (SAT) advocated by Heuer and Pherson (2011) and widely used by a diverse set of government agencies rather than those currently found in most traditional NIM compliant strategic assessments. Techniques will need to evolve into useful thematic products moving beyond description into forecasting whilst retaining agility to provide early warning alerts where appropriate.

Results within this paper highlight the fluid nature of police records, complexity impacting on data searching and retrieval techniques and the importance of
maintaining high level records management to ensure suitable data integrity is maintained and fully transferable. Analytical techniques and the requirement to inform high level management of policing in an honest, transparent and gainful manner may be seen as ‘changing the face of police records’ further and as such uncertainty within such analytical products should be assessed, measured and presented as integral elements. Records management will need to be structurally integral to improve the knowledge base and results from this paper confirm such a requirement.

With fluidity of databases being a core reason for disparity greater use of and internal staff knowledge of the importance and relevance of configuration management within records management becomes important. Table 6 indicates forces making very significant volumes of changes to records to the extent where an analytical product in 2014 (request 3) may potentially display very different results from one in 2013 (request 1). One northern force records a total of 662 charged offenders during 2011 (request 1) across the 8 nationalities but by the time of request 3 this had increased to 1,671 for the same 2011 period.

**Conclusion**

Access afforded by Freedom of Information (FOI) is valuable. Research conducted would not have been possible without this formal mechanism to obtain the required data; results received have been useful, interesting and informative. However, as a research method FOI is not without limitations; a considered, planned approach is essential for multiple applications. Studies attempting to evaluate academic use have so far found relatively little published academic works using FOI as a methodology.
From our experience of using FOIA through multiple information requests a number of recommendations emerge:

- Proportionate use in the context of demand on both public resources and academic research resources.
- Fully explore the possibility of required data having been previously released.
- Create clear and precisely worded requests; use terminology found within organisations being contacted where possible.
- Do not assume accuracy is inherent in the information received. Consider methods enabling auditing of responses such as comparisons or triangulation.
- Recognise that all requests made and responses received will be openly and fully published by authorities from which information is sought. Consider wording of requests to ensure protection of research sensitive issues.

Indications are apparent that adherence to ACPO national guidelines are weakening, a possible outcome alluded to within their representation to the House of Commons Justice Committee in 2012. Likely to be budget driven to match financial cuts a further concern expressed was cost to Police Forces of internal reviews and responses to the Information Commissioners Office following complaints. Risks of poorer performance (reducing costs) leading to increased complaints (increasing costs) exist and reducing FOIA resourcing may be counterproductive in the longer term.

With so few disclosure refusals apparent in this paper it is suggested forces should collectively consider greater release of information via open access publication than is currently undertaken. An immense amount of diverse information is held and the extent of FOIA requests received indicates (unsurprisingly) that the general theme
of ‘Policing’ will always be of interest to the public. Openly publishing material may relieve pressure in the long term and it is suggested that further research to better understand requesters knowledge desires may facilitate successful open access publication and significantly inform the issue.

Clarity in responses to FOIA requests was also often lacking and suggested to the researchers involved that the function of FOIA units had become to manage a disclosure in the easiest way (for the force) rather than seeking to satisfy the requester. Poor understanding by FOI managers of the data held by forces becomes apparent in some of the explanations offered around data disparity.

With the ethos of improving ‘... openness, transparency, trust and accountability in the public sector’ (Shepherd, Stevenson and Flinn, 2010) the very large disparity between data disclosures from some Police forces is an issue for further research and exploration. Each force FOIA response included a default caveat that the databases were fluid in nature but fluidity was not the sole explanation provided or gleaned for these discrepancies and when given by some they failed to satisfactorily explain such high volumes of record changes. The FOIA is a means of improving trust and accountability but a full understanding of the management of records and relevance of configuration management must be maintained and communicated.

The FOIA does offer a positive addition to the academic researchers toolbox. Planning of requirements and resources are emphasised and that planning should include simple logistics, a generic email address and tracking due dates. We also suggest that planning for time spent researching the public body(ies) through web sites, published documents and previously disclosed FOIA requests is equally as important. Basic context forming activity presents an opportunity to develop
knowledge on the relevant organisations ability to respond, consistency in approach, interpretation, favoured terminology and nature of data held.

The UCL Constitution Unit guidance paper (Bourke, Worthy and Hazell, 2012) concludes with “Three golden rules of FOI” which can be headlined as follows:

1 Use it well and ask the right questions.
2 Make contact with the officials.
3 Be prepared for it to take time.

Whilst we would endorse this document as a useful guide we would add one comment and two further rules.

