

Reviewing the situation: practitioner perspectives on the use and effectiveness of 28-day homicide reviews

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Abstract

Purpose – *The purpose of this paper is to report a study of practitioner views on the 28-day homicide review process.*

Design/methodology/approach – *The research draws upon primary data from interviews with senior investigating officers (SIOs) engaged in homicide investigations and review officers tasked with reviewing homicides unsolved after 28 days.*

Findings – *The review process was perceived to be meeting the needs of the organization but adding little, or no direct value to SIOs. Despite this, there was agreement as to the potential value and necessity of the homicide review process. Issues such as the purpose and process of reviews were considered, with recommendations providing impetus for the Metropolitan Police Service (MPS) to review the use of reviewers commensurate with their expertise, the training and development of reviewers, and the aims, format and timing of a review.*

Research limitations/implications – *The study involved the MPS, and its relevance to review processes elsewhere, whilst likely, is unproven. Further research could identify whether similar issues arise elsewhere, although the findings of this study could encourage other forces to undertake internal reviews of their own systems and processes to understand whether improvements could be made. Whilst over a third of the SIOs and Murder Investigation Team managers took part in the study, a fifth of the review officers were interviewed.*

Practical implications – *MPS should amend the objectives of a MCR to reflect the role they play in the prevention of miscarriages of justice. The MPS should conduct a skills analysis of existing staff. Reviewers should be appointed to cases within their sphere of expertise, and should all be qualified at Professionalising the Investigative Process (PIP) Level 3. The MPS should consider an arbitration process for contested review recommendations. The College of Policing should consider a PIP development programme for proactive SIOs. The College of Policing should review and support SIO continuing professional development opportunities within the MPS.*

Originality/value – *The findings are relevant to any police service currently undertaking 28-day reviews of unsolved homicide investigations.*

Keywords *Reviews, Policing, Crime, Homicide*

Paper type *Research paper*

Introduction

Although many factors contribute to miscarriages of justice (MOJ) (Walker and Starmer, 1999; Poyser et al., 2018), it is the investigative process that is arguably the most significant and considered the “golden thread” in generating injustices (Savage and Milne, 2007, p. 613). The exposure of abuses of authority and power, particularly in high-profile cases has resulted in repeated criticism of the police (Tong, 2009, p.6) and has been the catalyst for criminal justice reform (Savage and Milne, 2007, p. 617).

The Yorkshire Ripper Investigation 1975–1981 (Byford, 1981) and the Stephen Lawrence Investigation 1993 (Macpherson, 1999) are two cases that attracted significant attention from campaigners and politicians alike (Roycroft et al., 2013). Although public attention had been drawn to the part police investigations played in MOJ as early as the Maxwell Confait investigation (1972), it was MOJs arising out of Irish terrorism in the late 1980s that drew attention to the relationship between both. Failed investigations such as these not only undermined public confidence and trust in police effectiveness, but also led to changes in police procedure (Stelfox, 2015).

According to Jones (2011), the most significant homicide “review” was the 1999 Macpherson report into the murder of Stephen Lawrence in 1993. The report revealed a series of failures from first attendance at the scene to the failed prosecution of identified suspects. The report placed the Metropolitan Police service (MPS) under the spotlight, impacting upon public confidence and police legitimacy. The Macpherson report made 70 recommendations, and recommendation 19 suggested that specific codes of practice for reviews of crime investigations be produced by ACPO to ensure openness, thoroughness and a consistent framework throughout policing (Macpherson, 1999). Whilst ACPO published guidance even before that recommendation (1989, according to Nicol et al., 2004), subsequent research found that the review process remained inconsistent across the UK (Nicol et al., 2004, p.45). The following paper reports modern practitioners’ views of the review process. First, a brief review of the existing literature will consider the context of the research, followed by a description of the methodological approach. The findings and discussion will be woven together and the paper will conclude with recommendations based upon the findings.

Brief literature review

This research focuses upon reviews at the 28-day stage, known in the MPS as progress reviews (PRs), a process intended to improve both the quality and outcomes of investigations (Nicol et al., 2004; Allsop, 2018). The PR is normally initiated if a homicide investigation remains undetected, following assessment by a Murder Investigation Team manager (MIT manager) (Sawers, 2008). The

aim of the PR is to assist the senior investigating officer (SIO) by evaluating the investigation constructively and objectively, ensuring conformity with the guidelines and dissemination of learning (Allsop, 2018). Following a meeting between the SIO and review officer, terms of reference are agreed that determine whether or not the whole investigation will be reviewed (Jones et al., 2008).

