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Police discretion, pragmatism and crime 'deconstruction': Police doorstep crime investigations in England and Wales

Abstract

This article explores police discretionary practices associated with circumventing crime recording rules (NCRS), utilising doorstep crimes against elderly victims as the crime context (distraction burglary, fraud and attempts). This research examines 68 'rogue trader' incidents from classified police systems, a focus group with CEnTSA trading standards officers and 31 police questionnaires from 26 England and Wales Force Intelligence Branches (FIB) and regional/national intelligence units.

Almost half the doorstep incidents were filed at source with no investigation and 44% (30/68) of incidents breached National Crime Recording Standards (NCRS). It is argued that some officers deconstruct "crime" utilising the power of language within their skilfully crafted summary 'write up'. In justifying their dubious 'no crime' decisions, officers rely on identifiable 'scripts' that are reminiscent of the work of Shearing and Ericson (1991). A central script is that of 'civil dispute' which 'legitimises' the fraudster as entering into a contract with elderly victims "no matter how unscrupulous that contract may be". Attendant officers deny property being stolen, suggest that elderly victims "consent" to offender entry and even resort to the alleged unreliability or 'confusion' of elderly victims, despite this feature signifying a need for 'enhanced' safeguarding; all of which preclude officers from submitting crime reports. Findings expose 'cuffing' to be an enduring and dysfunctional police practice, effected out of self preference and pragmatism in order to ration workload. Such detrimental outcomes expose older people to repeat victimisation, under-policing and secondary victimisation by the state.

Key words:

Police Discretion; Crime Recording; Rogue Trader; Distraction Burglary

Introduction

Using the central organising concept of police discretionary decision-making, the purpose of this paper is to critically examine the mechanics by which some officers inappropriately deconstruct the 'doorstep crime' event, resulting in "cuffing", a prematurely closed investigation and the under-recording of crimes. Practices and decision-making by officers are identified by examining and comparing officers' summary write-ups with the initial accounts from victims and witnesses within the incident report. It is in the breaching of NCRS rules that inappropriate police discretion is readily discernible in the current research. Agreeably, the police do have the power to define an incident as a crime **(Brown 1981)** but their freedoms are significantly curtailed by the necessity to adhere to Home Office Counting Rules **(Home Office 2015)**, a greater understanding of which shall be explored further in the literature review.

This represents a distinctive piece of research, notably because there is limited empirical research on doorstep crime **(Gorden & Buchanan, 2013)** and the meagre UK studies undertaken often focus on distraction burglary **(Steele et al. 2000; Donaldson, 2003; Thornton et al. 2003; Thornton et al. 2005; Lister et al. 2004).** By comparison, rogue trader criminality is significantly under-researched having only previously been examined by Day **(2015, 2019)** and Phillips **(2017)**. Moreover, this research is inimitable in that very few studies undertake a micro examination of the disparity between what victims and witnesses 'report' and what police officers subsequently "do" with that information. Such data is ordinarily classified, neither accessible nor exposed and remaining hidden under the "sacred canopy" **(Manning 1977, p.5)** of police street operations.

This article opens with a literature review explaining "Doorstep Crimes" and how these are strategically and operationally investigated by police and trading standards officials. It identifies the ways in which officers utilise discretion, storytelling and 'scripts' when decision-making at crime scenes. In particular, it identifies the inherent under-recording of crimes by police officers through breaches to National Crime Recording Standards (NCRS). Following the methodology section, the findings identify that the *inappropriate* application of discretion by officers is an important facet in the crime 'deconstruction' process, because "cuffed" cases remain uninvestigated, traders are free to offend with impunity and elderly victims remain exposed to repeat victimisation. Such pragmatic policing practices that rely on the use of 'scripts', not only skew crime recording statistics but adversely impact on victims, justice and deterrence. The paper closes with a discussion on the implications of the findings and concludes with identifying the benefits of examining police incident data.

Doorstep Crimes (Distraction Burglary and Rogue Trader) and their victims:

Distraction burglary is distinguishable from traditional forms of burglary **(Lister and Wall 2006)** and occurs when a falsehood, trick or distraction is used on an occupant to gain, or try to gain, access to the premises to commit burglary. It includes instances where the offender first enters premises and subsequently uses distraction burglary methods in order to remain on the premises and/or gain access to other parts of the premises to commit burglary **(Home Office 2019)**; and so inevitably this involves offender(s) trespassing into a property. Crucially this involves direct interaction and engagement with victims which is entirely distinguishable from the conventional burglary MO, where contact between offenders and victims is often avoided **(Ruparel 2004).** The offender may assume the identity of an official, such as a police officer or someone in a position

of authority **(Baxter and Wilson 2017)**, hence the term bogus official, (e.g. water board, electricity board, police, council); a salesperson or workman (e.g. door to door sales, gardener, property repairer); or use various miscellaneous guises as a member of the public i.e. feigning illness, asking for a glass of water; claiming to need the toilet; pretending to be a family friend of a neighbour; ball has gone into the back garden; needing emergency assistance with a broken-down car **(Thornton et al. 2003, Lister and Wall 2006).** These final illustrations are less organised and more opportunistic in nature, whereby offenders exploit their familiarity with a neighbourhood to select suitable targets to victimise **(Lister and Wall 2006).** The legal difference between distraction burglars and rogue traders is that both may be fraudsters, but one enters the property as a trespasser (burglary) and the other does not enter the premises and dupes the victim on the doorstep (fraud).

It is the intentional targeting of older victims by the criminal which is the key feature of doorstep crime. The predatory way in which isolated older people are purposefully targeted has a devastating impact on them **(Steele et al. 2000, Lister and Wall 2006)** physically and psychologically. Although the likelihood of experiencing crime decreases with age **(HMICFRS 2019),** this pattern is reversed with artifice crimes (distraction burglary and rogue trader crime). Older people are at least risk of becoming victims of burglary but conversely and disproportionately experience distraction burglary **(Lister and Wall 2006).** The average age of victims in these cases range from 77 years **(Lister et al. 2004)** to 81 years **(Home Office 2002, Thornton et al. 2003).** Concerningly, people over 75 are over five-and-a-half times more likely to suffer a distraction burglary **(Lister et al. 2004, p. 56).** Over three quarters of doorstep crime victims are white elderly females **(Home Office 2001, also Steele et al. 2000)** and whilst this

might suggest that the *gender* of victims is relevant, this is not necessarily the case and is attributed to the fact that women tend to outlive and outnumber men **(Gorden and Buchanan 2013).**

The Policing of Doorstep Crime

Spearheaded by Steel et al's findings which highlight the adverse impact on victims, a 1998 local initiative was set up called 'Operation Liberal', initially to tackle distraction burglary **(Operation Liberal 2000)**; which by 2005 had extended to become a national operation **(Day 2015).** Operation Liberal evolved into the National Centre for the coordinated approach to Distraction Burglary and Rogue Trader Investigation in England and Wales, based in Leicestershire. This unit supports police forces by essentially imparting best practice crime prevention guidance as well providing tactical options and national intelligence gathering on doorstep crime nominals **(Barratt 2012).** By 2015 its name was altered to the National Intelligence Unit for Organised Travelling Criminality **(A. Harwood, personal communication, 1st August, 2015)** but by March 2019 this unit had been disbanded. Operation Liberal had limited impact at force level, with some police force intelligence experts anecdotally considering that they were ineffectual as an intelligence unit because they required a regional 'enforcement' arm. Yet the absence of Operation Liberal leaves a yawning gap in force awareness of level 2 cross border threats, which is the strategic subject of a separate paper **(forthcoming 2021).**

In contrast to distraction burglary, which has always been deemed a clear policing priority, rogue trader criminality is strongly linked to the responsibility of Trading Standards officials, based within each local authority. Trading Standards remits are wide ranging and include underage sales to children; product safety preventing the sale and supply of unsafe goods such as toys and electrical products; food standards and counterfeit goods. Their final priority is 'rogue trader'

related, detecting and preventing people from becoming victims of commercial crime (fraud) in their own homes. Trading standards deal with businessmen who undertake "unfair trading," which involves "cold calling" customers, making pressure sales and not provide any cancellation rights. They predominantly prosecutes offences under the Unfair Trading Regulations 2008 and Consumer Contracts, information, cancellation and additional charges regulations 2013 **(Day 2015).** Although doorstep crime is perceived as *the* top priority for trading standards **(Raine et al. 2015)** such professionals currently field serious fraud and money laundering offences under the Fraud Act 2006, managing vulnerable victims defrauded out of tens of thousands of pounds by criminals who often provide no real "service" **(ACTSO 2019).** Such offences under the criminal provision of the Fraud Act 2006 should fall under the remit of the police. Yet, despite such frauds being reported to the police, researchers concur that a substantial proportion of these offences are not being investigated **(Fraud review team 2006 as cited in Button et al. 2007, ACSO 2014, Day 2015, 2019, Raine et al. 2015).** This research probes the efficacy and policing of these crimes from both police and trading standards perspectives.

