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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.

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Manuscripts

Review

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

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

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.

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3 By 2000 changes in Policing methodologies were under way on a national basis with the
4 introduction of the National Intelligence Model (NIM) which by 2004 had to be in place and
5 operational within all Police forces in England, Wales and Northern Ireland (Ratcliffe,
6 2012). The NIM is essentially a business model with focus on prioritisation of tasks and a
7 cyclical process to manage policing. It rapidly enhanced the use of intelligence and
8 information and created a multitude of analytical requirements. Systematic but fundamental
9 analysis sought defined management products sourced primarily from internal records with
10 the crime and investigation record as core to enhance and benchmark day-to-day policing
11 tasks and manage the direction of investigative and general policing activities. Policing by
12 Intelligence continues to this day, each U.K. Police force recruiting to and maintaining
13 analytical structures. Sourcing the crime and investigatory record as a core data rich source
14 for (ultimately) predictive crime analysis such as crime hotspot mapping has firmly switched
15 its use to day to day internal Policing business. Therefore as a functional item the crime
16 record has changed face rapidly and repeatedly since the turn of the century from being a
17 generally administrative feature to a core item of source material for the management and
18 direction of policing activity through the NIM.

19
20
21 In 2005 the Freedom of Information Act 2000 (FOIA) (Great Britain. Freedom of
22 Information Act 2000, 2005) changed that face yet again as until then records maintained
23 minimal non Policing functionality. They were Police created, Police held and Police owned
24 other than through a central government or legal requirement neither of which openly led to
25 public dissemination of the detailed record or parts thereof. The FOIA was introduced
26 through a recognisable desire to promote transparency and trust in Government and related
27 public service activity. It was considered to be progress in reducing the barriers to data
28 access (Lee, 2005; Cooke & Sturges, 2009; Fowler et al, 2013, Shepherd, Stevenson &
29 Flinn, 2010) and suddenly made the crime record accessible to all for a host of external
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3 activities (in part only given that many variables may contain information subject to
4
5 restricted access via other legislation such as Data Protection).
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8 Reported research in this paper derives from an ongoing project considering the criminal
9
10 activities of inter-E.U. migrants and spatial diversity, requiring a baseline position to be
11
12 established concerning the volume of such crime committed in England with spatial
13
14 reference. In the U.K. information relating to the nationality of offenders is not stored
15
16 centrally and existing data within the criminal court system fails to provide suitable geo-
17
18 references. Project requirement dictated the need for data from Police Forces in England and
19
20 Wales ($n=43$) on the nationality of all people charged with a criminal offence during 2011,
21
22 2012 and 2013 together with type of criminal offence committed and gender, utilising the
23
24 police force areas as a core geo-reference.
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27
28 Policing presents a unique case to consider with regard to the FOIA. During the preparation
29
30 period between 2000 and the final enactment in January 2005 the Association of Chief
31
32 Police Officers of England, Wales & Northern Ireland¹ (ACPO) undertook the role of
33
34 developing preparedness for Police forces (Great Britain, Constitutional Affairs Committee,
35
36 2004). Following the 2005 enactment they coordinated the creation of required publication
37
38 schemes, developing and continuing to maintain a central reference unit and guidance to all
39
40 forces. Understandably there is highly significant commonality between all forces in the
41
42 information they produce through common aims and requirements, an advantage ACPO
43
44 held onto in their role of developing policies on behalf of the Police Service as a whole.
45
46 They now produce for all forces a 154 page comprehensive manual of guidance on the
47
48 operation of the FOIA (Association of Chief Police Officers, 2011).
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57 ¹ACPO was replaced in April 2015 with the National Police Chief's Council (NCPC). Throughout this paper
58 reference is made to the original form of ACPO existent at the time of research and results.
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3 We consider the use of the FOIA and offer an insight in to the intricacies of Police held
4 crime data, the need to consider data corroboration and the use of the FOIA as a research
5 tool for academic enquiry. Given expected levels of commonality in recording requirements
6 between forces (although systems and processes were expected to differ) and national
7 guidelines high levels of consistent approaches to FOIA requests and data supply were
8 anticipated. Results indicated potentially significant data uncertainty apparent within data
9 releases and we discuss the implications of this for development of academic research
10 methodologies. Internal Police data use and analysis is also reflected upon, identifying
11 configuration management as a factor to be considered and possibly enhanced in the
12 development of internal analytical strategic products. Configuration management here is the
13 management of changes i.e. version control. It would be helpful if analysts not only knew
14 which version they were working on but also what version a database reaches in a specified
15 period; for example working on Version 2 when the database in question tends to reach
16 Version 30 every 12 months. This information would indicate the degree of potential
17 uncertainty in the data and therefore the credibility of their results. It would also pose
18 management questions.

19
20 Proceeding with two short sub sections discussing data need and the FOIA our methodology
21 employed in this research for the extraction of data using the FOIA is then given. Results are
22 described and summarised providing an understanding of data discrepancies experienced
23 and the responses of Police Forces upon seeking explanation. Discussion follows on the
24 impact of the study's findings and the paper concludes with reflection and development of a
25 guide to FOIA use for academic researchers.