Making contact with officials is a useful and clearly sensible activity if possible. However funding cuts have clearly been impactfull with communication avenues streamlined and automated, making such pre-emptive contact sometimes problematic, or indeed impossible. An additional rule of ‘Be prepared to challenge’ is unfortunately unavoidable but a proportionate decision should be considered as such challenges will be resource impactful for all parties concerned. A second additional rule is suggested as ‘attempt to seek pre-emptive knowledge of relevant data collection methodologies employed’. The here described research project had a singular and significant advantage; in depth, contemporary and significant personal knowledge of the crime data recording systems used by U.K. police forces within the research team. Such knowledge was invaluable in the required planning process to maximise responses and assess the integrity of the disclosures received.

Reference List


Information Commissioner’s Office (a) (date unknown) ‘The public interest test’ Retrieved 11 June 2014 from


<table>
<thead>
<tr>
<th>Request 1</th>
<th>April 2013</th>
<th>Counts of individuals charged with a criminal offence by nationality recorded and type of crime</th>
<th>Calendar years 2011 and 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request 2</td>
<td>February 2014</td>
<td>Counts of individuals charged with a criminal offence by nationality recorded and type of crime</td>
<td>Calendar years 2012 and 2013</td>
</tr>
<tr>
<td>Request 3</td>
<td>July 2014</td>
<td>Counts of individuals charged with a criminal offence by nationality recorded, specific crime type, age and gender. Data request limited to 8 particular nationalities only.</td>
<td>Calendar years 2011 and 2012</td>
</tr>
</tbody>
</table>

Table 1. FOIA requests.
<table>
<thead>
<tr>
<th>Request</th>
<th>Linked Request</th>
<th>Comparative potential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request 1</td>
<td>Request 3</td>
<td>2011 counts</td>
</tr>
<tr>
<td>Request 1</td>
<td>Request 3</td>
<td>2012 counts</td>
</tr>
<tr>
<td>Request 1</td>
<td>Request 2</td>
<td>2012 counts</td>
</tr>
<tr>
<td>Request 2</td>
<td>Request 3</td>
<td>2012 counts</td>
</tr>
</tbody>
</table>

Table 2. Comparisons of FOIA requests.
<table>
<thead>
<tr>
<th></th>
<th>Request 1</th>
<th>Request 2</th>
<th>Request 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responses</td>
<td>38 data responses</td>
<td>39 data responses</td>
<td>39 data responses</td>
</tr>
<tr>
<td>(n=43)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year parameter provided</td>
<td>28 Calendar</td>
<td>39 Calendar</td>
<td>39 Calendar</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Request 1 -vs- Request 3</th>
<th>Request 1 -vs- Request 2</th>
<th>Request 2 -vs- Request 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comparable Force data sets</td>
<td>26</td>
<td>24</td>
<td>20</td>
</tr>
<tr>
<td>Data Year comparable</td>
<td>2011</td>
<td>2012</td>
<td>2012</td>
</tr>
</tbody>
</table>

Table 3: Comparison parameters
<table>
<thead>
<tr>
<th>Theme</th>
<th>Example</th>
</tr>
</thead>
</table>
| Fluidity | “......possible explanations for the difference in figures  
  i) We have identified the nationality of a charged person when previously none was given  
  ii) We have amended the nationality, following further enquiries, to the correct nationality and the new one is either a nationality that you  
  are/are not interested in  
  iii) The person arrested was bailed at the time of the first “snap-shot” for an offence and then at a later date has been recalled and re-arrested for further offences charged and bailed to appear at court.”  
  “Data based on the same time period but requested on different dates will produce different results; this is because the .......... Crime recording system is a live system which is constantly subject to change. “  
  “Each report is run as at a different date, and is only accurate as at the day the report was run.”  
  “Similarly where a person gives one ethnicity at first contact, then provides different ethnicity at a later date or is found to have given inaccurate information originally, the records will be updated.” |
| Method | “It appears that the previous responses were actioned by different people and using different systems, this has been raised as an issue and as such the response data has been amended.”  
  “......possible explanations for the difference in figures:  
  The requests have been dealt with by different people and the information has been retrieved in different formats, either persons arrested and charged or all of the charges laid against individuals.” |
| Interpretation | “The figures for the first two requests were extracted from the custody system .......... and the third from the crime recording system.  
  Different systems and different interpretations of requests will undoubtedly produce different figures as different parameters have been used to extract the information.”  
  “Upon review of the requests you refer to, it would also appear that as they were done at different times by different members of staff, they have been interpreted slightly differently” |
| Incorrect | Incorrect data supplied, new data included within 2 responses |
| Systems | “Police installed a new Custody System at the end of September 2011 and information was imported from the old system however cannot be automatically updated it would require the manual identification and updating of information which is why there would be no change in the data.” |
| No response | No response to letter received |