The crime recording of 'Rogue Trader' offences

There are several problems associated with crime recording in a rogue trader context, one of which is a systems issue. Current force practice within the FIB is to identify potential crimes which involves an arduous manual search; utilising key words such as 'bogus' 'rogue' 'distraction' 'doorstep'; and this total would inevitably include some distraction burglary offences. The issue is exacerbated by the fact that rogue trader, like domestic abuse, incorporates *multiple crime types* (fraud or attempt, distraction burglary or attempt, criminal damage, harassment, blackmail or "other frauds" such as conspiracy to defraud). Therefore, it is impractical to recommend an independent crime category as Day advocates **(2015),** due to the wide gamut of offences coming

under the auspices of rogue trader. Furthermore, unlike its distraction burglary counterpart[1], rogue trader does not have a dedicated home office code. The implications of these issues are that there is no easy way of identifying the scale of rogue trader crime regionally and nationally, which in turn makes it difficult to determine whether *ethical* crime recording practices occur.

Further crime recording issues appear to be fundamentally related to officer decision-making at crime scenes. Notably because officers can misclassify offences **(Steele et al. 2000, Lister and Wall 2006)** and 'attempt' offences may not be recorded and instead are filed as a "suspicious incidents" **(Thornton et al. 2005)** or instead are placed on police systems as an intelligence item **(Lister and Wall 2006).**

Finally, the enduring stumbling block in policing these crimes effectively is that perpetrators often 'hide behind' the deceptive (and seemingly inadequate) defence of providing a *service* to people **(Home Office 2001).** Criminals have long exploited the legal loophole of doing a shoddy level of workmanship for inflated prices on a property and this results in the police expediting cases as 'civil dispute' rather than intervening in a criminal capacity **(Steele et al. 2000, p.11, Gorden and Buchanan 2013, p.504).** Being unduly influenced by perpetrators may inevitably play some part in police decision-making, yet academics go further in suggesting that operational officers encountering frauds often engage in direct "load shedding" [2] **(Button et al. 2007)**. Therefore, the decisions police make around crime recording (or otherwise) at doorstep crime scenes are placed under the focus, most notably because an "unknown quantity" of rogue trader reports are made to

[1] Distraction burglary was given its own home office code and disaggregated from other burglary dwelling offences in 2003 (Lister and Wall 2006)
[2] A US term synonymous with 'cuffing.'

the police and neither passed to Action Fraud nor to trading standards; and these include reports which are incorrectly classified as civil matters and "non-crimes" **(ACTSO 2014, p. 5).**

Organisational culture, scripts and discretion

Organisational culture is an "invisible" **(Schein 1999, p.8**) group concept that can be located within the attitudes, behaviours and practices of any workforce **(Anthony 1994).** It is "a pattern of basic assumptions invented, discovered or developed" by that group which are taught to new members and, in turn, such shared beliefs bind its members together **(Schein 1997 [1985], p. 6).** Such cultures develop through practitioners formulating informal working rules around 'how' to do something, often devised through trial and error **(Bayley and Bittner 1984).** In the policing environment, such 'craft rules' are manifest through stories, myths, legends and jokes **(Reiner 2010).** In order to simplify and process large amounts of information, officers are heavily reliant on 'scripts', called cognitive heuristics or "mental short cuts." They depend on these scripts or cues to interpret a situation, make decisions and meet the demands of their workload **(Mears et al. 2017, p.221).** Practitioners add these set 'scripts' to their practical and mental 'toolkit' and communicate them through storytelling **(Shearing and Ericson 1991).** Such "war stories" **(Van Maanen 1978, p.297)** serve to guide, initiate and socialise the newer recruits into the prevailing culture **(Holdaway 1983, Waddington 1999).** Officers themselves are active participants in constructing (and reproducing) such cultural scripts and employ improvisations **(Shearing and Ericson, 1991)** when developing the craft rules around "the way we do things around here" **(Van Maanen 1978, p.301, Schein 1999, p.24).**

As suggested, such scripts are influential factors which aid officer decision-making and impact on discretionary practices. Discretion is the freedom and choice that officers have about which laws

will be enforced and when **(Brown 1981, Klockars 1985),** which Klockars terms **"s**elective enforcement" **(1985, p.93).** Indeed front-line officers, positioned at the bottom of the hierarchy, possess the greatest degree of discretionary power **(Wilson 1968, p.8)** as their work is largely unsupervised **(Goldstein 1960, p.543; Holdaway 1983, p.165; Klockars 1985, p.94).** The use of discretion is not always considered to be inappropriate, but if officers are influenced by their own personal views when decision-making at crime scenes, then this is deemed as unauthorised discretion **(Skolnick 1994).**

Discretion and the endemic problem of crime recording

Rather than assess the "dark figure" **(Manning 1978, p. 20; Reiner 2000, p.75)** of underreporting, the central focus of this article is to examine the discretionary practices of frontline officers when decision-making around whether to 'crime' an incident or not. Therefore, the focus is on the grey figure of *under-recorded* crime by officers, which is a prevailing concern across a number of crime types. Crime measurement is based on the Crime Survey for England and Wales (CSEW) and Police Recorded Crime (PRC) **(House of Commons PASC 2014)**. The accuracy of crime recording, across all crime types, has had a tarnished history. This culminated in HMIC critically concluding that crime recording rates across 11 police forces varied between 55% and 82% **(HMIC 2000, p.x)** which precipitated the introduction of National Crime Recording Standards (NCRS) and Home Office Counting Rules (HOCR) in England and Wales police forces (2002). Its introduction was intended to promote consistency in crime recording **(Home Office 2003)**. On the balance of probabilities[3] an incident shall be recorded as a crime (notifiable offence) by police officers if:

[3] This is a civil (not criminal) standard of proof and is therefore easier to prove.

a) The circumstances of the victim's report amount to a crime as defined by law (the police will determine this, based on their knowledge of the law and counting rules) and

b) There is no credible evidence to the contrary immediately available

(Home Office 2015, p.9)

Recording a crime is a "highly significant decision" **(Kemp et al. 1992, p.17)** because "what gets measured gets done" **(O'Byrne 2008, p. 413, Berry 2009)**. Crime recording informs government policy, identifies crime trends, directs policing resources, underpins crime pattern analysis and intelligence led policing and allows crime reduction initiatives to be evaluated **(HMIC 2000).** The effect of 'criming' an incident means that it becomes the subject of rigorous evaluation by crime evaluators that work to the rules of the force crime audit unit (determined by HOCR and NCRS). Recording a crime also results in referrals to other agencies in providing support and services to victims of crime. A crime should only be 'filed' by police officers when all reasonable lines of enquiry have been pursued **(Home Office 2014, p.5).**

The reality, however, is different to the procedural requirements. Academics have long asserted that official crime statistics are a product of police decision-making **(Black 1980, Reiner 2000, Maguire 2012),** based on crimes "which the police wish to make known" **(Reiner 2000, p.76)** rather than being an accurate reflection of true crime levels. When police officers fail to record and investigate crime properly this is informally referred to as "cuffing" **(Tilley, Robinson and Burrows, 2007; House of Commons PASC, 2014, p.8**). This is a means by which the investigation and related enquiries are inappropriately stifled, eliminated and hidden from public scrutiny **(Young 1991).** By "cuffing," police officers are inappropriately utilising their discretion by concluding that the offence either did not take place *or* is not worthy of police intervention

(Myhill and Johnson 2016). In taking such a course of action, their rationale for filing the crime is often absent and thus breaches NCRS.