26 Data Need.

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28 Secondary data is often a core requirement for social research but can be problematic to
29 obtain, however the value of the Freedom of Information Act as a useful and effective tool
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3 when seeking secondary source material is recognised (Murray, 2013; Lee, 2005). Openly
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5 available data sources exist which can be interrogated for analysis (Brown, 2009) and
6
7 generally holds data collected by others for various purposes (Thomas, 1996). This open
8
9 source data makes the use of secondary, Government collected data valuable with its
10
11 benefits of high quality and scale otherwise problematic (Smith, 2008). Equally such
12
13 released information may reveal the existence of material inaccessible at such an open
14
15 access level and the FOIA adds value to research on the work of any public agency (Walby
16
17 and Larsen, 2012; Lee, 2005; Savage & Hyde, 2012).
18
19

20
21 Brown (2009) acknowledges FOIA use as being of particular interest to those studying
22
23 criminal justice or criminology, providing perspectives and interest beyond studies of the
24
25 public agencies themselves and firmly linking with (but not limited to) social sciences and
26
27 human geography. Fowler et al (2013) undertake a systematic review of FOIA use in
28
29 healthcare research. They note the limited number of publications detailing FOIA use in
30
31 that field but acknowledge the potentially valuable resource that it has become. Lee
32
33 presented work in 2005 considering the FOIA and possible uses for the social sciences.
34
35 Prepared in 2004 this pre-emptive discussion of potential research use in the UK suggested
36
37 the act had potential to extend the range of information resources available and be viable and
38
39 positive.
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44 Research suggests that the most common users are journalists and individuals (Shepherd,
45
46 Stevenson and Flinn, 2009; Frontier Economics, 2006) and it is not being fully exploited for
47
48 academic research, although the actual extent of its use by academics is unclear (Brown,
49
50 2009; Murray, 2013, Fowler et al, 2013). Potential as a tool to obtain information is high,
51
52 however in practice utilisation is not necessarily straightforward. The Constitution Unit of
53
54 University College London publish a guide intended to advise academic researchers
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3 (Bourke, Worthy and Hazell, 2012) and this we would recommend to all, noting also our
4
5 final concluding comments of this paper.
6
7

8 In general terms data concerning offenders and nationality to the level required for the core
9
10 project is not openly available or published but was known to exist within English police
11
12 force data collection methodologies. Gaining access to the number of persons charged with a
13
14 criminal offence, their nationality and the type of offence committed was therefore
15
16 undertaken through formal FOIA requests to all forces.
17

18
19 From the internal policing perspective data is unsurprisingly core to the policing function.
20
21 Since the introduction of the NIM data and information analysis has leapt to the fore
22
23 compared with just a few years prior. All forces now employ analysts and researchers and
24
25 have developed bespoke analytical units to service the operationalisation of the NIM.
26
27 Significant commonality across forces exists within such structures but generally they can be
28
29 considered bespoke in terms of individual Police Force structures and policing requirements.
30
31 Data and in this case access and understanding of the crime investigatory record, has
32
33 become fundamental to internal crime analysis activity serving NIM products and informing
34
35 policing strategies. In somewhat simplified terms analytical functions within analysis units
36
37 are dichotomous, captured under the two umbrellas of tactical and strategic activity to
38
39 produce aptly named 'intelligence products' to inform decision making. An emphasis is
40
41 maintained throughout that such analytical products should seek to step beyond reporting
42
43 and in to interpretation through inference development. At the tactical level dealing with
44
45 day-to-day, week-to-week business analysts are likely to have clear understanding of data
46
47 complexity and volume, in the main dealing with relatively localised contemporary issues
48
49 and witnessing changes on a daily basis. Strategically data need is almost diametrically
50
51 opposed seeking instead data at the higher management and geographic level to inform
52
53 target setting and resource prioritisation through informed analysis and interpretation of data
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3 from much longer time periods, typically annual or bi-annual aggregated data sets such as
4
5 that sought for the research reported. Internally, therefore, the need for accuracy and
6
7 integrity of data is paramount. Analytical output informs policing decisions at all levels
8
9 within Police forces themselves but also across the shared policing responsibilities of formal
10
11 partnership activity. Poor management of records, archiving and configuration management
12
13 has the potential to impact significantly on an ever widening range of activity through
14
15 reduction in analytical accuracy.
16
17

18 19 Freedom of Information Act 2000

20
21 Access to information is a human right (United Nations, 1948), with importance of that
22
23 access right highlighted by the United Nations (UN) since its inception in 1946 (Mendel,
24
25 2000). More recently, the UN Secretary General has emphasised the need for a right to
26
27 information, and for governments to be transparent in calls for the historic culture of
28
29 government secrecy to be addressed (United Nations, 2010).
30
31

32
33 Legislation providing access to information and data held by governments and public
34
35 agencies is not an English phenomenon. It is recorded by Banisar in 2006 as being apparent
36
37 in 70 countries worldwide whilst in progression with 50 others. Hazell and Worthy (2010)
38
39 extend this to ninety countries with freedom of information structures apparent in 2010. The
40
41 U.K. was one of the last countries of the developed world to adopt such access legislation
42
43 (McClellan, 2010) beginning with a 1997 Government white paper acknowledging an
44
45 'entrenched culture of secrecy' (Great Britain, Parliament, House of Commons, 1997,
46
47 paragraph 7.2) and emphasising a desire to shift from the secrecy culture (Stead, 2008)
48
49 towards one of openness. The resulting Freedom of Information Act 2000 (entering in to
50
51 force in 2005) is shown as part of a government agenda to 'increase openness, transparency,
52
53 trust and accountability in the public sector' (Shepherd, Stevenson and Flinn, 2010). It
54
55 provides a formalised process through which access to information can be requested. There
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1
2
3 exists a clear government drive for the release of such information in order to improve
4
5 public trust in national justice agencies (Smith, 2006; Great Britain, Home Office, 2010;
6
7 Chainey & Thompson, 2012). With almost routine journalistic reference to the FOIA its
8
9 existence and ability to supply information from public bodies has become well known.
10