Typically, the PR will take six weeks and result in recommendations that highlight further lines of enquiry, a review of core investigative strategies, a review of the administration of the investigation through scrutiny of the Home Office Large Major Enquiry System (HOLMES) account, and the identification of good practice. The PR can therefore be described as both a bureaucratic, administrative endeavour and an opportunity to progress the investigation (Allsop, 2018).

The introduction of a formalized review process is arguably a significant innovation in criminal investigation (Gaylor, 2002). Nevertheless, the role of reviews within contemporary homicide investigation has received little academic attention (Nicol et al., 2004; Jones et al., 2010). Whilst this is surprising given the context of its genesis and the impact of failed investigations upon public confidence in the Criminal Justice System, it is less so when considering how empirical studies in policing have only until relatively recently moved towards investigative research (Brodeur, 2010).

It has been identified that a common theme in most MOJs is either case construction (McConville et al., 1991) or case denial (Savage and Milne, 2007). According to the latter authors, case construction not only involves the building of a case against a suspect but also the suppression of counter evidence (e.g. in MOJs concerning Irish Terrorism in the 1970s). Failure to acknowledge relevant evidence demonstrates a “closed mindset”, exemplified in the Maxwell Confait investigation (Fisher, 1977, p. 200). Case denial (involving a failure to identify and act on an issue that detrimentally affects the outcome of an investigation) is demonstrated in cases such as the Stephen Lawrence and Ricky Reel investigations, where investigators failed to acknowledge that the murders were racially motivated and therefore did not approach the investigations with this in mind (Savage and Milne, 2007).

In support of earlier research by the Royal Commission on Criminal Justice (1993), Rossmo (2016) argues that investigative decision making is a common theme underlying errors in police

investigations, and it is poor decision making that is often exposed when there is a premature shift or rush to judgment in the investigative process, from evidence-based to suspect-based investigations (see also Fahsing and Ask, 2013; O'Neill, 2018). Consequently, Rossmo (2016) argues that tunnel vision and confirmation bias are the most problematic thinking errors by detectives (Rossmo, 2016, p. 213). Tunnel vision is described as the restricted focus on a limited range of alternatives or the selection of the first alternative that is considered to fit (Rossmo, 2016, p. 216). Moreover, confirmation bias can result in investigators seeking to confirm one hypothesis whilst failing or refusing to acknowledge contradictory evidence (Stelfox and Pease, 2005). Confirmation bias can also be intensified by strong sub-cultures within organizations such as the police. An unwillingness to dispute dominant theories can result in "group think", prevalent in cohesive teams making decisions under pressure. Within a major investigation context, this can support confirmation bias and protect unsound decisions (Rossmo, 2016 p. 218). Given that the UK introduced the Criminal Procedure and Investigations Act (CPIA) in 1996, mandating that investigators pursue reasonable lines of enquiry even if they suggest alternatives to those suspected, the need to ensure that bias and poor decision making is minimized in investigations is even greater in modern criminal investigations.

Explicit objectives of a review are to assist SIOs to detect a crime and to identify lessons learnt (ACPO, 2012). The "Murder Investigation Manual" (ACPO, 2012) stipulates that a review is not a reinvestigation, but a process to support the SIO in achieving a "successful conclusion". This phrase is not expanded upon and is open to subjective interpretation (ACPO, 2012, p. 2). However, Jones (2011) argues that reviews are necessary in order to prevent MOJs. It is therefore surprising that the prevention of MOJs is not a stated objective for reviews. In contrast, following a MOJ in the Netherlands linked to tunnel vision, the Dutch police introduced a "Contrarian" role in major crime investigations, with independent SIOs working with case SIOs aiming to avoid poor decision making and prevent MOJs (van Koppen, 2008; Salet and Terpstra, 2013). The argument for the contrarian role was that an independent view would be able to identify when an investigation had begun to suffer from tunnel vision or bias, and accordingly advise an SIO. Despite the fact that research on the contrarian system uncovered no standardised approach to the role by SIOs performing the function, and rare examples of SIOs acting as true contrarians (rather than going through the motions), Salet and Terpstra (2013)

recommended expansion of the system to include serious crimes in addition to homicide. The contrarian role supports earlier research by Stubbins and Stubbins (2009) who argued that the primary objective of any review should not be to convict offenders but to apprehend false or misleading conclusions. They assert that focus on the apprehension of a suspect is a recipe for disaster (Stubbins and Stubbins, 2009, p. 127).