It is important to recognise that "cuffing," as an inappropriate use of police discretion, remains a highly pressing, relevant and contemporary concern. In a 2016 HMIC inspection of crime recording, the force providing this incident data (GMP), was already judged as 'inadequate' **(HMICFRS, 2020)**. Furthermore, under-recording crime still persists, as a recent inspection of GMP between July 1st 2019 and 30th June 2020 identifies that the force did not crime record an estimated 80,100 crimes, involving 220 crimes a day in which cases are wrongly and prematurely filed without a full investigation, putting victims at risk **(HMICFRS, 2020, p.4).**

Methodology

The research design relied on mixed methods and was comprised of three distinct phases:

1. Electronic documentary case data of 68 rogue trader incidents taken from Greater Manchester Police (GMPICS) systems (2008).

2. 31 National police questionnaire returns from 24 England and Wales police Force Intelligence Branches (FIB), and two regional/national intelligence units (2011).[4]

3. A focus group with Central England Trading Standards Authorities (CEnTSA), comprised of 16 Trading Standards officers and two police officers (2011).[5]

[4] Avon and Somerset; Cambridgeshire; Cheshire; Cleveland; Dorset; Dyfed Powys; Gloucestershire; Greater Manchester (GMP); Gwent; Hampshire; Hertfordshire; Humberside; Kent; Metropolitan Police; North Yorkshire; Norfolk; Northumbria; Nottinghamshire; South Wales; Surrey; West Midlands; Warwickshire; Wiltshire; Yorkshire and Humber Regional Intelligence Unit; Operation Liberal (National Coordination Centre of Doorstep Crime).
[5] The Central England Trading Standards Authorities (CEnTSA) are comprised of TS officers from Birmingham; Coventry; Dudley; Herefordshire; Regional Scam busters team; Shropshire; Worcestershire; Solihull; Stoke; Telford & Wrekin; Walsall; Warwickshire; Wolverhampton. The session also included two police officers from Sandwell & West Midlands Police

Consent in examining the electronic documents (incident records, referred to as i.) and gathering survey data (referred to as s.) was secured from the then Chief Constable Peter Fahy. To minimise any suggestion of sampling bias and to achieve representativeness, the 68 incidents examined were randomly chosen from across GMP by a FIB intelligence analyst. A police incident log provides a live time audit trail of events from a call to service through to a crime submission or until the incident is filed. Although incidents are auditable and subject to the National Standard of Incident Recording **(HMICFRS 2018, Home Office 2011),** they do not form part of national statistics.

Researchers often overlook written/ electronic documents and yet many professionals in the public and private sectors routinely produce such reports. When considering the value of official records, Scott suggests four criteria should be met, notably that documents must be authentic in origin; credible in being free from error and distortion; the meaning must be clear and comprehensible and they must be representative/ typical of other such documents **(1990).** There are many benefits in examining police incident data. These incidents constitute the "dirty laundry" **(Brown 1996, p.182)** rarely exposed to force audit, infrequently vetted by senior ranks and certainly not viewed by the public. Such records are already 'out there' waiting to be found **(Bryman 2016)**, and this avoids the time and expense of transcription. Records are fruitful in recording interactions/correspondence from victims but also between professionals (police, trading standards, CPS), as limited research exists to identify how such services interact. Neither can these police electronic records be *altered,* as could be the case with paper records **(Prior 2011).** Access to records avoids observer effects, which is a limitation of the interview method **(Webb et al. 1966, Charmaz 2014).** Crucially, such incident records do not reflect one officer's perspective but many, with police officers, civilian staff and supervisors co-constructing the data **(Charmaz**

2014). Such a dense network of cross referencing creates a powerful version of social reality **(Atkinson and Coffey 2011, p. 90).**

However, there are also limitations to the method, in that participants constructing the records did not provide informed consent **(Bryman 2016),** which some could consider as deception. Nor did the researcher seek the perspectives of the professionals whose practices may have been critically challenged therein. The greatest limitation is that records cannot be treated as factual, accurate or objective accounts; in the same way that official crime statistics are not firm evidence of what they report **(Atkinson and Coffey 2011).** Documents are 'versions' of reality, created by police officers and personnel, acting as a discursive device and functioning to justify, explain and persuade a given audience **(Atkinson and Coffey 2011, p.78 and 85**). If we accept this, then we must concede that in terms of credibility, one cannot wholly discount one of Scott's criteria - bias and distortion **(1990)**, albeit the other three criteria are satisfied in this research.

The Operation Liberal National Doorstep Crime Conference held in Birmingham on 30th June 2011 was utilised as an opportunity to conduct event sampling, where the researcher, in her capacity as Detective Sergeant of Force Intelligence, conducted a brief presentation to explain the purpose of the research and secure stakeholder support. FIB police officers (mainly the Doorstep SPOC) were targeted as the sampling frame for the surveys, based on their expert knowledge and understanding of doorstep crime intelligence, investigation and crime prevention. Expert purposive sampling aimed to achieve data reliability and minimise the chance of receiving "uninformed responses" **(Saunders et al. 2009, p.363)**. These experts contribute to their force strategic assessment documents, collate and disseminate information of cross force crime series offending to operational officers and link in with Operation Liberal around MOs and/or unusual

trends. Because SPOCs and intelligence specialists have a particular allegiance or 'partisanship' **(Milne and Bull, 1999)** to their own subcultural 'reference' group **(Chan 1996, Charon 2010)** it makes them perfectly positioned to provide a conceptual window on operational policing practices **(Wilkinson, 2011).** 150 surveys were e-mailed and/or posted to 43 police force intelligence branches. The 31 surveys submitted constituted a 20% return, with on average 56% of England and Wales police forces surveyed.

It was at the conference that the researcher secured arrangements for a focus group with Central England (CEnTSA) Trading Standards officers. The focus group contributed to the 'etic' (external) perspective whilst the 'emic' focused on internal police culture(s) describing "what insiders know but may overlook" **(Pepper 1995, p. 47).** Sixteen trading standards managers and predominantly enforcement officers, in addition to two police officers, formed the Central England Trading Standards Authorities (CEnTSA) focus group, which took place at council offices in Staffordshire (November 2011). Using mixed methods is termed offsetting and is beneficial as it draws on the strengths of both disciplines **(Bryman 2012),** which compensates for the weaknesses of using either method in isolation **(Denscombe 2007, Creswell 2014).**

In collecting and analysing the data the researcher relied on grounded theory, verifying or refuting theories as details were extracted at the production stage **(Denscombe 2007).** The researcher constantly compared details within and across cases, checking, refining and interacting with data and thereby improving the explanatory power of the concepts generated from it. Open coding took place in which information was 'sorted' by means of providing labels to help interpret the data. Memos were written as cases were analysed, and codes were developed by examining cause and effects within particular situations and interactions, termed axial coding **(Strauss and Corbin**

1998, Bryman 2016). Recurring patterns across the three data sets were analysed and categorised to encourage theory building **(Strauss and Corbin, 1998)** with codes and categories under constant revision, which is deemed appropriate for qualitative research **(Bryman, 2016).** In presenting the research, both the qualitative (text) and quantitative elements (charts) in the study were compared 'side by side', which is advocated by Bryman who is critical of researchers who retain these as separate domains **(2016, also Teddlie and Tashakkori 2012).** There is no sense in which the data represents objective accounts of the world. Indeed, the research aligns with Charmaz's constructivist philosophy in offering "an interpretive portrayal of the studied world, not an exact picture of it" **(2014, p.17).**

The positionality of the researcher was also beneficial to the research process. As a Detective Sergeant for 20 years and also a GMP force trainer specialising in crime evaluation; she possesses knowledge and understanding of HOCR and NCRS compliance. Her familiarity with navigating force systems and cognisance of the distinctive linguistic register of police occupational culture(s) meant she readily made sense of and was able to apply a "common stock of knowledge" **(Atkinson and Coffey 2011, p.85-86)** to the data. Although this is advantageous it ultimately makes replication difficult.