11
12 The FOIA 2000 seeks to freely provide public access to information that is held by all public
13
14 authorities in England, Wales and Northern Ireland by obliging those authorities to publish
15
16 certain information concerning their activities and providing members of the public with the
17
18 right to request any information. Positions created under the Act strongly favour disclosure
19
20 of information unless justification for refusal can be provided to the requester under one (or
21
22 more) of the exemption conditions within the legislation. All public authorities are bound by
23
24 a publication scheme laying down a minimum set of information they must publish. It has
25
26 become general practice to openly publish FOIA requests received via authority web pages,
27
28 together with the information disclosed or the decision not to disclose.
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33 The request must 'describe the information' that is desired (FOIA Section 8 (1c)), which
34
35 whilst important in order to respond properly, requires the applicant to know how to ask for
36
37 the information they want (Brooke, 2006), potentially putting the applicant at disadvantage
38
39 if unfamiliar with the manner in which information is stored (Wadham and Harris, 2011).
40

41
42 If the information requested is held by the authority and deemed disclosable dissemination is
43
44 required unless the estimated cost of complying would exceed the appropriate limit (FOIA,
45
46 Section 12(1)). Free disclosure can be refused if collation of the requested information
47
48 exceeds the (current) limit of £450 in terms of resource use (staff time) (£600 for requests to
49
50 central government, Parliament or armed forces). Requesters will be notified that the
51
52 information is held but it is often acceptable for the information to be disclosed if extra costs
53
54 are covered by the requester.
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3 Since its enactment work has been published providing greater detail of the formalities,
4
5 exemptions and procedures of the FOIA than reported here. The ICO and ACPO produce
6
7 valuable breakdowns of detail (Information Commissioners Office, 2013; Association of
8
9 Chief Police Officers, 2011; Lee 2005; Fowler et al, 2013; Bourke, Worthy and Hazell,
10
11 2012; Shepherd, Stevenson and Flinn, 2009; Birkenshaw, 2010, Hayes, 2009 and others).
12
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14 Methodology

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16
17 FOIA requests reported here were made to each of the 43 Police Forces of England and
18
19 Wales.
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21

22 Over a 16 month period three requests were made as indicated in table 1 seeking additional
23
24 information with each request as the project methodology unavoidably developed over time.
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30 *Insert table 1 here*
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34

35 These three requests were primarily made as data provision for spatial diversity analysis
36
37 within the project (Johnson, 2014; Ludwig, 2015, Johnson, 2015) but also facilitated
38
39 comparative analysis of Police records explained within table 2. Comparison of Police Force
40
41 FOIA abilities was not a core remit of the research and remains so but following receipt of
42
43 disclosures over time an assessment of data uncertainty increased in importance.
44
45

46 Comparison of data sets provided one perspective on the potential for error to be apparent
47
48 and its impact on analytical results whilst corroborative data was also sought from other
49
50 sources not reported upon here. Anonymity of Police Forces is considered necessary within
51
52 this paper, emphasising the general records management as opposed to public body study
53
54 theme of this paper.
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3 *Insert table 2 here*
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8 Post comparison letters were sent to each Police Force detailing discrepancies identified
9 between provided data sets, inviting explanation regarding discrepancies or identification of
10 potentially erroneous data sets. Letters provided an opportunity for forces to explain the
11 various data discrepancies and were not submitted as formal FOIA requests.
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17
18 Dutton (1991) succinctly states ‘No branch of science can bear fruit unless its findings can
19 be qualified by the various uncertainties to which the measurement and analysis of its data
20 are subject’. Whilst primarily considering uncertainty within spatial data and analysis
21 Dutton’s comment remains pertinent. Comparing FOIA requests provided an ability to
22 examine data and analysis integrity whilst exploring wider questions highly pertinent to the
23 overall project.
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31 Within the project an early decision was made that responses to FOIA requests would not be
32 formally challenged unless obviously incorrect data was supplied, the response was
33 exceptionally slow or similar administrative type issues arose. With no project remit to
34 undertake in depth research or enquiry in the field of FOI the decision not to challenge
35 through formal channels (Police or Information Commissioners Office) was considered
36 unethical within the project parameters and beyond project resource abilities.
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45 Results

46
47 The results provided here do so through the lens of information collation activity without
48 reflection on crime and nationality which has been published elsewhere (Johnson, 2014).
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52 Of all outcomes from this work perhaps the most impactful was on researchers time.
53

54 Following Request 1 the majority responded within regulatory time limits of 20 working
55 days and ultimately all forces responded to all requests made. Responses were inconsistent
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1
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3 in format and interpretation of the request made, with some providing results by financial
4
5 year or aggregating 2011 and 2012 data. Seven forces provided crime types with counts of
6
7 all foreign nationals combined and no delineation by nationality, requiring further
8
9 submissions to be made. One Force failed to respond for 5 months.
10

11
12 After the second request responses were received in a far more timely and acceptable
13
14 manner and this experience was maintained following the final request in June 2014. Only
15
16 one force failed to meet regulatory time limits (response received after 41 working days). It
17
18 became very noticeable that across all forces significant improvement had been made in
19
20 response procedures since the first request in early 2013.
21
22

23
24 The 2013 request succeeded in directly gaining at least some of the requested information
25
26 from thirty-nine of the forty-three forces in England and Wales.
27

28
29 Three refused disclosure on the grounds of exceeding the cost limit but others were able to
30
31 extract the requested information within the permitted 'free' time provision, suggesting
32
33 potential over complexity with the recording systems of these three forces.
34
35

36
37 Questionably one northern force applied section 40 of the FOIA stipulating information is
38
39 exempt if constituting personal data as defined by the Data Protection Act 1998 (Great
40
41 Britain, Data Protection Act 1998): 'data which relates to a living individual who can be
42
43 identifiable from those data'. The force disclosed total numbers of offenders of each
44
45 nationality but declined to provide information on nationality and crime types as to do so
46
47 would allegedly result in a high level of potential identifiability. The requested information
48
49 did not seek names, biographic data or data at any geographic scale below that of the entire
50
51 force area and it remains unclear how revealing the crime types that different nationalities
52
53 were charged with at such a geographic scale could lead to identification of individuals.
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1
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3 Differing or poor interpretation of the request also emerged as a significant issue. One
4
5 southern force rejected disclosure, referring to its previous release and publication via a third
6
7 party requester. Examination confirmed that this previous disclosure related to significantly
8
9 different material leading to a further submission for the correct information which was
10
11 ultimately disclosed.
12