Guidance suggests that the timing of a review may be critical to the outcome of an investigation (Centrex, 2006). Arguably, there are few homicides that cannot be solved with the right response, right timing and with an appropriate allocation of resources (JRSA, 1999), although there is some suggestion that government budget cuts have affected resources for major crime investigations as well as other policing provision (Brookman et al., 2018). Nicol et al. (2004) barely discussed the importance of timing, although they concluded that earlier reviews could be beneficial. They suggested that a review might not be able to rectify early errors in an investigation and recommended further research to establish the appropriateness of the 28-day starting point. In contrast, “contrarians” are deployed into homicide investigations within 48 h (Salet and Terpstra, 2013). The objective of avoiding tunnel vision and preventing MOJs appears to justify early deployment. This investment allows scrutiny of initial investigative strategies and evidence, which potentially offsets the need for a more resource intensive review if the investigation remains undetected. Additionally, early deployment means it is likely to perform a role in the majority of investigations rather than only those deemed “unsolved” after a fixed period of time.

Objectivity of reviewers has been problematic in past high-profile failings. For instance, an internal review of the Stephen Lawrence investigation concluded that it had been progressed satisfactorily and all lines of enquiry were being pursued (Barker, 1993). The review was criticized for being uncritical, anodyne, guilty of factual errors, flawed and indefensible (Macpherson, 1999), with the enquiry also concluding that it was inhibited by a reluctance of senior officers to undermine the confidence of officers (Macpherson, 1999, 28.19). The Shipman Inquiry similarly criticized a flawed internal review of the first police investigation into Shipman’s killings (Smith, 2005, p. 14.21). Salet and Terpstra (2013) highlighted that there can be a strong drive for contrarians to actively participate in the investigation if they are “too close”. In so doing, they may cohere with the tunnel vision of the SIO. Consequently, it is argued, most “contrarians” choose a distance strategy, to maintain objectivity (Salet and Terpstra, 2013, p. 46).

This brief overview identifies existing research that acknowledges the potential benefits of the review process (Centrex, 2006; ACPO, 2012; Nicol et al., 2004) and the literature that argues that it is ineffective and resisted (Innes, 2003; Jones et al., 2010). However, the views of modern practitioners as to the purpose, practice, value and effectiveness of reviews has rarely been afforded a voice in the literature.

Methodology

The aim of the research was to explore practitioner views relating to homicide review, and collaboratively contribute towards positive organizational change. In order to achieve this, action research was the chosen theoretical framework that enabled understanding to grow and themes to develop. Action research is defined as a systematic enquiry to collect and analyze data for the purpose of taking action and making change through the generation of knowledge (Gillis and Jackson, 2002, p. 264). This involves the researcher and organization members seeking improvement in three specific aspects: practice, its understanding by practitioners and the situation in which it takes place (Robson and McCartan, 2016). Those collectively involved pool knowledge and experience to define and resolve a problem (Greenwood and Levin, 2007). During the research, the first author was a superintendent within the MPS engaged within the Homicide Command, and took a position of insider researcher, which can have both positive and negative benefits (Taylor, 2011; Roycroft et al., 2013; Greene, 2014; Chavez, 2008).

As a serving superintendent, the first author was conscious throughout that, whilst the research was sanctioned by the MPS, the ethical guidance for researchers was very important to maintain integrity of the research. It could be suggested that colleagues felt compelled to take part in the research where they were junior in rank to the researcher. This potential issue was allayed by stressing voluntary participation, confidentiality, anonymity, the right to withdraw at any time, and the systems and processes relating to data storage. Additionally, periodic requests were made by management to reveal data concerning individual roles and performance. The researcher managed this by maintaining his independent status, refusing requests and conforming to established research ethical principles. The insider researcher's moral integrity is paramount both

during and after research (Patton, 2002). Any compromise would not only breach ethical standards but also have dire consequences for this and further research. Interviews were conducted using semi-structured interviews. These consisted of several key questions, designed to explore respondents' views concerning the review process, such as: what do you consider to be the purpose of the homicide review process? How should a homicide review be conducted? The nature of the semi-structured design allowed for any flexibility and deviation necessary to investigate new areas or obtain further detail should they arise (Gill et al., 2008; Flick, 2002). An interview schedule was created containing demographic questions and 13 further questions seeking practitioners' views on the review process.