Findings

The findings section explores the strained partnership relationship between police and trading standards (lack of ownership), followed by an examination of doorstep crime cases that breach NCRS compliance (if it isn't crimed it hasn't happened) . Finally, the five key 'scripts' relied on by officers to decriminalise doorstep crime cases are examined, which are: Civil dispute; Rogue traders as legitimate businessmen; No property stolen; 'Consenting' elderly victims; 'Confused' non lucid elderly victims.

Police: Lack of ownership of investigations

A number of successful joint operations between police and trading standards, and are seen as working well, due to the combination of "the right people at the right time," and largely based on having developed good working relationships with individual police officers (TS focus group). Yet the overall consensus is that the police/trading standards relationship is "patchy" and constitutes "partnership with a small p" (TS focus group):

> It tends to be very one sided in my opinion - and I'm a police officer working in trading standards. I think most of the time the police response can be very vague, very poor in some circumstances. Unless the police actually want something out of it and then they'll come to trading standards for help and then they'll throw resources into it (TS focus group)

This is further exemplified where police officers are interested in pursuing a joint operation, only on the basis of improving performance targets:

> Our distraction burglary figures have gone up, so our Sarge wants us to be out and about (TS focus group)

Partnership working between the police and trading standards is considered as superficial with a distinct lack of "resource intent" and "no ownership" from the police (TS focus group). Findings from all data sets concur that rogue trader crime is not perceived as a police matter. Of those surveyed, only 20% consider that operational police officers believe rogue trader crime to be worthy of police investigation. There appears to be a 'wither on the vine' effect, with clear abrogation of responsibility by officers from the outset:

> Officers often had the attitude that this was a TS matter and not a police issue and we should not be getting involved. It was an uphill struggle to change that view (s.24)

> There is a culture of 'It's not our problem, *someone else* should be dealing with this' (s.8)
>
> It still comes back to the issue ..//..'ownership'. And it's not a view that it's a 'police owned' crime at the moment (TS focus group)
>
> Once passed to trading standards 'the police wash their hands of it' (s.22)

The entire focus group are critical of the way police officers "batted off" (focus group) the investigation of serious fraud offences back to trading standards, who neither have the resources nor expertise to manage these crimes:

> Over the last five to ten years is that we seem to have evolved to a point where it is trading standards (taking ownership) and it never used to be - because..//.. no way would we go out looking at rogue traders who ripped off vulnerable and elderly people..//..we haven't got any extra resources for having taken on that huge extra area of work (TS focus group)

In total, only 4.5% (3/68) of cases analysed in the incident data were genuinely appropriate matters for trading standards to deal with (see chart 1.2). Trading standards highlight instances where police officers verbally spend more time justifying why inaction is a more appropriate alternative than investigation i.e. such as the difficulty of 'travelling offenders' moving from one police force area to another; the likely provision of false names by the perpetrator (i.24); officers erroneously stating that traffic officers were unavailable or "too busy" to seize a rogue vehicle (TS focus group). One officer was more brazen in openly commenting within audible range of TS officers - "Come on, we've spent too much time on this" (TS focus group). This eagerness to negate lines of enquiry, rather than investigate, is also evident within the incident data, with seized paperwork deemed 'useless' by officers due to it having been "handled several times" and the phone number of the offender "believed fictitious" (i.24).

When front-line officers are alerted to tackle rogue traders still present at scenes, all three data sets reveal a reluctance and ineptitude by some officers to deal proactively with cases. Officers close incidents inappropriately without liaising with witnesses and original informants (s.28); compile a few 'stop and account' forms and send traders on their way. In one case officers were aware that traders had defrauded £125 from an elderly victim, where the sum total of the 'work' involved "sand … (being) scattered about" on a path (i.65). This 'hands off' approach by operational police is also evident when trading standards attend crime scenes. Trading standards are eager to follow up positive lines of enquiry, bagging up potential forensic evidence such as bottles left at crime scenes. Comparably, police officers are largely reticent and unwilling to proactively investigate:

> They (Police) wouldn't crime it. Forensics wouldn't look at it because the police wouldn't crime it. So we then had this 'battle' (TS focus group)

When operational officers are asked to support trading standards operations they assert some ground rules at the outset, seemingly to distance themselves from investigative involvement:

> We [police] don't really want to lead this..//..it's completely your operation but we will supply you with some resources (TS focus group)

> The attitude of the police officer is 'I'm just here to prevent a breach of the peace, I'm not here to actively help you investigate this case' (TS focus group)

This abrogation of responsibility by operational officers to investigate rogue trader incidents effectively sets the scene for what follows from a 'crime recording' perspective.

If it isn't crimed, it hasn't happened: Breaches to NCRS

There are divided opinions from police intelligence officers as to whether frontline officers appropriately record crimes under NCRS. Almost half the survey respondents (48% 15/31) agreed that NCRS is met; yet 36% (11/30) disagreed (10% of those strongly) and 16% had no view (5/31). Such responses could be attributed to impression management **(Goffman 1990[1959])** in attempting to present an acceptable visage of their force, as the uncertainty of these answers conflicts with the qualitative findings of the survey and incident data, which provide persuasive evidence of under recording practices by frontline officers:

> There should be a closer scrutiny of incident logs by Sergeants and Inspectors to ensure that logs that are closed off are not 'crimes'. The culture of keeping crime figures down by not criming these incidents needs to be looked at (s.22)

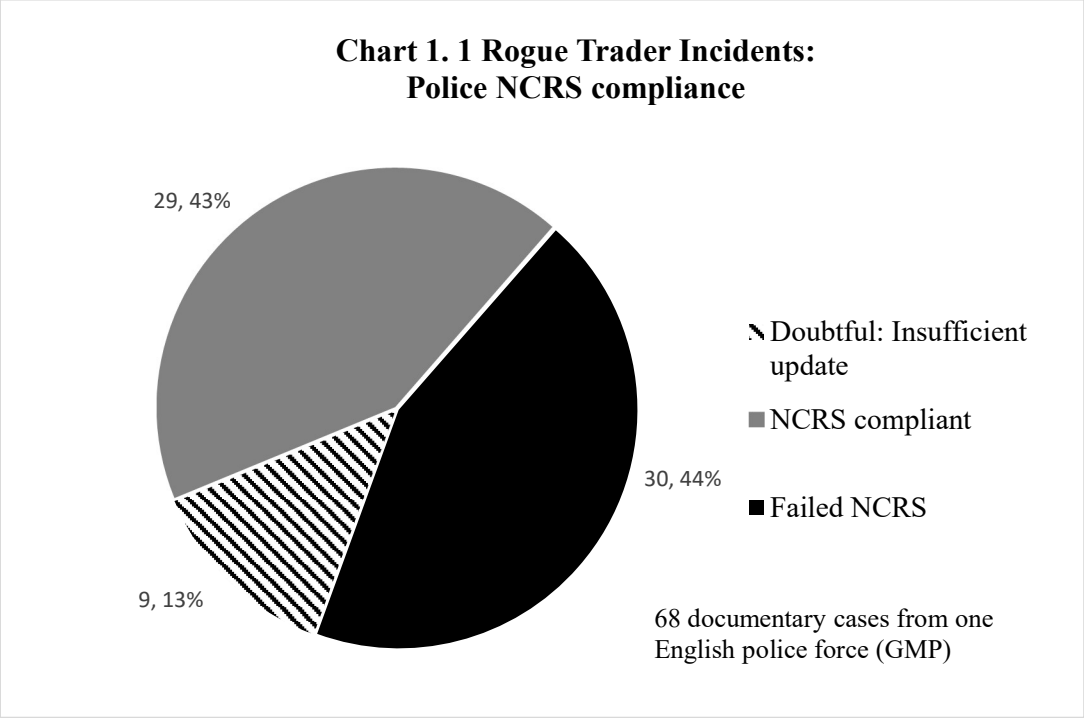
> I actually find it a bigger problem trying to get rogue trader incidents raised as a crime in the first place (s.2)

Overview of incident data

Overall 43% (29/68) (see chart 1.1) of all incidents analysed adhere to NCRS. Of these, 38% (25[6]/68) of incidents were appropriately recorded as a crime. However, in depth analyses of the crimed incidents identifies further problems with officers mis-recording crimes in the wrong crime categories and possible explanatory reasons for this.