13
14 Thirty-six forces contacted in 2014 disclosed some results. As previously, one applied
15
16 section 40 and disclosed only figures for nationality, not broken down by crime type, due to
17
18 their judgement that it would constitute personal information.
19

20
21 One force applied section 30 stating information is exempt if it has been held for the purpose
22
23 of criminal investigations either currently or in the past. No other force applied this
24
25 exemption, and this was not applied in relation to the previous request to that same force for
26
27 that same information but for a different time period, although chronologically similar. Two
28
29 forces, having refused the previous request due to exceeding the time limit provided the
30
31 information in full in 2014. One refused the request claiming not to record nationality,
32
33 although they had disclosed requested nationality information in 2013.
34
35

36
37 Of those forces disclosing full results including a breakdown of crime types for each
38
39 nationality, fifteen aggregated offences into broad crime type groupings, whilst others
40
41 provided specific offences. Generally aggregated results aligned with Home Office crime
42
43 type categories which are publicly available, thus the itemised results could be grouped and
44
45 compared. Three forces used broader bespoke categories, from which it was not fully clear
46
47 which offences were included or not included.
48
49

50
51 Comparative analysis resulted in significant dissimilarity between data sets provided and
52
53 also Police Force responses. Comparison was possible across the 2011 and 2012 data sets
54
55 requested to varying degrees, identifying apparent disparity between disclosed data sets
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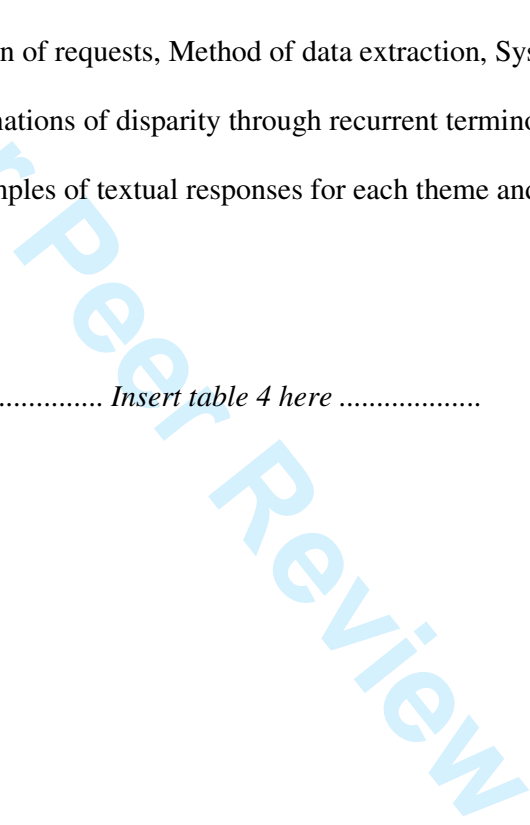
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(Table 3). Twenty one Police Forces offered explanations; two accepted that incorrect data sets had been disclosed and forwarded replacements.

..... *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*



1
2
3 All requests made had related to persons *charged* with an offence. As opposed to
4 arrested, *charging* an individual with an offence falls between the two, being the
5
6
7 lawful process formally notifying an arrestee of the intention to prosecute. At
8
9
10 conclusion of an investigation case evidence for all but some minor offences is
11
12 referred to a prosecution lawyer and the records assessed to confirm or deny that a
13
14 formal charge is appropriate and what that criminal offence is. It is a process
15
16 fundamentally different to that of arrest (Johnson, 2014) and can only arise if the
17
18 evidence to support an offence being committed in the first place is apparent.
19

20
21 In response to the explanation seeking letters two Police Forces provided responses
22
23 indicating questionable interpretation of records held. Neither force provided further
24
25 data to correct original responses.
26

27 Force 'a':

28
29 "4662/13 requested information in relation to foreign nationals charged for an
30
31 offence. The response to this request included all arrests for all offences."
32

33
34 "FOI 5826/14 In order to retrieve this biometric detail crime reports were
35
36 analysed. Not all arrests made will lead to a crime report being submitted as after
37
38 investigation no criminal offence may have taken place and therefore no requirement
39
40 for a 'crime' to be recorded."
41
42

43 Force 'b':

44
45
46 "The information for each of these requests has been checked and it has been found
47
48 that the data for each request was compiled differently as the person completing the
49
50 request interpreted it slightly differently, that is: one listed all arrests regardless of
51
52 disposal rather than only those where an offender was charged, hence the numbers
53
54 are greater."
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1
2
3 Force 'a' make the point that should the result of an investigation be that no criminal
4 offence has been committed no crime record will be apparent so that
5
6
7 arrest/investigation may not be traced within the search method conducted. It is
8
9
10 equally apparent that if no criminal offence is established then no prosecution charge
11 will be forthcoming. Force 'b' use interpretation by the operator as a reason but in
12
13 fact this led to incorrect data being supplied as no request was made for the number
14
15
16 of persons arrested.
17

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20
21 One force response appeared overly defensive in nature, almost alluding to
22
23 comparison of data being unlawful in itself. Summarised below the response began
24
25 by repeating a standardised caveat provided with the initial disclosure that the
26
27 databases used are a 'live' system and subject to change as incidents are finalised.
28
29 A final sentence stated "It should be noted that for these reasons this force's
30
31 response to your questions should not be used for comparison purposes with any
32
33 other response you may receive." Which was then repeated as ".....however
34
35 information held can change as data is amended therefore for this exact reason
36
37 seperate (sic) response should not be compared."
38
39