Primary data were obtained from interviews with 16 participants. A purposive sample allowed for a more representative sample of key respondents to be ascertained. Respondents were selected from three different roles associated with the review process, as they were considered able to provide valuable insight into current practice (Palys, 2008). Of those interviewed, all SIOs and MIT managers were detective chief inspector rank or above. Review officers were retired detective superintendents and formerly SIOs. At the time of the research, the MPS had 18 MITs, each led by a SIO. The participant sample represented 66 per cent (n=12) of SIOs. There were three MIT managers supervising the MITs across London. The participant sample represented 66 per cent (n=2) of MIT managers. There were ten review officers and the participant sample represented 20 per cent (n=2).

The research cohort comprised 93 per cent (n=15) males and 7 per cent (n=1) female. There was only one female SIO at the time, who despite potential to be identified as a participant, was keen to engage in the research. The findings within this paper do not distinguish comments by gender to preserve confidentiality and anonymity of response. Mean length of service was 28 years. All respondents had at some point undertaken qualification to either Professionalising the Investigative Process (PIP) Level 3 or 4, to enable them to practice their role. SIOs had a mean length of time in role of just under seven years, MIT managers over seven years and the reviewers just under two years.

Interviews were audio recorded, and consent was obtained from participants. Confidentiality and

anonymity were assured and a process of feedback was detailed, to align with ethical principles underpinning university ethical approval (King, 1994). Interviews were transcribed verbatim, and NVivo software (Version 12) was used to analyze the qualitative data. Thematic analysis was utilized (Braun and Clarke, 2006) and data were coded. An index of concepts was created and data fragmentation commenced, utilizing NVivo. Themes were generated from the data, creating categories using memos to record observations. The researcher then tested a hypothesis, to confirm the absence of deviant examples, drawing initial conclusions (Crow and Semmens, 2008). Respondents considered various aspects of the process beyond the questions asked. Issues such as the purpose, timing and nature of reviews were discussed, as were issues relating to the experience, training, positionality and disconnect of reviewers.

Selected research findings and discussion

Findings will be reported in relation to reviews, reviewers and finally a consideration of the overall value of reviews from respondents' perspectives.

Reviews

Key areas considered by respondents within this section were related to purpose, MOJs, timing, nature and type of reviews, and what cases respondents felt should be reviewed.

Purpose. All participants agreed that the purpose of the review was to ensure that the investigation had been conducted thoroughly and nothing had been missed. Participants also generally agreed that the purpose of the review process was to assist the SIO and provide governance for the organization. Participant A said:

My view is that it's a process that's designed to check the quality of the investigation, making sure that all the bases are covered, all the core roles are covered and whether anything has been missed in the investigation [...].

Participant A reinforced this, by explaining shortcuts are often taken and a process is needed to ensure that the investigation is not compromised:

You can cut off certain corners but if you don't solve that job and you've cut off those corners, you need someone to come in, and identify that [...].

Participant G explained the necessity for objectivity:

[...] you do get to a juncture in your investigation where it actually needs somebody with a fresh pair of eyes.

Participant I explained the importance of someone able to act as “devil’s advocate”. This coheres with the Dutch contrarian experience discussed later (Salet and Terpstra, 2013). Participant B, in relation to the purpose of reviews, stated:

[...] we all know this organisation clearly needs to have some sort of mechanism in place where they can be satisfied that murder has been investigated properly[...] But also it does enable an SIO to tap into that wealth of experience [...].

Whilst participants agreed duality of benefit was necessary, they perceived benefit was currently skewed towards organizational risk management and was too focused upon bureaucratic and administrative aspects of the investigation. These competing objectives of auditing the investigation and supporting the SIO were difficult companions and were identified as creating tension (supporting Nicol et al., 2004). This tension manifested itself in the way SIOs perceived the credibility and value of review recommendations. Some placed little reliance upon review recommendations, whilst others ignored them. One reviewer commented that recommendations were advisory and it did not matter if the SIO disagreed. Nicol et al. (2004) identified the duality issue and questioned whether two reviews (one to support the SIO and the other to provide organizational governance) could run in tandem. Where possible, respondents preferred two consecutive reviews: the first covering the investigation to assist SIOs, followed by an administrative review providing organizational governance and assurance.

Miscarriages of justice.

Homicide investigation has been impacted by the challenges of modern day policing (Savage and Milne, 2007; Poyser et al., 2018; Brookman et al., 2018; Roach et al., 2018). Reduced resources, increasingly complex workload, tighter prosecution time limits and longer forensic examination turnaround were all issues raised by participants, creating what was referred to as a “perfect storm”, with potential to lead to modern MOJs. Due to these current pressures, it was acknowledged that mistakes in investigations were inevitable. Participant A observed that pressure to manage a greater number of investigations lead to shortcuts and mistakes, without time to review critical decisions. Seven respondents identified disclosure as a risk. Due to the complexity and volume of data generated in homicide investigations, unintentional mistakes leading to MOJs were again considered to be inevitable. Participant C stated:

We get four, five weeks run on a job and if it's not solved it goes on to the back burner [...] we are not getting the time to do some of these jobs.