[6] Case 9,10,11,12,14,15,18,22,24,26,27,32,36,37,40,41,43,44,48,49,57,63,64,66,68.

Rogue Trader incidents: Police NCRS compliance



In 13% (9[7]/68) of all incidents, insufficient information is obtained from call takers and/or attendant officers to assess the risks or make valued judgements as to whether a crime should be recorded. On several occasions radio operators did not request officers to attend at all, with cases filed as "susp circs" (suspicious circumstances):

> (Victim) had doorstep sellers asking if she wanted any work doing. They had agreed for work to be done, and they haven't given her any cancellations rights and started (i.8 also same i.4)
>
> (Perpetrators) stating his roof needed doing and his neighbour at no 16 was having his done - and they could go halves on price. (80 yr old victim) is concerned these males may still be in area and preying on elderly, vulnerable people. Written off as 'susp circs only' (i.34)
>
> 3 x pushy men were trying to sell loft and cavity wall insulation..//..Said they were government funded but had no ID to back it up. NCRS compliant. Spoke with caller, nothing further to add - please close (i.33)

[7] Cases 4,7,8,13,21,33,34,39,52.

Officers attest to several filed incidents being 'NCRS compliant' on incident logs, but this transpires to be inaccurate. For an incident to be NCRS/NSIR compliant there must be sufficient rationale on the incident report to *negate* the need for a crime report **(Home Office 2011, 2014)**; and sufficient information must be provided on the incident report that justifies the actions taken by officers **(Home Office 2011:1.17).** Extracts show that civilian operators and call handlers, in addition to police officers, expedite these cases as "civil dispute," in effect becoming an additional "prosecutorial filter" **(Lynn and Lea 2012, p. 363)**. Numerous cases contain vital information which constitute fruitful lines of enquiry (vehicle registration details; names; 'business' addresses, telephone numbers of perpetrators etc.) to build a picture of offending which is not routinely created on police systems as intelligence. Such information is then left languishing on incident reports which are eventually filed away, which constitutes wasted information. Lack of police investigation is a key cause for concern, notably because such incidents could and would expose crimes (of fraud, burglary or other offences) if detailed questions by officers were proffered to victims.

44% (30^{8}/68) of all incidents examined breached NCRS compliance (see chart 1.1). Officers supplied inadequate or no rationale when writing off incidents as 'no crime'. In all these cases the incident report identifies that there is sufficient information provided by victims and witnesses, based on the balance of probabilities, to suggest that a crime *did* occur **(Home Office 2015, p.9).** These crimes were mainly offences of burglary, fraud and attempted offences, including crimes of criminal damage. These cases identify that victims are being under-protected in that when they call the police no action is taken, and on some occasions officers are not even allocated to attend the incident.

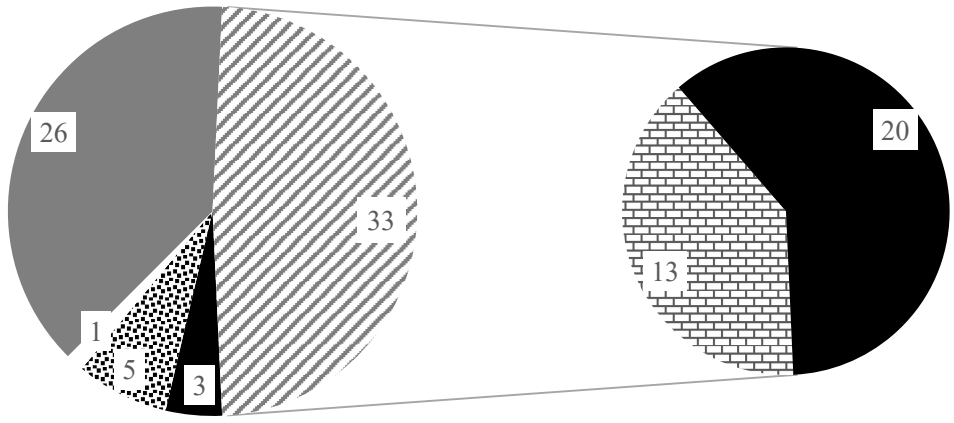
[8] Cases 1,2,3,16,17,19,20,21,23,25,28,29,30,31,35,38,42,45,46,47,50,51,53,54,56,58,59,60,65,67.

Incident data outcomes

Of all 68 incidents analysed, almost half (48.5% 33/68) were immediately filed at source as "susp circs" with no investigation and no crime report being submitted by attendant officers. These consisted of incidents filed as civil dispute (19% 13[9]/68) , and in the remaining cases (30% 20[10]/68) officers relied on a variety of scripts to "no crime" incidents, which shall be explored shortly (chart 1.2).

Rogue Trader: incident data outcomes

Chart 1.2 Rogue Trader: Incident data outcomes



68 documentary cases from one English police force (GMP)

- Trading Standards matter (4.5%) (3/68)
- Insufficient information gleaned by police (7%) (5/68)
- Correctly determined 'no crime' (1.5%) (1/68)
- Incident to crime convertion rate (i.e.Fraud, Burglary) 38% (26/68)
- Filed as 'civil dispute' (no crime) 19% (13/68)
- Other filed incidents (no crime) 30% (20/68)

[9] Cases 1,3,4,7,23,28,29,30,35,42,45,46,58.
[10] Cases 2,16,17,19,20,21,25,31,33,38,47,50,51,53,54,56,59,60,65,67.

Doorstep Crime "scripts"

When qualitatively examining the 44% of failed NCRS cases (30/68) (chart 1.1) and assessing these against the other data sets, there are several identifiable scripts or improvisations **(Shearing and Ericson 1991)** that officers advance. Firstly "civil dispute" as a universal script. Secondly, the alleged legitimacy of the fraudster; sometimes accompanied by the alleged reluctance of the victim to provide information to police, less popular in this context[11] but oft applied in the domestic abuse field **(Brown 1981, Edwards 1986, Hanmer 2013[1989])**. Third, because no property appears to have been stolen and/or protestations that the fraudster did not allegedly gain access the property (these explanation are often combined) these appear to be reasons for officers *not* to crime incidents. Fourth, elderly victims allegedly "consent" to perpetrators entering their home, even when there is evidence contradicting this. Fifth and finally, the 'confusion' or unreliability of the victim due a perceived or real vulnerability is applied by officers i.e. dementia. It is suggested that all these scripts are utilised by some officers *in order* to effectively dismantle or 'deconstruct' the crime event and justify a "no crime" decision.