40
41 There followed "Whilst giving maximum support to individuals genuinely seeking
42
43 to exercise the right to know, the Commissioner's general approach will be
44
45 sympathetic towards authorities where requests can be characterised as being part
46
47 of a campaign. Therefore with regard to this request and other requests on this
48
49 topic we are including a warning under Section 14(1)(Vexatious Request) of the
50
51 Freedom of Information Act that any future similar requests may attract this
52
53
54 exemption."
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3 The apparent decision to characterise requests (and the final letter seeking
4 explanation) as being part of a campaign is difficult to explain given that the final
5 letter began by introducing the reason for requests as part of a European
6 Commission (EC) funded study on the cross national provision of bio-informatic
7 data.
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13
14 Comparison was one stage in triangulation of data to affirm integrity for spatial
15 analysis but only conducted on data provided for eight nationalities Czechoslovakian
16 (CZ), Irish (IE), Latvian (LV), Lithuanian (LT), Polish (PL), Romanian (RO) and
17 Slovakian (SK). Within this paper total quantitative results are too expansive to
18 display. Table 5 provides the example for 2011 data supplied in requests 1 and 3,
19 comparisons between other data sets and calendar years bore similar results.
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30 *Insert table 5 here*

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37 Values shown in table 5 record the numerical difference between data sets. When
38 taken as absolute values these represent the number of records changed over a 15
39 month period. For each matrix of request differences the numerical distribution of
40 record changes is significantly skewed indicating mean values to be significantly
41 impacted by outliers such as values recorded within Metropolitan Police data due to
42 high numbers. Evaluating significant volumes of record changes was therefore
43 undertaken through identification of values with Median Absolute Deviation greater
44 than or equal to two. This method negates significant outlier influence commonly
45 seen when using mean values and standard deviations. A matrix displayed in table 6
46 identifies Police Force data sets indicating significantly high volumes of record
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2
3 changes between FOIA requests made compared with the overall number of
4
5 computational comparisons available within each. Nine forces are seen to display
6
7 significantly high values of which three only feature in single comparison subsets.
8
9 Of the eight forces who did not respond to the final letter seeking explanation six
10
11 feature in this matrix.
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17
18 *Insert table 6 here*
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24 25 26 27 **Discussion**

28
29 Using the FOIA as a research tool brings challenges; use of the legislation and
30
31 types of data obtained may not readily fit recognised categories of research design
32
33 and data classification (Savage and Hyde, 2012). It does however provide a useful
34
35 and valuable mechanism for information retrieval, providing access to otherwise
36
37 inaccessible information/data.
38
39

40
41 Disclosed data quality is clearly dependent on the quality of information gathered,
42
43 stored and the information management systems in use (Great Britain, Parliament,
44
45 House of Commons, 1997; Holsen, 2007). Responding to an FOI request requires
46
47 knowledge of information held and its location and retrieval methods which may be
48
49 significantly complex (Taylor and Burt, 2009). Within large organisations
50
51 undertaking complex and diverse functions FOIA staff may be disconnected from
52
53 operations and therefore reliant on management information systems providing
54
55 legitimacy and adequacy.
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1
2
3 The time-consuming demand for information through FOIA applications is
4
5 unpredictable by nature (Ross and Whittaker, 2009) and that unpredictability can
6
7 hamper efforts to resource a workload that is constantly changing (Shepherd and
8
9 Ennion, 2007). A study of U.K. local government implementation reported on a
10
11 local authority where FOIA requests had greatly increased which the respondent
12
13 claimed was 'hard to manage and we're finding it very hard to meet the 20 day
14
15 target' (Richter and Wilson, 2013).
16
17

18
19 A few forces claimed to be unable to provide data on the nationality of persons
20
21 charged as apparently this is only recorded at arrest and not when a person is
22
23 charged. The claim that nationality is recorded at the beginning of an offender's
24
25 criminal justice process but remains non-transferable may be questionable in light
26
27 of EU rulings of 2008 and 2009 requiring nation states to provide each other with
28
29 conviction histories of individuals and record nationalities (European Commission,
30
31 2008; European Commission, 2009).
32
33

34
35 An interesting example to emerge in terms of data collection, quality and process is
36
37 exemplified by one large northern force. Initial disclosure was aggregated for the two
38
39 year period 2011 and 2012 with no specification of which year crimes occurred.
40
41 These results indicated that in the two year period there were 964 charges made
42
43 against one national group. The results received in relation to a further request for
44
45 clarification by providing data only for 2011 showed no charges against that
46
47 national group and confirmation that the data was considered to be correct. Given
48
49 the subsequent national analysis of the inclusive data sets received it was difficult
50
51 to imagine that no offenders of this nationality were charged with offences in this
52
53 force area in 2011 yet 964 were charged in 2012. Questioned at the time of
54
55 disclosure and subsequently the FOIA unit stance remained that the disclosure was
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1
2
3 fully correct until the final explanation seeking letters were sent. In response it was
4
5 acknowledged that the data was wholly incorrect and an apology issued. An
6
7 unrelated request to police forces concerning expenditure on interpreters again
8
9 highlighted the issue of data quality and whether the information disclosed can be
10
11 considered accurate. The request asked for total annual spend on interpreters and
12
13 for annual spend on each of eight specified languages. One force provided total
14
15 figures lower than the expenditure for three of the individual languages quoted and
16
17 subsequently accepted erroneous disclosure.
18
19