Although disclosure was considered the main risk, Participant O commented:

They're under tremendous pressure, if you're doing 16 jobs you're always [...] going from one to the other, spinning the plates.

Whilst that may be the case, benign mistakes and “compliance drift” may potentially lead to the same outcomes (Innes, 2003; Nicol et al., 2004), increasing the importance of robust review practices.

The premature shift of an investigation to charge a suspect in order to manage organizational risk, confirmation bias and group think were also acknowledged during the research as being prevalent within investigations, and managed, to varying degrees, by SIOs where identified (Rossmo, 2016). Participant A stated:

Tunnel Vision, I suppose you get on a one track approach, you have decided early on who the guilty person is and you work towards that person [...] at the neglect of everything else around you [...] ignoring the peripheral stuff, we do that.

Participant P stated:

I think there's a distinct possibility [of tunnel vision and confirmatory bias] and I'll tell you why [...] the volume of work is such now [...] that sometimes they're [...] quickly getting to a conclusion and that conclusion has put them in the direction of 'let's charge that particular one.

The participant then went on to express concerns that this approach goes against pursuing reasonable lines of enquiry (as mandated by CPIA, 1996), but is a pragmatic response to higher volumes of work and less resources. They also indicated that this could inadvertently lead to a MOJ:

I don't know the answer to it because you know we went from a position of having [...] 28 teams, now down to 18 (and) [...] with the numbers on the Teams not really increasing dramatically if at all to what they were years gone by [...] pressure of work will always be there and because of that there's a fair [...] prospect that you will get a (MOJ).

No participant identified the prevention of MOJs as a purpose of reviews. This may be because it is not included in ACPO guidelines as one of the aims of reviews and is absent in PIP3 accreditation and continuing professional development (CPD). This is surprising, given the origin of the review process from previous high-profile failings (Byford, 1981; Macpherson, 1999; Jones, 2011). This is in contrast to the Dutch "Contrarian" model, where its stated objective is preventing MOJs, rather than solving investigations (Salet and Terpstra, 2013).

Timing. All respondents argued for greater flexibility in the timing of reviews. A reviewer explained that although the instigation of a review is at 28 days, completion is likely to take three months. Participant P argued this was too late, as the SIO may have moved to other investigations and evidential opportunities will have often degraded due to the "time lag". SIOs and MIT managers agreed that although milestones are necessary, current time periods are regimented and greater flexibility was required. Participant J stated by the conclusion of the review that recommendations had often already been completed or identified in the interim by the investigative team.

One participant stated that a one size fits all approach to the timing of reviews is not appropriate

for homicide investigations. Participant H suggested:

I think it should be flexible rather than just set by a date [...] every enquiry is different. There has been some flexibility around that in the past, and I think that makes sense, but I think each case should be on its own merits [...].

Participant H added:

[...] being as busy as you are, I think you probably [...] see the Review as a bit of a distraction for the time being, because you've got so much of the work ongoing [...].

Nature and type.

Participant A commented that the requirement for a full review is rare. A thematic review concentrating on specific strategies or core functions within an investigation was viewed as more useful (Nicol et al., 2004). Indeed, Participant F stated SIOs often do not need a full review at 28 days, but might need a thematic review earlier:

I think that's something that's perhaps now outdated. I think either they don't come in until later or you get them earlier on, thematically.

Despite the respondents' positive observations about the value of thematic reviews, analysis of data relating to the conduct of reviews by the SCRG over the last four years indicates an under use when compared to full PRs. There was an average of 21 PRs conducted over the four years, but only an average of two thematic reviews in the same period.

What to review?

Whilst it was generally accepted that unsolved investigations must be reviewed, the question arose as to whether detected investigations should also be subject to review. Initial responses were cautious, concerning that it would assist defence cases and increase workloads during the limited time period of the prosecution phase. Participant C stated:

[...] there's no reason to review if you've got somebody [...] for that job. You've got to be careful about reviewing it, the case is in the judicial process and that is problematic when you are saying you've got to go here and do this [...] [it's] going to create an awful lot of work.