Decriminalising incidents as "civil dispute"

"Civil dispute" is a dominant cultural script that officers rely on when 'writing off' a rogue trader incident, despite some of these incidents clearly constituting offences. Almost half of police forces surveyed (48%) made direct reference to the words "civil dispute" when describing officer

[11] Case 20, 38

perceptions at the scene. All but two cases[12] filed as civil dispute within the incident data *also* failed NCRS compliance (11/30)[13]. From a trading standards perspective:

> You say the word 'trader,' the terminology they [police] automatically think is 'civil legislation' (TS focus group)

> An Irish male who offered to sort out her garden for her. Caller is 90 years old and has been unable to do her own..//..written up by officers as 'civil dispute' (i.1)

> Two males have come to the door. Stated that they were something to do with the sewerage and drainage. One pushed the door and went in. He went into bathroom and asked the lady to fill the bath up with water. She told him to leave. Written off as 'susp circs' by attending police officer who searched area (i.19)

'Civil dispute' is a notable, almost universal script in its historical application to the policing of domestic abuse **(Edwards 1986, Grace 1995, Hanmer 2013[1989])** and this therefore highlights the versatility of officers in applying similar scripts across a gamut of crime categories. One sergeant attributes a case to be that of "civil theft", although no such offence legally exists (TS focus group). The public often accept rather than challenge such 'civil' devices and this is because the police are deemed to be the legal experts; although the success of this strategy is contingent on the public's lay ignorance of the law **(Lynn and Lea 2012).** Some officers attest to victims having entered a 'contract' with perpetrators, and this appears to be a key justification for officers closing cases as no further action. As one intelligence officer identifies, police investigations are stifled:

> Due to an embedded culture or belief that someone has entered into a contract with a trader, no matter how unscrupulous that contract may be (s.14).

[12] Cases 4 and 7 were borderline, insufficient detail to make a valued judgement.
[13] Cases 1,3,23,28,29,30,35,42,45,46,58.

Police discharging incidents as 'civil dispute' includes cases were *no* such agreement exists. Alongside this 'civil dispute' theme is the police portrayal of the perpetrator as legitimate and law abiding, despite the request for police action by victims and their relatives:

> (Victim) paid his gardener £450 last Friday. No works have been started and the offender is asking for more money. Gardener returns and said he had ordered more items (fencing) then asked for further £350 today, which was given. The gardener left to collect goods and said he would be back..//.. (he) did not return (i.35).
>
> Despite this, the divisional Sergeant attests:
>
> At this stage there is no deception and there is every chance that he will carry out the work as promised. Even if the gardener does not return this is a civil dispute..//.. (victim) will seek advice from citizens advice if needed (i.35).

Note how the repealed offence of obtaining property by deception (Theft Act 1978) is utilised by the divisional sergeant rather than the Fraud Act 2006; reflecting the reality that when decision-making officers sometimes apply outdated legislation. Also apparent is the police affiliation to the fraudster's explanation, rather than accepting the testimony of the victim:

> (Perpetrator) states that she (victim) has asked for a quote and then she would probably have the work done. (Victim) returned home after work to discover her drive had been dug up and foundation of hard core had been layed for the paving..//.. The AP[14] called the company who sent the men back round to clear the rubble. A quote was then left for the AP for £1800 for the work. (Perpetrator) stated that his boss (name provided) informed him about the job and he was only following his boss's orders. I have spoken to (the boss) and he has told me the informant agreed to this work and understood he would be starting the work on Monday or Tuesday. Sus circs only. Log closed
> (CID officer) (i.42)

This illustration reinforces Steele's assertion that criminals have long exploited the legal loophole of doing a shoddy level of workmanship for inflated prices on a property **(2000),** but moreover this

[14] AP means Aggrieved Person (victim)

extract exposes new findings that some officers unscrupulously *rely* on the alleged 'legitimacy' of the perpetrator in order to expedite and decriminalise the incident as 'no crime'.

Rogue traders as 'legitimate' businessmen

Perpetrators are described by police officers as "roofing contractors" (i.29) "workmen" (i.52) "tradesperson" (i.1; i.29) "builders" (i.7; i.30). Officers write ups rationalise that victims and perpetrators have willingly entered a 'contractual agreement', regardless of the clear lack of capacity that some victims have. 33% (10/30) of the failed NCRS cases[15] are ones in which frontline officers depict fraudsters as legitimate businessmen and, indeed, even cases adhering to NCRS compliance also contain these elements:

> 2 X males purporting to be gardeners obtained £30 from A/P (victim, 71 yrs) then said they were going for petrol for lawnmower but didn't return..//.. [police officer write up] This is more of a job for trading standards. Victim not elderly and fully entered the contract with males. The price was half that of another quote the victim had..//..no criminal offences (i.23)
>
> Quote of £900 given (and paid by victim) to repair a wall. Offender demolished wall, found a cable, then left not to return. Victim phoned offender who said 'someone had been dishing the cards out' and he had no knowledge..//..
>
> [police officer write up]: There has not been enough time elapsed since he left the job to prove this (3 days ago). The male in question might have gone onto another job or genuinely be enquiring into the nature of the buried cable...//.. The card looks to be legitimate and probably cost a lot to produce (i.58)

Officers tend to provide a scaffolded narrative in support of the perpetrator rogue trader by suggesting quotes were 'reasonable', or the card appears "legitimate" or suggesting the motives of the fraudster are honourable. Such language has a tendency to lend credence to the "civil dispute"

[15] Cases 1,23,29,30,35,42,45,58,60,65.

theme and justify the decriminalisation of the incident. Moreover, this is highly reminiscent of Sykes and Matza's moral neutralisation theory, in which not only is there symbolic denial of victimhood (1957) but criminality is rationalised by law enforcement as legitimate. By depicting these as non-policing matters, elderly victims remain exposed to intimidation and repeat victimisation, seemingly with no recourse or protection from the law:

> 88 yr old male visited by 3 males in a plain white van on the pretext of treating roof to waterproof it. Gave price of £2400 but took £1100 upfront..//.. [Radio operator constable write up]: It has been explained re the difficulty in police action re this sort of incident, as it is technically a civil dispute where the A/Ps age has been taken advantage of.
>
> Recall from victims grandson to the effect that offenders returned demanding the rest of the money. This has not been handed over as they were unwilling to provide a receipt. Male has said he would return with his gaffer.
>
> [Divisional Sgt write up]: Given the fact that work has been done, albeit the quality is poor, this incident requires trading standards intervention and no further involvement from the police as the circumstances do not amount to a notifiable crime, after an agreement was made by the homeowner and tradespersons to undertake the work. Vehicle full VRM provided. Log closed (i.29)

The financial cost to elderly victims can range from £40 pound to thousands of pounds being extorted. Indeed, the last extract bears similarities with the Stockport murder of 76 year old victim Arthur Gregg (2006), were the rogue trader drug addict Robert Cole from St Helens, extorted, through the offence of Fraud, £24,000 pounds from the victim over a six month period. Family members had raised the issue with police prior to the murder, but the matter was referred by a police call taker direct to trading standards instead, with no investigation undertaken by police. The son was so concerned with the financial abuse and repeat victimisation that he limited the amount of money his father Mr Gregg could take out of the bank. Consequently, because Mr Gregg could not access funds, Cole ferociously battered the victim causing 41 injuries to his head,

neck and body, including skull fractures **(Foster 2010, Manchester Evening News, 20 April 2010).**

The practice of police denying responsibility and ownership of these crimes, abrogating responsibility to trading standards to investigate, providing a veneer of legitimacy to fraudsters and filing these cases as 'civil dispute' appear to be interlinked themes, with one ultimately leading to the other. This is illustrated in attitudes of distancing and denial by some officers:

> It's nothing to do with the police, it's a civil matter. Do that yourselves
> (TS focus group)

A common rogue trader perception is that "the police are frightened, corrupt or stupid" which in turn makes offenders believe that they are 'untouchable' **(Coxhead 2011, p.4).** This article disputes that officers are 'fooled' into accepting the legitimacy of the rogue trader. Such a 'legitimacy' script merely lends weight to the rationale for filing these cases as 'civil' (and abrogating responsibility for investigation to trading standards) and shields officers from accusations of neglect of duty.

