

Teaching intelligence practice in law enforcement agencies

Summary

Based upon empirical studies of law enforcement intelligence practice in the UK, this paper highlights that even if vestiges of previously identified shortcomings remain, the police intelligence milieu largely is more capable and efficient than it once was. That does not necessarily mean that police intelligence staffs' work is more greatly appreciated or valued by the wider organization. To many, particularly those committed to community-focused solutions, the work represents the Janus face of policing. Moreover, beyond the specialist squads and other higher policing units whose very existence depends on their ability to convert intelligence into action, there is limited understanding of intelligence practice and a propensity to underestimate the merits of the work. In mainstream policing, intelligence often is seen as ancillary to the business of 'real' policing; co-existing in parallel with the latter but not influencing it in a sufficiently meaningful way. Teaching intelligence work in law-enforcement means educating the wider anti-intellectual, action-oriented workforce of its worth. That requires a long-term commitment to reconfiguring practice in incremental ways. Such a commitment is bound to test the patience and resolve of managers conditioned to short-termism and quick wins.

Introduction

This paper explains the cultural divide in policing that mitigates understanding and appreciation of the value of intelligence practice, assesses the consequences of those phenomena and critically examines their root causes, which it argues are cultural snobbery and an almost unfeasible degree of faith in pragmatic rather than reflective or consilient thinking.

Background to this paper

It was only at the very end of the twentieth century that intelligence was used to inform investigative strategy in mainstream policing. Always considered important for its application to the discovery of evidence, criminal intelligence had rarely been

considered as a discipline in its own right so that even though an intelligence architecture supporting the higher policing function was well established, the same kind of framework was absent from mainstream policing. There were several reasons for that; intelligence work was never considered relevant to the mainstream, which traditionally focused on community concerns; knowledge of intelligence practice was passed down from generation to generation within specialist units as a form of oral history; the ‘need to know’ principle invariably outweighed ‘dare to share’.

The picture changed significantly with the introduction of the Human Rights Act, 1998 and the Regulation of Investigatory Powers Act, 2000 (RIPA). These obliged the police service to overhaul its intelligence apparatus completely. In the process, previously unimagined measures of transparency and accountability were brought to those activities. However, one element in these new arrangements that has proved stubbornly resistant to change is the dysfunctionality found at the intelligence officer/decision-maker nexus point. It may seem counter-intuitive but intelligence assessments just do not have the impact on mainstream policing that they should (see James, 2016 and 2013).

Analyses and decisions are symbiotic processes but power invariably rests with the decision-maker. Intelligence staff rarely decide or direct action. Summing up that relationship, one commentator argued that, ‘except by invitation, intelligence officers are voyeurs, sometimes interlocutors, rather than participants by right’ (Herman, 2001 p.15). That suggests that the answers to the intelligence conundrum ultimately will not be found in the intelligence milieu but in policing’s corridors of power and that unless decision-makers take a more enlightened approach to intelligence practice and its outputs – and make a more meaningful commitment to real engagement with their intelligence staffs - there can be no hope of substantial improvement.

Methodology

The empirical research on which this paper is based, was carried out by the author in support of studies into: the UK National Intelligence Model (NIM) 2007-12; the implementation of NIM in public authorities (2009); detectives’ investigative practice in England and Wales (2012-14); and ‘what works?’ in criminal intelligence in the UK (2013-16). Secondary data were collected through a systematic review of the existing scholarly literature, relevant official reports, and reviews and so on.

Primary research data were collected from surveys of law enforcement intelligence staff and detectives. More data were collected in semi-structured interviews with randomly selected members of the larger samples. A standard quantitative research tool, SPSS, was used to interpret the quantitative data; the NVivo program was employed to make sense of the qualitative feedback through a process of constructivist thematic analysis. The findings of those studies are presented in summary here; readers are referred to James, 2016; James et al, 2016; James 2014; and James, 2013 for more detailed analyses.