This reflects similar negativity toward post-charge activity and review in Allsop (2018). Respondents there felt that the reviews of charged crimes could undermine any subsequent case. On the contrary, any so called criticism might allow for the case to be capable of withstanding robust examination at a later date and could be seen as an essential element of professional practice. One SIO suggested that post-charge reviews were effectively conducted by the CPS. It was argued that “ethically” whilst all investigations should be reviewed, it is not currently practicable. Participant L observed:

[...] in a perfect world, [if] we had the resources, time and finances we would review every investigation.

Some SIOs commented on the complexity of gang-related homicides and the reluctance of the CPS to prosecute joint enterprise investigations following recent case law limiting the scope of the offence (R v. Jogee, 2016). Participant A commented on the potential to assist an SIO in reviewing evidence in preparation for dialogue with the CPS when investigating multiple suspect homicides. Participant B stated that there is an argument for this support, as it is only “low hanging fruit” that is being identified and charged, whereas those “higher up” are out of reach due to resource constraints, availability of evidence and tight prosecution time limits. In response to this suggestion. Participant N (a MIT manager) agreed, observing:

[...] all they have time for at the moment is to get the person that either pulled the trigger or is holding the knife [...] it's a huge risk.

Respondents identified two further benefits of post-charge review. The first of these was learning opportunities, identified by six respondents. Participant J stated learning from successful investigations is not captured.

A MIT manager reinforced this. Participant N commented on the absence of investigative debriefs and therefore the requirement to capture good practice from investigations that have resulted in successful outcomes.

The second benefit was disclosure (CPIA). This has been identified as an organizational risk following several recent high profile investigative failings (see for instance, R v. Allan, 2017). Participant K stated that in order to support the SIO and manage organizational risk, thematic reviews could be conducted of disclosure post-charge. Participant O agreed, highlighting the exceptional level of risk currently being managed by SIOs, and added that such post-charge thematic reviews of disclosure would assist SIOs to manage risk without overloading the MIT with further work.

Reviewers

This section discusses who respondents felt should perform the reviewer role, their positionality in relation to investigations and finally the perceived disconnect between reviewers and investigations.

Who should conduct reviews?

The research reinforced the view that reviewers should have previously led homicide investigations (ACPO, 2012). A universal response was that they should be an experienced SIO. Participant B stated:

I think being an SIO is invaluable because [...] you get complexities within investigations, you know what teams are capable of, what is realistic.

Experience was seen as necessary to establish credibility and confidence in the recommendations they made. Participant J stated:

I need to have confidence [in] that person.

However, there was disagreement as to how recent that experience should be (Centrex, 2006). One reviewer suggested that “kudos” is maintained amongst SIOs for only three/four years. However, others were not convinced. After four years away from being an SIO, Participant K identified that investigative tactics move on, and stressed the importance of maintaining currency. Some SIOs suggested a “shelf life” of five years for reviewers, whilst others indicated longer terms, up to 15 years. Despite this, the experience of reviewers was considered invaluable, but only if it was supported by CPD to keep abreast of advances in investigation. In respect of bespoke training for reviewers, Participant I further added:

Advances we're having in technology [...] I think there has to be some sort of professional development for Reviewing Officers. They've got to keep abreast of the developments.

Whilst reviewers undergo PIP3 accreditation (ACPO, 2012), respondents felt bespoke training was required to develop specialist areas of investigation. SIOs suggested there was an imbalance of skills within the review teams that was weighted towards reactive rather than proactive experience. This was seen as problematic, because they indicated a shift in the way homicides were approached from mainly reactive to more proactive. Participant G, for instance, stated:

[...] [In] Homicide, we, we tend to bounce Homicide investigations as purely reactive and sometimes you do need a proactive element to it.

Participant D, whilst confident of experience and professionalism in many areas, expressed concerns around knowledge of the more proactive side of investigations:

[...] So I've come in and I've just noticed the team are really experienced and professional in areas like CCTV, phone work and a lot of that is self-taught professionalism, expertise [...] But [...] a lot of the teams [...] don't have knowledge of proactivity.

Participant H added:

You've already done the rudiments around the statements and the witnesses and you've already got phone data and you've submitted exhibits. I think if you've got a group of people [...] to focus on, then proactivity is gonna be one [strategy].

That said, Participant H also appreciated that sometimes proactivity is required early in an investigation:

The [...] trouble with proactive is it's got a shelf life. These people [the offenders] talk about something for a limited period of time, so you've got to get those triggers in place early to capture it.