20
21 Uncertainty therefore exists throughout the process of producing, recording and
22
23 ultimately disclosing administrative data. As the requesting researcher is unlikely to
24
25 be fully aware of the information collection, recording and management practices
26
27 of the organisation the integrity of data disclosed in response to FOIA requests
28
29 cannot be assumed and must be carefully considered. As this research progressed it
30
31 became ever more apparent of the need to consider each disclosure and assess
32
33 integrity on a one-by-one basis. Assessment opportunities are enhanced when
34
35 making identical requests to multiple agencies but would be problematic for a
36
37 singular, limited number of requests or requests to one agency.
38
39

40
41 Inconsistencies raise analytical barriers and were even evident where two forces
42
43 share a 'joint information management unit', one providing fully detailed
44
45 information specifying numbers for each individual offence, whilst the other
46
47 aggregated offences into broad categories. Thus effective analysis and comparisons
48
49 by the receiving researcher were hampered, indicating poor internal communication
50
51 within the joint unit.
52
53

54
55 Also apparent were inconsistencies in the application of exemptions. Taylor and
56
57 Burt (2010) reported through interviewing public body employees that there was
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1
2
3 considered to be a lack of consistency in interpretation and understanding of
4 exemptions. Such an issue was experienced in this research, with one force
5 applying section 40, one applying section 30 and a further three refusing disclosure
6 on the grounds of cost despite the other forces being able to freely retrieve and
7 disclose the requested information. Of these it is difficult to explain why only two
8 of the 43 forces contacted refused information access under sections 30 and 40
9 whilst cost issues may be due to complexity of in-force recording systems and is
10 more intuitive.
11

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21 Across the Police Service of England and Wales responses were generally good,
22 timely and appropriate in an administrative context. Inconsistencies in approach
23 and interpretation were evident and potential for disclosures to lack integrity
24 requires consideration in the methodological model utilised. Our projects analytical
25 model led to relatively easy identification of outliers. Triangulation and comparison
26 methods may be appropriate within other research projects. Poor integrity of
27 disclosed data risks additional burdens of FOIA requests being made and may
28 reflect poorly on the FOIA management of the data providers.
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39 In 2012 the House of Commons Justice Committee reviewed the FOIA with
40 evidence received from numerous sources. ACPO written evidence included the
41 growing volume of FOIA requests received. This showed an increase across 7 years
42 of some 20,000 annual requests to Police Forces, and provided the statement that
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48 “Currently force FOI resources are reducing whilst the number of FOI requests
49 continues to grow, against this backdrop the current situation in performance is not
50 sustainable.”
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3 Evidence also called for consideration of the imposition of fees to requesting under
4
5 the act (Great Britain, House of Commons Justice Committee (a)(b)(c), 2012)
6

7
8 In this research many disclosures received suggested a limited approach being
9
10 taken due to poor resourcing as opposed to a negative view of the act itself and
11
12 requirements to disclose. Upon reflection project researchers perceived a 'hurried'
13
14 or 'take the easy route' approach to disclosure percolating through, with the
15
16 possibility of this approach being driven by poorly resourced high workloads and a
17
18 drive to reduce costs.
19

20
21 From the perspective of internal data requirements now essential to the
22
23 Intelligence-led Policing model Ratcliffe (2012) clearly describes its history,
24
25 development, philosophy and methodological shift, identifying capture of data and
26
27 information analysis as a fundamental requirement. All Police forces in England
28
29 and Wales have existing crime analysis structures, hierarchies and specialised units
30
31 calling upon analysis of internal and external data to offer tactical and strategic
32
33 direction. Coupled with the need to justify activity and use of police powers the
34
35 accurate analysis and interpretation of information held in police records becomes
36
37 integral to day-to-day business activity. Force crime and intelligence analysts
38
39 possess ability to access full internal data sets with an understanding of data
40
41 collection methodologies in use. With tactical, short term localised analysis the
42
43 recognition of data set updating and alteration becomes integral to the daily
44
45 analytical functions. The results from this research provide some insight on the
46
47 labyrinthine nature of Police records and their management, albeit from a focused
48
49 external perspective. We particularly identify the need to acknowledge, understand
50
51 and assess configuration management of records within the analytical world of
52
53 policing. Pertinent predominantly to strategic products our results would suggest
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1
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3 that greater assessment of integrity risk may be worthy of development and
4
5 integration within internal strategic assessment products, coupled with analytical
6
7 skills and audience understanding of suitable indicators. With some forces reporting
8
9 significantly high volumes of record changes between requests an assessment of
10
11 integrity risk for internal analytical products increases in importance, particularly as
12
13 many of those analytical products may be used to influence resource provision or
14
15 policing activity.
16
17

18
19 A lack of widely-understood common definitions of probabilistic terms is a key
20
21 challenge for the analyst wishing to avoid the risk of misinterpretation when
22
23 communicating uncertainty, thereby unwittingly contributing to ill-informed policy
24
25 decisions. Critical understanding and explanation of information uncertainty was a
26
27 matter touched upon by Lord Butler during his 2004 report reviewing intelligence
28
29 for weapons of mass destruction for the U.K. Government (Great Britain.
30
31 Parliament. House of Commons, 2004). This risk based approach is all the more
32
33 timely as central Government priorities increasingly focus on the reduction of threat
34
35 and harm in broad thematic terms where information is at best incomplete but often
36
37 ambiguous or lacking. Emphasis on threat and harm therefore requires the use of
38
39 more sophisticated forms of analysis such as Structured Analytic Techniques (SAT)
40
41 advocated by Heuer and Pherson (2011) and widely used by a diverse set of
42
43 government agencies rather than those currently found in most traditional NIM
44
45 compliant strategic assessments. Techniques will need to evolve into useful
46
47 thematic products moving beyond description into forecasting whilst retaining
48
49 agility to provide early warning alerts where appropriate.
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55 Results within this paper highlight the fluid nature of police records, complexity
56
57 impacting on data searching and retrieval techniques and the importance of
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1
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3 maintaining high level records management to ensure suitable data integrity is
4
5 maintained and fully transferable. Analytical techniques and the requirement to
6
7 inform high level management of policing in an honest, transparent and gainful
8
9 manner may be seen as 'changing the face of police records' further and as such
10
11 uncertainty within such analytical products should be assessed, measured and
12
13 presented as integral elements. Records management will need to be structurally
14
15 integral to improve the knowledge base and results from this paper confirm such a
16
17 requirement.
18
19