Table 4. Examples of explanation themes identified
<table>
<thead>
<tr>
<th>Police force</th>
<th>CZ</th>
<th>IE</th>
<th>LV</th>
<th>LT</th>
<th>PL</th>
<th>PT</th>
<th>RO</th>
<th>SK</th>
<th>Total(^1)</th>
<th>%age change(^2)</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>-3</td>
<td>+10</td>
<td>+2</td>
<td>-84</td>
<td>+33</td>
<td>+8</td>
<td>+11</td>
<td>-3</td>
<td>154</td>
<td>24.18</td>
<td>Interpretation + Fluidity</td>
</tr>
<tr>
<td>2</td>
<td>-4</td>
<td>-13</td>
<td>-9</td>
<td>-341</td>
<td>-14</td>
<td>-8</td>
<td>+24</td>
<td>-4</td>
<td>417</td>
<td>44.55</td>
<td>Fluidity + Method</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>-13</td>
<td>-2</td>
<td>-88</td>
<td>-1</td>
<td>-2</td>
<td>-18</td>
<td>+3</td>
<td>127</td>
<td>34.99</td>
<td>Interpretation</td>
</tr>
<tr>
<td>4</td>
<td>-1</td>
<td>-10</td>
<td>-5</td>
<td>-32</td>
<td>-7</td>
<td>-28</td>
<td>0</td>
<td>0</td>
<td>112</td>
<td>45.16</td>
<td>No response</td>
</tr>
<tr>
<td>5</td>
<td>-1</td>
<td>+22</td>
<td>+13</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>37</td>
<td>25.52</td>
<td>No response</td>
</tr>
<tr>
<td>6</td>
<td>-3</td>
<td>+2</td>
<td>-1</td>
<td>-31</td>
<td>+9</td>
<td>+1</td>
<td>-15</td>
<td>-6</td>
<td>68</td>
<td>46.90</td>
<td>Interpretation</td>
</tr>
<tr>
<td>7</td>
<td>0</td>
<td>-1</td>
<td>5</td>
<td>+10</td>
<td>+2</td>
<td>+18</td>
<td>0</td>
<td>0</td>
<td>36</td>
<td>60.00</td>
<td>No response</td>
</tr>
<tr>
<td>8</td>
<td>-112</td>
<td>+395</td>
<td>-95</td>
<td>-232</td>
<td>-360</td>
<td>-67</td>
<td>+179</td>
<td>-86</td>
<td>1526</td>
<td>109.23</td>
<td>Incorrect</td>
</tr>
<tr>
<td>9</td>
<td>+9</td>
<td>+14</td>
<td>+6</td>
<td>+26</td>
<td>+33</td>
<td>+1</td>
<td>+28</td>
<td>+11</td>
<td>128</td>
<td>131.96</td>
<td>Incorrect</td>
</tr>
<tr>
<td>10</td>
<td>-9</td>
<td>-39</td>
<td>-29</td>
<td>-114</td>
<td>-176</td>
<td>-28</td>
<td>-38</td>
<td>-12</td>
<td>445</td>
<td>40.16</td>
<td>Fluidity</td>
</tr>
<tr>
<td>11</td>
<td>+1</td>
<td>0</td>
<td>-4</td>
<td>-229</td>
<td>-13</td>
<td>-1</td>
<td>+1</td>
<td>+2</td>
<td>251</td>
<td>21.49</td>
<td>Fluidity + Interpretation</td>
</tr>
<tr>
<td>12</td>
<td>0</td>
<td>+20</td>
<td>+1</td>
<td>+71</td>
<td>+35</td>
<td>+6</td>
<td>+36</td>
<td>+2</td>
<td>171</td>
<td>63.33</td>
<td>Method + Interpretation</td>
</tr>
<tr>
<td>13</td>
<td>0</td>
<td>+9</td>
<td>-30</td>
<td>-273</td>
<td>-31</td>
<td>+2</td>
<td>+1</td>
<td>0</td>
<td>346</td>
<td>46.57</td>
<td>No response</td>
</tr>
<tr>
<td>15</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>+10</td>
<td>-2</td>
<td>+1</td>
<td>+12</td>
<td>25</td>
<td>15.53</td>
<td>Fluidity + Interpretation</td>
</tr>
<tr>
<td>16</td>
<td>-7</td>
<td>0</td>
<td>1</td>
<td>-20</td>
<td>-9</td>
<td>0</td>
<td>-10</td>
<td>-1</td>
<td>48</td>
<td>36.36</td>
<td>Fluidity</td>
</tr>
<tr>
<td>17</td>
<td>+18</td>
<td>+19</td>
<td>+1</td>
<td>+71</td>
<td>+48</td>
<td>+2</td>
<td>+14</td>
<td>+5</td>
<td>178</td>
<td>52.20</td>
<td>Fluidity + Interpretation</td>
</tr>
<tr>
<td>18</td>
<td>+13</td>
<td>+4</td>
<td>0</td>
<td>-6</td>
<td>+11</td>
<td>+3</td>
<td>0</td>
<td>0</td>
<td>37</td>
<td>35.24</td>
<td>Systems</td>
</tr>
<tr>
<td>19</td>
<td>+43</td>
<td>+66</td>
<td>+1</td>
<td>+125</td>
<td>+15</td>
<td>+102</td>
<td>+40</td>
<td>392</td>
<td>2063.16</td>
<td>No response</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>+4</td>
<td>-5</td>
<td>+6</td>
<td>+106</td>
<td>+54</td>
<td>+7</td>
<td>+107</td>
<td>+13</td>
<td>302</td>
<td>49.19</td>
<td>No response</td>
</tr>
<tr>
<td>21</td>
<td>+4</td>
<td>+51</td>
<td>+57</td>
<td>+56</td>
<td>+178</td>
<td>+95</td>
<td>+61</td>
<td>+3</td>
<td>505</td>
<td>252.50</td>
<td>Method + Incorrect</td>
</tr>
<tr>
<td>22</td>
<td>0</td>
<td>0</td>
<td>-1</td>
<td>-30</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>31</td>
<td>10.80</td>
<td>Fluidity</td>
</tr>
<tr>
<td>23</td>
<td>+4</td>
<td>+12</td>
<td>+55</td>
<td>+117</td>
<td>+119</td>
<td>+23</td>
<td>+33</td>
<td>-13</td>
<td>376</td>
<td>51.93</td>
<td>No response</td>
</tr>
<tr>
<td>24</td>
<td>0</td>
<td>-1</td>
<td>0</td>
<td>+4</td>
<td>+4</td>
<td>+8</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>17.00</td>
<td>Fluidity</td>
</tr>
<tr>
<td>25</td>
<td>+44</td>
<td>+36</td>
<td>+95</td>
<td>+131</td>
<td>+7</td>
<td>+37</td>
<td>+66</td>
<td>0</td>
<td>447</td>
<td>59.60</td>
<td>Method</td>
</tr>
<tr>
<td>26</td>
<td>0</td>
<td>+10</td>
<td>0</td>
<td>-13</td>
<td>+22</td>
<td>+4</td>
<td>-5</td>
<td>0</td>
<td>54</td>
<td>40.00</td>
<td>Method</td>
</tr>
</tbody>
</table>