A reactive bent is not surprising, as PIP was introduced in 2005, with particular focus upon reactive investigation and SIO development (James and Mills, 2012; Maher, 2014). As the MPS reviewers are retired SIOs, they would have undertaken that development pathway. It was therefore suggested that in order to meet current investigative challenges, consideration should be given to the introduction of a proactive SIO development programme for practitioners and ROs.

Positionality.

The positionality of reviewers was discussed. Whilst all agreed "distance" was necessary to maintain independence, the degree was disputed. Being too close to an investigation can lead to a loss of objectivity, shared vision and lack of critical analysis (Drake, 2010), whereas too distant can result in a loss of insight and context (Salet and Terpstra, 2013). This issue is a fundamental dilemma for contrarians in the Dutch model where they invariably elect to implement a distance strategy. The factors that influence this are if the review starts late or the contrarian has other commitments, whereas if the review is being conducted in the same force area a closer strategy is preferred (Salet and Terpstra, 2013). Participant I stated that independence was necessary to prevent any kind of "rub" between the SIO and reviewer. However, Participant B stated that they were too distant and therefore lacked an appreciation of the current realities and challenges facing SIOs:

I do think that perhaps they are slightly removed from what is going on at the moment within the organisation.

A MIT manager was satisfied that distance was appropriate to maintain independence, credibility and accountability. Participant N commented:

For it to have any [...] credibility to the outside world, if there has been a mistake within an investigation and you're getting someone within that Command to mark that homework, they'll less likely find fault with it because of those relationships.

The distance strategy provides independence and satisfies organizational requirements that reviews cannot be subject to the same criticism as previous reviews (i.e. Barker, 1993). However, the position taken by reviewers is perceived by SIOs to be too distant to appropriately understand current context and add value to investigations. Contrary to the SIOs' perceptions, reviewers stated they were acutely aware of the challenges faced and were empathetic. Despite their willingness and indeed the temptation to take a closer position, an understanding of clear lines of demarcation and the organizations stance prevented this (Nicol et al., 2004). If there is organizational desire to "re-connect" SIOs with the review process, closer working strategies will need to be considered. There is, however, a risk of a loss of independence and wider reassurance. In order to manage these risks, strategies offered to safeguard against the pitfalls of "insider researchers" should be considered to quality assure and protect the integrity of the process (Greene, 2014).

Disconnect.

All respondents perceived there was disconnect between the needs of SIOs and review teams. This perception was based upon a number of factors: appreciation of current challenges, training and skills and the relevance of PR recommendations. Participant G commented on SIOs' current volume of work and the practicalities of responding to recommendations:

They hear the noises; they know that we are really busy. What they won't appreciate is we have gone from job to job and we are not suspending jobs, we're just parking them.

Participant H added that review recommendations are often not realistic or practicable. In the context of a covert strategy the participant commented:

It wasn't realistic; you give me something here that I know simply can't be achieved. I know what can be achieved but we've not got the resources to do it.

One RO remarked that review teams have the time to review each aspect of the investigation, something not afforded to the investigation teams, Participant P stated:

We have the luxury [...] of actually spending a bit of time in each area and I know that's not the case on MIT Teams with the pressures of volume of work, etc.

Respondents also questioned who arbitrates in the event of disagreement. Allsop (2018) identified this issue in observational research of a major crime review team, suggesting an undermining of the credibility of the review team and a devaluing of the process. Allsop (2018) recommended further support from senior officers and the implementation of an arbitration process (p.185). The current research supports that assertion.

Overall value of reviews

SIOs unanimously agreed that in their experience, a review had never solved an investigation or provided the "golden nugget" leading to success. The value was therefore perceived to be very limited. Reviews were considered primarily focused upon administration. Participant D stated:

They've not exactly been particularly helpful if I'm being perfectly honest. A lot of it is administrative.

Participant B added:

[...] a lot of recommendations were just nit picking. They didn't really need to be made, it was a case of I's were being dotted, T's were being crossed.

Participant G stated:

[...] sometimes it feels like they are going through the motions [...] it's almost a tick list.

These observations provide a practitioner perspective on the issue since it was raised by Nicol et al. (2004). They suggested there was no proven link between reviews and outcome, although they did point out that 32 per cent of the reviews they studied went on to be cleared. By implication, this could point to the success of reviews, although practitioners here seem less positive about this aspect. Others were more critical. One respondent stated that there is still a perception of a blame culture where reviews are “trying to do your legs”. The participant also perceived PRs to be antagonistic. Participant E stated:

DCs are on their knees and they don't need somebody who's basically come in to help us, and gives us the “ ‘A’ game” solution [...].