20
21 With fluidity of databases being a core reason for disparity greater use of and
22
23 internal staff knowledge of the importance and relevance of configuration
24
25 management within records management becomes important. Table 6 indicates
26
27 forces making very significant volumes of changes to records to the extent where
28
29 an analytical product in 2014 (request 3) may potentially display very different
30
31 results from one in 2013 (request 1). One northern force records a total of 662
32
33 charged offenders during 2011 (request 1) across the 8 nationalities but by the time
34
35 of request 3 this had increased to 1,671 for the same 2011 period.
36
37
38

39 **Conclusion**

40
41
42 Access afforded by Freedom of Information (FOI) is valuable. Research conducted
43
44 would not have been possible without this formal mechanism to obtain the required
45
46 data; results received have been useful, interesting and informative. However, as a
47
48 research method FOI is not without limitations; a considered, planned approach is
49
50 essential for multiple applications. Studies attempting to evaluate academic use
51
52 have so far found relatively little published academic works using FOI as a
53
54 methodology.
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3 From our experience of using FOIA through multiple information requests a
4
5 number of recommendations emerge:
6
7

- 8 • Proportionate use in the context of demand on both public resources and
9
10 academic research resources.
- 11 • Fully explore the possibility of required data having been previously released.
- 12 • Create clear and precisely worded requests; use terminology found within
13
14 organisations being contacted where possible.
- 15 • Do not assume accuracy is inherent in the information received. Consider
16
17 methods enabling auditing of responses such as comparisons or triangulation.
- 18 • Recognise that all requests made and responses received will be openly and
19
20 fully published by authorities from which information is sought. Consider wording
21
22 of requests to ensure protection of research sensitive issues.
23
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31 Indications are apparent that adherence to ACPO national guidelines are
32
33 weakening, a possible outcome alluded to within their representation to the House
34
35 of Commons Justice Committee in 2012. Likely to be budget driven to match
36
37 financial cuts a further concern expressed was cost to Police Forces of internal
38
39 reviews and responses to the Information Commissioners Office following
40
41 complaints. Risks of poorer performance (reducing costs) leading to increased
42
43 complaints (increasing costs) exist and reducing FOIA resourcing may be
44
45 counterproductive in the longer term.
46
47

48
49 With so few disclosure refusals apparent in this paper it is suggested forces should
50
51 collectively consider greater release of information via open access publication than
52
53 is currently undertaken. An immense amount of diverse information is held and the
54
55 extent of FOIA requests received indicates (unsurprisingly) that the general theme
56
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58
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1
2
3 of 'Policing' will always be of interest to the public. Openly publishing material
4
5 may relieve pressure in the long term and it is suggested that further research to
6
7 better understand requesters knowledge desires may facilitate successful open
8
9 access publication and significantly inform the issue.
10

11
12 Clarity in responses to FOIA requests was also often lacking and suggested to the
13
14 researchers involved that the function of FOIA units had become to manage a
15
16 disclosure in the easiest way (for the force) rather than seeking to satisfy the
17
18 requester. Poor understanding by FOI managers of the data held by forces becomes
19
20 apparent in some of the explanations offered around data disparity.
21
22

23
24 With the ethos of improving '... openness, transparency, trust and accountability in
25
26 the public sector' (Shepherd, Stevenson and Flinn, 2010) the very large disparity
27
28 between data disclosures from some Police forces is an issue for further research
29
30 and exploration. Each force FOIA response included a default caveat that the
31
32 databases were fluid in nature but fluidity was not the sole explanation provided or
33
34 gleaned for these discrepancies and when given by some they failed to satisfactorily
35
36 explain such high volumes of record changes. The FOIA is a means of improving
37
38 trust and accountability but a full understanding of the management of records and
39
40 relevance of configuration management must be maintained and communicated.
41
42

43
44 The FOIA does offer a positive addition to the academic researchers toolbox.
45

46
47 Planning of requirements and resources are emphasised and that planning should
48
49 include simple logistics, a generic email address and tracking due dates. We also
50
51 suggest that planning for time spent researching the public body(ies) through web
52
53 sites, published documents and previously disclosed FOIA requests is equally as
54
55 important. Basic context forming activity presents an opportunity to develop
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1
2
3 knowledge on the relevant organisations ability to respond, consistency in
4
5 approach, interpretation, favoured terminology and nature of data held.
6
7

8 The UCL Constitution Unit guidance paper (Bourke, Worthy and Hazell, 2012)
9
10 concludes with “Three golden rules of FOI” which can be headlined as follows:
11

12
13 1 Use it well and ask the right questions.

14
15 2 Make contact with the officials.
16

17
18 3 Be prepared for it to take time.
19

20
21 Whilst we would endorse this document as a useful guide we would add one
22
23 comment and two further rules.
24

25
26 Making contact with officials is a useful and clearly sensible activity if possible.
27

28 However funding cuts have clearly been impactful with communication avenues
29
30 streamlined and automated, making such pre-emptive contact sometimes
31

32
33 problematic, or indeed impossible. An additional rule of ‘Be prepared to challenge’
34

35 is unfortunately unavoidable but a proportionate decision should be considered as
36

37 such challenges will be resource impactful for all parties concerned. A second
38

39 additional rule is suggested as ‘attempt to seek pre-emptive knowledge of relevant
40

41 data collection methodologies employed’. The here described research project had a
42

43 singular and significant advantage; in depth, contemporary and significant personal
44

45 knowledge of the crime data recording systems used by U.K. police forces within
46

47 the research team. Such knowledge was invaluable in the required planning process
48

49 to maximise responses and assess the integrity of the disclosures received.
50
51

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	Request date	Data requested	Temporal parameter of request
Request 1	April 2013	Counts of individuals charged with a criminal offence by nationality recorded and type of crime	Calendar years 2011 and 2012
Request 2	February 2014	Counts of individuals charged with a criminal offence by nationality recorded and type of crime	Calendar years 2012 and 2013
Request 3	July 2014	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.	Calendar years 2011 and 2012

Table 1. FOIA requests.