No property stolen

It is significant to note that 54% of cases which failed NCRS (16/30) (and should have been crimed), were ones in which no property was stolen[16]. Of these hidden offences filed within incident data, four (4/16) constitute crimes of burglary,[17] one (1/16) attempt burglary (case 21), nine (9/16) attempt fraud[18] and two (2/16) crimes of fraud.

[16] Cases 2,3,16,17,19,21,25,28,31,38,46,47, 50,51,54,67.
[17] Cases 2,16,19,25.
[18] Cases 28,31,38,46,47,50,51,54,67.

The impact of under-policing on elderly victims is severe. 87% of intelligence officers surveyed consider that there is evidence of repeat victimisation in their force area. Yet when some officers are called for service their response is poor and the offences are trivialised. To illustrate, one 92-year old victim was "'frog marched to the post office" the previous year to pay for overpriced tarmac. Yet on arrival to the repeat incident, officers found traders on the roof and merely advised them to leave the area, stating they would "put intelligence in" (i.47). This inaction by officers tends to embolden fraudsters, who will apply these tactics again if there is no risk of detection and arrest. In a similar case, the police trivialise the attempt fraud on the basis that no property is stolen and no entry gained, despite the victim being extremely elderly:

> 94 year old Mum. Male had knocked on door and told A/P her flashing on roof was loose..//.. Before she could do anything he had gone around the back and climbed on roof. (Victim) phoned son and he came around to challenge. No crime input. Officer negated crime by saying there was no payment and no entry was gained (i.60)

Such outcomes of 'no entry' and 'no property stolen' tend to imply that there is 'no harm done' as a crime has been averted, without acknowledging that crimes have already been committed. The officer in this case questions the perpetrator who admits the car in question had been "sold on" but that he was also at the "wrong house". Despite a decidedly contradictory account, no crime report for attempt fraud is submitted and no further action taken (i.60).

'Consenting' elderly victims

It is clear in some initial incident reports that victim accounts differ substantially from officer accounts; and yet supervisors do not challenge or query such discrepancies:

> Male knocked on, purporting to be from gas board, said he had come to change the meter. Was very abrupt, *barged past* the informant (i.25)

Yet in the final write up the officer contradicts the victims account and suggests instead that the victim "consents" to the trespass:

> The male *did not* barge past the informant into the address as originally stated. The male was allowed entry into the property by the informant (i.25)

By introducing the notion of consent and altering the victim narrative [by refuting the "barging past"] the officers intent appears to be to deconstruct the crime event, by implying the case no longer fits the legal definition of a 'burglary'. If anyone inside the organisation challenges this interpretation of the law, the officer could simply plead ignorance. Similarly, in another case, a 95-year old victim is persuaded to have her block paving cleaned. Officers write off the incident as a 'civil dispute' because the victim allegedly 'consents' to the fraudsters entry. The perpetrator enters the property, asks to use the taps inside, asks how much pension the victim has. She hands over £100 for the work. The perpetrator told her she only gave £80 not £100 (presumably to find out where the rest of her cash is located) and also tries to distract her regarding some alleged damage to the patio. Despite the circumstances, the age of victim and no evidence of any work done, the case is expedited:

> Bedroom is situated directly off the hallway, this is where the cash was handed over. At this moment this is more of a civil dispute re payment for work completed..//.. no evidence to suggest that a notifiable crime has taken place therefore no crime submitted..//.. the male appears to have entered the property with the informants permission..//.. NCRS complied with (i.45)

It is important to recognise that even if a victim consents to a rogue trader/bogus official entering a property due to a deception or falsehood, the consent of a victim is legally *negated* when the

victim discovers the ruse/false representation **(Home Office 2011)**, so the offender remains a "trespasser" and in the above case the offence of burglary is still made out. Yet these cases of burglary are being erroneously "no crimed" and such creative interpretations of the law are left unchallenged **(Lynn and Lea 2012).**

'Confused' non-lucid elderly victims

This prevailing script centres on undermining the competency and reliability of the victim, which often results in the stifling of investigative lines of enquiry:

> (Victim) was very forgetful and did not know why I had come..//.. I get the impression (victim) would not recognise the males..//.. as her memory seems very poor ..//..has been unable to confirm that a notifiable crime has taken place, therefore a crime has not been recorded (i.56).
>
> (Victim) had some work done on her chimney last week but couldn't remember whether it was Wednesday or Thursday. She hadn't telephoned anyone to carry out repairs. These males where going door to door and before she knew it they were up a ladder looking at the chimney. This lady is elderly, she has piles and piles of letters, flyers, magazines etc..//..Cheque book shows a docket for £260.00 to (builders firm named, reg details also), but she can't remember what she wrote on (i.53)

Failing memory is also relied on, alongside the theme of 'no property having been stolen':

> In the case of an 80 yr old with Alzheimer's, despite the incident clearly stating the perpetrator ""entered his father's property" no action is taken and police merely provide "reassurance" to victims and neighbours (i.16).
>
> Victim with learning difficulties lets a bogus official into the premises on the basis he was a "council decorator" and he "looked around". Concerningly, the officer in the write up justifies 'no crime' by discrediting the credibility of the victim, suggesting "the facts are different from when she has originally informed the carer of this incident" (i.2).

Not only is it evident across numerous incidents that perpetrators *did* enter properties, victim vulnerabilities, whether physical or mental, are employed as a prop by some officers, to discredit victim testimony, alter the circumstances surrounding the crime event and justify 'no crime'. Special measures legislation specifically provides vulnerable victims with enhanced safeguarding **(YJCEA, 1999)** and so such under-policing is not only unethical but entirely counterintuitive to the intentions of parliament. Undermining the competency, credibility and reliability of victims due to a mental illness or other health condition is similarly relied on to deconstruct crimes in the policing of honour-based abuse **(Aplin 2018, 2019)**, and such a script is evident across domestic abuse more broadly **(Garrity 1998, HMIC 2015, p.77).** A valid reason proffered for undermining victims in this way is that officers are avoiding having 'undetected' offences on the system **(House of Commons PASC 2014, p.15)** but such practices are totally incongruent with the service model of policing **(Myhill and Bradford 2013)**.

On occasion several different, sometimes conflicting, scripts are simultaneously used to support a 'no crime' decision i.e. The victims 'consents' to entry *and* the victim is "confused"/lacks competency:

> Demanded £500 for cleaning the drive. Callers mum has paid them £250 to get rid. Occurred 16.45 today. Payment made with cheque, caller will stop (i.59).

In this case, the victim is in the "early stages of dementia" and her daughter reports the incident to police. It is logged on the incident report that the victim and several bogus tradesmen "all had a cup of tea and biscuits" inside the house leading up to her writing them a cheque (i.59). Yet the officer's write-up entirely contradicts the victims account:

> The AP unfortunately has no recollection of the events yesterday and can't recall if she may've given the males permission to work on the driveway or

> even for how much, daughter has cancelled the cheque..//..the driveway was only washed and she has suspicions over how genuine they were..//..I will be adding intelligence to the vehicle..//..no offences disclosed at this stage. In addition, the AP states that the males have not entered the house at any stage. However, again, with the AP having Alzheimer's it is difficult to say how true this is (i.59).

Such inherent contradictions result in a sergeant requesting a forensics team to fingerprint relevant items in the washing up bowl; yet at no point does any supervisor question why *no crime report* is submitted. For officers expediting such cases, the central focus appears to be on whether the improvisations "work" **(Crank 2016, p.213-214)** rather than ethical and effective service provision.