Despite this, examples of productive recommendations were also provided. Participant I commented on a line of enquiry identified by a reviewer that was missed by the investigation team. Whilst not contributing directly to solving the investigation, it did close off a line of enquiry. This research identified a perceived disconnect between SIOs and reviews. Although the need for reviews was supported, its actual value did not meet the expectations of SIOs and arguably the aims of the process. However, the potential value of the process was acknowledged by SIOs who identified factors such as skills, timing of reviews and alternative options as being crucial to realign the process. Overall the essence of the findings was accurately captured by Participant H: [...]

it's got to be the right person coming at the right time for the right job.

Conclusion

Modern SIOs perceived the PR as adding little or no direct value to investigations. This perception was based upon actual benefit to SIOs, whereas indirectly the process had performed a valuable check and balance by providing reassurance or the identification of lines of enquiry needed to be finalized. However, it was clear during the research that the process was still administratively based and skewed towards organizational risk management, providing a sense of frustration for SIOs. The timing of PRs was considered by the SIOs and ROs as an opportunity to address this

perceived imbalance. The 28-day inception period was considered too rigid and flexibility in either earlier or later deployment of the review process was called for. In view of this, full reviews were considered to be inefficient and in most circumstances unnecessary. The increased use of thematic reviews was seen as an option to provide more practical support to the SIO, saving resources and adding value to the process. Participants did not identify the role homicide review can play in the prevention of MOJs. This is on the one hand surprising bearing in mind its genesis but unsurprising, considering it is not a stipulated objective, unlike in the Dutch contrarian process (Salet and Terpstra, 2013).

The review of detected investigations was debated. Initially, caution was expressed by the SIOs due to the initiation of the judicial process, concerns regarding resources and the likely outcome of further work. These were also arguments supporting why detected investigations should be reviewed. However, there were three dominant factors that influenced opinion on whether detected investigations should be reviewed. The first was multiple suspect homicides where one suspect had been charged. This was seen as an area of risk by SIOs. The concern expressed was that focus and resources shifted to building a case against the defendant, despite outstanding suspects remaining at large. All participants acknowledged this as a risk for both the SIO and organization, and one where valuable support could be provided by a review (Rossmo, 2016). The second factor was organizational learning. As the majority of homicides are detected early, reviews do not take place. Thus, good practice in successful investigations is not identified and learning shared. Consequently, reviews of undetected homicides were perceived negatively, fostering further SIO frustration. Finally, disclosure was seen as a risk for both the SIO and organization.

Respondents acknowledged reviewer expertise but also the requirement for experience to remain current and appropriate through a programme of CPD. The increased demand for proactivity within investigations made this issue even more important for both practitioner and reviewer development. The positionality of reviewers was identified as a difficult balancing act (Allsop, 2018). Closeness arguably sacrifices independence and distance can result in a perceived failure to appreciate context and the practical challenges of investigations. Comparative research of the MPS review process and the Dutch “Contrarian” model would be beneficial, as would further research to discover the nature and process of 28-day PRs in the UK

in the modern era. Are reviews consistent? Do other police forces utilize thematic reviews more regularly? What are the views of practitioners elsewhere?

This research made a number of recommendations. Much of Recommendation 2 has already been implemented by the MPS as a result of this study, and others are being reviewed. The recommendations may be relevant to all police services, and national policies and guidance:

1. The Home Office Working Group should amend the objectives of a MCR to reflect the role they should play in the prevention of MOJs.
2. The MPS should conduct a skills analysis of existing staff. Bespoke training should be provided to reflect current investigative demands and proactive and reactive expertise should be appropriately reflected within the review group. Reviewers should be appointed to cases within their sphere of expertise and should all be qualified at PIP Level 3.
3. The MPS should consider an arbitration process for contested review recommendations.
4. The College of Policing should consider a PIP development programme for proactive SIOs.
5. The College of Policing should review and support SIO CPD opportunities within the MPS.
6. The MPS should initiate a more flexible approach to the timing of PRs determined by operational need rather than milestones.
7. The MPS should utilize thematic reviews more often as a process to assist the SIO and add value to the investigation.
8. The MPS should consider a two-staged consecutive process when a full review is required. The first stage would be to assist the SIO by evaluating the investigation constructively and objectively, whilst the second would be to conduct an administrative review of the management of the investigation.
9. The MPS should consider the review of detected homicides to support SIOs with multiple suspect investigations, support high-risk roles such as disclosure and to capture and disseminate positive learning from successful investigations.

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