For Peer Review

Request	Linked Request	Comparative potential
Request 1	Request 3	2011 counts
Request 1	Request 3	2012 counts
Request 1	Request 2	2012 counts
Request 2	Request 3	2012 counts

Table 2. Comparisons of FOIA requests.

For Peer Review

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	Request 1	Request 2	Request 3
Responses (n=43)	38 data responses	39 data responses	39 data responses
Year parameter provided	28 Calendar 10 Financial	39 Calendar	39 Calendar
	Request 1 -vs- Request 3		Request 1 -vs- Request 2
Comparable Force data sets	26	24	20
Data Year comparable	2011	2012	2012

Table 3: Comparison parameters

For Peer Review

Theme	Example	Volume
Fluidity	<p>“.....possible explanations for the difference in figures</p> <p>i) We have identified the nationality of a charged person when previously none was given</p> <p>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</p> <p>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.”</p> <p>“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. “</p> <p>“Each report is run as at a different date, and is only accurate as at the day the report was run.”</p> <p>“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.”</p>	11
Method	<p>“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.”</p> <p>“.....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.”</p>	7
Interpretation	<p>“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.”</p> <p>“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”</p>	6
Incorrect	Incorrect data supplied, new data included within 2 responses	3
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.”	2
No response	No response to letter received	8

Table 4. Examples of explanation themes identified

Police force	CZ	IE	LV	LT	PL	PT	RO	SK	Total ¹	%age change ²	Explanation
1	- 3	+ 10	+ 2	- 84	- 33	+ 8	+ 11	- 3	154	24.18	Interpretation + Fluidity
2	- 4	- 13	- 9	- 341	- 14	- 8	+ 24	- 4	417	44.55	Fluidity + Method
3	0	- 13	- 2	- 88	- 1	- 2	- 18	+ 3	127	34.99	Interpretation
4	- 1	- 10	- 5	- 32	- 29	- 7	- 28	0	112	45.16	No response
5	- 1		- 1	+ 22	+ 13	0	0	0	37	25.52	No response
6	- 3	+ 2	- 1	- 31	- 9	+ 1	- 15	- 6	68	46.90	Interpretation
7	0		- 1	- 5	+ 10	+ 2	+ 18	0	36	60.00	No response
8	- 112	+ 395	- 95	- 232	- 360	- 67	+ 179	- 86	1526	109.23	Incorrect
9	+ 9	+ 14	+ 6	+ 26	+ 33	+ 1	+ 28	+ 11	128	131.96	Incorrect
10	- 9	- 39	- 29	- 114	- 176	- 28	- 38	- 12	445	40.16	Fluidity
11	+ 1	0	- 4	- 229	- 13	- 1	- 1	+ 2	251	21.49	Fluidity + Interpretation
12	0	+ 20	+ 1	+ 71	+ 35	+ 6	+ 36	+ 2	171	63.33	Method + Interpretation
13	0	+ 9	- 30	- 273	- 31	+ 2	+ 1	0	346	46.57	No response
14	- 58	- 317	- 124	- 1667	- 713	- 296	- 470	- 51	3696	33.21	No response
15	0	0	0	+ 10	- 2	+ 1	+ 12	0	25	15.53	Fluidity + Interpretation
16	- 7		- 1	- 20	- 9	0	- 10	- 1	48	36.36	Fluidity
17	+ 18	+ 19	+ 1	+ 71	+ 48	+ 2	+ 14	+ 5	178	52.20	Fluidity + Interpretation
18	+ 13	+ 4	0	- 6	+ 11	+ 3	0	0	37	35.24	Systems
19	+ 43		+ 66	+ 1	+ 125	+ 15	+ 102	+ 40	392	2063.16	No response
20	+ 4	- 5	+ 6	+ 106	+ 54	+ 7	+ 107	+ 13	302	49.19	No response
21	+ 4	+ 51	+ 57	+ 56	+ 178	+ 95	+ 61	+ 3	505	252.50	Method + Incorrect
22	0	0	- 1	- 30	0	0	0	0	31	10.80	Fluidity
23	+ 4	+ 12	+ 55	+ 117	+ 119	+ 23	+ 33	- 13	376	51.93	No response
24	0	- 1	0	+ 4	+ 4	0	+ 8	0	17	17.00	Fluidity
25	+ 44	+ 31	+ 36	+ 95	+ 131	+ 7	+ 37	+ 66	447	59.60	Method
26	0	+ 10	0	- 13	+ 22	+ 4	- 5	0	54	40.00	Method
%age change²	0.4	15	4.5	2.3	6.9	15.8	2.4	1.3			

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

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Police Force	2012 R1-v-R3	2012 R1-v-R2	2012 R2-v-R3	2011 R1-v-R3	Explanation
A¹		2.13			Method
10²	2.07			3.52	Fluidity
B¹		2.83	2.24		No response
14²	24.57	31.35		24.46	No response
19²	2.99	4.68		4.59	No response
20²		3.77	2.19		No response
23²	3.53			2.94	No response
C¹		5.35			No response
25²				3.8	Method

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

Or Peer Review

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