Summary of findings

Modern-day scholars from a range of academic fields recognise that heuristics, experiential learning, and schemas can explain the realities of decision-making in complex situations. Tost *et al* (2011) highlighted that individuals' receptivity to advice is influenced by three factors: the character of the task to which the advice refers; the character of the advisor; and the psychological or emotional state of the decision maker. They argue that 'the more powerful, can 'be less open to using advice from others... [and] can lead individuals to discount advice even from individuals who have high levels of expertise' (2011 p.53-4).

As the author has highlighted elsewhere, there is a power imbalance in policing that has created and maintained a gulf between the intelligence and operational worlds. That is defined by perceptions of their relative worth to the wider organization (see Innes *et al*, 2005). Though the police have employed intelligence analysts for more than 20 years, the role continues to be seen as low status and essentially ancillary to the policing mission (see for example Cope, 2004 and the author's own work in this area). The limited career or development opportunities available to analysts and the comparatively low pay (for the sector) the role attracts have resulted in a constant churn of staff so that experienced analysts constantly leave the organization to be replaced by trainees. Inevitably, novices' views carry less weight and they can more easily be discounted by decision-makers. That situation is unlikely to change until it is first recognised and then challenged meaningfully by the institution.

This is not just a matter of culture or of organizational dynamics; it is also a matter of decision-making style. The two are inextricably linked. As many researchers have observed, it is cultural conditioning that encourages police

decision-makers to see the world in binary terms. In fluid, dynamic, often dangerous situations those qualities can be the difference between success and failure. They are, and should be, prized but those kinds of situations do not represent the norm in public policing. Indeed, they represent only a tiny fraction of police business. When time allows, deliberation - in controlled environments, shown to benefit experts and the less skilled alike (Moseley *et al*, 2012) - should always be part of the decision-making process.

That it routinely is not a factor in policing is a product of the pragmatism that dominates police decision-making. Decisions are based on tradition (what has always worked), experience, and in many cases (as Wong, 2015 has argued) faith. It is said that experienced people make the best decisions; that seems logical but there is a growing body of research that suggests that experience is a factor only in tasks that cannot easily be broken down into their component parts (see for example Dane *et al*, 2012). Durkheim too, challenged that truism as deterministic. For him, judgement and experience were little more than personal constructs of charismatic leaders (Durkheim, 1983). He attacked pragmatism as anti-intellectual, observing *inter alia* that:

Just as experience varies with individuals, so does its extent. The person who possesses the widest and best-organised experience is in a better position to see what is really useful. Gradually, his authority here imposes itself and attracts the commendation of others. But is that a decisive argument? Since all experience and all judgements are essentially personal matters, the experience of others is valid for them, but not for me (Durkheim, 1983 p.1).

In action-oriented policing, pragmatism is the vehicle by which red tape and other bureaucratic blockers are negotiated to resolve problems quickly with the minimum of fuss. Policing celebrates that behaviour because it is consistent with the dominant organisational 'can-do' culture. Though these studies found that reason and logic too often were forced to take a back seat to action and that existential issues largely were ignored and problems invariably were worked through in mechanistic, process-driven ways no matter what their context.

Discussion and conclusion

The research first revealed and then confirmed that the institution always has understood the pragmatic realities of intelligence work and its value in preventing

and detecting crime, maintaining security and managing risk effectively enough to keep communities safe. The credibility of intelligence staffs and their endeavours are key factors in the operational reach of intelligence in the police organisation but that reach will be limited as long as intelligence practice lacks the support of those with real influence in the wider organisation.

The research also has shown that the inherently intellectual, pragmatic decision-making style routinely employed in policing is just as significant a factor in limiting the value of intelligence outputs. What these studies have shown overwhelmingly is that one of the biggest problems in intelligence – the side-lining of intelligence staffs and their analyses - is beyond their control and that without cultural evolution in the wider policing institution, intelligence practice will remain at the margins of policing and decision-makers will continue to rely on faith rather than intelligence to determine action. Remediating that situation will require a significant investment in education and training and, perhaps more importantly, a significant organizational commitment to change. Those efforts must be oriented to the action-oriented section of the service. Given the dominance of that cultural paradigm in policing, that is bound to test the patience and resolve of managers conditioned to short-termism and quick wins and of those tasked with facilitating that change.

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