Table 5. Data comparison between Request 1 and Request 3 data disclosed (2011).

1 Sum of difference between request 1 and request 2
2 Difference between requests expressed as a percentage of request 1 data
<table>
<thead>
<tr>
<th>Police Force</th>
<th>2012 R1-v-R3</th>
<th>2012 R1-v-R2</th>
<th>2012 R2-v-R3</th>
<th>2011 R1-v-R3</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A¹</td>
<td>2.13</td>
<td></td>
<td></td>
<td></td>
<td>Method</td>
</tr>
<tr>
<td>10²</td>
<td>2.07</td>
<td></td>
<td></td>
<td>3.52</td>
<td>Fluidity</td>
</tr>
<tr>
<td>B¹</td>
<td></td>
<td>2.83</td>
<td>2.24</td>
<td></td>
<td>No response</td>
</tr>
<tr>
<td>14²</td>
<td>24.57</td>
<td>31.35</td>
<td>24.46</td>
<td></td>
<td>No response</td>
</tr>
<tr>
<td>19²</td>
<td>2.99</td>
<td>4.68</td>
<td>4.59</td>
<td></td>
<td>No response</td>
</tr>
<tr>
<td>20²</td>
<td></td>
<td>3.77</td>
<td>2.19</td>
<td></td>
<td>No response</td>
</tr>
<tr>
<td>23²</td>
<td>3.53</td>
<td></td>
<td>2.94</td>
<td></td>
<td>No response</td>
</tr>
<tr>
<td>C¹</td>
<td></td>
<td>5.35</td>
<td></td>
<td></td>
<td>No response</td>
</tr>
<tr>
<td>25²</td>
<td></td>
<td></td>
<td>3.8</td>
<td>Method</td>
<td></td>
</tr>
</tbody>
</table>

Table 6. Matrix of Police Force data sets displaying Median Absolute Deviation <=2

¹ Force does not appear in table 5
² Force appears in table 5 as per numerical indexing