Discussion

These extracts and officer "scripts" resonate with the classical writings on police culture, in that an officers discourse, whether verbal or written, is "thick with stratagems" **(Bayley and Bittner 1984, p.41).** Officers are expertly able to manipulate appearances and practice "front work" **(Manning 1978)** illustrated through their summary write-ups. This is apparent in the omission and/or alteration of information and the discrediting of victim testimony, which are created in order to portray and advance an *alternative* version of events. The incident 'write up' itself should not be perceived as a container of 'facts', but a *persuasive* and discursive device designed to convince an audience **(Prior 2011)** of a particular world view, notably that no further action is warranted **(Aplin 2019).** Such crafted 'write-ups' are highly reminiscent of the verbal inventions or alleged 'admissions' of guilt that were historically attributed to suspects on arrest, with officers being extremely adept at "putting words in people's mouths" **(Holdaway 1983, p.112)**. However, in this research it is evident that victim testimony is being manipulated through the written word.

Lister and Wall postulate that there are low levels of 'attempt' distraction offences recorded because victims "may not realise they have just repelled a burglar" **(2006, p. 108)**. This is a reasonable presumption for cases not reported to the authorities, however based on the current findings this speculation necessitates a reevaluation. A further variable is that some officers pragmatically begin with the end in mind and carefully contemplate what is to be gained by criming an incident. Such discretionary practices are indicative of indolent officers pursuing courses of action based on self-interested motives, termed the 'Rational Choice Model of Ignorance and Bias' **(Knott and Miller, 1987).** This involves professionals in bureaucratic organisations acting on biased information which supports their own incentives, resulting in them ignoring or "screening out" information that would lead them to make decisions that they do not want to make **(Knott and Miller, 1987).** It is considered that some unscrupulous officers pragmatically 'deconstruct' the crime (rather than construct a 'non-crime' event) because this involves rational choice and decision-making. Moreover, the contention that officers might construct 'non-crimes', rather than deconstruct crimes, entirely *overlooks* the narrative accounts already relayed by victims and witnesses within initial incident report.

The disillusioned 'work-shy' officer **(Manning 1977)**, that "shirks the work as much as possible" **(Reiner 1978 cited Reiner 2010, p.137)** certainly in this context appears to rationally and internally conduct a cost/benefit analysis as to whether a case is worthy of time investment **(Aplin 2019);** given the likelihood of CPS prosecution; the complexity of the case in its cross border nature **(Forthcoming 2021);** the reluctance or perceived lack of reliability of the victim; whether any property has been stolen and what actions the perpetrator took (i.e. the degree to which the trader presents as 'legitimate'). It is proffered that all these factors, as opposed to procedural and legal factors, influence whether a particular officer is likely to 'act'.

Despite repeat victimisation, serious fraud offences and some perpetrators working in Organised Crime Groups (OCGs) **(Phillips 2017, forthcoming 2021),** this research argues that doorstep crime is framed by some officers as 'outside' the policing remit. The findings reinforce Day's observation that such investigations are "rare, superficial and ineffective" **(2019, p.235).** 'No criming' involves the tactical manipulation and alteration of the victims account by the unscrupulous police officer. In deconstructing the crime event, several scripts are relied on, and these include the universal script that doorstep crime is a "civil dispute"; the legitimacy of the fraudster as a bona fide businessman; the fact no property is stolen; unnecessary emphasis on vulnerability (dementia/confusion) *in order to* discredit the voracity of victim testimony, rather than use this as justification for enhanced safeguarding. In addition, some officers advance two clear falsehoods - that elderly people *consent* to offender entry, or that fraudsters *did not enter* the property. It is proffered that these are applied in order to negate burglary offences, which are, conversely, investigative priorities for many police forces. The false premise that victims "consent" to entry results in some burglaries being wrongly relegated to the 'no crime' category. This reinforces extant statistics which highlight that 11% of burglary offences are filed when they should be recorded as crimes, and that 19% (1 in 5) of overall crime is under-recorded (800,000 crimes per annum) **(HMIC 2014),** highlighting that the concept of under-recording is not isolated to doorstep crimes.

Such scripts are relied on because officers are acutely mindful, as they were historically, that recording a 'crime' generates workload, which is deemed as "wasteful" **(Brown 1981, p.205)** and a "drain on resources" **(Edwards 1986, p. 235)** when officers perceive the incident is 'going nowhere' in terms of CPS and court proceedings. Particularly during this period when performance targets were still in place, police officers are keen to avoid having undetected crimes on the system,

especially when these are not perceived as police matters. On these grounds there appears to be a degree of 'cooking the books' which occurs when these crimes are "cuffed".

The research establishes that there are many hidden and unrecorded doorstep crimes in the system, which disputes the contention that such crimes are accorded a low priority because there are few incidents of this nature **(Home Office 2001, Gorden and Buchanan 2013)**. The findings illustrate that public demand for policing services, through breaches to NCRS, are being artificially suppressed by some of the very officers entrusted to serve and investigate. Doorstep crime investigations reflect the disparity between what the public report to the police (PRC) and what the police formally record **(Bottomley and Pease, 1986)**; and provides persuasive evidence **(HMIC 2000, Brogden and Ellison 2013, House of Commons PASC 2014)** that "PRC (police recorded crime) under-records crime" **(House of Commons PASC 2014, p.3).** This supports the broader view on police crime recording that, since its inception, there has been an erosion in NCRS compliance. Accurate crime recording mechanisms and gatekeep functions are therefore imperative. Once an incident is 'filed' there is no onus on officers to safeguard, pursue lines of enquiry and no consequence for failure to follow procedures outlined in force policy. Victims get a "better service" once a crime has been recorded **(HMIC 2014, p.56).** Moreover, crime report creation is pivotal in placing victim needs on the radar as well as for placing the actions of officers under direct supervisory scrutiny.

Concluding remarks

Police incident data are an untapped and insightful method for future researchers. Incident analysis not only highlights disparities between victim accounts and officer write-ups, but it excavates many hidden and unrecorded offences, exposing force 'dirty laundry'**(Brown 1996, p.182)**.

Crime deconstruction is located in the carefully crafted language of the officer 'write up', a feature identified by Bayley and Bittner **(1984)** and explored by Shearing and Ericson **(1991),** but barely recognised across the contemporary police research landscape. Some officers use selective bias in constructing and carving an alternative documentary version of reality, one which serves self-interested motives in the 'cuffing' or easing of workload. Such patterned practices decriminalise the actions of perpetrators, stifle further enquiries, justify police inaction and deconstruct the crime process. Crimes remain uninvestigated and the risk of re-victimisation is high but remains severely downgraded - albeit only 'on paper' **(Aplin 2019).**

Officers have always been keen to reduce the burden of paperwork **(Reiner, 1992, 2010),** but this research goes further in identifying the mechanics of how the crime process is and can be "deconstructed" by the unscrupulous officer**.** Circumventing the formal paradigm of the crime recording process by "cuffing" is arguably a pragmatic and functional strategy, with some officers myopically focused on internally rationing their own workload rather than on the external needs of victims **(Aplin 2019)**, especially when there is little anticipation of a detection**.** Such an interpretation endorses Lipsky's work on 'street bureaucrats,' in that due to large volumes of work and scarce resources, public officials develop "short cuts" and simplifications which limit demand **(2010[1980], p.83).** Even HMIC attribute the "pressure of workload" as a factor in police decision-making around crime recording practices **(2014, p.15).** Such self-serving needs, goals and behaviours **(Brown 1981, Manning, 1978)** are wholly counter-intuitive to the role of public servants, yet such behaviours are commonplace in bureaucratic organisations **(Lipsky 2010 [1980]).** Only when crimes are recorded and properly investigated will older victims of doorstep crime be safeguarded and avoid prolonged and repeat victimisation.

This paper has largely focused on inaction by officers at doorstep crime incidents. As can be evidenced, the introduction of NCRS (2002), and intersecting safeguards to ensure compliance, has 'limited' an officer's use of discretion but has not eliminated it. Far from indicating evidence of a decline **(Coleman and Moynihan 1996)**, this research demonstrates that "cuffing" remains an enduring police practice. In the management and reduction of workload, some officers will continue to pragmatically apply inappropriate discretion in order to circumvent procedures. This should remain a real concern to academics, practitioners and the public.

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